

Guideline for Action on Co-operation for Strengthening EU-China Toys Safety between the Directorate-General for Enterprise and Industry of the European Commission (DG ENTERPRISE), the Directorate-General for Health and Consumer Protection (DG SANCO) of the European Commission and the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ)

1. Background

- In October 2001 the Directorate-General for Enterprise and Industry of the European Commission (DG ENTERPRISE) and the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ) have established a working group on toys in the framework of the EU-China industrial products safety coordination with a view to improving the conformity of toys to the existing safety requirements;
- In January 2006 the Directorate-General for Health and Consumer Protection of the European Commission (DG SANCO) and AQSIQ concluded a memorandum of understanding on administrative co-operation arrangements with the objective of enhancing co-operation i.a. on general product safety of consumer goods;
- Both arrangements share the objective to ensure a high level of consumer safety in general and recognise the need to devote special attention to the safety of children;
- They also share the objective to ensure consumer confidence and ensure the best conditions for trade, in particular in the sector of toys, between the European Union (EU) and China;
- There is a very high volume of trade in toys between the EU and China and a substantial share of the toys sold in the EU are manufactured in China;
- DG ENTERPRISE is responsible for monitoring the application of the EU legislation on the safety of toys including the system of safeguards notification through which the Commission and the EU Member States exchange information on toys that are not in conformity with the EU legislation, whereas DG SANCO operates a rapid alert system (RAPEX) through which the enforcement authorities of the EU Member States exchange information on dangerous non-food consumer products, including in particular dangerous toys;
- AQSIQ is responsible for the import and export commodity inspection and supervision including of consumer goods, in particular toys;
- Toy Industries of Europe (TIE) represent the European toy industry including companies whose toys are partially or totally manufactured in China;
- China Toy Association (CTA) represents Chinese toys manufacturers, including enterprises that produce toys exported to the EU;
- As a consequence of large trade volume, a substantial share of the dangerous toys notified under the safeguard notification and the RAPEX systems are manufactured in China;
- There is therefore a need to confirm and reinforce the activities aimed at ensuring a high level of safety of the toys manufactured in China,

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2. Objectives

The general aim of this Guideline for Action is to ensure a better understanding of EU toy safety requirements by Chinese manufacturers through all signatories' efforts, thereby providing the basis for conformity of all toys with EU toy safety laws and standards.

The Guideline for Action is complementary and without prejudice to existing formal agreements between the signatories, such as the Consultation Mechanism on Industrial Products and WTO/TBT signed by DG ENTERPRISE and AQSIQ and the Memorandum of Understanding on Administrative Co-operation Arrangements between DG SANCO and AQSIQ.

The specific objectives of this Guideline for Action are

- To provide toys manufacturers in China with adequate, up to date and easy to use information materials on the safety rules and standards applicable to toys and to enhance thereby their capacity to comply with the existing legislation;
- To provide feedback to AQSIQ on the most frequent safety defects discovered in toys manufactured in China, in particular based on the safeguard notifications and RAPEX information;
- To carry out seminars on toys safety in relation to EU requirements and standards and the relevant quality control aspects;
- To ensure a systematic exchange of information between the services of the European Commission and AQSIQ in relation to toy safety, notably on RAPEX notifications, regulatory and standardisation developments and any other relevant issues, as well as co-operation on follow-up to RAPEX and safeguards notifications;
- To identify needs and facilitate training for the personnel of AQSIQ and local CIQ laboratories in the fields of toy safety requirements, testing and market monitoring;
- To jointly monitor and discuss progress and problems encountered and undertake any other initiative that may be agreed to be necessary in order to ensure the general aim of this Guideline.

3. Activities and Commitments

- The DG ENTERPRISE will continue making the latest relevant legislation available to AQSIQ, as well as information on toys safeguards notifications as provided for in the current EU legislation.
- The DG SANCO will make RAPEX-data available in a systematic way to AQSIQ. Member States will be requested to, as far as possible trace back the manufacturer of the product and provide more detailed information on the safety risk, including the specific EU requirements that the toys have failed to fulfil;
- AQSIQ will strengthen the inspection and supervision of toys exported to Europe under the Law of the People's Republic of China on Import and Export Commodity Inspection enacted on April 28, 2002 and follow up cases of non compliance and circumvention with Chinese producers;
- TIE and CTA, in co-operation with the signatories, have the opportunity to take further steps to share their knowledge of safety requirements and their application with importers of toys to the European Union and manufacturers of toys in China;

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- The information sharing can be in the form of activities such as seminars but can also consist of other kinds of information sharing activities;
- The DG ENTERPRISE and DG SANCO will together with AQSIQ facilitate these activities.

4. Financing

- The signatories understand that any and all activities under this Guideline will be based on mutual consent and subject to the availability of funds and resources and the laws governing the respective signatories.
The signatories agree to bear expenses in accordance with the following: unless agreed otherwise, signatories shall be responsible for bearing their own costs, including international and domestic travel and accommodation costs. The respective host should offer appropriate support and assistance to the visiting delegation.
- The DG ENTERPRISE and DG SANCO will, when needs arise, support requests for funding within relevant EU funding mechanisms for supporting activities under this Guideline, such as training of toys administrative and laboratory personnel and printing of information material. The provision of such support is conditional to the availability of funds and the applicable financial rules.

5. Procedures and monitoring

The effectiveness of the measures applied will be regularly jointly assessed and in the light of the developments modifications and additional measures may be agreed upon. To that end representatives of the undersigned will meet in conjunction with the annual meeting of the EU-China Working Group on toys safety. In this context, ad hoc meetings for the implementation on the activities can be organised when needs arise.

6. Contact points

The contact points for carrying out activities under this Guideline are those designated in the framework of the existing EU-China Working Group on Toys Safety with the addition of contact points to be designated by the remaining signatory.

For Directorate-General for Enterprise and
Industry of the European Commission

For the General Administration of Quality
Supervision, Inspection and Quarantine of the
People's Republic of China



For Directorate-General for Health and Consumer
Protection of the European Commission

Handwritten signature of the Chinese representative.

欧洲委员会企业和工业总司(DG ENTERPRISE)
欧洲委员会健康与消费者保护总司(DG SANCO)
中华人民共和国国家质量监督检验检疫总局 (AQSIQ)
关于加强欧中玩具安全合作行动指南

1. 背景

——2001年10月欧洲委员会企业和工业总司（企业总司）和中华人民共和国国家质量监督检验检疫总局（质检总局）在欧中工业品安全协调框架下建立玩具工作组，旨在提高玩具与现有安全要求的符合性；

——2006年1月欧洲委员会健康与消费者保护总司（消保总司）与质检总局缔结了管理合作安排谅解备忘录，旨在一般消费品安全领域扩大合作；

——这两份协议有共同目标，即总体上确保高水平的消费者安全，并认识到需要对儿童安全给予特别关注；

——它们还有一个共同目标，即确保消费者的信心，并保证欧盟和中国之间具有最佳的贸易条件，尤其在玩具方面；

——欧盟和中国之间的玩具贸易量非常大，在欧盟销售的玩具中，有相当大的份额产自中国；

——企业总司负责监控欧盟玩具安全法规的实施，包括安全保障通报系统，委员会和欧盟成员国通过该系统交换不符合欧盟法规的玩具信息；消保总司负责运作快速预警系统，通过这个系统欧盟成员国

的执行机构交换非食用危险消费品信息，尤其危险玩具；

——中国国家质检总局负责进出口商品检验和监督工作，包括消费品，尤其玩具；

——欧洲玩具协会代表欧洲玩具行业，包括那些在中国制造部分或全部玩具的公司；

——中国玩具协会代表中国玩具生产企业，包括生产出口欧盟玩具的企业；

——由于贸易量巨大，安全保障通报系统和快速预警系统中通报的危险玩具相当大部分在中国制造；

——因此需要确定并加强旨在保证中国制造的玩具具有高安全性的活动。

2. 目标

本行动指南的总体目标是通过签署方共同努力，确保中国制造商更好的理解欧盟玩具安全要求，从而为所有玩具都能符合欧盟玩具安全法律和标准奠定基础。

本行动指南是对签署方之间业已签署的正式协议的补充，而非违背，如企业总司和质检总局签署的《关于工业产品和 WTO/TBT 磋商机制》以及消保总司和质检总局的《关于管理合作安排的谅解备忘录》。

本行动指南具体目标是：

——向中国玩具制造商提供有关玩具安全规章和标准的充足的、最新的、易于使用的信息材料，从而提高制造商符合现有法律和标准

的能力；

——向质检总局提供关于在中国制造的玩具中最频繁发生的安全缺陷的反馈意见，尤其是通过安全保障通报和快速预警系统信息所发现的缺陷；

——举行有关欧盟要求和标准，以及相应的质量控制方面的玩具安全研讨会；

——确保欧委会各部门和质检总局之间就玩具安全特别是快速预警系统通报、法规和标准化制定以及其他相关事务进行系统性的信息交流，并确保就快速预警系统和安全保障的通报事项进行后续合作；

——识别并协助质检总局和下属检验检疫机构（CIQ）实验室人员在玩具安全要求、检测和市场监控方面的培训需要；

——共同监控和讨论进程和遇到的问题，并实施双方认为实现此行动指南总体目标所需其他倡议。

3. 行动和义务

——企业总司将继续为质检总局提供最新相关法规，以及现有欧盟法规下的玩具安全保障通报信息；

——消保总司将以系统的方式向质检总局提供快速预警系统数据。并将要求成员国尽可能追溯到产品的制造商并提供有关安全风险的详细信息，包括玩具没有达到的具体欧盟要求；

——质检总局将依据 2002 年 4 月 28 日颁布的《中华人民共和国

组织专题会议。

6. 联络点

实施本行动指南下活动的联络点为现有的欧中玩具安全工作组框架指定下的联络点，以及其余签署方指定的联络点。

欧洲委员会企业和工业总司

中华人民共和国国家

质量监督检验检疫总局

欧洲委员会健康与消费者

保护总司

进出口商品检验法》加强对出口到欧洲玩具的检验和监督管理，并跟踪不合格案例和中国生产商的规避行为；

——欧洲玩具协会和中国玩具协会有机会与签署方合作采取进一步措施，与欧盟玩具进口商和中国玩具制造商分享其掌握的安全要求和应用知识；

——信息共享可以采取研讨会的方式，也可采取其他方式；

——企业总司和消保总司将与质检总局共同推动这些活动。

4. 资金

——签署方理解本行动指南下所有活动的实施均采取协商一致的原则，并需签署方资金和资源允许、符合签署方的现行法律要求。

签署方同意根据以下原则负担费用：除非另有协定，签署方将负责各自的费用，包括国际和国内的旅行和住宿费用。主办方将向来访代表团提供适当的支持和帮助。

——企业总司和消保总司将在需要在相关欧盟资助机制范围内支持资金申请，以支持本行动指南下的活动，如对玩具管理人员和实验室人员的培训以及信息材料的印刷。此类支持视资金允许情况和现行财政规定而定。

5. 程序和监控

签署方将共同定期评估所实施措施的有效性，并根据进展情况经签署方同意可对措施进行修改和增加。为此，各签署方的代表应在欧中玩具安全工作组年度会议上进行会面。必要时，将为实施这些行动