



Notification Number: 2006/255/F

Draft Decree on the safety of laser-emitting appliances

Date received : 29/05/2006
End of Standstill : 30/08/2006 (30/11/2006)
Issue of comments by : Commission, Germany
Issue of detailed opinion by : Commission

Message

Message 002

Communication from the Commission - SG(2006) D/51227

Directive 98/34/EC

Translation of the message 001

Notification: 2006/0255/F

No abre el plazo - Nezahajuje 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: 200601227.EN)

1. Structured Information Line

MSG 002 IND 2006 0255 F EN 30-08-2006 29-05-2006 F NOTIF 30-08-2006

2. Member State

France

3. Department Responsible

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3. Originating Department

Ministère de l'Economie, des Finances et de l'Industrie

Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes.



4. Notification Number

2006/0255/F – V00T

5. Title

Draft Decree on the safety of laser-emitting appliances

6. Products Concerned

Laser appliances and, more generally, any device capable of emitting or amplifying laser radiation.

7. Notification Under Another Act

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8. Main Content

The draft Decree prohibits the manufacture, import, making available, whether for payment or free of charge, possession with a view to sale or free distribution, the putting on sale, the sale or the free distribution of laser appliances in a class exceeding 2 not intended for a specific professional use.

It reserves laser appliances of a class higher than 2 for professional use and requires in this case a notice indicating the specific professional use for which the appliance is intended and the instructions necessary to ensure safe assembly and use, and displaying warnings regarding the precautions to be taken in order to avoid any accident.

The text also lays down the free movement of laser-emitting appliances that comply with the regulations, 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 obligations that it sets down.

9. Brief Statement of Grounds

In 1997, newspaper articles came to the attention of the French authorities relating to the improper use of certain laser devices, mostly gadgets. These had been pointed at people's eyes, at the risk of causing retinal lesions. In 1998 and 1999, the French authorities suspended the manufacture and marketing of such products and ordered the recall of laser pointers not designed for a specific professional use of a class exceeding or equal to 3 (according to classification standard NF EN 60825-1)

In 1999, the French consumer safety committee requested that the sale to the public of laser devices of a class exceeding 2 be permanently prohibited.

From that time, the French authorities had not noticed any resumption of the marketing of laser pointers in France. However, since the beginning of 2005 an upsurge in RAPEX notifications relating to class 3 laser pointers has been noted. More recently, class 3 laser pointers have also been sold on the French market. It therefore seems necessary to issue permanent rules in order to prevent the sale of dangerous laser products to the general public, without depriving professionals of the instruments necessary to carry out their activities.

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;



11. Invocation of the Emergency Procedure

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 aspect (Agreement on Technical Barriers to Trade)

a) YES

SPS Aspect (Agreement on Sanitary and Phytosanitary Measures)

a) No

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

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European Commission

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