

Mr. Antonio Tajani
Vice President of the European Commission

BE - 1049 Bruxelles

Ref.:L2012_294/SMA/go
ANEС-SG-2012-G-015

23 August 2012

Dear Vice-President Tajani,

On 1 August, the Commission launched its latest campaign on toy safety.

Although we welcome efforts taken by the Commission to raise awareness among manufacturers, importers and retailers of their legal obligations, it is of very serious concern to ANEC and BEUC, and our national members, that a campaign addressed to consumers promotes CE Marking as a safety mark.

CE Marking is no more than a message from economic operators to market surveillance authorities, and we remain firm that it must not be interpreted or implied as a mark for consumers, particularly as it can even mislead them in what it conveys.

Given the lack of an obligation on manufacturers to ensure an independent check on the conformity of the toy to the essential requirements of the Toy Safety Directive, CE Marking cannot be a guarantee, or even indication, that a toy is safe.

Moreover, the problem of falsely-affixed CE Marking continues to exist. The present system of market surveillance & enforcement, organised at national level by each Member State, is inadequate for policing the modern Internal Market. Regulation 765/2008 of the New Legislative Framework will not itself achieve a coordinated system of market surveillance across Europe: Member States will continue to set different priorities and to allocate different levels of resources that we fear will continue to be inadequate. Even the definition of market surveillance, and the conduct of market surveillance activities, will continue to differ among Member States.

With these issues in mind, we were dismayed to hear The Robot Song which forms the centrepiece of this latest campaign on toy safety¹. Within the first 30 seconds of the video, the character conveys the message:

*"I put my CE tags on toys,
But only if I truly know
That a toy is good, good to go".*

¹ http://ec.europa.eu/enterprise/sectors/toys/tst-campaign/index_en.htm

This implies to consumers of all ages that, not only is a CE Marked toy safe, but that its safety has been independently checked.

It is misleading and it is wrong.

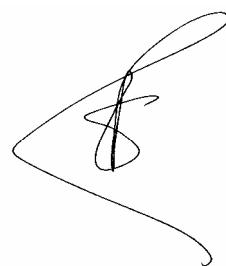
A quick review of the RAPEX database reveals that there have been almost 250 notifications of unsafe toys so far in 2012, most bearing CE Marking.

Given these reservations, we ask that future Commission campaigns on CE Marking are addressed only to manufacturers, importers and retailers and not consumers. We do not believe it worth to risk consumer confidence in the Internal Market being damaged by the possible consequences of the misrepresentation of CE Marking as a safety mark.

Yours sincerely,



Monique Goyens
Director General
BEUC



Stephen Russell
Secretary General
ANEC

cc: Mr John Dalli, Commissioner for Health & Consumer Policy
Mr Malcolm Harbour, Member of the European Parliament, Chair of the Committee on the Internal Market and Consumer Protection of the European Parliament