



Notification Number: 2005/184/F

## Decree on the safety of solid-fuel barbecues

Date received : 22/04/2005

End of Standstill : 25/07/2005

### Message

Message 002

Communication from the Commission - SG(2005) D/50902

Directive 98/34/EC

Translation of the message 001

Notification: 2005/0184/F

No abre el plazo - Nezhajuje 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: 200500902.EN)

#### 1. Structured Information Line

MSG 002 IND 2005 0184 F EN 22-04-2005 F NOTIF

#### 2. Member State

France

#### 3. Department Responsible

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#### 3. Originating Department

Ministère des Petites et Moyennes Entreprises, du commerce, de l'Artisanat, des Professions libérales et de la Consommation ; Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes.

#### 4. Notification Number

2005/0184/F - H00



## **5. Title**

Decree on the safety of solid-fuel barbecues

## **6. Products Concerned**

Solid-fuel barbecues, including disposable barbecues; constituent parts of barbecues.

## **7. Notification Under Another Act**

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## **8. Main Content**

The draft Decree lays down the safety requirements which must be met by barbecues and their constituent parts. These requirements are intended to protect, under normal usage conditions or other reasonably foreseeable conditions, users and third parties against risks to their health and safety linked to the design and construction of products.

The risks concern, in particular, burns and injuries on contact with products (cuts).

The text also lays down consumer information requirements, by means of markings that identify the product and its supplier and warn users of the usage precautions intended to prevent accidents. It also lays down operating instructions containing assembly and operation instructions.

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 lays down the free movement of barbecues that comply 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**

A new legal situation, concerning barbecues that use solid fuels, has been created by the replacement, in September 2003, of French standard NF D 37-101 by European standard NF EN 1860-1. Application of the European standard is voluntary, unlike the French standard, which was made compulsory by an Order of 24 October 1984, the corresponding provisions of which will be automatically repealed by the notified draft Decree. Under these circumstances, these products must be regulated while taking account of this new context since they pose risks and are the cause of accidents, particularly involving burns, regularly reported in the press, by consumer associations or the Consumer Safety Commission.

More generally, 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 and burns.

## **10. Reference Documents - Basic Texts**

The Penal Code, in particular Articles 121-2, 131-40, 131-41, 132-11, 132-15 and R. 610-1 thereof;

The Consumer Code, in particular Article L. 221-3 thereof;

The Customs Code, in particular Article 38 thereof;

Documents already sent with Notification No 2003/0214/F



**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) 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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