



Notification Number: 2006/507/F

## **Draft Decree on products composed of confectionery and inedible elements that are immovably attached to the confectionery at the moment of consumption Draft notice to manufacturers, importers and distributors of products composed of confectionery and inedible elements that are immovably attached to the confectionery at the moment of consumption**

Date received : 20/09/2006

End of Standstill : 21/12/2006

Issue of comments by : Commission

### Message

Message 002

Communication from the Commission - SG(2006) D/52276

Directive 98/34/EC

Translation of the message 001

Notification: 2006/0507/F

No abre el plazo - Nezhajuje 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.

(MSG: 200602276.EN)

#### **1. Structured Information Line**

MSG 002 IND 2006 0507 F EN 21-12-2006 20-09-2006 F NOTIF 21-12-2006

#### **2. Member State**

France

#### **3. Department Responsible**

Délégué interministériel aux normes – SQUALPI –

DIGITIP 5 – bâtiment Le Bervil -

12, rue Villiot - 75572 PARIS CEDEX 12

suzanne.piau@industrie.gouv.fr ou syrte@industrie.gouv.fr



tél : 01 53 44 97 04 – fax : 01 53 44 98 88

### 3. Originating Department

Ministère de l'économie, des finances et de l'industrie – Direction générale de la concurrence, de la consommation et de la répression des fraudes –  
Bureau D4 – Télédéc 251 – 59, boulevard Vincent Auriol – 75703 PARIS CEDEX 13  
d4@dgccrf.finances.gouv.fr

### 4. Notification Number

2006/0507/F - C50A

### 5. Title

Draft Decree on products composed of confectionery and inedible elements that are immovably attached to the confectionery at the moment of consumption

Draft notice to manufacturers, importers and distributors of products composed of confectionery and inedible elements that are immovably attached to the confectionery at the moment of consumption

### 6. Products Concerned

Confectionery

### 7. Notification Under Another Act

-

### 8. Main Content

The Commission having pointed out to the French authorities that Decree No 2006-286 of 13 March 2006 on products composed of confectionery and inedible elements that are immovably attached to the confectionery at the moment of consumption includes a technical regulation that should have been the subject of a new communication at the draft stage, as stipulated in Article 8(1), third paragraph of Directive 98/34/EC, France has decided to repeal this Decree and to notify a new identical draft text accompanied by a draft notice to operators, which will be subject to the usual three month standstill period.

The technical regulation was added at the request of the Council of State during the reading of the previous draft Decree by the Senate. It is intended to broaden the scope of the text to include other inedible elements not immovably attached to the confectionery but forming part of the product which may, like inedible elements immovably attached to the confectionery, present a risk of suffocation through ingestion or inhalation or other risks in the event of ingestion (cf. Article 1, paragraph 2).

These elements may include, for example, the spray nozzle of liquid confectionery or the batteries in 'luminous confectionery' which form part of the product without being immovably attached to the confectionery in the way that a lollipop stick is, but which may become detached from the product at the moment of consumption and be placed in the mouth by a child under three years old.

### 9. Brief Statement of Grounds

Operators must ensure that all inedible elements, immovably and non-immovably attached to confectionery at the moment of consumption, conform to standard NF EN 71-1 of 1998 and standard NF EN 50088 of June 1996 before placing the products on the market.

It is therefore necessary to add to the draft Decree a notice (enclosed) to manufacturers, importers and



distributors of products referred to in the text. The French authorities plan to publish this notice at the same time as the Decree.

#### **10. Reference Documents - Basic Texts**

- Standard NF EN 71-1 of 1998 "physical and mechanical safety of toys" and amendment A8 thereto.
- Standard NF EN 50088 "safety of electric toys".
- Articles L. 221-3 and L. 221-5 of the Consumer Code.
- Order of 24 February 2005 suspending the import, export and placing on the market of luminous confectionery and ordering the destruction thereof.

#### **11. Invocation of the Emergency Procedure**

No

#### **12. Grounds for the Emergency**

-

#### **13. Confidentiality**

No

#### **14. Fiscal measures**

No

#### **15. Impact assessment**

No

#### **16. TBT and SPS aspects**

a) No

b) iii) The draft will not have any notable impact on international trade.

a) No

b) iii) The draft will not have any notable impact on international trade.

Catherine Day  
General Secretary  
European Commission

Contact point Directive 98/34  
Fax: (32-2) 296 76 60  
email: Dir83-189-central@cec.eu.int

-----  
sent to :



BELNotif Qualité et Sécurité  
Mme Descamps

Bundesministerium für Wirtschaft und Technologie (Referat EA3)  
Frau Christina Jäckel

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1  
Frau MARKL Iris

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1  
Frau Brigitte WIKGOLM

Cyprus org. for the promotion of quality Ministry of Commerce, Industry & Tourism  
M. Antonis Ioannou

Czech Office for Standards, Metrology and testing  
Mrs Lucie Ruzickova

Department of Trade and Industry STRD2  
Mr Philip Plumb

Délégation Interministérielle aux Normes  
Mme Piau

EFTA Surveillance Authority  
Mr. Gunnar Thor PETURSSON

ELOT  
M.Mourtzanos K

EU internal market coordination (Ministry of Economics)  
Mrs Zanda Liekna

Erhvervs- og Boligstyrelsen  
Lene Hald Nielsen

European Free Trade Association  
.

Hungarian Notification Centre Ministry of economy & transport  
Mr Zsolt Fazekas

Institut Belge de Normalisation  
Mme F. Hombert

Instituto Português da Qualidade  
Sra Cândida Pires

Kauppa-ja teollisuusministeri  
Ms. Leila Orava



Kommerskollegium  
Mme Jenni Altin

Lithuanian Standards Board  
Daiva Lesickiene

Malta standards Authority  
Dr Lorna Cachia

Min. of Economic Affairs & Communication  
Mr. Karl Stern

Min. of Industry, Energy & Technology  
Mr K. Polychronidis

Ministerie van Financiën Belastingdienst - Douane Noord / CDIU  
De Heer IJ.G. van der Heide

Ministerio de Asuntos Exteriores Secretaría de Estado para la Unión Europ  
Esther Perez Pelaez

Ministero dello sviluppo economico F1 - Ispettorato tecnico industria  
Signor Vincenzo Correggia

Ministry of Economy Dept for Economic Regulations  
Mrs Barbara H. Kozłowska

NSAI  
Mr Tony Losty

National Agency for Enterprise & Housing Dahlerups Pakhus  
Mrs. Pernille Hjort Engstroem

Office of standards, metrology & Testing Director of the department of European I  
Mrs Kvetoslava STEINLOVA

Représentation Permanente de la Belgique auprès de l'Union européenne  
.

Représentation Permanente de la France  
.

Représentation Permanente du Luxembourg  
.

SL  
.

Service de l'Energie de l'Etat  
Mr J.-P. Hoffmann

Slovenian Institute for Standardization SIST



Mrs Vesna Stazisar

Undersecretariat of Foreign Trade General Directorate of Standardisation  
Mr Mehmet COMERT

-----  
sent to :

Department of Trade and Industry Office of Science & Innovation  
Mr Philip Plumb

EFTA Surveillance Authority  
Mr. Gunnar Thor PETURSSON

European Free Trade Association  
.

Hungarian Notification Centre Ministry of economy & transport  
Mr Zsolt Fazekas

Kauppa-ja teollisuusministeri  
Ms. Leila Orava

NSAI  
Mr Tony Losty

Représentation Permanente de l'Irlande  
Denis Colfer

Représentation Permanente du Royaume-Uni  
.

SL  
.

Undersecretariat of Foreign Trade General Directorate of Standardisation  
Mr Mehmet COMERT