



Council of the
European Union

Brussels, 12 November 2015
(OR. en)

13998/15

CONSOM 190
MI 714

COVER NOTE

From:	European Commission
date of receipt:	29 October 2015
To:	General Secretariat of the Council

No. Cion doc.:	D (2015) 025025/08
Subject:	COMMISSION DECISION of XXX on the safety requirements to be met by European standards for candles, candle supports, containers and accessories pursuant to Directive 2001/95/EC of the European Parliament and of the Council on general product safety

Delegations will find attached document D (2015) 025025/08.

Encl.: D (2015) 025025/08



Brussels, **XXX**
D025025/08
[...] (2015) **XXX** draft

COMMISSION DECISION

of **XXX**

on the safety requirements to be met by European standards for candles, candle supports, containers and accessories pursuant to Directive 2001/95/EC of the European Parliament and of the Council on general product safety

(Text with EEA relevance)

COMMISSION DECISION

of **XXX**

on the safety requirements to be met by European standards for candles, candle supports, containers and accessories pursuant to Directive 2001/95/EC of the European Parliament and of the Council on general product safety

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety¹, and in particular point (a) of Article 4(1) thereof,

Whereas:

- (1) Products conforming to national standards that transpose European standards drawn up under Directive 2001/95/EC and referenced in the *Official Journal of the European Union* benefit from a presumption of safety.
- (2) European standards are to be drawn up on the basis of requirements intended to ensure that products which conform to those standards satisfy the general safety requirement set out in Article 3 of Directive 2001/95/EC.
- (3) There are various hazards associated with candles, candle supports, containers and accessories that may put the safety of consumers at risk.
- (4) European standards EN 15426:2007 (Candles - Specification for sooting behaviour), EN 15493:2007 (Candles - Specification for fire safety) and EN 15494:2007 (Candles - Product safety labels) address certain hazards and risks. Those standards are not currently referenced in the *Official Journal of the European Union*. No European standards exist for candle supports, containers and accessories.
- (5) It is therefore appropriate for the European Commission to determine the safety requirements intended to ensure that candles, candle supports, containers and accessories satisfy the general safety requirement set out in Article 3 of Directive 2001/95/EC.
- (6) Candles qualify as mixtures within the meaning of Regulation (EC) 1272/2008 of the European Parliament and of the Council². Classification and labelling should therefore

¹ OJ L 11, 15.1.2002, p. 4.

² Regulation (EC) 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives

be conducted in accordance with that Regulation taking special account of information on sensitising fragrance ingredients. For this purpose further scientific evidence should be collected on the potential health effects of inhalation of fragrance allergens.

- (7) The quantities of lead and nickel present in candles should be kept as low as is reasonably achievable, and should not in any case exceed the maximum values set in the Annex to this Decision, in view of the potential harmful effects of these substances on human health. Those specified maximum values should be reviewed within five years of the adoption of the relevant standard and, if appropriate, be adapted to reflect the developments in science and technology.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee on General Product Safety,

HAS ADOPTED THIS DECISION:

Article 1

Scope

1. This Decision shall apply to candles that are available to the general public such as dinner/tapered candles, pillar candles, floating candles, container candles, tea lights, and gel candles. They may contain additives added to create colour or odour, to ensure stability under UV light, or to modify their burning characteristics
2. This Decision shall also apply to candle supports, containers and accessories.
3. When a candle and a candle support, container or accessory are sold together, the safety of the combined product shall be evaluated.

Article 2

Definition

1. For the purposes of this Decision, the following definitions shall apply:
 - (a) ‘candle’ means a product consisting of one or more supported combustible wicks in a fuel material that is solid or semi-solid at room temperature (20-27°C). The main function of the product is to sustain a light-producing flame. The product is defined as including any coatings on and articles or substances in the fuel material;
 - (b) ‘candle supports, containers and accessories’ means supports, containers, holders or decorations intended to be used in combination with a candle;
 - (c) ‘indoor candle’ means a candle intended and designed to be used in a normal indoor environment;

67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

- (d) 'outdoor candle' means a candle intended and designed to be used outside in potentially draughty conditions.
2. Candles are assumed to be indoor candles unless labelled 'For outdoor use only', 'Not for indoor use' or with the equivalent message or corresponding pictogram(s).

Article 3

Safety requirements

The specific safety requirements for candles, candle supports, containers and accessories to be met by the European standards referred to in Article 4(1) of Directive 2001/95/EC are set out in the Annex to this Decision.

Article 4

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the Commission

The President