

EN

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Answer given by Mr Breton
on behalf of the European Commission
(31.3.2021)

According to Directive 2009/48/EC on the safety of toys¹, manufacturers and importers shall ensure (and distributors shall verify) that toys are accompanied by instructions and safety information in a language or languages easily understood by consumers, as determined by the Member State concerned. The Explanatory Guidance Document² on the Directive explains that ‘Member States will determine in their national law the language(s) which they will consider as easily understood by consumers’.

The language regime to be applied in a Member State is, therefore, in the remit of that Member State.

In Spain the Directive on the safety of toys was transposed by the Real Decreto 1205/2011, which provides only for the use of at least Spanish (‘al menos en castellano’³) for the instructions and safety information on toys.

In March 2018, the Commission services received, further to a specific request, clarifications from the Spanish authorities that, according to both the Real Decreto mentioned above and the judgements of the Spanish Constitutional Court referred to by the Honourable Members, toy manufacturers and distributors in Spain are required by law to label their products at least in the Spanish national language (‘castellano’), although this does not prevent them from using other languages, such as Catalan. Such position appears consistent with the relevant provisions in the Directive.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009L0048-20171124&from=EN>

² https://ec.europa.eu/growth/sectors/toys/safety/guidance_en

³ Formulation used in articles 5(7), 7(4), 8(2), 12(3) and 14(2) of the Real Decreto 1205/2011