



 INTERNATIONAL CONFEDERATION OF INSPECTION AND CERTIFICATION ORGANISATIONS

POSITION PAPER

CEOC International position on:

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the safety of toys - COM(2008) 9 final / 2008/0018 (COD)

CEOC International welcomes the intention of the European Commission to revise the over 20 year old directive for Toys in the European Union (88/378/EEC of 3 May 1988) in order to make toys more safe - and adds the following recommendations for enhanced safety.

Vice-President Günter Verheugen, responsible for enterprise and industrial policy, said when presenting the New Proposal: "Health and safety of children is non-negotiable and cannot be subject to any compromises. That is why we have to ensure that toys put on the market in Europe are safe." CEOC International fully agrees with the Commissioner's intention.

Conformity Assessment: Underachieving necessary level of safety

Remembering various accidents and problems with toys in 2007 CEOC International believes that there is a high and commonly agreed necessity of making toys as safe as possible in the future. It is therefore concerned that the new proposal in some respect is even underachieving the level of safety requirements in comparison to the existing directive¹.

Article 19 on the EC type-examination of the proposed directive defines the type-examination to be carried out in accordance with the procedures set out in Module B laid down in Annex I to the decision on a common framework for the marketing of products. "The EC type-examination shall be carried out in the manner specified in paragraph 2, second indent, of Module B (combination of production type and design type)". The type examination according to that reference² only foresees the assessment of the adequacy of the technical design. CEOC International strongly recommends to maintain the type-examination according to the procedures set out in Module B (paragraph 2, first indent) laid down in Annex I of the above mentioned decision as standard test procedure. In addition to these requirements the risk assessment of the manufacturer and the necessary technical documentation should be made available to the Notified Body. The assessment of the adequacy only of the technical design in our opinion is not enough to ensure safety of toys.

We also see a considerable problem with article 18 3. d) of the Commission proposal. Herein Brussels leaves the decision solely to the manufacturer whether "...the nature, design, construction or purpose of the toy necessitate third party verification." A consideration naturally always is subjective

¹ 88/378/EEC of 3 May 1988

² text as adopted by European Parliament Thursday, 21 February 2008 – Strasbourg in 1st reading

and therefore cannot be the basis whether to imply or not an objective obligation to carry out an EC type-examination. CEOC International therefore strongly recommends amending that article in the following way to make the obligation verifiable:

<u>Commission Proposal</u>	<u>Text proposed by CEOC International</u>
Article 18, paragraph 3 d	
<p>when the manufacturer considers that the nature, design, construction or purpose of the toy necessitate third party verification.</p>	<p>when the manufacturer considers that the nature, design, construction or purpose of the toy necessitate third party verification.</p>

We welcome that the Commission foresees an obligation for the manufacturer to carry out “Safety assessments” (article 17) but we highly dispute that the necessary competence for complex assessments such as “radioactivity hazards” is existing in all cases. We therefore recommend adding the obligation that the manufacturer has to demonstrate in a duly manner his competence to carry out such safety assessments.

CMR and fragrances

CEOC International welcomes the main novelty of the revision: the introduction of specific limit values on CMR (carcinogenic, mutagenic, or toxic for reproduction) in toys. CMR should in general not be allowed in toys. Exceptions could be made for chemistry sets. We point out that according to the proposed directive all toys containing CMR substances have to bear the CE marking and consumers will therefore believe the toy is safe (even though the CE marking is not a safety mark). CEOC International also insists that the limit values of such substances should be verified. It is crucial in our opinion that the test methods are precisely defined to avoid discussions of interpretations. As far as fragrances are concerned we think it is possible to abstain from using them in toys and that they should not be allowed in toys.

Heavy Metals

CEOC International welcomes that the new proposal is further limiting the use of heavy metals but criticizes that the limit values are higher than in the existing directive. CEOC International recommends using the stricter limit values which are used for food packaging. Small children constantly put toys into their mouth while playing. Essential is the bioavailability.

New Approach gives priority to the free circulation of products

The adopted regulation setting out the requirements for accreditation and market surveillance relating to the marketing of products in 1st reading foresees more duties for importers but we believe that the responsibilities of non-European manufacturers are still behind of what would be necessary to ensure the safety of toys, because New Approach legislation gives priority to the objective of free circulation of products.

Taking this and the above mentioned accidents into account, CEOC International supports very much the demand of the consumer organisations ANEC and BEUC to verify the conformity of toys and its manufacturing process by an independent third party body according to the foreseen conformity assessment modules of New Approach legislation.

Principles of the CE marking should be aligned

In this respect CEOC International welcomes also very much the debate in the European Parliament on 19th of February 2008 when a large majority of European MEPs stated that the CE marking is confusing and not adapted for consumers.

In the meantime the European Parliament also adopted at first reading on 21 February 2008 the decision No .../2008/EC of the European Parliament and of the Council on a common framework for the marketing of products. The European Parliament amended the Commission's proposal concerning the Principles of the CE marking.

Taking these reflections into account and to get the future toys directive consistent with the above mentioned decision, CEOC International strongly suggests amending article 15 "General principles of the CE marking" by deleting paragraph 5.

<u>Commission Proposal</u>	<u>Text proposed by CEOC International</u>
Article 15, paragraph 5	
5. Member States shall refrain from introducing into their national regulations, or shall withdraw any reference to, a conformity marking other than the CE marking in connection with conformity to the provisions of this Directive.	5. Member States shall refrain from introducing into their national regulations, or shall withdraw any reference to, a conformity marking other than the CE marking in connection with conformity to the provisions of this Directive.
<i>CEOC International-Explanation: the principles of the CE marking should be consistent with the overall decision on a common framework for the marketing of products adopted by the European Parliament on 21 February 2008.</i>	

Brussels, 15th of May 2008