

COMMISSION IMPLEMENTING DECISION (EU) 2022/1401**of 12 August 2022****amending Implementing Decision (EU) 2019/1698 as regards European standards for certain child care articles, children's furniture, gymnastic equipment, lighters, and information and communication technology equipment****(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) By letter M/264 of 16 December 1997, the Commission made a request to the European Committee for Standardisation ('CEN') to prepare European standards related to the safety of childcare articles ('request M/264').
- (3) On the basis of that request, CEN adopted standard EN 716-1:2017 'Furniture – Children's cots and folding cots for domestic use – Part 1: Safety requirements' and, further to that, a consolidated standard EN 716-1:2017+AC:2019, to include corrigendum AC:2019. The consolidated standard EN 716-1:2017+AC:2019 complies with the general safety requirement set out in Directive 2001/95/EC. The reference of standard EN 716-1:2017+AC:2019 should therefore be published in the *Official Journal of the European Union*.
- (4) 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.
- (5) By letter M/507 of 5 September 2012, the Commission made a request to CEN to prepare European standards on gymnastic equipment. On the basis of that request, CEN adopted a standard EN 914:2008 'Gymnastic equipment – Parallel bars and combination asymmetric/parallel bars – Requirements and test methods including safety', the references of which was published in the *Official Journal of the European Union* ⁽³⁾.
- (6) Taking into account new knowledge and the development of the market, CEN drafted the new standard EN 914:2020 which 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* replacing the reference of standard EN 914:2008.

⁽¹⁾ OJ L 11, 15.1.2002, p. 4.

⁽²⁾ Commission Decision 2011/479/EU of 27 July 2011 on the safety requirements to be met by European standards for gymnastic equipment pursuant to Directive 2001/95/EC of the European Parliament and of the Council (OJ L 197, 29.7.2011, p. 13).

⁽³⁾ 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 (OJ L 259, 10.10.2019, p. 65).

- (7) 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.
- (8) By letter M/497 of 20 October 2011, the Commission made a request to CEN to prepare European standards on the safety of childcare articles, cluster 2 – risks in the sleep environment. On the basis of that request, CEN adopted the standard EN 1130-1:1996 ‘Furniture – Cribs and cradles for domestic use – Part 1: Safety requirements’ and EN 1130-2:1996 ‘Furniture – Cribs and cradles for domestic use – Part 2: Test methods’. The references of those standards were published in the *Official Journal of the European Union* ⁽⁵⁾.
- (9) Taking into account new knowledge and the development of the market, CEN adopted the new standard EN 1130:2019 ‘Children’s furniture – Cribs – Safety requirements and test methods’ which complies with the general safety requirement set out in Directive 2001/95/EC. The reference of standard EN 1130:2019 should therefore replace the references to standards EN 1130-1:1996 and EN 1130-2:1996.
- (10) Then CEN drafted corrigendum EN 1130:2019/AC:2020 to correct the chemical abbreviation for Manganese. Therefore, in order to ensure the correct application of EN 1130:2019, it is appropriate to publish the reference to corrigendum EN 1130:2019/AC:2020 in the *Official Journal of the European Union* together with EN 1130:2019.
- (11) On 7 March 2013 the Commission adopted Decision 2013/121/EU ⁽⁶⁾ on the safety requirements to be met by European standards for certain seats for children.
- (12) On 22 July 2014 the Commission adopted Implementing Decision C(2014) 5058 final ⁽⁷⁾ on a standardisation request to the European standardisation organisations to draft European standards for certain seats for children (‘request M/527’).
- (13) On the basis of that request, CEN adopted the standard EN 1272:2017 ‘Child care articles – Table mounted chairs – Safety requirements and test methods’ which complies with the general safety requirement set out in Directive 2001/95/EC. The reference of standard EN 1272:2017 should therefore be published in the *Official Journal of the European Union*.
- (14) On the basis of request M/264, CEN adopted standard EN 1400:2013+A2:2018 ‘Child use and care articles – Soothers for babies and young children – Safety requirements and test methods’ which complies with the general safety requirement set out in Directive 2001/95/EC. The reference of standard EN 1400:2013+A2:2018 should therefore be published in the *Official Journal of the European Union*.
- (15) On the basis of request M/264, CEN drafted corrigendum EN 1466:2014/AC:2015 ‘Child use and care articles – Carry cots and stands – Safety requirements and test methods’ to EN 1466:2014. The reference of standard EN 1466:2014 was published in the *Official Journal of the European Union* ⁽⁸⁾. In view of the fact that corrigendum EN 1466:2014/AC:2015 includes technical corrections, and in order to ensure correct and consistent application of EN 1466:2014, it is appropriate to publish the reference of corrigendum EN 1466:2014/AC:2015 in the *Official Journal of the European Union* together with EN 1466:2014 that was previously published.

⁽⁴⁾ Commission Decision 2010/376/EU of 2 July 2010 on the safety requirements to be met by European standards for certain products in the sleep environment of children pursuant to Directive 2001/95/EC of the European Parliament and of the Council (OJ L 170, 6.7.2010, p. 39).

⁽⁵⁾ Commission Implementing Decision (EU) 2019/1698.

⁽⁶⁾ Commission Decision 2013/121/EU of 7 March 2013 on the safety requirements to be met by European standards for certain seats for children pursuant to Directive 2001/95/EC of the European Parliament and of the Council on general product safety (OJ L 65, 8.3.2013, p. 23).

⁽⁷⁾ Commission Implementing Decision C(2014) 5058 final of 22 July 2014 on a standardisation request to the European standardisation organisations to draft European standards for certain seats for children in support of Directive 2001/95/EC of the European Parliament and of the Council.

⁽⁸⁾ Commission Implementing Decision (EU) 2019/1698.

- (16) By letter M/266 of 16 December 1997, the Commission made a request to CEN to prepare standards related to lighters for the safety of consumers and children. On the basis of that request, CEN adopted standard EN ISO 9994:2006 'Lighters – Safety specification (ISO 9994:2005)'. The reference of standard EN ISO 9994:2006 was published in the *Official Journal of the European Union* ⁽⁹⁾.
- (17) Taking into account new knowledge, CEN adopted the new standard EN ISO 9994:2019 'Lighters – Safety specification (ISO 9994:2018)' which complies with the general safety requirement set out in Directive 2001/95/EC. Therefore, the reference of standard EN ISO 9994:2019 should replace the reference of EN ISO 9994:2006.
- (18) On the basis of the request M/527, CEN adopted the standard EN 14988:2017+A1:2020 'Children's high chairs – Requirements and test methods' which complies with the general safety requirement set out in Directive 2001/95/EC. The reference of standard EN 14988:2017+A1:2020 should therefore be published in the *Official Journal of the European Union*.
- (19) On the basis of the request M/527, CEN adopted the standard EN 16120:2012+A2:2016 'Child use and care articles – Chair mounted seat' which complies with the general safety requirement set out in Directive 2001/95/EC. The reference of standard EN 16120:2012+A2:2016 should therefore be published in the *Official Journal of the European Union*.
- (20) On 23 June 2009 the Commission adopted Decision 2009/490/EC ⁽¹⁰⁾ on the safety requirements to be met by European standards for personal music players.
- (21) By letter M/452 of 28 September 2009, the Commission made a request to the European Committee for Electrotechnical Standardization ('Cenelec') to draw up European standards for personal music players. On the basis of this request, Cenelec adopted standard EN IEC 62368-1:2020 on 'Audio/video, information and communication technology equipment – Part 1: Safety requirements' and, further to that, the amendment EN IEC 62368-1:2020/A11:2020. EN IEC 62368-1:2020 is proposed with its amendment A11:2020, which complies with the general safety requirement set out in Directive 2001/95/EC. Its reference should be published in the *Official Journal of the European Union* replacing the references EN 60065:2002 'Audio, video and similar electronic apparatus – Safety requirements' and EN 60950-1:2006 'Information technology equipment – Safety – Part 1: General requirements'. However, the publication of those references should be limited to the clauses 3.3.19 'Sound exposure' and 10.6 'Safeguard against acoustic energy sources', given that the purpose of Commission Decision 2009/490/EC is limited to ensuring that exposure to sound from personal music players does not pose a risk to hearing.
- (22) 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.
- (23) Implementing Decision (EU) 2019/1698 should therefore be amended accordingly.
- (24) 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.
- (25) The measures provided for in this Decision are in accordance with the opinion of the Committee established pursuant to Article 15 of Directive 2001/95/EC,

⁽⁹⁾ Commission Implementing Decision (EU) 2019/1698.

⁽¹⁰⁾ Commission Decision 2009/490/EC of 23 June 2009 on the safety requirements to be met by European standards for personal music players pursuant to Directive 2001/95/EC of the European Parliament and of the Council (OJ L 161, 24.6.2009, p. 38).

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, 12 August 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex I is amended as follows:

(1) the following row is inserted:

'1a.	EN 716-1:2017+AC:2019 Furniture – Children's cots and folding cots for domestic use – Part 1: Safety requirements'
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(2) row 3 is replaced by the following:

'3.	EN 914:2020 Gymnastic equipment – Parallel bars and combination asymmetric/parallel bars – Requirements and test methods including safety'
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(3) rows 11 and 12 are replaced by the following:

'11.	EN 1130:2019 Children's furniture – Cribs – Safety requirements and test methods EN 1130:2019/AC:2020'
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(4) the following row is inserted:

'12a.	EN 1272:2017 Child care articles – Table mounted chairs – Safety requirements and test methods'
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(5) the following row is inserted:

'13a.	EN 1400:2013+A2:2018 Child use and care articles – Soothers for babies and young children – Safety requirements and test methods'
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(6) row 14 is replaced by the following:

'14.	EN 1466:2014 Child use and care articles – Carry cots and stands – Safety requirements and test methods EN 1466:2014/AC:2015'
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(7) row 27 is replaced by the following:

'27.	EN ISO 9994:2019 Lighters – Safety specification (ISO 9994:2018)'
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(8) the following rows are inserted:

'48a.	EN 14988:2017+A1:2020 Children's high chairs – Requirements and test methods
48b.	EN 16120:2012+A2:2016 Child use and care articles – Chair mounted seat'

(9) rows 66 and 67 are replaced by the following:

'66.	EN IEC 62368-1:2020 Audio/video, information and communication technology equipment – Part 1: Safety requirements EN IEC 62368-1:2020/A11:2020 <i>Notice: this publication concerns only clauses 3.3.19 "Sound exposure" and 10.6 "Safeguard against acoustic energy sources" of EN IEC 62368-1:2020/A11:2020.'</i>
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