

# *ProductSafe*

## Safety Guidelines and Procedures for Entrepreneurs

### Child Articles

#### EU - GENERAL PRODUCT SAFETY DIRECTIVE

#### APPLICATION

These guidelines focus on products that are intended to be used by or for children and which are not covered by a specific Directive such as the Toys Safety Directive and therefore fall within the scope of the General Product Safety Directive (2001/95/EC) (GPSD). The purpose of this important Directive is **to ensure that products placed on the market are 'safe'**.



#### EXAMPLES OF CHILD RELATED PRODUCTS COVERED BY THE GPSD

- Wheeled Child Conveyances - Prams and Pushchairs
- Cribs and Cradles
- Soothers
- Baby Walkers
- Childs Drinking Equipment
- Safety gates
- Play pens
- Baby bouncers
- Highchairs
- Child Clothing – Hood Cords etc

## SUMMARY

The General Product Safety Directive is aimed at ensuring that non-food consumer products placed on the EU market are safe. The objectives of the Directive are both to protect consumer health and safety and to ensure the proper functioning of the internal market. The Directive applies to products intended for or likely to be used by consumers.

It obliges **producers** to place only "safe" products on the market. When the **manufacturer** is not based in the EU, this obligation applies to his **representative in the EU** or, in the absence of a representative, to the **importer**.

The GPSD is intended to ensure a high level of product safety throughout the EU for consumer products not covered by sector legislation, but also to complete and complement the provisions of such sector legislation for the risks, the producer obligations and the authorities' powers and tasks not covered in it.

The Directive provides a generic definition of safe product. Products in conformity with the specific rules applicable in the Member State in which they are in circulation are deemed to meet the definition of safe product. In the absence of specific national rules, the safety of a product shall be assessed having regard to European standards, Community technical specifications, national standards of the country in which the product is in circulation, codes of good practice, the state of the art and expectations of consumers.

In addition to the basic requirement to place only safe products on the market, **producers** must inform consumers of the risks associated with the products they supply. They must take measures to be informed of risks posed by the products which they supply and take the appropriate measures to prevent such risks. Finally, they must be able to trace dangerous products. The obligations on **producers** apply to manufacturers, but also to any professional in the **supply chain** who affect the safety characteristics of a product

The Directive obliges **distributors** to help ensure compliance with the general safety requirement. In particular, they must not supply products that they know or should presume to be dangerous..

## LATVIAN LAW

The safety of pressure equipment is controlled in Latvia by the following legislation:

- **Consumer Rights Protection Law, 1999**
- **Law on the Safety of Goods and Services, 2004**

This legislation has transposed the requirements of the relevant European Directives into Latvian law.

## **SAFETY REQUIREMENT**

The safety requirement is that products placed on the market are **safe**.

A **"safe product"** is any product which, under normal or reasonably foreseeable conditions of use including duration and, where applicable, putting into service, installation and maintenance requirements, does not present any risk or only the minimum risks compatible with the product's use, considered to be acceptable and consistent with a high level of protection for the safety and health of persons, taking into account the following points in particular:

- the characteristics of the product, including its composition, packaging, instructions for assembly and, where applicable, for installation and maintenance;
- the effect on other products, where it is reasonably foreseeable that it will be used with other products;
- the presentation of the product, the labelling, any warnings and instructions for its use and disposal and any other indication or information regarding the product;
- the categories of consumers at risk when using the product, in particular children and the elderly.

The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk does not constitute grounds for considering a product to be "dangerous".

## **IMPORTANT**

**Producers, importers, distributors and suppliers must ensure that they comply fully with the provisions of the legislation.**

## **HAZARDS ASSOCIATED WITH PRODUCTS INTENDED FOR CHILDREN**

As noted earlier, the safety of children's products is of special concern because of the vulnerability of the intended user. Hazards to children are associated with a wide range of consumer products. Examples include strangulation deaths from window blind cords and clothing drawstrings; swimming pool and other at-home drownings; lethal falls from playground equipment; fatal choking incidents related to some children's toys; and various hazards with infant products, such as highchairs, cribs or cots, wheeled conveyances and baby walkers.

## **INSTRUCTIONS AND WARNINGS**

There are a number of matters which must be taken into account in assessing the safety of a product. These include instructions for assembly, use, maintenance and disposal of the product, as well as warnings given with the goods. **Producers** have a specific duty to provide consumers with relevant information about risks that may not be immediately obvious to the user of the product.

## **PRODUCTS OTHER THAN TOYS KNOWN TO HAVE CAUSED INJURIES TO CHILDREN**

- **Baby walkers**
- **Bath seats or rings**
- **Bunk beds**
- **Changing tables**
- **Child car seats**
- **Child gates/ safety barriers**
- **Child sleepwear**
- **Children's hooded outdoor wear**
- **Cots**
- **High chairs**
- **Inflatable swim armbands**
- **Jewellery - necklaces**
- **Pacifiers**
- **Pen tops**
- **Plastic bags**
- **Playground equipment**
- **Playpens: mesh-sided**
- **Sleep-suits**
- **Strollers**
- **Trampolines**
- **Wheeled children's conveyances**
- **Window blind or drapery cords**

### **NOTIFICATION OF DANGEROUS PRODUCTS**

Producers and distributors of consumer products (non-food) must inform the competent national authorities where they know that a product they have placed on the market (e.g. a toy, a childcare article, a domestic electrical appliance or a vehicle) poses risks to consumers.

**Further information is available from: [http://ec.europa.eu/consumers/cons\\_safe/prod\\_safe/gpsd/guidelines\\_lv.htm](http://ec.europa.eu/consumers/cons_safe/prod_safe/gpsd/guidelines_lv.htm)**

## RECENT RAPEX NOTIFICATIONS OF CHILD RELATED PRODUCTS THAT FAIL TO MEET THE ESSENTIAL SAFETY REQUIREMENTS OF THE GENERAL PRODUCT SAFETY DIRECTIVE

### PUSHCHAIR



The product poses a risk of injuries because:

- ⚡ the braking device does not work properly and the pushchair does not remain static on a slope,
- ⚡ gaps in the pushchair are accessible and could cause entrapment of children's fingers.

**The product does not comply with the relevant European standard EN 1888.**

### HIGHCHAIR



The product poses a risk of injuries because it does not pass the rearwards stability test and may tip over.

**The product does not comply with the relevant European standard EN 14988.**

## SOOTHERS



This product poses a risk of choking because when pulling off the teat from the ring it becomes detached while applying force less than 50 N.



This product presents a choking hazard because:

- ⚡ when the ring is being pulled off the shield at the right corner, the first side of the ring is detached applying a force less than 50 N, and
- ⚡ all other parts become detached with force less than 90 N at stage of holding.

**These products do not comply with the relevant European standard.**

## PUSHCHAIR



Due to a weakness in a plastic pivoting part of the handles, the handle can break. **5 incidents have been reported.**

## Safety Gate



The product poses a risk of injuries because:

- ⚡ the hinge that holds the gate within the frame may crack and fail, allowing the gate to fall away from the frame.
- ⚡ This would constitute a hazard to anyone passing through the gate at the time, and if the item did not break completely it could lead to failure at a later stage, e.g. if a child was to push or pull on the gate.

⚡ **14 incidents reported.**

### CHILDREN'S CLOTHING



These products pose a risk of suffocation because there are drawstrings in the hood areas.

### CHILDREN'S PYGAMAS



The product poses a risk of suffocation because it has drawstrings which are not permitted on children's clothing.

**The products do not comply with the standard EN 14682**

### TRAVEL COT



The product poses a risk of injuries because the plastic parts which form the corners of the cot allow the 7 mm diameter gauge to enter to a depth of more than 10 mm causing the risk of entrapment of child's fingers.

### CHILD'S COT



This product poses a serious risk of injuries because:

- ⚡ the bars of the crib can break, allowing the baby to pass a part of its body through it and thus placing it at risk of becoming trapped;
- ⚡ there are no instructions for use in the appropriate language.

**The products do not comply with the relevant European standard EN 716.**

## FOOD IMITATIONS



These pieces of plastic fruit and decorative candles pose a risk of choking because due to their characteristic form, appearance, colour and size, they may be mistaken for a foodstuff. This may lead children to put it in their mouths and swallow it, which could entail the risk of asphyxia or obstruction of the digestive tract.

The product does not comply with the [Directive 87/357/EEC](#) on dangerous imitations that prohibits the marketing, import and manufacture of products that look like foodstuffs but that are not edible.

## CHILD'S BIB



The product poses a chemical risk because the plastic on the back of the bib contains 2.96% of bis(2-ethylhexyl) phthalate DEHP by weight.

According to the **Chemical Restrictions Directive 76/769/EEC**, certain phthalates in childcare articles are prohibited