

Response to Commissioner Byrne's vision paper on EU Health Strategy (15 July 2004).

ECOSA welcomes the vision paper on Good health for all and its message that achieving good health is a shared responsibility of the EU, Member States, business partners, NGO's and European citizens. In Commissioner Byrne's view of the future it is rightfully stated as an ambition that 'people feel safe in this European Union of the future'. However feeling safe implies more than trust in the control of disease outbreak, as it also relates to the more common perceptions of risk of being harmed, injured, permanently disabled or life threatened by accidents on the road, at work, at home, in public places and during recreational activities.

In its assessment of the evolving disease patterns in the EU, the document overlooks the injury issue as a major cause of mortality and morbidity. Publications of WHO, UNICEF and ECOSA tells us that where we have been successful in increasing health through the control communicable diseases in the past decades, we have been less successful in controlling injury. For almost all age groups, injury is among the top five causes of life years lost, and soon will become first in rank order. There is also mounting concern related to injury as there are:

- huge inequalities in injury risks among Member States and even more predominant between new Member States and the EU-15;
- increasing social inequalities in injury risk within countries, even in those that are at the lowest end in the injury death league table; and
- growing vulnerability of risk groups as children and senior citizens in our societies.

In assessing the perspectives of 'creating wealth through health' the vision paper also overlooks the huge burden of injury for society and the economy, which is presently estimated to be at an annual loss of almost half a trillion euro due to direct costs (medical expenditures and damages to property) and indirect costs including loss of quality of life. However the opportunities for successfully controlling injury are most promising as in essence eighty percent of all accidental injuries are preventable. There are many good examples of regulatory measures as well as communication actions that have successfully led to a significant decrease in mortality and morbidity due to injuries.

Actually, in many cases it has been revealed that investing in injury prevention is, next to the implementation of national vaccination programs, one of the most cost-effective public health measures in history as in a number of cases the benefits of these actions outsize their costs by more than tenfold.

Therefore ECOSA strongly recommends the Commissioner to include injury prevention as one of the major challenges in enabling good health in the EU by:

- communicating the urgency of this issue with member states, business, NGO's and European citizens
- providing a better knowledge base within Europe to support evidence based safety promotion activities to be carried out by all stakeholders at all levels;

- to shape European policies for injury prevention that ensures full integration of injury prevention in all relevant policy domains
- to ensure proper infrastructures within Member States for empowering European citizens to exercise their right to safer environments and to create a culture of safety in their communities.

For more detailed suggestions and recommendations, we refer to ECOSA's publication 'Priorities for Consumer safety in the EU- agenda for action'.

Annex:

- PDF of summary "priorities" doc
- PDF – Who we are.

## Executive summary

### Purpose of this report

As the Commission prepares to meet its new obligations under the Treaties of Maastricht and Amsterdam, to contribute to protecting the health, safety and economic interests of consumers, the European Consumer Safety Association (ECOSA) has prepared the following report, "Priorities for Consumer Safety in the European Union- Agenda for Action" to ensure the key aspects of consumer safety are raised and request the report recommendations be addressed in the Commission's forthcoming plans and organisation itself.

### Need for action on consumer safety

The injury risk figures presented in publications of World Health Organisation, UNICEF and ECOSA are self-explanatory. It is shocking to learn that the greatest cause of injury deaths and seriously disabling injuries are due to home and leisure accidents, more than 14 times that of workplace injury deaths and nearly double that of motor vehicle deaths.

There is also mounting concern from professionals in the field as there are:

- growing social inequalities in injury risks within countries, even in those countries that are in the lowest end of the injury death league table;
- growing inequalities in injury risk amongst Member States and even more predominant between the current EU-Member States and candidate countries; and
- growing vulnerability of risk groups as children and senior citizens in our societies, as well as that of ethnic groups and minorities.

There appears to be a fundamental misconception in society about risks: people tend for instance to attribute more value to reducing risks that are (1) involuntary, (2) poorly understood, (3) potential catastrophic and (4) hard to control in case of an outbreak. This leads to a much greater interest in controlling food safety, nuclear safety, and transport safety and a lower value attributed to home safety,

safety in sports and recreation and safety at school for instance. Risk characterisation however depends on a systematic analysis that is appropriate to the problem and responds also to the needs of the interested and affected parties. This requires comprehensive information on injury risks as well as information on awareness, attitudes and risk coping skills of those exposed to these risks.

Consumers expect products and services offered to them to be inherently safe and do not expect to have to take any particular precautions. Given the low awareness of risk and the underestimation of the risks in daily life, there is a need for all parties concerned to ensure optimum safety in products and services delivery. This concerns all stakeholders, including business, consumer representatives and government. The potential gains from concerted actions in injury prevention are obvious: if we succeed in reducing the number of hospital treated injuries by just 5% we save in the EU-region 10 billion Euro in medical costs of treatment and other societal costs such as sick leave and an incalculable burden of personal suffering.

### What is needed in the New Europe

As a result of the establishing of a single market, safety regulations, standards and enforcement practices within the EU have become more harmonised and enhanced from a consumer protection perspective.

However current policies and instruments need improvement and co-ordination to be truly functioning, focussing on:

- science based policy making, i.e. ensuring that research and injury data provide the right input for policy making in regulations, standards, and enforcement and consumer information;
- enhanced programmes for regulations and standards that are specific enough as regards the minimum technical requirements and cover the entire range of products and service deliveries that present potential risk to consumers;

- better integration of instruments for protecting consumers by linking standards making processes with regulations as well as enforcement practices and business codes of conduct and by attuning regulating programmes with programmes for education, training and informing stakeholders such as business, control agencies and consumers;
- stronger implementation and co-ordination of enforcement and information actions within the EU-region and beyond, in anticipation of the enlargement of the Union as well as the impact of global trade on current standards for enforcement and information exchange; and
- capacity building in the region at the community level as well as the national level, in order to ensure that proper information is available for science based decision making, that sufficient product safety intelligence is available and sufficient staff for implementing measures.

The Commission is advised to draw up an action plan for establishing an appropriate infrastructure and processes for consumer safety in the EU analogous to what has been established decades ago in the USA and what has been established in Europe for workplace and road safety. This should be done in consultation with the Member States and with the relevant stakeholders, such as business, consumer safety research institutes and consumer representative bodies.

### Specific priority needs

The EU action plan should also focus on the immediate improvement of deficiencies in current activities related to information gathering, research, regulations and standards, enforcement and safety awareness campaigning.

***Recommendation # 1. That the Commission reintroduces and supports an injury data collection system throughout the EU that is comprehensive and co-ordinated to serve as the cornerstone for consumer safety policy.***

Despite the Commission's willingness to improve science based policy making, its threat to abort the funding of injury data collection in Member States brings the continuation of injury surveillance systems in the majority of Member States into serious danger. If the EHLASS-system collapses, the Commission and Member States will lack specific information on injury risks related to products and services and at best measures can only be developed on information that is provided by the few countries (UK, Denmark and The Netherlands) that hopefully will be able to continue comprehensive injury data collection. The Commission should reintroduce injury data collection, in a new co-ordinated and comprehensive manner and through new arrangements for dedicated funding by Member States and Commission. This should be as one of the spearheads of community actions as injury data collection is the cornerstone for consumer safety policies. It helps:

- to identify risk groups, risk activities and risk products;
- to set priorities for consumer safety;
- to enable objective deliberation on emergency measures;
- to define the specificities of measures; and
- to monitor the effectiveness of actions.

***Recommendation # 2. That the Commission establishes a consumer safety research program that supports investigations and assessments of products, environments, and behaviours that will reduce home and leisure injuries.***

This research program would complement the information provided by the data collection system and allow the next steps for more detailed research such as:

- to complement statistical risk information for priority setting (i.e. product assessment, risk perception, behavioural and organisational aspects of injury);
- to develop sound criteria for product safety assessment and testing methods;

- to develop proper interventions in settings and organisations and ensuring proper safety facilities as well as proper behaviour.

Support for such a consumer and product safety research programme should be provided within the 6<sup>th</sup> framework programme and the Consumer Protection budget. Three year research plans should be established as part of this structure and use the existing network in consumer safety of ECOSA, ANEC, PROSAFE, and International Consumer Research and Testing to maximise existing resources.

***Recommendation # 3. That the Commission attains adequate regulations and standards for consumer safety products and services by firstly addressing issues out of scope of the General Product Safety Directive; secondly, to upgrade current sectoral directives as regards to scope and consistency with other directives such as the GPSD; and thirdly, the Commission should ensure proper implementation of European Directives in Member States and guarantee optimum standards being available at the European level.***

Despite the outcome of the recent revision of the General Product Safety Directive there are still serious deficiencies in regulatory provisions. One is that services are still out of the scope of the GPSD. In particular sectors as tourism and recreation, hotel and holiday resorts, and sports accommodations and associations deserve greater attention of safety authorities as over one third of home and leisure injuries occur in these domains. The Commission needs also to review how the new GPSD will work.

Other weaknesses still have to be identified in sectorial directives such as the PPE-directive (here type approval should be made mandatory for all categories), the toy directive (that should include child-care articles too) and in general the safety clauses that should be made consistent in all directives.

A third deficiency in EU-regulation is the inconsistencies in implementing the directives in national law.

The Commission should focus on extending current safety regulations as well as ensuring proper implementation in Member States.

Finally it should be highlighted that the standardisation process in Europe suffers serious weaknesses such as:

- inadequate safety levels that would not be acceptable in other domains such as in occupational safety;
- biased interests due to the predominance of business participation and expertise;
- lack of transparency in decision making in standards bodies and their technical committees.

As standards give a legal presumption of conformity under the “New Approach”, the Commission is responsible for monitoring the quality of these standards. In case of serious flaws in the quality of standards (while under construction or at delivery of draft proposals) the Commission has to remedy them immediately. It has therefore to draw up now a convincing plan of work for addressing current deficiencies in standardisation processes and their outcome.

It is evident that increased regulatory activity and standards monitoring requires additional capacity and budgets and therefore an increase of the Consumer Protection budget.

***Recommendation # 4. That the Commission should firstly, demand Member States to report more rapidly emergencies and notifications by business and ensure that in all Member States competent bodies are dedicated to product safety enforcement and ensure proper enforcement takes place. Secondly, it should investigate each notification thoroughly and direct actions in Member States.***

The basic problem is that the hands of the Commission are tied by the Member States who are pre-eminently responsible for implementing community regulations in national law and for enforcing that law.

Again and again it has been proved that not all Member States fulfil their obligations in this respect and that European co-ordinated enforcement still has a long way to go.

Despite a few powers given to the Commission under the GPSD it is only in the case of phthalates and in the cigarette lighters issue that the Commission has taken some leadership in co-ordinated action. There have been many more opportunities for the Commission to co-ordinate actions more strongly, such as in the cases of small toy parts embedded in candies (chocolate egg viz.) and cords in anoraks. The Commission should demand Member States to report more rapidly emergencies and notifications by business and ensure that in all Member States competent bodies are dedicated to product safety enforcement and actually ensure that proper enforcement takes place. Also the revision of the GPSD should lead to enhanced powers and manpower resources for the Commission to investigate each notification thoroughly and to direct actions in Member States.

***Recommendation # 5. That the Commission establishes a plan to support specialised European wide campaigns to enhance the public's knowledge of consumer safety.***

Analogous to current investments of the Commission and the Member States in informing consumers on food safety, they should also invest in increasing the awareness of all stakeholders towards consumer product safety and services as an important issue for joint action

This should result in business being more careful in providing consumers with adequate information on product installation and use, including warning signs and adequate use instructions. In addition to that, competent agencies should ensure a continuous flow of information on consumer safety needs and safe solutions towards the general public. Special campaigns should be envisaged on child safety, in co-operation with NGO's and the business community (ECOSA's European Child Safety

Alliance will provide the platform for that), and on safety for senior citizens in Europe.

Structural funding arrangements should be found in order to ensure the gradual development of appropriate structures and activities for a sustainable implementation of safety promotion and training in existing educational programmes and consistent implementation of safety awareness programmes.

### The way ahead

The significance of home and leisure accidents cannot be underestimated. Home and leisure accidents are the cause of more deaths and injuries than all other sources of accidents put together. The Commission needs to take a co-ordinated approach to tackling this major threat to consumer's health and safety. The many components of community policy such as injury monitoring, research, regulating and standardising, enforcing and informing consumers need to be addressed individually and collectively to develop a comprehensive plan to deal with consumer safety.

The recommendations listed above and described in more detail in this report undoubtedly raise serious resource questions for the service of the European Commission, in terms of manpower as well as budgets. ECOSA believes that it would also necessitate the creation of a European consumer safety agency that would assume responsibility for many of the new tasks and actions identified. As well, dedicated funding to establish and maintain the infrastructure and processes for the component areas of injury monitoring, research, regulating and standardising, enforcing and informing consumers would need to be allocated. The activities of this new agency would complement the work of the European Commission in maintaining the regulatory framework and meeting the Treaties' obligations for promoting the health and safety of Europe's citizens. The Commission itself would of course remain responsible for policy, but have an extended structure to addresses the immediate needs just highlighted in the summary and described in detail in the report that follows.

## Who we are

### **Background**

*The European Consumer Safety Association (ECOSA) was established in 1985 as a non-profit organisation to promote consumer safety. The founding members were senior representatives of governmental and non-governmental organisations with expertise in the field of product safety and the promotion of home and leisure safety. At present, the Association consists of 60 members, representing government departments (including consumer protection agencies), medical and research institutes, trade and business representatives and consumer organisations.*

### **Mission**

*ECOSA's mission is to provide a forum to discuss and analyse consumer safety matters among a diverse group of interested parties at national and international levels, both governmental and non-governmental. The Association promotes an exchange of knowledge and experience among experts and institutes, with the goal of improving home, leisure and product safety. ECOSA stimulates and promotes scientific research and educational programs and advises national authorities and (inter) national interest groups on activities related to product safety within the field of home and leisure accident prevention (drugs, foodstuffs and motor vehicles are dealt with by other agencies).*

### **Aims**

*ECOSA's principal aim is to put consumer safety policy on the primary agenda of national and European authorities, whereby national action programmes for consumer safety are implemented in each European country. The ultimate objective of these programmes is to reduce the number of injuries and deaths due to home and leisure accidents by 25% over the next twenty years.*

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