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MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Marianne Thyssen, Malcolm Harbour, Corien Wortmann-Kool and Andreas Schwab

on behalf of the PPE-DE Group

on product, and particularly toy, safety

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European Parliament resolution on product, and particularly toy, safety

The European Parliament,

- having regard to Directive 88/378/EEC on the safety of toys,
 - having regard to Directive 2001/95/EC on general product safety,
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas, in the last few months, a series of large-scale voluntary recall campaigns concerning millions of unsafe toys which constitute a threat to the health of children have been announced in the EU,
- B. whereas these recalls have raised awareness of the problem that in spite of wide-ranging product harmonisation and the implementation of an EU-wide market surveillance system, unsafe products are still produced, imported and marketed within the EU,
- C. whereas these voluntary recall campaigns are only due to efficient monitoring of the enterprises concerned; whereas there is real concern that not all producers and importers maintain comparable standards,
- D. whereas 48% of detected unsafe products have their origin in China and 27% are of unidentified origin, and whereas 25% of all detected unsafe products are children's toys,
- E. whereas the supervision of markets and of entry into the EU and bans on the marketing of defective products are the responsibility of Member States,
- F. whereas this situation requires urgent remedial action, as the health of consumers is a top priority of the EU and the Member States,
1. Calls on the Commission and Member States to take all necessary legislative and administrative action to ensure that consumer goods that are marketed within the EU fully comply with existing EU standards and do not put the health and safety of consumers at risk;

Supervision of the use of CE and other marks

2. Calls on the Commission to ensure that the CE mark is a guarantee of compliance with EU technical legislation and quality standards and to take the necessary effective measures to prevent any abuse;
3. Encourages the Commission to strongly intervene, together with the Member States, to defend consumers' rights whenever there is evidence of deceptive behaviour and/or use of fraudulent or misleading origin marks by foreign producers and importers;

4. Calls on the Commission to clarify the liability of producers and importers in the event of misuse of the CE mark; considers that adequate penalties for misuse should be instituted; calls for misuse of other voluntary marks to be made subject to penalties as well;
5. Acknowledges that, in view of its self-regulatory character, the CE mark cannot play the role of an EU-wide consumer safety mark; calls on the Commission, after Parliament's decision on the New Approach, to work actively, together with the Member States, to raise awareness among consumers of the true meaning of the CE mark; underlines the importance of independent certification procedures;
6. Proposes the introduction of a voluntary additional European Consumer Safety Label, which will help the consumer to make an informed choice between products;
7. Underlines that this European Consumer Safety Label must be voluntary and that products with this label should be subject to tests prior to marketing as well as throughout the marketing period in order to ensure permanent compliance with the relevant standards;
8. Considers that, as a result of the introduction of the European Consumer Safety Label, independent certifiers should take some responsibility for market surveillance;

Revision of the Toys Directive

9. Urges the Commission to accelerate its review of the Toy Safety Directive, updating its provisions to bring them into line with the newest health and safety standards as well as improving the effectiveness and enforcement methods of this Directive, and to submit its proposal to the European Parliament without further delay;

RAPEX system

10. Calls on the Commission to increase the effectiveness of the RAPEX system to ensure the detection of the maximum possible number of unsafe products which are being marketed in the EU;
11. Calls on the Commission and the Council to set up proper customs surveillance and enforcement mechanisms,
12. Urges the Commission to take urgent action to tackle the problem of dangerous products of unidentified origin;

Bans on imports of dangerous consumer goods

13. Calls on the Commission to clarify the procedure for import bans on a case-by-case basis when safety standards are not regularly met;
14. Urges the Commission to use its powers to ban consumer goods from the EU market if they are found to be unsafe;

Cooperation with China and other third countries

15. Calls on the Commission to reinforce cooperation with the Chinese General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) and the relevant authorities of other third countries that are major exporters of consumer goods to the EU;
16. Calls on the Commission to provide technical assistance to third-country authorities in order to implement health and safety rules as well as to improve inspections and customs cooperation;
17. Calls on the Commission to clarify existing safeguard measures, for example relating to textiles, and how they relate to malpractice with regard to safety standards;
18. Calls on the Commission to include common health and safety standards in the negotiations on the next generation of Partnership and Cooperation Agreements and set up mechanisms to monitor how these standards are respected;
19. Calls on the Member States to actively cooperate with the US and other trading partners with regard to market surveillance and product safety;

Role of Member States

20. Calls on the Member States to ensure strict enforcement of product laws, particularly toy safety laws, and to step up efforts to improve market surveillance and especially national inspections;
21. Calls on the Member States to follow actively all indications concerning defective products and, inter alia, to test suspect consumer goods;
22. Calls on the Member States, in compliance with Community law, to make full use of all possibilities legally available to them to ensure that noncompliant or unsafe toys are prevented from being placed on the market or are withdrawn or recalled from the market;
23. Instructs its President to forward this resolution to the Council, the Commission and the Member States.