

COMMISSION

COMMISSION DECISION

of 24 June 1996

concerning the withdrawal of the reference to harmonization document HD 271 S 1 'Safety of household and similar electrical appliances — Particular requirements of electric toys supplied at safety extra low voltage not exceeding 24 V'

(Text with EEA relevance)

(96/450/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 6 thereof,

Having consulted the Standing Committee created by Directive 83/189/EEC,

Whereas Article 2 of Directive 88/378/EEC provides that toys may be placed on the market only if they do not jeopardize the safety and/or health of users or third parties when they are used as intended or in a foreseeable way, bearing in mind the normal behaviour of children;

Whereas toys are presumed to comply with the essential safety requirements referred to in Article 3 of Directive 88/378/EEC if they are in compliance with the harmonized standards whose references have been published in the *Official Journal of the European Communities*;

Whereas Member States are obliged to publish the references to the national standards transposing the harmonized standards;

Whereas the references to harmonization document HD 271 S 1 'Safety of household and similar electric appliances — Particular requirements of electric toys supplied at safety extra-low voltage not exceeding 24 V'

and its amendments Nos 1, 2 and 3 were published in the *Official Journal of the European Communities* Nos C 155 of 23 June 1989 and C 34 of 9 February 1991;

Whereas, pursuant to Article 7 of Directive 88/3278/EEC, France has taken measures to restrict the placing on the market of battery-powered electric toys; whereas France has notified these measures under a safeguard clause justified on the grounds of a shortcoming in harmonization document HD 271 S 1;

Whereas the shortcoming indicated by France concerns the conditions under which short-circuit tests are applied to the battery compartments of electric toys;

Whereas, for this reason, the Commission is obliged to consult Committee 83/189;

Whereas this point was discussed on several occasions by Committee 83/189; whereas France considers that it is not enough to conduct short-circuit tests only on electric toys whose battery compartments have failed the mechanical resistance tests; whereas it supports its argument by citing an accident in which a child was burned after having caused a short circuit by inserting the antenna of its remote-control car into the battery compartment which the child had opened in order to change the batteries;

Whereas the Commission, having examined the information submitted by France and having received the opinion of Committee 83/189, recognizes the existence of a shortcoming in harmonization document HD 271 S 1 in regard to battery-powered electric toys;

Whereas, therefore, the references to harmonization document HD 271 S 1 and its amendments must be withdrawn from the publications,

⁽¹⁾ OJ No L 187, 16. 6. 1988, p. 1.

⁽²⁾ OJ No L 220, 30. 8. 1993, p. 1.

HAS ADOPTED THIS DECISION:

Article 2

Article 1

1. The references to harmonization document HD 271 S 1 'Safety of household and similar electrical appliances — Particular requirements of electric toys supplied at safety extra-low voltage not exceeding 24 V' and its amendments Nos 1, 2 and 3 shall be withdrawn from publication in the *Official Journal of the European Communities* in regard to their application to the battery compartments of electric toys.

2. Member States shall withdraw the references to the national standards transposing harmonization document HD 271 S 1 and its amendments from the publications referred to in Article 5 (1) of Directive 88/378/EEC.

This Decision is addressed to the Member States.

Done at Brussels, 24 June 1996.

For the Commission

Emma BONINO

Member of the Commission