



Position Paper

Using consumer appliances in Europe – the consumer view

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1. Executive Summary

Product safety needs to be ensured by safe design, and cannot be substituted by warnings and consumer information.

The European safety policy on the safety of household appliances is based on the support of technical standards, elaborated mainly by industry. This freedom to self-regulate needs to be accompanied by an obligation to provide the highest level of protection possible to consumers, including the vulnerability of the consumer.

ANEC also makes a plea to reduce surface temperature limits and to introduce food safety and hygiene requirements in the European standards for electrical household appliances, now missing.

ANEC believes a lot can be improved in the present standards in order to increase product safety and we are working very hard to make this happen. We already achieved to improve the safety of household appliances for vulnerable consumers. However, no matter how good a standard is, it will not increase consumer protection if it is not properly implemented. Therefore, all parties around the table have to take their responsibilities and provide for enough resources to make the system work for all.

2. Introduction

Consumers expect electrical household appliances to be safe, for themselves, their children and the older members of their families.

Yet present European and International electrical product safety standards (IEC/EN 60335¹) state that they do not "In general, take into account persons (including children) whose physical, sensory or mental capabilities; or lack of experience and knowledge prevents them from using the appliance safely without supervision or instruction".

Since 2005, ANEC has been successful in making proposals to change a range of appliance standards to make them safer for all. ANEC has so far proposed changes to the standards for microwave ovens, hobs and ovens, hairdryers, water heaters, lawnmowers and trimmers, toasters, grills and similar portable cooking appliances. The aim is to make those appliances safer for everyone, including seniors and children.

In addition, ANEC is also working to reduce surface temperature limits and to introduce food safety and hygiene requirements in the European standards for electrical household appliances, presently missing.

¹ Standards series IEC EN 60335 "Safety of household and similar electrical appliances"

3. Safe household appliances for All

The first set of draft revised Part 2 standards from the EN 60335 series was sent for enquiry to the CENELEC² national members in June 2009. ANEC submitted comments on EN 60335-2-2 (vacuum cleaners), 2-3 (electric irons), 2-6 (cooking ranges, hobs, ovens), 2-7 (washing machines), 2-23 (appliances for skin or hair care), 2-52 (oral hygiene appliances).

Following positive votes, all were adopted as European Standards in April 2010. The references of the six standards above will be published in the Official Journal of the European Union as 'harmonized standards', so permitting manufacturers a presumption of conformity to European health and safety legislation in their application. The standards were made available on 1 November 2010. In addition, revision of additional Parts 2 and Part 1 is currently undergoing.

These are the first six standards in the EN 60335 series of standards to include requirements covering the use of household appliances by vulnerable consumers. The six Parts will set the pattern for more revised Parts 2 to follow. Although these revisions have taken many years to achieve, they represent an enormous success for the consumer movement and for ANEC.

Despite most ANEC comments being accepted in the revisions, we were disappointed that no lower surface temperatures for domestic appliances such as cooking ranges were agreed, because burns are one of the most common causes of injury at home³.

Although the values agreed in the revised standards represent an improvement compared with the previous editions of the standards, the values are not in line

² European Committee for Electrotechnical Standardization

³ International Burn Injury Database, First Report, May 2008.

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with CENELEC Guide 29⁴ "Temperatures of hot surfaces". According to this Guide, adopted to support Mandate M/346⁵, the temperature limits in the standards are above the burn threshold curves and therefore pose a serious safety risk to children and older people.

We therefore call on all the concerned stakeholders to start working with us as soon as possible on this issue. Market Surveillance authorities also share our concerns as they have adopted a LVD ADCO Recommendation⁶ last year, which states that CENELEC Guide 29 limits will be used by Market Surveillance authorities to assess the safety of products (surface temperature limits).

ANEC expects significant improvements compared to the present situation because product safety needs to be ensured by safe design, including safe temperature limits, and cannot be substituted by warnings and consumer information.

⁴ CENELEC Guide 29: 2007 'Temperatures of hot surfaces likely to be touched'

⁵ Surface temperatures of accessible non-functional surfaces of electrical equipment included in the scope of the LVD

⁶ LVE ADCO Recommendation from 16 August 2010 regarding hot, touchable, non-functional surfaces

3.1. Child Appealing products

Apart from the revised Parts 2 of EN 60335 mentioned before, and although more and more child appealing products are entering the European market, there are no clear indications in EU legislation or in European standards on how it is assessed and/or decided whether a product is child appealing or not.

There is a need for a common approach of what is a child appealing product and for clear and common criteria to judge if a product is child appealing. This is why ANEC was actively involved in the PROSAFE⁷ project on child appealing products together with other stakeholders. ANEC does not ask for a ban of child-appealing products. However, if child-appealing appliances are on the market, they shall be safe for children to use or to come into contact with them in the home environment, whether they are connected to the mains supply or not.

We fully recognise in such cases that electrical household appliances do not have a play value, but it can be expected that children will be attracted by the design and would want to interact with the product. It is therefore crucial that the work covers child-appealing designs, and not toy-like appliances. Toy-like implies play value, but it is clear that in the case of electrical household appliances, children are interacting with the appliances because they are appealing to children due to their characteristics, and are not playing with them.

Of course we agree that parents should take their responsibility. The Product Liability Directive⁸ grants consumers the protection they are entitled to expect, either reasonably or legitimately. Manufacturers should provide sufficient detailed instructions in order to avoid any potential risks that could result from the use of

⁷ Product Safety Enforcement Forum of Europe

⁸ 85/374/EEC: Council Directive of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products

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the product, including those that could commonly or regularly occur. However, they cannot limit their liability by simply stating in the user instructions that the product has not been designed for what is a foreseeable use, in this case, the interaction of the child with the product because of its child-appealing design.

3.2 Food safety and hygiene requirements

Another important aspect of safe use of household appliances by consumers are food and hygiene aspects.

The EU integrated approach to food safety aims at ensuring a high level of control up to the retail outlet stage. However, once consumers buy their food, very little regulation appears to exist. Today, food safety and hygiene requirements apply to appliances intended to be used in the commercial sector but only sparsely to appliances for the domestic sector. Both kinds of appliances are covered by standards in the EN 60335 series. Those standards fall under the scope of the Low Voltage Directive⁹ or the Machinery Directive¹⁰ depending upon the nature of the main risk – not the intended place of use. For ANEC, this presents a problem as the two directives cover food safety differently. The Machinery Directive addresses food safety and hygiene risks specifically whereas the Low Voltage Directive describes risks in more general terms. Therefore different safety requirements apply depending upon which directive the standard is harmonised under. At the same time such appliances may be standing next to each other in the same kitchen and appliances are seen to migrate between the commercial and the domestic sector.

Food safety is important and it affects the health of the consumers. An ANEC sponsored study has indicated that it would be easy to transfer construction requirements for food safety and hygiene from appliances for the commercial sector to domestic appliances. Therefore there is no logic that such requirements should apply to equipment used for preparing food for sale to consumers and not to the equipment used in the private homes.

⁹ Directive 2006/95/EC of the European Parliament and of the Council of 12 December 2006 on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits

¹⁰ Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)

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A proposal to review the standard for household electrical appliances (refrigerating appliance with an integral cool water and ice-making facility) will be made by ANEC to CENELEC shortly to address food safety and hygiene aspects.

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4. Market Surveillance

ANEC believes that a lot can be improved in the present standards in order to increase product safety and we are working very hard to make this happen. Nevertheless all parties around the table have to take their responsibilities and provide for enough resources to make the system work.

No matter how good a standard is, it will not increase consumer protection if it is not properly implemented. And unfortunately, still too many unsafe products reach the European market as the Commission RAPEX notifications show.

With proper implementation, ANEC (and Orgalime)¹¹ believe that the New Legislative Framework (NLF)¹² provides the potential to achieve a real improvement for both the safety of consumers and for the competitiveness of the European engineering industry.

In the face of the increasing complexity of enforcing EU legislation, ANEC calls on Member States and the European Commission to allocate significant resources to market surveillance and to increase their co-ordination efforts, so as to ensure that the *acquis communautaire* of the Single European Market is preserved and strengthened to the benefit of both consumers and responsible manufacturers.

We therefore call for the creation of a European Framework for market surveillance to better coordinate the actions of Member States and ensure effectiveness and harmonisation of activities.

ANEC also wonders whether the present LVD directive, where standards are not checked by a consultant before they are published in the Official Journal (as it is done in other New Approach directives) and which does not foresee the possibility for Member States to formally object to a standard before its publication, is well equipped to deliver the safety consumers are entitled to expect. Many problems, and

¹¹ ANEC-SC-2009-G-014

¹² Regulation (EC)765/2008 and Decision 2008/768/EC of 13 July 2008.

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subsequent numerous amendments and revisions of standards, could be perhaps avoided if different legal provisions would be in place. We therefore call the legislators to pay particular attention to this aspect in the current alignment of the LVD with the NLF, and perhaps also consider the need of a more ambitious revision.

As far as the present revision of the standardization system is concerned, ANEC thinks that our experience so far with the so called “exclusion clause” campaign shows that a more balanced approach in standardization is needed if standards are to be used to implement legislation and achieve public interest goals such as product safety and consumer protection.

5. Conclusions

European safety policy, and specifically in the case of safety of household appliances, is based on the support of technical standards, which provide presumption of conformity with the legal safety requirements. Although ANEC recognises the contribution European standardisation has made to removing technical barriers to trade, especially in support of the New Approach, we do not believe that standardisation necessarily offers the expected level of consumer protection, as demonstrated in the case of the “exclusion clause”.

ANEC believes the freedom allowed to industry to self-regulate through standards needs to be accompanied by an obligation to provide the highest level of protection to consumers that is economically and reasonably possible. In the present case, it should also include the vulnerability of the consumer to the risks posed by household appliances. This subject is not only technical but goes to the centre of good consumer safety policy-making and injury prevention.

For many years, ANEC has been concerned about the limited scope of the EN 60335 series of standards. We have fought for the deletion of the exclusion clause and have gained support from the European Commission and public authorities– but we sense that some resistance to the changes we propose is still there, which we regret very much. In an environment of reduced public budgets, it is essential to ensure resources are appropriately and efficiently used to protect and benefit all consumers. And it is also essential to maintain the dialogue with all stakeholders concerned.

Acknowledgements

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APPENDIX – About ANEC and other documentation

A.1 About ANEC

ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and conformity assessment as well as related legislation and public policies. ANEC was established in 1995 as an international non-profit association under Belgian law and represents consumer organisations from 31 European countries. ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.

A.2 Contact person at the ANEC Secretariat

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More information about ANEC and its activities is available at www.anec.eu

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