



## Where can I find the legal texts and explanatory information?

Both the 2009 Toy Safety Directive and the original 1988 Directive can be downloaded from the relevant section of the European Commission's Enterprise and Industry website, as can a series of factsheets produced by the Toy Industries of Europe in cooperation with the European Commission. These offer detailed information for manufacturers on the Declaration of Conformity, the scope of the Directive, the conformity and safety assessments and the provisions regarding traceability and warnings.

## One market, 100,000 jobs, 80 million children

The EU's toys and games industry consists of around **2,000 companies**, many of them SMEs, employing over **100,000 people**. Their home market is made up of **80 million children under the age of 14** living in the 27 Member States.

Minimising **the risk of injuries** to children playing with toys is an essential element of EU policy. The presence of the CE marking on a toy is an indication that it meets the **essential safety requirements** in place to allow it to be sold anywhere in the European Economic Area (the EEA is made up of the EU countries plus Norway, Iceland and Liechtenstein). This also applies to products manufactured in third countries to be sold in the EEA.

## CE marking and the 2009 Toy Safety Directive

The Toy Safety Directive is intended to ensure the **highest possible level of safety** for children and to **harmonise the rules governing the sale of toys within the EU**. The Directive (2009/48/EC) will apply in all EEA countries by **20 July 2011**. The only exception regards the chemical provisions, for which a further two-year transition period applies – until 20 July 2013.

The 2009 Directive replaces the one adopted in 1988 (88/378/EEC), which over the past two decades has made a major contribution to ensuring a high level of safety as well as removing barriers to trade in

toys within the EU. Toys that are compliant with the 1988 Directive can continue to be placed on the market until 19 July 2011, or 19 July 2013 in the case of the rules relating to chemicals.

The new Directive defines a toy as **"any product or material designed or intended, whether or not exclusively, for use in play by children under 14 years of age"**. A change with respect to the 1988 Directive is the wording "whether or not exclusively", which codifies existing practice. Products with more than one use are considered toys (for example, if a key-ring has a teddy bear

attached, the teddy bear will be considered as a toy). Another change is the choice of wording "intended...for use in play" rather than "clearly intended...for use in play". This means that the concept of reasonably foreseeable use prevails over the manufacturer's declaration of the product's intended use in assessing whether it is a toy.

Annex I of the Directive lists types of products – such as puzzles with more than 500 pieces or babies' soothers – which could conceivably be confused with toys but which are outside the scope of the Directive. The list is indicative only.

## On the road to CE marking – conformity assessment

For toys that have been manufactured in full compliance with European Harmonised Standards covering all essential safety aspects, the manufacturer himself (or his

authorised representative in the EU) carries out the internal **production control procedure**. This procedure is described in Module A of Annex II of Decision No. 768/2008/EC.

If European Harmonised Standards do not exist or have not been fully applied, or if the manufacturer feels that the toy requires third party verification, then it must be submitted to a **Notified Body** for the **EC-type examination**. It must also undergo the conformity to type procedure, which is set out in Module C of Annex II of Decision No. 768/2008/EC



Once the conformity assessment is complete, **the CE marking must be affixed**, 'visibly, legibly and indelibly', to the toy, to an affixed label, or to the packaging. If the CE marking is not visible from outside, it has to be affixed as a minimum on the packaging. For small toys or those made up of small parts, the CE marking can be placed on a label or accompanying leaflet. The manufacturer must also draw up a **Declaration of Conformity**, certifying that the toy complies with the essential requirements of the Directive.



## Notified Bodies for toys

To find the Notified Bodies appointed by the Member States for conformity assessment of toys, manufacturers can use NANDO – the New Approach Notified and Designated Organisations database. Notified Bodies can be located by Directive or by country via the **NANDO** homepage.

## Cooperating with market surveillance authorities

Manufacturers are required to work with the market surveillance authorities in each country in which the toys are placed

on the market. A list of these authorities can be downloaded from Commission's Enterprise and Industry website.

## Finding the relevant European Harmonised Standards

The first step a manufacturer should take to ensure that a toy will be compliant with the Directive is to check which **Harmonised European Standards** are

applicable. The Commission's Enterprise and Industry website lists the Harmonised European Standards for toys.

## Need more information?

The European Commission has launched a one-stop-shop web portal with all the information you need on CE marking: **[www.ec.europa.eu/CEmarking](http://www.ec.europa.eu/CEmarking)**

Economic operators can also contact the Enterprise Europe Network at **[www.enterprise-europe-network.ec.europa.eu](http://www.enterprise-europe-network.ec.europa.eu)**