

TO:

**Expert Group on Safety of Toys
European Commission, Brussels**

Comments

from interested parties in the Czech Republic on European Commission's campaign on application of CE marking - particularly in relation to the campaign against counterfeit toys

The European Commission started a new campaign designed to fight against counterfeit toys which do not fulfil the safety criteria laid down by the European Union legislation. The Commission's aim is to explain to parents how to recognize safe toys and describe their safe usage.

This campaign follows-up and further develops an all-embracing campaign on the understanding of application of CE marking.

We fully support the aim of the European Commission to inform consumers as regards their choice of safe toys and we welcome this initiative. We also appreciate the importance of the "New Approach to harmonization", which involves the concept of CE marking. The New Approach has contributed successfully to the free movement of products within the EU internal market as well as their safety for consumers and other users.

This campaign is accompanied by an amusing video clip which should show parents and kids how to select a safe toy (see http://ec.europa.eu/enterprise/sectors/toys/tst-campaign/index_en.htm). However, the video **may implicate that the consumer should choose the toy only when CE marking is affixed as this should guarantee the product safety.**

We do not agree with this view and have reservations to the above mentioned interpretation of the application of CE marking on the basis of the following **justification**:

- All products on the EU internal market have to be safe.
- EU have implemented various tools and infrastructure, therefore. The New Approach to harmonization, which involves CE marking, applies only to some product sectors.
- Although a vast majority of toys that are specifically addressed by the mentioned campaign must indeed bear the CE marking there are exceptions; the Directive on toy safety specifies products which a layman may considered to be a toy but it is exempt from the scope of the Directive.
- CE marking supports free movement of goods within the internal market and also enables effective market surveillance. By affixing the CE marking the manufacturer declares that the product complies with all the essential requirements laid down in the directive/s, which request affixing the CE marking on the product. Nevertheless, some products may be also subject to requirements laid down in other EU legislation, which do not request

CE marking. Therefore, a product bearing the CE marking cannot be unequivocally considered as being safe, just because it is CE marked.

- **An average consumer is unable to understand which product should be CE marked and which not.**
- **We conclude that CE marking is not intended for the consumer. He might not choose a product on the basis of fact the product bears the CE marking.**
- Consumers' misunderstanding of the CE marking concept can cause that the consumer avoids buying the product which does not bear the CE marking. In turn this can lead to a negative impact on business and manufacturing, especially in terms of small and medium enterprises.
- We believe that the current campaign should be complemented by relevant information which shall prevent consumers and other interested parties from having a misconception of what the CE marking on the product means.

The Czech Chamber of Commerce, the Czech Confederation of Commerce and Tourism, the Association of Small and Medium-Sized Enterprises and Crafts of the Czech Republic, the Union of Czech Production Co-operatives and the Czech Consumer Association endorse the above mentioned opinion.

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