



Notification Number: 2006/622/F

Decree on the safety of certain items of stuffed furniture

Date received : 29/11/2006
End of Standstill : 28/02/2007 (31/05/2007)
Issue of comments by : Commission, Estonia, Portugal, Sweden
Issue of detailed opinion by : Austria, Belgium, Germany

Message

Message 002

Communication from the Commission - SG(2006) D/52977

Directive 98/34/EC

Translation of the message 001

Notification: 2006/0622/F

No abre el plazo - Nezaahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200602977.EN)

1. Structured Information Line

MSG 002 IND 2006 0622 F EN 28-02-2007 29-11-2006 F NOTIF 28-02-2007

2. Member State

France

3. Department Responsible

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3. Originating Department

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Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes, 9 Boulevard



Vincent Auriol, 75013 PARIS.

4. Notification Number

2006/0622/F – X30M

5. Title

Decree on the safety of certain items of stuffed furniture

6. Products Concerned

Brand new items of furniture on which one can sit or lie down and that contain stuffing.

7. Notification Under Another Act

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8. Main Content

The draft Decree lays down an inflammability requirement consisting of a limited reaction to the source used to light a burning cigarette. This requirement is intended to protect users against risks of fire in residential buildings by preventing the spread of fire in their environment.

It therefore applies to stuffed furniture most likely to expose users to this risk, and thus excludes certain products from its scope, such as stuffed furniture designed exclusively for engagement in open-air leisure activities, or period furniture conditioned from pre-existing furniture using solely natural stuffing materials and posing no risk of inflammability by cigarettes (the draft Decree will be supplemented by an Order specifying the stuffing which must not be used in order to take advantage of exclusion from the Decree with regard to such period furniture).

The text also lays down a consumer information requirement, by means of a marking that identifies the product and its supplier and warns users that the stuffed furniture is designed to reduce the risk of catching fire on contact with a lit cigarette.

In accordance with the logic of the new approach, the text lays down presumed conformity for products manufactured in compliance with the standards published in the Official Gazette of the French Republic or with a model for which an attestation of conformity has been issued by a French body or by an accredited body in another Member State of the European Community, an EFTA State or Turkey. It also provides for the free movement of stuffed furniture that complies with the standards, technical specifications or manufacturing processes of another Member State of the European Community, an EFTA State or Turkey, which guarantee a level of safety equivalent to that guaranteed by the Decree.

Lastly, it lays down penalties for failure to comply with the marking obligation and for the absence of proof of an attestation of conformity.

9. Brief Statement of Grounds

This text fits in with the French government's plan to combat everyday accidents, one of the priorities of which is to reduce the risk of fire in the home, and burns. According to the most recent figures available, fires in residential buildings cause 10 000 victims each year, including 460 deaths, of which almost 50% are among adults aged 15 to 64.

Furthermore, after flooding, fire is the second cause of death by domestic accidents among children under 5 years of age. Together with electrical appliances, heating and kitchen equipment, stuffed furniture is often involved in fires.

The improvement of the safety of stuffed furniture has long been a concern of the French authorities, resulting



in the development of a previous draft Decree sent to the European Commission in 1997. The present draft has been drawn up taking into account the European Commission's comments which emphasised the absence of scientific assessment of fireproofing – flame-retardant – treatments which manufacturers would be obliged to apply in order to meet the requirements (cigarette test, small flame test, loss of mass test) laid down by the draft submitted at the time. This led to the decision for the present draft to require passing the lit cigarette test only, which does not necessarily call for the use of this type of fireproofing treatment.

At the time of this notification, the French authorities would like to suggest that the European Commission consider the possibility of adopting a Community text on this subject.

Moreover, with a view to planning, at a second stage, the adoption of a new French or Community text containing further requirements such as the small flame test, which could call for the use of fireproofing products, it would be desirable for the European Commission to decide to launch scientific studies on the health and environmental risks of the use of these products, studies which can only be carried out at European level. We would like to state that the French authorities and the National Laboratory of Metrology and Testing would, of course, share in carrying out these studies.

10. Reference Documents - Basic Texts

Penal Code, in particular Articles 121-2, 131-40, 131-41, 132-11, 132-15 and R. 610-1 thereof;
Consumer Code, in particular Article L. 221-3 thereof;
Customs Code, in particular Article 38 thereof;

Documents already sent with Notification No 2003/0214/F

13. Confidentiality

NO

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT and SPS aspects (Agreements drawn up within the framework of the WTO)

TBT aspect (Agreement on Technical Barriers to Trade)

a) YES

SPS aspect (Agreement on Sanitary and Phytosanitary Measures)



a) NO.

b) (If the Member State replies 'no', it indicates the reasons for its reply, and ticks, below, beside the statements that apply:

i) The draft is not a sanitary or phytosanitary measure pursuant to Annex A to the SPS Agreement.

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