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European Nursery Products Confederation (ENPC) position paper on the European Commission's proposal for a new Consumer Product Safety Regulation

The European Nursery Products Confederation (ENPC) represents the interests of childcare products manufacturers in Europe and it is composed of national associations representing both SMEs and larger industries.

The safety of childcare articles is the ENPC's priority, and the Consumer Product Safety Regulation is considered the main legislation in the ENPC sector. Having an efficient and effective European Consumer Package for childcare articles that are not covered by any specific legislation is a fundamental requirement for the safety of our children.

ENPC welcomes the European Commission Proposal for the new Consumer Products Safety and Market Surveillance Regulations taking a step towards an integrated European Consumer agenda, although ENPC calls upon the Members of the European Parliaments to consider the following points regarding the new Consumer Safety Regulation:

The Indication of Origin has to be easily applicable (art. 7)

ENPC considers that introducing a mandatory "made in" does not improve the safety of the products and it is not the correct tool to ensure a better traceability system. The "made in" should be kept voluntary in any legislation on safety. ENPC calls for having a workable application "indication of origin" for business:

- **Ensuring best practice by indicating a "made in" requirement in only one language which is universally understood.** Due to the limited dimensions and limited areas for labelling on childcare products (i.e. pacifiers), it is important to use only one language of reference in order to avoid technical difficulties for the SMEs as well as to ensure that safety warnings are not harder to read for consumers.
- **The indication of origin must be inserted on the packaging of the final product and not on the packaging of any single components of the final product.** Considering that the indication of origin does not improve the traceability system of the product itself, it is important that Commission's proposal sets up a workable labelling system for business. Inserting the indication of origin on the packaging of the final product only does not compromise the consumers' rights to be better informed, but it does support the SMEs in avoiding technical difficulties and additional costs.
- **The indication of origin must be inserted on the labelling of the final product for products composed of more than one element,** setting up a clear determination of the country of origin.

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The obligation of Economic Operators needs further clarification

(Chapter II)

ENPC agrees with the European Commission proposal to introduce specific obligations of economic operators (manufacturers, importers, and distributors), however, the European Commission proposal needs further specification and clarification on the following provisions:

Manufacturers:

- **The obligation for Manufacturers needs to be more specific ensuring that the labelling is present on the packaging of the final product and not on all of the single components of the product** (Art. 8.6). Only inserting the manufacturer's details on the final product or in a document accompanying the product, still allows the identification of the product (type, batch or serial number) but does not compromise the identification of the product to the consumer. It is asked that in the case of legal controversy, consideration is given to a requirement for the manufacturers to present all of the elements, allowing the identification of all components of the product without affecting the identification of the products' integrity.

Importers:

- **The obligation for Importers needs to specify that the importer shall ensure that the product is compliant with the safety requirements thanks to a declaration from manufacturers** (Art. 10.1). The article needs to ensure that manufacturers are obliged to share the Manufacturers' technical documentation only with the Market Surveillance Authority but not with the importers in order to protect their technical information.

Distributors:

- **The obligation for distributors needs to specify that the distributors shall ensure that the product is compliant with the safety requirements thanks to a declaration from manufacturers** (Art. 11.1). Considering the logic of the previous remarks, the manufacturers must be responsible for the safety requirements to the Market Surveillance Authority without sharing technical information with distributors. Considering the scope of this Regulation; "should not be limited to any selling technique of consumer products, and thus also cover distance selling" (Recital 10), **the obligation for distributors must include the distributors' responsibility in the case of distance selling, to make available the safety warnings to the consumer.**
- Considering the general safety requirement principle (Art.4), **the obligation for distributors shall include the legal responsibility for trading in second hand products without conformity to technical requirements.**

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The traceability of products needs to be more precise and more defined

ENPC is part of the working group focussing on the traceability system and agrees that there should be an efficient traceability system for products, but the European Commission proposal needs to be more precise in defining and completing the way in which its delegate acts can be implemented.

- The proposal is ambiguous on the definition of products “for certain products, categories or groups of groups which, due to their specific characteristic or specific condition” (Art 15.1). ENPC calls for a better **definition of the products** in order to ensure SMEs are better informed of any future introduction of a traceability system which involves the collection and storage of data by electronic means.
- If the European Commission adopts delegate acts, the articles must ensure that the Commission shall take into account a) the cost-effectiveness of the measures and the compatibility with traceability as well as the impact assessment, b) the cooperation with the stakeholders, c) and a transition period for the disposal of the products currently on the market, ensuring proportionate and reasoned costs for the SMEs.

Sum up ENPC calls for:

- A workable indication of origin: one language, on the labelling of the package of the final product, the labelling should not be posted in each single element for composed products.
- Clarify and specify obligations for manufactures (labelling is present on the packaging of the final product) ; importers (the safety requirements shall be ensured thanks to a declaration from manufacturers) ; distributors (the safety requirements shall be ensured thanks to a declaration from manufacturers, the provision shall include the distributors’ responsibility in the case of distance selling and to make available the safety warnings to the consumer, the obligation for distributors shall include the legal responsibility for trading in second hand products without conformity to technical requirements)
- Better definition of products whereby the Commission call adopts delegate acts and ensures that it will take into consideration cost-effectiveness, cooperation with the stakeholders, and a transitional period before implementing an electronic traceability system.

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