



EUROPEAN COMMISSION
HEALTH & CONSUMER DIRECTORATE-GENERAL

Directorate B - Consumer Affairs
B3 - Product and service safety

Brussels, 24 April 2009
DG SANCO.B.3

SUMMARY RECORD OF THE MEETING OF THE CONSUMER SAFETY NETWORK (CSN)

BRUSSELS – 27 MARCH 2009

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. The adopted agenda is attached as Annex 1.

The attendance list is attached as Annex 2.

2. Adoption of the minutes of the previous meeting

The draft minutes of the meeting of 31.01.08 were adopted without changes. The adopted minutes are attached as Annex 3.

Introduction

3. Discussion on the structure of the CSN and its future role

The Commission presented a proposal to clarify the purpose and tasks of the CSN. The matter was also discussed during the last GPSD Committee Meeting on 29.01.09, where a discussion paper prepared by the Commission was presented. With the recent undertaking by PROSAFE of the majority of activities foreseen under Article 10, the role of the CSN has to be reviewed. Based on its discussion paper, the Commission invited the Member State representatives to focus on Point 3 of the paper, on the way forward, and to provide the Commission with their views.

There was general agreement between Member States that there should be no duplication of work and that the CSN would be a good forum for discussion of specific points in more detail, for example prior to voting by the GPSD Committee, as well as other issues such as safety of services, which fall outside the scope of the GPSD Committee and require different expertise. It was suggested that, for the time-being, it would be advisable to organise the CSN meetings in conjunction with the GPSD Committee meeting and most Member States were in favour of the Commission continuing to Chair and to provide secretarial support. As regards joint actions, the CSN could be the body that attributes the tasks to PROSAFE, while PROSAFE could continue to handle the administrative and practical aspects. Norway asked if the reference to "*All Member State authorities...*" in the last paragraph of Section 3 takes into consideration EEA countries. The Commission replied that this could be amended to take Norway's observations into consideration. The Commission concluded by taking account of all the views expressed and reiterated the call for volunteers for the transition towards an ADCO-style structure.

4. Draft Safety Requirements for Childcare Articles Mandate (Cluster 1: Drowning risks)

The Commission representative gave a presentation on childcare articles (Cluster 1: Drowning risks) focusing on bath seats or rings, bathing aids for babies and bath tubs and stands. The objective is to prepare a mandate for a safety standard which would help to remove unsafe products from the market. The draft safety requirements, which take into account the risks identified by recent studies, were circulated prior to the meeting, and voting on "Cluster 1" will take place at the next GPSD Committee Meeting in June. The Commission then opened the floor for an exchange of views with Member States.

Finland and Sweden stated that they believe these products should not be on the market as they encourage the user to leave the child unattended. Both Member States stated they would like to reserve an opinion on the standardisation of these products.

ANEC considers that this kind of product is difficult to standardize and suggests that warnings on the product should state that the article does not guarantee against drowning. The Commission representative replied that there is no legal base to ban such products under the GPSD, and pointed out that no other country has yet banned them, nor are there any statistics pointing to an increase of incidents caused by these products. A standard would have a twofold positive action: a) improve the information given to parents/carers and remove the assumption that all such products are safe, b) help clear the market of defective products. A harmonized standard would also help market surveillance authorities and consumers to search for defective products.

5. Draft safety requirements for mandate for window hasps

The Commission representative reminded Member States about the risks posed by faulty window locks and referred to the document on draft requirements and testing methods which was circulated prior to the GPSD meeting in January. As that document, in its current drafting, is not suitable for a Commission decision setting safety requirements, the Commission will prepare a new draft document setting safety requirements for the future standard, using the ANEC study on protective devices as a key reference. The Commission representative asked Member States to provide statistics on accidents or results of relevant work carried out by market surveillance authorities for inclusion in a future mandate. The draft safety requirements will be presented for consideration and a draft decision submitted to a vote at the next GPSD Committee meeting.

6. Draft safety requirements for personal music players

The Commission briefly presented the opinion by the Scientific Committee (SCENIHR), the current EU regulatory framework and the findings of the Stakeholder Conference held on 27 January 2009. As a next step, the Commission proposed to strengthen European standards and to intensify awareness-raising initiatives. To ensure a harmonised and comprehensive approach covering all personal music players, the Commission considers it essential to propose to Member States a joint standardisation mandate under Directives 2001/95/EC, 1999/5/EC and 2006/95/EC, requesting CENELEC to formulate standards which address the risks exposed by the Scientific Committee. However, before proceeding with the mandate, under Directive 2001/95/EC it is first necessary to establish the specific safety requirements on the basis of which the Commission can subsequently issue a standardisation mandate. The Commission

therefore requested the opinion of the GPSD Committee on a draft Commission Decision on the safety requirements to be met by European standards for personal music players. Given the seriousness of the issue and the need to issue a joint standardisation mandate covering all music players still under the current European Parliament, the Chairman proposed to shorten the regular voting period in accordance with Articles 3 and 9 of the Rules of Procedure, and requested Member States to give a formal opinion to the Commission by 06.04.2009 noon CET. No objections were raised by the Member State representatives.

Service safety issues

7. Hotel fire safety

Ms Marguerite Sequaris, CEO of HOTREC, assisted by Mr John Dyson (Fire Safety Expert from the British Hospitality Association) and Mr Alexis Waravka (HOTREC), gave a presentation on HOTREC - the trade association of hotels, restaurants and cafés in the European Union - and the steps being taken to improve hotel fire safety in Europe. HOTREC presented the major challenges it faces and outlined its business plan, which includes the signature of a Charter on Fire Safe Hotels and the adoption of a performance-based methodology called MBS. It will be discussed in the Stakeholders Consultative Committee, to which the Commission participates, before it is finalised and sent to the European Commission and Parliament at the end of 2009. HOTREC reported that it is still working on the project and the deliverables.

The Commission then opened the floor for discussion and an exchange of views with Member States.

Joint actions and exchange of officials

8. Presentation of ongoing joint actions (e.g. lighters, EMARS II, toys, cords and drawstrings, sun beds, SUSYSAFE II, lighting chains)

A number of people involved in the joint actions (i.e. Messrs Jan Deconinck, Dirk Meijer, Jan Willem Weijland and Dario Gregori) gave a series of presentations on the current status of various projects.

Prof. Dario Gregori presented the SUSYSAFE project, aimed at establishing a surveillance registry for injuries due to non-food foreign body ingestion. The first phase of the project closed at the end of 2008. Phase II is now underway and progress is being made on 5 different work packages. Portugal and Slovakia are new partners to join the project in 2009 and the number of institutions outside Europe asking for participation is increasing.

Mr Dirk Meijer presented the EMARS II project (Enhancing Market Surveillance through best practice), which follows on from the first EMARS project that ran from 2006-2008. The new project will last for 3 years and will undertake a number of different activities relating to market surveillance. These activities will be considered by the Commission when reflecting on the future role of the CSN and the link between the work of the two parties.

Mr Jan Willem Weijland gave an update on cross-border market surveillance actions in the area of the Low Voltage Directive, including extension cords, lighting chains and, more recently, sunbeds.

Mr Jan Deconinck gave an update on the joint actions for lighters, toys, and cords and drawstrings. Several countries have participated in the projects, including some non-EU countries such as the USA (lighters) and Turkey and Canada (toys). The Norwegian representative reminded Member States to send him data relating to lighters.

9. Presentation of proposed joint actions for 2009

PROSAFE presented the 8 joint actions it is proposing for 2009. Technical descriptions have been received and the formal deadline for applications to take part in the joint actions is 29 May 2009. Member States were invited to indicate their participation before 30 April 2009. In this regard, attention was drawn to Annex 2 of the application form where the participating authority will effectively sign a contract with PROSAFE and therefore be obliged to fulfil its contractual obligations.

Portugal indicated at the meeting that it intends to participate in a joint action in the area of general product safety.

Information points

10. Product safety enforcement indicators

The Commission representative provided information about the assessment of safety enforcement in the Member States, and presented the results of the 2008 data collection exercise and the Consumer Market Scoreboard which was published on 2 February 2009. An update was given on the first meeting of the Joint Expert Working Group on monitoring safety enforcement in the Member States, which took place on 9 March, and the Commission outlined the next steps to be taken by the working group, during which Member State representatives were invited to send an email to the Commission briefly describing how enforcement is carried out in their country. Member States were invited to attend the second meeting of the Working Group scheduled for 29 April 2009.

11. Injury/accident data collection systems

The Commission representative gave a short presentation on past initiatives in the field of injury/accident data collection which were carried out to improve the EU knowledge base. These initiatives have helped to provide the Commission with information that will soon be presented on a special webpage (to be hosted by DG SANCO's website) in order to facilitate the access to injury/accident data collection systems by both consumers and authorities. The Commission representative presented the structure of the new webpage. Member States were invited to use the framework of the repository on service safety (sent to Member States following the January GPSD Committee, and for which the deadline is 15 April 2009) to submit information about existing data collection systems. Once all contributions have been received, the new webpage will be put online.

Any other business

12. List of non-referenced standards being considered for publication in Official Journal

The Commission presented the list of existing standards currently not referenced on the OJEU and for which a reference is considered necessary. A document on the

interpretation of Article 4 of the GPSD on standardization was presented to the Member States at the last GPSD Committee Meeting. The Commission's Legal Service has validated this interpretation. The Commission invited Member States and Observers who still wish to contribute to the list of non-referenced standards to do so by 31.05.09.

13. Transparency/Disclosure of data contained in RAPEX notifications

At the request of the Finnish Consumer Agency, a short exchange took place between Finland and Commission representatives on the subject of transparency and data protection with regard to the notifications received through the RAPEX system.

The Commission representatives confirmed that national authorities should not systematically disclose to the public all the information they receive via the system since some of the information (e.g. information on distribution channels) is covered by professional secrecy. Article 16 of the GPSD provides clear guidance on this issue. Information that can be published includes product identification, description of risks posed by a product and actions taken to prevent those risks. As previously discussed, authorities should address the risks posed by products notified under RAPEX on a case-by-case base, including as regards engaging with economic operators. Concerning the confidentiality requests included in RAPEX notifications, this means that the notification can still be sent to Member States via the RAPEX system, but market surveillance authorities should not disclose any part of the notification to the public - not even information about the product, risks or measures taken - i.e. all parts of the notification are considered to be confidential.

Closing Remarks

The Chairman concluded by reminding participants of the urgent request for opinion of the GPSD Committee on a proposal for a Commission Decision on the safety requirements to be met by European standards for personal music players – deadline: **6 April 2009**, noon CET – and the votes on Agenda Point 4 (Draft Safety Requirements for Childcare Articles Mandate) and Agenda Point 5 (Draft safety requirements for a mandate for window hasps), which will take place at the next meeting of the GPSD in June.