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MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 103(2) of the Rules of Procedure

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on behalf of the ALDE Group

on product, and particularly toy, safety

European Parliament resolution on product, and particularly toy, safety

The European Parliament,

- having regard to Directive 88/378/EEC on the safety of toys,
- having regard to Directive 2001/95/EC on general product safety,
- having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas, in the last few months, a series of large-scale voluntary recall campaigns concerning millions of unsafe toys which constitute a threat to the health of children have been announced in the EU,
- B. whereas these recalls have raised awareness of the problem that in spite of wide-ranging product harmonisation and the implementation of an EU-wide market surveillance system, unsafe products are still produced, imported and marketed within the EU,
- C. whereas these voluntary recall campaigns are only due to efficient monitoring by the enterprises concerned; whereas there is real concern that not all producers and importers maintain comparable standards,
- D. whereas 48% of detected unsafe products have their origin in China and 27% are of unidentified origin, and whereas 25% of all detected unsafe products are children's toys; whereas 65% of European toy manufacturers source their products in China,
- E. whereas the supervision of markets and of entry into the EU and bans on the marketing of defective products are the responsibility of Member States but require more EU-wide coordination,
- F. whereas this situation requires urgent remedial action, as the protection of consumers is a top priority of the EU and the Member States,
- G. whereas the current European laws on toy safety have not been properly enforced,
- H. whereas the 'new approach' has failed to provide the necessary level of protection, e.g. with regard to the safety of toys or medical devices, and whereas in May 2006 Parliament called for the new approach to be strictly limited to harmonisation measures of a purely technical nature, given the problems of inadequate transparency and accountability of standardisation,
- I. whereas the outsourcing of production does not absolve toy manufacturers from their duty to comply with EU regulation and the high standards which the EU applies,

- J. whereas market operators have not only a legal duty but also a moral obligation to protect consumers,
- K. whereas the CE mark is already an effective tool to ensure producers' and importers' liability,
- L. whereas the Commission should also focus on counterfeiting and piracy goods as well as the introduction of a country of origin mark,
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 fully comply with existing EU standards and do not put the health and safety of consumers at risk;
 2. Urges European manufacturers to uphold EU health and safety regulations both in their facilities in the EU and in third countries, even if subcontractors are used;
 3. Calls on the Commission to review the 'new approach' in EU legislation to authorisation of the marketing of products and to introduce measurable safety indicators and standards;
 4. Calls on the Commission to consider the 'Life Cycle Analyses' approach for the evaluation of product safety;
 5. Calls on the Commission to create market incentives in order to promote and stimulate more responsible behaviour by industry with regard to product safety;

Supervision of CE marking

6. Calls on the Commission to ensure that the CE mark is a guarantee of compliance with EU technical legislation and quality standards and to take the necessary effective measures to prevent any abuse;
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. 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 subject to penalties as well;
9. Emphasises the importance of the CE mark as an EU-wide consumer safety mark; calls on the Commission to coordinate inspections in third countries in order to streamline Member States' monitoring systems;
10. Calls on the Commission to set up and coordinate a penalty scheme which Member States should apply in dealing with breaches by third countries;

Revision of the Toys Directive

11. Urges the Commission to accelerate its review of the Toy Safety Directive, updating its provisions to bring them into line with the newest health and safety standards as well as improving the effectiveness and enforcement methods of this Directive, and to submit its proposal to the European Parliament without further delay;
12. Calls on the Commission to conclude a mutual recognition agreement on the NANDO (New Approach Notified and Designated Organisations) Information System with China and other third countries to determine notified bodies that can carry out conformity assessment according to EU regulation;

RAPEX system

13. Calls on the Commission to increase the effectiveness of the RAPEX system to ensure the detection of the maximum possible number of unsafe products which are being marketed in the EU;
14. Calls on the Commission and the Council to set up proper customs surveillance and enforcement mechanisms;
15. Urges the Commission to take urgent action to tackle the problem of dangerous products of unidentified origin;

Bans on imports of dangerous consumer goods

16. Calls on the Commission to clarify the procedure for import bans on a case-by-case basis when safety standards are not regularly met;
17. 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

18. Calls on the Commission to reinforce cooperation with the Chinese General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) and the relevant authorities of other third countries that are major exporters of consumer goods to the EU;
19. Calls on the Commission to provide technical assistance to third-country authorities in order to implement health and safety rules as well as to improve customs cooperation;
20. 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;
21. Calls on the Commission to clarify existing safeguard measures, for example relating

to textiles, and how they relate to malpractice with regard to safety standards;

22. Calls on Member States to strengthen their national marketing surveillance systems;
23. Calls on the Commission to set up mechanisms to monitor how these health and safety standards are respected in the negotiations on the next generation of Partnership and Cooperation Agreements;
24. Calls on the Member States to actively cooperate with the US and other trading partners with regard to market surveillance and product safety;

Role of Member States

25. Calls on 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;
26. Calls on Member States to follow actively all indications concerning defective products and, inter alia, to test suspect consumer goods;
27. Calls on the Member States, in compliance with Community law, to make full use of all possibilities legally available to them to ensure that noncompliant or unsafe toys are prevented from being placed on the market or are withdrawn or recalled from the market;
28. Urges Member States to make more efficient use of risk assessment in customs regulations;
29. Instructs its President to forward this resolution to the Council, the Commission and the Member States.