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## INFORMATION FOR ANEC

### HEALTH SAFETY<sup>1</sup> OF CHILD FOOTWEAR

The situation on the market in the Czech Republic concerning child footwear, in relation to its quality and especially to the health safety is very bad, some say even critical. Some signals have shown that the situation may be similar in some other countries of the EU.. The findings of orthopaedists from some countries give evidence in accessible studies on less or more unsatisfactory state of health of children and young people in respect to their feet. Improper structure of footwear is considered as a substantial aspect, however not the only reason, related to deformation of feet and other similar diseases.

For this reason the Czech Consumer Association (S S/CCA) and the Cabinet for Standardization and some other partners paid and still pay attention to this issue. They consider the theme of health safety of child footwear as the priority on which they committed themselves to inform stakeholders on various forums and platforms with the possible proposal of measures and actions for further solutions.

S S/CCA has been following this issue for even a longer time. It has been cooperating with several national and European bodies, including the Czech Office for Standards, Metrology and Testing, the Czech Footwear and Leather Association, EuroMP (Dr Roithová), ANEC and others. In the frame of our initiatives in the Czech Republic, we are tending to support voluntary certification on health safe child footwear (mark of "Giraffe") to give an example.

The issue has already been opened in the European Commission's Committee of the GPSD, but it eventually slightly „disappeared“. During a questionnaire action in this committee two-three years ago, the intention for the development of a European standard did not win clear support, but was not refused either. This intention was not transparently presented by the Czech representatives in the Committee.

Further to the above mentioned co-operation and experience and in the frame of the project for the support of consumer involvement in standardization (funded by EEA Norway Grants), the Czech Consumer Association analyzed the issue of health safety of child footwear. Its conclusions are enclosed (1). We would like to stress an important conclusion: **the legislation on general product safety of is not yet fully and sufficiently utilized for placing really safe child footwear on the market. A thorough European standard which would formulate the unified requirements for child footwear in Europe currently does not exist.** Such standard would substantially facilitate the application of general safety directive and as well as market surveillance in this area.

We would like to present these conclusions repeatedly and more intensively in the near future. At present, we seek again more intensive support at national level. At the same time, we present our proposal to ANEC, because we think, that **ANEC could and should initiate the development of a standard for health safety of child footwear in the European Commission's Committee of the GPSD.**

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<sup>1</sup> The term „safety“ we use in correspondence with the GPSD; the adjective „health“ we use here, in relation to the child shoes, to emphasise also the other aspects related to health of the users than just the “traditional ones (small parts, cords, chemical requirements, ...). We have particularly in mind aspects related to „construction/design“ of the shoe that have important effects concerning diseases such as deformation of the foot etc. Would you see the following quotations:

- The preamble of the GPSD art. (4) says: „In order to ensure a high level of consumer protection, the Community must contribute to protecting the health and safety of consumers.“. This aspect is then stressed within the whole text.
- The article 2, letter b) of the GPSD defines safe product: „(b) "safe product" shall mean any product which, under normal or reasonably foreseeable conditions of use including duration and, where applicable, putting into service, installation and maintenance requirements, does not present any risk or only the minimum risks compatible with the product's use, considered to be acceptable and consistent with a high level of protection for the safety and health of persons, taking into account the following points in particular:
  - (i) the characteristics of the product, including its composition, packaging, instructions for assembly and, where applicable, for installation and maintenance;
  - (ii) the effect on other products, where it is reasonably foreseeable that it will be used with other products;
  - (iii) the presentation of the product, the labelling, any warnings and instructions for its use and disposal as well as any other indication or information regarding the product;
  - (iv) the categories of consumers at risk when using the product, in particular children and older people.

The feasibility of obtaining higher levels of safety or the availability of other products presenting a lower degree of risk shall not constitute grounds for considering a product to be "dangerous";“

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On the basis of experience gained during the development and implementation of the above mentioned activities and outputs, we present this information to the ANEC Child Safety Working Group and propose to address or to support the following initiatives:

1. ANEC supports the intention of **developing a European Standard for health safety of child footwear, which would cover children up to 15 years**; and ANEC recommends developing this standard as mandated European standard on the basis of the GPSD.
2. ANEC is prepared to **present this initiative at the EC GPSD Committee** and to propose the solution of developing a European standard.
3. ANEC will bear in mind that this is of common interest for European manufacturers and consumers, to “regulate” in such a way the import of low-quality child footwear from the third countries, which are harmful to health. The described measure should not create any barriers to trade for placing on the marketsafe child footwear of good quality.
4. ANEC will lobby all its members as well as the national representatives in the Commission’s Committee of the GPSD to support this initiative and solution in the relevant bodies of the EU.

Libor Dupal,  
Member of ANEC GA and ANEC SC,  
January 2011

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## Annex 1

### Conclusions from the situation analysis – health safety of child footwear

1. In the European Union and in the Czech Republic, appropriate legislative framework has been put in place in order to regulate the placing on the market of child footwear (At European level - GPSD, at national level - Act on general product safety). But the existing framework does not introduce particular technical requirements for the safety of child footwear. Such specifications may be solved by standards or by other tools.
2. According to the view supported by conclusions from the situation analysis, the existing legal framework regarding general product safety (GPSD) is not fully used in order to ensure that safe products (in this case child footwear) are placed on the market.
3. There are ways to strengthen the existing tools in the frame of general product safety. The priority is given to the implementation of a standard at the EU level, namely as far as possible “mandated” standard with the reference to the Official Journal in the connection to the GPSD.
4. In the Czech Republic, there are specific requirements in the legislation for the placing on the market of child footwear intended for children up to 3 years. They cover also the hygienic requirements for such footwear. There are two Czech standards directly related to the safety parameters for footwear as the final product. Some requirements specified in these standards can be used for application of the Act on general safety of products, but mostly they relate to the quality characteristics.
5. The situation in various EU countries concerning the regulation and standardization to this specific sector is different and non-uniform. This is given by different potential of domestic production and import, by tradition etc. E.g. in Poland, a thorough standard for child footwear was developed and broadly used.
6. In case of the development of a technical standard for child footwear at European level, there are requirements in some national standards that could be considered as a basis for it. For the development of such a standard, we could use more sources e.g. the Czech and Slovakian legislation (hygienic aspects), German system of WMS and standards of Poland, Slovakia and Czech Republic. Some other sources might be added and verified.
7. This would lead to harmonization of technical requirements at European level. The existence of a thorough European standard would make the situation more transparent and different procedures would be unified, without limiting other approaches of conformity assessment with the requirements of general safety.
8. During the year 2010, we collected 19 cases of notifications related to footwear. The problems were mostly related to the risk of suffocation (swallowing of some parts), chemical risk, and also some other risks. The construction/design of footwear is not usually indicated as risk factor, because the surveillance bodies do not have a European standard which would have specified such requirements.
9. In many countries, including member states of the EU, there exist systems which are voluntarily applied and which enable consumers to choose safe products. There exist systems applied on voluntary basis in Germany, Poland as well as in the CR (“Giraffe”).
10. In 2000, the Czech Footwear and Leather Association carried out an analysis of regulations based on a questionnaire sent to other countries in which the national footwear associations participated. The result of this analysis and evaluation were updated on 2006-06-30. More complex answers were received from institutions of the following countries: Belgium, Czech Republic, Denmark, France, Hungary, Germany, Norway, Poland, Portugal, Austria, Rumania, Greece, Slovakia, Spain, Switzerland and United Kingdom. Some countries do not consider the issue of selling health safe footwear as serious; it can be caused by higher ratio of home production which usually fulfils strict conditions. However it is necessary to count with a need of deeper unification of requirements and criteria for health safe child footwear.
11. From the situation study we can conclude, that it would be helpful **to introduce a more thorough European standard, which would formulate the unified requirements for child footwear in Europe to cover all age categories for children up to 15 year of age. We recommend developing this standard as mandated European standard on the basis of general product safety directive.**

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12. Similar initiative has already been launched at the European Commission's Committee for the General Product Safety, but without enough clarification of reasons to its members and therefore without sufficient support. During the consultations, about 50% of members responded the questionnaire with about 50% support for this intention. We believe that during the target orientated consultations, the greater support of Committee members for the proposed solution could be reached.

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