

Dangerous toys manufactured in China

European Parliament resolution of 26 September 2007 on the safety of products and particularly toys

The European Parliament,

- having regard to Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys¹ (the Toys Directive),
 - having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety²,
 - 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 2007 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,
- C. whereas 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 undertakings 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, 21% from the EU-25 and 17% were of unidentified origin; whereas 24% of all detected unsafe products are children's toys; whereas a very high proportion of 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,

¹ OJ L 187, 16.7.1988, p. 1.

² OJ L 11, 15.1.2002, p. 4.

- 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. whereas the Commission has brought forward a proposal for a decision of the European Parliament and of the Council on a common framework for the marketing of products (COM(2007)0053) and a proposal for a regulation of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products (COM(2007)0037),
- 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 by the end of 2007, making sure the revised directive includes efficient and effective requirements for product safety; as public health and consumer protection considerations play an important part in the Toys Directive, is of the opinion that much clearer provisions are needed to ensure the safety of products and to provide consumers with confidence 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 by means of 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 in the revision of the Toys Directive to propose unconditional prohibitions of certain hazardous chemicals, such as all substances that are carcinogenic, mutagenic or toxic to reproduction in categories 1, 2 or 3, and of other toxic substances of similar high concern, such as endocrine disrupters, sensitisers or fragrances;
- 5. Calls on the Commission to improve enforcement of the Toys Directive, including by providing effective sanctions for non-compliance;

Control of CE and other markings

- 6. 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;
- 7. Urges the Commission to assess the added value of creating a common European Consumer Safety Label, complementary to the CE marking, to be used by all economic operators, thus helping the consumer to make an informed choice between products;
- 8. Underlines that this European Consumer Safety Label must be voluntary and, when adopted by a producer, should replace all national safety labels;
- 9. 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 markings by foreign producers and importers;

10. Urges the Commission and the Member States to establish strong credibility for the CE marking through early adoption of legislative proposals for stronger control and surveillance of the market supported by proper customs surveillance and enforcement mechanisms;
11. Calls on the Commission to clarify the liability of producers and importers in the event of misuse of the CE marking; considers that adequate penalties for misuse should be provided for; calls for misuse of other voluntary markings also to be made subject to penalties;

RAPEX system

12. Calls on the Commission to increase the effectiveness of the Community Rapid Information System (RAPEX system) so as to ensure that Member States can detect the maximum number of unsafe products in order to ensure their withdrawal or recall from the market;
13. 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

14. 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;
15. 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)0661);
16. Notes the growing threat to consumer safety caused by counterfeit 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 imports;

Ban on imports of dangerous consumer goods

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

Cooperation with China and other third countries

19. Calls on the Commission and the Member States to reinforce cooperation with the relevant authorities in those 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), in particular by providing technical assistance in order to implement health and safety rules and improve customs cooperation;

20. Calls on the Commission to provide technical assistance to third country authorities in order to ensure the implementation of health and safety rules throughout the entire production chain, as well as to improve inspection and customs cooperation;
21. Calls on the Commission to clarify its current trade policy in relation to potential dangerous products in general, and toys and textiles in particular, and to clarify how it intends to ensure consistency between the restrictive application of current rules and the compelling necessity to guarantee the right of European citizens to safe products;
22. 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 such standards are met;
23. 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 the Member States

24. Calls on the Member States to ensure the strict enforcement of product safety laws, particularly in relation to toys, and to step up efforts to improve market surveillance and national inspections in particular;
25. Calls on the Member States to make sufficient resources available so as to be able to carry out comprehensive and effective checks; calls on the Member States actively to follow all instructions concerning defective products, including the testing of potentially unsafe consumer goods;
26. Calls on the Member States to make full use, in compliance with Community law, of all possible legal means 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;

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27. Instructs its President to forward this resolution to the Council, the Commission and the governments of the Member States.