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DG SANCO B.3

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

BRUSSELS – 19&20 JUNE 2008

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 with an addition under "Any other business" of an information point on the issue of the applicability of the GPSD to non-medical sub-cutaneous implants – "Glowing tattoos", as requested by UK. The adopted agenda is attached as Annex 1.

The attendance list is attached as Annex 2.

2. Adoption of the minutes of the previous meetings

The draft minutes of meeting of 28 February 2008 were adopted without changes. The adopted minutes are attached as Annex 3.

Implementation and application of the General Product Safety Directive

3. Commission Decision of 21 April 2008 under Article 13 of the GPSD on magnetic toys.

The Commission Decision on magnetic toys requires Member States to ensure that magnetic toys placed or made available on the market display a warning about the health and safety risks they pose. The requirements of the Decision will become applicable on 21 July 2008. The partly related revision of the European standard on toys EN 71 is on-going and might be completed by May 2009. The Commission opened the floor for an update from Member States on the status of national implementation measures. Most Member States will implement the Decision before the deadline of 21 July 2008 (uncertain for 3 Member States) and economic operators are aware of these measures.

4. Child-resistant lighters

The Commission informed the Member States of the adoption and publication of the 2nd follow-up Decision 2008/322/EC for child-resistant and (non)-novelty lighters which had to be transposed by 11 May 2008. The Commission asked the Member States to update the follow-up table circulated on 9 June on their national implementation measures. In particular, the Commission asked DE to provide a brief state of play on the status of their national transposition of Decision 2006/502/EC. DE indicated that a regulation has been drafted to that effect in April 2007 but has then been rejected by the Bundesrat on 23 May. DE informed that a reply to the official letter sent by the Commission will be prepared.

The Commission presented an update on the joint action on lighters. The last meeting took place on 18 June 2008. The Commission invited the MS which are not part of the joint action

to get further involved in the discussions. The Commission also brought up the issue of the safety warning message to the attention of the MS and invited them to provide their views on whether the warning message should be placed on the general package, on each lighter or on a separate leaflet. All discussion documents are available via CIRCA.

Issues related to the operation of RAPEX

5. Revision of the RAPEX guidelines

The Commission presented its proposal to revise the RAPEX Guidelines and listed the main following elements that should be considered when revising the guidelines: more comprehensible notification criteria, notification and reaction forms, examination criteria used by the Commission, notifications sent by the Commission on its own initiative, languages, deadlines and practical arrangements. The Commission invited the Member States to provide their suggestions and comments in order to draft a first version of the revised Guidelines.

NO invited Member States to share information on best practices used in ensuring follow-up to the RAPEX notifications.

6. Improvement of the RAPEX Risk Assessment Guidelines

The Commission explained that the draft RAPEX Risk Assessment Guidelines (RAGs) had been amended to include the comments of the IRAG WG meeting of 2 April 2008. The Commission continued by saying that the resulting 4th draft of the RAGs were intended to go for public consultation. AT considered that the 4th draft was a considerable improvement over previous drafts, and that further changes should possibly be included following the public consultation.

7. RAPEX-China

The Commission gave an update of the 5th Follow-up Report received from AQSIQ on their market surveillance and enforcement activities performed on the basis of RAPEX data and on the feedback provided by AQSIQ. The 6th Follow-up Report is expected at the end of June. The Commission highlighted areas where further improvements are necessary, such as enhancing the traceability of dangerous products. The Commission invited the Member States to express their views on how to enhance the EC feedback mechanism and the involvement of the Member States in the dialogue with China concerning RAPEX-China. The Commission also launched the idea of Member State participation in the meetings of the RAPEX-China Working Group.

International issues

8. Update on recent and forthcoming events

The Commission repeated the information already communicated to Member State Directorates-General regarding the international events planned for this year:

EU-China High-Level Economic and Trade Mechanism (April 2008)

Commissioner Kuneva visited China in April, to meet with Chinese Ministers. It was agreed by both EU and China that there should be no compromise on product safety and that good progress had been made in that area.

EU-Japan Summit (April 2008)

Japan is being proactive, looking at ways for further cooperation. Talks took place and the parties concluded that in addition to bilateral cooperation, they should make best use of multilateral frameworks, e.g. the OECD and International Consumer Product Safety Caucus (ICPSC). This line was confirmed in the Summit.

Transatlantic Economic Council (May 2008)

At a meeting in April, TEC endorsed the joint EU/US Report "Towards enhanced co-operation between the European Union and the United States of America on the safety of (imported) products". The focus of the report was on the ways to enhance reciprocal information exchange (http://ec.europa.eu/enterprise/enterprise_policy/inter_rel/tec/doc/tec_safety.pdf). At present the US is not able to give detailed information to the EU but the law is about to change. Work on this will continue in the autumn and Member States will of course be informed of any developments.

Joint Product Safety Mission US/EU (September 2008)

In September the EC will go to China with a US delegation to hold training seminars on textiles, toys and electrical appliances in 3 different cities where most production takes place. Product experts will be sent. Member States are asked if they would like to participate.

Trilateral Summit (November 2008)

A trilateral summit between China (Minister Li, AQSIQ), the US (Nancy Nord, Consumer Product Safety Commission and possibly Michael Leavitt, US Secretary of Health & Human Services) and the EU (Commissioner Kuneva) will take place on 17th November in Brussels to discuss common challenges and future cooperation.

Upgrading of the Memorandum of Understanding (MoU) with China

Agreement is to be reached with China with a view of extending the current MoU between the Commission and the Chinese authorities before end January 2009.

Future Cooperation with Switzerland

Switzerland has expressed an interest in joining the RAPEX network. Technical talks are taking place on legal aspects, comparison of EU and Swiss law, etc, and a new draft Swiss law is in preparation. The Commission has prepared a proposal for negotiation, which will be sent to Member States for their advice. The negotiation phase is to be started later this year. There is no date of entry into force of the new law at present.

9. Product Safety Week, 17-21 November 2008

The Commission informed the Member States about the Product Safety Week taking place in Brussels in November. The agenda should be finalised by the summer break. Outline so far:

<i>17 November:</i>	<i>Prosafe Meeting and possibly ICPSC meeting; ICPHSO reception in the evening with Commissioner Kuneva</i>
<i>18 and 19 November:</i>	<i>ICPHSO meetings</i>
<i>20 November:</i>	<i>EMARS meeting – Handbook to be released. Possibly meeting of the RAPEX-China Working Group</i>
<i>21 November:</i>	<i>3rd EC/China seminar on market surveillance</i>

Financing is available for 2 persons from each Member State to attend the Product Safety Week. Travel expenses will be paid by the European Commission and the registration fee is waived by ICPHSO for all EU enforcement authorities. Hotel accommodation will not be financed. Invitations to be sent shortly.

Miscellaneous

10. "Business Application"

The Commission informed about the organisation of the training sessions on the "Business Application". Training is intended for the representatives of market surveillance authorities of the Member States and EFTA/EEA countries, which are responsible for receiving notifications on voluntary measures sent by producers and distributors. In total 4 training sessions will be held in Brussels on 22, 23, 24 and 25 September, each lasting one day. The Commission will make travel arrangements and cover travel expenses for all participants.

Hotel expenses will not be paid or reimbursed by the Commission. All training sessions will be held in English only. The invitation letter with an agenda and a flyer will be sent by the end of June. Member States should communicate contact details of maximum two participants to Michele PIRAS by 11 July 2008.

11. Implementation of the New Approach package and coordination issues

The Commission informed the Member States of the expected adoption of the Internal Market Package by the Council on 23 June and of the importance of starting national implementation measures as soon as possible as the Regulation will enter in force as of 1 January 2010. The Commission informed the Member States of the creation of the new SOGs sub-group for market surveillance and highlighted the importance of good coordination among the competent authorities. Draft guidelines will be circulated.

12. Public consultation on the draft Scientific Committee Opinion on the 'Potential health risks of exposure to noise from personal music players and mobiles phones including a music playing function'

The Commission informed Member States that the Scientific Committee (SCENIHR) has been working on this issue since last June and their preliminary Opinion is to be opened to Public Consultation next week. After consideration of the comments received, the final Opinion is expected in September or October this year. The Commission will then consider whether measures at EU level, such as strengthening safety standards, are required.

13. Co-operation between market surveillance and customs authorities: Import Safety Seminar – Austria – April 2008

The Commission gave an update of the seminar on "Preventing imports of dangerous products", which took place in Austria in April, with the aim of strengthening contacts, exchanging best practices and improving cooperation between customs and market surveillance experts.

The seminar produced 3 recommendations:

- Enhancing the cooperative network between customs and market surveillance authorities
- Improving risk information
- Sharing experience, knowledge and best practices on cooperation and controls

Experts from both sides (customs and market surveillance) are to take part in a pilot project with regard to certain high risk goods and/or sectors to test and improve the effectiveness of cooperation. The Commission will provide invitations to CIRCA and encouraged Member States to enhance cooperation.

14. Findings of joint market surveillance actions on luminaries and cord extension sets

Richard Harris (UK: LVD ADCO chair) presented the results of both joint actions on luminaries and cord extension sets.

15. Results of the fact-finding mission into the business safety measures in the toy supply chain

The Commission presented the results of the project on business safety measures in the toy supply chain, which took place from November 2007 to May 2008.

16. Consumer Market Scoreboard

The Commission gave firstly a general presentation on the state of play of the Consumer Market Scoreboard and the need for specific data to be published in its second edition of January/February 2009. Secondly, based on the first discussion paper presented at the last

GPSD, the Commission presented a set of data that MS should compile as indicators of enforcement and product safety. Following MS comments, the Commission will send a revised set of requested data on which the MS should provide detailed answers by 26 September.

17. Market studies

The Commission presented the issue of market studies which is based on an in-depth analysis of markets following scoreboard and single market review. The sector selected for further studies are electronic and electrical goods (focus on refrigerators and flat screen television), recreational good, food.

Standardisation

18. RIP cigarettes

The Commission informed Member States that the written procedure to consult the Member States' Committee under Directive 98/34/EC was completed on 2 June and that the mandate on RIP cigarettes, slightly amended to take account of the Committee's comments, was now being prepared for official transmission to CEN. The Commission recalled CEN's intention to pass the mandate to ISO TC 126 on tobacco, and that the mandate requests CEN to also consider the work achieved by ISO TC 92 on fire safety. The Commission explained that the reference to TC 92 had been included in the mandate following the official position expressed by the UK that TC 126 is not suitable. The Commission indicated that the mandate now also included a reference to TC 126 following the comments of the 98/34/EC Committee.

19. Baby walkers – discussion on referencing EN 1273:2005

Experts from ANEC and CEN gave a presentation on how the revised version of the standard provides an acceptable level of safety. There is still some resistance from Member States on referencing this standard, not because of the standard itself but because of the product which, in their view, should be banned. Other Member States clearly stated their support to the referencing of the standard. Finally, there was a strong majority consensus in favour of publication of the standard in the OJ, so the written procedure will be launched as soon as possible and proceed to a vote during the next GPSD meeting in November 2008.

20. Presentation of results on fire safety enquiries

The Commission presented the replies received by the Member States on the publication of standards EN 1021 (parts 1 and 2) and EN 597 (parts 1 and 2).

21. Child-resistant lighters mandate

The Commission informed Member States that on 23 April 2008 the Commission adopted a decision (2008/357/EC) which formed the basis for a mandate to CEN on child-resistant lighters. On 12 June 2008, the 98/34 Committee gave a positive opinion about the mandate. In the meantime, on 30 May 2008, an informal meeting took place with CEN to discuss the mandate which highlighted a lack of consensus within CEN on whether to adopt (parts of) the mandate. The EC will look at the different options available with the aim to send the mandate to CEN as soon as possible.

The Commission explained that it would be up to CEN to adopt all or parts of the mandate and, depending on their decision, an alternative solution may have to be found. Member States were asked to encourage their representatives in CEN to accept the mandate.

22. Discussion about a possible mandate from window hasps

Austria briefly presented the topic referring to a joint project undertaken by Norway, Denmark and Austria on hasps to prevent children from opening and falling from windows

(the study report is available on CIRCA under documents from the meeting of 31 January 2008). Statistics show that several accidents occur each year which could be prevented by hasps, provided they are safe. However, the project showed that this is currently not the case for a significant number of products. As such products are bought specifically to avoid children from falling out of windows, they should be absolutely safe. A standard test (possible using a children's panel) still needs to be developed so the request is for a mandate to develop an EU standard on window hasps. Several Member States supported the need for such a standard. ANEC mentioned a research project which developed a test method and confirmed its willingness to participate in the preparation of the mandate.

The Commission proposed to prepare a draft mandate and requests contributions from any countries which have already had experience in this area.

23. Results of the LNE study

The Commission informed Member States that the final report of the LNE (*Laboratoire national de métrologie et d'essais*) study on childcare articles is available on CIRCA. The purpose of the study was to identify at least 20 childcare products for which standards either do not exist or are obsolete and for which there is an urgent need for standardisation. Once the products were identified, a risk assessment was carried out and safety requirements were drafted. Toys and LVD products were excluded from the study.

Member States are encouraged to read the document and submit comments. The next stage is to decide whether there should be one single mandate to cover all products or different mandates for each product. A discussion will take place after the summer break.

Spain mentioned a new risk that has been identified concerning a highchair which was alerted through RAPEX by Lithuania (notification no. 1211/07). The risk involves a problem with the safety restraint mechanism on the chair, which can be easily opened by a child and allow him to slide out underneath the harness. This risk is not covered by the current standard EN 14988. ES has therefore banned sales of the product and will send further information via RAPEX. ANEC confirmed the risk is not covered by the standard and is in favour for a revision of the standard. CEN replied that an inquiry was underway and that the results would be communicated.

Any other business

24. Exchange of officials

The Commission stated that so far only 2 applications have been received, recalled the extremely positive feedback on these exchanges last year and strongly encouraged the Member States to use this opportunity to learn from experiences in other countries. The deadline for applications has been extended until the end of June but may be extended again.

25. Joint actions

The Commission informed the Member States that by the deadline of 30 May 2008 four applications were received (E-MARS II, Cords and Drawstrings on Children's Clothing, Toys for children under 3 years old, and sunbeds and solarium services). These proposed actions are all coordinated by ProSafe and are currently being evaluated with the aim to come to a final decision in early July.

26. Hotel Safety

The Commission will come back on this issue later in writing.

27. Polycyclic Aromatic Hydrocarbons (PAH) in rubber grips of consumer products
Mr Luch (expert from DE) presented the first steps taken in DE concerning PAHs (Polycyclic Aromatic Hydrocarbons) in rubber grips of tools, bicycles, toys and the first surveillance activities in DE.

28. Chemicals in children's pyjamas

The Commission outlined a problem which was first alerted by the Belgian consumer body "Test Achats", concerning chemicals in children's pyjamas. Despite contacts with Member State authorities, no notifications have been received via the RAPEX system.

Tests were carried out by consumer groups in 4 Member States on 60 pyjamas and the results have shown that some pyjamas contain too high levels of formaldehyde, phthalates and azo dyes. There are calls from consumer organisations for legislative limits in children's clothing textiles for those substances that can pose a risk to children's health. The Commission therefore asked for data on formaldehyde and phthalates. The results prompted several points for discussion at the next Committee meeting.

29. Ladders

The Commission gave a brief update on the first expert group meeting on 15 April. Two main discussion points were identified: governance and management of the standard technical committee in CEN, and a list of critical items and technical requirements insufficiently covered in EN 131. A table addressing the critical points is available via CIRCA.

30. Window blind cords

The UK has circulated to Member States for comment a paper on internal blind safety. The current design of window blinds presents a strangulation risk. It concerns not only loop cords or those used for lowering or raising the blind, but also internal cords (i.e. those connecting the individual slats) which can be pulled out by children. Tangled cords also pose a risk. The UK asks Member States to submit accident data relating to the risks posed by internal blinds.

The UK is keen to learn the views of the Commission and other Member States on what more can be done to improve the safety of these products beyond recent draft revisions to the European standard for internal blinds EN 13120, which are expected to be ratified later this year. The revisions include the need for much stronger warnings, the requirement for manufacturers to provide an accessory with the product to keep cords out of the reach of children or to include in the product design a mechanism that will achieve the same effect. The UK encourages revision to the EU standard in preference to a ban or for national legislation. Ratification of the standard has been delayed for 3-4 months. The UK asks DG SANCO to put pressure on DG ENTR to speed up the process.

31. Non-medical sub-cutaneous implants – "Glowing tattoos"

The UK presented the issue of the applicability of the GPSD to non-medical sub-cutaneous implants – "Glowing tattoos". The product contains electronic elements and is implanted beneath the skin. The UK mentioned this emerging issue as one example of what might be expected since technological innovation will lead to other products being introduced. The UK drew an analogy with tattoo ink, while other Member States mentioned piercing. The UK requested the views of other Member States and asked the Commission to provide its opinion on this issue.

32. AOB : Hooks for merchandise in shops

Commission to send to Member States for comment recent information it has received from the US about accidents involving hooks for merchandise in shops.