

# EUROPEAN PARLIAMENT

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B6-0353/2007 }  
B6-0354/2007 }  
B6-0355/2007 }  
B6-0356/2007 } RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 103(4) of the Rules of Procedure, by

- Marianne Thyssen, Malcolm Harbour, Andreas Schwab and Corien Wortmann-Kool, on behalf of the PPE-DE Group
- Evelyne Gebhardt, Erika Mann, Reino Paasilinna and Guido Sacconi, on behalf of the PSE Group
- Toine Manders and Frédérique Ries, on behalf of the ALDE Group
- Cristiana Muscardini, Roberta Angelilli and Adriana Poli Bortone, on behalf of the UEN Group
- Hiltrud Breyer, Heide Rühle and Carl Schlyter, on behalf of the Verts/ALE Group
- André Brie and Marco Rizzo, on behalf of the GUE/NGL Group

replacing the motions by the following groups:

- ALDE (B6-0351/2007)
- PPE-DE (B6-0352/2007)
- GUE/NGL (B6-0353/2007)
- PSE (B6-0354/2007)
- UEN (B6-0355/2007)
- Verts/ALE (B6-0356/2007)

on safety of products, particularly toys

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PE394.775v01-00}  
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PE394.793v01-00}  
PE394.794v01-00}  
PE394.795v01-00} RC1

## European Parliament resolution on safety of products, particularly toys

*The European Parliament,*

- having regard to Directive 88/378/EEC<sup>1</sup> on the safety of toys,
  - having regard to Directive 2001/95/EC<sup>2</sup> on general product safety,
  - having regard to opinions of the scientific committees of the Commission and to various studies undertaken by the Commission on the issue of toy safety,
  - having regard to existing international agreements with third countries in the area of product safety, especially that of toys,
  - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas in August and September this year a series of large-scale voluntary recalls relating to unsafe toys that are harmful to health raised public concern in the EU,
- B. whereas these recalls have raised awareness of the problem that in spite of product harmonisation and an EU-wide market surveillance system, unsafe products are still produced, imported and marketed within the EU market,
- C. whereas the responsibility for a high level of consumer protection is a political and social priority, and rests with the legislator, who must ensure product safety throughout the chain of economic operators (suppliers, manufacturers, importers),
- D. whereas these voluntary recalls are due partially to injuries, partially to monitoring of the enterprises concerned, but not to efficient market surveillance; whereas there is a real concern that not all producers and importers act in accordance with the rules,
- E. whereas in 2006, 48% of detected unsafe products originated from China and 17% were of unidentified origin; whereas 24% of all detected unsafe products are children's toys; whereas a very high proportion of the toys marketed in the EU are sourced from China,
- F. whereas recalls of unsafe toys are fully justified, but are merely a means of last resort that does not provide effective consumer protection because, apart from the fact that they often come late, the average return rate for toy recalls is very low, meaning that the vast majority of unsafe toys normally remain with consumers,
- G. whereas the supervision of markets and of entry into the EU and bans on the marketing of defective products are the responsibility of the Member States,
- H. acknowledging the proposal of the Commission for a decision on a common framework for

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<sup>1</sup> OJ L 187, 16.7.1988, p. 1.

<sup>2</sup> OJ L 11, 15.1.2002, p. 9.

the marketing of products and the proposal for a regulation setting out the requirements for accreditation and market surveillance relating to the marketing of products,

1. Calls on the Commission and the Member States to take all necessary legislative and administrative action to ensure that consumer goods that are marketed within the EU not only comply fully with existing EU standards but also do not put the health and safety of consumers at risk;

#### *Revision of the Toys Directive*

2. Calls on the Commission to present the planned revision of the Toys directive 88/378/EC by the end of this year, making sure it includes efficient and effective requirements for product safety; as public health and consumer protection considerations play an important part in the Toys Directive, much clearer provisions are needed to ensure the safety of products and to provide consumers with trust in their safe use;
3. Calls on the Commission in the revision of the Toys Directive to follow an approach in which specific implementing measures for the key requirements are to be adopted in comitology under the regulatory procedure with scrutiny, thus allowing Parliament a certain level of control over the implementation of toy safety provisions;
4. Calls on the Commission to improve the enforcement measures of the directive, including effective sanctions for non-compliance;

#### *Control of CE and other markings*

5. Calls on the Commission to ensure that the CE marking is a guarantee of compliance with EU technical legislation, and stresses that the CE marking, given its self-regulatory character, was never intended to be an EU-wide safety mark;
6. Urges the Commission to assess the added value of creating a common European Consumer Safety Label, complementary to the CE marking, for all economic operators, thus helping the consumer to make an informed choice between products;
7. Encourages the Commission to strongly intervene, together with the Member States, to defend consumers' rights whenever there is evidence of deceptive behaviour and/or use of fraudulent or misleading origin marks by foreign producers and importers;
8. Urges the Commission and the Member States to establish strong credibility for the CE mark through early adoption of the tabled legislative proposals for stronger obligatory control and surveillance of the market, supported by proper customs surveillance and enforcement mechanisms;
9. Calls on the Commission to clarify the liability of producers and importers in the event of misuse of the CE mark; considers that adequate penalties for misuse should be instituted; calls for misuse of other voluntary marks to be made subject to penalties as well;

#### *RAPEX system*

10. Calls on the Commission to increase the effectiveness of the RAPEX system so as to ensure that Member States can detect of a maximum number of unsafe products, in order to have them withdrawn or recalled from the market;
11. Calls on the Commission to include monitoring and reporting in the RAPEX system, in order to make it possible to measure the effectiveness of product recalls;

#### *Product traceability and measures against counterfeiting*

12. Considers that consumers are entitled to know the origin of products imported into the EU and that surveillance authorities must have proper information with which to trace the source of products;
13. Calls on the Council to agree without delay on the current Commission proposal for a Council Regulation on the indication of the country of origin of certain products imported from third countries (COM(2005)661);
14. Notes the growing threat to consumer safety caused by counterfeited products and calls on the Council and the Commission to step up information exchanges and cross-border cooperation in order to control and destroy counterfeit product imports;

#### *Ban on imports of dangerous consumer goods*

15. Calls on the Commission to clarify the procedure on import bans on a case-by-case basis when safety standards are regularly not met;
16. Urges the Commission to use its powers to ban consumer goods from the EU market if they are found to be unsafe;

#### *Cooperation with China and other third countries*

17. Calls on the Commission and the Member States to reinforce cooperation with the relevant authorities of third countries that are major exporters of consumer goods to the EU, and in particular with the Chinese General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ), providing technical assistance in order to implement health and safety rules and improve customs cooperation;
18. Calls on the Commission to provide technical assistance to third-country authorities in order to implement health and safety rules throughout the entire production chain, as well as to improve inspection and customs cooperation;
19. Calls on the Commission to clarify its current trade policy covering potential dangerous products in general, and toys and textiles in particular, and how it intends to ensure consistency between the restrictive application of current rules and the compelling necessity

to guarantee European citizens' right to healthy products;

20. Calls on the Commission to include common health and safety standards in the negotiations on the next generation of Partnership and Cooperation Agreements and Free Trade Agreements and to set up mechanisms to monitor how these standards are respected;
21. Calls on the Member States to cooperate actively with all trading partners with regard to market surveillance and product safety; calls on the Transatlantic Economic Council (TEC) to include those issues on its list of items for consideration;

*Role of Member States*

22. Calls on the Member States to ensure strict enforcement of product laws, particularly toy safety laws, and to step up efforts to improve market surveillance and especially national inspections;
23. Calls on the Member States to make available sufficient resources to be able to undertake comprehensive and effective controls; calls on the Member States to follow actively all indications concerning defective products including the testing of susceptible consumer goods;
24. Calls on the Member States, in compliance with Community law, to make full use of all the possible ways legally available to them of ensuring that non-compliant or unsafe toys are prevented from being placed on the market or are withdrawn or recalled from the market;
25. Instructs its President to forward this resolution to the Council, the Commission and the Member States.