



Notification Number: 2007/496/F

Opinion issued to manufacturers, importers and distributors on the application of Decree No 89-662 of 12 September 1989, as amended, on the prevention of risks resulting from the use of toys

Date received : 10/09/2007

End of Standstill : 10/09/2007

Invocation of the Emergency Procedure : Yes

Message

Message 002

Communication from the Commission - SG(2007) D/52121

Directive 98/34/EC

Translation of the message 001

Notification: 2007/0496/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200702121.EN)

1. Structured Information Line

MSG 002 IND 2007 0496 F EN 10-09-2007 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department



Ministère de l'économie, des finances et de l'emploi
DARQSI / SQUALPI – 12, rue Villiot – 75572 PARIS Cedex 12

4. Notification Number

2007/0496/F - H30

5. Title

Opinion issued to manufacturers, importers and distributors on the application of Decree No 89-662 of 12 September 1989, as amended, on the prevention of risks resulting from the use of toys

6. Products Concerned

Toys containing magnets

7. Notification Under Another Act

d) Directive 88/378/EEC on the approximation of the laws of the Member States concerning the safety of toys.

8. Main Content

The draft opinion recommends that professionals provide toys containing accessible ingestible magnets with a specific marking warning of the dangers of magnets when swallowed by children. This recommendation shall enter into force on 1 January 2008.

In order to take account of the fact that Christmas and New Year are a period when toys are purchased in great numbers, the opinion also demands that, by 1 November 2007, at points of sale and close to the toys in question, signs should be installed providing potential purchasers with the same information.

Finally, it also points out that, in any event, toys intended for children under three years must not contain any small element liable to be ingested or inhaled, whether magnets or not.

9. Brief Statement of Grounds

Over recent years, children have been victims of serious accidents caused by magnets contained in toys, as a result of swallowing them. This situation has demonstrated the insufficiency of the legislation in force in the field of toys. Furthermore, the European Commission, by means of a mandate of 25 May 2007, has called upon the European Committee for Standardisation to supplement this legislation within two years. In the interim, measures must be taken to prevent any further accidents.

As they have already indicated, the French authorities would like a measure covering the whole of the Community market to be adopted.

Since that is not yet the case, they have decided to implement the measure in question.

They would of course withdraw it when the adoption of a Community measure has been decided upon.

10. Reference Documents - Basic Texts

Decree No 89-662 of 12 September 1989 on the prevention of risks resulting from the use of toys

11. Invocation of the Emergency Procedure

YES



12. Grounds for the Emergency

Several dozen very serious accidents, one of which was fatal, have been recorded in the USA and to a lesser extent in Europe. Though no such accident has been recorded in France, measures must be taken quickly so that toys placed on the market, particularly for the Christmas and New Year period, are as safe as possible. The Commission itself is calling upon the Member States to take action in their own markets. Only an urgent notification will allow the French authorities to publish their opinion addressed to economic operators sufficiently quickly so that they can apply it within the time period set.

13. Confidentiality

NO

14. Fiscal measures

NO

15. Impact assessment

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16. TBT and SPS aspects

TBT and SPS aspects (agreements drawn up within the framework of the WTO)

TBT aspect (Agreement on Technical Barriers to Trade)

a) YES

SPS aspect (Agreement on Sanitary and Phytosanitary Measures)

a) NO.

b) i) The draft is not a sanitary or phytosanitary measure pursuant to Annex A to the SPS Agreement.

Catherine Day
Secretary-General
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GROWTH DIRECTORATE-GENERAL

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Prevention of Technical Barriers

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