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ANEC-CHILD-2007-G-072

25 September 2007

Resolution on Product and particularly Toy Safety

Dear Member of the European Parliament,

Tomorrow you will be voting on a **Resolution on Product and particularly Toy Safety**. We write to you on behalf of BEUC the European Consumers' Organisation, and ANEC the European Consumer Voice in Standardisation, to ask you to support our key demand of a high level of safety for children.

Our recommendations relate to the version of the Session Document of 24.09.2007, agreed yesterday between the political groups.

The recent Mattel incidents demonstrated clear inadequacies and shortfalls in the existing safety legislation, as well as in its implementation and enforcement. The toy safety directive needs to be revised to ensure a high level of protection of children's safety and health. It also needs to inspire consumer confidence in European safety regulation.

In this context, we very much welcome a Resolution on toy safety and call for the following to be included in the resolution ahead of the revision of the Toy Safety Directive:

Recitals

The New Approach looks to the European standards organisations (CEN, CENELEC and ETSI) to develop European Standards with a view to provide the manufacturers with means to comply with legislation such as the Toy Safety Directive.

But the European standards organisations are private bodies in whose work some stakeholders are more equal than others. Consumers and other societal interests' groups cannot match the voice of or influence industry in the technical bodies that develop the European Standards.

We do not believe European Standards can provide a high-level of consumer protection due to the imbalance of interests in the standards development process and consider that the experience from the application of the Toy Safety Directive confirms this assertion. In the case of toys and similar goods, it would be far preferable to legislate.

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European Standards can and do remove trade barriers between Member States. But they are not an alternative to legislation and cannot be a replacement for clear legal provisions (e.g. chemical requirements), especially in the field of consumer and health protection.

Bearing these points in mind, we ask you to **support amendments 2, 3, 4 and 6.**

Revision of the Toy Safety Directive

We support Article 3 which calls on the Commission to introduce a comitology procedure to allow for the adoption of specific implementing measures for the key requirements. Comitology would allow for rapid adaptation of the toy safety regulation in case of, for example, new risks such as chemical risks. It would also ensure democratic participation in the adoption of new implementing measures.

However, we are very concerned that no prohibition of dangerous substances - including substances which are carcinogenic, mutagenic and toxic for reproduction - is foreseen in the resolution. These substances have no place in toys that are handled, sucked or licked by children. Moreover, the use of CMR 1, 2 and 3 and of highly allergenic substances is already prohibited in cosmetic products according to the EU Cosmetics Directive: children deserve a similar -if not higher- level of protection.

We therefore ask you to **support article 3 (comitology) as well as amendments 5 and 8 (chemical requirements).**

Control of CE and other markings

Consumer organisations have been calling for the abolition of the use of CE Marking on consumer products for many years as it is highly misleading for consumers. CE Marking has never been intended to be and cannot be a safety mark but is a claim from the industry, to market surveillance authorities, that the product complies with EU legislation on safety.

For example, the CE Marking on the toys withdrawn by Mattel was no more than a claim by Mattel that the toys were in conformity with EU essential requirements. It did not mean that the toys had been made in Europe (they were not) and it did not mean that the toys had been tested by an independent third party (they were not). And it did not mean that they were safe.

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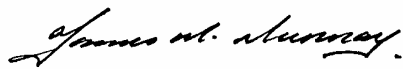
We therefore **urge you to support amendment 12**, which would allow making the CE Marking be a guarantee of compliance with EU technical legislation for industrial products only. This amendment clarifies that the CE marking cannot be a safety mark and recalls its original intended use. This does not go against the essential features of the “New Approach”, including manufacturers’ responsibility, conformity assessment procedures, declarations of conformity, provision of technical documentation, etc.

Inedibles in food

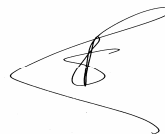
Inedibles in food (e.g. toys in chocolate eggs or crisps) are known to have caused many injuries in the past. Hence we ask you to **support amendment 10**.

Thank you for taking our views into account when considering your position.

Yours sincerely,



Jim Murray
Director, BEUC



Stephen Russell
Secretary General, ANEC