

# EU legislation: product safety

## Introduction

Despite the difficulty of adopting legislation for every product which exists or may be developed, general (horizontal) legislation to protect consumers' health and safety has been developed by the EU. Directive 92/59/EEC first introduced requirements for general product safety. In December 2001 the EU adopted Directive 2001/95/EC, which meant a revision of the existing Directive on 15 January 2004, also the deadline for the Member States to implement the new Directive on products safety into national law.

## 2. Outline of the legislation



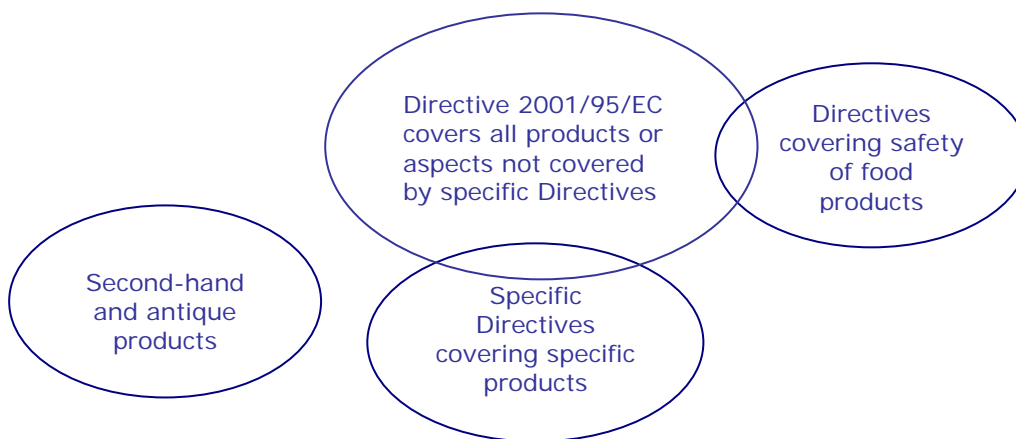
Directive 2001/95/EC prohibits the placing on the market of products which pose a risk for consumers' health, caused by dangerous substances or by unsafe construction. It can be seen as a framework directive.

### Scope of the Directive

The Directive applies to all products on the market for consumers or products likely to be used by consumers (including products that provide a service).

Exempt are:

- Products subject to specific safety requirements imposed by Community legislation. For these products, the Directive only applies to the aspects and risks or categories of risks **not** covered by those requirements. For example, the Low Voltage Directive (please see the related document) does not cover the need to notify authorities about dangerous products, but the Product Safety Directive does. Concerning this aspect, the Product Safety Directive applies also to the product groups within the scope of the Low Voltage Directive.
- Products are second hand and have antique value or needs to be repaired.



**Figure 1: Scope and relation of existing product safety Directives**

### Aim of the Directive

The aim of the Directive is to ensure that products placed on the market are safe.

### Requirements

The Directive lays down safety requirements for a product put on the EU market. This is the case when:

- A product complies with specific EU requirements governing the safety of the product in question. As said above standards have been developed for several products under the framework of this Product Safety Directive. Table 1 of this document as well as the

summary page (to be found under <external links> of this document, provides an overview. Standards are listed for various child / baby articles, such as cradles (furniture), but also for other products such as lighters and decorative oil lamps.

- B. In the absence of specific product provisions, the product must comply with the specific national requirements of the Member State in which it is being marketed or sold, or with the voluntary national standards which transpose the European standards or legislation. If these are absent, then the third option is
- C. In the absence of specific EU product provisions (A) and national legislative or voluntary standards transposing the European standards or legislation (B), the product's compliance is determined according to the following:
- the voluntary national standards which transpose other relevant European standards or legislation and the Commission recommendations which set out guidelines on the assessment of product safety;
  - the standards of the Member State in which the product is being marketed or sold;
  - the codes of good practice as regards health and safety;
  - the current state of the art;
  - the consumers' safety expectations.

The Annex included in this document provides a list of harmonised standards that are developed for specific products within the framework of the General Product Safety Directive.

### **3. Responsibility of the manufacturers and distributors**

Products put on the market by manufacturers and distributors must always comply with the general safety requirement. In addition, manufacturers must provide consumers with the necessary information in order to assess a product's inherent threat, particularly when this is not obvious. The information can be provided either by labelling the product or by giving clear use instructions. Furthermore, manufacturers and distributors should take the necessary measures to avoid threats. This may mean withdrawing a product from the market, informing consumers, recalling products which have already been supplied to consumers etc. Distributors are also obliged to monitor the safety of products on the market and to provide the necessary documents ensuring that the products can be traced. If manufacturers or distributors discover that a product is not safe, they need to notify the competent authority.

### **4. Implementation of the Directive in Member States**

Member States have established or designated inspection authorities, which are responsible for monitoring product safety, and have powers to take appropriate measures. These measures include effective, proportionate and dissuasive penalties, if products do not comply. In addition, Member States have the authority to withdraw dangerous products already placed on the market and at last resort to order, coordinate and organise the recall from consumers of dangerous products already supplied to them.

Under Directive 2001/95/EC the national inspection authorities established a European network to facilitate the quick exchange of information, this is called RAPEX. The cooperation lies in many standardisation activities, in particular risk assessment, testing of products, exchange of expertise and scientific knowledge, execution of joint surveillance projects and tracing, withdrawing or recalling dangerous products.

*Last update: October 2005*

## Annex: Summary list of titles and references of harmonised standards related to general product safety

The information contained in the summary list is a compilation of the references of standards which have been published in the Official Journal of the European Union. Although the lists are updated regularly, they may not be complete and they do not have any legal validity; only publication in the Official Journal produces legal affect.

Source (November 2005):

<http://europa.eu.int/comm/enterprise/newapproach/standardization/harmstds/reflist/gpsd.htm>  
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ESO	Reference and title of the standard (and reference document)
CEN	EN 913:1996 Gymnastic equipment - General safety requirements and test methods
CEN	EN 916:2003 Gymnastic equipment - Vaulting boxes - Requirements and test methods including safety
CEN	EN 1129-1:1995 Furniture - Foldaway beds - Safety requirements and testing - Part 1: Safety requirements
CEN	EN 1129-2:1995 Furniture - Foldaway beds - Safety requirements and testing - Part 2: Test methods
CEN	EN 1130-1:1996 Furniture - Cribs and cradles for domestic use - Part 1: Safety requirements
CEN	EN 1130-2:1996 Furniture - Cribs and cradles for domestic use - Part 2: Test methods
CEN	EN 1400-1:2002 Child use and care articles - Soothers for babies and young children - Part 1: General safety requirements and product information
CEN	EN 1400-2:2002 Child use and care articles - Soothers for babies and young children - Part 2 : Mechanical requirements and tests
CEN	EN 1400-3:2002 Child use and care articles - Soothers for babies and young children - Part 3 : Chemical requirements and tests
CEN	EN 1466:2004 Child care articles - Carry cots and stands – Safety requirements and test methods
CEN	EN 1651:1999 Paragliding equipment - Harnesses - Safety requirements and strength tests
CEN	EN 1860-1:2003 Appliances, solid fuels and firelighters for barbecuing - Part 1: Barbecues burning solid fuels - Requirements and test methods
CEN	EN ISO 9994:2002 Lighters - Safety specification (ISO 9994:2002)
	EN ISO 9994:2002/AC:2004
CEN	EN 12196:2003 Gymnastic equipment - Horses and bucks - Functional and safety requirements, test methods
CEN	EN 12197:1997 Gymnastic equipment - Horizontal bars - Safety requirements and test methods
CEN	EN 12346:1998 Gymnastic equipment - Wall bars, lattice ladders and climbing frames - Safety requirements and test methods
CEN	EN 12432:1998 Gymnastic equipment - Balancing beams - Functional and safety requirements, test methods
CEN	EN 12491:2001 Paragliding equipment - Emergency parachutes - Safety requirements and test methods
CEN	EN 12586:1999 Child care articles - Soother holder - Safety requirements and test methods
	EN 12586:1999/AC:2002
CEN	EN 12655:1998 Gymnastic equipment - Hanging rings - Functional and safety requirements, test methods
CEN	EN 13138-2:2002 Buoyant aids for swimming instruction - Part 2: Safety requirements and test methods for buoyant aids to be held
CEN	EN 13319:2000 Diving accessories - Depth gauges and combined depth and time measuring devices - Functional and safety requirements, test methods
CEN	EN 13899:2003 Roller sports equipment - Roller skates - Safety requirements and test methods
CEN	EN 14059:2002 Decorative oil lamps - Safety requirements and test methods
CEN	EN 14344:2004 Child use and care articles - Child seats for cycles - Safety requirements and test methods
CEN	EN 14350-1:2004 Child use and care articles - Drinking equipment - Part 1: General and mechanical requirements and tests

*This list (published in OJ C 256 of October 15<sup>th</sup>, 2005) replaces all the previous lists published in the O.J. of the EU.*