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HEALTH & CONSUMER DIRECTORATE-GENERAL

Directorate B - Consumer Affairs  
**B3 - Product and service safety**

Brussels,  
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**SUMMARY RECORD OF THE MEETING OF THE COMMITTEE OF  
DIRECTIVE 2001/95/EC ON GENERAL PRODUCT SAFETY**

**BRUSSELS – 28 JANUARY 2010**

**Introduction**

The meeting was chaired by Mr Stefano Soro, Head of Unit 'Product and Service Safety'.

**1. Adoption of the agenda**

The draft agenda was adopted. A copy is attached (Annex 1).

An attendance list is attached (Annex 2).

**2. Adoption of the minutes of the previous meeting**

The draft minutes of the meeting of 21.10.09 were adopted without changes. The adopted minutes are attached (Annex 3).

**Implementation and application of the General Product Safety Directive**

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**3. Lighters : Prolonging the validity of Commission Decision 2006/502/EC**

The Commission representative gave a short update concerning the decision to prolong the validity of Commission Decision 2006/502/EC, which expires on 10 May 2010. The written procedure consulting the Member States on this issue had received unanimous agreement by the Committee. The period of scrutiny by the European Parliament expired on 25 January 2010 and no further comments were received. An internal procedure is now underway to adopt the decision shortly after the new Commission takes office.

The Commission representative also updated the Committee on the revision of standard EN13869 on lighters. The "definitions" will be updated and adopted in the second half of this year. However, the project on finding technical alternatives for the child panel tests will take longer and CEN will now start to research the issue. It is expected that discussions on prolonging the Decision in view of an updated standard will take place by the end of this year.

#### **4. DMF : Draft Commission Decision prolonging the validity of Decision 2009/251/EC**

The Commission representative reported that in 2009 the Commission received 116 RAPEX notifications from 10 Member States concerning DMF, clearly showing that the problem has not yet been resolved. A Draft Commission Decision prolonging the validity of Decision 2009/251/EC for one year has therefore been circulated to Member States. As the Decision is only a temporary (albeit renewable) measure, a permanent ban of DMF is also being sought under the REACH chemicals legislation and France is currently preparing to file a dossier under the REACH restriction.

The French representative proceeded to give a presentation of the steps they had taken to prepare the dossier, which they hope to submit in April 2010. FR proposes, as does Commission Decision 2009/251/EC, that each part of a consumer product containing DMF in concentrations greater than 0.1mg/kg should be prohibited from being used and placed on the market (this restriction shall not apply to pharmaceutical products). The threshold is considered to be the lowest quantifiable limit of available methods and attempts are being made to create a European standard for testing.

FR informed that consultations have taken place with stakeholders, including European laboratories which measure DMF, Member States and industry. It is hoped that a permanent ban will be in place within 18 months of submitting the dossier.

The Chair opened the floor for a brief discussion prior to the vote on Draft Commission Decision prolonging the validity of Decision 2009/251/EC. Member States thanked FR for the work done.

The Commission then invited the Member States to vote in order to proceed to a formal opinion. The Committee voted unanimously in favour of the draft Decision.

#### ***International issues***

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#### **5. Negotiations with the US**

The Commission representative gave members an update on the procedure relating to a future information exchange and cooperation agreement on consumer product safety.

#### **6. ICPSC and other international work**

EU/US/China cooperation: A second trilateral summit is planned in order to take stock of progress made on the actions agreed at the last trilateral (in November 2008) and to discuss future cooperation. Commissioner Kuneva has proposed that the summit take place on 25 October 2010 in Shanghai linked to the Shanghai World Expo. Feedback from the US and China has been positive.

Shanghai Expo: Work is in progress on the organisation of the Consumer Thematic Day on 26 October 2010 and other side events. The Commission will provide further details at a later date.

China: The Commission has recently participated in a Toy Safety Working Group and training to AQSIQ has been provided in China on the revised RAPEX risk assessment guidelines.

Canada: The Commission has been further exploring the possibility of the inclusion of consumer product safety in a future comprehensive trade agreement with Canada. The Commission will meet with Health Canada in Washington in February and will keep the Committee informed.

Multilateral: OECD is working on an analytical review on how to enhance the sharing of consumer safety information internationally. The draft report, to which the Commission and France, among others, have actively contributed, is in its final stage and will be discussed at the ICPHSO/ICPSC conference in Washington which takes place from 15-18 February 2010.

ICPSC: ICPSC is pursuing its discussions on the recall effectiveness topic in the above-mentioned ICPHSO/ICPSC conference. The Commission is offering to host the next ICPSC meeting in Brussels at the beginning of December 2010 in the framework of the international product safety week.

## **7. RAPEX-China Working Group**

The Committee was reminded about the meeting of the RAPEX-CHINA Working Group taking place in Brussels on 29 January 2010.

The representative from Ireland questioned whether the Working Group was the appropriate forum to discuss specific problems concerning notifications or to explain how decisions are taken by Member State authorities. He informed the Committee that Ireland therefore reserved the right not to make any comment about these issues during the meeting.

## ***Standardisation***

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### **8. Role and objectives of standardisation in the context of the revision of the European standardisation system**

Following on from the discussions that took place at the last meeting of the GPSD Committee on the role of standardisation, the Commission representative (DG ENTR) informed the Committee that the Commission will present, during the summer or at the beginning of autumn 2010, a "Standardisation package" with a view to modernising the European standardisation system in line with the 2020 Commission's strategy. The Standardisation Package is also the Commission's response to the Council Conclusions issued in 2008 on standardisation and innovation. One major element of the Package is the revision of Directive 98/34, which is the main legal base for developing standards in Europe. The revision of this Directive will ultimately have an impact on the standardisation provisions of the GPSD. The aim of the revision is to improve the efficiency and effectiveness of the standardisation system. One of the options being explored is how to increase access and participation of national authorities in the work of Technical Committees where standards are made and how to improve and monitor the participation of civil society representatives.

The relevant Commission service (DG ENTR) is currently preparing the Impact assessment for the revision of the Directive. An online open consultation will be launched in February and Member States are invited to participate.

## **9. Review of the General Product Safety Directive**

The Chair presented the state of play of the ongoing work on the revision of the GPSD. The presentation is available on *Circa*.

The Chair explained that the Commission's work on this issue is subject to a number of challenges including the need to simplify legislation and modernise standardisation procedures, as well as the obligation to align the GPSD with the New Legislative Framework (NLF). Under the NLF, a report is to be submitted to the Council and the European Parliament by 2 September 2013.

The Chair presented the work so far carried out, including consultation of stakeholders and data collection, and outlined the different options available and their impacts, which will also form the basis of a public consultation.

Further discussions with Member States are planned during 2010 with a view to adopting a Commission proposal in 2011.

## **10. Role of the GPSD Committee under the Lisbon Treaty rules**

Representatives from DG SANCO's 'Legal Affairs' Unit were invited to give a presentation on the role of the GPSD Committee under the Lisbon Treaty.

The presentation is available on *Circa*.

## **11. Joint Actions and Exchange of Officials**

The Commission representative updated the Committee on the joint actions which are to receive funding under the 2009 call for proposals. The Committee was reminded that applications were received from Member States for 5 projects: helmets, child-appealing appliances, sunbeds, baby walkers and lighters. All of the joint actions will now receive co-financing and the grant agreements have been signed so that work on the projects can begin.

As regards the exchange of officials, 22 applications have been received. The Commission representative informed that the deadline for applications in 2010 has changed (probably July this year). Further information will be published on the website of the Executive Agency for Health and Consumers in early February.

## **12. Toy safety expert group**

*(This point was originally foreseen on the agenda as Point 16).*

The Commission representative informed the Committee about the work being carried out by the Commission following the results of the study on business safety measures in the toy supply chain. This includes, in particular, the development of consumer guidelines for buying and using safe toys, which is currently underway.

Commissioner Kuneva also met representatives from the toy industry in November last year to hear about progress on the implementation of the two voluntary agreements signed with industry and traders with a view to improving toy safety.

**13. Adoption of the new guidelines for the management of the Community Rapid Information System RAPEX established under Article 12 and of the notification procedure established under Article 11 of the GPSD**

The Commission representative informed the Committee that on 26 January 2010, the Commission Decision (2010/15/EU) of 16 December 2009 laying down guidelines for the management of the Community Rapid Information System 'RAPEX' established under Article 12 and of the notification procedure established under Article 11 of Directive 2001/95/EC (the General Product Safety Directive) was published in the Official Journal of the European Union<sup>1</sup>. The text is available in 22 official languages of the EU.

The Chair then explained the new policy regarding the languages to be used in the RAPEX system. As from 1 February 2010, the Commission RAPEX Team will translate validated notifications into English only. As before, Member States can submit notifications in 5 languages (English, French, German, Italian and Spanish). Notifications sent before 1 February 2010 and validated after that date will still be made available translated in these 5 languages. Regarding notifications sent after this date, the new policy is to align with other rapid alert systems, in particular the Rapid Alert System for Food and Feed (RASFF), and follow a limited translation regime (translations into English only). This is expected to significantly increase the rapidity of the exchange of information via the system. Several Member States (including Sweden, Poland, Hungary, Finland, Romania and Slovenia) supported this new practice.

Representatives from Spain and Slovenia requested a seminar to provide further training on the new Guidelines.

**14. RAPEX Statistics 2009 - preview**

The Commission presented the RAPEX statistics for 2009, which are due to be published in the Annual Report in April this year. Member States were requested not to disclose the information before the report is officially launched. The exact date of the launch will be communicated to Member States as soon as possible. The Chair confirmed that an electronic version of the report would be made available to Member States "under embargo" at least 48 hours before the launch to allow them to prepare for questions from the media.

*Specific Products & Risks*

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**15. Polycyclic aromatic hydrocarbons (PAHs) in consumer products**

At the last meeting of the Consumer Safety Network in October, it was agreed that consideration would be given as to whether a temporary measure under the GPSD may be taken and if the REACH Regulation might also be used to regulate PAHs in consumer products. The Commission supports using Article 68(2) of REACH, which allows introducing, comparably quickly, a ban on carcinogenic substances of category 1 and 2 in consumer products, and is anxious that the matter move forward. Preliminary work has

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<sup>1</sup> OJ L 22, 26.01.2010, p.1

therefore started and the Member States have been informed. The German representative asked for the support of the other Member States by contacting their competent authorities taking part in the REACH "CARACAL" Committee (Competent Authorities for REACH And Classification And Labelling) and invited them to make available any information they may have about PAHs found on the market. The issue will be raised at the next CARACAL meeting.

The Commission representative asked Member States to submit RAPEX notifications if they find products containing a high content of PAHs on the market. In March 2010, a risk assessment will be provided by the German authorities which could then be submitted to a Scientific Committee for scientific opinion.

## **16. RIP cigarettes**

The Commission representative updated the Committee on the issue of RIP cigarettes. The mandate for a fire safety standard was accepted by CEN at the end of August 2008 but the Commission is concerned that progress has been slow. It is hoped that a standard will be delivered, as requested, by August 2010.

The representative from CEN informed the Committee that a Joint Working Group of the ISO was developing a test method and that this was at the enquiry stage until 12 April, following which a draft test method would be prepared for a vote. It is expected that the test method will be published in the autumn. The standard, including the safety requirement and ISO's test method, still has to be prepared and CEN will very soon create a specific technical body to undertake this task.

The representative from ANEC advised that, as the draft test method was available for public consultation, Member States should contact their local standard bodies to encourage them to make comments.

## ***Miscellaneous***

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### **17. Operation of RAPEX under the GPSD and Regulation 765/2008**

The Commission representative outlined the main changes affecting the operation of RAPEX since the entry into force of the New Legislative Framework (NLF) Regulation (765/2008) on 1 January 2010. Article 22 of the NLF changes the following aspects:

- The scope – RAPEX now also applies to non-consumer products and to products presenting risks other than those affecting the health and safety of consumers.
- The legal base – Article 12 of the GPSD and Article 22 of the Regulation

Until the appropriate online tools are operational, an interim solution applies. The relevant information is provided in a document which was discussed in the SOGs Market Surveillance Group and sent to the RAPEX Contact Points in December last year (the document is available on *Circa*). The document lists the different notification channels available for different types of products, risks and measures.

A discussion followed concerning the use of one single Contact Point for all notifications. Some Member States agreed that this would be more practical although different competencies and expertise can make this difficult. Better coordination of activities in the Member States is needed.

## **18. Risk Assessment for Chemicals in Consumer Products**

The Commission presented the results of the expert meeting on risk assessment for chemicals in consumer products, which took place in Brussels on 27 January 2010.

As background information, the Commission representative explained that RAPEX notifications had been received from 2 different Member States concerning products containing the chemical NDELA but that the Member States concerned had identified different levels of risks for the same product category. The notifications have since been validated 'for information', pending consultation of chemical experts.

The main conclusions of the recent expert meeting were that the additional lifetime cancer incidence approach was considered to be suitable for NDELA, and it was agreed that an additional lifetime cancer incidence value of  $1 \times 10^{-6}$  could be used to differentiate between a 'serious' risk and a 'less-than-serious' risk. The same approach will be used for balloons containing nitrosamines. In addition, for children's cosmetics and balloons a factor of 3 will be introduced taking into account that those products are used by children, who are vulnerable consumers. As regards azo dyes, it was agreed that a product poses a 'serious risk' when the legislative limit of 30 mg/kg is exceeded. For products containing phthalates, there is agreement that a 'serious risk' is posed when the legislative limit of 0.1 % is exceeded. The same applies for sensitising substances: the experts agreed on 'serious' risk when the limit values for sensitising substances in consumer products are exceeded.

Experts will now prepare tables listing concentrations of nitrosamines in various groups of cosmetic products and balloons to differentiate between a 'serious' risk and a 'less-than-serious' risk. After consultation with the other experts who participated in the recent meeting, the results will be presented to the Member States in the framework of the GPSD.

In this connection, the representative from Germany suggested that the RAPEX risk assessment guidelines, although recently adopted, should be reconsidered and specific guidelines for chemical risks be established for use within the RAPEX system.

The minutes of the expert meeting on risk assessment for chemicals in consumer products will be circulated to Member States.

## **19. Product Safety Enforcement Indicators - 2009**

The Commission representative presented the conclusions of the 2009 exercise and discussed a proposal for the set of indicators to be published in a special section of the Consumer Market Scoreboard, due to be published in March 2010. Member States have already received the relevant text. In June this year, a report will be issued presenting the conclusions from the past 2 years and Member States are invited to submit their comments. In the meantime, data for 2009 will be collected on the basis of a further questionnaire.

### ***Any other business***

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#### **Window Cords**

The representative from Finland referred to the standard for window cords and the fact that it does not cover all types of window coverings. Accidents have occurred due to window cords and there is an urgent need to raise the level of safety.

This point will be discussed in further detail at the meeting of the Consumer Safety Network on 29 January.

### **Sky Lanterns**

The representative from the Netherlands reported that the authorities in the Netherlands have notified the 98/34 Committee of their national measures concerning sky lanterns. The general requirements for this product shall include: harmonised labelling and an improved burner to lessen the risk of fire. Further information is available in Dutch.

### **Lead in Jewellery**

The representative from France informed the Committee that on 15 April 2010 France will file a REACH restriction dossier on lead in jewellery.

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### **ANNEX 1: Draft Agenda**

### **ANNEX 2: Attendance List**

### **ANNEX 3: Adopted Minutes of Meeting of 21 October 2009**