Commission Implementing Decision (EU) 2019/1698 of 9 October 2019 on European standards for products drafted in support of Directive 2001/95/EC of the European Parliament and of the Council on general product safety (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1698

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(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 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 27 July 2011 the Commission adopted Decision 2011/479/EU[(2)] on the safety requirements to be met by the European standards for gymnastic equipment.

(3) By letter M/507 of 5 September 2012, the Commission made a request to CEN for drawing up European standards to address the main risks associated with gymnastic equipment pursuant to the safety requirements. On the basis of that request, CEN adopted a standard: EN 913:2008 for gymnastic equipment — general safety requirements and test methods. The reference of that standard was published in the *Official Journal of the European Union*[(3)] on 11 July 2014 on the basis of Commission Implementing Decision 2014/357/EU[(4)].

(4) Taking into account new knowledge and the development of the market, CEN drafted new European standard EN 913:2018.

(5) European standard EN 913:2018 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*.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1698. (See end of Document for details)*

(6) On 29 November 2011 the Commission adopted Decision 2011/786/EU[(5)] on the safety requirements to be met by the European standards for bicycles, bicycles for young children, and luggage carriers for bicycles.

(7) By letter M/508 of 6 September 2012, the Commission made a request to CEN for drawing up European standards to address the main risks associated with bicycles, bicycles for young children and luggage carriers for bicycles pursuant to the safety requirements. On the basis of that request, CEN adopted a series of standards: EN ISO 4210-2:2014 for requirements for city and trekking, young adult, mountain and racing bicycles and EN ISO 4210-6:2014 for frame and fork test methods. The references of those standards were published in the *Official Journal of the European Union*[(6)] on the basis of Commission Implementing Decision (EU) 2015/681[(7)].

(8) Taking into account new knowledge and the development of the market, CEN drafted new European standards EN ISO 4210-2-2015 and EN ISO 4210-6-2015.

(9) European standards EN ISO 4210-2-2015 and EN ISO 4210-6-2015 comply with the general safety requirement set out in Directive 2001/95/EC. Their reference should therefore be published in the *Official Journal of the European Union*.

(10) On the basis of the request M/508 of 6 September 2012 of the Commission, CEN adopted a standard: EN 14872:2006 for bicycles — Accessories for bicycles — Luggage carriers. The reference of that standard was published in the *Official Journal of the European Union*[(8)] on the basis of Commission Decision 2006/514/EC[(9)].

(11) Taking into account new knowledge and the development of the market, CEN drafted new European standard EN ISO 11243:2016.

(12) European standard EN ISO 11243:2016 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*.

(13) On 25 March 2008 the Commission adopted Decision 2008/264/EC[(10)] on the safety requirements to be met by the European standards for cigarettes.

(14) By letter M/425 of 27 June 2008, the Commission made a request to the European Committee for Standardisation (CEN) for drawing up European standards to address the main risks associated with cigarettes pursuant to the fire safety requirements. On the basis of that request, CEN adopted the standard: EN ISO 12863:2010 on test method for assessing the ignition propensity of cigarettes. The reference of that standard was published in the *Official Journal of the European Union*[(11)] on the basis of Commission Decision 2011/496/EU[(12)].

(15) Taking into account new knowledge and the development of the market, CEN amended standard EN ISO 12863:2010 by adopting the amendment EN ISO 12863:2010/A1:2016.

(16) The amendment EN ISO 12863:2010/A1:2016 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*.

(17) On 27 July 2011 the Commission adopted Decision 2011/476/EU[13] on the safety requirements to be met by the European standards for stationary training equipment.

(18) By letter M/506 of 5 September 2012, the Commission made a request to CEN for drawing 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 a series of standards: EN 957-4:2006+A1:2010 for strength training benches, additional specific safety requirements and test methods; EN 957-5:2009 for stationary exercise bicycles and upper body crank training equipment, additional specific safety requirements and test methods, EN 957-8:1998 for steppers, stairclimbers and climbers — additional specific safety requirements and test methods, EN 957-9:2003 for elliptical trainers, additional specific safety requirements and test methods, and EN 957-10:2005 for exercise bicycles with a fixed wheel or without freewheel, additional specific safety requirements and test methods. The references of those standards were published in the *Official Journal of the European Union*[14] on the basis of Implementing Decision 2014/357/EU.

(19) Taking into account new knowledge and the development of the market, CEN drafted new standards EN ISO 20957-4:2016, EN ISO 20957-5:2016, EN ISO 20957-8:2017, EN ISO 20957-9:2016 and EN ISO 20957-10:2017.

(20) European standards EN ISO 20957-4:2016, EN ISO 20957-5:2016, EN ISO 20957-8:2017, EN ISO 20957-9:2016 and EN ISO 20957-10:2017 comply with the general safety requirement set out in Directive 2001/95/EC. Their references should therefore be published in the *Official Journal of the European Union*.

(21) On 21 April 2005 the Commission adopted Decision 2005/323/EC[15] on the safety requirements to be met by the European standards for floating leisure articles for use on and in the water.

(22) By letter M/372 of 5 September 2012, the Commission made a request to CEN for drawing up European standards to address the main risks associated with floating leisure articles for use on and in the water pursuant to the safety requirements. On the basis of that request, CEN adopted a series of standards: EN 15649-1:2009+A2:2013, EN 15649-2:2009+A2:2013, EN 15649-3:2009+A1:2012, EN 15649-4:2010+A1:2012, EN 15649-5:2009, EN 15649-6:2009+A1:2013, EN 15649-7:2009 for floating leisure articles for use on and in the water. The references of that series of standards were published in the *Official Journal of the European Union*[16] on the basis of Commission Implementing Decisions 2014/359/EU[17], 2014/875/EU[18] and 2013/390/EU[19].

(23) Taking into account new knowledge and the development of the market, CEN drafted new series of European standard EN ISO 25649:2017 (parts 1 – 7).

(24) European standards EN ISO 25649:2017 (parts 1 – 7) comply with the general safety requirement set out in Directive 2001/95/EC. Their references should therefore be published in the *Official Journal of the European Union*.

(25) European standards EN 913:2008, EN 957-4:2006+A1:2010, EN 957-5:2009, EN 957-8:1998, EN 957-9:2003, EN 957-10:2005, EN ISO 4210-2:2014, EN ISO

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4210-6:2014, EN 14872:2006 and EN 15649 series are replaced by new or amended European standards the references of which are to be published by this Decision. It is therefore necessary to withdraw the references of those standards from the *Official Journal of the European Union*[20].

(26) In the interests of clarity, a complete list of references of European standards drafted in support of Directive 2001/95/EC and satisfying the requirements they aim to cover should be published in one act. The references of European standards currently published in the *Official Journal of the European Union*[21] should therefore be included in this Decision. Consequently, it is necessary to repeal the relevant Commission Decisions on publication of those standards.

(27) Compliance with the relevant national standard transposing European standard 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.

(28) 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

The references of European standards for products drafted in support of Directive 2001/95/EC, listed in Annex I to this Decision, are hereby published in the *Official Journal of the European Union*.

Article 2

The references of European standards for products drafted in support of Directive 2001/95/EC, listed in Annex II to this Decision, are hereby withdrawn from the *Official Journal of the European Union*.

Article 3

Commission Decision C(2004) 1493[22], Commission Decision 2005/718/EC[23], Decision 2006/514/EC, Commission Decision 2009/18/EC[24], Decision 2011/496/EU, Commission Implementing Decision 2012/29/EU[25], Implementing Decision 2013/390/EU, Implementing Decision 2014/357/EU, Commission Implementing Decision 2014/358/EU[26], Implementing Decision 2014/359/EU, Commission Implementing Decision 2014/531/EU[27], Implementing Decision 2014/875/EU, Implementing Decision (EU) 2015/681, Commission Implementing Decision (EU) 2015/1345[28] and Commission Implementing Decision (EU) 2017/1014[29] are repealed.

Article 4

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

ANNEX I

No	Reference of the standard
1.	EN 581-1:2006 Outdoor furniture — Seating and tables for camping, domestic and contract use — Part 1: General safety requirements
2.	EN 913:2018 Gymnastic equipment — General safety requirements and test methods
3.	EN 914:2008 Gymnastic equipment — Parallel bars and combination asymmetric/parallel bars — Requirements and test methods including safety
4.	EN 915:2008 Gymnastic equipment — Asymmetric bars — Requirements and test methods including safety
5.	EN 916:2003 Gymnastic equipment — Vaulting boxes — Requirements and test methods including safety
6.	EN 957-2:2003 Stationary training equipment — Part 2: Strength training equipment, additional specific safety requirements and test methods
7.	EN 957-6:2010+A1:2014 Stationary training equipment — Part 6: Treadmills, additional specific safety requirements and test methods
8.	EN 957-7:1998 Stationary training equipment — Part 7: Rowing machines, additional specific safety requirements and test methods
9.	EN 1129-1:1995 Furniture — Foldaway beds — Safety requirements and testing — Part 1: Safety requirements
10.	EN 1129-2:1995 Furniture — Foldaway beds — Safety requirements and testing — Part 2: Test methods
11.	EN 1130-1:1996 Furniture — Cribs and cradles for domestic use — Part 1: Safety requirements