



TOYS DIRECTIVE

- 88/378/EEC of 3 May 1988
as amended by
- 93/68/EEC of 22 July 1993



NEW APPROACH DIRECTIVE

- Only essential safety requirements defined in the directive
- Detailed technical specifications in European standards



SCOPE

Definition (article 1) :

Any product or material designed or clearly intended for use in play by children < 14 years of age.



SCOPE

21 exclusions (annex I)

If not designed for children

If they present a particular risk not covered by the Directive



SCOPE

Examples of exclusions :

- detailed scale models for adult collectors;
- sports equipment;
- equipment intended to be used collectively in playgrounds;



GREY ZONE PROBLEMES

- Guidance documents

http://europa.eu.int/comm/enterprise/toys/eg_guidance.htm



MANDATORY ESSENTIAL REQUIREMENTS (annex II)

General principles (annex II, section I, 1.2.3)

- Protection against :
 - health hazards;
 - physical injury.



MANDATORY ESSENTIAL REQUIREMENTS

- When toys are used as intended or in a foreseeable way, bearing in the mind the normal behavior of children.
- Taking account of ability of users => need to specify minimum age (in particular < 36 months of age).
- Labels on toys & instructions for use (Annex IV).



MANDATORY ESSENTIAL REQUIREMENTS

Particular risks (annex II, section II)

1. Physical & mechanical

- i.e. • edges;
• detachable parts of toys for children
< 36 months.

2. Flammability

Example :

- No flammable material



MANDATORY ESSENTIAL REQUIREMENTS

3. Chemical properties

- No health hazard if ingested, inhaled or in contact with the skin.
- Compliance with the relevant Community legislation relating to certain categories of products or to the prohibition, restriction of use or labelling of certain dangerous substances and preparations.
- Definition of maximum levels for cadmium, chromium, lead, mercury, selenium...



MANDATORY ESSENTIAL REQUIREMENTS

- No dangerous substances or preparations within the meaning of EC legislation 67/548/EEC & 88/379/EEC, with the exception of chemistry experiments for which a reference is made to an EN standard.



MANDATORY ESSENTIAL REQUIREMENTS

4. Electrical properties

- No voltage exceeding 24 volts
- If risk of electrical shock, proper insulation
- Maximum temperatures of exposure



MANDATORY ESSENTIAL REQUIREMENTS

5. Hygiene

- No risk of infection and contamination

6. Radioactivity

- No radioactive elements - EC legislation 96/29/Euratom applies



HARMONISED STANDARDS

EN 71 - CEN standard with 8 chapters :

- EN 71-1 Physical & mechanical risk
- EN 71-2 Flammability
- EN 71-3 Chemical risk - Migration limits
- EN 71-4 Chemical experiments
- EN 71-5 Other chemical toys
- EN 71-6 Symbols - Warning as to the minimum age
- EN 71-7 Finger Paints
- EN 71-8 Swings, slides and similar activity toys

EN 50 088 - Electrical risk - Cenelec standard



CONFORMITY ASSESSMENT

Manufacturer

Applies the harmonised standards



“Self certification”

Does not apply the harmonised standards



Third party certification



CONFORMITY ASSESSMENT

Self certification

- The manufacturer applies the standards; he draws up a design dossier and describes the means whereby he ensures conformity of the production (i.e. test reports or technical file) [see article 8(1)a].
- The manufacturer affixes the CE marking, his name and address on the toy or on the packaging before placing the toy on the market [see article 11(1)].



CONFORMITY ASSESSMENT

Type examination (article 10)

- The manufacturer submits the model of the toy as well as a design dossier to the notified body.
- The notified body issues a EC type examination certificate.



CONFORMITY ASSESSMENT

- The manufacturer has the means to ensure the conformity of his production with the approved model (i.e. test reports or technical file).
- The manufacturer affixes the CE marking on each toy - or its packaging - conforming with the approved model.



NOTIFIED BODIES (see article 9)

- To date 73 bodies notified
For type examination
- List published by the EC

http://europa.eu.int/comm/enterprise/newapproach/legislation/nb/notified_bodies.htm



FREE CIRCULATION

Free circulation of toys in the EU if they :

- conform to the essential safety requirements
- have been subject to one of the conformity assessment procedures
- are CE-marked



MARKET SURVEILLANCE

(see article 12)

- Member States shall make sample checks on the market.
- Member States shall control conformity at the external borders (regulation (EEC) n° 339/93 of 8 February 1993).



MARKET SURVEILLANCE

- They shall have access to the place of manufacture and storage.
- They may ask the manufacturer for information concerning design and manufacture (documentation).



MARKET SURVEILLANCE

- Toys shall bear the name & address of the manufacturer, his representative or the importer in the Union.
- They have to keep the documentation available ensuring that the conformity assessment procedures have been performed (see article 8).



INFORMATION EXCHANGE ON DANGEROUS TOYS

**Rapex-procedure under the General
product safety directive (2001/95/EC)**

- Products presenting a serious risk



REVISION OF DIRECTIVE 88/378/EEC

- Under discussion with the Member States and the interested parties
- Adoption of the proposal by the Commission in 2006 - 2007
- Adoption of the new Directive by the Council and the European parliament in 2007-2008
- Transposition by the Member States (1 year)



OBJECTIVES OF THE REVISION

Better definition of the scope of the directive

- certain new products (video games and peripherals)



OBJECTIVES OF THE REVISION

The person responsible for ensuring that toys conform to the Directive

- reinforce the responsibilities of the importer



OBJECTIVES OF THE REVISION

More detailed requirements concerning the bodies responsible for the conformity assessment



OBJECTIVES OF THE REVISION

More effective market surveillance



OBJECTIVES OF THE REVISION

Amendments to the safety requirements
concerning toys

- chemical properties
- noise level, electrical properties
(24 volt limit), lasers



ENVIRONMENTAL LEGISLATION APPLICABLE TO TOYS

- **WEEE-Directive (2002/96/EC)**
Waste Electrical and electronic equipment
- **ROHS-Directive (2002/95/EC)**
Restriction of the use of certain hazardous substances in electrical and electronic equipment