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# Lighter Decree and Children's safety: The certificate matters!

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**ivm** Institut VerpackungsMarktforschung

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Legal regulations for the placement of lighters on the market have been altered essentially. Particularly the former unsolicitous regulations for children's safety have become binding. Important: The official demand of child-resistant lighters only is accomplished, if they are in accordance with the applicable norms EN 13869 (2002). However, a large number of lighters, offered on the market presently, do not comply with this requirement. The lighters having been placed on the market often only seem likely to be child-resistant or they do not meet the requirements; because of nonexisting certificate. This is an infringement of the decree about the marketing of child-resistant lighters.

Only those child-resistant lighters that have been tested and certified by an accredited testing center, according to EN 45011, ensure conformity to the established standards EN 13869 (2002) and thereby accomplish the legal requirements. Anyone bringing lighters on the market is responsible for the conformity of his products to legal standards.

**New law forces manufacturers  
into action!**

**Only certified products are  
permitted in the market!**

## Lighters without child-resistant device are dangerous!

According to European Assessments 1500 - 1900 physical injuries and 34 - 40 fatal accidents in the European Union are caused by children playing with non child-resistant lighters and thereby provoking fires. By the German Lighter Decree (Federal Law Gazette I, 2007, page 486), which came into effect based on the German Equipment and Product Safety Act, § 31, the decision of the European Commission 2006/502/EC, concerning the marketing of child-resistant lighters and the interdiction of lighters with entertainment value has been converted into national legislation in order to face the danger of non child-resistant lighters decisively. In countries having already transposed corresponding security requirements for lighters in their legislation and standardization such as the USA, Canada, Australia and New Zealand, the number of accidents/fire incidents has decreased drastically, about 60% in the USA.

By the German Lighter Decree (Federal Law Gazette I, 2007, page 486), which came into effect through the German Equipment and Product Safety Act, § 31, the decision of the European Commission 2006/502/EC, concerning the marketing of child-resistant lighters and the interdiction of lighters with entertainment value has been converted into national legislation in order to face the danger of non child-resistant lighters decisively.

Since March 11. 2007, based on the european adjudication lighters are only permitted to be imported into the European economic zone if they have a child resistant device (compare i. a. district government Cologne: Child-resistant lighters - informations for importers and retailers 01/2010). Evidence about the existence and correct functions of chilsafety will be established by certification after a successful examination. According to EN 45011 only an accredited institution is accepted to make out this certification and will obtain international acknowledgment. The import of lighters with an entertainment value is prohibited.

Since July, 30. 2008, the first amendment of the lighter decree (Federal Law Gazette I, 2008, page 1404) in Germany caused legal prohibition of selling lighers without child-resistant device (exception: so called luxury lighters) and of lighters with an entertainment value, which had been imported into the European economic zone before March 11. 2007. The second amendment of the lighter decree (Federal Law Gazette I 2009, page 33) confirmed the legal prohibition for above mentioned goods. Infants handling lighters is dangerous and may lead to burns, death and damages into the millions. Statistics prove that every third fire in Germany is caused by a child. According to a decision of the European Commission, Germany enacted a decree about the marketing of child-resistant lighters (Lighter-Decree), which came into effect in 2007. In line with this regulation lighters now must be child-resistant (tested and certified in accordance with EN 13869) when placed on the market. Furthermore the marketing of lighters with entertainment value now is strictly prohibited.



Positive example for child-resistant lighters: the bracket above the igniter complicates ignition. Flame level is not adjustable.



These warning and prohibitory signs must be fixed on the product packaging according to ISO 9994. Only then certification will be effected.

## What are lighters with entertainment value?

Lighters have an entertainment value when resembling an object, which is appealing to children up to the age of 51 Months and inspiring them to play with. Likewise no holder or other accessory item of the lighter is allowed to have this characteristic.

**Product and accessories must not have the nature of playthings!**

## Which lighters are permitted?

Lighters only are permitted to be placed on the market, if they are tested and certified with regard to child resistance, according to EN 13869 by an as to the producer and date of production.

**Solely proved and certified products are permitted on the market!**

## What sort of lighters are not permitted?

Lighters with an entertainment value or lighters without child-resistant certification according to EN 13869, are not permitted on the market. Infringements are considered as minor breach of law. If repeated, they are regarded as criminal acts.

**Marketing of uncertified products is prohibited!**

## Are there any exceptions?

Lighters do not require a child resistant device, if each of the following qualifications is fulfilled:

- They are securely refillable and repairable during their whole economic lifetime.
- There is documentary proof that the lighters are developed, fabricated and sold for a durability of at least 5 years.
- There is a manufacturer's warranty for at least 2 years, subject to the directive 1999/44/ EC dating from 1999.
- There are specialized customer service institutions based in the European economic zone for replacements or repairs.

Vending Units (VU)	controlled	All lighters okay	Lighters not child-resistant	Lighters with Entertainment value
Nationwide	6 VU	in 6 VU	in 0 VU	in 0 VU
Special item markets	11 VU	in 7 VU	in 4 VU	in 3 VU
Gift shops	10 VU	in 3 VU	in 5 VU	in 7 VU
Smoker requirement shops	2 VU	in 1 VU	in 1 VU	in 0 VU
total	29 VU	in 17 VU	in 10 VU	in 10 VU

**Products in commerce are being controlled increasingly and uncertified products are extracted from trading! Stay competitive and have your product checked for security risks!**

Source: Results of controls in vending units (August 2008), consumer protection report of the Free State of Thuringia 2008, Thuringian State Office for Industrial Worker Protection and technical Consumer Protection, Page 42 ff., par.9.2.3

## Who is responsible?

The lighter decree applies to the marketing of lighters. Accordingly producers, representatives, importers and retailers bear responsibility. Beyond that they are obliged to keep ready proofs and certificates for immediate submission to the authorities in charge, if required. This concerns all necessary documents to check the identity of the suppliers who delivered the lighters you have offered.

**The retailer is responsible for the marketing!**

## In which way testing and certification is carried out?

The lighter-decree implies the requirement of a successful testing, according to EN 13869. This regulation describes the testing procedure and determines a test with 100 - 200 infants, aged 42 - 51 months, executed by an accredited testing center. If the test result turns out to be successful, it will be documented in a detailed test report. Certification then will be performed by the same testing center and nothing more can block the way to marketing the lighter.

**Examination is required for certification according EN 13869.**

## Who is authorized to execute testing and certification?

Testing and certification must be executed by an institution, which is accredited as certification authority for child-resistant lighters by a member of the International Laboratory Accreditation Cooperation (ILAC). The (ivm) institute for marketing research of packaging in the city of Braunschweig ([www.ivm-childsafe.de](http://www.ivm-childsafe.de)) is accredited by the German Accreditation Authority (DAKKS) and entitled to execute tests in accordance with EN 13869.

**Only accredited institutions are entitled to examination and certifications!**

The ivm has been founded in 1975 as institute for Marketing Research in the city of Braunschweig. At that time it belonged to Schmalbach Lubeca GmbH, which then was the greatest producer of packagings on the european continent. Dr. Horst Antonischki as the first head of the institute quickly guided the company to successes. After a reorganization in 1978 the ivm was taken over by Dr. Horst Antonischki. Today the ivm is one of the few accredited institutions in Europe, who by high quality standards ensure that certified child safety devices of lighters or of packagings with dangerous contents are accepted by industry, consumers and institutions. Commercial success of many years and faithful steady customers confirm that we can satisfy the expectations and requirements of our customers and the society.



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accredited as a certification body according to EN 45011

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