



The news in brief

July - August 2010

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AT A GLANCE - IN THIS ISSUE

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- **Safety of toys** (08/04), **children's sleeping products** (08/03)
- **Machinery:** machinery directive standards (08/18) non-road mobile machinery (08/16), noise (08/17)
- **Electrical products:** eco-design (08/12), RTTE (08/07)
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MULTI-SECTORAL ISSUES:

- **Eco-design** (08/12)
- **Environmental regulation** and the impact of economic crisis (08/16, 08/17)
- **Environmental impact assessment** (08/09)
- **Energy efficiency** (08/08)
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- **Counterfeiting** (08/01)
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- **New legislative framework:** overview (08/10), machinery (08/18), pressure equipment (08/11)

Toy safety: guidance pours out on new version of Directive

The flow of official guidance has dramatically increased on how to apply the 2009 version of the Toy Safety Directive which, for most toys, definitively replaces the current version in July 2011. Guidance was needed, to clarify uncertainties in the 2009 text, and includes a 157-page text which explains the new Directive, article-by-article, with examples and pictures; notably, it clarifies the increased responsibilities of distributors and the applicability of product liability law. Many other documents have also been posted on Internet on specific issues, such as whether a type-approval certificate may be issued for a product which fails to meet safety thresholds in European standards. The EU had already published a Chinese-language version of the Directive – most of the world's toys are made in China.

Standards themselves have been updated, with recognition of new versions of 4 part-standards in the core EN 71 series. All must be applied immediately under the current Directive.

Report reference 2010/08/04

Eco-design: information fails to keep up with progress

Progress in the EU's *eco-design* programme continues, with the publication of outlines of new regulatory proposals for lighting, residential air-conditioners, washing-machines, and dish-washers, although none of them has yet been approved. In six other sub-sectors of domestic and commercial electrical products, the first technical conclusions have appeared in long-term studies intended to lead to new regulations after 2011. Technical preparations in two other sub-sectors have been suspended, pending a review of possible overlaps between studies; both cover heating products.

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But the increasing scale and complexity of the *eco-design* programme is leading to problems of transparency. Early developments in the programme were easy to identify, but the latest ones are not. Worse, some official presentations of data are late, incomplete, or plain wrong. Since *eco-design* remains the single most important programme in EU efforts to improve energy efficiency in the fight against climate change, suppliers of energy-related products have little option but to increase their own efforts to identify new moves.

Report reference 2010/08/12

One-stop approval for services: signs of a change in EU strategy

Dedicated information centres, called *points of single contact* and able to provide information in English on local regulations for services, have been established in 19 EU member states. Several others have centres working in their national language, and all are part of the implementation of the EU's Services Directive. Services are estimated to account for 70% of the EU's economy, and cover anything from traditional areas such as consulting engineering or tourism, to emerging services such as installation of renewable energy facilities. "*Services Directive hits the finishing line*" was one claim. But analysis suggests a more nuanced picture and, although it is not publicly acknowledged, a new strategy may be emerging. That would be of wide interest.

What is acknowledged is that implementation of the Directive has proved *particularly challenging... for Member States*: a coded message that it's not working. The original focus on fast introduction of one-stop approval for services, to match what already exists for most goods, appears to have been replaced by a focus on transparency as the first step. That approach has worked elsewhere, but very slowly: in pharmaceuticals, for example, it took 30 years to get through the phase of transparency to reach one-stop approval. Recognising the potential concerns, a public consultation has been launched, to encourage new views on the best way to achieve progress.

Report reference 2010/08/02

Environmental regulation offers its first victim to the economic crisis

For the first time in the current recession, implementation of an environmental regulation has been delayed for openly economic reasons: bluntly, it's too expensive. The sector is non-road mobile machinery, for which delays are announced, until 2013, in the implementation of the latest phase of mandatory air emission reductions from diesel engines otherwise due to apply from January 2011. The category includes products such as bulldozers, compressors, and locomotives.

Report reference 2010/08/16

Environmental regulation – in this case of noise – is also under review in the related sector of outdoor machinery, which overlaps with mobile machinery above but also includes smaller products such as hedge-trimmers or chain-saws. Interest in reducing noise disturbance remains, but present requirements have been shown to be needlessly onerous. More news is expected before October on whether they will also be a casualty of the economic crisis. More news is expected before October.

Report reference 2010/08/17

Cosmetics: postponement of ban on animal tests?

A set of technical reports published in July casts doubt on the feasibility of achieving the 2013 deadline currently set by the EU for banning all tests of cosmetics on animals, and the EU has requested public comments. In the meantime, it has not acknowledged any general problem with the ban – perhaps understandably in light of the extreme public sensitivity of the issue. The form of the announcement suggests that the authorities are trying to defuse a potentially explosive reaction in public opinion by encouraging objective debate.

Report reference 2010/08/19

Automotive sector: cautious steps towards smart vehicles

A directive has been ratified which paves the way for a new generation of *Intelligent Transport Systems* (ITS) in vehicles. ITS typically use radio to alert drivers to major safety or traffic

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issues. Examples are the integration of real-time information on traffic into GPS maps, or emergency warnings of an accident ahead. Radio frequencies for ITS had already been allocated, in 2008. But no concrete implementation measure has been announced. The directive offers a framework only, and is packed with safeguards which could delay implementation where there is no widespread consensus. Examples of issues identified for review in each case are privacy (of data on cars and drivers) and cost-effectiveness.

A separate announcement illustrates the problems of winning acceptance for new technology in this field. The European Commission has requested public comments on its proposal to impose *e-call* systems, which automatically transmit to emergency services the location of a vehicle involved in a crash. The cost, estimated at €100 per vehicle, has failed to win approval by EU governments so far.

Report reference 2010/08/14

Counterfeit goods: 2009 results show most problems unchanged

The latest official EU report on seizures of counterfeit goods, covering 2009, shows little change in the major problems, and no evidence of success in any government-led action programmes to achieve durable reductions. Only one product group, CDs, shows a substantial decrease – so big that it creates a misleading impression of overall progress.

Elements which remain stable are the position of China as the dominant source, and clothing and shoes as the most frequently seized products. Other products also remain more or less stable, including toys, electrical products, watches, and medicines, and cigarettes.

Private-sector initiatives to fight counterfeiting emerge as particularly important, and the report implicitly encourages their extension. It is unclear whether that will reduce pressure on the EU authorities to do more themselves, and a separate report indicates no substantive progress in EU efforts to negotiate a wider international *Anti-Counterfeiting Trade Agreement*.

Report reference 2010/08/01

Routine updates

Safety of children's products: new safety requirements have been imposed, with immediate effect, on five categories of product used by sleeping children, including mattresses.

Report reference 2010/08/03

Machinery: a new 400-page edition has been published of the official *Guide to the ... [2006] Machinery Directive*. A first edition in 2009 had covered only part of it. The paragraph-by-paragraph guide now explains how implementation will be affected by the later (2008) *New Legislative Framework* which applies to all *New Approach* Directives, and also which other EU Directives may also apply to Machinery.

Report reference 2010/08/18

Chemicals – REACH: the EU is maintaining its position that the end-November deadline for *registration*, which applies to chemicals sold in quantities of >1000 tpa and some high-risk substances, will not be extended, despite fears of high non-compliance. From then, sales of unregistered products become technically illegal

Report reference 2010/08/13

All CE Marking and New Approach Directives: the deadline has been extended until 15 September for public comment on proposals to update ten *New Approach* directives.

Report reference 2010/08/10

Medical devices: 1) official guidance on classification of devices has been updated for the first time since 2001, to reflect the latest (2007) revision to the directives and guidance from the *Global Harmonisation Task Force*. In this sector, risk-based classification determines conformity assessment needs.

2) the first 2010 update has been made to standards recognised under all 3 directives for the sector, and includes new texts on quality management and risk assessment.

3) regulation of X-ray equipment will be updated in 2011. Clarification and rationalisation appear to be the main goals – the current core texts date from the 1990s – rather than substantive new requirements.

Report reference 2010/08/06

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Telecommunications / radio spectrum: 1) spectrum allocations for *short-range devices* have been updated, along with technical parameters such as transmission power; the category includes products such as garage door-openers and radio-transmitting medical implants. 2) 40 new standards texts have been recognised under the RTTE Directive; most relate to radio spectrum issues, but an exception is the core EMC standard for harmonics emissions.

Report reference 2010/08/07

Energy efficiency: the EU has officially confirmed *Energy Star* specifications for computers, which had been announced in 2009, but had been wrongly described then as a *draft*.

Report reference 2010/08/08

Automotive vehicles: 1) electric cars: following the earlier adoption of a framework for type-approval, a mandate has been issued to develop standards for battery chargers;

2) safety risk assessment in roadside inspection of commercial vehicles: a new methodology classifies risks into 3 categories, and offers guidance on how to determine whether a given hazard should warrant removal of a vehicle from the road; the methodology has wider interest as an example of risk assessment processes.

3) 4-wheeled vehicles: the stream of announcements continues in the EU's programme of simplification of type-approval procedures, but they may only increase confusion; the objective of a transparent, intelligible framework based on direct use of international standards from UNECE still seems far away.

4) tractors may well be another example of the same problem: a proposal has been published to replace 50 type-approval directives with five "simpler" regulations; scepticism is justified.

Report reference 2010/08/15

ATEX (explosive atmosphere) products: four new standards texts have been recognised, covering petrol filling stations, underground conveyor belts, equipment encapsulation, and equipment ignition protection.

Report reference 2010/08/05

Foods - GMOs: A proposal would allow individual EU countries to take independent decisions, without central control, to ban the cultivation of GMOs (genetically modified organisms). The move would not change the current, centralised procedure for authorising sale of GMO-based foods, but is a significant concession to national campaigns for more control.

Report reference 2010/08/20

Pressure equipment 1) regulations have been revised for transportable equipment, to align EU regulations with international treaties for transport of dangerous goods, and to reflect the EU's *New Legislative Framework* adopted in 2008.

Report reference 2010/08/11

2) confusing data has been issued on Simple Pressure Vessels, on their definition, and on standards; quick clarification is likely.

Report reference 2010/08/22

Recreational craft: the deadline for applying a new version of a standard for fuel systems has been extended from March to December 2011.

Report reference 2010/08/21

New official reports and related announcements

[Items listed here may affect broad policy.]

Renewable energies / environmental impact: A public consultation has been opened on the case for updating EU procedures for *environmental impact assessment* (EIA). This may be of particular interest to suppliers of products used in the renewable energy sector. EIA's are today mandatory only for large projects; in the energy field that means large power plants. But renewable energy is often produced in smaller generating plants, for which harmonised processes of impact assessment do not yet exist. A separate announcement confirms the rising importance of this field: the EU's Energy Commissioner has proposed mandatory feed-in tariffs – guaranteed prices at a level which makes investment highly attractive – for renewable energy throughout the EU.

Report reference 2010/08/09