



European Furniture Industries Confederation

EFIC POSITION PAPER

on

Draft Decision of the Greek Ministry of Economy and Development on 'Marketing conditions for children's furniture for sleeping and relevant accompanying equipment'

(Notification number in TRIS database: 2019/275/GR)

11 September 2019

Further to the notification of the Draft Decision by the Greek authorities in the European Commission's TRIS database on 12 June 2019, EFIC, the European Furniture Industries Confederation, believes that the **Draft Decision should be rejected** for a number of reasons:

1. The provisions of the Draft Decision are in conflict with EU and ISO rules for conformity assessment, leading to the distortion of the EU internal market and the free movement of goods, as well as to distortions in international trade.
2. Obsolete or invalid norms are presented and defined as standards. These technical and formal errors will lead to unclarity as to which standards are applicable at a certain point in time and to legal uncertainty for manufacturers, market surveillance authorities and consumers. This, again, would bring distortions in the internal market and at international level.
3. The Draft Decision would lead to an over-regulation, as the designated products are already regulated today by EN standards. In addition, the Draft Decision could be taken as a precedent by other EU countries.

EFIC arguments (1) and (2) explained in detail

1. Conflicts with EU and ISO rules for conformity assessment

❖ CE declaration of conformity

Article 4 of the draft Decision states that the products referred to in Article 1 shall be accompanied by a Declaration of Conformity and that this declaration of conformity shall be issued by an accredited 'conformity assessment body'. EFIC stresses that the preparation of a Declaration of Conformity for children's furniture (unless it is covered by the Machinery Directive) is not required



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under current EU law¹ and, in addition, in cases where a Declaration of Conformity would have to be prepared for furniture, there is no requirement that it should only be issued by an accredited 'Conformity Assessment Body'.

❖ **Requirements for manufacturers: ISO 9001**

Article 5(2) of the Draft Decision stipulates that manufacturers must have a quality management system certified by an accredited conformity assessment body in accordance with ISO 9001:2015. This is an unusual and unique definition, both within the European internal market and worldwide, which constitutes an obstacle to the free movement of goods. It is also doubtful that this requirement will be met by Greek operators.

2. Requirements for products: incorrect and obsolete norm references

Articles 3(1) and 5(1) refer to the standards listed in Annex I. Concerns in this respect:

❖ **Clarity missing, leading to legal uncertainty**

- In general, the standards cited do not have an issue date. Likewise, there is no note that defines the 'current version' of a specific standard. As a consequence, manufacturers and market surveillance authorities cannot be clearly instructed as to which version of a standard is valid at certain points in time. In this case, only the date of issue could be specified or a section entitled 'Standards in their current version', which would provide the necessary clarity and transparency. However, if the date of issue was given, the 'resolution' would have to be adjusted promptly in the event of changes to the standards cited.
- Article 3(2) states that *'Products referred to in Article 1 that have been manufactured according to European, international or national standards from other EU Member States shall be presumed to conform with the requirements of this Decision and shall be accepted on the Greek market, provided that the conditions set out in paragraphs 3 of Article 4 of this Decision are fulfilled.'* This statement is contradictory to Annex I, as existing standards of other Member States are also recognised. This leads to legal uncertainty for manufacturers and market surveillance authorities as clarity is lacking in terms of the standards that have to be observed.
- The relevant EN standards (EN 1130, EN 716, EN 747 and EN 12727) are all currently under revision, and more specifically, EN 1130 and EN 716 under a Commission mandate. An additional standard for mattresses for cots and cribs, EN 16980, has also been drafted under the Commission mandate. The aim is to publish these in the Official Journal. In this context, Greece should consider participating in 'CEN/TC 207 – Furniture' work ([see link](#)).

¹ In the absence of harmonised EU legislation on furniture, furniture products fall under the General Product Safety Directive (Directive 2001/95/EC), which does not require third party certification. Due to the lack of harmonised legislation on furniture, furniture products are also not subject to Regulation (EC) No 765/2008 regarding accreditation and market surveillance.



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- Concerning Article 3(1), the essential (safety) requirements that products must comply with must be clearly specified/described in the body of the regulatory part of the decree, like is done in EU Directives and Regulations. In addition to this, the normative references for ensuring compliance of the products with these requirements must be listed separately in an appendix, because the European Commission allows producers to respect all the essential requirements listed in a given Directive without applying the totality of the technical specifications of the standard, which sometimes goes beyond the really essential and necessary safety requirements. A standard is a tool only, not an objective. That will be the same for a national regulation.

❖ Technical issues

- Many of the standards cited are invalid or do not exist. To name a few, EN 120 and EN 717-2 are invalid (they are now EN ISO 12460-3 and 12460-5) and EN 17877 does not exist.
- Some standards are incorrect from a technical point of view with regard to the specified regulatory area 'children's furniture for sleep and related equipment':
 - *EN 1129-1:1995-04: Furniture - Folding beds - Safety requirements and test methods - Part 1: Safety requirements* is written for folding beds for 'adults' and not for 'children'.
 - *EN 1129-2: 1995-04: Furniture - Folding beds - Safety requirements and test methods - Part 2: Test methods* is written for folding beds for 'adults' and not for 'children'.
- The definition of 'portable children's cot', namely '*a product which consists of a base, sides and carrying handles where an infant can lie down and be transported*' is unclear to the extent that, at least in the German market, no such beds exist in which children can also be transported. Should the standard EN 12790: 2009-07 cited in Annex I be intended for this case, it should be noted that this standard is not suitable for such applications, as this standard was written for 'reclining seats for children'.
- *EN 12790, Child use and care articles – Reclined cradles* is listed in Annex 1 as one of the relevant standards which contains the basic technical specifications that manufacturers have to take into account both in designing and manufacturing the products and in assessing their compliance. Reclined cradles (which are produced and marketed in the EU) are not intended for prolonged periods of sleeping. Therefore this standard should not be taken into account nor be listed under Annex 1. Reclined cradles must also be differentiated from regular cradles covered by EN 1130-1 and 2, and must be excluded from Article 1(2) in order to avoid problems.

For further information, please contact:

EFIC - European Furniture Industries Confederation

A: Rue Montoyer 24, PO Box 2, BE-1000 Brussels

T: 0032 (0)2 287 08 86; E: info@efic.eu