

# NEW EU TOY DIRECTIVE: STRENGTHENS AND UPDATES RULES FOR TOY SAFETY. HOW TO COMPLY ?



## SAFETY FIRST FOR CONSUMERS

A new European Toy Safety Directive 2009/48/EC has been published on 18th June 2009 in the Official Journal of the EU.

It will replace the 20 year old 88/378/EEC Toy Directive.

It tightens restrictions on the use of certain chemicals and allergenic fragrances and clarifies the rules on warnings.

The new Directive gives consumers assurance that toys sold in the EU fulfil the highest safety requirements worldwide.

## ENTRY INTO FORCE AND IMPLEMENTATION

The new Directive entered into force on 20th July 2009. To become a legal document in European Member States the Directive has to be implemented in national legislation. Member States have 18 months to do so.

There is a transitional period of 2 years after publication (until 20th July 2011), except for chemical requirements that have a transitional period of 4 years after publication (until 20th July 2013). During these transitional periods, both (the old and the new) Directives can be used to show compliance.

## OVERVIEW OF MAJOR CHANGES & NEW REQUIREMENTS

The Directive applies to toys, defined as "products designed or intended, whether or not exclusively, for the use in play by children under 14 years of age."

## OBLIGATIONS AND RESPONSIBILITIES OF ECONOMIC OPERATORS ARE MORE DETAILED AND MORE STRINGENT

### Manufacturers

- Product files and EC declaration of conformity must be kept for a period of 10 years after the toy has been placed on the market
- Toys must bear an identifying mark (batch, serial or model number)

### Importers

- Check the manufacturers' documentation is correct

### Distributors

- Verify documentation

### EC declaration of conformity

A requirement for an EC declaration of conformity drawn up by the manufacturer is added.

### Safety/Risk assessments

Safety assessments and risk assessments must be carried out and documented before placing a toy on the market. Manufacturers are obliged to identify any hazards (Physical, chemical, electrical, flammability, etc) that a toy may present. The assessment must be kept in the technical documentation.

### Production control

Internal production control is the manufacturer's own responsibility and requires self verification and monitoring of the manufacturing process by the manufacturer in order to ensure compliance of the manufactured products.

## NEW CHEMICAL REQUIREMENTS

**CMR's:** CMR's (substances that are susceptible for causing cancer, classified as carcinogenic, mutagenic or toxic for reproduction) are not allowed in toys.

Derogations:

- Concentrations below 0.1% content
- Inaccessible for children (including inhalation)
- Evaluated and accepted by Scientific Committee: nickel in stainless steel is accepted, other applications can be submitted for assessment by the Scientific Committee

Alternative: comply with **Food Contact Material** (this option will be possible for a limited period of 8 years)

**Allergenic Fragrances:** 55 listed allergenic fragrances may not be used in toys, only technically unavoidable traces are allowed up to 100 ppm. Another 11 allergic fragrances must be declared if present in concentrations higher than 0.01%.

**Elements:** In total 19 elements will replace the current restrictions for the migration of 8 elements (antimony, arsenic, barium, cadmium, chromium, lead, mercury and selenium). 3 types of material are distinguished:

- Dry, brittle, powder-like or pliable,
- Liquid or sticky, and
- Scraped off toy material

**Nitrosamines /Nitrosable Substances:** May not be used in toys for children under 36 months and in toys intended to be placed in the mouth.

## NEW MECHANICAL REQUIREMENTS

- Toys firmly attached to a food product are prohibited
- Toys contained within food must have their own packaging
- Packaging requirements

## WARNINGS ON TOYS AND PACKAGING

- Accurate, visible, clearly legible and easy to read warnings shall be visible at the point of sale, including on line shops
- The misleading use of the warning 'not suitable for children under 3 years' is now legally prohibited



# STRONG NATIONAL MARKET SURVEILLANCE SYSTEMS SET UP

## GLOBAL TOY SOLUTIONS BY SGS

### 1. SAFETY /RISK ASSESSMENTS

With the new obligation to perform an analysis of the hazards that the toy may present under the new European Toy Safety Directive, SGS offers comprehensive solutions under **Product Integrity Engineering (PIE)**:

- A Product Risk Assessment is a detailed examination of a product to identify potential hazards.
- A Feasibility Review can be conducted at the earliest opportunity before resources are invested in developing the product. This will document any potential hazards identified with the concept and state the applicable standards/Directives that apply.
- A Product Safety Review (PSR) is a brief examination of a product to identify potential hazards which could lead to product recalls or injuries.

SGS works with the customer or supplier to make design changes and find solutions to the potential concerns to produce a safer product.

### 2. TESTING SERVICES

Although test methods still need to be developed, we can already provide comprehensive methods to assess if your products will comply with the new requirements. SGS has a worldwide network of laboratories, among which are **4 EU Notified Bodies** in the United Kingdom, France, The Netherlands and Germany.

### 3. CERTIFICATION

The Toy Safety Certification Programme (**TSCP**) which is under development by the US Toy Industry Association (TIA) will require a hazard/risk assessment to be carried out on toys, factory audits and product testing. Involved in the TSCP task force for the development of the sets of standards of practice, SGS can help you comply with the toy requirements as specified in the TSCP program.

### 4. DOCUMENTATION REVIEW FOR MANUFACTURERS AND IMPORTERS

### 5. SGS OFFERS A COMPLETE RANGE OF QUALITY CONTROL SERVICES WORLDWIDE

Pre-shipment inspections, factory and social audits, advanced testing, production check, consultancy services, etc.

## CONTACT US

To learn more about SGS toy solutions, contact [consumer.products@sgs.com](mailto:consumer.products@sgs.com).

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