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Information and Notices

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I

(Information)

COMMISSION

ECU ⁽¹⁾

7 November 1986

(86/C 282/01)

Currency amount for one unit:

Belgian and Luxembourg franc con.	43,4412	Spanish peseta	140,264
Belgian and Luxembourg franc fin.	43,7096	Portuguese escudo	152,923
German mark	2,09281	United States dollar	1,01273
Dutch guilder	2,36372	Swiss franc	1,74393
Pound sterling	0,710441	Swedish krona	7,11952
Danish krone	7,87603	Norwegian krone	7,62943
French franc	6,82785	Canadian dollar	1,40486
Italian lira	1446,18	Austrian schilling	14,7312
Irish pound	0,766932	Finnish markka	5,06316
Greek drachma	142,000	Japanese yen	165,531
		Australian dollar	1,57379
		New Zealand dollar	1,97607

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ECU;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

⁽¹⁾ Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as amended by Regulation (EEC) No 2626/84 (OJ No L 247, 16. 9. 1984, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

Communication of Decisions under sundry tendering procedures in agriculture (cereals)

(86/C 282/02)

(See notice in Official Journal of the European Communities No L 360 of 21 December 1982, page 43)

Standing invitation to tender	Weekly invitation to tender	
	Date of Commission Decision	Maximum refund
Commission Regulation (EEC) No 1508/86 of 20 May 1986 opening an invitation to tender for the export of common wheat to countries of zones I, II a), III, IV, V, VI, VII and the German Democratic Republic (OJ No L 132, 21. 5. 1986, p. 6)	6. 11. 1986	Tenders rejected
Commission Regulation (EEC) No 1509/86 of 20 May 1986 opening an invitation to tender for the refund for the export of barley to countries of zones I, II a), III, IV, V, VI, VII a), VII c) and the German Democratic Republic (OJ No L 132, 21. 5. 1986, p. 9)	6. 11. 1986	Tenders rejected
Commission Regulation (EEC) No 3118/86 of 13 October 1986 on an invitation to tender for the refund on export of wholly milled long grain rice to certain third countries (OJ No L 291, 15. 10. 1986, p. 16)	6. 11. 1986	359,90 ECU/tonne

Notice of extension to motors originating in Yugoslavia of the anti-dumping proceeding concerning imports of standardized multi-phase electric motors having an output of more than 0.75 kW but not more than 75 kW, originating in Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania and the Soviet Union

(86/C 282/03)

Background

Following the opening on 26 February 1986 of a review procedure ⁽¹⁾, the Commission imposed, by Regulation (EEC) No 3019/86 ⁽²⁾, provisional anti-dumping duties on imports of electric motors originating in Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania and the Soviet Union.

Application for extension

The Commission has received a request for the current proceeding to be extended to imports of such motors originating in Yugoslavia, from the Groupement des Industries de Matériel d'Équipement électrique de l'Électronique industrielle associés (GIMELEC), supported by the Zentralverband der elektrotechnischen Industrie (ZVEI), the Rotating Electric Machines Association (REMA), the Fédération des Entreprises de l'Industrie des Fabrications métallurgiques, mécaniques,

électriques et de la Transformation des Matières plastiques (Fabrimetal), and the Associazione Nazionale Industrie Elettrotecniche ed Elettroniche (ANIE).

Dumping

The allegation of dumping is based on a comparison between the computed value of the Yugoslav product and its export price to the Community. On this basis the dumping margins are reckoned to be large.

Injury

Official import statistics show a rapid increase since 1983 in imports into the Community originating in Yugoslavia: 152 900 units in 1983, 322 600 in 1984 and 496 300 in 1985. The market share accounted for by such imports was something like 11 % in 1985, with imports from all eight countries now covered by the proceeding accounting for about 32 % of the Community market.

⁽¹⁾ OJ No C 305, 26. 11. 1985.

⁽²⁾ OJ No L 280, 1. 10. 1986, p. 68.

Undercutting on motors originating in Yugoslavia is alleged to amount to 45,4 % to 48,7 % of the cost prices of Community producers, whose sales prices are inadequate to cover all costs. This substantial undercutting and the sizeable market share involved are enough to have a considerable effect on the profitability of Community producers, through pressure on their sales prices.

Proceeding

Following consultations the Commission has decided that the evidence put forward is sufficient to justify the extension to imports originating in Yugoslavia of the anti-dumping proceeding concerning imports of standardized multi-phase electric motors originating in Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania and the Soviet Union. It has consequently initiated an investigation in accordance with Article 7 of Council Regulation (EEC) No 2176/84 on protection against dumped or subsidized imports from countries not members of the European Economic Community.

Interested parties may make known their views in writing, in particular by replying to the questionnaire addressed to the parties known to be concerned and by providing supporting evidence. Furthermore, the Commission will hear parties who so request when making their views known, provided that they can show that they are likely to be affected by the outcome of the proceeding.

This notice is published in accordance with Article 7 (1) (a) of the abovementioned Regulation.

Time limit

Any information relating to the matter and any requests for hearings should be sent in writing to reach the Commission of the European Communities, Directorate-General for External Relations (Division I-C-1), 200, rue de la Loi, B-1049 Brussels (Telex: COMEU B 21877) not later than 30 days following the publication of this notice, allowing a further seven days for delivery.

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive on the approximation of the laws of the Member States concerning the safety of toys*COM(86) 541 final**(Submitted by the Commission to the Council on 22 October 1986)**(86/C 282/04)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the laws, regulations and administrative provisions in force in Member States relating to the safety characteristics of toys differ in scope and content; whereas such disparities are liable to create barriers to trade and unequal conditions of competition within the Community without necessarily affording consumers in the common market, especially children, effective protection against the hazards arising from the products in question;

Whereas these obstacles to the attainment of an internal market in which only sufficiently safe products would be sold should be removed; whereas for this purpose the marketing and free movement of toys should be made subject to uniform rules based on the objectives regarding protection of consumer health and safety as set out in the Council resolution of 6 May 1986 on a new impetus for consumer protection policy;

Whereas total harmonization in this area is necessary since children's health and safety cannot be allowed to remain subject to different standards of protection in the various Member States;

Whereas, in accordance with the Council resolution of 7 May 1985 on a new approach to technical harmonization and standards⁽¹⁾, the harmonization to be achieved should consist in establishing the essential safety requirements to be satisfied by all toys if they are to be placed on the market;

Whereas in view of the size and mobility of the toy market and the diversity of the products concerned, the scope of this Directive should be determined on the basis of a sufficiently broad definition of 'toys'; whereas nevertheless it should be specified that some products are not to be regarded as toys for the purposes of this Directive either because they are not in fact intended for children or because they call for supervision or special conditions of use;

Whereas toys placed on the market should not jeopardize the safety and/or health either of children using the toys or of third parties, domestic animals or property; whereas the standard of safety of toys should be determined in relation to the criterion of the use of the product as intended, but allowance should also be made for any foreseeable use, bearing in mind the normal behaviour of children who do not generally show the same degree of care as the average adult user;

Whereas the standard of safety of the toy must be considered when it is marketed, bearing in mind the need to ensure that this standard is maintained throughout the foreseeable and normal period of use of the toy;

Whereas compliance with the essential requirements is likely to guarantee consumer health and safety; whereas all toys placed on the market must comply with these requirements and, if they do, no obstacle must be put in the way of their free movement;

Whereas toys may be presumed to comply with these essential requirements where they are in conformity with European standards or harmonization documents adopted by the European Committee for Standardization (CEN) or the European Committee for Electrotechnical Standardization (CENELEC) at the request of the Commission, in pursuance of Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations⁽²⁾, and the reference numbers of which have been published in the *Official Journal of the European Communities*;

⁽¹⁾ OJ No C 136, 4. 6. 1985, p. 1.

⁽²⁾ OJ No L 109, 26. 4. 1983, p. 8.

Whereas toys that conform to a model approved by an inspection body may also be regarded as complying with the essential requirements; whereas such conformity must be certified by the affixing of a European mark;

Whereas manufacturers who decide to manufacture toys in conformity with standards must have the choice either of submitting a model for approval or of informing an inspection body of their intention;

Whereas certification procedures must be established to define the way in which national inspection bodies have to approve models of toys not in conformity with standards and issue type-examination certificates for them and for toys in conformity with standards, a model of which is submitted to them for approval;

Whereas a procedure must also be established to enable manufacturers to declare that their toys are in conformity either with the standards or with an approved model; whereas the option of making that declaration necessitates the setting up of a manufacturing surveillance system;

Whereas adequate information for the Member States, the Commission and all the inspection bodies must be provided for at the various stages of the certification and inspection procedures;

Whereas for efficient inspection it must be possible to identify toys; whereas they must therefore all bear a model identification number and this number must appear on all the documents relating to those toys; whereas certain details concerning the manufacturer or his authorized representative must also appear on the packaging of the toys or on a label;

Whereas the Member States must appoint inspection bodies for application of the system introduced for toys; whereas adequate information on these bodies must be provided and they must all comply with minimum criteria for their approval;

Whereas cases might arise where a toy does not satisfy the essential safety requirements; whereas the Member State ascertaining this must take all appropriate measures to withdraw the product from the market or prohibit its placing on the market; whereas a reason must be given for this decision and where the reason is a shortcoming in the harmonized standards these must be withdrawn from the list published by the Commission;

Whereas provision must be made for suitable action to be taken against anyone wrongfully affixing a mark of conformity;

Whereas checks on the safety of toys already on the market must be carried out by the competent authorities of the Member States;

Whereas for some categories of toys that are particularly dangerous or intended for very young children warnings or details of precautions to be taken must also be given;

Whereas the Commission must receive regular information on the activities carried out under this Directive by the inspection bodies;

Whereas those to whom any decision taken under this Directive is addressed must know the reason for that decision and the remedies open to them,

Whereas the opinion of the Scientific Advisory Committee for the evaluation of the toxicity and ecotoxicity for chemical compounds has been taken into account with respect to the health-based limits of bioavailability of metallic compounds in toys to children,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall apply to toys. A 'toy' means any product or material designed and intended for use in play by children of less than 14 years of age.
2. The products listed in Annex I shall not be regarded as toys for the purposes of this Directive.

Article 2

1. Toys may be placed on the market, sold or distributed free of charge only if they do not jeopardize the safety and/or health of users or third parties, domestic animals and property when they are used as intended or in a foreseeable way, bearing in mind the normal behaviour of children.
2. In the condition in which it is marketed and throughout the period of foreseeable and normal use, a toy must meet the safety and health conditions laid down in this Directive.

Article 3

Member States shall take all steps necessary to ensure that toys cannot be placed on the market unless they meet the essential safety requirements set out in Annex II, below referred to as 'essential requirements'.

Article 4

Member States shall not impede the placing on the market, sale or distribution on their territory of toys which satisfy the provisions of this Directive.

Article 5

1. Toys bearing a model identification number and the EC mark provided for in Article 15 certifying conformity with the harmonized standards referred to in paragraph 2, the reference numbers of which have been published in the C series of the *Official Journal of the European Communities*, shall be presumed to comply with the essential requirements.

2. Harmonized standards shall be understood to mean European standards or harmonization documents adopted by the European Committee for Standardization (CEN) or the European Committee for Electrotechnical Standardization (CENELEC) at the request of the Commission, in pursuance of Directive 83/189/EEC.

3. Toys bearing a model identification number that are not in conformity with all or part of the above-mentioned standards shall also be presumed to comply with the essential requirements where their conformity to a model approved in pursuance of Article 10 is certified by the affixing of the EC mark.

Article 6

Where the Commission, at the request of a Member State or on its own initiative, considers, after consulting the Standing Committee set up under Directive 83/189/EEC, hereinafter referred to as 'the Committee', that a harmonized standard does not satisfy the essential requirements, it shall withdraw the reference number of that standard from the list published in the *Official Journal of the European Communities*. The Commission shall inform the Member States that compliance with the standard in question cannot confer on toys the presumption established by Article 5 (1).

Article 7

1. Where a Member State ascertains that toys bearing the EC mark and used as intended or in a foreseeable way as provided for in Article 2 (1) are likely to jeopardize the safety and/or health of persons, domestic animals or property, it shall take all appropriate measures to withdraw those products from the market and prohibit their placing on the market. The Member State shall immediately inform the Commission and the other Member States of such measures and indicate the reasons for its decision; in particular, it shall specify whether the non-compliance results from:

- (a) failure to meet the essential requirements, if the toy does not meet the standards referred to in Article 5 (1),
- (b) incorrect application of the standards referred to in Article 5 (1),
- (c) shortcomings in the standards referred to in Article 5 (1) themselves.

2. Where the reasons for the decision referred to in paragraph 1 are shortcomings in the standards, the Commission shall refer the matter to the Committee within two months if the Member State which took the measures intends to maintain them. If the Commission, after consulting the Committee, finds that the action is justified, it shall immediately inform the Member States accordingly.

3. Where the EC mark has been wrongfully affixed to toys that do not comply with the essential requirements, the competent Member State shall take appropriate action against whomsoever has affixed the mark and shall inform the Commission and the other Member States thereof.

4. Whenever it finds that the action referred to in paragraph 1 is justified, the Commission shall remind the Member States of their obligation to withdraw the toys from the market and prohibit their placing on the market.

Article 8

1. Prior to the manufacture of toys:

(a) in accordance with the standards referred to in Article 5 (1), the manufacturer or his authorized representative established within the Community shall:

- either inform an approved inspection body referred to in Article 9 and forward to it the manufacturer's data sheet bearing a model identification number for the toy;
- or submit for the EC type-examination referred to in Article 10 a specimen of the toy bearing an identification number;

(b) where the standards referred to in Article 5 (1) are not applied or are applied only in part, the manufacturer or his authorized representative established within the Community shall submit a specimen of the toy bearing an identification for the EC type-examination referred to in Article 10.

2. Toys manufactured in conformity with the standards referred to in Article 5 (1) or with the approved model shall, prior to being placed on the market, be subject to the EC declaration of conformity referred to in Article 11.

3. The data sheet and correspondence relating to the certification procedures referred to in paragraphs 1 and 2 shall be in an official language of the Member State in which the approved body is established.

Article 9

Each Member State shall notify the Commission and the other Member States of the approved inspection bodies responsible for carrying out the certification procedures referred to in Article 8 (1) and (2). The Commission shall publish a list of these bodies, for information purposes, in the C series of the *Official Journal of the European Communities* and shall be responsible for updating it. However, if a Member State has not approved any inspection bodies on its territory, it shall give notification of at least one such body approved by other Member States.

2. Annex III lists the minimum criteria which Member States must meet as regards approval of these inspection bodies.

3. A Member State which has approved an inspection body shall withdraw approval if it finds that the body no longer meets the criteria listed in Annex III. It shall immediately inform the Commission and the other Member States.

4. Only the Member State on whose territory an approved inspection body is established may withdraw or restrict that approval.

5. An approved inspection body may carry out the inspections referred to in this Directive throughout the territory of the Community. It may, without relinquishing its responsibility, delegate to another approved body certain tasks that are incumbent upon it.

Article 10

1. EC type-examination is the procedure by which an approved inspection body ascertains and certifies that a specimen of a toy satisfies the essential requirements applicable to it.

2. The application for EC type-examination shall be lodged by the manufacturer or by his authorized representative with a single approved inspection body in respect of a type of toy. The authorized representative shall be established in the Community.

The application shall include:

- the name and address of the manufacturer or of his authorized representative, and the place of manufacture of the toy;
- the manufacturer's data sheet which shall be accompanied by a toy, representative of the planned production and bearing a model identification number.

3. The approved body shall carry out the EC type-examination in the manner described below.

It shall examine both the manufacturer's data sheet, in order to check its adequacy, and the toy submitted.

When examining the toy, this body shall:

(a) verify that it has been manufactured in conformity with the manufacturer's data sheet and may be used in complete safety under the conditions set out in Article 2;

(b) carry out appropriate examinations and tests.

4. If the model complies with the essential requirements, the approved body shall draw up an EC type-examination certificate which shall be forwarded to the applicant. This certificate shall state the conclusions of the examination, indicate any conditions attaching to it and be accompanied by the descriptions, drawings and number necessary for identification of the approved model. The approved inspection body shall send a copy of the certificate to the other approved bodies which may, on request, obtain a copy of the technical file. The Commission and the Member States may, on request, obtain a copy of the certificate, the technical file and the reports.

5. A body which refuses to issue, or withdraws, an EC type-examination certificate, shall so inform the Member State which approved it. The latter shall inform the other Member States and the Commission, giving the reasons for the decision.

Article 11

1. The EC declaration of conformity is the document whereby the manufacturer certifies that toys conform to the standards referred to in Article 5 (1) or to an approved model and is subject to EC surveillance.

2. A manufacturer fulfilling the obligations arising out of Article 12 shall affix the EC mark referred to in Article 15 to toys which he declares to be in conformity.

3. The purpose of EC surveillance is to ensure, as required by Article 13, that the manufacturer duly fulfills the obligations arising out of Article 12. It shall be performed by the approved body which issued the EC type-examination certificate referred to in Article 10 where the toys are manufactured in accordance with an approved model or by the approved body to which the manufacturer's data sheet was sent in compliance with the first indent of Article 8 (1) (a).

Article 12

Before commencing manufacture, the manufacturer must send the body responsible for EC surveillance a document containing:

(a) a reference to the information referred to in the first indent of Article 8 (1) (a) or the reference number of the EC type-examination certificate referred to in Article 10 and the toy type identification number,

- (b) a description of the means of verifying conformity with the standards referred to in Article 5 (1) or with the approved type and an undertaking to use those means during manufacture,
- (c) the address of the places of manufacture and storage and the date on which manufacture is to commence.
- Moreover, the manufacturer shall authorize access to those places of manufacture and storage by the body responsible for EC surveillance for inspection purposes, shall allow this body to select specimen toys and shall provide it with all the necessary information.

Article 13

1. The inspection body responsible for EC surveillance shall examine the document referred to in Article 12 and the manufacturer's data sheet, in order to check its adequacy, when toys are not manufactured in accordance with an approved type.

The body shall, during manufacture, ensure that the manufacturer actually uses the means of verification referred to in Article 12 (b).

It may also select toys at random at the places of manufacture or storage, for inspection purposes.

2. The body shall supply the Member State which approved it with the reference number of the document referred to in Article 12, the toy type identification number and a copy of the inspection report. The Commission, the other Member States and the other approved bodies may obtain that information and a copy of the report on request.

Article 14

Where it is established that the EC mark has been wrongfully affixed to toys:

- which do not conform to the approved type,
- which conform to an approved type that does not meet the essential requirements,
- which do not conform to the relevant standards referred to in Article 5 (1),
- in respect of which the manufacturer has failed to fulfil his obligations under Article 12,

the body responsible for EC surveillance shall report to the Member State concerned and, where appropriate, withdraw the EC type-examination certificate.

Article 15

1. The EC mark referred to in Articles 5, 7, 11 and 14 and the type identification number shall be affixed in a visible, easily legible and indelible form to the toy or, in the case of toys having more than one part, to the parts which may be used separately or to the main parts of the toy.

In the case of small toys and toys consisting of small parts, the mark and identification number may under the same conditions be affixed to the packaging or, should there be no packaging, to a label.

The EC mark shall consist of the symbol CE. It shall be accompanied by the mark of the approved inspection body responsible for EC surveillance.

2. The affixing to toys of marks or inscriptions that are likely to be confused with the EC mark shall be prohibited.

3. The packaging of toys or, if there is no packaging, the toys themselves or the label shall also bear the name and/or trade name and/or mark and the address of the manufacturer or his authorized representative or the importer into the Community. These particulars may be abbreviated insofar as the abbreviation makes it possible to identify the undertaking.

4. Annex IV lays down the warnings and indications of precautions to be taken during use that have to be given for certain toys. Member States may require that these or other warnings and these or other indications of precautions shall be given in their own national language or languages when the toys are marketed.

Article 16

1. Member States shall carry out sample checks on toys which are on the market so as to verify their conformity with the provisions of this Directive.

2. For the purpose of updating this Directive, Member States shall send the Commission, every three years from the date given in Article 19, a report on the application of this Directive including the results of the checks provided for in paragraph 1.

Article 17

Member States shall regularly inform the Commission of the activities carried out in pursuance of this Directive by the bodies they have approved so that the Commission may ensure that the inspection and surveillance procedures are implemented correctly and without discrimination.

Article 18

Any decision taken by a Member State or an approved inspection body pursuant to this Directive shall state the exact grounds on which it is based. It shall be notified as soon as possible to the party concerned, who shall at the same time be informed of the remedies available to him under the laws in force in the Member State in question and of the time limits applying to such remedies.

Article 19

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1988. They shall forthwith inform the Commission thereof.

2. Member States shall communicate the texts of the provisions of national law which they adopt in the field covered by this Directive to the Commission.

Article 20

This Directive is addressed to the Member States.

*ANNEX I***PRODUCTS NOT REGARDED AS TOYS FOR THE PURPOSES OF THIS DIRECTIVE**

(Article 1 (1))

1. Christmas decorations;
2. Detailed scale models for adult collectors;
3. Equipment intended to be used collectively in playgrounds;
4. Sports equipment intended to be used for training purposes;
5. Aquatic equipment intended to be used in deep water and flippers used for swimming;
6. Folk dolls and decorative dolls and other similar articles for collectors;
7. Professional toys installed in public places (shopping centres, stations, etc.);
8. Puzzles with more than 500 pieces or without pattern, intended for specialists;
9. Air guns and air pistols;
10. Fireworks;
11. Slings and catapults;
12. Sets of darts.

*ANNEX II***ESSENTIAL SAFETY REQUIREMENTS FOR TOYS****I. General principles**

1. In compliance with the requirements of Article 2 of this Directive, the users of toys as well as other persons and domestic animals, shall be protected, in circumstances of normal or reasonably foreseeable use of such toys, against risks to health and of corporal injury:
 - (a) which are due to the construction and composition of the toy;
 - (b) which are inherent in the use of the toy and cannot be eliminated by modifying the toy's construction and composition without altering its function or depriving it of its essential properties.
2. (a) The degree of risk present in the use of a toy shall not be incommensurate with the capacity of the users, and, where appropriate, of their supervisors to cope with it.
 - (b) To respect this principle, a minimum age for users of toys and/or the need to ensure that they are used only under adult supervision should be specified where appropriate.

- (c) Particularly stringent safety instructions shall be laid down for toys which, by virtue of their functions, dimensions and characteristics, are intended for use by infants and by very young children up to 36 months of age.
3. Labels on toys and their packaging as well as the instructions for use which accompany them, must be such as to draw, in an effective and comprehensive way, the attention of users and/or their supervisors, as appropriate, to the risks involved in using them and to the ways of avoiding such risks.

II. Particular risks

1. *Physical and mechanical properties*

- (a) Toys and parts thereof and, in the case of fixed toys, their anchorages shall have the requisite mechanical strength to withstand stresses imposed by their use without rupture or deflection susceptible of inflicting corporal injury.
- (b) Accessible edges, protrusions, cords, cables and fastenings on toys shall be so designed and constructed that they avoid risks of corporal injury from contact with them.
- (c) Access to moving or movable parts of toys shall be so restricted as to avoid corporal injury susceptible of being inflicted because of their motion.
- (d) Toys, and parts thereof which are easily susceptible of being detached from the assemblies to which they belong, shall be of such dimensions as to prevent their being swallowed.
- (e) Toys, and parts thereof, and the packaging in which such toys or parts are contained for retail sale shall not present risks of strangulation or suffocation.
- (f) Toys intended for use in water or capable of bearing a child on to the water shall not present risks of drowning.
- (g) Toys capable of being entered and which may thereby constitute an enclosed space for occupants shall incorporate a means of exit easily capable of being opened from the inside by any occupant.
- (h) Toys conferring mobility on their users shall, so far as feasible, incorporate means of braking commensurate with the momentum they generate and easily capable of operation by their users without risks of ejection therefrom or of injurious impact therewith.
- (i) Toys containing heating elements shall be so constructed as to ensure that the maximum temperatures attained by their external surfaces or other parts not heated for functional purposes shall not be such as to cause burns when touched.

2. *Flammability*

- (a) Toys shall not constitute a dangerous flammable element in the child's environment.
They must therefore be composed of materials which do not burn if directly exposed to a flame or spark or other potential source of ignition, which are not readily flammable or have technical specifications which make them virtually so (the flame goes out as soon as the ignition source is removed) or which, if they do ignite, burn slowly and present a low rate of spread of the flame, or which are treated, without prejudice relating to the toy's chemical composition, in such a way as to delay the combustion process.
Such combustible material shall not constitute a risk of ignition for other materials used in the toy or susceptible of contact with the toy.
- (b) Toys which contain, for functional reasons, dangerous substances or preparations within the meaning of Article 2 (2) of Community Directive 79/831/EEC, in particular, materials and equipment for chemistry experiments, model assembly, plastic or ceramic moulding, enamelling, photography or analogous activities must not contain as such, substances or preparations which may become flammable due to the loss of non-flammable volatile components.

3. *Chemical properties*

- (i) Toys shall be so designed and manufactured that they do not present risks to health or of corporal injury by ingestion or inhalation or contact with the skin, mucous tissues or eyes.

- (ii) (a) In total, for the protection of the health of children bioavailability resulting from the use of toys shall not exceed, on a daily basis:
- 0,2 µg for antimony;
 - 0,1 µg for arsenic;
 - 25,0 µg for barium;
 - 0,6 µg for cadmium;
 - 0,3 µg for chrome;
 - 0,7 µg for lead;
 - 0,5 µg for mercury;
 - 5,0 µg for selenium;
- or such other values as may be laid down for these or other substances in Community legislation from time to time based on scientific evidence.
- (b) Toys shall not include in their composition nor contain as such, substances and preparations whose use is prohibited or restricted by Community legislation.
- (c) Toys containing cosmetics, paints, colorants or other substances governed by Community legislation, or imitations of such substances, shall comply with the requirements of such legislation.
- (iii) Toys intended to contain foodstuffs shall comply with the relevant Community legislation concerning materials intended to enter into contact with foodstuffs.
- (d) Toys which contain, for functional reasons, dangerous substances or preparations within the meaning of Article 2 (2) of Community Directive 79/831/EEC, in particular, materials and equipment for chemistry experiments, model assembly, plastic or ceramic moulding, enamelling, photography or analogous activities shall comply with the requirements for classification, packaging and labelling laid down in Community legislation relative to such substances and preparations.

4. *Explosion*

- (a) Toys must not be explosive or contain elements or parts likely to explode (e.g. aerosols).
- (b) Liquids and gases contained within toys shall not obtain such temperatures and pressures as to cause, on their escape therefrom, burns, scalds or other physical injury.
- (c) Toys may not contain as such, or in any dangerous form or level of concentration, the substances and preparations listed as potentially explosive in Article 2 (2) (a) of Directive 79/831/EEC.
- (d) Toys, and in particular chemical games and toys must not contain as such, substances or preparations which when mixed, may cause an explosion:
- by chemical reaction, or by heating;
 - when mixed with oxidizing substances;
- which contain volatile components which are flammable in air and may form flammable/explosive vapour air mixtures.

5. *Electrical properties*

- (a) Toys which are activated by electric power shall be supplied with electricity at a tension not exceeding 24 volts except when the function performed by the toy is infeasible, for practical reasons, within that limit of tension.
- (b) Parts of toys which are connected to, or susceptible of being in contact with, a source of electricity capable of causing electric shock, together with the cables for other conductors through which electricity is conveyed to such parts, shall be so insulated and mechanically protected as to prevent the risk of such shock.
- (c) Toys activated by electricity shall be so designed and constructed as to ensure that the maximum temperatures attained in operation by their external surfaces for other accessible parts are not such as to cause burns when touched.

6. *Hygiene*

The materials of which the toy is made and substances contained in it must, when the toy is marketed, be clean and hygienic to such a degree as to avoid any risk of infection and sickness.

7. *Radioactivity*

Toys must not contain radioactive elements or substances in forms or proportions likely to be detrimental to a child's health.

ANNEX III

CONDITIONS TO BE FULFILLED BY THE INSPECTION BODIES

(Article 9 (2))

The laboratories designated by the Member States must fulfil the following minimum conditions:

1. Availability of personnel and of the necessary means and equipment,
2. Technical competence and professional integrity of personnel,
3. Independence, in carrying out the tests, preparing the reports, issuing the certificates and performing the surveillance provided for in this Directive, of staff and technical personnel in relation to all circles, groups or persons directly or indirectly concerned with toys,
4. Maintenance of professional secrecy by personnel,
5. Subscription of a civil liability insurance unless that liability is covered by the state under national law.

Fulfilment of the conditions under 1 and 2 shall be verified at intervals by the competent authorities of the Member States.

ANNEX IV

WARNINGS AND INDICATIONS OF PRECAUTIONS TO BE TAKEN WHEN USING TOYS

(Article 15 (4))

The warnings and indications set out in this Annex concern general categories of toys.

1. *Toys which should not be given to children under 36 months*

Toys which might be dangerous for children under 36 months of age shall bear either a warning, for example: 'Not suitable for children under 36 months of age' or 'Not suitable for children under three years of age' or more precise information, for example: 'For children from three to five years' together with a brief indication, which may also appear in the instructions for use, of the specific risks calling for this restriction (e.g., danger of swallowing, cutting edges, toxicity).

This provision does not apply to toys which, on account of their function, dimensions, characteristics, properties or other cogent grounds, are manifestly unsuitable for children under 36 months.

2. *Slides, suspended swings and rings, trapezes, ropes and similar toys attached to a crossbeam*

Such toys shall be accompanied by instructions drawing attention to the need to carry out checks and maintenance of the main parts (suspensions, fixings, anchorings, etc.) at intervals, and pointing out that if these checks are not carried out the toy may cause a fall or overturn.

Instructions must also be given as to correct assembly of the toy, indicating those parts which can present dangers if it is incorrectly assembled.

3. *Functional toys*

Functional toys or their packaging shall bear the marking: 'Warning: use under the direct supervision of an adult'.

In addition, these toys shall be accompanied by directions giving working instructions as well as the precautions to be taken by the user, with the warning that failure to take these precautions would expose the user to the hazards — to be pointed out — normally associated with the appliance or products of which the toy is a scale model or an imitation. It will also be indicated that the toy must be kept out of the reach of very young children.

'Functional toys' means toys which fulfil the same function as, and are often scale models of, certain products, appliances or installations intended for adults.

4. *Toys containing inherently dangerous substances or preparations; chemical toys*

(a) Without prejudice to the application of the provisions laid down in Community Directives on the classification, packaging and labelling of dangerous substances or preparations, the instructions for use of toys containing inherently dangerous substances or preparations shall bear a warning of the dangerous nature of these substances or preparations and an indication of the precautions to be taken by the user in order to avoid hazards, in particular the risk of ingestion, associated with them, which shall be specified concisely according to the type of toy. The first aid to be given in the event of serious accidents resulting from the use of this type of toy shall also be mentioned. It shall also be stated that the toys must be kept out of reach of very young children.

(b) In addition to the instructions provided for in (a), chemical toys shall bear the following marking on their packaging:

'Warning: for children over 10 years of age only. Use under the supervision of an adult'.

In particular the following are regarded as chemical toys: chemistry sets, plastic embedding sets, miniature workshop for ceramics, enamelling or photography and similar toys.

5. *Skateboards for children*

If these products are offered for sale as toys they shall bear the marking:

'Warning: protective equipment should be worn'.

Moreover the instructions for use shall contain a reminder that the toy must be used with caution, since it requires great skill, and away from public thoroughfares, so as to avoid falls or collisions causing injury to the user and third parties. Some indication shall also be given as to recommended protective equipment (helmets, gloves, knee-pads, elbow-pads, etc.).

Proposal for a Council Regulation on the abolition of exit formalities at internal Community frontiers — introduction of common border posts

COM(86) 524 final

(Submitted by the Commission to the Council on 24 October 1986)

(86/C 282/05)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas those crossing the Community's internal frontiers are subject to formalities in respect of both the goods carried and the means of transport itself; whereas these formalities, accompanied in some cases by controls, are required both on leaving the Member State of exit and on entering the Member State on whose territory the journey is to continue; whereas these formalities and controls are generally of the same kind and repetitive; whereas this situation results in loss of time and considerable expense arising from immobilization; whereas this state of affairs is not compatible with the establishment of an internal market;

Whereas at the European Council meeting in Milan on 28 and 29 June 1985 the Commission presented a White Paper on Completing the Internal Market of the Community which set 1992 as the deadline for achieving this objective; whereas the European Council endorsed this aim;

Whereas the said White Paper, echoing an idea set out in the conclusions of the European Council meeting in Fontainebleau on 25 and 26 June 1984, provided, *inter alia*, that, as an intermediate step, additional simplification measures should be introduced at the Community's internal frontiers through the introduction of common border posts; whereas such a measure means an end to the duplication of controls on both sides of the said frontiers;

Whereas a number of adjacent national control offices already in some cases handle administrative services for adjoining Member States, based on bilateral agreements; whereas such offices do not exist at all border crossing points and do not in any case affect the level of formalities and controls carried out there; whereas it is therefore important to extend the simplification process, by limiting as a general rule the number of checks at the Community's internal frontiers and retaining only one administrative control for this purpose; whereas it seems that a single check at the office of entry into the Member State concerned is the most appropriate solution; whereas this approach has already been adopted under the Community transit and TIR transit systems;

Whereas, in the interests of standardization, it is therefore necessary to introduce provisions at Community level enabling officials of the Member State of entry to act in the place of their opposite numbers in the Member State of exit and to confer on their acts the necessary legal effect and guarantees; whereas the conditions of their intervention must also be specified;

Whereas it is important to ensure uniform implementation of the provisions of the Regulation; whereas it is necessary for close and effective cooperation between the Member States and the Commission to be organized for this purpose within a Committee;

Whereas the simplifications introduced by this Regulation are necessary in order to attain one of the objectives of the Community; whereas the Treaty has not provided the necessary powers specific for this purpose and this Regulation should therefore be based on Article 235 thereof,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation applies to formalities on crossing the Community's internal frontiers, hereinafter referred

to as 'formalities', which are generally required in respect of goods and/or commercial means of transport.

2. This Regulation also applies to:

- all checks to be carried out on crossing internal frontiers,
- formalities and controls for confirming that the goods in question have left the territory of the Member State of exit.

Article 2

For the purposes of this Regulation,

- *internal frontier* means a frontier between two Member States;
- *office of exit* means the customs office by which the goods and/or commercial means of transport leave the territory of the Member State through which they have just travelled, referred to as the *Member State of exit*;
- *office of entry* means the customs office by which the goods and/or commercial means of transport enter the territory of the Member State in which their journey is to continue, referred to as the *Member State of entry*.

Article 3

Where goods and/or commercial means of transport cross an internal frontier, a single check shall be made for the purpose of formalities and controls.

This check shall be made at the office of entry, where the formalities shall be completed and any controls carried out both on that office's own account and on behalf of the office of exit, in the conditions laid down in Articles 4 to 9.

Article 4

1. The officials of the office of entry required to act in respect of the crossing of an internal frontier shall be authorized:

- to supervise the completion, on behalf of the Member State of exit and with the same rights as those granted by the latter's legislation to its own officials, of that country's exit formalities;
- to carry out the controls relating to those formalities in place of the officials of the Member State of exit;
- to certify that the goods in question have left the territory of the Member State of exit, and
- to record any infringement observed in the course of these checks.

2. In the cases referred to in paragraph 1, the formalities and controls shall be deemed to have been carried out in the Member State of exit.

Article 5

The officials of the office of entry shall carry out their duties as described in Articles 3 and 4 in accordance with the rules applicable in their own Member State.

In particular, they shall, in the performance of the tasks entrusted to them on behalf of the Member State of exit under this Regulation, enjoy the same rights and protection, and be subject to the same obligations, as if they were acting on behalf of their own Member State.

Article 6

1. The competent authorities of the Member State of entry shall send the Member State of exit any findings, documents, reports, records of proceedings or information on the formalities and checks in question which may be of interest to that Member State.

They shall also regularly send the competent authorities of the Member State of exit any documents processed on behalf of and intended for that Member State.

2. The findings and acts of certification of officials of the office of entry shall have the same conclusive force in the Member State of exit as the findings and acts of certification of the officials of that Member State.

3. Any findings of the officials of the office of entry which have an effect on the application of the rules of the Member State of exit shall be used by the competent authorities of that Member State in accordance with the provisions applicable to them.

Article 7

Where it becomes evident, in the course of checks carried out by the officials of the office of entry, that the goods concerned have left the Member State of exit without the requisite dispatch or export formalities, including health or plant-health formalities, having been carried out, the authorities of the office of entry shall send the said goods back to the Member State of exit unless the authorities of the Member State of entry decide otherwise, where the finding also affects the legislation of that Member State or is the subject of a specific Community provision.

Article 8

1. Where difficulties arise concerning the interpretation or application of the legislation of the Member State of exit the authorities of the office of entry shall contact their counterparts in the Member State of exit directly.

2. Each Member State shall provide the other Member States with which it shares a common internal frontier with:

- a list of the customs offices at the border crossing points on the said internal frontier;

- the requisite information concerning the authorities to be contacted pursuant to paragraph 1 or those to whom the documents referred to in Article 6 (1) are to be sent.

Article 9

Each Member State shall inform the Member States with which it shares a common frontier of the rules applicable on leaving its territory.

The said Member States shall be given prior notification of any amendment to those rules.

Article 10

The provisions of this Regulation shall not form an obstacle to any agreements concluded or to be concluded between two or more Member States with a view to introducing, within the context of achieving an internal market in the Community, a greater degree of simplification than is provided for by this Regulation.

Article 11

1. The Committee on the Movement of Goods which was set up by Article 15 of Regulation (EEC) No 678/85⁽¹⁾, hereinafter referred to as 'the Committee' may examine any question concerning the application of this Regulation that is raised by its chairman, either on his initiative or at the request of a Member State's representative.

2. The provisions necessary for the application of this Regulation shall be adopted by the Commission after consulting the Committee. The Committee shall deliberate on requests for its opinion formulated by the Commission. The Commission, in seeking the opinion of the Committee, may fix a time limit within which that opinion must be given. The deliberations of the Committee shall not be followed by a vote. However, each member of the Committee may require that his opinion be entered in the minutes.

Article 12

Each Member State shall inform the Commission of the measures it takes within the context of this Regulation.

The Commission shall communicate this information to the other Member States.

Article 13

This Regulation shall enter into force on 1 January 1988.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

⁽¹⁾ OJ No L 79, 21. 3. 1985, p. 1.

COMMISSION OF THE EUROPEAN COMMUNITIES

REPORT ON SOCIAL DEVELOPMENTS

YEAR 1985

Brussels — Luxembourg / April 1986

**Addendum to the 'Nineteenth General Report on the Activities of the European Communities'
in accordance with Article 122 of the EEC Treaty**

Every year the Commission publishes its annual Social Report, which gives an outline of the main developments in the social field which have taken place in the countries of the European Community during the past year.

The introduction, which has a general and political character, provides a summary of the Community's main activities in the social field in 1985 and outlines the prospects for the near future.

In the contents:

- A. Introduction
- B. Social developments in the Community in 1984
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