

# UNDERSTANDING THE EU'S **DRAFT** TOY REGULATION

## FROM DIRECTIVE TO REGULATION

The European Commission has published a draft toy safety regulation to replace the current Toy Safety Directive 2009/48/EC (TSD). What could this mean for you and your business?

Our experts are here to support you in understanding and preparing for the adoption of the regulation.

## BACKGROUND

The TSD has been in force since 2011/2013. It applies to all toys placed onto the market in the EU, regardless of their place of production.

An evaluation by the European Commission held in 2020 identified the following shortcomings:

- Insufficient protection from hazardous chemicals
- Too many unsafe and non-compliant toys available on EU markets, especially in relation to online sales. Toys are currently the most recalled product category in the EU

## DRAFT TOY SAFETY REGULATION

On July 28, 2023, the European Commission published a draft toy safety regulation to answer these problems. Although it is subject to change before final adoption, it will apply to all products designed or intended, whether or not exclusively, for use in play by children under 14 years of age.

## REGULATION VERSUS DIRECTIVE

There are several important differences between the current TSD and the proposed regulation.

## SCOPE

- Risk to the psychological and mental health, well-being and cognitive development of children must be considered
- Exclusion of toy slings and catapults deleted

## CHEMICAL REQUIREMENTS

- Ban of CMR substances extended to include endocrine disruptors, specific target organ toxicity substances (either in single or repeated exposure) and respiratory sensitisation substances
- Maximum level lowered for several substances with specific limits listed in the appendix to Annex II, including aluminum, barium and lead
- List of substances subject to specific labeling requirements expanded from 11 elements to 71
- Warning symbol can be used instead of the word warning



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## DIGITAL PRODUCT PASSPORT

- Updates and replaces the current EC Declaration of Conformity (DoC)
- Must be accessible through a data carrier (via a QR code) preferably on the toy or label attached to the toy. For small toys, it can appear on the packaging
- Must contain the following additional details:
  - Commodity code under which the toy is classified
  - CE marking
  - List of allergenic fragrances that are present in the toy
  - Substances of concern present in the toy

## CE MARK

Current CE mark requirements remain. The CE mark must be affixed to toy, label or packaging, and must be visible from the outside of the packaging.

## TIMELINE FOR REGULATION



## OUR SERVICES

### Training and consultancy

Comprehensive solutions to ensure you are ready

### Safety assessment

Prepare toy safety assessments (chemical and non-chemical) to identify and eliminate hazards

### Product testing

Ensure compliance with harmonized toy safety standards (EN 71-3, EN 71-2, EN IEC 62115, etc.)

### Safety data sheets (SDS)

Prepare or review SDS for substances and mixtures

### Other legislation

Ensure compliance with REACH, RoHS Recast, food contact regulation, etc.



## WHY CHOOSE SGS?

We are SGS – the world's leading testing, inspection and certification company. Recognized as the global benchmark for sustainability, quality and integrity, our comprehensive solutions, delivered through a global network of state-of-the-art testing facilities, will ensure your business is ready for the EU Toy Safety Regulation.

## CONTACT US

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