

FACT SHEET – Version 1
Date: 21/11/2023



Toy Safety Regulation
 Update from Toy Safety Directive 2009/48/EC

When is it in force?	<p>Final text due mid 2024 Publication in OJ and adoption could be end 2024 Enter into force 30 months after adopted – possibly mid 2027 Non-compliant stock removed from sale 42 months after adopted possibly mid 2028</p>
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Description

The first major update to the EU Toy Safety Directive since 2008. The following highlights the proposed new requirements most likely to have a direct impact on members. The Regulation is still in draft and changes are likely until publication of the final agreed text. Active lobbying continues in Europe to remove unreasonable steps and new proposals are being suggested to the Commission. Comments and actions are suggested on the assumption the proposals remain the same however this is not certain.

There is no indication that the UK will adopt any of the changes for the UK Toy (Safety) Regulations.

Key Changes

Change	Impact	Comments/action
Administrative		
Directive becomes a Regulation	Low. Immediate and identical application in all member states	No action required. A positive step that means all member states must use the same text on the same date.
Addition of ‘made available’ clause	High. 12 month sell through period for toys not meeting the new requirements after entry into force with no “placed on the market” wording.	Significant resource required to bring existing ranges into conformity. Management of supply chain essential with impact on seasonal products. Active industry lobbying continues against this proposal.
Article 17 – Digital Product Passport	High. A possibly burdensome administrative requirement to upload a set format document to possibly a central database to allow easier free movement of goods.	Details awaited but likely that technical documentation may have to be uploaded to a database, links may be required on the toy and a unique customs code may be needed on documents for import.

Warnings

<p>Annex III: All warnings shall be preceded by the word “Warning” or alternatively by a generic pictogram such as the following:</p>	<p>Low. Same as current but with option to use pictogram instead of words.</p>	<p>Note that the UK would still use the word warning therefore it may be prudent to stay with current requirement using wording.</p>
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Article 6: Warnings shall be clearly visible to the consumer before purchase, including where the purchase is made through distance sales. Warnings shall be of sufficient size to ensure their visibility	High. Currently only certain warnings in the directive need to be visible at point of purchase whereas this would mean ALL warnings would need to be visible (all those listed in safety standards). May require significant update to packaging and review if warnings are small or indistinct due to colour	Significant labelling changes where space is already limited.
Safety Assessments		
Article 5: Toys shall not present a risk to the safety or health of users or third parties, including the psychological and mental health, well-being and cognitive development of children, when they are used as intended or in a foreseeable way, bearing in mind the behaviour of children.	Medium. Well-being and cognitive development assessment represents an extension to safety assessment, but is not defined. For instance do not have teddy bear that reacts positively to being punched or tells aggressive stories normalising violence.	No parameters to assess toys as yet
Mechanical & Physical		
Annex II Part 1: Mechanical & Physical - Toys shall be designed and manufactured in such a way, in terms of the maximum values for impulse noise and continuous noise, that the sound from them is not able to impair children's hearing.	High. Extension of acoustics requirements from toys designed to emit a sound to all toys. This could add restrictions to guns that make a louder noise when they fire or toys that make incidental noises when they move or are used.	Identify toys that make any sounds but no parameters available. Some toys could be noisy in general use – may lead to EN71-1 acoustics update.
Article 2.2: Toy Slings & Catapults of all types covered by regulation	Low. Extension of scope possible amend to EN71-1. Reflects current practice.	Ensure all toy slings and catapults tested and comply as current practice
Electrical		
Annex II Part IV: Electrical - Internal voltages shall not exceed 24 volts DC or the equivalent AC voltage unless it is ensured that the voltage and the current combination generated do not lead to any risk for health and safety or any electric shock, even when the toy is broken.	Medium. Harmful electric shock has changed to <u>any</u> electric shock.	Unsure of impact of this proposal and need to await any standardisation requests which may give an update to the safety standard.
Chemicals		
Article 21: In relation to chemical hazards, take account of the possible exposure to individual chemicals, and any known additional hazards from combined exposure to the different chemicals present in the toy	High. Likely to result in changes to requirements for chemical safety assessments. Could mean that expert assessment is required for all toys.	No parameters to assess toys as yet
Annex II Part III: Chemicals – Extension of CMR Restrictions - to include three new categories: <ul style="list-style-type: none"> • endocrine disruption category 1 or 2; 	High. Extension will increase chemical assessments of products. Some lists specified are not yet listed.	BTHA chemicals guidance will need to be updated to cover this.

<ul style="list-style-type: none"> • specific target organ toxicity category 1, either in single exposure or in repeated exposure; • respiratory sensitisation category 1 		
<p>Annex II Part III: Chemicals – Extension of CMR Restrictions - the non-intended presence of a substances that stem from impurities of ingredients, or from the manufacturing practice, shall be permitted provided that, despite such presence, toys remain in conformity with the general safety requirement.</p>	<p>High. The allowance that restricted CMR’s can appear at levels listed in CLP has been removed and only low levels of non-intended presence are allowed. Extension to chemical safety assessment will be required.</p>	<p>BTHA chemicals guidance will need to be updated to cover this.</p>
<p>Annex II Part III: Chemicals - Points 4 to 6 shall not apply to:</p> <ul style="list-style-type: none"> • Batteries in toys; or • Toy components necessary for electronic or electric functions of the toy where the substance or mixture is fully inaccessible to children, including by inhalation. 	<p>High. Previously all inaccessible components were excluded from the CMR requirements. Now only batteries and electronic components are excluded so other materials must not contain CMR’s as restricted.</p>	<p>BTHA chemicals guidance will need to be updated to cover this.</p>
<p>Appendix to Annex II: Part A: Substances subject to specific limit values: 0,01mg/kg for nitrosamines and 0,1mg/kg for nitrosable substances.</p>	<p>Medium. Adds tighter levels will affect balloons and finger paints</p>	<p>BTHA chemicals guidance will need to be updated to cover this.</p>
<p>Appendix to Annex II: Part A: Substances subject to specific limit values – Extension of Appendix C restrictions</p>	<p>High. Change from Appendix c applying to toys for children under three years and those intended to be placed in the mouth to ALL TOYS.</p>	<p>BTHA chemicals guidance will need to be updated to cover this.</p>
<p>Legal Notice</p>		
<p>This document contains guidance only. It is intended to explain obligations and how to fulfil them. However, readers are reminded that the text of the original regulation, directive or standard is the only authentic legal reference and that the information in this document does not constitute legal advice.</p>		