## 'Revision of Legislation on the Safety of Toys'

## Profile of the respondent

You reply... -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| As an individual | 1393 | (100%) | (91%) |
| On behalf of an organisation, institution or enterprise | 0 | (0%) | (0%) |

Country of residence/where your organisation is based -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| DE - Germany | 454 | (32.6%) | (29.7%) |
| IT - Italy | 375 | (26.9%) | (24.5%) |
| FR - France | 158 | (11.3%) | (10.3%) |
| Others | 90 | (6.5%) | (5.9%) |
| ES - Spain | 72 | (5.2%) | (4.7%) |
| BE - Belgium | 42 | (3%) | (2.7%) |
| PL - Poland | 35 | (2.5%) | (2.3%) |
| HU - Hungary | 24 | (1.7%) | (1.6%) |
| PT - Portugal | 17 | (1.2%) | (1.1%) |
| CZ - Czech Republic | 16 | (1.1%) | (1%) |
| AT - Austria | 15 | (1.1%) | (1%) |
| RO - Romania | 13 | (0.9%) | (0.8%) |
| UK - United Kingdom | 13 | (0.9%) | (0.8%) |
| EL - Greece | 11 | (0.8%) | (0.7%) |
| LV - Latvia | 11 | (0.8%) | (0.7%) |
| SE - Sweden | 11 | (0.8%) | (0.7%) |
| LU - Luxembourg | 9 | (0.6%) | (0.6%) |
| DK - Denmark | 7 | (0.5%) | (0.5%) |
| EE - Estonia | 5 | (0.4%) | (0.3%) |
| IE - Ireland | 3 | (0.2%) | (0.2%) |
| NL - Netherlands | 3 | (0.2%) | (0.2%) |
| SI - Slovenia | 3 | (0.2%) | (0.2%) |
| SK - Slovakia | 3 | (0.2%) | (0.2%) |
| CY - Cyprus | 1 | (0.1%) | (0.1%) |
| FI - Finland | 1 | (0.1%) | (0.1%) |
| LT - Lithuania | 1 | (0.1%) | (0.1%) |
| BG - Bulgaria | 0 | (0%) | (0%) |
| MT - Malta | 0 | (0%) | (0%) |
| EEA countries | 0 | (0%) | (0%) |

## Definitions (specific to the toys Directive)

The current Toys Directive does not contain any definitions apart from the definition of a “toy” and “placing on the market”. The proposal for a horizontal Decision (**http://ec.europa.eu/enterprise/newapproach/review_en.htm**) mentioned in the background document contains a number of definitions of horizontal nature which will be taken over to the revised Toys Directive (see Article 6 of the proposal for a horizontal Decision) .

Do you think that adopting definitions in the Directive for certain concepts specific to the toys sector, like “functional toys” , “activity toys”, “trampoline”, “design speed”, "risk", "hasard" would enhance better understanding of its provisions by the enforcement authorities and economic operators and improve the legal certainty? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I tend to agree | 443 | (31.8%) | (28.9%) |
| Yes, I agree | 365 | (26.2%) | (23.8%) |
| I tend to disagree | 271 | (19.5%) | (17.7%) |
| I disagree | 169 | (12.1%) | (11%) |
| I don’t know | 145 | (10.4%) | (9.5%) |

## Essential requirements
## I General requirement of safety

The current Directive contains a provision laying down a general requirement of safety that all toys placed on the market in the Community have to fulfill. The general requirement of safety foresees that “users of toys as well as third parties must be protected against health hasards and risk of physical injury when toys are used as intended or in a foreseeable way, bearing in mind the normal behaviour of children”.

Do you think that the safety of toys would be improved if the general safety requirement was modified so as to add an obligation to take into account also the “reasonably foreseeable misuse" of toys by children in addition to "the intended or foreseeable use" of them contained in the present requirement? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I disagree | 721 | (51.8%) | (47.1%) |
| I tend to disagree | 605 | (43.4%) | (39.5%) |
| I tend to agree | 29 | (2.1%) | (1.9%) |
| Yes, I agree | 20 | (1.4%) | (1.3%) |
| I do not know | 18 | (1.3%) | (1.2%) |

## II Particular safety requirements

## 1. Physical and mechanical properties

## a) Suffocation/choking

The present Directive contains the following requirement concerning the choking risk: toys intended for children below the age of 36 months should not present the risk of being swallowed or inhaled. In addition to this, the current Directive requires that (all) toys and their parts and the packaging in which they are contained for sale must not present risk of strangulation or suffocation. The suffocation is generally interpreted to mean the result of airway obstruction external to the mouth and nose, although the current Directive does not contain any definition of "suffocation".

Do you think that the safety of toys would be improved if provisions of the Directive are modified so as to take into account also the risks of choking presented by toys for children above 36 months when they are intended to be put in the mouth (ie toy instruments) ? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I disagree | 690 | (49.5%) | (45.1%) |
| I tend to disagree | 653 | (46.9%) | (42.7%) |
| Yes, I agree | 27 | (1.9%) | (1.8%) |
| I tend to agree | 17 | (1.2%) | (1.1%) |
| I do not know | 6 | (0.4%) | (0.4%) |

The current directive does not explicitly cover the risks presented by a specific category of toys, that is, by toys which are likely to be put in the mouth also by children more than 36 months, because wetting improves their functioning (ie toys with suction cups). These kind of toys present the risk of internal airway obstruction by closing off the flow of air from the mouth and nose when wedged in the mouth or pharynx.

Do you think that this risk should be explicitly covered by the Directive? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I do not know | 527 | (37.8%) | (34.4%) |
| I disagree | 352 | (25.3%) | (23%) |
| I tend to disagree | 271 | (19.5%) | (17.7%) |
| I tend to agree | 218 | (15.6%) | (14.2%) |
| Yes, I agree | 25 | (1.8%) | (1.6%) |

## b) Speed limit of electrically driven ride-on toys.

The current Directive does not contain any safety requirements concerning the speed limit of electrically driven ride-on toys. The current standard EN 71:1 sets a limit of 8 km/h for the electrically driven ride on toys intended for children under 36 months.

Do you think that the Directive should set an essential safety requirement concerning the maximum design speed limit for electrically driven ride-on toys while leaving to the standardisation to set the exact limits (km/h) for different age groups? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I tend to agree | 497 | (35.7%) | (32.5%) |
| Yes, I agree | 325 | (23.3%) | (21.2%) |
| I tend to disagree | 251 | (18%) | (16.4%) |
| I do not know | 187 | (13.4%) | (12.2%) |
| I disagree | 133 | (9.5%) | (8.7%) |

## c) Activity toys

The current Directive does not contain any essential safety requirements concerning the risks presented by activity toys (such as swings, slides, trampolines).

Do you think that the Directive should contain an essential safety requirement concerning the risks presented by activity toys (risk of crushing, trapping of body parts or clothing, falls, impacts and drowning)? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I tend to agree | 435 | (31.2%) | (28.4%) |
| Yes, I agree | 342 | (24.6%) | (22.3%) |
| I tend to disagree | 330 | (23.7%) | (21.6%) |
| I disagree | 149 | (10.7%) | (9.7%) |
| I do not know | 137 | (9.8%) | (8.9%) |

## d) Noise

The current Directive does not contain any essential safety requirements concerning the risks to the hearing presented by the sound coming from toys.

Do you think that the directive should foresee a safety requirement concerning the noise produced by toys while leaving to the standardisation to set the specific limits in decibels? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I tend to agree | 439 | (31.5%) | (28.7%) |
| I agree | 372 | (26.7%) | (24.3%) |
| I tend to disagree | 273 | (19.6%) | (17.8%) |
| I disagree | 169 | (12.1%) | (11%) |
| I do not know | 140 | (10.1%) | (9.1%) |

## 2. Chemical requirements

The current Directive lays down that “toys must be so designed and constructed that, when used as intended or in a foreseeable way, they do not present hazards or risks of physical injury by ingestion, inhalation or contact with the skin, mucous tissues or eyes.” The Directive also contains a provision requiring that toys must in all cases comply with the relevant Community legislation applying to chemicals. Furthermore, the Directive sets specific bioavailability limits of certain substances in toys (antimony, arsenic, barium, cadmium, chromium, lead, mercury and selenium).

The Council and the European parliament adopted on the 18th December 2006 Regulation (EC) No 1907/2006 concerning the registration evaluation, authorisation and restriction of chemicals (REACH). The REACH Regulation is also applicable to chemicals used in and to toys placed on the market in the Community. Concerning restrictions on the use of chemicals or authorisations of their use for speciific applications, the REACH Regulation is based on the assessment of the risks presented by chemicals (“risk” meaning the combination of hazards presented by chemicals and exposure to them) and not only on their hazardous properties.

Do you think that in addition to the application of the requirements adopted under the REACH-regulation to toys, the toys directive itself should contain specific provisions to restrict/ban the use of certain hazardous substances, such as CMRs, in toys, on the basis of their hazardous properties only, without taking into account whether there is a potential exposure to them? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I disagree | 586 | (42.1%) | (38.3%) |
| I tend to disagree | 496 | (35.6%) | (32.4%) |
| I do not know | 254 | (18.2%) | (16.6%) |
| I tend to agree | 29 | (2.1%) | (1.9%) |
| Yes, I agree | 28 | (2%) | (1.8%) |

Do you think that the toys Directive should contain provisions on the presence or use in toys of certain allergenic substances, such as fragrance allergens identified under Directive 76/768/EEC on cosmetic products or substances meeting the criteria for classification as respiratory allergens or skin contact allegens according to Directive 67/548/EEC? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I disagree | 553 | (39.7%) | (36.1%) |
| I tend to disagree | 488 | (35%) | (31.9%) |
| I do not know | 261 | (18.7%) | (17%) |
| I tend to agree | 49 | (3.5%) | (3.2%) |
| Yes, I agree | 42 | (3%) | (2.7%) |

## 3. Electrical properties

Current directive lays down that electric toys must not be powered by electricity of a nominal voltage exceeding 24 volts and no part of the toy may exceed 24 volts.

Do you think that the Directive could be modified, without compromising the safety of children, in such way that it would allow internal voltages of toys to exceed the limit of 24 volts in certain cases, that is, when it is ensured that the voltage and the current combination generated do not lead to any risk of harmful electric shock, even when the toy is broken? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I tend to agree | 427 | (30.7%) | (27.9%) |
| I tend to disagree | 327 | (23.5%) | (21.4%) |
| Yes, I agree | 288 | (20.7%) | (18.8%) |
| I do not know | 191 | (13.7%) | (12.5%) |
| I disagree | 160 | (11.5%) | (10.5%) |

Current Directive does not contain any safety requirement concerning lasers which are nowadays commonly used in toys.

Do you think that the Directive should lay down a safety requirement concerning lasers? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I tend to agree | 428 | (30.7%) | (28%) |
| Yes, I agree | 381 | (27.4%) | (24.9%) |
| I tend to disagree | 287 | (20.6%) | (18.7%) |
| I do not know | 160 | (11.5%) | (10.5%) |
| I disagree | 137 | (9.8%) | (8.9%) |

## 4. Hygiene

Do you think that in order to ensure a proper hygiene of toys, it should be required that toys for children under 3 years of age are washable and that they shall fulfil the safety requirements also after washing? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I tend to agree | 446 | (32%) | (29.1%) |
| Yes, I agree | 403 | (28.9%) | (26.3%) |
| I tend to disagree | 279 | (20%) | (18.2%) |
| I disagree | 146 | (10.5%) | (9.5%) |
| I do not know | 119 | (8.5%) | (7.8%) |

## Warnings

The current Directive lays down that toys must be accompanied by clearly legible warnings in order to reduce inherent risks in their use. The Directive also sets out the warnings and indications to be given for certain categories of toys. This list of specific warning is completed by the standard EN 71.

Do you think that it would be beneficial to the safety of toys if more specific provisions than the ones in the current Directive were laid down on the affixing of warnings? It has in particular been suggested to require that warnings specify, where appropriate for safe use, user limitations, such as minimum and maximum ages or ability of the user of toys or maximum or minimum weight of the users as well as the need to ensure that the toy is used under adult supervision. -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I disagree | 679 | (48.7%) | (44.4%) |
| I tend to disagree | 653 | (46.9%) | (42.7%) |
| I tend to agree | 34 | (2.4%) | (2.2%) |
| Yes, I agree | 22 | (1.6%) | (1.4%) |
| I don't know | 5 | (0.4%) | (0.3%) |

Do you think that the use of toys would be made safer if it was laid down that information required for safe use, in particular, warnings specifying the minimum and maximum ages for users, are visible already at the point of sale? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I disagree | 712 | (51.1%) | (46.5%) |
| I tend to disagree | 584 | (41.9%) | (38.1%) |
| Yes, I agree | 49 | (3.5%) | (3.2%) |
| I tend to agree | 42 | (3%) | (2.7%) |
| I don't know | 6 | (0.4%) | (0.4%) |

## Affixing of the CE-marking

Current Directive lays down that the CE-marking shall as a rule be affixed either on the toy or on the packaging. In the case of small toys and toys consisting of small parts the CE-marking may be affixed to the packaging, to a label or to a leaflet.

Do you think that it would significantly facilitate the market surveillance and in this way increase the safety of toys, at least indirectly, if it was required that the CE-marking should, in principle, be affixed on the toy or on the packaging but that if it is not visible from outside the (transparent) packaging, it should be always fixed at least on the packaging? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| Yes, I agree | 851 | (61.1%) | (55.6%) |
| I tend to agree | 420 | (30.2%) | (27.4%) |
| I disagree | 48 | (3.4%) | (3.1%) |
| I tend to disagree | 38 | (2.7%) | (2.5%) |
| I don't know | 36 | (2.6%) | (2.4%) |

## Choice of conformity assessment modules

Under the current Directive manufacturer or his authorised representative established in the community can chose between two modules for conformity assessment:
a) Internal production control where the manufacturer has applied the harmonised standards the reference number of which has been published in the Official Journal of the European Union;
b) Third party verification (EC type examination), if the manufacturer has not applied such harmonised standards covering all the relevant safety requirements or has applied them only in part or if such standards do not exist.

Do you find the present choice of modules for conformity adequate and sufficient for this field? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| Yes, I agree | 806 | (57.9%) | (52.6%) |
| I tend to agree | 477 | (34.2%) | (31.2%) |
| I don't know | 65 | (4.7%) | (4.2%) |
| I tend to disagree | 24 | (1.7%) | (1.6%) |
| I disagree | 21 | (1.5%) | (1.4%) |

## Technical documentation required from the manufacturers

The current Directive requires the manufacturer, his authorised representative in the Community or the person who places the toy on the market to keep the technical file specified in Article 8 available for inspection.

Do you think that it would be reasonable to set a deadline of maximum 30 days for economic operators to respect when the market surveillance authority requests the technical documentation or translation of the relevant parts of it from the relevant economic operators? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I don't know | 1151 | (82.6%) | (75.2%) |
| I tend to agree | 72 | (5.2%) | (4.7%) |
| I tend to disagree | 60 | (4.3%) | (3.9%) |
| Yes, I agree | 57 | (4.1%) | (3.7%) |
| I disagree | 53 | (3.8%) | (3.5%) |

Do you think that the technical documentation should contain, in addition to the information contained in the chemical safety data sheets provided by material and chemical suppliers, complementary information about the materials and chemicals present in the toy? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I don't know | 1157 | (83.1%) | (75.6%) |
| I disagree | 92 | (6.6%) | (6%) |
| I tend to disagree | 56 | (4%) | (3.7%) |
| I tend to agree | 52 | (3.7%) | (3.4%) |
| Yes, I agree | 36 | (2.6%) | (2.4%) |

## Enforcement/Specific market surveillance

The current Directive contains an obligation for the Member States to take the necessary measures to ensure that toys placed on their market are in conformity with the Directive and gives the Member states market surveillance authorities certain powers for that purpose (acces on request to the place of manufacture or storage, right to request certain information from the manufacturer, his authorised representative or the importer, right to take samples and carry out testing on them). In addition to these provisions of the Toys Directive, the powers and obligations given to the market surveillance authorities under Directive 2001/95 on the General Product Safety also apply to the market surveillance of toys.

Do you think that the market surveillance in the field of toys is not rigorous enough? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| I do not know | 1172 | (84.1%) | (76.6%) |
| Yes | 124 | (8.9%) | (8.1%) |
| No | 97 | (7%) | (6.3%) |

Do you think that Member States should invest more in market surveillance of toys? -single choice reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| Yes | 1153 | (82.8%) | (75.3%) |
| No | 121 | (8.7%) | (7.9%) |
| I do not know | 119 | (8.5%) | (7.8%) |

Which measures do you think would be effective in reinforcing the present system of market surveillance? -multiple choices reply- (compulsory)

| | Number of requested records | Requested records (1393) | % of total number records (1531) |
|---|---|---|---|
| Co-operation between national market surveillance authorities | 1208 | (86.7%) | (78.9%) |
| Co-operation between national market surveillance authorities and customs authorities | 1170 | (84%) | (76.4%) |
| Effective information exchange | 126 | (9%) | (8.2%) |
| Reinforced controls at external borders | 101 | (7.3%) | (6.6%) |
| Preventive measures (measures taken to ensure that non compliant toys are not placed on the market) | 86 | (6.2%) | (5.6%) |
| Cross border cooperation (market surveillance authorities, customs) | 67 | (4.8%) | (4.4%) |
| Requests for information from manufacturers and other persons in the distribution chain as well as from Notified bodies | 43 | (3.1%) | (2.8%) |
| Other | 8 | (0.6%) | (0.5%) |