Rapport

2010:22

Rapport för Marknadskontroll av tändare

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Sammanfattning

Barns lek med eld orsakar många olyckor och lek med tändare har inom EU orsakat upp till 40 dödsfall per år. Leksaksliknande tändare har därför förbjudits. Och engångständare, som släpps ut på marknaden eller tillhandahålls konsumenter, ska vara barnsäkra.

Konsumentverket har under perioden september 2007 till och med 2009 deltagit i ett europeiskt marknadskontrollprojekt som har kontrollerat att det inte finns några leksaksliknande tändare på marknaden och att engångständare är barnsäkra. Vidare har kontrollen syftat till att samla erfarenheter och ta fram en gemensam ”best practises” för marknadskontroller som omfattar flera av EU:s medlemsstater.

Under kontrollen samlades det i Sverige in över trettio tändare. Av dessa skickades ett antal vidare till Bureau Veritas för provning. Det har även gjorts en marknadskontroll i samverkan med Tullverket och en kontroll av märkning av tändare i butiker samt en kontroll av förekomsten av leksaksliknande tändare på marknader.

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Bilagor:
1) Europeiska kommissionens beslut av den 11 maj 2006 om en förpliktelse för medlemsstaterna att förbjuda att icke barnsäkra eller leksaksliknande tändare släpps ut på marknaden. (2006/502/EG)
2) Europeiska kommissionens beslut av den 12 april 2007 om förlängning av giltighetstiden för beslut 2006/502/EG om en förpliktelse för medlemsstaterna att förbjuda att icke barnsäkra eller leksaksliknande tändare släpps ut på marknaden. (2007/231/EG)
3) Europeiska kommissionens beslut av den 12 mars 2010 om förlängning av giltighetstiden för beslut 2006/502/EG om en förpliktelse för medlemsstaterna att förbjuda att icke barnsäkra eller leksaksliknande tändare släpps ut på marknaden. (2010/157/EU)
4) Förordning (2006:1085) om förbud mot vissa farliga tändare.
5) Förordning (2007:684) om ändring i förordningen (2006:1085) om förbud mot vissa farliga tändare.
6) Konsumentverkets föreskrifter (KOVFS 2007:13) om provningsrapporter avseende vissa farliga tändare.
7) Joint Market Surveillance Action on Child-Resistant Lighters and Novelty Lighters Inventory of novelty lighters.
8) Joint Market Surveillance Action on Child-Resistant Lighters and Novelty Lighters. Final Implementation Report Covering the period 1 September 2007 – 31 December 2009.

Bakgrund

Barns lek med tändare som inte är säkra orsakar många olyckor och dödsfall inom både EU och USA. Enligt en rapport som publicerades av det brittiska handels- och industriministeriet inträffade det ungefär 1 200 bränder, 260 fall av personskador och 20 dödsfall på detta sätt år 1997 inom EU. Även senare uppgifter bekräftade att barns lek med tändare som inte är säkra fortfarande i mitten av 2000-talet orsakade ett stort antal allvarliga olyckor och dödsfall i EU (se Europeiska kommissionens beslut (502/2006/EG)).

I USA infördes krav på barnsäkra tändare för drygt tio år sedan och sedan dess har antalet bränder orsakade av barns lek med eld minskat med cirka 60% (se Europeiska kommissionen beslut (502/2006/EG)).

Den 11 maj 2006 fattade Europeiska kommissionen ett beslut (502/2006/EG) om en förpliktelse för medlemsstaterna att förbjuda att leksaksliknande tändare eller tändare som inte är barnsäkra släpps ut på marknaden. I svensk rätt genomfördes beslutet genom förordningen (2006:1085) om förbud mot vissa farliga tändare. Av förordningens 2 § framgår engångständare som släpps ut på marknaden eller tillhandahålls konsumenter måste vara barnsäkra. Förbudet var tidsbegränsat men förlängdes av Kommissionen den 12 april 2007 (2007/231/EC). Konsumentverket har utfärdat föreskrifter KOVFS 2007:13 om provningsrapporter avseende vissa farliga tändare.

Parallellt med förbudets införande planerades det i Prosafes regi en gemensam europeisk marknadskontroll av tändare, Joint Market Surveillance Action on Child-Resistant Lighters and Novelty Lighters, nedan kallat Joint Action. I maj 2007 förband sig Konsumentverket att delta i den gemensamma marknadskontrollen. Totalt deltog marknadskontrollmyndigheter från 13 olika länder. Joint Action påbörjades i september 2007 och löpte under hela 2008 och 2009. Projektledare var Gunnar Wold, och projektkoordinator var Torben Rahbek.

Delar av Konsumentverkets kostnader för deltagande i projektet ersattes med medel av av Joint Actions budget. Och Konsumentverkets insats var också till viss del styrd av det gemensamma projektet.

Syfte

Joint Actions primära syfte var att kontrollera att det inte är några leksaksliknande tändare på marknaden och att de engångständare som finns på marknaden är barnsäkra. Marknadskontrollen syftade i förlängningen till att skydda konsumenterna från farliga produkter.

Det sekundära syftet var att samla erfarenheter och ta fram en gemensam ”best practises” för marknadskontroller som omfattar alla eller flera av EU:s medlemsstater.

Joint Action syftade också till att informera näringsidkarna om EU-kommissionens beslut och om gällande lagstiftning och säkerhetskrav för tändare.

Avgränsning

Marknadskontrollen omfattade bara leksaksliknande tändare och cigarettändare av engångskaraktär. Påfyllningsbara tändare, exempelvis Zippotändare, tändare av prydnadskaraktär och tändare avsedda för andra ändamål, till exempel braständare omfattades inte av kontrollen.

Definitioner

Nedanstående definitioner följer de i Europeiska kommissionens beslut.

Tändare: En tändare är en handmanövrerad bränslekrävande anordning som frambringar en låga och som normalt sett används för att avsiktligt tända i synnerhet cigaretter, cigarrer och pipor, och som kan förväntas användas för att tända material som papper, vekar, stearinljus och lyktor, och som tillverkats med en integrerad bränsletillförsel, oavsett om denna är avsedd att fyllas på eller inte.

Definition gäller inte påfyllningsbara tändare för vilka tillverkarna vid förfrågan från de behöriga myndigheterna lägger fram de handlingar som styrker att tändarna utformats, tillverkats och släppts ut på marknaden på ett sätt som säkrar en

förväntad säker användning under minst fem år samt att de kan repareras och uppfyller alla de krav som förtecknas nedan; detta skall dock inte påverka förbudet att släppa ut leksaksliknande tändare på marknaden i artikel 2.2 Kommissionens beslut (502/2006/EG). Tillverkaren skall ge en skriftlig garanti på minst två år för varje tändare, i enlighet med Europaparlamentets och rådets direktiv 1999/44/EG. Och det skall finnas en praktisk möjlighet att reparera och säkert fylla på tändaren under hela dess livstid, och tändaren skall i synnerhet ha en tändmekanism som går att reparera. Delar som inte är för engångsbruk men som riskerar att slitas ut eller gå sönder efter garantiperioden skall kunna bytas ut eller repareras av en auktoriserad eller specialiserad kundservicetjänst inom Europeiska unionen.

Leksaksliknande tändare: Den engelska termen är novelty lighters, som kan översättas med krimskrams eller billiga småsaker. Leksaksliknande tändare definieras i specifikationen i punkt 3.2 i den europeiska standarden EN 13869:2002 som en tändare som på något sätt liknar andra produkter som allmänt anses attrahera barn eller som är avsedda att användas av barn, eller som i underhållningssyfte producerar ljud-, ljus- eller rörelseeffekter. Detta inkluderar tändare som till exempel liknar seriefigurer, leksaker, pistoler, klockor, telefoner, fordon, musikinstrument, djur eller livsmedel. Tändare är inte att räkna som leksaksliknande endast för att de är försedda med bild, text eller mönster.

Genom Joint Action har det arbetats fram en lista med exempel på leksaksliknande tändare. Listan har fogats till rapporten som en bilaga.

Barnsäker tändare: En barnsäker tändare är en tändare som utformats och tillverkats på ett sådant sätt att den under normala eller rimligen förutsebara användningsförhållanden inte kan användas av barn som är yngre än 51 månader, på grund av att det t.ex. krävs viss kraft för att använda den eller på grund av deras utformning eller skyddet av tändmekanismen, eller på grund av att det krävs en komplicerad manöver eller en rad manövrar i följd för att tända den.

En tändare ska anses som barnsäker om den stämmer överens med standarden SS EN 13869:2002, när det gäller andra specifikationer än dem i punkterna 3.1 och 3.4 och punkt 5.2.3 i standarden, eller om tändaren stämmer överens med relevanta bestämmelser i länder utanför Europeiska unionen där barnsäkerhetskrav tillämpas

som motsvarar dem i Europeiska kommissionens beslut (502/2006/EG).

Engångständarmodell: En engångständarmodell är en tändare från samma tillverkare som när det gäller utformningen eller andra kännetecken inte skiljer sig från varandra på ett sätt som kan påverka barnsäkerheten.

Barnsäkerhetsprovning: Barnsäkerhetsprovning är en systematisk provning av barnsäkerheten hos en given tändarmodell av ett urval tändare, särskilt provningar som utförs i enlighet med nationella standarder som införlivar den europeiska standarden EN 13869:2002, när det gäller andra specifikationer än de i punkterna 3.1 och 3.4 och punkt 5.2.3 i standarden, eller i enlighet med provningskraven i relevanta regler i länder utanför EU som tillämpar barnsäkerhetskrav som motsvarar dem som fastställs i detta beslut.

Utfört arbete och resultat

Konsumentverket hade förbundit sig att bidra till Joint Action med sammanlagt 135 arbetsdagar, men levererade bara 67, 3 arbetsdagar under 2007 – 2009.

Information och press

I augusti 2006 och i mars 2008 gick Konsumentverket ut med pressmeddelanden och informerade om förbudet mot leksaksliknande tändare och tändare som inte är barnsäkra. Eftersom Konsumentverket kunde konstatera att förbudet uppmärksammades i media, bland annat i branschtidningen Tobak & mer, och att företaget Bic drev en annonskampanj med anledning av förbudet, valde verket att inte ytterligare gå ut med information.

Efter att förbudet trätt ikraft fick Konsumentverket flera telefonsamtal från näringsidkare i distributionsledet där man inte i förväg känt till förbudet och fått problem på grund av detta. Under en övergångsperiod, mellan mars 2007 och mars 2008, var det tillåtet att tillhandahålla konsumenterna tändare som inte var barnsäkra men samtidigt förbjudet att sätta nya sådana på marknaden. Under den här perioden sålde importörerna, enligt flera distributörer, icke barnsäkra tändare som redan var satta på marknaden för att tömma sina lager, men utan att upplysa återförsäljarna om att tändarna snart inte längre skulle vara tillåtna att sälja till

konsumenterna. Vid diskussioner inom Joint Action har det framkommit att detta inte var unikt för Sverige. Utifrån telefonsamtalen till Konsumentverket verkar det som om det främst har varit småföretagare, inte sällan av utländsk härkomst, som

drabbats. Samtalen har tyvärr inte dokumenterats men det rör sig om ett tjugotal samtal under kanske en halvårsperiod.

Internationellt arbete

Internationellt har Konsumentverket deltagit i totalt sju gemensamma möten i projektet Joint Action (ett möte 2007, tre möten 2008 och tre möten 2009).

På mötena har olika gemensamma frågor diskuterats, bland annat i syfte att få en så likartad bedömning som möjligt av vad som avses med leksaksliknande tändare och likartade riktlinjer för vilka åtgärder som krävs då en tändare inte blivit godkänd i provningen.

Utöver mötena har även flera diskussioner förts via e-post. För Konsumentverkets vidkommande har detta krävt en hel del administration då varje e-post behandlats som inkommande handling.

Vid ett par av mötena deltog även representanter för näringsidkarsidan och vid ett möte deltog representanter för de deltagande ländernas olika tullmyndigheter.

Branschkontakter

I början av juni 2008 hölls ett möte med representanter från Bic. Mötet ägde rum på Bics initiativ. Bic berättade om sitt arbete med produktsäkerhet och informerade om hur de ser på tändarmarknaden med mera. Bic informerades övergripande om hur Konsumentverket arbetar med mera.

Övriga kontakter med branschen har skett i samband med tillsynen, till exempel då tändare begärts in för provning.

Marknadskontroll av tändares säkerhet 2008

Under januari och februari 2008 planlade Konsumentverket sin insats i marknadskontrollen för 2008. I början av mars 2008 gick en inbjudan att delta ut

till konsumentvägledarna via Portalen, som är ett internetbaserat samarbetsverktyg mellan Konsumentverket och kommunernas konsumentvägledare. Sju kommuner, Luleå, Borås, Smedjebacken, Huddinge, Östhammar, Södertälje och Malmö, anmälde sitt intresse och deltog i kontrollen.

Konsumentvägledarna besökte olika butiker, som till exempel tobaksaffärer, bensinstationer och presentaffärer, och köpte in olika tändare som sedan skickades in till Konsumentverket för bedömning och eventuell vidare utredning. I samband med besöken informerade konsumentvägledarna också de återförsäljare man besökte om gällande regler. Totalt samlades 34 stycken tändare in. Efter kontakt med Joint Actions projektkoordinator valdes 10 stycken ut för att gå vidare med. De aktuella tillverkarna eller importörerna anmodades att ge in 50 stycken tändare av varje modell för provning enligt EN ISO 9994:2006 – Lighters- Safety Specification. I ett fall gick det dock inte gå att få fram uppgifter om vare sig tillverkare eller importör. Och i ett annat fall hade importörens verksamhet helt upphört. Vidare visade det sig att ytterligare ett par av tändarna var av äldre modeller som inte längre fanns i produktion, och det var därför inte möjligt för näringsidkaren att ge in de efterfrågade tändarna. Totalt fick Konsumentverket in provningständare för fem olika modeller som sedan skickades till Bureau Veritas i Storbritannien för provning.

Resultatet väntades i augusti men på grund av sjukdom dröjde det till den 30 oktober innan Konsumentverket fick provningsrapporterna.

Av de provade tändarna klarade två tändare provningen helt utan anmärkning. För de övriga tändarna lades tre ärenden upp.

Tändaren ”Tokai M13LCS” fick anmärkningar av mindre allvarligt slag. Konsumentverket begärde in en provningsrapport från Swedish Match North Europe AB avseende tändarens barnsäkerhet. Efter att ha fått in det efterfrågade provningsprotokollet valde Konsumentverket att avsluta ärendet med ett påpekande.

Tändaren “Unilite Electronic” missade klausul 4.9, resistance to continuous burning. På grund av detta krävde Konsumentverket in 50 nya tändare från

Multiflame AB för ny provning samt en provningsrapport avseende tändarens barnsäkerhet. Verket fick in en provningsrapport och ett certifikat för barnsäkerheten samt en om upplysning att de inte kan tillhandahålla 50 nya tändare eftersom man upphört med försäljningen av tändaren. Konsumentverket valde att inte gå vidare med ärendet.

Tändaren ”P12C/P12CR/Tokai Elektronisk Dekoreret Lighter” brast i flera avseenden och bristerna var så allvarliga att Swedish Match North Europe AB valde att återkalla tändaren från butikerna då Konsumentverket påtalade bristerna.

Tullsamverkan

Under 2007 arbetade Tullverket och Konsumentverket tillsammans med ytterligare några marknadskontrollmyndigheter, fram en modell för samverkan. Arbetet skedde i Marknadskontrollrådets regi. Som pilotprojekt användes en marknadskontroll av leksaksliknande tändare. Tullverket lade först en passiv spärr på tändarna för att få veta vilka som importerade de aktuella tändarna innan den aktiva spärren lades i syfte att stoppa tändare som misstänktes vara farliga för vidare utredning. Men under den aktiva spärren hittades inga leksaksliknande tändare. En tid senare fann Tullverket ett parti leksaksliknande tändare och kontaktade, i enlighet med samverkansmodellen, Konsumentverket. Konsumentverket förbjöd importören att släppa ut tändarna på marknaden.

Under hösten 2008 drogs planerna upp för ytterligare en marknadskontroll vid gränsen i samverkan med Tullverket under 2009. Kontrollen genomfördes under perioden den 12 mars till 12 juni 2009 och gällde dokumentkontroll av barnsäkra tändare. Tullverkets spärrläggning omfattade 13 företag. Spärren lades på företagens organisationsnummer, varukoden för tändare och att sändningens värde var över 10 000 kronor. De dokument som skulle uppvisas var testprotokoll för att styrka att engångständarna var barnsäkra och uppfyllde kraven i SS-EN 13869:2002. Vid oklarheter skulle Tullverket kontakta Konsumentverket för bedömning. Konsumentverket kontaktades vid fem olika tillfällen men i samtliga fall visade det sig vara braständare som inte omfattas av förbudet.

Marknadskontroll av märkning 2009

Enligt ISO 9994 ska alla tändare åtföljas av tillämplig säkerhetsinformation, instruktioner och varningar. Informationen kan ges i form av text eller säkerhetssymboler som kan ersätta alla instruktions- eller varningstexter. Säkerhetsinformationen ska finnas på tändaren, eller på ett informationsblad som följer med tändaren eller på den konsumentförpackning som tillhandahålls för försäljningsstället. Informationen ska betona de varningar som är viktigast för den aktuella sorten tändare, och den ska placeras på ett iögonfallande sätt med kontrasterande bakgrund, färg, stil skild från annan information.

Alla tändare ska åtföljas av ordet ”VARNING” följt av bland annat säkerhetsinformationen: ”FÖRVARAS OÅTKOMLIGT FÖR BARN!”

Under sommaren 2009 genomfördes en marknadskontroll av tändares märkning med hjälp av konsumentvägledare. En inbjudan om deltagande skickades via e-post till de kommuner som deltog i marknadskontrollen 2008. Konsumentvägledare från fyra olika kommuner (Borås, Smedjebacken, Luleå och Malmö) deltog. Syftet med marknadskontrollen var att kontrollera att alla engångständare på den svenska marknaden är säkra. Konsumentvägledarna besökte totalt 19 butiker och hade till uppgift att kontrollera om märkning eller information om barnsäkerhet framgick vid försäljningen av tändarna. Av de ca 30 tändare som kontrollerades var det fyra som saknade synlig märkning. Men någon uppföljning gjordes inte.

Marknadskontroll av leksaksliknande tändare på marknader

Vid en marknadskontroll av leksaksliknande tändare på marknader år 2007 fann man ett stort antal sådana tändare. Och vid ett besök på Hörby marknad 2008 kunde det konstateras att leksaksliknade tändare fortfarande fanns till försäljning på marknader. Det fanns därför anledning att genomföra en uppföljande kontroll av förekomsten av bland annat leksaksliknande tändare på marknader. Konsumentvägledare från 6 kommuner (Västerås, Gävle, Storuman, Malmö, Sundsvall och Karlshamn) deltog i kontrollen. Vägledarna eller Konsumentverket besökte sammantaget 10 marknader men hittade inte en enda leksaksliknande tändare. För mer information hänvisas till Konsumentverkets rapport 2009:+, Marknadskontroll – Leksaker på marknader.

Sammanfattande slutsatser

Av de tio tändarmodeller som 2008 valdes ut för provning gick det bara att prova fem stycken. Tillverkningen eller importen av de övriga hade upphört. En slutsats man kan dra av detta är att tändare kan finnas kvar till försäljning långt efter det att produktionen eller importen har upphört. Att kontrollera sådana tändare som inte längre tillverkas kan inte anses få särskilt stort genomslag på marknaden. Och för framtida kontroller är det viktigt att förvissa sig om att man främst kontrollerar tändare som fortfarande är i produktion.

Kontrollen på marknader sommaren 2009 visar på att försäljningen av leksaksliknande tändare så gott som helt verkar ha upphört. Det är uppenbart återförsäljarna har fått kunskap om förbudet och rättat sig efter det. Att leksaksliknande tändare fortfarande såldes sommaren 2008 kan tyda på att återförsäljarna då ännu inte blivit varse om förbudet, eller att man valde att bortse från det för att sälja ut sina lager.

Efter att förbudets övergångstid löpt ut tog Konsumentverket emot samtal från flera återförsäljare som tyckte sig ha blivit lurade av sina grossister som in i det sista helt lagligt sålde leksaksliknande tändare och icke barnsäkra till dem utan att upplysa återförsäljarna om att det snart inte längre skulle vara tillåtet att sälja tändare till konsumenterna. Samtalen tyder på att Konsumentverkets information om förbudet varit otillräcklig och att man inför framtiden bör tänka på behovet av mera omfattande upplysningsinsatser riktade mot näringsidkarna, särskilt då kanske återförsäljarna genom till exempel annonsering i branschtidskriften Tobak & mer.

Tullverket har genomfört två spärrläggningar av tändare i samverkan med Konsumentverket. Men ingen av spärrarna ledde fram till att tändare stoppades innan de nådde ut på marknaden. För att en eventuell framtida kontroll ska ge resultat krävs det förmodligen att spärren ligger under lång tid och att beloppsgränsen är betydligt lägre än de 10 000 kronor som sattes för kontrollen 2009. Det exempel som finns på en leksaksliknande tändare som stoppades utan spärr visar att den framtagna modellen för samverkan mellan Tullverket och marknadskontrollmyndigheterna fungerar.

I det internationella samarbetet har det förts flera diskussioner via e-post. För svenskt vidkommande har detta medfört betydande extraarbete då varje inkommande e-post behandlats som en inkommande handling. En tänkbar lösning skulle kunna vara ett diskussionsforum som man får logga upp sig på. Går inte det kan man möjligen vänta ut diskussionen och sedan diarieföra det sista mejlet som ”mejlkonversation”, om alla mejl i konversationen finns med där.

Det gemensamma projektet Joint Action har lett till en större enhetlighet i tolkningen av vad som är en leksaksliknande tändare och i vilka åtgärder man anser krävs om en tändare inte klarar kraven i standarden ISO 9994, än vad som annars förmodligen varit fallet. I övrigt har de deltagande länderna i stort sett arbetat självständigt. Eftersom de ekonomiska aktörerna som regel verkar i flera länder skulle det i en framtida kontroll förmodligen ge ett större genomslag om länderna i större utsträckning koordinerade sina insatser.

Konsumentverket hade förbundit sig att bidra till Joint Action med sammanlagt 135 arbetsdagar, men levererade bara 67, 3 arbetsdagar. En orsak till detta är att Konsumentverket precis hade omlokaliserats från Stockholm till Karlstad vilket hade lett till minskade resurser. Jämför man med vad övriga deltagare i Joint Action bidrog med kan man konstatera att flera länder bidrog med mindre tid än vad som var överenskommet. Vid den uppföljande marknadskontrollen bör man redan tidigt vara observant på hur mycket tid som läggs ner.

Uppföljning

För närvarande pågår en uppföljande gemensam marknadskontroll, Joint Follow-up Market Surveillance Action on Child Resistant Lighters and Novelty Lighters, som löper under 2010, 2011 och 2012.

KOMMISSIONENS BESLUT

av den 11 maj 2006

om en förpliktelse för medlemsstaterna att förbjuda att icke barnsäkra eller leksaksliknande tändare släpps ut på marknaden

[delgivet med nr K(2006) 1887 och K(2006) 1887, rättad]

(Text av betydelse för EES)

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(2006/502/EG)

EUROPEISKA GEMENSKAPERNAS KOMMISSION HAR ANTAGIT DETTA BESLUT

med beaktande av fördraget om upprättandet av Europeiska gemenskapen,

med beaktande av Europaparlamentets och rådets direktiv 2001/95/EG av den 3 december 2001 om allmän produktsäkerhet ([1]), särskilt artikel 13, och

av följande skäl:

(1) Enligt direktiv 2001/95/EG får tillverkare endast släppa ut säkra produkter på marknaden.

(2) Om kommissionen får kännedom om en allvarlig risk som vissa produkter medför för konsumenternas hälsa och säkerhet kan den, enligt artikel 13 i direktiv 2001/95/EG och enligt vissa villkor, anta ett beslut om att medlemsstaterna skall vidta tillfälliga åtgärder som särskilt syftar till att begränsa dessa produkters utsläppande på marknaden eller fastställa särskilda villkor för detta. Kommissionen kan också förbjuda att produkterna saluförs och vidta kompletterande åtgärder som krävs för att säkra att förbudet följs, eller kräva att produkterna återkallas eller tillbakadras.

(3) Ett sådant beslut får endast antas om följande villkor har uppfyllts: medlemsstaterna använder eller avser att använda väsentligt skilda metoder för att hantera riskerna; på grund av säkerhetsproblemets natur kan riskerna inte åtgärdas på ett sätt som är förenligt med fallets brådskande karaktär med hjälp av andra förfaranden i den särskilda gemenskapslagstiftning som är tillämplig på produkterna i fråga; risken kan endast undanröjas på ett effektivt sätt genom att lämpliga åtgärder vidtas på gemenskapsnivå för att säkerställa en enhetlig och hög nivå på skyddet för konsumenternas hälsa och säkerhet och en väl fungerande inre marknad.

(4) Tändare är farliga produkter eftersom de frambringar en låga eller värme och innehåller lättantändligt bränsle. De innebär en allvarlig risk när de används på felaktigt sätt av barn, vilket kan orsaka bränder och skador eller t.o.m. dödsfall. Med tanke på att produkterna i sig är farliga, det mycket stora antal som släpps ut på marknaden och deras förutsebara användning, bör de allvarliga risker för barns säkerhet som de kan orsaka behandlas med beaktande av att barn kan komma att leka med dem.

(5) De uppgifter och den information som finns om bränder som uppstått i samband med barns lek med tändare i EU bekräftar de allvarliga risker som tändarna medför. Enligt en rapport som publicerades av det brittiska handels- och industriministeriet i februari 1997 om europeisk forskning om olyckor som orsakats av barn under fem år som lekt med tändare och tändstickor *(European research – accidents caused by children under 5 playing with cigarette lighters and matches)*, inträffade ungefär 1 200 bränder, 260 fall av personskador och 20 dödsfall på detta sätt år 1997 inom EU. Nyare uppgifter bekräftar att barns lek med tändare som inte är säkra fortfarande orsakar ett stort antal allvarliga olyckor och dödsfall i EU.

([1]) EGT L 11, 15.1.2002, s. 4.

(6) I Australiens, Kanadas, Nya Zeelands och USA:s lagstiftning finns barnsäkerhetskrav för tändare som motsvarar dem i det här beslutet. Innan lagstiftningen antogs genomförde man en undersökning i USA. Enligt det lagförslag om tändare som den amerikanska kommittén för konsumentproduktsäkerhet lade fram 1993 orsakar barns lek med tändare mer än 5 000 bränder, 1 150 personskador och 170 dödsfall varje år i USA.

(7) Det amerikanska kravet på barnsäkra tändare infördes 1994. En amerikansk undersökning om barnsäkerhetskravets effektivitet från 2002 visade att antalet eldsvådor, skador och dödsfall hade minskat med 60 %.

(8) Samrådet med medlemsstaterna i den kommitté som inrättades genom artikel 15 i direktiv 2001/95/EG har visat att medlemsstaterna använder väsentligt skilda metoder för att hantera riskerna med tändare som inte är barnsäkra.

(9) Det finns två tekniska standarder som rör säkerhet för tändare: den europeiska och internationella standarden EN ISO 9994:2002 ”Cigarettändare – Säkerhetskrav”, som innehåller specifikationer om kvaliteten, tillförlitligheten och säkerheten hos tändare samt lämpliga förfaranden för provning i samband med tillverkningen, men som inte innehåller några specifikationer om barnsäkerhet, samt den europeiska standarden EN 13869:2002 ”Tändare – Barnsäkerhet – krav och provningsmetoder”, som innehåller specifikationer om barnsäkerhet.

(10) I enlighet med förfarandet i artikel 4 i direktiv 2001/95/EG offentliggjorde kommissionen hänvisningarna till EN ISO 9994:2002 i *Europeiska unionens officiella tidning* [1], vilket innebär att standarden förmodas uppfylla det allmänna säkerhetskravet i direktiv 2001/95/EG när det gäller de risker som standarden täcker. För att kunna hantera barnsäkerheten ansåg somliga medlemsstater att kommissionen borde offentliggöra hänvisningar till EN 13869:2002 i EUT. Andra medlemsstater ansåg dock att EN 13869:2002 först bör ses över grundligt.

(11) Eftersom det inte finns några gemenskapsbestämmelser om barnsäkra tändare eller om förbud mot leksaksliknande tändare kan medlemsstaterna komma att anta olika nationella bestämmelser. Om medlemsstaterna antar sådana bestämmelser skulle detta oundvikligen leda till en varierande skyddsnivå och hinder för handeln med tändare inom gemenskapen.

(12) Det finns ingen specifik gemenskapslagstiftning som gäller tändare. Med beaktande av föreliggande säkerhetsproblem kan riskerna inte hanteras effektivt inom ramen för andra förfaranden i gemenskapslagstiftningen med den skyndsamhet som krävs. Därför är det nödvändigt att anta ett beslut i enlighet med artikel 13 i direktiv 2001/95/EG.

(13) På grund av den allvarliga risken med tändare och för att i hela EU säkra en enhetlig och hög nivå av skydd av konsumenternas hälsa och säkerhet samt för att undvika handelshinder, bör ett tillfälligt beslut antas i enlighet med artikel 13 i direktiv 2001/95/EG. Genom ett sådant beslut skulle det snabbt införas krav på att tändare skall vara barnsäkra för att få släppas ut på marknaden. Ett sådant beslut skulle förhindra ytterligare skador och dödsfall i avvaktan på en permanent lösning som bör grunda sig på internationell konsensus.

(14) Barnsäkerhetskravet i detta beslut bör omfatta engångständare eftersom det är särskilt hög risk att barn kan använda dem på ett felaktigt sätt. En amerikansk undersökning från 1987, ”Harwood’s study”, visade att i genomsnitt 96 % av de olyckor som berodde på barns lek med tändare hade orsakats av engångständare. Mycket få olyckor orsakades av andra tändare än engångständare, dvs. s.k. lyxtändare eller andra dyrare tändare som har utformats, tillverkats och släppts ut på marknaden på ett sätt som säkrar en förväntad säker användning under en lång period, och som omfattas av en skriftlig garanti och kundservice som ersätter eller reparerar dess olika delar under tändarnas livstid. Dessa tändare kännetecknas också av en sofistikerad utformning och dyra material, en prestigefylld image och låg utbytbarhet i förhållande till andra tändare, och de säljs på försäljningsställen som respekterar märkets prestigefyllda image. Dessa undersökningsresultat stämmer överens med det faktum att folk kan förväntas vara mer aktsamma om dyrare tändare som de tänker använda under en längre tid.

(15) Alla tändare som på något sätt liknar andra föremål som allmänt anses attrahera barn eller som är avsedda att användas av barn bör förbjudas. Detta omfattar bl.a. tändare som till formen liknar tecknade seriefigurer, leksaker, vapen, klockor, telefoner, musikinstrument, fordon, människor eller kroppsdelar, djur, mat och dryck samt tändare som spelar musik, eller har blinkande lampor eller delar som rör sig eller som har annat underhållningssyfte, vanligtvis kallade leksaksliknande tändare, eftersom det finns stor risk för att barn leker med dem. Uppräkningen ovan är inte uttömmande.

[1] EUT C 100, 24.4.2004, s. 20.

(16) För att göra det lättare för tillverkarna att uppfylla barnsäkerhetskraven när det gäller tändare bör det hänvisas till de relevanta specifikationerna i den europeiska standarden EN 13869:2002, så att tändare som överensstämmer med motsvarande specifikationer i de nationella standarder som införlivar den europeiska standarden kan förmodas uppfylla barnsäkerhetskraven i detta beslut. Av samma skäl bör tändare som överensstämmer med relevanta bestämmelser i länder utanför EU som tillämpar barnsäkerhetskrav som motsvarar dem som fastställs i detta beslut därför också antas uppfylla barnsäkerhetskraven i detta beslut.

(17) Enhetlig och effektiv tillämpning av bestämmelserna om barnsäkerhet i detta beslut kräver att tillverkarna vid förfrågan lägger fram provningsrapporter om barnsäkerhet för de behöriga myndigheterna. Dessa provningsrapporter skall ha utarbetats av provningsorgan som ackrediterats av ackrediteringsorgan som är medlemmar av internationella ackrediteringsorganisationer eller som på annat sätt godkänts av myndigheterna för att utföra denna typ av arbete, eller alternativt av provningsorgan som myndigheterna i de länder som tillämpar säkerhetskrav som motsvarar dem i beslutet har godkänt för att utföra denna typ av provningar. Tändartillverkare bör vid förfrågan utan dröjsmål för de behöriga myndigheter som inrättades enligt artikel 6 i direktiv 2001/95/EG kunna lägga fram alla handlingar som krävs. Om tillverkaren inte kan tillhandahålla dessa handlingar inom den tidsfrist som fastställts av den behöriga myndigheten, skall tändarna dras tillbaka från marknaden.

(18) Enligt artikel 5.2 i direktiv 2001/95/EG skall distributörerna hjälpa till att se till att de tändare de saluför (alt. tillhandahåller) uppfyller barnsäkerhetskraven i det här beslutet. De bör särskilt samarbeta med de behöriga myndigheterna genom att på begäran förse dem med de handlingar som behövs för att spåra tändarnas ursprung.

(19) Tillverkarna bör få kortast möjliga övergångsperioder för att vidta de åtgärder som fastställs i detta beslut, för att därigenom förhindra ytterligare olyckor, samtidigt som tekniska svårigheter beaktas och proportionalitet garanteras. Medlemsstaterna behöver också övergångsperioder för att kunna se till att bestämmelserna tillämpas på ett effektivt sätt med tanke på det stora antal tändare som varje år släpps ut på marknaden i EU och alla de distributionskanaler som används. Tillverkarnas förpliktelser att endast släppa ut barnsäkra tändare på marknaden bör därför börja gälla tio månader efter den dag då detta beslut anmälts, medan förpliktelsen att endast saluföra barnsäkra tändare till kunderna bör börja gälla ett år efter den dag då förbudet att släppa ut icke-barnsäkra tändare på marknaden träder i kraft. Därför kommer den sistnämnda förpliktelsen att införas när detta beslut revideras, ett år efter det att det antagits.

(20) I artikel 13.3 i direktiv 2001/95/EG förbjuds export från gemenskapen av farliga produkter som varit föremål för ett beslut. Med hänsyn till den struktur som marknaden för tändare har, dvs. antalet tillverkare i världen, omfattningen av export och import och globaliseringen av marknaderna, skulle ett exportförbud inte öka säkerheten för konsumenter i tredjeländer där det inte finns några barnsäkerhetskrav, eftersom exporten från EU skulle ersättas av icke-barnsäkra tändare från länder utanför EU. Tillämpningen av artikel 13.3 bör därför upphävas till dess att en internationell standard om barnsäkerhet antas. Detta bör inte påverka tillämpningen av bestämmelser i tredjeland där barnsäkerhetskrav finns.

(21) De åtgärder som föreskrivs i detta beslut är förenliga med yttrandet från den kommitté som inrättats genom artikel 15 i direktiv 2001/95/EG.

HÄRIGENOM FÖRESKRIVS FÖLJANDE.

Artikel 1

I detta beslut gäller följande definitioner:

1. *tändare:* handmanövrerad bränslekrävande anordning som frambringar en låga och som normalt sett används för att avsiktligt tända i synnerhet cigaretter, cigarrer och pipor, och som kan förväntas användas för att tända material som papper, vekar, stearinljus och lyktor, och som tillverkats med en integrerad bränsletillförsel, oavsett om denna är avsedd att fyllas på eller inte.

   Denna definition skall inte gälla påfyllningsbara tändare för vilka tillverkarna vid förfrågan för de behöriga myndigheterna lägger fram de handlingar som styrker att tändarna utformats, tillverkats och släppts ut på marknaden på ett sätt som säkrar en förväntad säker användning under minst fem år samt att de kan repareras och uppfyller alla de krav som förtecknas nedan; detta skall dock inte påverka förbudet att släppa ut leksaksliknande tändare på marknaden i artikel 2.2 i detta beslut.

   — Tillverkaren skall ge en skriftlig garanti på minst två år för varje tändare, i enlighet med Europaparlamentets och rådets direktiv 1999/44/EG [1].

   — Det skall finnas en praktisk möjlighet att reparera och säkert fylla på tändaren under hela dess livstid, och tändaren skall i synnerhet ha en tändmekanism som går att reparera.

[1] EGT L 171, 7.7.1999, s. 12.

— Delar som inte är för engångsbruk men som riskerar att slitas ut eller gå sönder efter garantiperioden skall kunna bytas ut eller repareras av en auktoriserad eller specialiserad kundservicetjänst inom Europeiska unionen.

2. *leksaksliknande tändare:* alla tändare som definieras i specifikationen i punkt 3.2 i den europeiska standarden EN 13869:2002.

3. *barnsäker tändare:* en tändare som utformats och tillverkats på ett sådant sätt att den under normala eller rimligen förutsebara användningsförhållanden inte kan användas av barn som är yngre än 51 månader, på grund av att det t.ex. krävs viss kraft för att använda den eller på grund av deras utformning eller skyddet av tändmekanismen, eller på grund av att det krävs en komplicerad manöver eller en rad manövrar i följd för att tända den.

Följande tändare antas vara barnsäkra:

a) Tändare som överensstämmer med de nationella standarder som införlivar den europeiska standarden EN 13869:2002, när det gäller andra specifikationer än de i punkterna 3.1 och 3.4 och punkt 5.2.3 i ovannämnda standard.

b) Tändare som överensstämmer med relevanta bestämmelser i länder utanför EU som tillämpar barnsäkerhetskrav som motsvarar dem som fastställs i detta beslut.

4. *engångständarmodell:* tändare från samma tillverkare som när det gäller utformningen eller andra kännetecken inte skiljer sig från varandra på ett sätt som kan påverka barnsäkerheten.

5. *barnsäkerhetsprovning:* systematisk provning av barnsäkerheten hos en given tändarmodell av ett urval tändare, särskilt provningar som utförs i enlighet med nationella standarder som införlivar den europeiska standarden EN 13869:2002, när det gäller andra specifikationer än de i punkterna 3.1 och 3.4 och punkt 5.2.3 i standarden, eller i enlighet med provningskraven i relevanta regler i länder utanför EU som tillämpar barnsäkerhetskrav som motsvarar dem som fastställs i detta beslut.

6. *tillverkare:* definitionen i artikel 2 e i direktiv 2001/95/EG skall gälla.

7. *distributör:* definitionen i artikel 2 f i direktiv 2001/95/EG skall gälla.

Artikel 2

1. Medlemsstaterna skall säkra att endast barnsäkra tändare släpps ut på marknaden från och med tio månader efter den dag då detta beslut anmälts.

2. Medlemsstaterna skall förbjuda utsläppandet på marknaden av leksaksliknande tändare från och med den dag som avses i punkt 1.

Artikel 3

1. Från och med tio månader efter den dag då detta beslut anmälts skall medlemsstaterna kräva att tillverkarna uppfyller följande krav för att få släppa ut tändare på marknaden:

a) Tillverkarna skall förvara och vid förfrågan utan dröjsmål till de behöriga myndigheter som inrättades i artikel 6 i direktiv 2001/95/EG tillhandahålla en barnsäkerhetsprovningsrapport för varje tändarmodell samt varuprov på den provade modellen, som intygar att den modell som släpps ut på marknaden är barnsäker.

b) Tillverkarna skall vid förfrågan för de behöriga myndigheterna intyga att alla tändare i vart och ett av de partier som släpps ut på marknaden överensstämmer med den modell som provats och vid förfrågan för de behöriga myndigheterna tillhandahålla dokumentation om de provnings- och kontrollprogram som ligger till grund för detta intyg.

c) Tillverkarna skall med hjälp av lämpliga provningsmetoder fortlöpande kontrollera att deras tändare överensstämmer med de tekniska lösningar som fastställts för att säkra barnsäkerheten, samt sörja för att de behöriga myndigheterna får tillgång till de produktionsregister som skall föras för att visa att alla de tillverkade tändarna överensstämmer med den modell som provats.

d) Om en tändarmodell ändras och detta kan innebära att modellen inte längre uppfyller kraven i detta beslut, skall tillverkaren förvara och vid förfrågan utan dröjsmål tillhandahålla en ny rapport om barnsäkerhetsprovningar till de behöriga myndigheterna.

2. Från och med tio månader efter den dag då detta beslut anmälts skall medlemsstaterna kräva att distributörer förvarar och vid förfrågan utan dröjsmål till de behöriga myndigheterna tillhandahåller de handlingar som krävs för att identifiera varje person som har försett dem med de tändare de har släppt ut på marknaden, i syfte att säkra att tändartillverkaren skall kunna spåras i hela distributionskedjan.

3. Tändare för vilka tillverkare och distributörer inte tillhandahåller de handlingar som anges i punkterna 1 och 2 inom den tidsfrist som fastställts av de behöriga myndigheterna skall dras tillbaka från marknaden.

Artikel 4

1. De barnsäkerhetsprovningsrapporter som avses i artikel 3 skall särskilt innehålla följande:

a) Tillverkarens, och om tändarna har importerats, importörens, namn, adress och huvudkontor, oavsett var denne är etablerad.

b) En fullständig beskrivning av tändaren, inklusive storlek, form, vikt, bränsle, bränslekapacitet, tändmekanism, barnsäkerhetsanordning, utformning, tekniska lösningar och andra kännetecken som gör att tändaren är barnsäker i enlighet med definitionerna och kraven i detta beslut. Beskrivningen skall särskilt omfatta en detaljerad redogörelse för alla dimensioner, den kraft som krävs för att använda tändaren eller andra kännetecken som kan påverka tändarens barnsäkerhet, inklusive uppgift om tillåten/möjlig avvikelse för vart och ett av dessa kännetecken.

c) En utförlig beskrivning av provningarna och resultaten, datum för provningarna, platsen där de utfördes, vilken organisation som utförde dem och upplysningar om denna organisations kvalifikationer och behörighet att utföra sådana provningar.

d) Adressen till det ställe där tändarna tillverkas eller har tillverkats.

e) Det ställe där de handlingar som krävs i detta beslut förvaras.

f) Referenser avseende provningsorganets ackreditering eller godkännande.

2. Barnsäkerhetsprovningsrapporterna som avses i artikel 3 skall upprättas av ett av följande organ:

a) Provningsorgan som uppfyller kraven i EN ISO/IEC 17025:2005 ”Allmänna kompetenskrav för provnings- och kalibreringslaboratorier” genom ackreditering av en medlem av den internationella ackrediteringsorganisationen ILAC (*International Laboratory Accreditation Cooperation*) för att utföra barnsäkerhetsprovningar av tändare, eller som på annat sätt godkänts av den behöriga myndigheten i en medlemsstat för att utföra denna typ av arbete.

b) Provningsorgan vars barnsäkerhetsprovningsrapporter accepteras i ett av de länder där det ställs barnsäkerhetskrav som motsvarar dem i detta beslut.

Kommissionen skall offentliggöra och vid behov uppdatera en förteckning över de organ som avses i a och b ovan.

Artikel 5

Förbudet i artikel 13.3 i direktiv 2001/95/EG skall inte gälla.

Artikel 6

1. Medlemsstaterna skall vidta de åtgärder som är nödvändiga för att följa detta beslut inom fyra månader från den dag då detta beslut anmälts och offentliggöra dessa åtgärder. De skall genast underrätta kommissionen om detta.

2. Detta beslut skall tillämpas fram till och med tolv månader från den dag då det anmälts.

3. På grundval av de erfarenheter och de framsteg som gjorts för att få till stånd en permanent åtgärd skall kommissionen besluta om huruvida giltighetstiden för detta beslut skall förlängas, huruvida det bör ändras, särskilt artikel 1.1, 1.3 och artikel 4, och huruvida undantaget i artikel 5 bör fortsätta att gälla. Kommissionen skall, i synnerhet med hänsyn till artikel 1.3, besluta om andra internationella standarder eller nationella regler eller standarder eller andra tekniska specifikationer, särskilt specifikationer som gäller alternativa metoder eller kriterier för att fastställa tändares barnsäkerhet, får anses motsvara barnsäkerhetskraven i detta beslut. De beslut som avses i denna punkt skall fattas i enlighet med artikel 15.2 i direktiv 2001/95/EG.

4. Inom ramen för de aktiviteter som avses i artikel 10 i direktiv 2001/95/EG om allmän produktsäkerhet skall kommissionen, före det datum då medlemsstaterna skall verkställa detta beslut, utarbeta riktlinjer för att göra det lättare att tillämpa detta beslut i praktiken.

Artikel 7

Detta beslut riktar sig till medlemsstaterna.

Utfärdat i Bryssel den 11 maj 2006.

På kommissionens vägnar

Markos KYPRIANOU

Ledamot av kommissionen

KOMMISSIONENS BESLUT

av den 12 april 2007

om ändring av beslut 2006/502/EG om en förpliktelse för medlemsstaterna att förbjuda att icke barnsäkra eller leksaksliknande tändare släpps ut på marknaden

[delgivet med nr K(2007) 1567]

(Text av betydelse för EES)

(2007/231/EG)

EUROPEISKA GEMENSKAPERNAS KOMMISSION HAR ANTAGIT DETTA BESLUT

med beaktande av fördraget om upprättandet av Europeiska gemenskapen,

med beaktande av Europaparlamentets och rådets direktiv 2001/95/EG av den 3 december 2001 om allmän produktsäkerhet [1], särskilt artikel 13, och

av följande skäl:

(1) Enligt kommissionens beslut 2006/502/EG [2] måste medlemsstaterna vidta åtgärder för att se till att endast barnsäkra tändare släpps ut på marknaden och förbjuda att leksaksliknande tändare släpps ut på marknaden.

(2) Beslut 2006/502/EG gäller endast i 12 månader från det datum det anmälts. Beslutets giltighet kan dock förlängas i enlighet med artikel 13.2 i direktiv 2001/95/EG.

(3) Mot bakgrund av de erfarenheter som hittills gjorts, och då det inte finns någon permanent gemenskapslagstiftning om säkerhet vad gäller tändare, är det nödvändigt att förlänga beslutets giltighetstid med ytterligare 12 månader.

(4) Enligt beslut 2006/502/EG är det förbjudet att från och med den 11 mars 2007 släppa ut icke barnsäkra eller leksaksliknande tändare på marknaden. Efter detta datum får icke barnsäkra och leksaksliknande tändare dock fortsatt levereras till konsumenter tills lagren är slut. Då icke barnsäkra och leksaksliknande tändare utgör en allvarlig risk bör det inte vara tillåtet att leverera sådana tändare till konsumenterna.

(5) För att förhindra ytterligare olyckor, och med hänsyn till den tekniska situationen, bör kortast möjliga övergångsperiod gälla för de åtgärder som fastställs i detta beslut, samtidigt som proportionalitet garanteras. Medlemsstaterna behöver också övergångsperioder för att kunna se till åtgärderna genomförs på ett effektivt sätt. Förbudet att leverera icke barnsäkra och leksaksliknande tändare till konsumenterna bör därför gälla i ett år från det att förbudet att släppa ut sådana produkter på marknaden har trätt i kraft.

(6) Beslut 2006/502/EG bör därför ändras i enlighet med detta.

(7) De åtgärder som föreskrivs i detta beslut är förenliga med yttrandet från den kommitté som inrättats genom direktiv 2001/95/EG.

HÄRIGENOM FÖRESKRIVS FÖLJANDE.

Artikel 1

Beslut 2006/502/EG skall ändras på följande sätt:

1. I artikel 2 skall följande punkter läggas till som punkterna 3 och 4:

"3. Medlemsstaterna skall säkerställa att endast barnsäkra tändare levereras till konsumenter från och med den 11 mars 2008.

4. Medlemsstaterna skall från och med den 11 mars 2008 förbjuda att leksaksliknande tändare levereras till konsumenter."

2. I artikel 6 skall punkt 2 ersättas med följande:

"2. Detta beslut skall gälla till och med den 11 maj 2008."

[1] EGT L 11, 15.1.2002, s. 4.
[2] EUT L 198, 20.7.2006, s. 41.

Artikel 2

Medlemsstaterna skall vidta de åtgärder som är nödvändiga för att följa detta direktiv senast den 11 maj 2007 och de skall offentliggöra dessa åtgärder. De skall genast underrätta kommissionen om detta.

Artikel 3

Detta beslut riktar sig till medlemsstaterna.

Utfärdat i Bryssel den 12 april 2007.

På kommissionens vägnar
Meglena KUNEVA
Ledamot av kommissionen

KOMMISSIONENS BESLUT

av den 12 mars 2010

om förlängning av giltighetstiden för beslut 2006/502/EG om en förpliktelse för medlemsstaterna att förbjuda att icke barnsäkra eller leksaksliknande tändare släpps ut på marknaden

[delgivet med nr K(2010) 1314]

(Text av betydelse för EES)

(2010/157/EU)

EUROPEISKA KOMMISSIONEN HAR ANTAGIT DETTA BESLUT

med beaktande av fördraget om Europeiska unionens funktionssätt,

med beaktande av Europaparlamentets och rådets direktiv 2001/95/EG av den 3 december 2001 om allmän produktsäkerhet ([1]), särskilt artikel 13, och

av följande skäl:

(1) Enligt kommissionens beslut 2006/502/EG ([2]) ska medlemsstaterna vidta åtgärder för att se till att endast barnsäkra tändare släpps ut på marknaden och förbjuda utsläppandet av leksaksliknande tändare på marknaden.

(2) Beslut 2006/502/EG antogs i enlighet med artikel 13 i direktiv 2001/95/EG, som begränsar giltighetstiden för beslutet till högst ett år men medger att det förlängs med ytterligare perioder på högst ett år.

(3) Beslut 2006/502/EG har ändrats tre gånger, först genom beslut 2007/231/EG ([3]) som förlängde beslutets giltighet till den 11 maj 2008, sedan genom beslut 2008/322/EG ([4]) som förlängde beslutets giltighet till den 11 maj 2009 och slutligen genom beslut 2009/298/EG ([5]) som förlängde beslutets giltighet med ytterligare ett år till den 11 maj 2010.

(4) I brist på andra tillfredsställande åtgärder för barnsäkra tändare måste giltigheten för beslut 2006/502/EG förlängas med ytterligare tolv månader och ändra beslutet i enlighet med detta.

(5) De åtgärder som föreskrivs i detta beslut är förenliga med yttrandet från den kommitté som inrättats genom direktiv 2001/95/EG.

HÄRIGENOM FÖRESKRIVS FÖLJANDE.

Artikel 1

Artikel 6.2 i beslut 2006/502/EG ska ersättas med följande:

”2. Detta beslut ska gälla till och med den 11 maj 2011.”

Artikel 2

Medlemsstaterna ska vidta de åtgärder som är nödvändiga för att följa detta beslut senast den 11 maj 2010 och offentliggöra dessa åtgärder. De ska genast underrätta kommissionen om detta.

Artikel 3

Detta beslut riktar sig till medlemsstaterna.

Utfärdat i Bryssel den 12 mars 2010.

På kommissionens vägnar

John DALLI

Ledamot av kommissionen

([1]) EGT L 11, 15.1.2002, s. 4.
([2]) EUT L 198, 20.7.2006, s. 41.
([3]) EUT L 99, 14.4.2007, s. 16.
([4]) EUT L 109, 19.4.2008, s. 40.
([5]) EUT L 81, 27.3.2009, s. 23.

Svensk författningssamling

SFS 2006:1085

Utkom från trycket
den 12 september 2006

Förordning om förbud mot vissa farliga tändare;

utfärdad den 31 augusti 2006.

Regeringen föreskriver följande.

1 § Förordningen genomför Europeiska kommissionens beslut K (2006) 1887 av den 11 maj 2006 om en förpliktelse för medlemsstaterna att förbjuda att leksaksliknande eller icke barnsäkra tändare släpps ut på marknaden.[1]

2 § Endast flergångständare och barnsäkra tändare av engångskaraktär får släppas ut på marknaden.

Leksaksliknande tändare eller leksaksliknande hållare till tändare får oavsett sin konstruktion inte släppas ut på marknaden.

Flergångständare

3 § Med flergångständare avses en påfyllningsbar tändare som är utformad, tillverkad och släppt på marknaden på ett sådant sätt att den

1. kan användas på ett säkert sätt i minst fem år,
2. kan repareras och på ett säkert sätt fyllas på under hela sin livstid, och
3. medföljs av en skriftlig garanti av tillverkaren som gäller i minst två år från försäljningsdagen.

För att en tändare skall anses vara påfyllningsbar skall delar, som inte är avsedda för engångsbruk, kunna bytas ut eller repareras av en auktoriserad eller specialiserad kundservicetjänst inom Europeiska unionen efter garantiperiodens slut.

4 § En tändare som inte uppfyller kraven i 3 § är att anse som en tändare av engångskaraktär.

Barnsäkra tändare

5 § En tändare skall anses vara barnsäker om den utformats och säljs på ett sådant sätt att den under normala eller rimligen förutsebara användningsförhållanden inte kan användas av barn som är yngre än 51 månader.

En tändare skall inte anses kunna användas av barn på grund av att det krävs viss kraft för att använda den, på grund av dess utformning, på grund

[1] EUT L 198, 20.7.2006, s. 41 (Celex 32006D0502).

av skyddet av tändmekanismen, eller på grund av att det krävs en komplicerad manöver eller en rad manövrar i följd för att tända den.

6 § En tändare skall anses vara barnsäker om:

1. den överensstämmer med den svenska standarden SS-EN 13869:2002, när det gäller andra specifikationer än dem i punkterna 3.1, 3.4 och 5.2.3 i standarden,

2. den överensstämmer med relevanta bestämmelser i länder utanför Europeiska unionen där barnsäkerhetskrav tillämpas som motsvarar dem i Europeiska kommissionens beslut angivet i 1 §.

Leksaksliknande tändare och hållare till tändare

7 § Med leksaksliknande tändare eller leksaksliknande hållare till tändare avses en tändare eller en hållare som på något sätt liknar andra produkter som allmänt anses attrahera barn eller som är avsedda att användas av barn, eller som i underhållningssyfte producerar ljud-, ljus- eller rörelseeffekter. Detta inkluderar sådana tändare som anges i punkt 3.2 i den svenska standarden SS-EN 13869:2002.

Tändare anses inte som leksaksliknande endast för att de är försedda med bild, text eller mönster.

Föreläggande och förbud

8 § Av 27 § produktsäkerhetslagen (2004:451) följer att Konsumentverket får meddela de förelägganden och förbud som behövs i ett enskilt fall för att bestämmelserna i denna förordning skall efterlevas.

Denna förordning träder i kraft den 9 mars 2007.

På regeringens vägnar

ANN-CHRISTIN NYKVIST

Anders Perklev
(Jordbruksdepartementet)

Thomson Fakta, tel. 08-587 671 00
Elanders Gotab, Stockholm 2006

Svensk författningssamling

SFS 2007:684

Utkom från trycket
den 31 juli 2007

Förordning om ändring i förordningen (2006:1085) om förbud mot vissa farliga tändare;

utfärdad den 19 juli 2007.

Regeringen föreskriver[1] i fråga om förordningen (2006:1085) om förbud mot vissa farliga tändare

dels att 1, 2, 6 och 7 §§ skall ha följande lydelse,

dels att det i förordningen skall införas fyra nya paragrafer, 7 a–7 d §§, samt närmast före 7 a § en ny rubrik av följande lydelse.

1 § Förordningen genomför Europeiska kommissionens beslut nr 502/2006/EG av den 11 maj 2006 om en förpliktelse för medlemsstaterna att förbjuda att leksaksliknande eller icke barnsäkra tändare släpps ut på marknaden[2], ändrat genom Europeiska kommissionens beslut nr 231/2007/EG av den 12 april 2007[3].

2 § Endast flergångständare och barnsäkra tändare av engångskaraktär får släppas ut på marknaden eller tillhandahållas konsumenter.

Leksaksliknande tändare eller leksaksliknande hållare till tändare får oavsett sin konstruktion inte släppas ut på marknaden eller tillhandahållas konsumenter.

6 § En tändare skall anses vara barnsäker om:

1. den överensstämmer med den svenska standarden SS-EN 13869:2002, utgåva 1, när det gäller andra specifikationer än dem i punkterna 3.1, 3.4 och 5.2.3 i standarden,

2. den överensstämmer med relevanta bestämmelser i länder utanför Europeiska unionen där barnsäkerhetskrav tillämpas som motsvarar dem i Europeiska kommissionens beslut enligt 1 §.

7 § Med leksaksliknande tändare eller leksaksliknande hållare till tändare avses en tändare eller en hållare som på något sätt liknar andra produkter som allmänt anses attrahera barn eller som är avsedda att användas av barn, eller som i underhållningssyfte producerar ljud-, ljus- eller rörelseeffekter. Detta inkluderar sådana tändare som anges i punkt 3.2 i den svenska standarden SS-EN 13869:2002, utgåva 1.

[1] Prop. 2006/07:48, bet. 2006/07:CU23, rskr. 2006/07:133.
[2] EUT L 198, 20.7.2006, s. 41 (Celex 32006D0502).
[3] EUT L 99, 14.4.2007, s. 16 (Celex 32007D0231).

Tändare anses inte som leksaksliknande endast för att de är försedda med bild, text eller mönster.

Krav på dokumentation m.m.

7 a § Tillverkare skall på anmodan av Konsumentverket tillhandahålla:

1. en provningsrapport som visar att den tändarmodell som släpps ut på marknaden är barnsäker samt ett varuprov av den provade modellen,

2. ett intyg som visar att alla tändare i samtliga partier som släpps ut på marknaden överensstämmer med den provade modellen samt dokumentation om det förfarande som ligger till grund för detta intyg,

3. en ny provningsrapport, om modellen ändras och det kan antas att den inte längre uppfyller kraven på barnsäkerhet enligt denna förordning.

Tillverkare skall fortlöpande kontrollera att tändarna uppfyller kravet på barnsäkerhet och föra ett produktionsregister som visar att samtliga tillverkade tändare överensstämmer med den modell som provats.

Närmare föreskrifter om vad provningsrapporten skall innehålla får meddelas av Konsumentverket.

7 b § Provningsrapporten enligt 7 a § skall upprättas av ett provningsorgan:

1. som uppfyller kraven i den svenska standarden SS-EN ISO/IEC 17025:2005, utgåva 2, ändrad genom SS-EN ISO/IEC 17025:2005/AC:2007, utgåva 1, och som ackrediterats av Styrelsen för ackreditering och teknisk kontroll (SWEDAC) eller av en annan medlem av den internationella ackrediteringsorganisationen ILAC (International Laboratory Accreditation Cooperation) för att utföra provningar av tändare eller som på annat sätt godkänts av den behöriga myndigheten i en medlemsstat inom Europeiska unionen för att utföra denna typ av arbete, eller

2. vars provningsrapporter accepteras i ett av de länder där det ställs barnsäkerhetskrav som motsvarar dem i Europeiska kommissionens beslut enligt 1 §.

7 c § Distributörer skall på anmodan av Konsumentverket tillhandahålla sådan dokumentation som behövs för att spåra tändarnas ursprung.

7 d § Om tillverkarna och distributörerna inte kan tillhandahålla de handlingar som anges i 7 a och 7 c §§ inom den tidsfrist som i det enskilda fallet fastställts av Konsumentverket skall tändarna dras tillbaka från marknaden.

Denna förordning träder i kraft den 11 mars 2008 i fråga om 2 § och i övrigt den 1 september 2007.

På regeringens vägnar

NYAMKO SABUNI

Cecilia Bergman
(Integrations- och
jämställdhetsdepartementet)

Thomson Fakta, tel. 08-587 671 00
Elanders, Vällingby 2007

Konsumentverkets författningssamling

ISSN 0347-8041

KOVFS 2007:13
Utkom från trycket den 3 september 2007

Konsumentverkets föreskrifter om provningsrapporter avseende vissa farliga tändare;

beslutade den 29 augusti 2007

Konsumentverket föreskriver[1] följande med stöd av 7 a § förordningen (2006:1085) om förbud mot vissa farliga tändare.

1 § Följande uppgifter skall finnas med i den provningsrapport som avses i 7 a § förordningen (2006:1085) om förbud mot vissa farliga tändare.
- Tillverkarens namn, adress och huvudkontor. Om tändaren är importerad skall motsvarande uppgifter anges även beträffande importören.
- En omfattande beskrivning av tändaren, inkluderande storlek, form, vikt, bränsle, bränslekapacitet, tändmekanism, barnsäkerhetsanordning, utformning, tekniska lösningar och andra faktorer som gör tändaren barnsäker enligt definitionerna och kraven i förordningen. En särskilt utförlig beskrivning skall finnas avseende alla dimensioner, den kraft som behövs för att använda tändaren och andra faktorer som kan påverka tändarens barnsäkerhet, inklusive uppgifter om tillåten avvikelse för varje sådan faktor.
- En utförlig beskrivning av provningarna och resultaten, datum för provningarna, platsen där de utfördes, vilket provningsorgan som utförde dem och upplysningar om organets kvalifikationer och behörighet att utföra sådana provningar.
- Adressen till det ställe där tändaren tillverkas eller har tillverkats.
- Det ställe där handlingar som krävs enligt förordningen förvaras.
- Referenser avseende provningsorganets ackreditering eller godkännande.

Dessa föreskrifter träder i kraft den 1 september 2007.

HÅKAN SANDESJÖ Ulrika Forsman

[1] Jfr kommissionens beslut 2006/502/EG av den 11 maj 2006 om en förpliktelse för medlemsstaterna att förbjuda att icke barnsäkra eller leksakliknande tändare släpps ut på marknaden (EUT L 198, 20.7.2006, s. 41 (Celex 32006D0502)) jämte ändringsbeslut (EUT L 99, 14.4.2007, s. 16 (Celex 32007D0231)).

Joint Market Surveillance Action on Child-Resistant Lighters and Novelty Lighters
Inventory of novelty lighters

Introduction

This inventory has been prepared and discussed in the joint action on cigarette lighters. It is based on information collected by the Commission and Member States. Its purpose is to guide Member State authorities in their evaluation whether a lighter is considered to be a novelty lighter. The information in this inventory supplements the information given in the note "Inventory of lighter designs that are considered not to be novelty lighters."

The examples in the inventory have been discussed by the participants in the core group for lighters. The inventory presents the conclusion from these discussions, which must been as the opinions of the individuals in the core group and not those of the Member States or the organisations represented in the core group.

The conclusions should be taken as general and indicative. A Member State authority is not bound by the information in this inventory when evaluating whether a specific lighter is a novelty lighter or not. Neither can a Member State authority argue that a lighter is to be considered to be a novelty lighter because it appears in this inventory. The arguments must always be based on the decision, which is the legally binding text.

The inventory also presents a number of designs that can not immediately be assessed to be novelty lighter or the opposite from photos etc. Instead a thorough examination may be necessary in each specific case. Thus, a producer should be aware that such products could be considered to be novelty lighters depending upon their specific appearance.

Please note that the inventory is not exhaustive.

Definition

A novelty lighter is according to EN 13869:2002 "Lighters – Child-resistance for lighters – Safety requirements and test methods" defined as a "flame-producing product commonly used by consumers to ignite cigarettes, cigars and pipes, including any holder which can be incorporated later or any attachment which can be fixed later, that resembles by any means to another object commonly recognised as appealing to or intended for use by children younger than 51 months, or has entertaining audio effect or animated effects. A novelty lighter can operate on any fuel, including butanes or liquid fuel. This includes, but is not limited to, lighters or holders that are clearly intended to hold lighters, the shape of which resembles cartoon characters, toys, guns, watches, telephones, musical instruments, vehicles, human body or parts of the human body,

animals, food or beverages, or that play musical notes, or have flashing lights or moving objects or other entertaining features. This excludes lighters that are printed of decorated with logos, labels, decals, artwork or heat shrinkable sleeves."

Member States have agreed to take a restrictive approach to novelty lighters.

Suggestions for updates

The most recent version of this document will be on the public part of the WebEx website.

The inventory will evolve during the joined action as information is collected and the participants agree on new designs being novelty lighters. During this process updates of the document will be uploaded to WebEx.

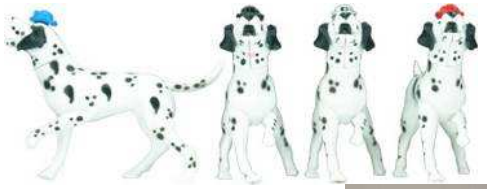
If you have suggestions for updates, please mail them to Torben Rahbek (tr@torbenrahbek.dk).

Inventory of lighter designs that are considered to be novelty lighters

No.	Category	Photos	Remark
1.	Vehicles and parts of vehicles (Cars, trucks, bicycles, motorbikes, trains, etc.)		Core group meeting March 29th: The 40 feet container is considered to be a novelty lighter because it looks like toys used by children when playing with model railways.
2.	Food & Drink (Fruits, cans, sweets, ice creams, etc.)		Core group meeting March 29th: Cans are considered to be novelty lighters no matter if the lighter resembles a beer can or a soft drink can because it looks like toys for a doll house.

No.	Category	Photos	Remark
3.	Musical Instruments		
4.	Guns & Weapons (Guns, pistols, granates, rockets, etc.)		Core group meeting March 29th: Size matters. Big lighters are in general not considered as cigarette lighters which means that they fall outside the scope of the decision.
5.	Tools, Furniture & Household Appliances		

No.	Category	Photos	Remark
6.	Buildings		
7.	Telephones & Electronics		
8.	Toys		Note that the airplane, the penguin and the frogs could also be considered under points 1, 9 and 9 respectively.

No.	Category	Photos	Remark
9.	Animals	      	(The shark is more than 100 mm long, but it is foreseen that it is intended for igniting cigarettes. Therefore it is a cigarette lighter and thus a novelty lighter.)
10.	Seasonal & Cartoon Characters	   	Santa Claus, fairies, Halloween, cartoon characters, etc.

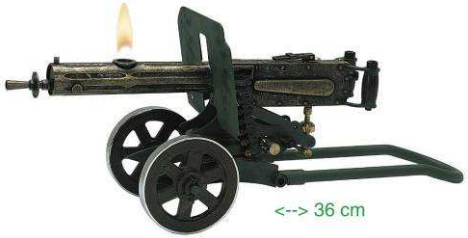
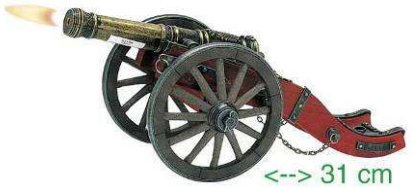
No.	Category	Photos	Remark
11.	Sports Equipment, Garments, Buckles and Jewellery	     	
12.	Body Parts	     	Busts, torsos, limbs, etc.

13.	Lighters with entertaining features (Flashing lights, sound, moveable parts, etc.)	   (The skull in the gas tank is "free-floating")    Lighters that project pictures irrespectively of the motive.	Core group meeting March 29th: Such lighters are considered as a novelty lighters even if the entertaining effects are "locked" by a CR mechanism so a child can not switch it on. The argument is that the lighter is still attractive to children because they have seen the entertaining effect when an adult has used it. (Note that the monkeys, the ship and the skull might also be considered under points 8, 1 or 11 respectively.)

13a	Lighters with attachments	  		The lighter is considered to be a novelty lighter if the attachment has “entertaining features”.

Inventory of “grey-zone” products

In each case, the producer has to argue why the product in case is not a lighter and what purpose the flame then serves to avoid that the product is considered as a novelty lighter.

No.	Name	Photos	Remark
1.	Statues, artwork	 	
2.	Replica or scale models of weapon	     	Small models are always novelty lighters.

No.	Name	Photos	Remark
3.	Ornamented table lighters		The ornamenting must not meet the criteria in the definition of novelty lighters.
4.	Products with an integral lighter (Clocks, tools, torch lights.)	 	The appearance of the lighter must not meet the criteria in the definition of novelty lighters.
5.	Lighters with attached jewellery	 	Lighters with attachments that resemble jewellery for children are considered to be novelty lighters.

JOINT MARKET SURVEILLANCE ACTION ON CHILD-RESISTANT LIGHTERS AND NOVELTY LIGHTERS

Supported by DG SANCO - Consumer Affairs
Agreement No: 17.020200/07/472817

Final Implementation Report

Covering the period 1 September 2007 – 31 December 2009

PROSAFE
PRODUCT SAFETY ENFORCEMENT FORUM OF EUROPE

Published 28 February 2010

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INTRODUCTION

This is the final technical implementation report prepared for the Joint Market Surveillance Action on Child-Resistant Lighters and Novelty Lighters. In accordance with the grant agreement the report is due 28th of February 2010 and it shall provide a concise overview of the joint action.

In accordance with Annex III in the Grant agreement [1] the report in particular includes the following information:

Activities undertaken in the joint action:

- All activities undertaken throughout the joint action, including any awareness-raising and dissemination activities are described in chapter 2. Awareness-raising activities are described in chapter 2.6. Dissemination activities are described in chapter 2.5.
- The report shall make a distinction between co-ordination activities and activities undertaken at national level by the participants. Co-ordination activities are described in chapter 2.4 and activities undertaken at national level by the participants are described in chapter 2.3.
- Explanations for any differences between the foreseen activities and the work program and those actually undertaken are explained in chapter 2.7.

Participants in the joint action

- A description of how the participants have been involved in the joint action and what activities they have undertaken is presented in chapter 3. The description of how a balanced participation between the different organisations was achieved is given in chapter 3.2.
- The report shall also present an overview of all organisation and persons (by organisation) who participated in the execution of the joint action indicating man-days worked and their professional category. This overview is found in Annex 2. Differences between the foreseen participation in the joint action and those actually realised are explained in chapter 3.3.

Results of the joint action

- A description of the results of the joint action and how they have contributed to the overall objectives distinguishing between results at a global level and national level is presented in chapter 4. Differences between the foreseen results and objectives of the joint action and those actually achieved are explained in chapter 4.6.
- An analysis of the results achieved and recommendations for future market surveillance actions are presented in chapter 4.3 and 4.5.

Together with the final report comes the financial statement that provides a consolidated overview of all expenditures as well as a breakdown per participant. According to the contract this final report includes explanations for any deviation from the budget laid down in the grant agreement. It can be found in chapter 5.2.

The joint action has been executed under the 2007 call for tender. Thus, the reporting requirements may differ from actions granted under the call for tenders outlined in other years.

1 BACKGROUND INFORMATION

1.1 Summary of Project Description

(The full plan can be found in [1].)

1.1.1 Title of the joint action

Joint Market Surveillance Action on Child-Resistant Lighters and Novelty Lighters.

The joint action is supported financially by the European Commission under Grant Agreement no. 17.020200 / 07 / 472817.

1.1.2 Participating Member States

Thirteen Member States participated in the financial scheme of the joint action: Austria, Bulgaria, Denmark, Estonia, Greece, Latvia, Malta, The Netherlands, Norway, Poland, Sweden, Slovenia and Slovakia.

Furthermore, the authorities in Bavaria, Germany, and in Spain have participated in the action outside the financial scheme.

The applicant body that also carries the overall responsibility for the joint action is Stichting PROSAFE, the legal body behind PROSAFE. (PROSAFE is an informal cooperation between product safety enforcement officers in Europe.)

The daily management was undertaken by Gunnar Wold from DSB in Norway. The coordination of the project was subcontracted to an independent consultant, Torben Rahbek.

1.1.3 Budget

The total budget cost for this project was 732,559.06 € out of which the Commission funded 69.95% of the total cost, equivalent to 512,396.88 €.

1.1.4 Primary objective

The primary objective of the joint action was to ensure that only safe lighters are placed on the EU market.

1.1.5 Secondary objective

The secondary objective was to gather experience related to best practice techniques in running a joint market surveillance action. This included:

- Acquiring experience with the execution of a market surveillance action that involved a large number of Member States and was guided by common (ambitious) objectives.
- Promotion of a harmonised approach to the market surveillance and enforcement of the safety requirements for lighters.
- Investigating to what extent tests can be coordinated and test results can be utilised cross-border by several market surveillance authorities.

1.1.6 Deliverables of the joint action

The main deliverable of the project was intended to bring about a significant reduction in the amount of unsafe lighters on the European market. The progress was monitored using the following indicators:

- The share of non-compliant lighters that were found on the European market.
- The share of non-compliant lighters that were imported to Europe.
- The share of non-compliant lighters that were produced in Europe.
- The share of shops that marketed novelty lighters.

The aim of the project was to reduce the level to below 2 % for each indicator at the end of the project.

Further deliverables from the project were:

- Quarterly progress reports.
- The final report.
- A workshop to present the main findings and results.

1.1.7 The activities of the joint action

The activities of the joint action were divided into three phases:

Phase 1 September 2007 – December 2007
The joint market surveillance activities started up. Member States conducted checks at the borders (in cooperation with customs) or during inspections to importers and European manufacturers. Information about samples and test results were exchanged between the participants. Procedures and forms were modified or developed as experience was collected during the action.

Phase 2 January 2008 – June 2009
In the second phase the market surveillance actions was carried out. In the beginning checks were mainly carried out by customs at the external

borders and by market surveillance at importers and manufacturers. March 11th 2008 the legal framework changed as all cigarette lighters on the market should be child-resistant as from that date. Therefore the market surveillance activities gradually shifted to inspections in retail stores and at wholesalers.

Phase 3 July 2009 – November 2009
The joint action terminated and the participants organised a final conference to present the conclusions and recommendations from the activities.

The plan foresaw that 150 lighters would be tested according to ISO 9994 and that the child resistance of 4 lighters would be tested according to EN 13869 during phase 1 and 2 of the action.

The plan for the joint action also included activities to encourage those Member States that were not in the financial scheme of the joint action and activities to liaise with the European Commission and stakeholders such as the European lighter industry and the consumer organisations. Furthermore, the joint action was coordinated with the EMARS project also undertaken by PROSAFE to exchange tools, methods and best practices between the two projects for mutual benefit.

1.2 Other background information

1.2.1 The European market

Cigarette lighters in Europe are usually low-cost products that are sold for less than 1 Euro a piece. The annual sales are approximately 2 billion lighters a year, one third of which is produced in Europe. The rest is imported from countries outside the EU. The main exporting countries are China and other countries in the Far East (Malaysia, Indonesia, Vietnam and Taiwan) but the United States is also a major exporter to the EU. Imported lighters enter the EU through relatively few entry points. The major ones appear to be Rotterdam, Hamburg, Felixstowe, Calais, Valencia and Genoa. In addition Austria, Greece, Hungary and the Slovak Republic have also been identified as large importing countries.

The major European manufacturers work with EFLM (European Federation of Lighter Manufacturers). The three largest European manufacturers are located in France and Spain. The major European importers are members of ELIAS (European Lighter Industry Association). The association has some 20 members that represent approximately 80 % of the total amount of European imports.

Lighters are sold through a variety of channels which include: Grocery stores, supermarkets, gas stations, kiosks, tobacconists, market halls or souvenir shops. In general, lighters are sold at the same points as cigarettes.

Novelty lighters account for a small segment of the market – an estimated 1%. They are sold through other sales channels (gift shops, tobacconists, open air markets, flea markets and souvenir shops).

Luxury and semi-luxury lighters make up another small segment of the market – also approximately 1%. Such lighters are available typically in larger gift shops, tobacco shops, gas stations, shops with luxury articles, shopping centres and malls.

Lighters (with company logos) are one of the biggest promotion articles in Europe.

A study on the safety level on the European market was carried out from 2004 – 2005 by the Austrian consumer test laboratory on behalf of the European consumer organisations [12]. The study comprised 70 lighter models purchased in Austria, Belgium, Denmark, Germany, Norway, Portugal, Spain and Italy. They were tested according to selected clauses in the standard EN ISO 9994:2002. The result was that only 22 out of 70 lighters (or 31%) were in conformity with the safety requirements given in ISO 9994.

In 2007, a study was carried out by the European Federation of Lighter Manufacturers [13]. In this study a total of 53 lighter models were examined of which 20 models did not meet the safety requirements. The study notes that all 20 non-compliant models were imported.

There are no reports from market surveillance activities on lighters regarding the safety level across the entire European market.

1.2.2 Risks and accidents

Typically a normal, new cigarette lighter contains 3 – 5 grams of liquid butane. Such an amount can create a fireball with a diameter of 50 cm if ignited in the open air. Therefore lighters must be manufactured and handled carefully so that they do not present a danger to consumers. The risks can arise in a number of ways:

- An unsafe lighter might break open if dropped by the consumer.
- An unsafe lighter might function in dangerous ways, e.g. by producing a high flame when ignited or by not extinguishing properly.
- An unsafe lighter might leak, e.g. when put in the pocket of the user.
- Lighters with insufficient child resistance can be ignited by small children that play with lighters.

Furthermore, lighters present a risk when kept in large quantities because of the total amount of fuel. As an example a 40' container holds some one million lighters which contain 3 – 5 tons of fuel. To take account of the potential risks therefore, special requirements exist for storing and transporting lighters.

A special risk is linked with novelty lighters. There is a risk that children may regard them as play items because their shape and form may resemble animals, vehicles, tools, weapons and other toy-like items. These lighters are considered to be particularly dangerous as there is an increased chance that children will play with them because of their appearance. Several Member States have taken action against such lighters for many years and several RAPEX notifications have been issued.

The joint action has looked for statistics to estimate the number of accidents and fires caused by lighters. This is difficult because most statistics do not distinguish between fires caused by matches and fires caused by cigarette lighters. The fire statistics for the United Kingdom does however make this distinction. The most recent version is from 2009 and produces data up to and including 2007 [18]. An extract is shown in table 1.

Year	Fatal fires			Non-fatal fires		
	Total	Cigarette lighters	Share (%)	Total	Cigarette lighters	Share (%)
1997	497	12	2,4%	12.877	297	2,3%
1998	454	14	3,1%	12.827	336	2,6%
1999	398	7	1,8%	12.556	270	2,2%
2000	397	13	3,3%	12.059	308	2,6%
2001	428	20	4,7%	11.691	332	2,8%
2002	355	13	3,7%	11.182	283	2,5%
2003	394	15	3,8%	10.426	300	2,9%
2004	325	13	4,0%	9.993	251	2,5%
2005	310	6	1,9%	9.687	216	2,2%
2006	295	8	2,7%	9.327	264	2,8%
2007	267	11	4,1%	9.066	254	2,8%

Table 1. Fire statistics for United Kingdom showing the total number of fires and the number of fires caused by cigarette lighters. The table is based on [18].

Table 1 shows the number of accidental fires (accidental meaning not intended) in dwellings (i.e. excluding fires in cars, enterprises, etc.). The numbers show that the share of non-fatal fires caused by cigarette lighters has more or less remained constant at a level of

2,5% from 1997 to 2007. The numbers also show that the share of fatal fires caused by cigarette lighters has increased from 2,5 – 3% to 3 – 4% in the same period. The increase is however mostly due to a decrease in the total number of fatal fires as the number of fires caused by lighters can be seen to remain constant by and large.

For comparison the category "Smokers' materials" account for more than ten times more fatal fires than lighters and five time more non-fatal fires. This category includes cigarettes and tobacco that is left burning by the smoker. Fires caused by matches have also been separated out in the statistics. They account for approximately the same number of fires as lighters.

About 60 million people live in the United Kingdom corresponding to a little more than 10% of the population in the European Union.

1.2.3 Regulation

The safety of lighters has been on the EU agenda for several years. The work has resulted in harmonised standards for safety (EN ISO 9994 [2]) and child resistance (EN 13869 [3]). Market surveillance authorities have taken EN ISO 9994 as the basis for evaluation of the safety of lighters for several years, but the requirements for child-resistance are rather new.

May 11th, 2006 the European Commission adopted the decision 2006/502/EC [5] requiring Member States to take measures to ensure that only child-resistant lighters could be placed on the market and to prohibit novelty lighters. The decision excluded luxury and semi-luxury lighters. The decision prescribed that non-CR lighters and novelty lighters could no longer be placed on the European market after March 11th 2007.

The decision was amended by the decision 2007/231/EC [6] that prolonged decision 2006/502/EC and implied that non-CR lighters and novelty lighters could no longer be offered to consumers after March 11th 2008.

In April 2008, the Commission adopted the decision 2008/322/EC [7] prolonging the validity of decision 2006/502/EC until 11 May 2009 and in March 2009 the decision was extended for yet another year by the decision 2009/298/EC [14].

1.2.4 Standards

The decision 2006/502/EC references the standards EN ISO 9994 [2] and EN 13869 [3].

EN ISO 9994 describes the safety requirements for lighters. The standard is listed under the General Product Safety Directive meaning that a manufacturer can presume that a lighter is safe if it meets all requirements of the standard.

EN 13869 describes the requirements for child-resistance. It has not been listed and is currently under revision. The European Commission has adopted a mandate that has been adopted by CEN. CEN has started its work following a two-step approach: The first step is a revision of some immediate issues in the standard and a second step is a thorough examination of the suitability and feasibility of introducing technical parameters to characterise child-resistance to supplement the child-panel test.

1.2.5 The international situation

Requirements on child-resistance are known to be in place in the United States, Canada, Australia and New Zealand. The legal requirements in the United States in many respects serve as a model for the legislation in place in other jurisdictions. The regulations in Canada, Australia and New Zealand are known to reference the American standard Exand the EU approach has also been greatly influenced by developments in the United States.

Since 1993, US legislation requires that lighters need to be child-resistant when they are sold in the United States. The CR requirements are presented in the American standard 16 CFR 1210 [4]. They are similar to those in EN 13869 and the fulfilment of the requirements is demonstrated by the use of test panels composed of children. The most notable difference between the legislation in Europe and the US is that the US regulation permits novelty lighters as long as they are child-resistant. Another fact is that the CPSC in the US allows the producers or importers to prove child-resistance through “cross-qualification” or “cross-referencing”. The idea being that child-resistance is demonstrated by proving that a particular lighter is similar to another lighter that has previously been proven to be child-resistant. CPSC keeps an updated list of accepted lighter models on their website [8].

The report “Cigarette Lighters, Status Report” issued by CPSC in October 2006 [9] discusses accident data and makes an attempt to relate these to the type of non-compliance as classified by CPSC staff based on a review of available information on the accident reports. The report notes that the classification is not definitive as testing had not yet been conducted. Based on data from the national fire and incident reporting system NFIRS [11] for the period 1999 – 2002, there was an estimated annual average of about 70 residential structure fires caused by malfunctioning lighters. No deaths were reported in NFIRS, but an estimated 50 injuries were reported.

Data from the American injury surveillance system NEISS [10] showed an estimated average of 461 accidents per annum resulting from malfunctioning lighters in the years 1997 – 2005. Most of the accidents were burns to the face, hands, and fingers. Over 94% of the injured were treated and released. For the same period, 362 incident reports related to lighter failures were received; 65 percent of these lighter failures were reported as resulting in fires, leading to 4 deaths and 12 serious injuries.

The report notes that the most common type of reported malfunction that led to injuries was lighter explosion. Such incidents led to all of the 4 reported deaths and the majority of the 12 serious injuries required hospitalisation.

The same report summarises the results from a study conducted to estimate the level of conformance of lighters on the US market. A total of 135 lighter models were collected from various retail establishments in the US and sent for testing at a laboratory. The test results showed that 40 percent or less of the tested inexpensive and disposable lighters complied with the requirements. Based on the results, the CPSC staff estimated that 55 - 58 percent of the lighters on the market complied with the regulations. An earlier study from May 2004 estimated the level of lighter conformance to be 75 percent or more. The most common failures were failure to comply with the requirements for volumetric displacement, spitting, sputtering or flaring.

2 ACTIVITIES UNDERTAKEN IN THE JOINT ACTION

2.1 Overview of Activities

This chapter presents all activities undertaken in the joint action. A timeline of the action can be found in Annex 1.

Detailed descriptions of some of the activities are found in chapters 2.2 - 2.6.

- Project management activities
  - Call for consultants
    The first activity in the joint action was a call for a consultant to manage and coordinate the joint action. In accordance with the procedures of the European Commission, the call was sent to 5 independent consultants. Two consultants responded positively. The management of Stichting PROSAFE contacted both consultants and discussed the contents for the action. One of the consultants withdrew his offer leaving the remaining consultant who was found to meet the criteria. This consultant was then engaged and a contract drawn up for his signature.
  - Management of the joint action
    The consultant developed a couple of tools (documents) to facilitate the follow-up of the financial situation and the Member States' contribution: A note with a timeline and important dates, a "dashboard" with an overview of the financial situation and a table of the Member States' contributions in kind. The documents were discussed at all meetings in the project group. More information can be found in chapter 2.4.10.
  - Progress reports
    Brief progress reports have been produced every three months to update the Commission about the status of the joint action.
    Furthermore, a couple of updates have been produced at the request of the Commission for meetings in WG Network or the GPSD Committee.
  - Interim reports
    Two interim technical implementation reports have been produced; the first covers the period September 2007 – May 2008 and the second covers the period June 2008 – February 2009, [15] and [16].
  - Reimbursement
    A guideline and a form for reimbursement of travel costs was drafted (and updated later on) to address a demand from the participating Member States. The guideline was later applied by all joint actions run by PROSAFE.

- Filing of documents
  A document depository has been created on the EMARS WebEx website to store all documents produced by the joint action and a user's guide has been drafted.

- Project Meetings and Meetings in the Core Group for Lighters
  The joint action has organised ten project meetings over the course of the action. The consultant has produced invitations, agendas, minutes, lists of participants and presentations for the meetings. More information on the meetings can be found in chapter 2.2.1.
  Furthermore the participants have attended three meetings in the core group for lighters chaired by the European Commission.

- Selection of test laboratories
  It was decided to run the tests jointly among the participants and to select two laboratories to do the testing. A call for tender was prepared and issued and quotations were received and assessed. After a number of clarifying questions, an overview of the quotations was established. The outcome of the call for tender process resulted in selecting the Bureau Veritas laboratory and a contract was drawn up and signed.
  More information can be found in 2.4.3.

- Exchange of information on lighter models
  A database with information on investigated lighters was set up on WebEx to facilitate the exchange of information on lighter models between the Member States. Forms for exchange of information and import of data to the database were produced as well as short guide Information on 616 models has been uploaded to the database. A short description of the database is given in 2.4.8.

- Coordination of tests, sampling of lighters
  A procedure for doing joint sampling and testing was laid down. A form was developed to help the authorities identify their lighters for the test laboratory. Instructions for submission of lighters to the laboratory were developed. Forms with information on the lighter models to be tested in the ten rounds were completed. More information can be found in chapter 2.4.4.

- Testing
  Testing of 143 lighters has been concluded. Test reports from Bureau Veritas have been uploaded to the joint action's database.
  Detailed results can be found in chapter 4.3.

- Questions discussed in the Rapid Advice Forum for lighters
  A total of 67 questions have been discussed in the Rapid Advice Forum for lighters or handled by the coordinator.
  The Rapid Advice Forum assessed 33 unusual lighters designs to decide if they were novelty lighters or not. The conclusions were incorporated in the inventory of novelty lighters. 34 questions dealt with other issues related to market surveillance on lighters. Compilations of these questions and their responses have developed under the EMARS project.
  More information can be found in chapter 2.4.9

- Drafting and updating of miscellaneous documents
  The coordinator has produced a number of documents to capture the conclusions from the Member States' discussion of important subjects:
  - A note describing the type of proof required by a Member State authority from an economic operator to qualify a lighter as child resistant
  - A note on intervention limit values was prepared to facilitate the discussion on harmonisation of Member States' approach to different non-conformities. This note was finally included in a draft lighter guideline. More information is given in chapter 2.4.2.
  - A note on the classification of lighters was drafted to clarify which legislation covers different child-appealing flame-producing products that fall outside the definition of novelty lighters.
  - The inventory of European lighter manufacturers and the inventory of European lighter importers have been updated. The original inventory of novelty lighters was split into two inventories (novelty lighters and non-novelty lighters). Both were updated.

- Awareness-raising and outreach activities
  Presentations of the joint action were made on 12 separate occasions including 7 events organised by PROSAFE.
  The joint action had 10 meetings with stakeholders besides the 3 meetings in the core group for lighters.
  Activities were undertaken to reach out to Member States outside the joint action.
  More information can be found in chapter 2.6

- Dissemination activities
  Contributions ("articles") about the joint action were produced in the PROSAFE newsletter and the ICPSC newsletter.
  The joint action also produced a number of information notes and press releases on the results and findings of the activities. This included a letter to parents explaining the necessity of CR tests, three press releases on the results of the action and an

informative note to stakeholders (primarily businesses) on novelty lighters and proving of child-resistance.
To end, a half-day workshop was organised to discuss the results of the joint action. (A detailed description is given in chapter 2.5.)

2.2 Meetings

2.2.1 Project Meetings

Ten project meetings have been organised by the joint action as foreseen in the original project plan:

- 21 September 2007 in Brussels
  The purpose of the meeting was to present the joint action to the participants and to discuss the involvement of stakeholders and the interaction with the EMARS project. In addition, each participant gave a brief update about the situation on lighters in their respective Member State. (This was a standing item on all agendas throughout the project.)
  Finally, the participants continued discussions on two issues that had begun before the start of the joint action, these were: interpretation of "novelty lighters" and what evidence an authority would need to consider a lighter to be proven child resistant.

- 13 December 2007 in Brussels
  This project meeting was scheduled in conjunction with a meeting in the Commission's core group for lighters.
  The participants continued the discussions on a number of issues raised at the first meeting, sampling schemes, organisation of the tests in the joint action, status for the selection of laboratories, demonstration of child-resistance, classification of lighters and the identification of novelty lighters.

- 27 February 2008 in Brussels
  The key item of this meeting was organisation of the joint tests including a discussion of the contracts with the test laboratories and the reporting requirements. The participants were also introduced to a database on WebEx that had been developed to contain information on investigated lighters.
  The meeting included a discussion on intervention limit values as a tool to harmonise measures against non-compliant lighters and a discussion of key messages for a common information campaign.

- 7 May 2008 in Vienna
  This meeting launched the "dashboard" as a tool to monitor the financial development in the joint action. It was discussed at all future project meetings.
  The participants discussed a proposal to include continuous burning and volumetric displacement in the testing requirements and the discussion of intervention limit values was continued. The meeting also included a discussion between the Member States on marking requirements and location of safety markings. The purpose was to align the authorities' perception of the issue.
  Ideas for the first interim technical implementation report were exchanged.

- 18 June 2008 in Brussels
  This meeting was scheduled in conjunction with a meeting in the Commission's core group for lighters.
  The results from the first laboratory tests had been received prior to the meeting thereby enabling the interpretation of the test reports to be discussed in detail. The participants decided to publish some statistics on these results to meet the huge interest from stakeholders. Final decision was taken to include tests for continuous burning and volumetric displacement in the testing requirements.
  Planning of a meeting involving customs was started.

- 17 + 18 September 2008 in Brussels
  The meeting was organised as an ordinary project meeting the first day and a joint meeting with customs representatives in the second day.
  The project meeting on the first day included a discussion of introducing verification of child-resistance in the testing requirements, and a discussion of information from the joint action, in particular a note on novelty lighters and the proving of child-resistance. The meeting also included a thorough half-day discussion of a market surveillance case on lighters from sampling to sanction.
  The purpose of the meeting on the second day was to exchange experiences between customs authorities and market surveillance authorities on practical problems and experiences with surveillance of lighters. It was opened with a presentation of the first interim technical implementation report and the inventory of novelty lighters so that all participants, in particular the representatives from customs, were familiar with these two documents. The bulk part of the meeting was occupied by a fruitful exchange of ideas, best practices, problems and solutions on market surveillance, border control, cooperation between customs and market surveillance, cross-border cooperation, exchange of information, etc.

- 22 January 2009 in Stockholm
  The purpose of this meeting was to discuss the progress in the joint action.

The coordinating body reported back from a visit to Bureau Veritas with the purpose to discuss problems with turn-around times. The participants began to discuss the organisation of child-panel tests of a couple of lighter models. They also discussed verification of child-resistance of a lighter without testing and cross-border use of test reports.
Finally the participants discussed a number of questions raised by other participants, e.g. location of safety marking on lighters, report from the first meeting in the CEN working group on the revision of the lighter standard for child-panel tests, report from a PROSAFE meeting with BIC, questions about novelty lighters and multi function lighters and the Norwegian model for "auditing" importers.

- 26 March 2009 in Brussels
  This meeting was scheduled in conjunction with a meeting in the Commission's core group for lighters.
  The participants continued their discussions on organisation of child-panel tests, cross-border use of test reports and location of safety marking on lighters.
  The outcome of a draft press release published 11 March 2009 was presented.

- 1 July 2009 in Manchester
  The meeting took place in the premises of Bureau Veritas outside Manchester. It included a tour in the laboratories with a demonstration of an EN ISO 9994 test and verification of child resistance in a hard-piezo lighter. The purpose was to give the participants a hands-on experience of the laboratory tests and enable face-to-face discussions between the market surveillance authorities and the laboratory.
  The participants continued their discussion of child-panel tests, cross-border use of test reports and verification of child-resistance by documentary checks only. The participants also discussed proper issuing of RAPEX notifications in the case of lighters and a number of new potential novelty lighter designs.
  The idea of publishing a press release with the results in connection with the final workshop was discussed and agreed.

- 6 October 2009 in Valetta
  This meeting was used to discuss the finalisation of the joint action and to prepare the final workshop 30 November.
  The results from the first child-panel test had become available and were discussed at length to extract the lessons learnt. The participants also commented on a first draft guideline on market surveillance on lighters (including workflows for market surveillance on lighters and verification of child-resistance as well as an annex with intervention limit values).

2.2.2 Other Meetings Attended or Organised within the Framework of the Joint Action

The following meetings and events have been attended or organised by representatives from the joint action:

- PROSAFE meeting, Istanbul, Turkey, 26 – 28 November 2007.
- EMARS workshop, Istanbul, Turkey, 27 November 2007.
- Meeting in the core group for lighters, Brussels, Belgium, 13 December 2007.
- Visit to Bureau Veritas, Manchester, 5 February 2008.
- ICPHSO conference, Washington, USA, 18 – 21 February 2008.
- ICPSC meeting, Washington, USA, 20 February 2008.
- Visit to CPSC, Bethesda, Washington, USA, 22 February 2008.
- Visit to TÜV SÜD, Munich, 26 February 2008.
- ELIAS teleconference on projecting lighters, 29 February 2008.
- Coordination meeting with Niels Kielman, VWA, Zwijndrecht, 13 March 2008.
- ELIAS teleconference on projecting lighters, 19 March 2008.
- EFLM teleconference on testing requirements, 19 March 2008.
- Visit from EFLM to VWA laboratories in Zwijndrecht, 20 May 2008.
- PROSAFE meeting, Tallinn, Estonia, 21 – 22 May 2008.
- EMARS workshop, Tallinn, Estonia, 22 – 23 May 2008.
- Meeting with Xinhai in Copenhagen, 26 May 2008.
- Meeting in the core group for lighters in Brussels, 18 June 2008.
- Presentation of joint action on lighters for the Bulgarian Commission for Consumer Protection in Sofia, 24 June 2008.
- CEN-CENELEC annual meeting in Bucharest, 25 June 2008.
- Meeting with ELIAS in Copenhagen, 30 June 2008.
- EMARS workshop in Paris, 11 July 2008.
- Final meeting in the playground project in 4 November 2008.
- Visit from US lighter association, 17 November 2008.
- International Product Safety Week in Brussels, 17 – 21 November 2008.
- Meeting with Bureau Veritas in Manchester, 18 December 2008.
- Meeting with BIC in Brussels, 15 December 2008.
- Meeting with BIC in Brussels, 6 March 2009.
- Meeting with EFLM in Brussels, 22 April 2009
- Meeting in the Consumer Safety Network, 22 October 2009.

Further to these meetings the project supervisor and the project coordinator have participated in numerous meetings organised under the EMARS project.

2.3 Activities Undertaken at the National Level

2.3.1 Reporting of Data and Uncertainties

The main activity that the Member States undertake at national level in the context of the joint action on lighters is market surveillance. This includes border control in cooperation with customs and inspections in retail shops and at wholesalers, importers and manufacturers.

The Member States report this activity in two ways. Firstly, they submit information on individual (non-conforming) lighter models at appropriate intervals. This information goes into the WebEx database primarily for the benefit of the other participants. Secondly, they report statistical information about the number of inspections, lighter models checked, etc. month by month or quarterly. Data from both sources have gone into the analyses in this chapter.

A number of uncertainties and shortcomings are found in the data:

- Some data are reported in other time frames than quarterly or as accumulated figures for the entire project. Such figures have been divided proportionally over the relevant periods.
- Some data are most likely reported from both sources. Efforts have been made to remove as much of the overlap as possible.

The detailed results from the Member States' inspection activities can be found in tables in Annex 3.

2.3.2 Statistics on Border Control Executed by Customs

The number of inspections carried out by customs is shown in figure 1. The figure shows that a total of 8.439 consignments or containers have been reported checked by customs in the joint action. This number includes almost 6,500 checks by the Polish customs of consignments. ("Consignments" are to be understood as small batches of lighters, perhaps being part of larger consignments with mixed goods, often imported by minor importers or individuals.) The reports from the other participants do not distinguish between containers and consignments.

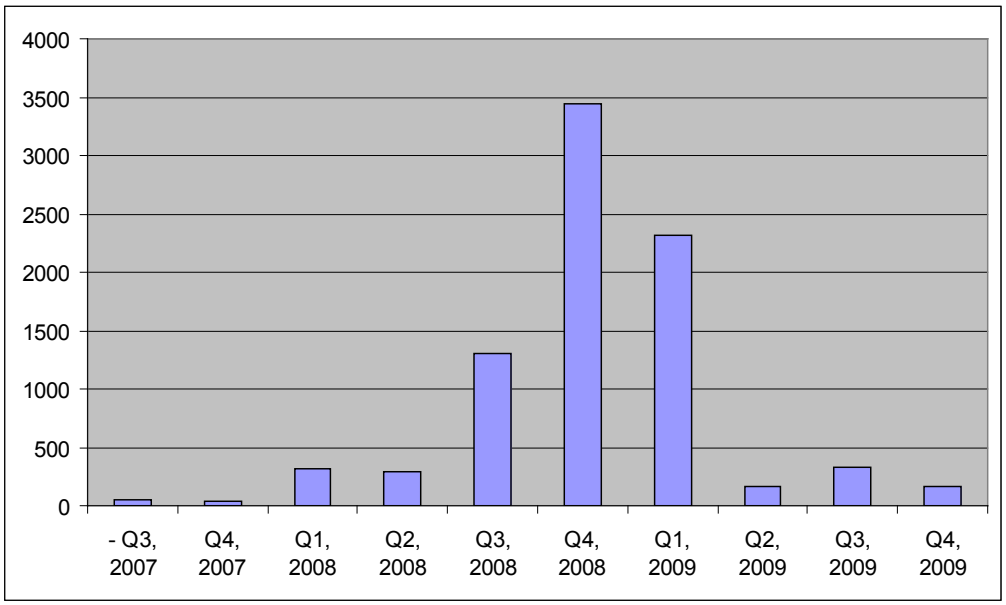


Figure 1. The figure shows the number of containers and consignments that have been checked by the customs authorities upon import to Europe. The first column includes checks carried out before the start of the joint action in September 2007.

The uncertainties in data have limited influence on these results, but the total number of checks is higher as some Member States have not reported the number of inspections but rather that all consignments from third countries had been inspected by customs.

The number should be compared with the number of consignments that are imported to Europe. The Austrian authorities reported that 797 consignments with lighters were imported to Austria from third countries in 2008. The customs checked 600 consignments or 75%. In 2009 the Austrian customs checked 469 of 589 consignments corresponding to 80%.

2.3.3 Statistics on Market Surveillance Inspections

The market surveillance authorities have been active inspecting lighters at retailers, wholesalers and importers. The number of visits is shown in figure 2.

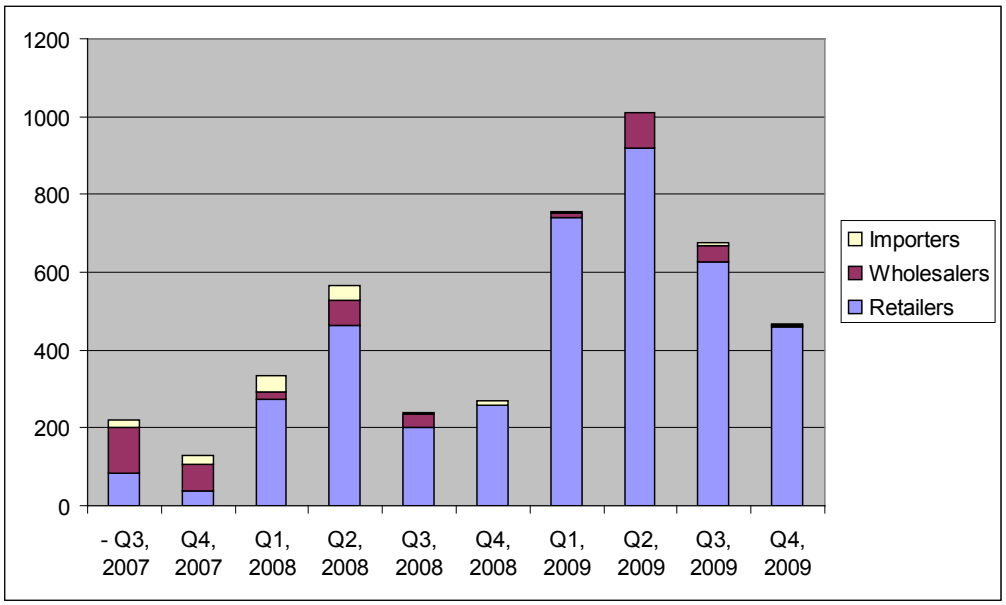


Figure 2. The figure shows the number of market surveillance inspections. The first column includes checks carried out before the start of the joint action in September 2007.

The figure shows that a total of 4.663 visits have been carried out by market surveillance authorities in the joint action. The figure also shows that the focus was on importers and wholesalers in the first few months of the project and then it changed to retailers. This was expected as the selling-off period for non-CR lighters finished 11 March 2008. Therefore inspections in retail stores have only enjoyed the full benefits from second quarter of 2008 and onwards.

Figure 2 shows that the number of visits fluctuates during the projects. Several participants decided to take a break in their visits in the second half of 2008 after the visits carried out in the beginning of the joint action had been executed. In 2009 their activities were stepped up again and the second quarter of 2009 saw the highest number of visits as illustrated in the figure.

The data are somewhat uncertain as the categorisation of domestic importers (economic operators that purchase lighters from an economic operator in another EU Member State) varies between “wholesalers” and “importers” from Member State to Member State. This affects the data in those two categories but not the total number of visits.

No European manufacturers are located in the participating Member States. Therefore no visits have been made to manufacturers.

Next to the above figures Romania and Cyprus reported that they had carried out almost 1.700 checks at retailers in 2008 and 2009. This was in reply to a questionnaire sent out by the coordinating body in autumn 2009 to the GPSD Committee.

2.4 Activities Undertaken by the Coordinating Body

These activities include coordination activities and coordinated activities undertaken by the coordinating body.

2.4.1 Aligning and Harmonising the Member States' Approach

One of the important purposes of a joint action is to promote a more harmonised approach among the participants. The joint action on lighters worked in several ways to achieve this.

A significant part of all meetings is allocated to a "tour de table" where all participants explain the most recent progress developments in their countries and discuss any issue that has arisen. The activity has two purposes: the participants can learn from the experiences of each other and they can benefit from the total bank of knowledge that has been accumulated in the group; numerous question have been resolved this way.

The joint action also proved to be an efficient vehicle for harmonising the Member States' approach is the discussion of location of safety markings and warnings on lighters. The need for harmonisation of Member States' practices on requirements for location of safety markings and warnings on lighters became apparent as discussions revealed several different practices:

- Some Member States required all information to be visible on the lighter.
- Some Member States required all information to be printed on a separate slip of paper that was to be handed over to the consumer when the lighter was sold.
- Some Member States allowed warnings to be printed on the 50-item display unit that stands on the desk in the shop.
- Some Member States allow warnings that are found to concern obvious risks to be on the display unit whereas the other warnings should go with the lighter.

The participants discussed this issue several times and decided to involve the GPSD committee as it was considered to reach beyond what should be decided in the joint action. An (almost) complete overview of the practices in all Member States in the EU including an overview of the requirements in a few non-EU countries (United States, Canada and Australia) was established. Finally the question was formally raised to the European Commission via the GPSD committee. The Commission replied that the standard allows all safety warnings to be printed on the display unit but it is understood that the display unit

must be placed in such a way that the consumer can actually read the warnings when the lighter is purchased.

2.4.2 Workflow for a lighter case

A half-day workshop was organised during the meeting in September 2008 to produce a workflow for a lighter case. The discussion resulted in a draft guideline with annexes with intervention limit values, generic templates for letters and inspection forms, the checklist for screening tests for lighters and other useful information.

The guideline describes a market surveillance case for lighters using pictures of workflows. An example is seen in figure 3. The operations in each step are described in detail and hints and other guidance is provided.

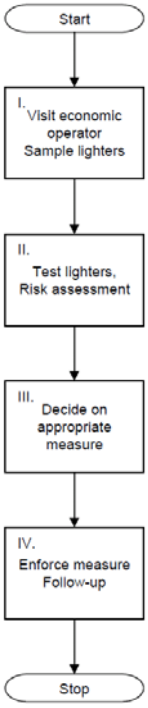


Figure 3. Example of a workflow taken from the draft lighter guideline

The purpose of producing the guideline was to harmonise the approach that the participating authorities took to lighters and to increase the understanding between different members of the approaches in other Member States.

The guideline includes an "intervention scheme" – a table that links different levels of non-compliance to different measures. The scheme is based on the requirements from EN ISO 9994 and the standard for sampling EN 2859. Such a scheme is used for achieving a higher level of harmonisation of measures to set against non-compliant products.

The guideline also discusses procedures for the cross-border follow-up of test results and RAPEX notifications of dangerous lighters. The intention was to develop best practices that would ensure an efficient and effective follow-up of test results. This issue will be further discussed and elaborated upon in the follow-up action.

The amount of information in the guideline is large and the present draft is quite detailed and lengthy. Therefore the participants discuss how to minimise the guideline so that inspectors will actually use it. This contradicts to some extent the intention of including numerous examples of templates, forms and other tools that participants have found useful in their work. The discussion was not concluded at the end of the action but it will continue in the follow-up action and in Task A of EMARS II.

2.4.3 Selection of Laboratories

It was decided at the first project group meeting that all participants would use the same laboratory/-ies for the testing. The primary benefit for the Member States was expected to be financial as it should be possible to obtain better prices from the laboratories when the total volume of tests in the joint action was negotiated. On top of this, only a few European laboratories were accredited to test lighters according to EN ISO 9994 or EN 13869. Therefore some sort of international cooperation for the testing would have to take place under any circumstances.

The participating Member States were asked to provide contact details of as many potential laboratories as possible and stakeholders were asked to do the same. Eight European laboratories were identified and a call for tender was sent on 26 October 2007 with a deadline set for three weeks later. The call mentioned eight selection criteria:

- experience with testing of lighters,
- formal qualifications e.g. accreditation,
- price,
- delivery time,
- terms of delivery,
- ability to supply additional services to the joint action,
- ability to test lighters for individual Member States besides the joint tests,
- the general impression of the laboratory's ability to undertake the job.

Six laboratories sent in quotations. After an initial assessment of the offers, two laboratories were eliminated and a number of additional questions were posed to four of the remaining laboratories. At the end of the process, two laboratories were chosen to do the testing in the joint action: TÜV Süd and Bureau Veritas. Unfortunately, the negotiations with TÜV Süd

were not successful so the joint action was only able to engage one laboratory for the testing.

2.4.4 Joint testing

A significant share of the testing in the joint action was carried out as joint testing. This meant that testing was undertaken in the following steps:

- The Member State authorities sent suggestions for lighters to be tested to the coordinator.
- The coordinator checked the list and informed the Member States which tests would be undertaken by the joint action.
- The authorities shipped the lighters to the laboratory together with a "laboratory information form" identifying the lighter models. A copy of the form was sent to the coordinator.
- The coordinator amalgamated all laboratory information forms into one form. When all the lighters had arrived at the laboratory, the coordinator instructed the laboratory to begin the tests.
- When the testing was completed, test reports were sent to the coordinator and the authority that requested the test. The coordinator uploaded the reports to WebEx so that the other participants could follow up in own Member State and he prepared an overview of the test results to facilitate the Member States' follow-up activities.

The experience with this procedure was that the turnaround time was rather lengthy so efforts were made to speed it up. A couple of issues were identified:

- Sending lighters is difficult as they must be handled in accordance with the provisions for the transportation of dangerous goods. In practice, this means that air freight is very expensive (or even impossible) and that cumbersome administrative procedures are necessary for other means of transportation. This problem decreased as the Member States gained and shared experience with shipping of lighters.
- The laboratory's test capacity was limited to some 15 tests per month, partly due to the extensive reporting required by the joint action.
- It was impossible to run parallel test rounds so the shipping of lighters from the Member States had to be synchronised. This often meant that samples from different Member States had to "wait" for each other, which contributed to the overall turnaround time.

The coordinating body visited the laboratory twice. The purpose of the first visit was to get an impression of the laboratory's ability to deliver services to the joint action. The purpose of the second visit was to discuss the delivery time that had increased beyond what was laid

down in the agreement. The laboratory explained the corrective measures they had taken to fix the problem. Experience from the following test rounds showed that the measures led to the desired decrease.

The joint action went through 10 test rounds comprising a total of 143 tested models.

2.4.5 Test requirements

The Member States had two considerations regarding the testing of lighters:

- Many of the dangerous non-compliances with lighters tend to be spread randomly over a production batch of lighters. Therefore it is necessary to test more items to obtain an impression of the safety of the model.
- A lighter must be tested for a number of critical requirements (e.g. flame height, resistance to elevated temperature and burning behaviour). Most of these tests are either destructive or the outcome depends on the previous test record of the lighter. It is therefore important to have an adequate number of lighters on hand for the test and to decide the order in which the test items should be tested.

The starting point for solving these issues was the procedures that have been applied by the Dutch authorities in previous national lighter actions. Their procedures suggested that 20 items are sampled for each model of lighter and that the following requirements were tested:

- flame height;
- marking indicating the direction of movement of the flame-control;
- actuating force of the flame-control;
- resistance to spitting or sputtering and flaring;
- flame extinction;
- resistance to dropping;
- resistance to elevated temperature;
- burning behaviour.

This test scheme was discussed with the selected laboratory. They suggested that the number of items to be sampled be increased to 50. Furthermore, the laboratory suggested a "7/42 approach" to the testing. The idea was that a batch of 50 lighters was split into 7 sub-batches each consisting of 7 fresh lighters and one lighter that was kept as a spare. Each sub-batch underwent one of the test requirements. This meant that all requirements were checked with at least seven un-used lighters. After this first test, the batches were swapped and a second test is undertaken so that all lighters at the end had been tested according to most of the requirements; 7 had been tested as fresh lighters and 42 tested as "worn"

lighters. (The only requirements that were not tested for all lighters were the elevated temperature test and the drop tests.)

Experience from the first tests and input from industry suggested that the volumetric displacement test and the test for continuous burning also be included in the key requirements. The Member States analysed the proposals and decided to adopt them. This meant that the 7/42 approach was altered to a 6/42 approach. The basic idea was the same but the 50-item batch was split into 8 batches of each 6 lighters that were tested against eight different requirements. The heaviest of the 50 lighters was taken for volumetric displacement test and one lighter was still kept as a spare.

A verification of the child-resistance for all lighters sampled after 11th of March 2008 when the selling-off period ended was included. As from that date, Member States started to systematically acquire the documents with the technical parameters that characterise the child-resistance from the economic operator when they sampled lighters. This information was sent to the laboratory that would verify that the lighters met the technical parameters. The CR verification however ran into practical problems as the laboratory was only able to verify the pusher force of hard-piezo lighters in a physical test. The verification was limited to an examination of the presented documents in case of other CR mechanisms. Child-resistance was confirmed for all lighters in a 50-item test batch.

2.4.6 Child-panel tests

One of the activities foreseen in the joint action was the execution of a few child panel tests. The purpose was to gain experience with this test method and its practical applicability in the context of market surveillance. To do this, the joint action went through the following steps:

- Two different lighter models were selected, one employing a hard-piezo mechanism, the other one employing a free-wheeling mechanism.
- The three European laboratories that were known to have accreditation to test according to EN 13869 were approached to gauge their interest. Bureau Veritas and INIG replied positively. The third laboratory never responded.
- 75 items of the hard-piezo lighters were sampled from the market. Tests were not conducted with on the free-wheeling lighter as it was impossible to find a workshop that could make surrogate lighters from sampled lighters of this type.
- The technical parameters defining the child-resistance were identify and checked at the laboratories. The 12 samples that were most likely to fail (i.e. those with the lowest values of the technical parameters) were selected for the child panel test.
- Surrogate lighters were produced from the 12 selected samples. This is simple in the case of hard-piezo lighters as they will become surrogate lighters when they have

been emptied of gas. (Then the lighter can not produce flames but will produce a loud "click" when the child "ignites" it.)

- These 12 surrogate lighters were divided into two batches that were sent to the two laboratories to be tested in a child panel.

Experience however showed that changing lighters into surrogate lighters by emptying them can be tricky. The gas reservoir in a lighter often has a complex shape and it is important to empty the lighters completely to avoid the lighters producing flares or flames in the child panel tests. This failed for one of the lighters at one of the laboratories and this was only discovered when the laboratory was preparing for the child panel test. This led to the decision to abort the child panel test at that laboratory and so by the end of the testing the joint action was only able to conduct a child-panel test for one CR mechanism at one laboratory.

The result and the lessons learned are described in further detail in chapter 4.4.

2.4.7 CR verification tool

In February 2008 PROSAFE visited CPSC in Washington to exchange experience on the market surveillance of cigarette lighters. The visit consisted of two parts. The first part of the visit was a discussion of the US legislation and cross-qualification. (Cross-qualification is the method whereby lighter model B is declared child-resistant because the producer claims that it is at least as child-resistant as model A, which has been tested to be child-resistant.) CPSC was interested in exchanging information with PROSAFE on lighters and good and useful contacts were established between the two organisations

The second part was a guided tour to the CPSC laboratory where CPSC officials demonstrated a test probe designed for onsite measurements of the pusher force on hard-piezo lighters. The test probe can be seen on figure 4. Such a test probe was also found to be useful in the European joint action so CPSC and representatives from the joint action continued after the visit to discuss how the joint action could construct similar probes for use by the Member States. This work however progressed slowly because of practical problems. The original tool was developed by CPSC. They did not want to embark on a production of tools modelled especially for PROSAFE but preferred to provide drawings and specification for the tools. Unfortunately, it turned out that the drawings were no longer available so PROSAFE had to make do with photographs.

After further considerations, it was decided to postpone the manufacture of any test probes until the follow-up action on lighters.



Figure 4. Test probe designed by CPSC for on site measurements of the child-resistance of lighters of the hard-piezo type.

2.4.8 Exchange of Information on Investigated Lighters

The participants wanted to exchange information on investigated lighters for two purposes. Firstly, it was seen to be important to keep track of models that had been checked by other participants to avoid a duplication of the work (investigation or testing of the same models) as far as possible extent. Secondly, it was important to produce a statistics of the activities and results in the Member States.

A database was set up on WebEx to address the first need. Figure 5 presents a screen shot from the database showing the information that is stored in the database (in this case for a "dummy" entry).

The information is grouped into seven categories:

- a unique identifier of the lighter in the database including the name of the country that has reported the lighter;
- an identification of economic operators (manufacturer, importer and domestic importer);
- the identification of the lighter (brand name, type name, model name, 5-digit code, classification of the lighter, other information to identify the lighter by and a picture);
- description of the results of any test and checks performed on the lighter;

- a link to an (optional) folder with more information, e.g. test reports, more photos, technical documentation, etc.
- fields to indicate the progress in the case (e.g. date of sampling, date of testing, date of completion of risk assessment, or other sorts of relevant information on the progress in the case in these fields);
- information about the person that has reported the lighter.

The database had 616 entries at the end of the joint action.

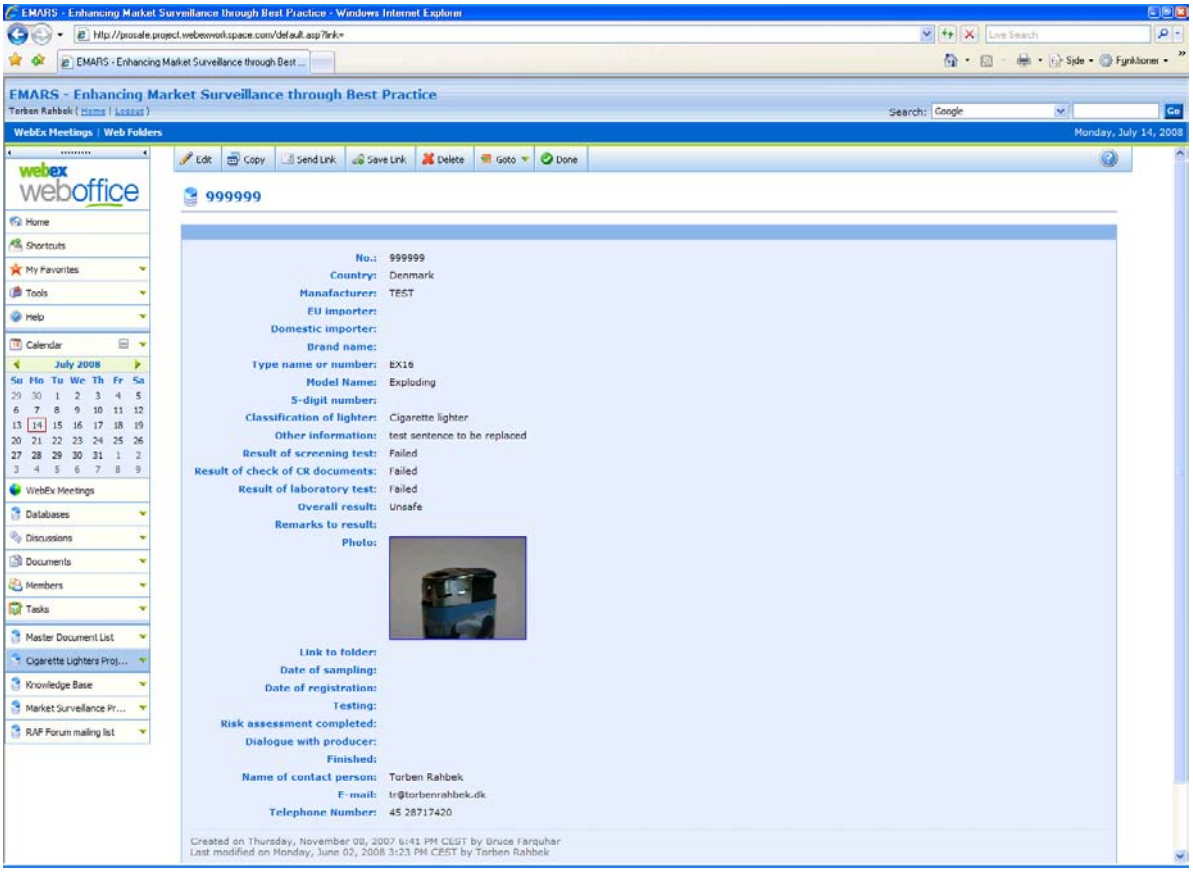


Figure 5. Screenshot from the database that has been set up on WebEx with information on lighters checked by the participants in the joint action.

A joint reporting form was used for collecting data for the statistics. An analysis had shown that the following data were necessary to be able to monitor (and demonstrate) the progress with the action:

- Numbers of inspections carried out by the market surveillance authority or by customs. The participants were requested to report on the number of consignments checked by customs and number of visits to retailers, wholesalers, importers and manufacturers. The number of visits to the importers should exclude any inspections of consignments that were carried out at the premises of the importer.

- Numbers of lighter models checked.
- Statistics on non-conformities. The participants were asked to report the total number of non-conforming lighter models and to give figures for three categories of non-conformities; CR non-conformities, EN ISO 9994 non-conformities and other non-conformities. (The latter one including novelty lighters.)

The participants were requested to provide the information on a quarterly basis.

2.4.9 The Rapid Advice Forum for Lighters

The Rapid Advice Forum proved to be a very efficient tool for harmonising the Member States' perception of novelty lighters. It was applied in the way that the participant facing the problem circulated a mail with a photo of the lighter to the other participants. Usually this resulted in a couple of replies within a few hours. The coordinator monitored the discussion and captured any new developments to include them in the regular updates of the inventories of novelty lighters and non-novelty lighters. (This practice was adopted by EMARS as the "informal" procedure under the Rapid Advice Forum as a feasible procedure for simpler questions.)

The Rapid Advice Forum for Lighters was not restricted however to questions on novelty lighters. At the end of the action it turned out that 67 questions had been discussed in the Forum or handled by the coordinator. Half of them (33 questions) concerned potential novelty lighter designs.

The lighter designs that were assessed for child-appeal were:

- Lighters that project pictures of different nature.
- Lighters with attachments, e.g. fruits, "jewellery" or slippers.
- Semi-luxury lighter with attachments.
- Lighters with other functions beside the lighter function, e.g. a lighter with an integral USB stick, a lighter with an integral knife and lighters with an integral torch.
- Lighters with pictures on them.
- Lighters resembling other objects, e.g. a beer bottle, a projectile, a telephone box, a hand grenade, a heart, a jerry can and a match.
- Utility lighters resembling other objects, e.g. a fire extinguisher and a lighthouse.
- Lighters with other entertaining features, e.g. flashing light, floating objects or smell of flowers or fruits.

The conclusions from the questions have been incorporated in the inventory of novelty lighters.

Further to these questions the Rapid Advice Forum (and the coordinator) dealt with 34 questions on other issues including:

- Location of safety information.
- Classification of lighters without fuel.
- Transport classification for lighters.
- Destruction of lighters.
- Interpretation of the exclusion criteria for semi-luxury and luxury lighters.
- The standard for utility lighters (EN ISO 22702).
- Laboratories accredited to test according to EN ISO 9994 or EN 13869.
- And a number of questions related to specific models, documents or cases.

2.4.10 Administration of action

The joint action developed a dashboard to facilitate the follow up of the financial situation. An example is shown in figure 6.

The dashboard consists of four graphs:

- The speedometer (upper left) shows the Member States' contributions in kind. The value "30%" is highlighted as it is (close to) the target value. The number in the middle of the grey circle (35,9% in the figure) indicates the actual level.
- The lower left bar graph compares the contribution in kind from each Member State to the budgeted contribution.
- The upper right bar graph compares the expenses and income to the budget.
- The lower right bar graph counts the number of working hours for each participant.

The dashboard was discussed at all project meetings.

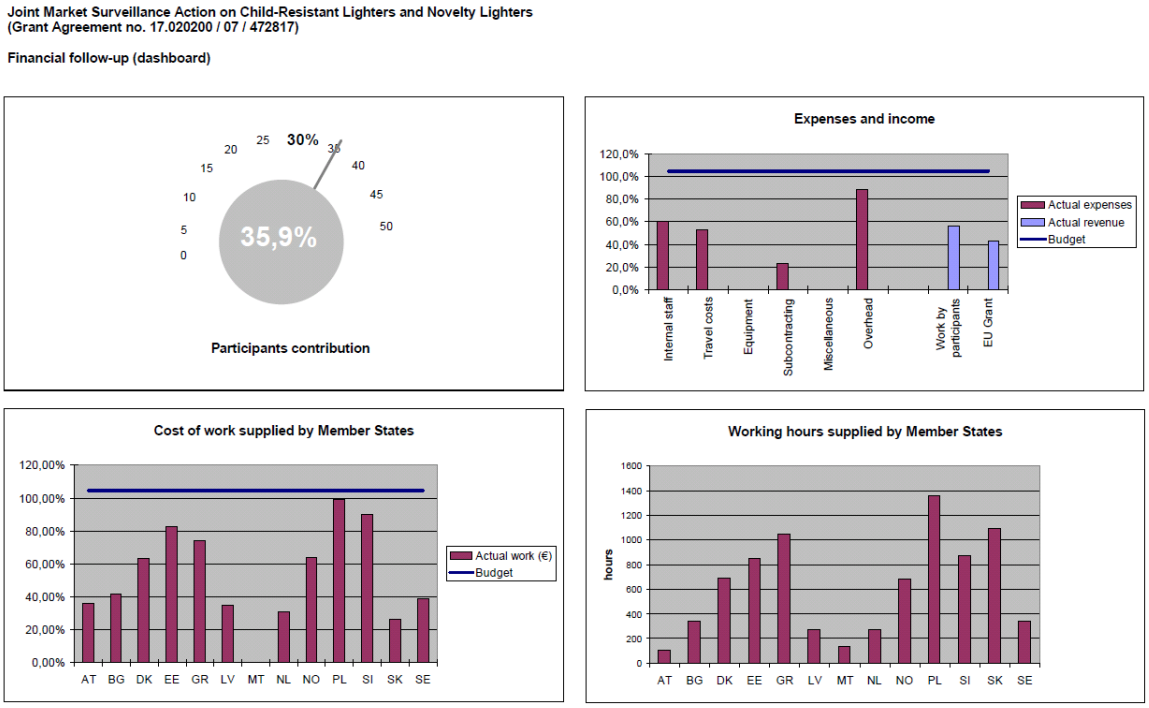


Figure 6. The "dashboard" (as of June 2009) that is used by the project group to obtain a quick overview of the financial situation in the joint action.

The participants also discussed an overview of received timesheets at each meeting. This was done to ensure a continuous collecting of timesheets during the joint action.

2.4.11 Synergies with other PROSAFE activities

The joint action was coordinated with the EMARS project and the EMARS II project; two other PROSAFE actions. The participants have been presented for the best practices on planning and implementation of market surveillance projects that were described by EMARS WP3 in "The Book"[17] and were encouraged to report back their experience from their application of these practices in their national projects. As a result, a contribution with experience from the joint action was included in an annex to the book.

The joint action on lighters benefited directly from a number of outcomes from the EMARS project:

- The idea of doing joint testing, i.e. to subcontract all testing to one or a few test laboratories came out of the EMARS workshop in London in March 2007. The purpose was to save test costs and to ensure cross-border usability of the test results.
- The participants used the Rapid Advice Forum to develop a common line in their interpretation of the term "novelty lighter". The joint action even developed the procedures from the EMARS project further to suit the needs of the joint action. This

development was fed back into the EMARS project to create what became known as the "informal" RAF procedure.

- The book prepared by EMARS WP3 describes "intervention limit values", which are "… general guidelines relating the degree of exceeding the limit value to the sanction taken". This idea was taken up by the joint action to be developed in the intervention scheme that was included in the draft lighter guideline. This guideline is further developed in the follow-up action on lighters in cooperation with EMARS II, Task A, where it serves as one of the model guidelines that will be developed.
- Documents from the EMARS WP1 knowledgebase served as background papers for the joint action. (Some of the papers are listed in the bibliography of this interim report.)
- The WebEx website set up by the EMARS project served as a platform for storing the documents created by the joint action and for hosting a database of the lighters that were found on the market.

After the finalisation of the EMARS project in December 2008 the joint action on lighters continued feeding in to two of the tasks in the EMARS II project:

- Task A develops guidelines based on The Book from the EMARS project. The joint action on lighters contributed with the guideline for market surveillance on lighters as mentioned above.
- Task B develops guidelines for carrying out joint actions and cross-border cooperation. The joint action on lighters being the first product-specific joint action run by PROSAFE provided numerous examples of policies, best practice solutions, etc. for this work.

2.5 Dissemination activities

2.5.1 Press Releases

Three press releases have been produced in the context of the joint action.

- Press release 11 March 2008
  A press release was published 11 March 2008 to mark the date when non-CR lighters and novelty lighters could no longer be offered to consumers. The press release explained the joint action and presented 8 rules for the safe operation of lighters. Many of the participating Member States published the press release on their national websites. It was also published on the website of the EMARS project and the Commission included a link to it from their website.

- Press release 11 March 2009
  The press release marked the 1st year anniversary of the ban against non-child-resistant lighters and novelty lighters by describing the preliminary results from the joint action. It also repeated the eight pieces of good advice for the consumer on safe use of lighters.
  It was published on the website of nine of the Member States and on the EMARS project website.

- Press release 30 November 2009
  The press release was issued to mark the final conference of the joint action. It described the results of the action. The eight rules for safe operation of lighters were repeated again.
  It was published at the website of eight of the participating Member States and the website of the EMARS project.

2.5.2 Other Information to Stakeholders and the General Public

The joint action attracted a lot of interest from the stakeholders, businesses in particular. To satisfy this demand, three information notices were produced specifically for the benefit of the industry:

- Letter to parents
  The European test laboratories experienced difficulties with recruiting children for the child panel tests that are required to prove child-resistance according to EN 13869. Stichting PROSAFE issued a letter on the 26 May 2008 with information on child-resistance and the necessity to have child panel tests. The letter was sent to the three accredited EN 13869 European laboratories so that they could use the letter to allay parental concerns.

- Information on child-appealing designs and proving child-resistance
  The joint action produced a note for businesses to inform them about the Member State authorities' position on novelty lighters and requirements for proof of child-resistance. The note was published 9 June 2008.
  The note identified the legal framework that applies to different kinds of child-appealing lighters and stressed that such lighters can not be placed on the market even if they do not meet the definition of a "novelty lighter". (The problem faced by authorities was that the definition of "novelty lighter" in the lighter decision refers to novelty lighters being "intended for ignition of cigarettes" [5], article 1, item 2.)
  The note also discussed three methods that an economic operator could follow in order to demonstrate child-resistance.

- Information to stakeholders on the first test results
  The joint action produced a note to the stakeholders with the results from the first round of laboratory tests. The note explained that nine lighter models had been tested and four failed to meet the European safety requirements. The most common shortcomings were found to be lighters that flared, lighters producing too high a flame or lighters that broke or leaked when they were dropped or exposed to high temperatures.
  The information was published 11 July 2008.

Further to these information notices the coordinating body had several meetings with stakeholders, primarily businesses and business organisations. Please refer to chapters 2.2.2 and 2.6.4.

2.5.3 Meetings where Presentations of the Joint Action have been given

Presentations of the joint action were given at the following international meetings:

- PROSAFE meeting, Istanbul, Turkey, 26 – 28 November 2007;
  The coordinator gave an update of the progress of the activities in the joint action.
- EMARS workshop, Istanbul, Turkey, 27 November 2007;
  The coordinator gave an update of the progress of the activities in the joint action targeted at market surveillance officials from countries outside the EU.
- ICPSC meeting, Washington, USA, 20 February 2008;
  The coordinator attended the ICPSC conference in Washington and presented the joint action.
- PROSAFE meeting, Tallinn, Estonia, 21 – 22 May 2008;
  The coordinator gave an update of the progress of the activities in the joint action.
- EMARS workshop, Tallinn, Estonia, 22 – 23 May 2008.
  The coordinator presented the best practices that had been identified in the joint action.
- Presentation of joint action on lighters for the Bulgarian Commission for Consumer Protection in Sofia, 24 June 2008.
  The coordinator gave a presentation of the joint action on lighters and there was opportunity to discuss questions of particular concern for the Commission for Consumer Protection.
- CEN-CENELEC annual meeting in Bucharest, 25 June 2008.
  The coordinator gave a presentation of the application of standards in the joint action at the open session of the annual CEN-CENELEC meeting.
- EMARS workshop in Paris, 11 July 2008.
  The coordinator gave a presentation of the joint action on lighters and its links to the EMARS strategy.

- Final meeting in the playground project in 4 November 2008.
  The coordinator attended the final meeting in the joint action on safe play in playgrounds and gave a presentation of the joint action.
- International Product Safety Week in Brussels, 17 – 21 November 2008.
  The coordinator gave a presentation of the joint action and its links to the EMARS project.
- Meeting in the Consumer Safety Network, 22 October 2009.
  The CEO of PROSAFE gave a presentation of PROSAFE's activities including the joint action on lighters.

2.5.4 Final Workshop

A half-day workshop was organised on the 30 November to inform interested parties about the results of the joint action and to discuss the findings and experiences from the action with stakeholders. The workshop was attended by some 35 people from market surveillance authorities, businesses, consumers and standardisation.

The program was divided into two major parts. The first part included the opening addresses from PROSAFE and the European Commission and two presentations of the main findings, achievements and experiences as well as an example of best practices in cooperation between market surveillance, customs and national laboratories. The second part emphasised dialogue with stakeholders and included a number of presentations to trigger the discussions. So the attendees listened to presentations from the perspectives of a Member State, the European lighter manufacturers, the European lighter importers, the consumer and CEN's perspective, respectively.

One important conclusion from the workshop was that the Member States still had a way to go – the lighter market is still not completely free of non-compliant items . A study carried out by the European Federation of Lighter Manufacturers, EFLM, in 2009 on 400 major models on the market showed that 62% did not comply. The situation as regards novelty lighters had improved but novelty lighters were still on the market. Furthermore, the number of RAPEX notifications had decreased in 2009. Therefore, the Member States have adopted a prolongation of the lighter decision, extending its validity until 2011 and the Commission has granted a follow-up action. The participants and the stakeholders however also recognised that momentum had gathered and that activities had reached a critical stage: The rate of progress and developments had begun to increase and it was felt important to keep up the momentum.

Another observation was that the joint action had helped the participating Member States to develop their procedures. One of the presentations mentioned that without the action his authority would not have known how to proceed. The joint action had helped his authority

to find their way into market surveillance on lighters. One stakeholder also acknowledged that the project group had devised a lot of practical solutions to many issues.

The workshop also gave a number of recommendations for the follow-up action:

- Coordination between the Member States is crucial. Lack of coordination would waste time and money.
- Member States should do their utmost to fill in the RAPEX notifications correctly and as completely as possible so that other Member States can identify the lighters.
- The information from to Member States outside the action and the people on the operational level should be improved.
- A strong need for injury data on accidents and fires with lighters was noted.

The representative from CEN stressed the need for input from market surveillance to standardisation and urged Member States to participate in the standardisation work. This could also lead to an increase in the authorities' understanding of the standards. CEN invited PROSAFE to present their experiences with child-panel testing for the standardisation group that is working with the revision of EN 13869.

All presentations from the workshop are available on the public part of WebEx.

2.6 Awareness-Raising Activities

The joint action has undertaken numerous activities to reach out to parties outside the action.

2.6.1 Member States and other countries outside the joint action

Three Member States (France, Germany and Spain) participated in the activities of the joint action (e.g. through participation in project group meetings or contribution to the Rapid Advice Forum for Lighters) even though they were outside the financial scheme of the joint action.

Another 11 countries received the information that was produced by the joint action: Belgium, Croatia, Cyprus, Czech Republic, Iceland, Italy, Luxembourg, Portugal, Switzerland, United Kingdom and United States. Furthermore Romania indicated their interest in receiving information from the joint action in their reply to a questionnaire sent out in autumn 2009.

16 Member States in total were actively involved in the joint action (inside or outside the financial scheme) and the joint action attracted the interest of another 8 Member States

plus Croatia, Switzerland and the United States. Furthermore, contacts were established with the market surveillance authorities in Romania and Health Canada but neither of them regularly received the material from the joint action.

2.6.2 Customs

A meeting was organised 18 September 2008 with market surveillance authorities and representatives from Member States customs authorities. The purpose was to facilitate a thorough sharing of knowledge and best practices. The meeting was attended by 28 people from 12 countries making it one of the highest attended meetings in the joint action.

One item on the agenda of the meeting was a presentation for customs of some of the tools developed by the joint action, e.g. the inventory of novelty lighters and the Rapid Advice Forum for lighters.

It was agreed to look into some of the challenges in the practical cooperation between customs authorities in different Member States and between customs and market surveillance. One example that emerged from the meeting was the need for market surveillance to understand better the procedures for the transfer of goods that are not declared for free circulation. It was agreed to continue the cooperation between customs and market surveillance and include regular meetings with customs in the follow-up action on lighters.

2.6.3 The European Commission

The European Commission, DG SANCO was the most important stakeholder for the joint action. Therefore, representatives from DG SANCO were invited to participate in every project group meeting and brief progress reports were sent to the Commission every three months. In addition, updates were produced on request typically related to meetings in the WG Network or the GPSD committee.

Following on from the increased involvement of customs in market surveillance activities, representatives from DG TAXUD were invited to attend the meetings in the joint action in 2009 and they received all documents. A representative from DG TAXUD attended the meeting in September 2008 between market surveillance authorities and customs (please refer to chapter 2.6.2 above).

2.6.4 Stakeholders

The joint action attracted a high level of interest from a number of stakeholders, especially the economic operators. Therefore, quite some attention was devoted to maintaining a fruitful dialogue with them. This can also be seen from the list of meetings in chapter 2.2.2.

In the original work plan for the joint action, it was foreseen that the joint action would take over the activities of the core group for lighters including, in particular, the regular meetings with the stakeholders. This idea was however abandoned because it considered more preferable to keep the original core group under the chairmanship of the European Commission. The reason was twofold; firstly, it would duplicate rather than replace work already undertaken because the Commission would still need the core group to maintain their contacts with the stakeholders. Secondly, the joint action realised that by taking over the activities in the core group for lighters (or just the coordination of the group), could be interpreted as the joint action taking a formal position representing the European point of view on enforcement of the lighter decision. Such a position would neither be appropriate nor possible for the joint action to uphold. Instead, the activities in the core group were decided and organised in close cooperation between the European Commission and the joint action.

Contacts were made with other parties to investigate the possibility of achieving a more balanced involvement of all stakeholders. At the end of the joint action information was disseminated via email to ANEC, BEUC, CEN, EFLM and ELIAS. A small number of individual manufacturers or importers also received the information to the stakeholders.

2.7 Differences between Work Program and Activities Actually Undertaken

Table 2 below compares the activities foreseen in the work programme as stated in the grant agreement [1] to those actually undertaken in the joint action.

Planned Activity	**Activity Actually Undertaken**
Market Surveillance Activities	
Check lighters in retail stores and at wholesalers.	3.941 inspections were carried out at retailers. 452 inspections were carried out at wholesalers (including domestic importers). Please also see chapter 2.3.3.
Check lighters at importers and manufacturers.	A total of 146 inspections were carried out at importers. No European manufacturers are located in the participating Member States. Hence, no inspections of manufacturers have been made by the participants. Please also see chapter 2.3.3.
Inspections of consignments with lighters at the border.	Customs checked 8.439 consignments or containers. Please also see chapter 2.3.2.

Planned Activity	Activity Actually Undertaken
Laboratory testing of 150 lighters according to EN ISO 9994	One laboratory was selected after a call for tender. A contract was signed with the laboratory. Key test requirements were identified. Procedure for coordinating tests and submitting lighters to laboratory were laid down. 143 lighter models were tested at the laboratory. Please also see chapters 2.4.3, 2.4.4 and 2.4.5.
Child-panel test of 4 lighters	**Only one child-panel test was carried out.** Two laboratories were selected and two lighter models were chosen. Surrogate lighters were prepared from one lighter model. Testing in one laboratory was aborted so only one child-panel test of one model was carried out. Please also see chapter 2.4.6.
Exchange of information on investigated lighters.	A database on lighters has been set up on WebEx. Information on 616 models was uploaded. Please also see chapter 2.4.8.
Coordination Activities	
Update procedures, inventories and forms	The coordinator has drafted or updated the following documents amongst others, during the action: • Inventory of novelty lighters. • Inventory of non-novelty lighters. • Inventory of European lighter importers. • Reporting form. • Laboratory reporting form.
Answer questions on coordination issues	A Rapid Advice Forum on lighters was set up. 67 questions were answered by this forum or by the coordinator. Please also see chapter 2.4.9.
Organise, prepare and participate in 10 meetings	10 project meetings were organised. Please also see chapter 2.2.1.
Organise, prepare and participate in the final workshop	A half-day workshop was organised 30 November 2009 with some 35 attendees. Please also see chapter 2.5.4.
Prepare quarterly progress reports	Reports were submitted 30 November 2007, 6 March 2008, 17 June 2008, 30 September 2008, 12 January 2009, 17 April 2009, 4 August 2009, 21 October 2009 and 30 December 2009.

Planned Activity	Activity Actually Undertaken
Prepare interim reports	The first interim report covering the period from 1 September 2007 to 31 May 2008 was issued 31 July 2008. The second interim report covering the period from 1 June 2008 to 28 February 2009 was issued 30 April 2009.
Prepare final report	The present document is the final report from the joint action. It is issued 28 February 2010.
Activities not foreseen in the Original Work Programme	
Involvement of customs	A joint meeting between customs officials and market surveillance officials was organised 18 September 2008. Please also see chapter 2.6.2.
Promotion of the joint action	The coordinator or the project leader gave numerous presentations of the joint action for various audiences. Please also see chapter 2.5.3.
Visit to CPSC	A visit was paid to the US Consumer Product Safety Commission 22 February 2008. Please also see chapter 2.4.7.
Lighter guideline	A guideline on market surveillance for lighters was developed together with EMARS II, Task A. Please also see chapter 2.4.2.
Press releases	3 press releases were published. 3 information notices of other kinds were issued. Please also see chapters 2.5.1 and 2.5.2.

Table 2. Overview of activities foreseen in the working program and activities actually carried out.

3 PARTICIPANTS IN THE JOINT ACTION

3.1 Planned and Actual Involvement of Participants

Table 3 below shows the planned and actual involvement of each of the Member States in the joint action. The table also shows the split of the involvement on the four professional categories manager, advisor, inspector and support.

Member State	Man-days									
	Manager		Advisor		Inspector		Support		Total	
	plan	actual	plan	actual	plan	actual	plan	actual	plan	actual
Austria	30,0	17,1							**30,0**	**17,1**
Bulgaria	110,0	23,5		12,3	110,0	39,6			**220,0**	**75,4**
Denmark	5,0	5,1	5,0	0,0	100,0	97,9			**110,0**	**102,3**
Estonia	35,0	30,0			100,0	100,4			**135,0**	**130,4**
Greece	15,0	60,3	120,0	120,3					**135,0**	**180,5**
Latvia	10,0	0,0	35,0	42,7	20,0	0,0			**65,0**	**35,7**
Malta	18,0	31,9	11,0	0,0	71,0	0,0			**100,0**	**44,5**
Netherlands		20,0	65,0	91,6	70,0	13,5			**135,0**	**108,1**
Norway	40,0	39,8	20,0	3,4	90,0	56,6			**150,0**	**99,8**
Poland	222,4	194,8		29,4					**222,4**	**224,3**
Slovenia	26,0	23,0	19,0	0,0	90,0	142,5			**135,0**	**165,5**
Slovak Republic	150,0	130,0			160,0	217,0			**310,0**	**347,0**
Sweden	15,0	2,0	40,0	39,4		4,1	80,0	16,1	**135,0**	**67,3**
Total	**676,4**	**561,4**	**315,0**	**285,0**	**811,0**	**684,0**	**80,0**	**16,1**	**1.882,4**	**1.595,8**

Table 3. Planned and actual involvement of the participants in the action.

The table shows that the total number of days delivered to the joint action was almost 300 - days or 15% lower than anticipated in the grant agreement. Denmark, Estonia and Poland contributed the number of days to the joint action that was foreseen. Austria, Bulgaria, Latvia, Malta, Netherlands, Norway and Sweden contributed fewer days than foreseen. Greece, Slovenia and the Slovak Republic contributed more days than foreseen. The reasons for these discrepancies are considered below in chapter 3.3.

When looking at the professional categories, the table shows that the levels of involvement of advisors was more or less as expected whereas staff in the three other categories had been less involved. The largest relative difference is seen for the category “support” where only 20% of the planned days were delivered. This is however not regarded as a problem

because the experience from the work in the joint action showed that work was carried out by the people who were able to solve the tasks in the best way, irrespective of their professional category. The separation of working days between professional categories was not an issue in the execution of the joint action, as long as the work was carried out properly.

3.2 Activities to Balance the Participants' Participation

Balancing the contributions from the participants is a delicate process and can not be done to gurrantee100% accuracy. The national markets are different and the efforts that are necessary to pure them of unsafe lighters are relative as explained in the next chapter. Thus, it makes little sense to strive for an absolute balance in the number of days contributed from the individual participants. Moreover, the grant agreement already anticipated some differences in the contributions made from the participating Member States as can be seen from table 3.

The art of balancing out contributions became more a question of ensuring that all Member States participated actively in the action, i.e. attended the meetings, submitted statistical reports, participated in the tests, etc. The means for ensuring this were mainly follow-up activities on project meetings and individually.

The project group convened ten meetings during the action. Six months after the beginning of the joint action the coordinator introduced a standing item on project management on the agenda. The participants discussed a dashboard showing the financial situation in the action and a table showing the timesheets from the Member State under this item. (More information can be found in chapter 2.4.10.) The idea was to persuade Member States to submit the necessary information as early as possible to the project management and to encourage active participation.

The project management also followed up individually with Member States when necessary. This was done by sending mails to participants in the action and people from the particular country known from other PROSAFE activities.

3.3 Differences between Foreseen and Actual Participation

It is foreseeable that there will be some imbalance between the workload of the participating Member States due to national differences:

- The lighter markets have different sizes in the different Member States (Poland has almost 100 times more inhabitants than Malta for example) so the number of importers and lighter models are likely to vary.
- Lighters enter the European market via a few important entry points. This implies that the countries where these entry points are located could expect to spend a larger amount of time on border controls.
- The economic operators' willingness to follow the measures imposed by authorities can vary from one Member State to another, as can the legal procedures that are required to take measures against an unsafe lighter.
- The non-conformance level (see chapter 4.2.2) would most likely have varied across Europe before the start of the joint action, resulting in a greater effort needed to clean up the market in some countries more than in others.
- Market surveillance is organised differently in the participating countries. This means that a significant part of the work in some countries was done through another organisation which did not record its time.
- Any involvement of the Customs is not identified in the time recorded. Customs have played a very active role in some of the participating countries meaning that the workload on the market surveillance authorities decreased.
- The cooperation between customs and market surveillance authorities is organised differently. Customs carry out the indicative checks relatively independently in some countries whereas the market surveillance authorities become involved from the beginning of each border control case in other countries.

The above presumptions were only incorporated in the budget in the grant agreement to a limited extent. It was not feasible (or possible) to apportion it differently as this would have required a thorough investigation of the market situation before the project was started. The consequence, though, is that most probably not all the time spent in the project to carry out the necessary activities had been recorded.

A couple of conditions were however taken into account when the budget was laid down. In the Slovak Republic the market surveillance inspectors work in pairs when carrying out the inspections. Their contribution was increased to take account of this. Some Member States have split the responsibility for market surveillance between more bodies so that for instance the inspections are carried out by one body (e.g. an agency) and the legal follow-up and coordination is undertaken by another body (e.g. a ministry). Typically, only the coordinating body of the two was involved in the joint action and consequently the contributions from those particular countries were reduced accordingly.

The differences between the planned and actual involvement for each of the participating Member States is shown in table 4.

Member State	Total		Difference	
	Plan	Actual	Days	%
Austria	30,0	17,1	-12,9	-43%
Bulgaria	220,0	75,4	-144,6	-66%
Denmark	110,0	102,3	-7,7	-7%
Estonia	135,0	130,4	-4,6	-3%
Greece	135,0	180,5	45,5	34%
Latvia	65,0	35,7	-29,3	-45%
Malta	100,0	44,5	-55,5	-56%
Netherlands	135,0	108,1	-26,9	-20%
Norway	150,0	99,8	-50,2	-33%
Poland	222,4	224,3	1,9	1%
Slovenia	135,0	165,5	30,5	23%
Slovak Republic	310,0	347,0	37	12%
Sweden	135,0	67,3	-67,7	-50%
Total	**1.882,4**	**1.595,8**	**-286,6**	**-15%**

Table 4. Differences between the planned and actual involvement of the participating Member States.

The major differences will be explained here:

- Austria, contribution 43% lower than planned.
  The planned Austrian contribution was small because the Austrian market surveillance is divided between two organisations and only the coordinating Austrian body participated in the action. The smaller contribution therefore corresponds to a few meetings that were not attended or attended by a representative from customs.

- Bulgaria, contribution 66% lower than planned.
  The Bulgarian market surveillance is organised in a General Directorate "Market control", which consists of a central coordinating and monitoring department and a number of regional directorates undertaking the physical market surveillance including the interaction with the Customs Agency.
  The budget for the Bulgarian contribution to the joint action on lighters included the activities of all these bodies. Unfortunately reality showed that it was impossible to capture the working hours delivered by the inspectors in the regional bodies. Therefore the actual contribution only includes the coordination including attendance at project meetings for the representatives from the central department. The Bulgarian efforts would however be in excess of the budgeted. From June 2008 to December 2009 inspectors from the Commission for Consumer Protection carried out 1.700 checks on importers, retailers, wholesalers and imported batches in border controls. If each check is estimated to take one hour, then 1.700 checks have would

have taken 212 man-days in total, which should be added to the actual Bulgarian contribution.

- Greece, contribution 34% higher than planned.
  The Greek authorities used the joint action to establish a national cooperation between a state-owned chemical laboratory (that could check lighters according the EN ISO 9994), the customs authorities and the market surveillance authorities. This meant that lighters could be screened more effectively upon arrival at the entry points in Greece. (The experiences from these activities were presented at the final workshop in November 2009.)
  Furthermore the Greek authorities were involved in a number of tricky and time-consuming cases where lighters were re-tested at the laboratory.

- Latvia, contribution 45% lower than planned.
  The planned Latvian contribution was small, so their absence at a few meetings would have a relatively large impact on the difference. Moreover, a big effort related to legal discussions with one large importer has not been attributed to the joint action.

- Malta, contribution 56% lower than planned.
  Decision on reorganisation of the Maltese market surveillance was taken early on in the joint action but unfortunately the reorganisation process took some months which meant that the market surveillance authorities were unable to begin the work until mid-2008. The first few months were spent journeying through a steep learning process which meant that inspection activities were not fully up to speed before early 2009.

- Norway, contribution 33% lower than planned.
  The planned Norwegian contribution was increased to allow for a number of working days for the project leader. At the end of the project it became clear that these efforts had been somewhat smaller than anticipated, partly because some of the tasks had been solved by the coordinator.

- Slovenia, contribution 23% higher than planned.
  A key person left the Slovenian market surveillance authority at the beginning of the project. This meant that the authority had to spend extra time taking over his responsibilities.

- The Slovak Republic, contribution 12% higher than planned.
  The higher contribution reflects that the Slovak market surveillance authorities discovered that the situation on the market was worse than expected and had to

react accordingly. Therefore it was necessary, mainly in 2008, for the inspectors, to perform more inspections than planned to clean the market (in particular for novelty lighters). The market surveillance authorities also assisted customs in a higher number of border controls than expected.

- Sweden, contribution 50% lower than planned.
  The Swedish market surveillance authority moved 300 km out of Stockholm at the beginning of the joint action. This meant that many key staff left the organisation and had to be replaced. This caused a considerable decrease in activities as new people were recruited and trained. Moreover, the inspections were carried out as a side activity for the inspectors. That is, the inspectors were presumed to do inspections beforehand and the joint action was only charged for the extra work it took to sample the lighters.

Moreover the recording of working hours in general shows a certain level of under-reporting from the Member States. This partly reflects that this joint action was the first product focused joint action carried out by PROSAFE. PROSAFE is also on a learning curve with identifying how much time and effort is needed from the participants (and PROSAFE itself) for the activities in an action.

4 RESULTS OF THE JOINT ACTION

4.1 Introduction

The Grant agreement [1] identifies the following deliverables:

The main deliverable was intended to bring a significant reduction in the amount of unsafe lighters on the European market. The progress was monitored using the following indicators:

- The share of non-compliant lighters that were found on the European market.
- The share of non-compliant lighters that were imported to Europe.
- The share of non-compliant lighters that were produced in Europe.
- The share of shops that marketed novelty lighters.

The ambition of the project was to achieve a level below 2 % for each indicator at the end of the project.

Further deliverables from the project were:

- Quarterly progress reports.
- The final report.
- A workshop to present the main findings and results.

4.2 Results from Member States' Market Surveillance Activities

4.2.1 Capturing Results from the Member States

The Member States reported the results of their market surveillance on a quarterly or monthly basis. They were requested to report the number of lighter models inspected (preferable split on novelty lighters, inexpensive cigarette lighters, utility lighters and semi-luxury lighters). The authorities were also asked to report their results dividing them into the number of CR non-conformities, ISO 9994 non-conformities, "other non-conformities" (including novelty lighters) and unspecified non-conformities. In practice, this showed that there were some uncertainties are regards the split between categories.

Additionally, some authorities reported data in other time bases or accumulated figures for the entire project. Such figures have been divided proportionally over the relevant periods.

The detailed results from the Member States' inspection activities can be found in tables in Annex 3.

4.2.2 Level of conformance

A total of 5.557 lighter models have been checked in the joint action. Their categorisation is shown in figure 7.

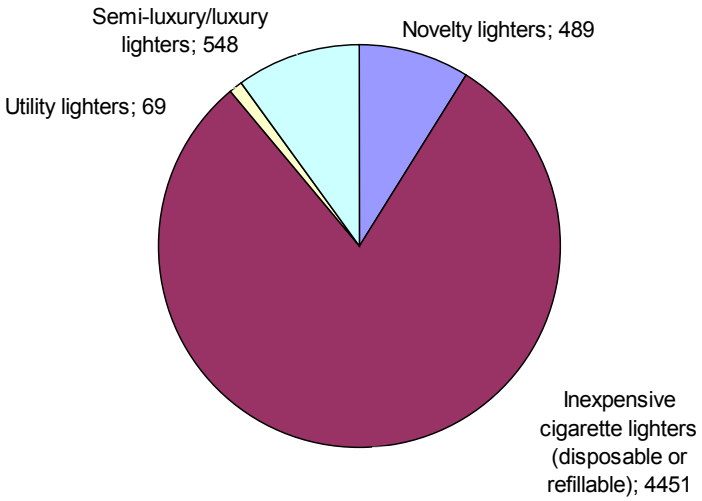


Figure 7. Categorisation of the lighter models checked in the joint action.

The figure shows that the checks were spread across all categories of lighters, e.g. disposable lighters, luxury lighters and novelty lighters that are covered by the decision, and utility lighters that are outside the scope of the decision. The main focus however was on inexpensive cigarette lighters and novelty lighters that accounted for almost 90% of all checked models. ("Inexpensive cigarette lighters" is understood to include the whole range of cigarette lighters that do not fit the definitions of luxury, utility or novelty lighter.)

The number of novelty lighters appears to be low. This somewhat contradicts the expected situation. Normally novelty lighters are found in small series so one would expect the number of models to be high. One reason for the discrepancy could be that the reports from some Member States only include those models where a formal case is opened.

The share of non-conformities can be seen on figure 8.

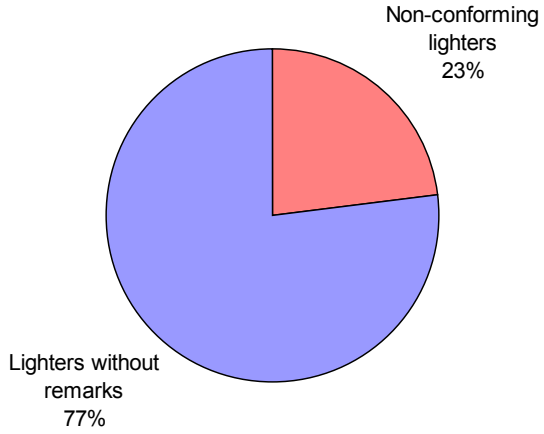


Figure 8. The non-conformities in the lighters checked in the joint action.

The figure shows that the share of lighters on the market where the authorities' inspections have not been remarked upon was 77%. This figure is significantly higher than the conformance rate for the US market as calculated by CPSC in [9]. In that report it was estimated that 55 – 58% of all lighters on the US market complied with the regulations and only 40% of the inexpensive and disposable lighters. The VKI study [12] for the European market showed that 31% of the lighters complied with the safety requirements. The figure is also much higher than then results from the laboratory tests where only 34% of the tested lighters passed the test (see chapter 4.3). There are a couple of explanations for the differences.

The sampling has most likely been done differently in the mentioned studies. Ideally the products should be samples at random to calculate the conformance rate. This method is seldom applied by authorities as it would most often lead to investigating a high number of safe products, which might be considered an inefficient use of time and efforts.

One should also consider if the sampling is done across models or across the market. Usually a few models make up the bulk part of the sales on a market, so including them in the sampling scheme would mean that the sampling would provide a good overview of the market situation as investigation of a few models would cover a large share of the market. This figure would be a good indicator of the number of conforming individual lighters on the market, i.e. how likely is it that the consumer would use a conforming lighter. It would require though that the market share of each individual product be taken into account when calculating the overall conformance rate. Usually the calculations are based on sampling across models as this is much easier to perform, explain and understand. This method was used in this action.

One should note the important difference between "non-conforming" and "no remarks from the authority". "Non-conforming" would usually imply that the product has failed to meet

all requirements when tested according to a standard. The test results would usually not have gone through much further analysis, e.g. a risk assessment to assess the risk associated with the non-compliance. “No remarks from the authority” had a much broader interpretation in this action: on the one hand, an authority might have tested a product on a national laboratory and found that it complied with the examined test requirements. It could also be the case that the authority had examined the technical documentation and decided that the lighter should not be taken for further investigations. But it is not clear how the conformance rate has been estimated in the CPSC study [9].

Finally the statistics were established from Member States reporting of numbers only. The reporting did not include information on model names, etc. so there is most likely an overlap in the Member States’ reports, meaning that the same models were most likely reported by more Member States. In this case the joint action decided to opt for a high level of reporting at the cost of precision in the statistics.

It is not clear how these uncertainties have influenced the conformance rate.

The figure found and used by the joint action still represents an estimate of the share of non-compliant lighters on the market. The lighters were found at or intended for the market. Furthermore, it was easy to collect a large amount of observations to calculate the figure. However, one has to realise that other (and perhaps better) indicators can be invented.

The share of non-conforming lighters evolved during the joint action. This is shown on figure 9. The figure also shows the number of checked lighters reported by the Member States in the same periods.

Figure 9 shows that the non-conformance rate varied between 35% in the third quarter 2009, when the action ended, and only 10% in the third quarter 2008. The fluctuation does not seem to be correlated with the number of investigated lighters as can be seen from the figure.

Some explanation can be given however. In the beginning of the joint action, the reports show that Member States cleaned up the market for lighters with the most obvious short-comings. For instance, the Polish authorities checked a lot of semi-luxury lighters in 2007 and took action against those that did not meet the exclusion criteria. This meant that the number of non-conforming lighters found was high. The same was the non-conformance level.

In 2008 Member States took action against large amounts of lighters with EN ISO 9994 non-conformities as can be seen from figure 11. This happened after the procedures had been

discussed in the joint action and the Member States began their inspection activities. One can also see that the number of inspections increased in 2008 to reach its maximum in the second quarter with more than 1.000 lighters checked. The non-conformance rate then dropped from the second quarter 2008 to the two last quarters of 2008.

The next development was that the Member States appeared to turn their attention to the checking of marking and technical documentation. The share of "other non-conformities" increased drastically (see figure 11). One result of this was that the non-conformance level also increased to more than 20% in the first two quarters and further up to 30 - 35% in the two last quarters of 2009. The number of inspected lighters was 6 – 800 lighters per quarter in the same period.

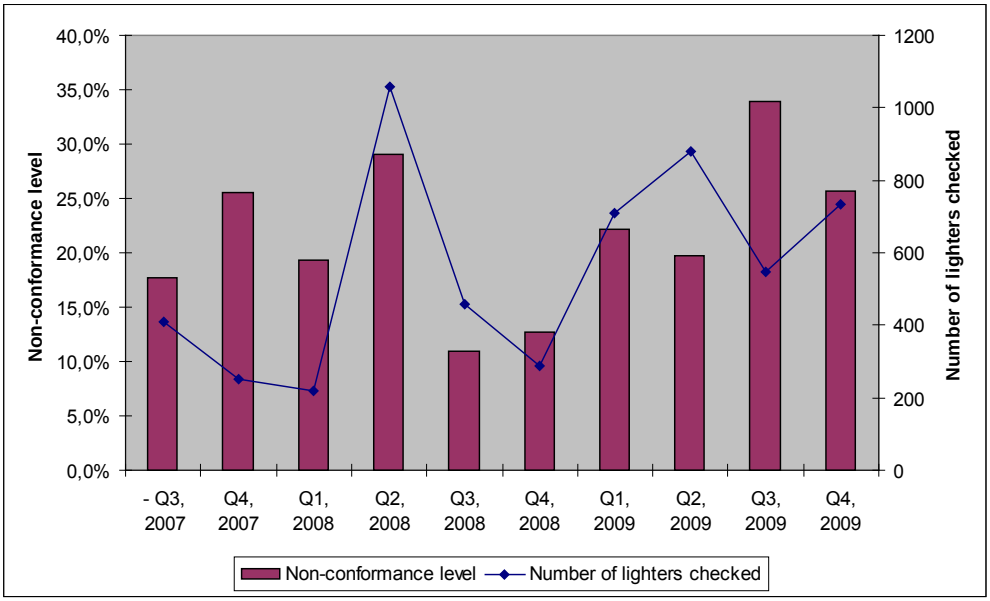


Figure 9. The evolution of the non-conformance level during the joint action compared to the number of checked lighters.

We can conclude from this analysis that the market is not clean. The share of non-compliant lighters that can be found on the market appears to be 20 - 30% of all models or perhaps even more. Moreover, it is by no means obvious from the numbers that the joint action should have brought about a decrease in the number of non-conforming lighters on the market. One problem could be that the investigated lighters are not sampled at random. Therefore it is debatable if the conformance level can be calculated based on this figure. At least, there are a number of other (and perhaps better) indicators that can be found.

4.2.3 Nature of the Non-Compliances

The non-compliances were categorised in four categories by the Member States:

- lighters that did not meet the CR requirements;
- lighters with shortcomings according to EN ISO 9994;
- lighters with other non-compliances (which includes novelty lighters);
- lighters with unspecified non-compliances.

The relative shares of the non-compliances is shown in figure 10.

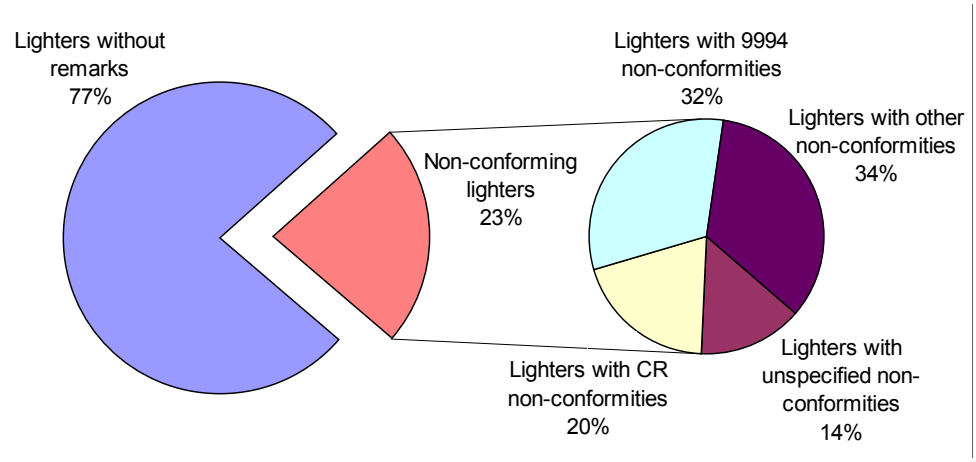


Figure 10. The categorisation of the non-compliances in the lighters checked by the authorities in the action.

Figure 10 shows that most of the non-conformities (34%) were "other non-conformities". This category included shortcoming in the marking of the lighters and shortcomings in the documents. The second most common category was shortcomings according to EN ISO 9994 (32%). CR-non-conformities accounted for 20% of all non-conformities. The last category "unspecified non-conformity" was used when the reports from the Member States indicated that a number of non-conforming lighters were found and no further indication of the nature of the non-conformity was given. It accounted for 14% of all non-conformities.

The distribution of the non-conformities on the four categories changed during the action as can be seen on figure 11. The results from the first months in the action showed a high number of "unspecified non-conformities". This reflects that all data recorded before the beginning of the joint action were not divided according to the reporting scheme in the joint action. Therefore they were categorised as unspecified.

Next was a focus on EN ISO 9994 non-conformities. Figure 11 shows that they accounted for the majority of the non-compliances that were found in the lighters in 2008. This would also be expected as the authorities focused on these non-compliances until March 2008 when the selling-off period terminated and only the child-resistant lighters could be sold to consumers. The authorities did not change their focus immediately after this date however: Cases that had been opened before had to be finished and the results had to be reported

which would mean that they would only show in the statistics some months after the case was opened.

Still one can see an increase in the number of CR non-conformities in the following quarters. This category does not account for a large share of the non-conformities. One reason can be that lighters with more non-conformities are recorded in one of the other categories. Often lack of child-resistance is observed because the economic operator does not have the proper proof for child-resistance. In that case the error may be recorded as an "other non-conformity" because it is seen as lacking of technical documentation. An other reason may be that lighters that do not meet the requirements for child-resistance also fail to meet other safety requirements like maximum flame height that are easier to detect and demonstrate during an on site inspection.

Finally, one can see that the share of "other non-conformities" was steadily increasing during the project. This category included marking errors, novelty lighters and errors in the technical documentation so the increase reflected that the authorities focused their inspections on documentary checks towards the end of the action. (The large share of other non-conformities in the fourth quarter 2007 was caused by a large number of semi-luxury lighters failing to meet the exclusion criteria that were reported by the Polish authorities.)

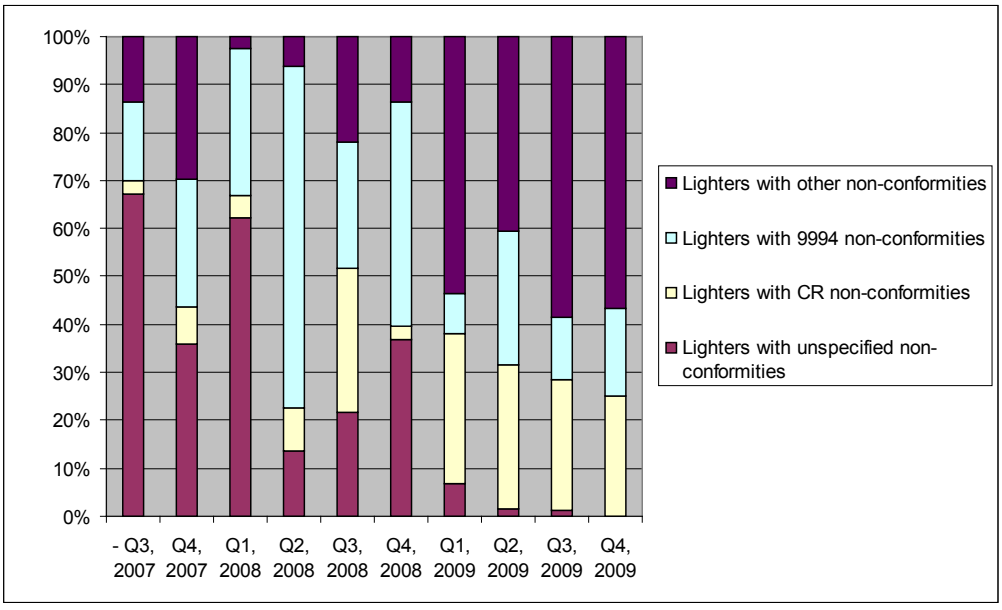


Figure 11. The distribution of non-conformities in the lighters checked during the joint action.

4.2.4 Novelty Lighters

During the action, Bulgaria reported figures that made it possible to estimate the magnitude of the conformance level regarding novelty lighters. This is shown in table 5.

	1 Jan 2008 – 31 Dec 2008
No. of inspected lighters	35.3 mill items
No. of novelty lighters	598 items

Table 5. Number of inspected lighters and novelty lighters found on the Bulgarian market in 2008.

Table 5 shows that the lighter decision appeared to operate well as regards the ban on novelty lighters. The novelty lighters accounted for less than 0.002 % of the lighters checked on the Bulgarian market (measured in terms of individual items). The annual sales of lighters in Bulgaria are estimated to be 40 – 50 million lighters. This means that the sample size is sufficient to conclude that the share of novelty lighters on the Bulgarian market is insignificant and well below the ambition of the joint action (maximum 2%).

The Austrian authorities have also reported the results from a specific market surveillance action in Salzburg in 2009. Here the authorities carried out 907 inspections and found non-compliant lighters in 76 cases or 8,7% of the cases. The authorities identified 354 non-compliant lighter models in the inspections. Approximately half of them, 181 models, were novelty lighters. The 181 models however only accounted for 596 individual lighters. The figures indicate that the share of shops that marketed novelty lighter appeared to be small. Even if it was not as low as 2% (the ambition of the action), the total number of novelty lighters was so small that the share of novelty lighter on the market was insignificant.

The results can not necessarily be transferred to the European market as a whole because most probably, there are systematic differences across the participating Member States such as the level of market surveillance, efficiency of border controls, etc. The conclusion, however falls in line with observations made by most Member States at the project group meetings. Several Member States explained that they seldom found novelty lighters during their inspections, most problems related to the sales of novelty lighters were related to small retailers.

Another observation that indicated that novelty lighters was a diminishing problem was that the Rapid Advice Forum for lighters have handled a decreasing number of questions on novelty lighters. (This could however also be a sign of Member States taking greater confidence in their assessments.)

4.3 Results from Laboratory Tests

The project plan foresaw that 150 lighter models were tested at a laboratory. At the end of the joint action 143 models had been tested.

The results from each test were reported in a test report from the laboratory. The report described the overall result of the test (pass/fail) and the non-conformities in detail. The report stated the clause(s) that were not met and the measured value for each sample that failed as well as the identification of the sample. A hard copy of the report was sent to the Member State that had submitted the lighter. An electronic copy was sent to the coordinator who uploaded it to the WebEx database and recorded the result for statistics.

The overall result of the 143 laboratory tests is shown in figure 12. The figure shows that 95 of the 143 lighter models or 66% failed to comply with the standard. This figure compares well with the result from the joint study carried out at the Austria test institute VKI [12] that showed that 31% of the tested models complied with EN ISO 9994.

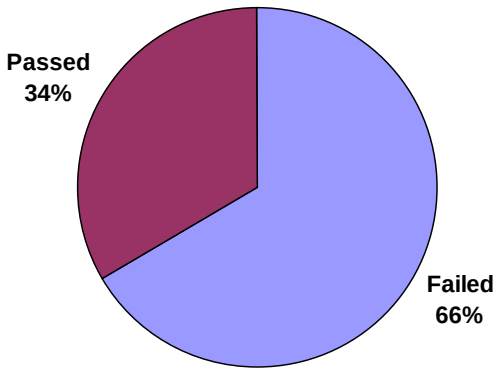


Figure 12. The result of the 143 laboratory tests performed by the joint action.

Two of the objectives of the joint action deal with the share of non-compliant lighters imported to Europe and the share of non-compliant lighters produced in Europe. In this context "Produced in Europe" is defined as supplied by a European manufacturer. The joint action identified four European manufacturers. Their brand names were presumed to be "EU manufactured" except for one lighter that was clearly marked with the name of the Chinese producer. All other lighters were presumed to be "imported" except for two of the tested lighters that had no marking at all.

The number of lighters in the three categories is shown in figure 13. The figure shows that 22 of the 143 lighters (or 14%) that could be identified were "EU manufactured". 119 models (or 83%) were "imported". Two models displayed no trace of manufacturer, making it unclear as to whether they were imported or EU manufactured.

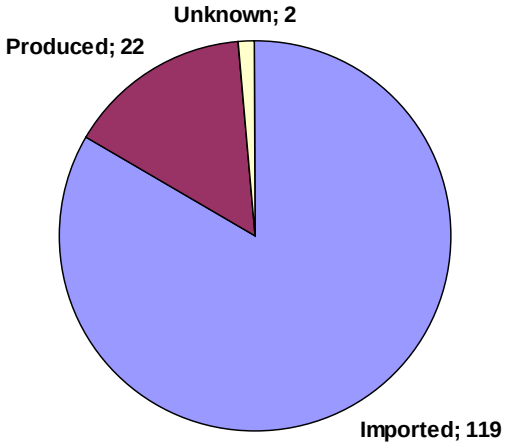


Figure 13. The laboratory-tested lighters divided between imported lighters and lighters produced by European manufacturers.

The test results for lighters produced by EU manufacturers and for lighters imported to the EU are shown in figure 14. The figure shows that 21 of the 22 lighters (or 95%) manufactured by EU manufacturers complied with the safety requirements. The situation for the imported lighters was that 28 of the 119 lighters (or 24%) complied. (The two lighters that could not be identified because of the lack of marking both failed to comply with EN ISO 9994.)

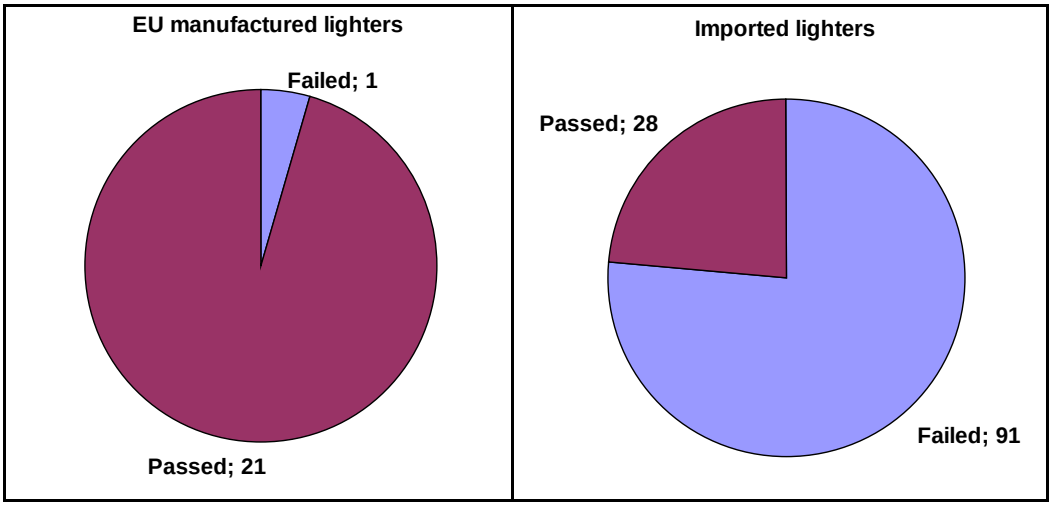


Figure 14. The share of conforming and non-conforming EU manufactured lighters and imported lighters.

"Failed" in this context is defined as "fails to meet the requirements of the standard". The above figures are based on the test results. The risk of the test results have not been assessed and any corrective measures from economic operators have not been taken into account when drawing up the figures.

The conclusion therefore is that:

- Neither EU manufactured nor imported lighters met the objective that the share of non-conforming lighters should be less than 2%.
- 66% of the lighters that have been tested did not comply with the standard.
- 5% of the lighters produced by EU manufacturers that have been tested did not comply with the standard.
- 76% of the lighters imported to the EU that have been tested did not comply with the standard.

One lighter was marketed in the EU by one of the four identified EU manufacturers despite the fact that it was clearly marked with the name of a Chinese manufacturer. This lighter was counted as an "imported" lighter.

4.4 Results from Child Panel Tests

The project plan foresaw that 4 child panel tests should be conducted. At the end of the joint action only one child panel test was carried out.

The primary purpose of conducting the test was to get experience with child panel testing in the context of market surveillance. This purpose was met despite the reduction in the number of tests brought about as the participants gained a better understanding about the difference between child panel testing undertaken by a manufacturer and child panel testing undertaken by a market surveillance authority.

A manufacturer has to work through the following steps to carry out a child panel test:

- Identify the technical parameters defining the child-resistance
- Produce 6 surrogate lighters
- Test them at a laboratory

The logics behind the technical parameters is that the manufacturer proves that a given lighter is child-resistant because it has a CR mechanism that is more difficult to operate than the six surrogate lighters that have passed a child-panel test. Afterwards the manufacturer must ensure that all lighters that are produced have higher values in the technical parameters than the six surrogate lighters.

The child panel test uses surrogate lighters, i.e. lighters that do not produce flames but a sound or a light effect when "ignited" so children can play safely with the lighter during the

test. A lighter manufacturer will produce surrogate lighters by fitting original lighter housings with electronics that produce the desired signal.

The process is more complicated for a market surveillance authority. If it wants to carry out a child panel test it has to work through the following five steps:

1. Sample a number of lighters from the market.
2. Identify and check the technical parameters defining the child-resistance.
3. Select 6 of the samples for child-panel test.
4. Produce surrogate lighters from the 6 chosen samples.
5. Test them at a laboratory.

Experience that came out of the joint action was that step 2 and 4 are highly problematic for an authority.

Step 2 - checking technical parameters against threshold values.
In most cases, the manufacturer or the importer will provide the technical parameters to the authority. This in itself can be problematic as authorities would prefer to be able to test completely independently from the information received from manufacturers.

Theoretically, an authority may also face the situation where the technical parameters are unknown. In this case it is impossible to identify them. If this situation occurs the authority would normally ban the lighter because of a lack of technical documentation.

The logics behind the technical parameters are explained above: the lighter manufacturer proves that a given lighter is child-resistant because it has a CR mechanism that is more difficult to operate than the six samples that were tested in a child panel test. When an authority does the testing it samples a number of lighters from the market. Presuming that the manufacturer applies the technical parameters correctly the sampled lighters should all have values for the technical parameters that are above the values for the lighters that were originally tested. This will mean that a test can not verify that the design value for the technical parameter is correctly chosen.

To give an example: A manufacturer produces a lighter with a hard-piezo CR mechanism. They design the lighter to be child-resistant if the pusher force is above 40 N. They verify this by producing 6 surrogate lighters with pusher forces between e.g. 37 and 39 N. If the 6 surrogates successfully pass the child panel test, it means that the lighter is presumed to be child-resistant. The manufacturer then produces lighters assuring that all produced lighters require a pusher force of 41 N or more to be ignited. This is illustrated in figure 15.

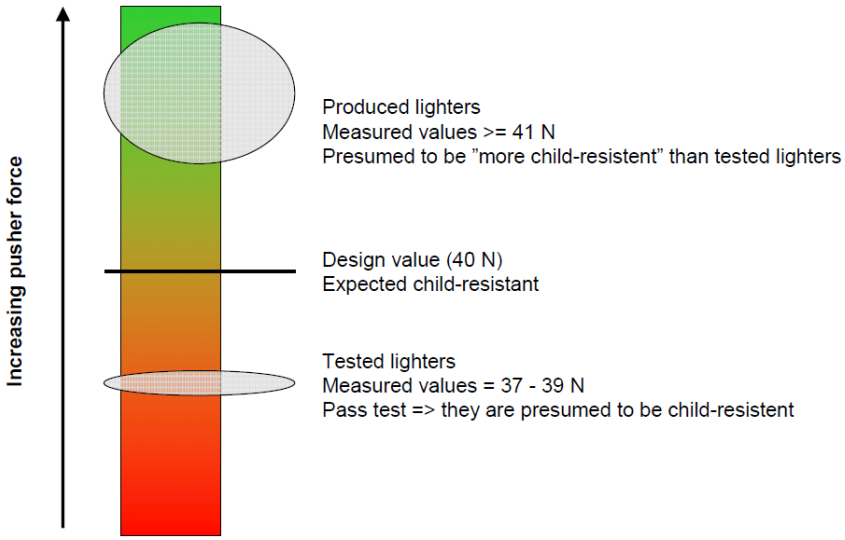


Figure 15. The producer must use lighters with values below the design value in the child panel test. Afterwards he must ensure that all lighters produced have values above the design value.

When the authority samples lighters from the market, the technical parameters for the samples should be above the design value, i.e. all samples should belong to the upper "bubble" in the above figure. If the authority samples enough lighters and selects the test items with the lowest values of the technical parameters, it should be possible to choose lighters from the lower end of the "bubble", but they will still be above the design value.

Step 4 - production of surrogate lighters
An authority will have to work with operational lighter sampled e.g. from a shop when producing the surrogate lighters. These lighters must be modified by removing the gas and the ignition mechanism and then producing and fitting a piece of electronics that can indicate that the lighter is "ignited". Afterwards the surrogate lighter must be reassembled so that the CR properties are not affected. It is debatable as to whether this is at all possible.

This process requires expertise. The joint action was not able to identify expertise that could transform other designs than lighters with hard-piezo mechanisms into surrogate lighters. Lighters with hard-piezo mechanisms can be transformed into surrogate lighters by emptying them from gas. The experience showed even this to be trickier than expected; the gas chamber in a lighter can have a complex shape and it is important to empty the lighters completely to avoid that the lighters produce flares or flames in the child panel tests.

The joint action therefore concluded that child panel testing in practice is impossible to apply in market surveillance purposes except perhaps for hard-piezo lighters.

The one test that was conducted resulted in the lighter failing to pass the test.

4.5 Analysis of Results – Lessons Learned

4.5.1 Technical Analysis

The joint action was expected to bring about a significant decrease of unsafe lighters on the market. This was not achieved as explained in chapter 4.2.2. An analysis of the results shows that the share of non-compliant lighters on the market has fluctuated more or less randomly between 20 and 35% during the project.

All other indicators point in the same direction. The share of non-conforming lighters found by the Member States in their inspections is approximately 23%. The share of imported lighters that failed the laboratory test is approximately 76% and the share of lighters produced in the EU that failed during the test is approximately 9%.

The only positive indicator is the share of shops that markets novelty lighters. Most Member States report that novelty lighters present an insignificant share of their markets.

The immediate observation is that there is still substantial room for improvement as regards the removal of unsafe lighters, in some of the participating Member States. On the other hand, momentum has been gathering on the developments made in participating Member States have built up procedures and routines for inspecting lighters. To maintain this, a follow-up action has been proposed by PROSAFE and awarded by the European Commission.

Another question is whether the goal is too ambitious or if the indicators are simply too difficult to measure. Experience from market surveillance authorities has shown that any market surveillance project will result in measures being taken against a number of dangerous products on the market because the inspectors are well trained in spotting the dangerous products. The total number of samples is usually quite limited so the non-conformance level will usually be much higher than 2% if it is calculated by dividing the number of non-compliant products found with the number of products sampled.

The intention of the indicator used in the project was to create an indicator showing how difficult it was for the inspectors to find the non-compliant products: If the inspector needs to check 100 lighters to find 2 potentially non-conforming lighters and one of them fails in the laboratory test, this would be seen as a sign that the market was “clean”. The non-conformance rate would be 1% even though 50% of the tested lighters did not comply. This estimate will only be correct however, if the inspector records that he has checked 100 lighters to find the one that did not comply. It will be wrong if the inspector only records

the two lighters that were sent for laboratory testing. The chosen estimate for the indicator may not have adequately served that purpose as mentioned in chapter 4.2.2. The follow-up action will explore whether a better estimate can be developed.

The experience from the joint action also revealed that the basis for the statistics required a better explanation to be understood by all participants. Analyses of the results have shown that the forms used in the joint action left too much room for interpretation and ambiguity, which in turn increased the uncertainty in the final results. This will be explored in the follow-up action.

Furthermore the joint action has identified a couple of issues related to the definitions of various types of lighters that complicated the work:

- The definition of semi-luxury lighters and luxury lighters allow economic operators to circumvent the CR requirements. The Member States have seen lighters sold at very low costs that met all the exclusion criteria, i.e. they had a replaceable ignition mechanism, they came with a written guarantee and they had an expected lifetime of 5 years subject to repair. This causes a safety problem as semi-luxury lighters are not required to be child-resistant.
- The distinction between utility lighters and cigarette lighters also caused problems in the joint action until the participants developed a guideline document. Still Member States came across economic operators that believed that any lighter longer than 100 mm would be a utility lighter according to the definitions in EN 22702.
- The assessment of novelty lighters took up a lot of resources and a lot of energy was spent in the Rapid Advice Forum on lighters (chapter 2.4.9). A clearer definition that would leave less scope for discussion would be warmly welcomed by the Member State authorities. The definition should also take into account the existence of multifunction lighters, i.e. lighters with a working function besides the lighter function. (Commonly found types are lighters with integral torches and lighters with bottle openers.)

4.5.2 Lessons Learned - Methodology

One important observation from the joint action as regards the applied methodology was that market surveillance inspections and testing did not seem to be the most efficient means to clean up the market. The joint action had put too little emphasis on the coordinated follow-up towards the importers and manufacturers and shifted the responsibility for the follow-up onto the individual participants. An alternative would be to collect the available information from all the participants and decide how to proceed towards the economic operators. The follow-up was discussed in the context of the lighter guideline (see chapter 2.4.2) but the conclusions had not been drawn.

Another observation is that the normal market surveillance inspections focus on one lighter model at a time whereas it seems useful to adopt a more systems-oriented approach. If for instance, a market surveillance authority examines the quality control systems at an economic operator, it would be a measure that would target all the models marketed by that economic operator simultaneously. It would also seem appropriate to explore whether the Member States and the Commission could do a joint effort to influence overseas manufacturers and whether this would be more efficient than taking lighters of the market in market surveillance actions after they had been imported to Europe. The intention is to examine whether these would be efficient means in the follow-up action.

The joint action revealed that the child panel test was not a feasible test method for market surveillance. In practice, it is impossible to establish the proper test conditions as a market surveillance authority can not produce surrogate lighters for the test from lighters that have been sampled in the market. This means that child panel tests can only be carried out in close cooperation with the manufacturer; something that a market surveillance authority would often refrain from to ensure the maximum independence in the test. More details on this are found in chapter 4.4. Instead, the follow-up action plans to employ a tool developed by the US authorities to verify child-resistance of lighters with hard-piezo ignition mechanisms (see chapter 2.4.7). An important observation from the action was that child-resistance in lighters with other CR mechanisms can not be verified in physical tests by the authorities. These observations will be brought to the attention of the CEN working group that is working with the revision of the standard EN 13869.

A final observation is the lack of reliable accident and fire statistics. At present such statistics is sparse and only available in some Member States. Therefore it is difficult (if at all possible) to monitor the impact of the lighter decision (and the joint action). A European-wide database with reliable fire and accident statistics would be most useful for this purpose.

4.6 Differences between Foreseen Results and those Actually Achieved

Table 6 below compares the results foreseen in the work programme from the grant agreement [1] to those actually achieved in the joint action.

Foreseen Deliverable or Result	Deliverable or Result Actually Achieved
Main deliverable	
A significant reduction in the amount of unsafe lighters on the European market.	**Foreseen result not achieved.** An analysis of the data does not show that the share of non-conforming lighters on the market has decreased. Please also see chapter 4.2.2.
The share of non-compliant lighters that were found on the European market.	**Foreseen result not achieved.** Approximately 23% of the 5.557 lighters that were checked by the authorities did not comply with the requirements in the lighter decision. Please also see chapter 4.2.2. 66% of the 143 lighters that were tested did not comply with the standard. Please also see chapter 4.3.
The share of non-compliant lighters that were imported to Europe.	**Foreseen result not achieved.** 76% of the 119 lighters imported to the EU that have been tested did not comply with the standard. Please also see chapter 4.3.
The share of non-compliant lighters that were produced in Europe.	**Foreseen result not achieved.** 5% of the 22 lighters produced by EU manufacturers that have been tested did not comply with the standard. Please also see chapter 4.3.
The share of shops that marketed novelty lighters.	**Foreseen result perhaps achieved.** Less than 0.002 % of the lighters imported to Bulgaria in 2008 were novelty lighters. An Austrian regional campaign from 2009 found 596 individual novelty lighters in total in 907 inspections. Most Member States reported that they seldom found novelty lighters during their inspections in 2009. Please also see chapter 4.2.4.
Further deliverables	
Quarterly progress reports	**Deliverable produced as planned.** Reports were submitted 30 November 2007, 6 March 2008, 17 June 2008, 30 September 2008, 12 January 2009, 17 April 2009, 4 August 2009, 21 October 2009 and 30 December 2009.

Foreseen Deliverable or Result	Deliverable or Result Actually Achieved
Two interim reports	**Deliverable produced as planned.** The first interim report covering the period from 1 September 2007 to 31 May 2008 was issued 31 July 2008. The second interim report covering the period from 1 June 2008 to 28 February 2009 was issued 30 April 2009.
The final report	**Deliverable produced as planned.** The present document is the final report from the joint action. It was issued 28 February 2010.
A workshop to present the main findings and results	**Deliverable produced as planned.** A half-day workshop was organised 30 November 2009 with some 35 attendees. Please also see chapter 2.5.4.
Deliverables not foreseen in the contract	
Three press releases and three information notices	Press releases were published 11 March 2008, 11 March 2009 and 30 November 2009. Three information notices were produced for the benefit of the industry: a letter to parents describing the necessity for child panel tests; an informative note on child-appealing designs and proving child-resistance and an informative note to stakeholders on the first test results. Please also see chapters 2.5.1 and 2.5.2.
Increased co-operation with customs	Customs checked 8,439 consignments with lighters. A joint meeting with market surveillance authorities and customs authorities was organised. Please also see chapters 2.3.2 and 2.6.2.
Extensive outreach to stakeholders	Numerous meetings and teleconferences have been held with representatives from stakeholders. Please also see chapter 2.2.2.

Table 6. Overview of results and deliverables foreseen in the working program and those achieved.

5 FINANCIAL ANALYSIS

5.1 Budget and Actual Expenses

Table 7 below presents the original budget, the amended budget and the actual expenses divided over PROSAFE and the Member States.

The budget was amended to correct an error in the calculation of the overhead in the original budget as submitted with the application.

	Original Budget (€)	Amended Budget (€)	PROSAFE (€)	Member States (€)	Actual Expenses (€)	Difference (€)
Direct costs						
Internal staff	316.162,18	316.162,18	96.596,00	221.143,82	317.739,82	-1.577,64
Travel and subsistence	133.340,00	133.340,00	103.909,29		103.909,29	30.149,16
Equipment	0,00	0,00	0,00		0,00	0,00
Subcontracting	257.704,00	235.132,46	95.997,24		95.997,24	161.706,76
Miscellaneous	0,00	0,00	163,80		163,80	-163,80
Total direct costs	707.206,18	684.634,64			517.810,15	192.814,47
Indirect costs						
Overhead	25.352,88	47.924,42	36.246,71		36.246,71	11.677,71
Total expenditure	732.559,06	732.559,06			554.056,86	178.502,20
Revenue						
Resource of the participant	220.162,18	220.162,18	0,00	221.143,82	221.143,82	-981,65
Other sources of funding	0,00	0,00	0,00		0,00	0,00
Revenue generated by the joint action	0,00	0,00	0,00		0,00	0,00
Amount of EU support requested	512.396,88	512.396,88	332.913,04		332.913,04	183.141,58
Total revenue	732.559,06	732.559,06			554.056,86	178.502,20

Table 7. The budget and actual expenditures of the joint action. The difference is calculated so that it is negative, if the actual expenses exceed the amended budget.

5.2 Differences between Budget and Actual Expenses

5.2.1 Internal Staff

The costs under this budget heading are:

Actual Internal Staff Costs	Budget (€)	Actual (€)
PROSAFE, coordination	66.000,00	96.596,00
PROSAFE, accountancy	30.000,00	0,00
Member States, work	220.162,18	221.143,82
Total	316.162,18	317.739,82

Table 8. Comparison of the budgeted internal staff costs and the actual costs.

PROSAFE, coordination

The budget for the joint action estimated that the consultant would use 110 working days on the coordination of the action. It turned out however that the project took onboard a number of activities that were not foreseen originally (e.g. communication and outreach activities, meetings with stakeholders, visits to the laboratories, development of a lighter guideline, etc.). The participants agreed that these activities were useful so it was decided to increase the number of working days for the consultant as it could be accommodated within the budget.

PROSAFE, accountancy

It was anticipated that PROSAFE would employ an internal PROSAFE accountant to administer all joint action, when the budget was laid down in 2006. In fact, PROSAFE decided to use a person from VWA for the financial support. Costs for this support have not been specifically identified for this joint action.

The cost for external accountancy has been included under the heading “subcontracting”.

Member States, work

The numbers in table 8 show that the actual amount of work from the Member States had a value close to what was anticipated in the original budget despite of the big difference between the planned and actual number of working days as already explained in chapter 3.3. The main reason for this is that the actual contribution in kind is calculated using the exact salary data for the actual months where the budgeted figures use salary data from spring 2006. Furthermore differences between the salaries of the people that were mentioned in the budget and the people that actually carried out the work will impact on the actual figures.

The figure includes the contribution from the PROSAFE Chief Executive for support to the management and outreach activities of the joint action. It is included in the contributions in kind from The Netherlands.

5.2.2 Travel and Subsistence

The costs under this budget heading are:

Actual Travel and Subsistence Costs	Budget (€)	Actual (€)
PROSAFE	8.480,00	10.292,44
Member States	124.860,00	92.898,40
Total	133.340,00	103.190,84

Table 9. Comparison of the budgeted travel and subsistence costs and the actual costs.

Table 9 shows that the actual travel costs for PROSAFE exceeded the budgeted costs. The reason is that the coordinator undertook a number of travels that were not foreseen in the budget, e.g. to CPSC in the United States and visits to the selected laboratories.

The actual travel costs for the participating Member States is some 20-25% below budget. The main reason is that the average attendance at the project meetings was approximately 80%. The budget was based on the presumption that all participants attended all meetings.

The actual travel costs include the costs incurred by the participants related to attending the final workshop.

5.2.3 Subcontracting

The costs under this budget heading are:

Actual Internal Staff Costs	Budget (€)	Actual (€)
EN ISO 9994 tests	150.000,00	90.768,00
EN 13869 tests	60.000,00	2.700,00
Transport of items	16.800,00	163,80
External audit	0,00	2.529,24
Workshop	30.904,00	0,00
Total	257.704,00	95.997,24

Table 10. Comparison of the budgeted subcontracting costs and the actual costs.

EN ISO 9994 tests

The actual costs are 40% under budget. The main reason is that the joint action was able to negotiate very favourable rates because it made a call for tender for the total volume of tests in the joint action. The call was sent to all laboratories in Europe that were known to be able to undertake the requested tests. (More details can be found in chapter 2.4.4.)
The joint action carried out 143 tests compared to the 150 foreseen in the budget.

EN 13869 tests

The actual costs are 95% under budget. There are several explanations behind this difference. Firstly the joint action asked two laboratories that quoted very different prices. One laboratory quoted a price close to the budgeted. The other one quoted a price 80% below what was budgeted.
Secondly the joint action ran into a lot of practical problems that meant that only one test was carried out compared to the four tests that were expected in the budget. (The full explanation is given in chapter 2.4.6.)

Transport of items

The actual costs are 99% under budget.
The major reason for this is that the number of batches that were sent to the laboratory was smaller than expected because each batch comprised more lighters than anticipated when the budget was laid down.
Secondly, a number of Member States did not request this expense reimbursed from the joint action.

External audit

An external audit was carried out by KPMG in June 2009 to support the request for the second instalment. These costs were foreseen under “Internal Staff Costs” in the budget but would more rightly figure as “Subcontracting Costs”.

Workshop

The original budget foresaw that the joint action would spend 30.904,00 € on a final workshop. The budget foresaw that the joint action would reimburse travel expenses for four representatives from stakeholders plus two representatives from each participating Member State.
No expenses were actually identified here. There are several reasons:
Firstly PROSAFE’s experience from the EMARS project was that it was possible to have participation from stakeholders without reimbursing them. Therefore no reimbursement was offered to this event either.
Secondly the budget envisaged expenses to renting a room for the conference. This reflects that the budget and the application was prepared while PROSAFE was still building up the

organisation and before it was clarified that PROSAFE could rent rooms with EFTA. The contract with EFTA implied that PROSAFE could use their meeting facilities for e.g. events like this workshop and consequently there were no expenses for renting the venue for the workshop.
Finally the travel costs for the participating Member States have been booked as travel and subsistence costs instead.

5.2.4 Total Budget

Table 7 shows that the total actual expenses are approximately 24% below the budget.

Consequently the amount of EU support requested is reduced so that the maximum ratio of 69,95% of the total expenses is not exceeded.

The table also shows that the actual expenses respect the rule of not shifting more than 10% between budget headings.

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13. Test Report on “Tests on gas lighters” carried out by Laboratoire national de métrologie et d’essais (LNE), France, for the European Federation of Lighters Manufacturers (EFLM). Date of order 3 October 2007. Document reference: File H100045, Document CQPE/1. Requests for copies or information about the document should be addressed to the European Federation of Lighters Manufacturers, 40, rue de Washington, BE-1050 Brussels, Belgium.
14. “Commission Decision of 26 March 2009 prolonging the validity of Decision 2006/502/EC requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters”, 2009/298/EC, published in the Official Journal L 81 of 27 March 2009, p. 23.
15. Joint Market Surveillance Action on Child-Resistant Lighters and Novelty Lighters, (Grant Agreement no. 17.020200 / 07 / 472817), First Interim Report covering the period 1 September 2007 – 31 May 2008, Published 31 July 2008.
16. Joint Market Surveillance Action on Child-Resistant Lighters and Novelty Lighters, (Grant Agreement no. 17.020200 / 07 / 472817), Second Interim Report covering the period 1 June 2008 – 28 February 2009, Published 30 April 2009.
17. “Best Practices in Market Surveillance”, PROSAFE, 2008. The book is one of the key deliverables from the project “Enhancing Market Surveillance through Best Practices (EMARS)”. The book is available from the PROSAFE secretariat or can be downloaded from www.emars.eu or www. prosafe.org.
18. “Fire Statistics, United Kingdom, 2007”, publication issued by Communities and Local Government, United Kingdom, Friday 28 August 2009. The report can be downloaded from http://www.communities.gov.uk/documents/statistics/pdf/1320522.pdf.

ANNEX 1. TIMELINE FOR THE JOINT ACTION

Date	Activity or Deadline
20 July 2007	Call for consultants to coordinate the joint action issued by Stichting PROSAFE.
20 August 2007	Deadline for interested consultants to respond.
1 September 2007	Grant agreement begins. Beginning of phase 1.
3 September 2007	The consultant for coordination of the joint action is selected.
21 September 2007	First project meeting (in Brussels).
30 November 2007	First unofficial 3-month progress report
13 December 2007	Combined core group meeting and project group meeting (in Brussels)
31 December 2008	End of phase 1
1 January 2008	Beginning of phase 2
15 February 2008	Deadline for submitting information on lighters for the first round of cross-border tests to the coordinator
27 February 2008	Third project meeting (in Brussels) Start of first test round in the laboratories
29 February 2008	Second unofficial 3-month progress report
11 March 2008	Decision 2008/322/EC enters into force. Termination of sales-off period, i.e. lighters offered to the consumer must be child-resistant and non-novelty. A press release is issued by the participants of the joint action.
31 March 2008	Deadline for submitting information on lighters for the second round of cross-border tests to the coordinator
6 May 2008	Start of second round of tests in the laboratories.
7 May 2008	Fourth project meeting (in Vienna)
31 May 2008	End point of reporting period for first interim technical implementation report.
1 June 2008	Start of reporting period for the second interim technical implementation report. First results from first round of laboratory testing.
9 June 2008	An information note to stakeholder on novelty lighters and cross-qualification is published.
18 June 2008	Meeting in the core group for lighters. Fifth project meeting. (Both meetings are in Brussels.)
4 July 2008	Start of third round of laboratory tests.

Date	Activity or Deadline
23 July 2008	First results from second round of laboratory tests.
29 July 2008	Start of fourth round of laboratory tests.
31 July 2008	First interim technical implementation report.
31 August 2008	Fourth unofficial 3-month progress report.
17 + 18 September 2008	Sixth project meeting (in Brussels) including a full-day session with customs and market surveillance.
30 October 2008	First results from third round of laboratory tests.
11 October 2008	First results from fourth round of laboratory tests.
18 November 2008	Start of fifth round of laboratory tests.
30 November 2008	Fifth unofficial 3-month progress report.
22 January 2009	Seventh project meeting (in Stockholm).
16 February 2009	First results from fifth round of laboratory tests. Start of sixth round of laboratory tests.
28 February 2009	Sixth unofficial 3-month progress report. End of reporting period for second interim technical implementation report.
11 March 2009	Second press release is published.
26 March 2009	Meeting in the core group for lighters. Eighth project group meeting. Both meetings are in Brussels.
27 March 2009	Results from sixth round of laboratory tests.
15 April 2009	Start of seventh round of laboratory tests.
23 May 2009	Start of eighth round of laboratory tests.
27 May 2009	Results from seventh round of laboratory tests.
31 May 2009	Seventh unofficial 3-month progress report.
30 June 2009	First results from round 8. End of phase 2 in the project.
1 July 2009	Ninth project group meeting at Bureau Veritas in Manchester. Start of phase 3 in the project.
29 July 2009	Results from ninth round of laboratory tests.
31 August 2009	Eighth unofficial 3-month progress report
29 September 2009	Start of tenth round of laboratory tests.
6 October 2009	Tenth project group meeting in Valetta.
2 November 2009	Results from tenth round of laboratory tests.
30 November 2009	Final workshop. Third press release published. Ninth unofficial 3-month progress report
31 December 2009	Formal end of joint action
28 February 2010	Deadline for submission of final technical implementation report.

ANNEX 2. OVERVIEW OF PARTICIPANTS

Organisation	Name	Professional category	Days		Remark
			plan	actual	
Austria					
Federal Ministry of Social Affairs and Consumer Protection	Helmuth Perz	Manager	30,0	15,8	
	Disa Medwed	Manager		1,4	Ms. Disa Medwed replaced Mr. Helmuth Perz in one meeting.
		Total	30,0	17,1	
Bulgaria					
Ministry Of Economy and Energy, Consumer Protection Commission	Emilia Elchinova	Manager	110,0	23,5	
	Veselina Bobocheva	Inspector	55,0	22,5	
	Ivil Bakardjiev	Inspector	55,0	17,1	Mr. Ivil Bakardjiev was replaced by Ms. Rumyana Pekanova during the action.
	Rumyana Pekanova	Advisor		12,3	Ms. Rumyana Pekanova replaced Mr. Ivil Bakardjiev during the action.
		Total	220,0	75,4	
Denmark					
The Danish Safety Technology Authority	Hardy Balle	Manager	5,0	5,1	
	John Brønlund Jensen	Inspector	70,0	19,8	Mr. John Brønlund Jensen was replaced by Mr. Bjarne Lehrman during the action.
	Pernille Vestergaard	Inspector	30,0	42,3	
	Karin Holkmann Olsen	Advisor	5,0	0,0	
	Bjarne Lehrman	Inspector		35,1	Mr. Bjarne Lehrman replaced Mr. John Brønlund Jensen during the action.
		Total	110,0	102,3	
Estonia					
The Consumer Protection Board of Estonia	Anne Reinkort	Manager	35,0	30,0	
	Milvi Paidra	Inspector	50,0	56,0	
	Aime Linke	Inspector	50,0	44,4	
		Total	135,0	130,4	

Organisation	Name	Professional category	Days		Remark
			plan	actual	
Greece					
Ministry of Development, General Secretariat for Consumer Affairs, Technical Control Secretariat	Ecaterini Tsoni	Manager	15,0	60,3	
	Triantafilia Alexiou-Petra	Advisor	120,0	120,3	
		Total	135,0	180,5	
Latvia					
Consumer Rights Protection Centre	Mrs. Linda Rinkule	Manager	10,0	0,0	
	Ms. Ilona Romanova	Advisor	35,0	33,7	
	Mrs. Silvija Tumina	Inspector	20,0	0,0	
		Total	65,0	33,7	
Malta					
Ministry for Competitiveness and Communications, Market Surveillance Directorate, Office for Fair Trading	Noel Toledo	Manager	9,0		Mr. Noel Toledo was replaced by Mr. Michael Cassar.
	Victor Bugeja	Advisor	6,0		
	Alex Brincat	Inspector	35,0		
Ministry for Competitiveness and Communications, Operations Directorate, Consumer and Competition Division	Godwin Mangion	Manager	9,0		
	Peter Attard	Advisor	5,0		
	Jean Pierre Fava	Inspector	36,0		
The Malta Standards Authority	Michael Cassar	Manager		31,9	Mr. Michael Cassar replaced Mr. Noel Toledo at the same time when the responsibility for market surveillance was transferred from the Ministry fro Competitiveness and Communication to the Malta Standards Authority.
	Charles Borg	Inspector		12,6	
		Total	100,0	44,5	

Organisation	Name	Professional category	Days		Remark
			plan	actual	
The Netherlands					
Food and Consumer Product Safety Authority	Eric Bloemendaal	Advisor	20,0	0,0	
	Corine Postma	Advisor	15,0	0,0	
	Gisela Heijne	Advisor	15,0	52,5	
	Jan van Leent	Advisor	5,0	16,5	
	p.m. = Kowa Cheung	Inspector	70,0	13,5	Mr. Kowa Cheung was nominated as inspector "p.m."
	p.m. = Wim van Nimwegen	Advisor	10,0	5,6	Mr. Wim van Nimwegen was nominated as advisor "p.m."
	Dirk Meijer	Manager		20,0	Mr. Dirk Meijer joined the action.
		Total	135,0	108,1	
Norway					
Directorate for Civil Protection and Emergency Planning	Gunnar Wold	Manager	40,0	39,8	
	Bjørn Kristiansen	Inspector	45,0	22,3	
	Jonny Pedersen	Inspector	45,0	34,4	
	Berit Jaritz	Advisor	20,0	3,4	
		Total	150,0	99,8	
Poland					
Office of Competition and Consumer Protection	Urszula Szałkowska	Manager	51,3	10,1	Ms. Urszula Szałkowska was replaced by Mr. Dariusz Lomowski
	Joanna Frankowska	Manager	171,1	144,5	Ms. Joanna Frankowska was replaced by Ms. Barbara Zysko
	Dariusz Lomowski	Manager		40,3	Mr. Dariusz Lomowski replaced Ms. Urszula Szałkowska
	Barbara Zysko	Advisor		29,4	Ms. Barbara Zysko replaced Ms. Joanna Frankowska
		Total	222,4	224,3	

Organisation	Name	Professional category	Days plan	Days actual	Remark
Slovenia					
Market Inspectorate of Republic of Slovenia	Janez Novak	Manager	26,0	23,0	Mr. Janez Novak took over the tasks of Mr. Matija Baš that left the authority. At the end of the action Mr. Janez Novak also took over the tasks of Mr. Borut Matkovič that also left the authority.
	Matija Baš	Advisor	19,0	0,0	Mr. Matija Baš was replaced by Mr. Janez Novak.
	Maksimiljan Bornšek	Inspector	18,0	27,0	
	Danilo Remškar	Inspector	18,0	16,6	
	Emil Gregorič	Inspector	18,0	14,1	
	Beno Popovič	Inspector	18,0	13,8	
	Janez Dulc	Inspector	18,0	22,5	
	Borut Matkovič	Manager		42,9	Mr. Borut Matkovič replaced Mr. Janez Novak. At the end of the action Mr. Janez Novak again took over the tasks of Mr. Borut Matkovič that left the authority.
	Robert Zimstein	Inspector		5,5	Mr. Robert Zimstein joined the action.
		Total	135,0	165,5	
The Slovak Republic					
Slovak Trade Inspection (head office and local inspectorates)	Milota Sedajova	Manager	75,0	40,0	
	Zuzana Leskova	Manager	75,0	90,0	
	Renata Karbulova	Inspector	20,0	21,0	
	Petra Richterova	Inspector	20,0	26,0	
	Xenia Paulikova	Inspector	20,0	1,5	Mrs. Xenia Paulikova was replaced by Mr. Jozef Rupe.
	Andrea Zitna	Inspector	20,0	23,0	
	Anton Strycek	Inspector	20,0	39,0	
	Bozena Kolkusova	Inspector	20,0	13,5	Mrs. Bozena Kolkusova was replaced by Mr. Martin Krajci.
	Lucia Marchevska	Inspector	20,0	0,0	Ms. Lucia Marchevska was replaced by Mr. Peter Handzus.
	Katarina Molokacova	Inspector	20,0	41,0	
	Peter Handzus	Inspector		19,0	Mr. Peter Handzus replaced Ms. Lucia Marchevska.

Organisation	Name	Professional category	Days		Remark
			plan	actual	
	Jozef Rupe	Inspector		26,0	Mr. Jozef Rupe replaced Mrs. Xenia Paulikova
	Martin Krajci	Inspector		7,0	Mr. Martin Krajci replaced Mrs. Bozena Kolkusova
		Total	310,0	347,0	
Sweden					
The Swedish Consumer Agency	Björn Smith	Advisor	40,0	44,5	
	Helena Nilsson	Support	40,0	16,1	
	Maria Lindstedt	Support	40,0		
	Vilhelm Nordenanckar	Manager	15,0		
	Anette Arveståhl	Manager		2,0	
	Lena Bäcklund	Inspector		0,1	
	Marinette Vibber	Inspector		0,1	
	Gunnel Eriksson	Inspector		0,4	
	Britt-Marie Larsson	Inspector		0,5	
	Karin Hard	Inspector		3,1	
	Rose-Marie Lundblad	Inspector		0,4	
		Total	135,0	67,3	

ANNEX 3. OVERVIEW OF DETAILED RESULTS

Inspections	Member State	- Q3, '07	Q4, '07	Q1, '08	Q2, '08	Q3, '08	Q4, '08	Q1, '09	Q2, '09	Q3, '09	Q4, '09	Total
Total numbers of inspections	**Total**	**275**	**168**	**655**	**855**	**1543**	**3715**	**3078**	**1181**	**998**	**634**	**13102**
	AT	0	0	150	150	150	150	344	344	344	344	1976
	BG	139	46	216	188	139	138	411	606	342	69	2294
	DK	0	18	21	4	2	7	7	16	3	5	83
	EE	85	34	18	100	85	48	101	88	47	96	702
	GR	6	15	64	76	26	98	45	0	0	0	330
	LV	0	0	21	7	7	7	7	7	7	7	69
	MT	0	0	0	0	0	0	7	21	21	21	71
	NL	0	0	23	23	23	23	0	0	0	0	93
	NO	0	7	34	0	0	0	0	0	0	0	41
	PL	37	45	108	120	1111	3231	2153	0	208	0	7013
	SE	0	0	0	0	0	0	0	10	10	0	19
	SI	6	0	0	79	0	0	0	85	0	0	170
	SK	2	3	0	108	0	13	3	4	16	92	241
Checks of containers and consignments	**Total**	**56**	**40**	**322**	**289**	**1303**	**3447**	**2322**	**169**	**323**	**168**	**8439**
	AT	0	0	150	150	150	150	117	117	117	117	1069
	BG	41	14	34	38	45	42	30	48	41	44	376
	DK	0	1	2	1	0	2	2	3	3	5	19
	EE	0	5	2	0	1	4	2	1	0	1	16
	GR	0	0	0	0	21	17	16	0	0	0	54
	LV	0	0	0	0	0	0	0	0	0	0	0
	MT	0	0	0	0	0	0	0	0	0	0	0
	NL	0	0	3	3	3	3	0	0	0	0	13
	NO	0	0	23	0	0	0	0	0	0	0	23
	PL	13	18	108	91	1082	3229	2153	0	161	0	6855
	SE	0	0	0	0	0	0	0	0	0	0	0
	SI	0	0	0	3	0	0	0	0	0	0	3
	SK	2	2	0	3	0	0	2	0	1	1	11
Visits to retailers	**Total**	**85**	**39**	**272**	**462**	**201**	**257**	**741**	**919**	**625**	**458**	**4059**
	AT	0	0	0	0	0	0	227	227	227	227	907
	BG	0	0	172	142	89	94	372	469	297	21	1656
	DK	0	6	19	3	0	5	5	13	0	0	51
	EE	84	28	13	99	83	43	99	86	47	95	677
	GR	0	0	32	55	0	75	25	0	0	0	187
	LV	0	0	7	7	7	7	7	7	7	7	55
	MT	0	0	0	0	0	0	6	19	19	19	64
	NL	0	0	20	20	20	20	0	0	0	0	80
	NO	0	0	9	0	0	0	0	0	0	0	9
	PL	1	4	0	4	2	0	0	0	7	0	18
	SE	0	0	0	0	0	0	0	10	10	0	19
	SI	0	0	0	46	0	0	0	85	0	0	131
	SK	0	1	0	86	0	13	0	4	12	89	205
Visits to wholesalers and domestic importers	**Total**	**115**	**66**	**19**	**40**	**63**	**3**	**10**	**90**	**43**	**7**	**455**
	AT	0	0	0	0	0	0	0	0	0	0	0
	BG	98	33	4	3	5	2	8	87	3	3	245
	DK	0	2	0	0	2	0	0	0	0	0	4
	EE	1	0	1	0	1	1	0	1	0	0	5
	GR	0	5	12	5	0	0	0	0	0	0	22
	LV	0	0	0	0	0	0	0	0	0	0	0
	MT	0	0	0	0	0	0	1	2	2	2	7
	NL	0	0	0	0	0	0	0	0	0	0	0
	NO	0	4	2	0	0	0	0	0	0	0	6
	PL	16	22	0	23	27	0	0	0	38	0	126
	SE	0	0	0	0	0	0	0	0	0	0	0
	SI	0	0	0	0	28	0	0	0	0	0	28
	SK	0	0	0	9	0	0	1	0	0	2	12

Inspections (cnt'd)	Member State	- Q3, '07	Q4, '07	Q1, '08	Q2, '08	Q3, '08	Q4, '08	Q1, '09	Q2, '09	Q3, '09	Q4, '09	Total
Visits to EU-importers excl. container checks	**Total**	**19**	**24**	**42**	**37**	**5**	**8**	**5**	**2**	**6**	**1**	**149**
	AT	0	0	0	0	0	0	0	0	0	0	0
	BG	0	0	6	6	0	0	1	2	1	1	17
	DK	0	9	0	0	0	0	0	0	0	0	9
	EE	0	1	2	1	0	0	0	0	0	0	4
	GR	6	10	20	16	5	6	4	0	0	0	67
	LV	0	0	14	0	0	0	0	0	0	0	14
	MT	0	0	0	0	0	0	0	0	0	0	0
	NL	0	0	0	0	0	0	0	0	0	0	0
	NO	0	3	0	0	0	0	0	0	0	0	3
	PL	7	1	0	2	0	2	0	0	2	0	14
	SE	0	0	0	0	0	0	0	0	0	0	0
	SI	6	0	0	2	0	0	0	0	0	0	8
	SK	0	0	0	10	0	0	0	0	3	0	13
Visits to manufacturers excl. container checks	**Total**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	AT	0	0	0	0	0	0	0	0	0	0	0
	BG	0	0	0	0	0	0	0	0	0	0	0
	DK	0	0	0	0	0	0	0	0	0	0	0
	EE	0	0	0	0	0	0	0	0	0	0	0
	GR	0	0	0	0	0	0	0	0	0	0	0
	LV	0	0	0	0	0	0	0	0	0	0	0
	MT	0	0	0	0	0	0	0	0	0	0	0
	NL	0	0	0	0	0	0	0	0	0	0	0
	NO	0	0	0	0	0	0	0	0	0	0	0
	PL	0	0	0	0	0	0	0	0	0	0	0
	SE	0	0	0	0	0	0	0	0	0	0	0
	SI	0	0	0	0	0	0	0	0	0	0	0
	SK	0	0	0	0	0	0	0	0	0	0	0

Checked lighter models	Member State	- Q3, '07	Q4, '07	Q1, '08	Q2, '08	Q3, '08	Q4, '08	Q1, '09	Q2, '09	Q3, '09	Q4, '09	Total
Total number of lighter models checked	**Total**	**411**	**251**	**220**	**1060**	**458**	**286**	**708**	**882**	**548**	**735**	**5557**
	AT	0	0	0	0	0	0	89	89	89	89	354
	BG	5	18	0	21	89	46	395	469	175	128	1346
	DK	0	56	68	7	2	11	22	22	3	14	205
	EE	58	30	16	90	80	60	145	125	69	141	814
	GR	21	45	54	11	38	42	31	0	0	0	242
	LV	0	13	32	0	0	0	0	0	0	0	45
	MT	0	0	0	0	0	0	14	42	42	42	140
	NL	33	11	7	7	7	7	0	0	0	0	72
	NO	0	14	7	1	0	0	0	0	0	0	22
	PL	285	62	3	90	100	98	0	0	152	0	790
	SE	0	0	33	0	0	0	0	0	0	0	33
	SI	9	0	0	142	142	0	0	124	0	1	418
	SK	0	2	0	691	0	22	12	11	18	320	1076
Novelty lighters	**Total**	**67**	**43**	**5**	**134**	**13**	**7**	**49**	**56**	**55**	**59**	**489**
	AT	0	0	0	0	0	0	45	45	45	45	181
	BG	5	16	0	0	0	0	0	0	0	0	21
	DK	0	9	0	0	2	4	0	0	0	3	18
	EE	40	10	0	7	10	0	0	0	0	0	67
	GR	5	8	4	3	0	1	0	0	0	0	21
	LV	0	0	0	0	0	0	0	0	0	0	0
	MT	0	0	0	0	0	0	3	10	10	10	34
	NL	0	0	0	0	0	0	0	0	0	0	0
	NO	0	0	0	0	0	0	0	0	0	0	0
	PL	17	0	1	8	0	0	0	0	0	0	26
	SE	0	0	0	0	0	0	0	0	0	0	0
	SI	0	0	0	1	1	0	0	0	0	1	3
	SK	0	0	0	115	0	2	0	1	0	0	118
Inexpensive cigarette lighters (disposable or refillable)	**Total**	**143**	**188**	**186**	**736**	**377**	**260**	**638**	**801**	**476**	**647**	**4451**
	AT	0	0	0	0	0	0	43	43	43	43	173
	BG	0	2	0	21	89	46	395	469	175	128	1325
	DK	0	42	50	5	0	5	16	14	0	8	140
	EE	8	8	10	30	40	60	145	125	69	141	636
	GR	9	35	45	8	23	24	20	0	0	0	164
	LV	0	13	32	0	0	0	0	0	0	0	45
	MT	0	0	0	0	0	0	9	26	26	26	88
	NL	33	11	7	7	7	7	0	0	0	0	72
	NO	0	14	7	1	0	0	0	0	0	0	22
	PL	88	62	2	82	100	98	0	0	152	0	584
	SE	0	0	33	0	0	0	0	0	0	0	33
	SI	5	0	0	118	118	0	0	113	0	0	354
	SK	0	1	0	464	0	20	10	10	10	300	815
Utility lighters	**Total**	**4**	**5**	**5**	**14**	**13**	**6**	**5**	**11**	**2**	**4**	**69**
	AT	0	0	0	0	0	0	0	0	0	0	0
	BG	0	0	0	0	0	0	0	0	0	0	0
	DK	0	5	5	0	0	2	5	6	2	3	28
	EE	0	0	0	0	0	0	0	0	0	0	0
	GR	2	0	0	0	3	4	0	0	0	0	9
	LV	0	0	0	0	0	0	0	0	0	0	0
	MT	0	0	0	0	0	0	0	0	0	0	0
	NL	0	0	0	0	0	0	0	0	0	0	0
	NO	0	0	0	0	0	0	0	0	0	0	0
	PL	1	0	0	0	0	0	0	0	0	0	1
	SE	0	0	0	0	0	0	0	0	0	0	0
	SI	1	0	0	10	10	0	0	5	0	0	26
	SK	0	0	0	4	0	0	0	0	0	1	5

Checked lighter models (cnt'd)	Member State	- Q3, '07	Q4, '07	Q1, '08	Q2, '08	Q3, '08	Q4, '08	Q1, '09	Q2, '09	Q3, '09	Q4, '09	Total
Semi-luxury/luxury lighters	**Total**	**197**	**15**	**24**	**176**	**55**	**13**	**16**	**13**	**14**	**24**	**548**
	AT	0	0	0	0	0	0	0	0	0	0	0
	BG	0	0	0	0	0	0	0	0	0	0	0
	DK	0	0	13	2	0	0	1	2	1	0	19
	EE	10	12	6	53	30	0	0	0	0	0	111
	GR	5	2	5	0	12	13	11	0	0	0	48
	LV	0	0	0	0	0	0	0	0	0	0	0
	MT	0	0	0	0	0	0	2	5	5	5	18
	NL	0	0	0	0	0	0	0	0	0	0	0
	NO	0	0	0	0	0	0	0	0	0	0	0
	PL	179	0	0	0	0	0	0	0	0	0	179
	SE	0	0	0	0	0	0	0	0	0	0	0
	SI	3	0	0	13	13	0	0	6	0	0	35
	SK	0	1	0	108	0	0	2	0	8	19	138

Non-conformities	Member State	- Q3, '07	Q4, '07	Q1, '08	Q2, '08	Q3, '08	Q4, '08	Q1, '09	Q2, '09	Q3, '09	Q4, '09	Total
Total number of non-conforming lighter models	**Total**	**73**	**64**	**42**	**309**	**50**	**37**	**156**	**174**	**186**	**188**	**1278**
	AT	0	0	0	0	0	0	89	89	89	89	354
	BG	14	16	17	13	3	0	5	11	17	23	119
	DK	0	2	0	0	0	0	0	0	0	0	2
	EE	28	4	9	37	6	5	37	15	8	32	181
	GR	0	9	8	0	14	22	18	0	0	0	71
	LV	0	0	5	0	0	0	0	0	0	0	5
	MT	0	0	0	0	0	0	4	13	13	13	42
	NL	0	1	0	0	0	1	0	0	0	0	2
	NO	0	0	0	0	0	0	0	0	0	0	0
	PL	24	30	3	38	23	5	4	0	55	0	181
	SE	0	0	0	0	0	0	0	3	3	0	5
	SI	7	0	0	53	4	0	0	43	0	0	107
	SK	0	2	0	168	0	4	0	1	2	32	209
Lighters with unspecified non-conformities	**Total**	**49**	**23**	**26**	**42**	**11**	**14**	**11**	**3**	**3**	**0**	**180**
	AT	0	0	0	0	0	0	0	0	0	0	0
	BG	14	0	17	12	0	0	0	0	0	0	43
	DK	0	0	0	0	0	0	0	0	0	0	0
	EE	28	2	9	30	3	0	0	0	0	0	72
	GR	0	0	0	0	7	11	9	0	0	0	27
	LV	0	0	0	0	0	0	0	0	0	0	0
	MT	0	0	0	0	0	0	0	0	0	0	0
	NL	0	1	0	0	0	0	0	0	0	0	1
	NO	0	0	0	0	0	0	0	0	0	0	0
	PL	0	20	0	0	1	3	2	0	0	0	25
	SE	0	0	0	0	0	0	0	3	3	0	5
	SI	7	0	0	0	0	0	0	0	0	0	7
	SK	0	0	0	0	0	0	0	0	0	0	0
Lighters with CR non-conformities	**Total**	**2**	**5**	**2**	**28**	**15**	**1**	**49**	**52**	**50**	**47**	**252**
	AT	0	0	0	0	0	0	43	43	43	43	173
	BG	0	0	0	1	0	0	2	6	1	0	10
	DK	0	0	0	0	0	0	0	0	0	0	0
	EE	0	2	0	7	3	0	1	1	1	2	17
	GR	0	0	0	0	0	0	1	0	0	0	1
	LV	0	0	0	0	0	0	0	0	0	0	0
	MT	0	0	0	0	0	0	1	2	2	2	7
	NL	0	0	0	0	0	0	0	0	0	0	0
	NO	0	0	0	0	0	0	0	0	0	0	0
	PL	2	3	2	15	8	1	1	0	3	0	35
	SE	0	0	0	0	0	0	0	0	0	0	0
	SI	0	0	0	4	4	0	0	0	0	0	8
	SK	0	0	0	1	0	0	0	0	0	0	1
Lighters with 9994 non-conformities	**Total**	**12**	**17**	**13**	**220**	**13**	**17**	**13**	**48**	**24**	**34**	**412**
	AT	0	0	0	0	0	0	0	0	0	0	0
	BG	0	0	0	0	0	0	0	2	0	0	2
	DK	0	2	0	0	0	0	0	0	0	0	2
	EE	0	0	0	0	0	3	4	3	3	2	15
	GR	0	9	8	0	7	11	8	0	0	0	43
	LV	0	0	5	0	0	0	0	0	0	0	5
	MT	0	0	0	0	0	0	0	0	0	0	1
	NL	0	0	0	0	0	0	0	0	0	0	0
	NO	0	0	0	0	0	0	0	0	0	0	0
	PL	12	6	0	4	6	1	1	0	19	0	49
	SE	0	0	0	0	0	0	0	0	0	0	0
	SI	0	0	0	49	0	0	0	43	0	0	92
	SK	0	0	0	167	0	2	0	0	2	32	203

Non-conformities (cnt'd)	Member State	- Q3, '07	Q4, '07	Q1, '08	Q2, '08	Q3, '08	Q4, '08	Q1, '09	Q2, '09	Q3, '09	Q4, '09	Total
Lighters with other non-conformities	**Total**	**10**	**19**	**1**	**19**	**11**	**5**	**84**	**70**	**108**	**106**	**434**
	AT	0	0	0	0	0	0	45	45	45	45	181
	BG	0	16	0	0	3	0	3	3	16	23	64
	DK	0	0	0	0	0	0	0	0	0	0	0
	EE	0	0	0	0	0	2	32	11	4	28	77
	GR	0	0	0	0	0	0	0	0	0	0	0
	LV	0	0	0	0	0	0	0	0	0	0	0
	MT	0	0	0	0	0	0	3	10	10	10	34
	NL	0	0	0	0	0	1	0	0	0	0	1
	NO	0	0	0	0	0	0	0	0	0	0	0
	PL	10	1	1	19	8	0	0	0	33	0	72
	SE	0	0	0	0	0	0	0	0	0	0	0
	SI	0	0	0	0	0	0	0	0	0	0	0
	SK	0	2	0	0	0	2	0	1	0	0	5

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