

EUROPEAN COMMISSION
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 – 14 OCTOBER 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 of the draft agenda 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 17.06.10 were adopted. On the request from Ireland the minutes were revised and a new version has been circulated in the mean time. The adopted minutes are attached (Annex 3).

Standardisation

3. Compliance of EN 14682:2007 (safety cords and drawstrings in children's clothes)

There is the need to rectify the current publication in the OJ, ensuring legal certainty and fostering compliance proactively. The Commission referred to the PROSAFE joint action based on the standard, as well as to RAPEX statistics and thanked the Members States that participated in this action..

A Commission representative then presented the procedure to be followed for the adoption of the draft safety requirements. The floor was open for discussion prior to vote. The Committee voted in favour of the Commission proposal.

4. RIP cigarettes

Following the update by the Commission on the foreseeable timeline of the future fire safety standard for cigarettes, it was agreed that industry should be given sufficient time to adapt their production to the requirements of the standard. Any agreed timeline should take into due account the considerable expected benefits of the introduction of the standard in terms of human lives, injuries and material damage. The Chair insisted that, to ensure a successful introduction of the standard, it is important to agree on a single date for its application

throughout the Member States. This should ensure clarity and legal certainty on the internal market and proper enforcement.

The discussion concluded with a consensus, subject to confirmation at the political level, that enforcement – including the sale to consumers – of the standard should start about 12 months from its publication by CEN, scheduled for 17 November 2010. Should unforeseen slippages occur in the publication process, the timeline will be considered to guarantee a speedy application of RIP requirements. The start date of enforcement action by MS authorities should be the date of publication of the reference to the standard in the Official Journal.

5. Child resistant lighters

The European Commission gave an update on the progress with the revision of EN 13869. CEN has now finalised the short-term elements of the mandate (i.e. changing the term 'novelty' to 'child-appealing' and bringing the definitions in line with Commission Decisions 2006/502/EC and 2008/357/EC) which will go out for a formal vote soon. A revised standard is expected by mid-2011. Regarding the long term elements (i.e. developing technical parameters to reply the child panel test when feasible) progress has been much slower, with CEN still in the process of selecting a consultant to undertake further research.

When asked about the prolongation of Decision 2006/502/EC with a further year (i.e. until 11 May 2012), the Member States unanimously expressed their support for this. As a result, the European Commission will start the procedure for the adoption of the necessary Decision.

The Commission also updated the Member States on the developments in Japan, where child resistance requirements for lighters (in the form of technical parameters) were developed in a short period of time and will be adopted before the end of this year. In view of the fact that Decision 2006/502/EC allows child resistant cigarette lighters to be placed on the EU market if they are allowed in jurisdictions with similar requirements, the Member States were asked to reflect urgently on the Japanese requirements and their equivalence to the European rules.

6. Window blinds

The Chair expressed sympathy for the death of a child in Finland, the latest victim of an accident involving window blind cords. He announced that a written voting procedure on a draft Decision on safety requirements would be submitted as agreed to the Member States in the following few weeks.

The Chair acknowledged the rapid response provided by CEN and thanked the Member States and observers (ANEC) that provided comments. A draft revised text taking into account the various comments received was circulated via CIRCA.

Implementation and application of the General Product Safety Directive

7. GPSD Revision

The Chair presented the first results of the public consultation related to the questionnaires answered by national market surveillance authorities with respect to the following areas:

- Procedures for issuing mandates for standards under the GPSD
- Harmonisation of safety evaluation of consumer products
- Market surveillance
- RAPEX
- On-line measures
- Alignment with the free movement of goods package

Sweden called for inclusion of the issue of safety of services into the impact assessment performed within the framework of the current GPSD revision process.

Belgium asked about the timetable of future steps in the GPSD revision process.

Netherlands proposed to include in the assessment the possibility that certain parts of market surveillance activities, such as testing of products which are found to be non-compliant, be paid directly by economic operators.

The Chair reiterated that the Commission has no plans to include the global issue safety of consumer services in the current revision of the General Product Safety Directive. This is a broader issue that requires a dedicated policy debate. The Commission however intends to assess options to clarify the scope of the GPSD as regards the safety of products supplied to consumers in the framework of the provision of a service. The Chair then outlined the envisaged timeline for the GPSD revision and took note of the Netherlands proposal.

8. Chemical requirements in consumer products

A presentation was given by an ANEC representative. He underlined that rules for chemicals were spread over a considerable number of pieces of EU legislation, such as the REACH Regulation, the General Product Safety Directive, the Toy Safety Directive, or the Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS). He regretted that, in his opinion, a consistent approach for chemicals is missing, in particular on chemicals in consumer products, and urgently called for a common policy approach.

9. Chemicals in consumer products

Sweden summarised the reflections on chemical hazards for the revision of the GPSD, (paper circulated to Committee members recently). He considered that measures to communicate information on the content of hazardous substances along the commercial supply chain could be included in the revision of the GPSD, and thus in the impact assessment to be prepared during such revision.

The Chair considered that GPSD should remain a general product safety directive, not focussing on particular risks. As underlined by another Commission representative (representing the Enterprise and Industry DG) the reflections provided in the paper could well fit into a future revision of the REACH Regulation, which is the main EU regulatory instrument related to chemicals, including on the communication along the supply chain.

10. Joint actions

A representative from the Executive Agency for Health and Consumers (EAHC) gave an update on the results of the 2010 calls for applications for joint actions and exchange of officials.

11. International activities

The Chair gave a brief update on various activities on the international front:

- An update on the negotiations with the US and Canada.
- An update on the OECD working party on Consumer Product Safety and the forthcoming election of a bureau. A meeting of the working party will take place in the frame of the International Product Safety Week in December 2010, with limited access to OECD Members and some observers.
- Shanghai events: The Chair reminded that the deadline for registration is 15 October 2010.
- A rundown of the meetings scheduled around the International Product Safety Week, taking place in Brussels from 1 to 3 December 2010 in Brussels and the conference of the International Consumer Product Health and Safety Organisation (ICPHSO) on 29 and 30 November 2010 in London.

12. Member States' international activities

- The Netherlands representative presented a newly-created website (TradeRoute Asia), which is developed by the new Food and Consumer Product Safety Authority (nVWA) and the Ministry of Health, Welfare and Sport, together with other partners.
- A recently signed protocol of agreement between France and Egypt will be circulated to the members of the Committee.

Specific Products & Risks

13. PAHs in consumer products

The Commission referred to an inter-service meeting held on 22 September 2010 concerning the request from Germany to propose a restriction on PAHs in consumer products under Article 68(2) of REACH. The Commission is discussing internally on the application procedure for Article 68(2) and intend to conclude by the end of October 2010.

- ## **14. - Non compliant inflatable mattresses, aquatic toys, swim-seats - Report by Ireland's representative on the results of recent market surveillance on swimming armbands.**

Reference was made to the note sent to the Committee dated 15 September 2010 inviting Member States to send all available information on the issue of inflatable mattresses, aquatic

toys and swim-seats and the feedback from various Member States. The Irish representative reported on the results of the recent market surveillance actions and presented samples of armbands during the meeting.

15. Phthalates in consumer products including toys and childcare articles

The Commission representative summarised the views of the Commission services expressed in the note sent to the Committee prior to the meeting. The note referred to RAPEX notifications and to the level of risk that phthalates in consumer products could represent.

16. Miscellaneous

17. AOB

AOB

- 15 November 2010 is the deadline to provide feedback on enforcement indicators.
- The next meeting of the RAPEX Contact Points will take place on 12 November 2010.

ANNEX 1: Draft Agenda

ANNEX 2: Attendance List

ANNEX 3: Adopted Minutes of Meeting of 17 June 2010