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NOTE

From:	Presidency
To:	Working Party on Technical Harmonisation (Safety of Toys)
Subject:	Proposal for a Regulation on the safety of toys: EP proposal on fulfilment service providers

1) Fulfilment Service Providers

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the safety of toys and repealing Directive 2009/48/EC (Text with EEA relevance)

2023/0290(COD)

Non-versioned [LATEST TEXT]

27-02-2025 at 12h07

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	New Recital 36a			
R		<p>In order to increase compliance with the obligations under this Regulation and to improve market surveillance, where fulfilment service providers have reason to believe, on the basis of the information provided by authorities or economic operators, that a toy is not in conformity with this Regulation, they should not support the making available of the toy on the market until it has been brought into conformity. Under this Regulation, fulfilment service providers do not bear a responsibility for the conformity of the toy, however, they should ensure that the conditions during warehousing, packaging, addressing or</p>		<p>In order to increase compliance with the obligations under this Regulation and to improve market surveillance, where fulfilment service providers have reason to believe, on the basis of the information provided by authorities or economic operators, that a toy is not in conformity with this Regulation, they should not support the making available of the toy on the market until it has been brought into conformity. Under this Regulation, fulfilment service providers do not bear a responsibility are not responsible for the conformity assessment of the toy, however, they should ensure that the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the toy's conformity with the essential safety requirements. The Commission may issue guidelines to assist fulfilment service providers in the</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		dispatching, do not jeopardise the toy's conformity with the essential safety requirements. The Commission may issue guidelines to assist fulfilment service providers in the application of obligations that they are subject to under this Regulation.		application of obligations that they are subject to under this Regulation.
Article 10a				
R	234a		Article 10a Obligations of fulfilment service providers	Article 10a Obligations of fulfilment service providers
Article 10a(1)				
R	234b		1.A fulfilment service provider shall act with due care in relation to the requirements of this Regulation.	1. When contributing to the making available on the market of a toy, a fulfilment service provider shall act with due care in relation to the requirements of this Regulation.
Article 10a(2)				
R	234c		2.A fulfilment service provider shall ensure that the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the toy's conformity with the essential safety requirements.	2.A fulfilment service provider shall ensure that the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the toy's conformity with the essential safety requirements.
Article 10a(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
R	234d		3.A fulfilment service provider shall cooperate as regards product withdrawals or recalls, regardless of whether initiated by authorities, the manufacturer, the authorised representative or the importer.	3.A fulfilment service provider shall cooperate as regards product withdrawals or recalls, regardless of whether initiated by authorities, the manufacturer, the authorised representative or the importer.	R
Article 10a(4)					
R	234e		4.Where a fulfilment service provider considers or has reason to believe, on the basis of the information provided by authorities or economic operators, that the toy is not in conformity with this Regulation, the fulfilment service provider shall not support the making available of the product on the market until it has been brought into conformity.	4.Where a fulfilment service provider considers or has reason to believe, on the basis of the information provided by authorities or economic operators, that the toy is not in conformity with this Regulation, the fulfilment service provider shall not support the making available of the product toy on the market until it has been brought into conformity.	R