Commission Implementing Decision (EU) 2020/1808 of 30 November 2020 amending Implementing Decision (EU) 2019/1698 as regards European standards for certain child care articles, children's furniture, stationary training equipment, and the ignition propensity of cigarettes (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/1808

of 30 November 2020

amending Implementing Decision (EU) 2019/1698 as regards European standards for certain child care articles, children's furniture, stationary training equipment, and the ignition propensity of cigarettes

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety[(1)], and in particular the first subparagraph of Article 4(2) thereof,

Whereas:

(1) In accordance with to the second subparagraph of Article 3(2) of Directive 2001/95/EC a product is to be presumed safe as far as the risks and risk categories covered by the relevant national standards are concerned when it conforms to voluntary national standards transposing European standards, the references of which have been published by the Commission in the *Official Journal of the European Union* in accordance with Article 4 of that Directive.

(2) On 25 March 2008, the Commission adopted Decision 2008/264/EC[(2)] on the safety requirements to be met by European standards for cigarettes.

(3) By letter M/425 of 27 June 2008, the Commission made a request to CEN to prepare European standards relating to the fire safety requirements for cigarettes. On the basis of that request, CEN adopted standard EN ISO 12863:2010 'Standard test method for assessing the ignition propensity of cigarettes' and amendment to that standard – EN ISO 12863:2010/A1:2016. The reference of the standard and its amendment were published by Commission Implementing Decision (EU) 2019/1698[(3)]. In order to ensure a correct and consistent application of standard EN ISO 12863:2010 as amended by EN ISO 12863:2010/A1:2016 and to introduce technical corrections CEN adopted corrigendum EN ISO 12863:2010/AC:2011. Standard EN ISO 12863:2010 as amended by EN ISO 12863:2010/A1:2016 and as corrected by EN ISO 12863:2010/AC:2011 complies with the general safety requirement set out in Directive 2001/95/EC. It is therefore appropriate to publish the reference of corrigendum EN ISO 12863:2010/AC:2011 in the *Official Journal of the European Union* together with reference of standard EN ISO 12863:2010 and its amendment EN ISO 12863:2010/A1:2016.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1808. (See end of Document for details)*

(4) On 2 July 2010 the Commission adopted Decision 2010/376/EU[(4)] on the safety requirements to be met by European standards for certain products in the sleep environment of children.

(5) By letter M/497 of 20 October 2011, the Commission made a request to CEN to draw up European standards on the safety of child-care articles subject to risks related to the sleeping environment (cluster 2 risks), in particular, mattresses for cots, cot bumpers, suspended beds for children, duvets for children, and sleep bags for children.

(6) On the basis of request M/497, CEN adopted standard EN 16890:2017 'Children's furniture – Mattresses for cots and cribs – Safety requirements and test methods'. Standard EN 16890:2017 complies with the general safety requirement set out in Directive 2001/95/EC. Its reference should therefore be published in the *Official Journal of the European Union*.

(7) On 6 January 2010, the Commission adopted Decision 2010/9/EU[(5)] on the safety requirements to be met by European standards for bath rings, bathing aids and bath tubs and stands for infants and young children.

(8) By letter M/464 of 3 May 2010, the Commission made a request to CEN to draw up European standards to address the main risks associated with the safety of child-care articles subject to risks related to drowning (cluster 1 risks), in particular bath rings, bathing aids, bath tubs and stands.

(9) On the basis of request M/464, CEN adopted standard EN 17022:2018 'Child care articles – Bathing aids – Safety requirements and test methods'. Standard EN 17022:2018 complies with the general safety requirement set out in Directive 2001/95/EC. Its reference should therefore be published in the *Official Journal of the European Union*.

(10) On the basis of request M/464, CEN adopted standard EN 17072:2018 'Child care articles – Bath tubs, stands and non-standalone bathing aids – Safety requirements and test methods'. Standard EN 17072:2018 complies with the general safety requirement set out in Directive 2001/95/EC. Its reference should therefore be published in the *Official Journal of the European Union*.

(11) On 24 July 2011, the Commission adopted Decision 2011/476/EU[(6)] on the safety requirements to be met by European standards for stationary training equipment.

(12) By letter M/506 of 5 September 2012, the Commission made a request to CEN to draw up European standards to address the main risks associated with stationary training equipment pursuant to the safety requirements. On the basis of that request, CEN adopted standard EN ISO 20957-9:2016 'Stationary training equipment – Part 9: Elliptical trainers, additional specific safety requirements and test methods (ISO 20957-9:2016)' the reference of which was published by Implementing Decision (EU) 2019/1698.

(13) Taking into account new knowledge, CEN revised standard EN ISO 20957-9:2016. This resulted in adoption of amendment EN ISO 20957-9:2016/A1:2019 'Stationary training equipment – Part 9: Elliptical trainers, additional specific safety requirements

and test methods – Amendment 1 (ISO 20957-9:2016/Amd 1:2019)'. Standard EN ISO 20957-9:2016 as amended by EN ISO 20957-9:2016/A1:2019 complies with the general safety requirement set out in Directive 2001/95/EC. Reference of amendment EN ISO 20957-9:2016/A1:2019 should therefore be published in the *Official Journal of the European Union* together with reference of standard EN ISO 20957-9:2016.

(14) References of European standards adopted in support of Directive 2001/95/EC are published by Implementing Decision (EU) 2019/1698. In order to ensure that the references of European standards drafted in support of Directive 2001/95/EC are listed in one act, the relevant references of new standards, amendments and corrections to standards should be included in Implementing Decision (EU) 2019/1698.

(15) Implementing Decision (EU) 2019/1698 should therefore be amended accordingly.

(16) Compliance with the relevant national standards transposing European standards the references of which have been published in the *Official Journal of the European Union* confers a presumption of safety as far as the risks and risk categories covered by the relevant national standard are concerned from the date of publication of the reference of the European standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the date of its publication.

(17) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Directive 2001/95/EC,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Implementing Decision (EU) 2019/1698 is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 30 November 2020.

For the Commission

The President

Ursula VON DER LEYEN