



Notification Number: 2003/214/F

Draft Decree amending Decree No 91-1175 of 13 November 1991 on the application of the Law of 21 July 1983 on consumer safety with regard to certain objects.

Date received : 19/06/2003

End of Standstill : 08/07/2003

Invocation of the Emergency Procedure : Yes

Message

Message 002

Communication from the Commission - SG(2003) D/51183

Directive 98/34/EC

Translation of the message 001

Notification: 2003/0214/F

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200301183.EN)

1. Structured Information Line

MSG 002 IND 2003 0214 F EN 19-06-2003 F NOTIF

2. Member State

FRANCE

3. Department Responsible

Délégué Interministériel aux Normes -SQUALPI - DiGITIP 5

Bâtiment le Bervil - 12 rue Villiot

75572 Paris cedex 12

3. Originating Department

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

59, Boulevard Vincent Auriol - télédéc 241

75703 PARIS cedex 13



4. Notification Number

2003/0214/F - C60A

5. Title

Draft Decree amending Decree No 91-1175 of 13 November 1991 on the application of the Law of 21 July 1983 on consumer safety with regard to certain objects.

6. Products Concerned

Artificial or natural Christmas trees which are frosted, flocked or covered with snow, as well as their branches and arrangements including them.

Decorative arrangements that include candles and flocked branches are excluded, which must comply with Article 2 of Decree No 91-1175 of 13 November 1991 (requirements defined in the Annex: to be designed so that they cannot catch fire or spread flames from the candle if they are used under normal or reasonably foreseeable conditions of use).

7. Notification Under Another Act

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8. Main Content

This draft Decree amends and supplements Decree No 91-1175 of 13 November 1991. During the marketing of natural or artificial Christmas trees which are frosted, flocked or covered by snow, as well as their branches and arrangements including them, it is necessary for a label or a warning notice to accompany the products or a warning notice to be present on the sales premises to warn the consumers.

The wording for the warning laid down by the Decree is as follows: "Do not approach with a flame or an incandescent body (for example candles or sparklers). Do not leave fairy lights switched on unattended.

Pictogram representing a flame."

9. Brief Statement of Grounds

This draft Decree aims to warn of the fire risks caused by these products.

Flocking is a procedure which, through its composition (mixture of fibres based on cotton or rayon and glue), makes Christmas decorations particularly flammable.

The French Directorate-General for Competition, Consumption and Fraud Prevention [DGCCF] has been informed of fires over winter 2000-2001 involving flocked Christmas trees which caused the death of two children.

The inspections performed by the DGCCF showed that recommendations of the Consumer Safety Committee advising that the consumer is informed of the fire risks of these trees have not been carried out by all the operators in this sector. The last inspections performed in December 2002 confirmed that nearly half of the flocked Christmas trees, and new products (mini flocked trees, snow-covered branches incorporated into flower arrangements), were marketed without any warning notices.

Regulatory measures making it obligatory to inform the consumer have thus become necessary.

10. Reference Documents - Basic Texts

Articles 121-2, 131-40, 131-41, 132-11 and 132-15 and R. 610-1 of the Penal Code

Article L. 221-3 of the Consumer Code;

Article 38 of the Customs Code;

Decree No 91-1175 of 13 November 1991, amended, on the application of the Law of 21 July 1983 on



consumer safety with regard to certain objects;
Having regard to the opinion of the Consumer Safety Committee of 4 December 2002;

11. Invocation of the Emergency Procedure

Yes, the application of the text must be carried out before Christmas 2003.

12. Grounds for the Emergency

Prior to the publication of the Official Gazette of the French Republic, due to occur in October, before the start of the sale Christmas decorations, this Draft Decree must be referred to Council of State and be forwarded to the various ministerial departments concerned for signature.

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

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David O'Sullivan
Secretary-General
European Commission

sent to :

BELNotif Qualité et Sécurité
Mme Descamps

BundesMinisterium für Wirtschaft Referat XA2
Frau Christina Jäckel

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1
Frau MARKL Iris

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1
Frau Brigitte WIKGOLM

Departement of Trade and Industry - Standards and Technical Regulations - Dir 2



Mrs Brenda O'Grady

EFTA Surveillance Authority
Mr. Gunnar Thor PETURSSON

ELOT
Mr E. Melagrakis

Erhvervs- og Boligstyrelsen
Lene Hald Nielsen

European Free Trade Association
.

Institut Belge de Normalisation
Mme F. Hombert

Instituto Português da Qualidade
Sra. Candida Pires

Kauppa-ja teollisuusministeriö
Mme Heli Malinen

Kommerskollegium
Mme Kerstin Carlsson

Min. de Asuntos Exteriores
Esther Perez Pelaez

Min. of Industry, Energy & Technology
Mr K. Polychronidis

Ministerie van Financien Belastingdienst - Douane / CDIU
De Heer IJ.G. van der Heide

Ministero dell'Industria, del commercio e dell'artigianato
Signor P. Cavanna

NSAI
Mr Tony Losty

National Agency for Enterprise & Housing
Laila Østergren

Représentation Permanente de la Belgique auprès de l'Union européenne
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Représentation Permanente de la France
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Représentation Permanente du Luxembourg
.



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SQUALPI
Mme Piau

Service de l'Energie de l'Etat
Mr J.-P. Hoffmann

sent to :

Departement of Trade and Industry - Standards and Technical Regulations - Dir 2
Mr Philip Plumb

EFTA Surveillance Authority
Mr. Gunnar Thor PETURSSON

ELOT
Mr E. Melagrakis

European Free Trade Association

.

Kauppa-ja teollisuusministeriö
M. Henri Backman

Kommerskollegium
Mme Kerstin Carlsson

Min. of Industry, Energy & Technology
Mr K. Polychronidis

Ministerie van Financien Belastingdienst - Douane / CDIU
De Heer IJ.G. van der Heide

NSAI
Mr Tony Losty

Représentation Permanente de l'Irlande
Denis Colfer

Représentation Permanente du Royaume-Uni

.

Undersecretariat of Foreign Trade General Directorate of Standardisation



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GROWTH DIRECTORATE-GENERAL

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Saadettin DOGAN