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Newsletter from PROSAFE

Joint Market Surveillance Action 2012 is closing

Joint Actions 2012 (JA2012), a project coordinated by PROSAFE is coming to an end. The project targeted CO and smoke detectors, cords and drawstrings in children's clothing, nanotechnology in cosmetics, high chairs and ladders as well as a number of method development, project management and coordination activities. PROSAFE organised a final workshop on 11 February 2015 that was attended by 49 representatives from the Member States, the European Commission and stakeholders.

The Joint Action, which will formally end on 30 April 2014, was an umbrella project that brought together 31 authorities from 24 European countries: Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Malta, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, the Netherlands and the United Kingdom. In addition, authorities from Turkey and Bosnia-Herzegovina took part in some of the activities as observers outside the financial scheme.

Some of the main results from the activities are mentioned below.

CO and Smoke Detectors

The participating authorities inspected 81 models of CO detectors, out of which 25 were taken for further testing at an accredited laboratory.

The cost of testing CO and smoke detectors was prohibitive so the activity focussed on CO detectors. Smoke detectors are now being addressed separately under JA2013.

The result of the testing was that various non-compliances were found in 22 detectors out of the 25 tested. Testing took a very long time due to a long term stability requirement measured at 30, 60 and 90 days.

The risk assessment of CO detectors has also proven to be a challenging exercise. For the first time a Joint Action has had to deal with a product that does not give rise to the hazard itself but rather its bad performance exposes the consumer to the risk if the detector does not operate correctly (e.g. it alarms too late or it is sensitive to "false alarms"). This required a new approach to be developed by the experts in the Risk Assessment Group. As a result authorities are still finalising risk assessments but already one model has been withdrawn from the market and authorities are in negotiation with the economic operators in respect of the other non-conforming products that cause significant risks.

The members of the product activity also concluded from their work that CO detectors should not be covered by the Construction Products Regulation, but by the GPSD in the case of battery-run devices and the Low Voltage Directive for those detectors that run on the mains supply.

Cords and drawstrings in children's clothing

The authorities made 1895 inspection visits and checked 10981 models of garments. 790 of these or 7.2% were non-compliant. This percentage compared favourable with the results of previous activity undertaken from 2008 to 2011 where 13.6% of products checked were non-compliant.

Whilst the sampling is not statistically based the general results suggest that there has been some improvement in the marketplace since the last activity. Sales bans, voluntary withdrawals and recalls were instigated in respect of over half the non-conformities.

There was no need for laboratory testing as the inspectors were trained to carry out the verifications by themselves, which greatly reduced the budget of the overall activity. This activity also featured active cooperation with Customs in Spain who checked 5185 containers with children's clothing and found 24 containers with non-compliances in respect of cords and drawstrings.

Nanotechnology in cosmetics

This activity had the unique objective of monitoring the presence of cosmetic products containing nanomaterials on the market in the EU, using both inspections of products at distributors and inspections at Responsible Persons, where Product Information Files were checked. Also 85 cosmetic products were analysed for the presence of nanomaterials.

The activity looked at a wide range of products, but analyses focussed on sun protection products, face creams and liquid foundations. The nanomaterials tested for included titanium Dioxide, Zinc Oxide and Silicon Dioxide. For the selection of inspection sites use was made of the Cosmetics Product Notification Portal. There were a total of 267 products inspected at distributors and 85 products at responsible persons. 85 products, sampled during inspections at distributors and responsible persons and sampled at retailers were analysed for the presence of the nanomaterials Titanium Dioxide, Silicon Dioxide and Zinc Oxide. Non-compliances were detected in only a small number of cases where ingredients were not declared as nanomaterials.

There were no formal sanctions implemented for these non-conformities, as there is uncertainty with different definitions contained in Regulation 1223/2009 and Commission Recommendation (2011/696/EU). In addition no agreed standardized method of analysis is available. Part of the value of this activity was in gaining experience with the analyses method. The activity also gained valuable experience working with the Cosmetic Product Notification portal to identify products containing nanomaterials and the Responsible Persons for these products.

High chairs

This activity was part of the on-going focus on child care articles begun under JA2010.

High chairs were one of the products identified on the priority list drawn up under JA2010 and that priority list was again reviewed and revised by the JA2012 activity. Safety barriers were identified as the priority for JA2013. Over 400 economic operators were inspected. This included over 240 web sites as the activity made an effort to examine e-commerce outlets.

The authorities participating in the activity took 70 samples, which were submitted for testing. It is worth noting that in respect of 10% of these samples the cost of the testing was borne directly by the Member State authorities concerned who were able to benefit from the advantageous prices negotiated by JA2012. Compliance with product information and hazard symbol labelling were very poor. In all 17% of the tested samples presented a serious risk, 13% a high risk, 24% a medium risk and 13% a low risk. As a result 12 RAPEX alerts were notified. This accounted for the substantial increase in RAPEX alerts of these products during 2014. In total there were 17 such alerts during 2014 in comparison with around three in each of the three preceding years.

Ladders

The activity focussed on less conventional types of ladders, telescopic and folding.

This activity was a follow-up from the JA2010 which targeted more conventional ladders but during which concern was raised on these newer types of ladders. 9 types of hinged ladders and 9 types of telescopic ladders were sent for test. Where the existing standard did not provide adequate test methods, these were developed from the previous experience of testing ladders in JA2010.

The battery of tests addressed different aspects of the ladders' construction such as strength, base slip and torsion. No models passed the entire test programme. Failures to individual tests were subjected to risk assessment. In all 40% of the models tested under JA2012 were rated serious risk. This is in comparison to 60% under JA2010. However 100% of the ladders tested under JA2012 were rated high risk as compared to 0% under JA2010.

The enforcement activity is on-going but we currently expect 2 RAPEX notifications and 10 corrective actions being undertaken by the responsible economic operators.

The activity found a number of issues related to the current test standard, EN131, and information from the activity has been shared with the Commission and the CEN Technical Committee. In addition, the interpretation of the results of the risk assessment was less straightforward in respect of those ladders found to present a high risk. Where the ladder presented this risk across a number of the tests it was felt that it might posed a greater risk than a product found to present a serious risk in one specific test. There was considerable interest in this activity from countries outside Europe.

Caution!

The above results are based on samples of products from the markets in the participating countries. As in any routine market surveillance activity, the results represent the targeted efforts that authorities undertake to identify unsafe products. They do not give a statistically valid picture of the market situation.

The samples were tested at accredited laboratories. The test focused on those safety requirements that have the largest impact on consumer safety.

Method development activities

In addition to the product specific activities, the Joint Action has also focused on a number of horizontal issues. They included outreach to China; international co-operation; coordination of dissemination and use of results by all Member States; stakeholder outreach and other communications activities; follow-up with standards organizations, risk assessment, Continuous Improvement of Market Surveillance by implementation of mutual assessments; priority-setting; and implementing a European Home Authority Principle.

Two particularly notable achievements should be mentioned:

- Besides the e-learning modules on GPSD and Risk Assessment already produced by PROSAFE in previous joint actions, a specific e-learning module on a proposal for a European Home Authority Principle (EHAP) was developed during JA2012. Last year, a Toys e-learning module has also been developed under JA2013. All can be freely accessed via the PROSAFE website.
- Links between the market surveillance authorities and customs authorities were further developed, the Joint Action produced various materials that customs can use as part of their import control and practical cooperation resulted on cords and drawstrings.

PROSAFE has coordinated JA2012 with its other activities and pro-actively works to ensure that best practice is developed and implemented throughout all its activities. The final workshop provided an opportunity to share experience and best practice gained through the different product activities and the Joint Action as a whole.

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Background information

This information is issued by PROSAFE and the 28 participating authorities in the Joint Market Surveillance Action on GPSD Products – JA 2012.
The Action is coordinated by PROSAFE (Product Safety Forum of Europe), a non-profit organisation that brings together market surveillance officers from all over Europe and across the world. Visit www.prosafe.org to learn more. On this website you will also find more information about Joint Action 2012 and the other Joint Actions coordinated by PROSAFE. Explore the links to "Projects" in the left-hand column.

Disclaimer

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