

INTERNATIONAL WORKSHOP ON “ACCIDENT/INJURY DATA COLLECTION FOR NON-FOOD PRODUCT AND SERVICE RISK ASSESSMENT”, 20-21 FEBRUARY 2006

Consumer claims: the experience of consumer organisations in gathering consumer safety data and the case for an EU system

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I would like to thank the Commission for having invited ANEC to give a presentation at this workshop.

ANEC is the European consumer voice in standardisation. We are a European federation of consumer organizations and our mission is to defend the consumer interest when standards are being written at the European level.

I would like to start my presentation by reiterating some points that have been mentioned already earlier today.

First of all some figures:

A total of 20 million home and leisure accidents occur in the European Union each year. 2 million of these lead to hospital admissions and 83,000 are fatal. Home and leisure accidents are the most important cause for mortality among children and young people.

Secondly, **EHLASS and IDB**

EHLASS, and IDB at a later stage, have been an important feature of consumer accident prevention within the EU. It is a unique system for the collection of home and leisure accidents for preventive purposes.

Many make use of statistical information about accidents in the EHLASS and IDB system, including consumer organisations.

Accident registration is one of the cornerstones in modern risk assessment and data are required for, e.g. in the European standardisation process.

For ANEC, reliable data are necessary to

- do priority setting for intervention in standardisation work
- convince standards makers of the importance of certain injuries and the need for appropriate action
- evaluate/assess the effectiveness of standards in reducing injuries

ANEC often makes use of accident statistics when defending a case during standardisation work.

I would like to give you three examples:

Baby walkers

EHLASS data showed that baby walkers can cause serious accidents. The European standard on baby walkers did not take into account that a young child in a baby walker has an increased mobility and reach, causing severe accidents. On the initiative of ANEC, the standard on baby walkers was changed to include the stair fall hazard and the increased mobility of the child. Although ANEC is of the opinion that baby walkers are not a walking aid nor an essential nursery product, we still feel that as long as they are for sale on the European market, they should be standardized.

Cords on children's clothes

Fatal accidents occurred in playgrounds, and were caused by cords and drawstrings in the head and neck area of children's garments.

Following ANEC's initiative and active participation, a European standard was written and was published in 2004. The standard bans the use of cords in the head and neck area of clothes for children up to the age of seven.

Lighters

Two weeks ago, Member States had to vote on a draft Commission Decision to introduce only child resistant cigarette lighters on the European Market. Thanks to the accident statistics, which showed that in the EU, 20 fires with fatalities are believed to be caused every year by children under five playing with lighters, the Decision was adopted. Dangerous novelty lighters will be banned from the EU market. This particular case shows that accident statistics can be a very convincing tool. ANEC actively participated in the setting up of the European Standard for child resistant lighters.

As you can see from the first two examples, it is thanks to the availability of accident data that ANEC is able to take initiatives for new European standards to be written (in case of the cords) or for existing standards to be amended (in case of the baby walkers).

It is therefore very important for ANEC to have at our disposal accident and injury data on the one hand, or information on safety problems on the other hand, to back up our arguments in the standardisation work.

When ANEC needs such information, we send out a request to our members.

When it comes to consumer claims, most consumer organizations do not systematically collect them. Instead, they give advice to the consumer to notify the safety problem to the national authorities. After all, market surveillance, and legal action if necessary, fall under the responsibility of the EU- member states.

When it comes to injury data, as most national consumer organizations don't have an own database, they most of the time have to rely on EHLASS or IDB data or on their national injury database.

Lack of a basic tool

Unfortunately, there is currently a lack of an EU wide data collection system. As we heard earlier this morning, currently only 8 countries participate in IDB, and the gaps are the lack of a good overview, limited harmonization of the data, and difficult access to the data.

Experiences from the past years tell us that accident registration in the home and leisure area is fragile if not financially supported or legally required by the European Commission.

The efficiency of the legal framework of the New Approach and the General Product Safety Directive is entirely dependent on the ability of the EU Member States and the European Commission to identify and recognise problems and potential problems associated with unsafe consumer products.

- How can we ever know the status of product safety in the Union if we don't have a global structure or overview for accident registration?
- How do we know if a product is safe or not when the accident registration is fragmented and gradually on its way to be reduced in several EU member states? I have to review my words here, as we heard this morning that some new Member States are going to participate in IDB, which we welcome.
- How can we assess the need for, and the success of European standards and legislation if we have no EU wide injury data on which to base an evaluation ?

In this respect, we very much welcome the Commission's efforts to improve IDB.

As I already mentioned, it is imperative for ANEC to have at our disposal scientific information to back up our arguments in the standardisation committees and working groups.

Standardisation work is very often dominated by industry. When ANEC highlights a problem with a certain European Standard, industry often claims that they are not aware of any accidents or safety problems with the product in question, or they say that there is not enough scientific evidence to make changes to a standard.

The same situation occurs for European legislation. The Commission is telling us that “any amendment of existing legislation must be justified and based on scientific evidence”. I would like to come back to the example of choking on small parts, which was mentioned this morning: very recently, the issue of “toys in food” was under discussion in the context of the revision of the Toy Safety Directive. The Commission said: “we are always told that there are accidents happening with these products, but we never get the reports on how the accidents happened”. This clearly shows that there is a need for an EU wide data collection system !

Because of the lack of such a system, ANEC is making use of other means to defend the consumer interest in standardization work:

Research and Testing Projects

ANEC is commissioning research and testing projects to underpin its activities at the technical level. The research assists us in developing European consumer positions in the field of European and international standardisation.

Last year, we commissioned a research project on “Children’s climbing skills”. The purpose of the project was to provide data about the various support points that are needed for children to climb on and/or over products. The research consisted of practical tests with children ranging from the age of 6 months to 4 years, in order to identify at what height the first rung of a ladder should be placed in order to prevent children under 4 years from climbing the ladder. Most important conclusions from the research were that:

- A lowest rung height of 40 cm is not high enough to keep children under 3 years from climbing a ladder.
- All children in the test who were 3 and 4 years old were able to climb a ladder with a lowest rung height of 40 cm

ANEC will use the results of the research project to argue for an improvement of the European Standard for playground equipment, in order to prevent children under 4 years from climbing the ladder.

Sometimes, we also make use of the results of comparative tests carried out by consumer organizations. Last year, a comparative test was carried out on safety barriers, according to the European standard. It showed that several parts of the standard were difficult to understand or could lead to misinterpretation. ANEC communicated these problems to the standardization committee.

ANEC's partnership in the Belgian report point for unsafe children's products

Dr. Van Kersschaver from the Flemish (Belgian) organisation 'Kind en Gezin' (Child and Family) will give a more detailed presentation on the project tomorrow.

ANEC fully supports this project as the data from these consumer claims could contribute to the development, amendment or revision of standards for children's products. We also hope that this project can serve as a pilot project, which could be expanded to a European wide project, with funding from the Commission.

RAPEX notifications

The need for transparency in support of consumer safety is also an important aspect. We therefore welcome the weekly overview report of RAPEX notifications on the Commission's website. When ANEC needs to defend a case in standardisation, we usually need information on one specific product. We are very happy that recently a search function has been introduced by the Commission, which will make it possible for us to retrieve safety problems with one specific product.

The case for an EU system

Protection of the health and safety of consumers, which is one of the fundamental consumer rights, is in integral part of the Commission's task. This also counts for prevention of home and leisure accidents, because the increasing circulation of products in the internal market creates a need to identify those products which are involved in accidents.

This identification is indispensable in order to target the most severe causes of accidents or groups of accidents before taking the necessary steps to protect consumers.

It should be noted that standards are written at the European level, and therefore, data collection should also be European wide.

ANEC calls for the continuance of an EU home and leisure accident surveillance system to the benefit of the safety of all EU citizens.

ANEC urges the Commission to take necessary steps to improve the use of a pan-European EHLASS/IDB-type of systems,

- by co-ordinating the registration, handling and presentation of data on all accidents. In this respect, we very much welcome the proposal from the Commission this morning about an "EU knowledge centre", linking all different sources of info together.
- by provisioning long-term, permanent funding for such system

It is desirable that the national authorities should use homogeneous instruments to identify the products and the circumstances which lead to accidents, so that conclusions reached by one MS can be used in other MS as well as at Community level. After all, let's not forget that co-operation is the key to success.

The description of how the accident happened is in our opinion, one of the most important criteria when collecting accident data. This information would again enable us to study the circumstances which lead to an accident, in order to call for improvement of European standards.

We have been informed that ESTAT (formerly called Eurostat) is preparing a framework regulation on the collection of injury data. ANEC welcomes this initiative very much, but we request the Commission to include obligatory requirements in such regulation.

Any reduction in the data would further undermine the ability of the European Commission and national authorities to respect their obligations under the New Approach and the General Product Safety Directive.

The safety of products and services is one of the basic elements of modern consumer policy. The health and welfare of European consumers is much too important to be neglected and this issue must never be low priority.
