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## Safety first: Commission proposes new strict rules for toys

*The European Commission has come forward today with measures to improve toy safety in Europe. The Commission wants to strengthen EU-rules, especially those relating to the use of chemical substances in toys. The proposal tabled today aims at enhancing the safety of toys replacing and modernizing the 20 years old Toys Directive 88/378/EEC of 3<sup>rd</sup> May 1988. The revision has a threefold objective: first and foremost there will be new and higher safety requirements to cope with recently identified hazards, secondly it will strengthen manufacturers' and importers' responsibility for the marketing of toys and finally it enhances the market surveillance obligations of Member States.*

Vice-President Günter Verheugen, responsible for enterprise and industrial policy, said: "Health and safety of children is non-negotiable and cannot be subject to any compromises. That is why we have to ensure that toys put on the market in Europe are safe. The proposed new Directive which was adopted today incorporates the newest health and safety standards and improves the effectiveness and enforcement of the EU legal framework. Economic operators are now called to live up to their responsibilities to ensure that children can enjoy playing with toys without risks."

### New legislation for the safety of toys

The proposal addresses a wide range of issues to improve the existing rules for the marketing of toys that are produced in and imported into the EU in view to reducing toy related accidents and to achieving health benefits. It will, in particular:

- **Prohibit** the use of chemical substances that are susceptible to provoke cancer, so-called **CMR** (Carcinogenic, Mutagenic or toxic for Reproduction) substances;
- **Reduce** the allowed limits of certain dangerous **chemical substances** like lead or mercury;
- **Prohibit allergenic fragrances**;
- Oblige toy manufacturers to issue appropriate **warnings** to improve the prevention of accidents. The Commission will also carry out further work on more detailed guidelines on warnings;
- Strengthen the rules to prevent accidents due to **small parts** in toys;
- **Ban toys which are firmly attached to a food product at the moment of consumption and which require food to be consumed before getting access to the toy**;
- Require toy manufacturers to establish comprehensive technical information for all their toys to allow **Market Surveillance authorities to check the design and manufacture** of the toy;
- Foresee **testing of toys through independent laboratories where no standards** for toys yet **exist** (e.g. for toys with magnets);

- Reinforce the importer's responsibility for ensuring that toys imported into the EU are safe;
- Enhance the **visibility of the CE mark** on the toy;
- Oblige Member States to **strengthen market surveillance and controls** on the spot and at the EU-borders,
- Oblige Member States to lay down and impose **penalties** if toy manufacturers/importers do not produce toys in line with the safety requirements of the Directive.

The Commission proposal will now be discussed with the European Parliament and the Council of Ministers with a view to an adoption in the co-decision procedure.

## Background

The current Toys Safety Directive sets the essential safety requirements toys marketed in the EU have to fulfil, while specific technical details are set through standards (for toys standards EN 71). It contains an obligation for Member States to ensure that only safe toys are placed on the market. This obligation is based on the respect of essential safety requirements which foresee that toys must not present any health hazards or risk of injury.

The Directive has in general worked well over its 20 years of existence. It needs now to be revised after a number of gaps and necessary updates have been identified where it does not fully meet its objectives to provide an adequate level of safety of toys while ensuring the smooth functioning of the Internal Market for toys. These concern:

1. The safety of toys due to the **development of new products and improvements in scientific knowledge**
2. A more efficient and stringent **enforcement** of the Directive **by the Member States**;
3. **Simplification** of the concept and definitions in line with the Commission's Better Regulation principles

The revision of the Directive has been subject of a wide-ranging public consultation including all stakeholders concerned. The Commission received more than 1500 replies to its questions.

Further details can be found on: [http://ec.europa.eu/enterprise/toys/index\\_en.htm](http://ec.europa.eu/enterprise/toys/index_en.htm)