



EUROPEAN COMMISSION
HEALTH & CONSUMER DIRECTORATE-GENERAL

Directorate B - Consumer Affairs
B3 - Product and service safety

Brussels,
SANCO/B3/DMO/VC/cj (**corrigendum**)

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

BRUSSELS – 09 FEBRUARY 2011

Introduction

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

The Chair introduced Ms. CHEN Yi-Chen from Taiwan who has been offered a traineeship in the Product Safety Unit from January to end March 2011. The Commission welcomes offers from Member States to host Ms Chen for a few days to learn more about market surveillance activities.

1. Adoption of the agenda

The draft agenda was adopted, with a request from ANEC to speak on the subject of moveable football goal posts under standardisation issues (see point "AOB").

A copy of the adopted 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 14.10.10 were adopted. The adopted minutes are attached (Annex 3).

Implementation and application of the General Product Safety Directive

3. GPSD Revision

The Commission representative gave an update of the revision process and reported on the development of the impact assessment since the public consultation and workshop on the GPSD revision, which took place on 1 December last year.

During the first quarter of 2011, the Product Safety Unit is hosting four targeted stakeholder meetings on outstanding issues. These include: the future of market surveillance; traceability; standardisation procedures; and the coherence of product safety and market surveillance rules. In parallel, the results of a study on the future of market surveillance are expected in April 2011. A workshop on this topic, run by the contractor BSI, is scheduled to take place during the meeting of the Consumer Safety Network on 10 February.

On 1 February at the European Parliament, the IMCO Committee voted in favour of the own initiative report on the revision of the GPSD and market surveillance. It will now be the subject of a vote at the plenary session during the week 7-10 March 2011.

A draft proposal is currently planned to be presented to the College of Commissioners in the second half of 2011.

4. Child-resistant lighters

The Commission representative gave an update on the procedure to extend Commission Decision 2006/502/EC on child-resistant lighters, following the Committee's unanimous vote by written procedure in favour of an extension. The Decision is now under scrutiny by the European Parliament until 28 February. If there are no comments, it is expected to be formally adopted by the Commission and published in the Official Journal in mid-March. A copy of the voting sheet will be published on *Circa*. As regards the short-term amendments to the standard EN 13869, such as changes to definitions, CEN announced that a formal vote on the amendment of the standard will take place on 17 February. If there is a positive vote, the revised standard will be published on 18 July. As regards the child panel test, CEN selected a consultant to carry out a study to undertake further research into possible alternatives. A funding proposal for this purpose will shortly be sent to the Commission.

5. Joint Actions and Exchange of Officials

The Commission representative gave an update on the status of the 2010 Joint Actions and exchange of officials programme and provided information on the upcoming calls for 2011.

In 2010, the Executive Agency for Health and Consumers received an application from PROSAFE for one single joint action in which 21 Member States will participate. The joint action covers 5 product groups:

- Food imitating child appealing products
- Children's fancy dress
- Laser pointers
- Ladder
- Visibility clothing and accessories

Work on the joint action, which includes several horizontal activities (i.e. customs cooperation, China and stakeholder outreach), has started and a formal launch event will be held by PROSAFE on 9 March 2011.

The 2011 call for proposals will be launched towards the end of February with an indicative budget of 1.3 million EUR. The proposed deadlines have been pushed back (to 15 April for pre-proposals and 15 June for final applications) with the aim of signing the grant agreement(s) in the second half of this year.

As regards the exchange of officials programme, in 2010 there were 15 exchanges.

The call for 2011 will also be launched towards the end of February, with an indicative budget of 150.000 EUR for the GPSD and CPC Regulation exchanges. The proposed deadline is 31 May 2011.

The Commission thanked the Member States for their participation and invited them to participate again in the upcoming calls.

6. Enforcement Indicators

The Commission representative presented a brief overview of the results of the third data collection conducted for the Enforcement Indicators project, which was carried out in 2010 and which covered market surveillance activities in 2009. The conclusions, accompanied by a summarising table presenting several key indicators are due to be published in the 2011 Consumer Market Scoreboard. The results give the Commission a better understanding of enforcement activities carried out in various Member States and will also be useful for the work on the revision of the GPSD.

7. The new Comitology Regime

A Commission representative from DG SANCO's Legal Affairs Unit was invited to present the implementation of the new consultation regime. Following the entry into force of the Lisbon Treaty, the representative gave an outline as to how the GPSD Committee will be affected by the new procedures coming into effect on 1 March 2011, as regards implementing acts. A copy of the presentation is available on *Circa*.

Standardisation

The Observers were asked to leave the room for the votes on Agenda points 8, 9 and 10

8. Draft Commission Decision setting safety requirements for internal blinds, corded window coverings and safety devices

Following several fatalities in the EU as result of strangulation caused by window blind cords, efforts are being put in place by industry and standards organisations to improve the current standard EN 13120. A short video-clip was shown to the Committee Members to illustrate possible ways in which long cords can be made safe and how safety devices can be installed. The Commission representative explained that the draft proposal which had been submitted to Member States paves the way to a higher level of protection than that currently offered by the existing standard. It is also a step forward towards a global alignment of safety requirements.

Following certain exchanges, a few amendments to the text had been made to the proposal by the Commission and a revised version in English, highlighting the amendments, was circulated in the meeting. The amendments include a change to the definition of a hazardous loop to take into account the risk of a cord being wrapped "around the neck" of a child and the requirements whereby safety devices shall be provided as an integral part of the product, safety devices which are non-integral shall be pre-installed and the product shall contain specific warnings.

The floor was then opened for comments from Member States before proceeding with the vote.

The Committee voted in favour of the Draft Commission Decision.

Linguistic versions will be distributed to the Member States for approval and eventual comments.

9. Draft Commission Decision setting safety requirements for stationary training equipment

This point concerned the regularisation of a standard to set safety requirements for stationary training equipment. There were some small last minute amendments to the text that had been sent to Member States prior to the meeting. A revised text in English was distributed in the meeting, highlighting the amendments, before proceeding with the vote.

The Committee voted in favour of the draft decision.

Linguistic versions will be distributed to the Member States for approval and eventual comments.

10. Draft Commission Decision setting safety requirements for gymnastic equipment

The text of the draft Decision was sent to Member States prior to the meeting. There were no further amendments.

The Committee voted in favour of the draft decision.

11. Ethanol stoves

A discussion took place to see if there was consensus among Member States to go ahead with a decision to set safety requirements for ethanol stoves, and whether it should include a provision for the use of smart sensor devices to switch off appliances in hazardous situations.

A discussion paper was sent to Member States in advance highlighting the options. It provided background on a study led by Denmark, with input from Germany, Sweden, Norway and France, on the risks posed by open stoves or fireplaces using alcohol fuels (a copy of which was published on *Circa* prior to the GPSD Committee meeting in June).

The floor was then opened for discussion. In general, Member States were in favour of rapidly setting safety requirements for these appliances, regardless of their size. Some Member State representatives stated that they would prefer to find different solutions for different types of appliances. It was suggested that CO (carbon monoxide) risks and ventilation should also be taken into consideration. There was concern as to how to differentiate between small ethanol stoves and other decorative products equipped with a flame, which are available on the market. Some Member States proposed to insert a definition to clarify this issue). There was also support from Member States for the proposal to organise an information campaign throughout the EU.

The representative from CEN informed the Committee that work on this issue had already started within one of their technical committees and a call for experts had been arranged. Member States were encouraged to contact their national standardisation bodies if they know of any experts who would be interested in participating.

The Commission recommended that a draft text be circulated for comments by CEN and Member States. In the meantime Member States are asked to provide their views on the questions raised in the discussion paper.

12. Draft Mandate for products in the sleep environment of children

The draft mandate was circulated to Member States prior to the meeting, following adoption of the Decision in July last year. Member States have the opportunity to send comments on the draft mandate before 25 February. The comments will be published on *Circa* and, based on the comments received, a revised version of the draft mandate will be circulated. CEN shall develop the draft standard in consultation with the Commission.

13. RIP cigarettes

The Commission representative provided an update on the draft Commission Decision to reference the relevant fire-safety standard(s) for cigarettes in the Official Journal of the EU. The draft provides for 17 November 2011 as date of publication of the reference(s) to these standard(s). An inter-service consultation is currently under way.

The Commission will launch a vote on the draft Decision by written procedure, and Member States are requested to concurrently check their own linguistic version of the Decision. If the vote is positive the Decision will be prepared for adoption by the Commission and finally published in the Official Journal of the EU.

The Commission undertook to send the Member States some further information as discussed.

14. Personal Music Players

The Commission representative informed the Committee of the state of play of the new standard that was developed by CENELEC and presented to the Committee at its meeting on 17 June 2010.

The standard passed a formal vote by the national standardisation committees at the end of 2010 and is expected to be published by CENELEC early this year as an amendment to two existing standards.

A transition period of 24 months will follow, during which the standard will be implemented at national level by the publication of national standards. By the end of the transition period industry should have started to apply the standard to their products.

The Commission will proceed with the publication of the references of the standard in the Official Journal of the EU.

CENELEC is expected to continue with the next step of the mandated work which is the development of "smart" methods of providing protection against excessive sound pressure based on the measurement of sound dose.

15. Laser pointers

The representative from Sweden gave a short presentation on the dangers of powerful laser pointers and explained why these should not be made available to consumers due to the risk of permanent damage to sight.

The harmonised European standard EN 60825, which is referenced under the Low Voltage Directive (LVD), establishes a classification system and requirements for the safety of lasers. However, battery-powered laser pointers are not covered by the LVD and thus fall under the scope of the GPSD. There is therefore a need to clarify the safety requirements for these products.

A discussion paper was circulated to Member States in advance of the meeting and Member States were invited to present their views on the proposal to extend the scope of EN 60825 to cover the safety requirements for battery-powered laser pointers for consumers.

Several Member States have already brought in legislation to stop dangerous laser pointers from being placed on the market for consumers and it was suggested that the quickest option may be to apply Article 13 of the GPSD, although this proposal was not supported by all Member States.

It was decided that more data are necessary and Member States were asked to submit further information on their national measures along with any accident data. In the meantime the existing standard will continue to apply.

Specific Products & Risks

16. Chemical consumer products: Pictograms and their comprehension by Spanish consumers

A representative from Spain shared the results of a study carried out by Spanish consumer organisations on pictograms and funded by the National Consumer Institute. A copy of the presentation is available on *Circa*.

The results of the study show a distinct lack of knowledge by Spanish consumers regarding common pictograms often found on consumer products such as aerosols and chemicals, textiles and shoes, videogames and toys. Consequently, more consideration should be given to the way in which information is provided for consumers since it appears these pictograms are often interpreted in different ways. The Spanish consumer organisations have therefore taken action by providing a guide and a game has been developed for use in schools to help educate children. The Spanish representative stressed that more effort is needed to inform consumers and considered that a joint action with other Member States could be useful in this area.

Issues related to the operation of RAPEX

The Commission representative confirmed that the next RAPEX Contact Point meeting will take place in Brussels on 25 March.

17. Information on the upcoming RAPEX Media Event

The 2011 RAPEX media event will take place in Brussels on 12 May in the Berlaymont building. The main objective is to raise awareness of product safety and the RAPEX system among the European media. The key event will be the publication of the RAPEX Annual Report of 2010 in mid-April. As usual, the report will be available in English, French, German and Chinese. The Commission will provide Member States with an electronic version of the report in advance of the media event in May, under embargo.

In addition, for the purpose of an exhibition of dangerous products to be displayed at the event, Member States are invited to submit examples of any dangerous products and in particular those which have been notified through RAPEX and subjected to tests in laboratories. If needed, the Commission is ready to cover the cost of shipment of these goods. The Product Safety Unit would also like to highlight other activities which have taken place in 2010, such as the joint actions. It is therefore considering promotion of the work carried out on the following products:

- Visibility clothing and accessories,
- Helmets for leisure purposes,
- Laser pointers,
- Sky lanterns.

Furthermore, in view of the summer holidays, floating devices, sunscreens, etc., could also be promoted under the theme "Safe Summer".

The Commission welcomes ideas from the Member States on the activity(ies) they consider most deserve the attention of the European media.

18. RAPEX statistics 2010

The Commission representative presented an overview of the RAPEX statistics for 2010. The statistics are under embargo until the presentation of the RAPEX Annual Report on 12 May. Copies of the presentation were distributed to the Committee members in the room.

It was announced that there was a 12% increase in all notifications in 2010, and a 15% increase in notifications of products posing a serious risk.

The Commission emphasised that the figures do not represent exhaustive statistics for market surveillance activities in the Member States. They are an indication of what is reported through the RAPEX system. It is also to be noted that the increase in the number of reactions reflects increased cooperation amongst Member State authorities.

19. Late RAPEX notifications

The Commission reminded the Committee of the importance that measures taken by the national authorities are notified through RAPEX as soon as possible after their adoption and within the deadlines provided by the RAPEX Guidelines.

International issues

20. Shanghai Meetings on Product Safety, October 2010

A short account of the product safety meetings which took place in Shanghai was presented to the Committee both from the perspective of industry and the Member States. Both considered the meetings had been fruitful and agreed it was a positive experience.

21. Multilateral cooperation OECD and ICPSC

This information point was not taken due to time constraints.

22. Agreement with US on information sharing

The Commission representative summarised the state of play and next steps.

23. RAPEX-China – Latest report

The Commission representative gave an overview of the RAPEX-China system after receiving a total of 15 follow-up reports. A copy of the presentation is available on *Circa*.

The latest report submitted by AQSIQ is not fully satisfactory, because between June and August 2010, only 62 cases out of almost 300 provided to AQSIQ in the period of reference were investigated. Contacts will be made to ask AQSIQ to restore its activities in the framework of the RAPEX-China system to the previous high standard.

Miscellaneous issues

24. Creation of an expert group on product traceability

The Commission representative informed the Committee of its intention to create a small, informal expert group to look at product traceability in more detail. A call for expressions of interest to experts to participate in the work of the group will be launched. These experts may come from Member State authorities, industry or other areas.

The objective of the group is to obtain further information concerning best practice, to look at existing standards and to identify any problems in the field of product traceability with a view to providing recommendations on future actions that could take place in this area.

25. RAPEX seminars

The Commission representative informed the Committee that so far 4 applications have been received for seminars in 2011: from France, Luxembourg, Lithuania and the United Kingdom. Member States are invited to contact the Commission if they wish to organise a seminar this year.

26. European Consumer Summit

The 2011 European Consumer Summit will be held in Brussels on 11 and 12 April. The event will be comprised of several workshops, one of which will focus on "participative enforcement". The aim is to address budget restrictions by exploring innovative ways to complement existing resources in the field of enforcement. A background note has been published on *Circa* and Member States are asked to share examples of enforcement based on cooperation with stakeholders that could serve as a model for other Member States or other areas of consumer policy enforcement. The examples put forward will be evaluated and if of interest, it may be possible for the Commission to fund the participation of a small number of appropriate experts to attend the event in April.

27. AOB

- Moveable goal posts

ANEC shared its concern regarding the absence of a European standard for moveable goal posts used during leisure time. At the request of ANEC, a working group has been set up within CEN to look into the issue but ANEC does not agree with their proposal to exclude children under 3 years of age from the scope of a future standard. In addition, in order to publish the standard in the Official Journal of the EU, it will be necessary to draft safety requirements and to start to prepare a draft mandate on moveable goal posts. ANEC's concerns were supported by the representative from Spain.

The Commission asked ANEC to submit a paper on this topic to stimulate further discussion.

- Date of next GPSD Committee Meeting

The Committee was reminded that the next meeting of the GPSD is scheduled to take place in Brussels on 26 May 2011. An official invitation will be sent in due course. For administrative reasons, pre-invitation letters were already sent out at the end of last year.

ANNEX 1: Draft Agenda

ANNEX 2: Attendance List

ANNEX 3: Adopted Minutes of Meeting of 14 October 2010