



16.4.2021

NOTICE TO MEMBERS

Subject: Petition No 0387/2019 by Cristian Secară (Romanian) on regulation of languages of audiovisual toys in the EU

1. Summary of petition

The petitioner considers that all toys with audio and/or visual capabilities sold in the EU should mandatorily offer the possibility to reproduce content in any of the official EU languages, whether by natively providing for language selection or by allowing users to upload the same content in the desired language. The petitioner argues that this measure would help protect the EU's linguistic heritage and asks for the adoption of legislation on this matter.

2. Admissibility

Declared admissible on 4 October 2019. Information requested from Commission under Rule 227 (6).

3. Commission reply, received on 16 April 2021

The Commission's observations

Union law sets out linguistic requirements also concerning toys placed on the market. These linguistic requirements concern, for example, product information, warnings or instructions,

such as set out in legislation on toys¹, radio equipment² or electromagnetic compatibility³, as well as commercial guarantees⁴ for the sale of goods.

However, there is currently no EU-wide law requiring toy manufacturers to equip their products with interfaces rendering – or capable of rendering – localised audio and/or video outputs in all official and working languages of the EU institutions. Beyond rules that some individual Member States may have implemented in that regard, the localisation of user interfaces is currently left to market forces.

The user interface language could be regarded as a material characteristic of the toy that the consumer should be informed about before the purchase⁵. To the extent that the audiovisual toys in question are tangible goods that incorporate or are interconnected with digital content or digital services, the sale of such toys to consumers could be covered by the recently adopted Directive on contracts for the sale of goods⁶. In the context of specific business-to-consumer contracts for the sale of such toys, linguistic requirements may, based on a case by case assessment, be part of the contractually agreed conditions or fall under the objective conformity requirements laid down in that Directive⁷. In such cases, their absence may entitle the consumer to his contractual remedies against the seller (namely repair, replacement, price reduction or termination of the contract).

1 Directive 2009/48/EC of 18 June 2009 on the safety of toys, *OJ L 170*, 30.6.2009, p. 1–37, requires that manufacturers and importers ensure that the toy is accompanied by instructions and safety information in a language or languages easily understood by consumers, as determined by the Member State concerned.

2 Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC Text with EEA relevance, *OJ L 153*, 22.5.2014, p. 62–106, imposes that radio equipment is accompanied by instructions and safety information in a language, which can be easily understood by consumers and other end-users, as determined by the Member State concerned. Moreover, it requires that the EU declaration of conformity or the simplified EU declaration of conformity accompanies the radio equipment, but both of them are translated into the language or languages required by the Member State in which the radio equipment is placed or made available on the market.

3 Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (recast) Text with EEA relevance, *OJ L 96*, 29.3.2014, p. 79–106, related to electromagnetic compatibility imposes that apparatus is accompanied by instructions and the information in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.

4 Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC, *OJ L 136*, 22.5.2019, p. 28–50, allows Member States to lay down rules on the language or languages in which the commercial guarantee statement is to be made available to the consumer.

5 According to Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive'), *OJ L 149*, 11.6.2005, p. 22–39, and Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council Text with EEA relevance, *OJ L 304*, 22.11.2011, p. 64–88.

6 Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC, *OJ L 136*, 22.5.2019, p. 28–50.

7 For instance, they could constitute qualities and features that are normal for goods of the same type and that the consumer may reasonably expect given the nature of the goods.

The Commission is aware that a number of European languages, including Romanian, are under-represented in the digital environment. To address such market failures, the Commission has invested around EUR 270 million in the past decade to support research, innovation and deployment of language technologies, which bring down the cost of multilingual solutions.

The Connecting Europe Facility (CEF)⁸, for example, provides support for the deployment of language technologies⁹ to bring down language barriers in the delivery of digital public services. In the first half of 2019, the Romanian Presidency could thus use eTranslation, neural machine translation engines developed with CEF funding, to support the translation of all Presidency documents¹⁰ into the 24 official and working languages of the EU institutions. To date, the tools developed with CEF funding have only been deployed in public administrations, but as from 2020 they will also be made available for European small and medium-sized enterprises (SMEs), to support the integration of multilingualism in their products, as well as boost their competitiveness.

The Commission is aware that language barriers persist in the Digital Single Market. In the light of the European Parliament Resolution on language equality in the digital age¹¹, the Commission has therefore submitted programme proposals for the period 2021-2027 (Horizon Europe, Digital Europe Programme), seeking funding to continue its work towards technology-enabled language equality. These new programmes will support in particular SMEs to better adapt their products and services to language needs of their customers.

Beyond technology-enabled solutions to multilingualism, the Commission is working with Member States to promote language learning and linguistic diversity across Europe¹².

Conclusion

The issue raised by the petitioner relates to several European Union acts that may apply to toys, such as the Toy Safety Directive, Radio Equipment Directive and Directive on contracts for the sale of goods. These EU acts do not require manufacturers to equip their products with interfaces rendering – or capable of rendering – localised audio and/or video outputs into any EU language. However, these EU acts require that instructions, product information, as well as warnings and, where applicable, commercial guarantees be written in a language or languages easily understood by consumers, as determined by the Member State concerned. In addition, the Directive on contracts for the sale of goods obliges sellers to deliver goods that are in conformity with the sales contract, which may in specific cases include certain linguistic requirements of toys.

It is the primary responsibility of the companies concerned to ensure that they comply with those provisions and of the competent national authorities to enforce those provisions where necessary.

8 <http://ec.europa.eu/digital-agenda/en/connecting-europe-facility>.

9 Under CEF-Automated Translation - <https://ec.europa.eu/cefdigital/eTranslation>.

10 <https://ro.presidency.ro/#/text>

11 [REPORT on language equality in the digital age \(europa.eu\)](https://ec.europa.eu/education/policies/multilingualism/about-multilingualism-policy_en)

12 https://ec.europa.eu/education/policies/multilingualism/about-multilingualism-policy_en;
see also <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Ac11084>.

Respect for linguistic diversity is enshrined in the EU Charter of Fundamental Rights. Achieving multilingualism is therefore a shared responsibility that requires efforts from all actors, including businesses, consumers and national authorities. The Commission will continue to foster multilingualism, *inter alia* by fostering technology-enabled solutions and language learning.