

Child Safety - General Guidance on Standards and Regulations

1.0 STANDARDS & REGULATIONS

1.1 Summary

- In order to comply with your legal responsibilities under the General Product Safety Regulations (GPSR), 2005 you have to sell a “safe” product. Compliance with the revised product standards provides a “presumption of conformity” with the GPSR.
- Products which are inherently safe (internal blinds presenting no hazardous loops and no hazardous cords) are deemed to satisfy the child safety requirements of the standard and the BBSA urges all in the trade to sell inherently safe products first
- **BS EN 13120:2009+A1:2014 and the two test method standards were published by BSI on 28 February 2014**
- Curtain tracks are also affected
- The British Standards Institute are responsible for British Standards
- Trading Standards are responsible for ensuring compliance with the GPSR in homes and the Health & Safety Executive have a responsibility for other buildings.

1.2 EU Decision

An EU Decision is issued by the European Parliament and is binding on all Member States.

On 27 July 2011 the EU issued a Decision (2011/477/EU) entitled: “*Commission Decision on the safety requirements to be met by European standards to address certain risks posed to children by internal blinds, corded window coverings and safety devices pursuant to Directive 2001/95/EC of the European Parliament and of the Council.*”

This Decision was published in the Official Journal of the European Union and is available free here:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:196:0021:0024:EN:PDF>

This mandated CEN to revise the existing standard EN 13120:2009 to meet the requirements of the Decision and in carrying out this work the CEN committee identified that test methods also needed to be established to ensure safety critical items were fit for purpose.

1.3 Standards

The three standards that detail the child safety requirements of internal blinds are:

- BS EN 13120:2009+A1:2014 – *Internal blinds – Performance requirements including safety*. Available from BSI Shop [here](#)
- BS EN 16433:2014 – *Internal blinds – Protection from strangulation hazards – Test methods*. Available from BSI Shop [here](#)
- BS EN 16434:2014 – *Internal blinds – Protection from strangulation hazards – Requirements and Test methods for safety devices*. Available from BSI Shop [here](#)

In the case of these three standards they are also **product** standards, applicable to the manufacture of internal window blinds only. BS EN 13120:2009+A1:2014 details information about product instructions and also point-of-sale but it is neither an installation standard nor a retail standard.

1.4 Regulations

[The General Product Safety Regulations](#) (GPSR), 2005 place a legal requirement on businesses to provide a “safe” product which is defined as:

A "Safe Product" is one which under normal or reasonably foreseeable conditions of use including duration and, where applicable, putting into service, installation and maintenance requirements does not present any risk or only the minimum risk compatible with the products use, considered to be acceptable and consistent with a high level of protection for the safety and health of persons.

In the case of internal window blinds compliance with the standards detailed above means that there is a "presumption of conformity" to the GPSR and the blinds are presumed safe.

Although blinds which are not compliant are not automatically deemed unsafe, a supplier would need to prove that the products were safe despite non-conformity. Given that there is a standard which details the product requirements, developed specifically to address child safety, this would be a very difficult, if not impossible, challenge.

The GPSR is binding on businesses not on consumers.

So whilst a consumer can choose to install what they wish and how they wish in their own home a professional installer must install a compliant product.

A consumer cannot remove the legal responsibility of a professional installer under the GPSR – for example by signing to say they do not want safety devices fitted.

Additionally the Health & Safety at Work Act would cover the installation of products in premises other than dwellings.

1.5 All Homes

The standards apply to blinds which have cords or chains that could create a hazard and in "premises where children 0-42 months are likely to have access or be present"

Note: There is no time limit on "likely". So if a home with no children is then sold to a family with children and the blinds are left in situ then they could present a hazard. The EU Decision is designed to make blinds safer and actually states:

"In order to reduce the risk of strangulation and internal asphyxiation internal window blinds (and corded window coverings) shall be of an inherently safe design. Every possible means, based in the state of the art and technology, shall be considered for the safe design of the product, when used in all reasonably foreseeable environments where young children have access to or are likely to be present, such as, for example, homes, hotels, hospitals, churches, shops, schools, nurseries, and public places in general. Blinds and window coverings to be fitted in offices or any other place, which is transformed from its initial destination and where young children are likely to be present, shall also be subject to the present requirements."

Note: The highlighted words in the EU Decision mean that the state of art and technology shall be considered for the safe design of the product and the BBSA encourages all in the industry to use all possible means to ensure that their blinds are inherently safe.

The BBSA view, and this has been explored with regulators and legal experts, is that **all homes and all public buildings** must have compliant product installed. Commercial premises should be subject to a risk assessment.

2.0 CURTAIN TRACKS

The scope of BS EN 13120:2009+A1:2014 specifically excludes "draperies".

However, in the scope of BS EN 16434:2014 it states:

"Although at the time this standard has been published no standard exists for draperies, test methods specified in the present standard may be used for such products."

There is currently no standard for curtain tracks and draperies and so it is highly likely that Trading Standards will use this standard for curtain tracks as the EU Decision states:

“Draperies, insect screens and blinds in sealed-glazed units, if operated with cords, chains and ball-chains or similar, which are accessible and form a hazardous loop are also subject to these requirements [of the EU Decision]”.

3.0 FURTHER INFORMATION

Suppliers to the trade should be fully conversant with the requirements of the standards. Speak to your suppliers to obtain further information.

You can also purchase the standards from BSI as indicated above.

The BBSA has developed detailed guidance and compliance information for its members as well as promotional items as part of the Make it Safe campaign.

Further details can be seen at: www.jointhebbsa.org.uk

The information above is only intended to give general and preliminary guidance to the reader on the General Product Safety Regulations.

The information should not form the basis upon which the reader makes any decisions or conclusions concerning their own rights or their obligations under the General Product Safety Regulations. The BBSA strongly recommend that the reader obtains detailed and specific legal advice from their own legal counsel concerning their position.

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