

Toy safety

On 28 July 2023, the European Commission adopted a proposal to revise EU toy safety legislation. It has two main objectives: achieving a higher level of child protection, and reducing the number of non-compliant and unsafe toys on the EU market. The European Parliament's Committee on the Internal Market and Consumer Protection (IMCO) adopted its report on the proposal unanimously in February 2024. The report is scheduled for a plenary vote in March, which would set Parliament's first-reading position.

Background

[Directive 2009/48/EC](#) lays down the safety requirements applying to toys marketed in the EU. Parliament adopted a [resolution](#) on the implementation of the directive on 16 February 2022, in which it stressed the directive's positive contribution to improving the safety of children throughout the EU, while stating that its conversion into a regulation would avoid discrepancies in implementation across Member States.

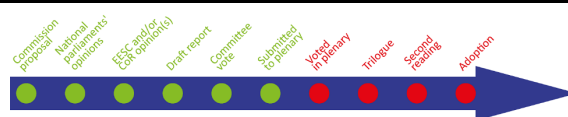
European Commission proposal

The scope of the [proposed regulation](#) remains almost unchanged compared with Directive 2009/48/EC. Of the 36 definitions included in the proposal's Article 3, 29 are set out in the directive. The new definitions come from recent legislative initiatives such as [Regulation \(EU\) 2023/988](#) on general product safety, and the proposed regulation on eco-design requirements. In Article 5, the proposal lays down two sets of compliance criteria: i) general safety requirements (toys must not present a risk to the safety or health of users and third parties); and ii) particular safety requirements based on six specific properties (physical and mechanical properties; flammability; chemical properties; electrical properties; hygiene; radioactivity). The current ban on substances classified as carcinogenic, mutagenic and toxic for reproduction is extended to endocrine disruptors, and to chemicals that are toxic to a specific organ or affect the immune, neurological or respiratory systems. The proposal allocates obligations to economic actors along the value chain (manufacturers, importers and distributors). For instance, Article 7 requires manufacturers to ensure that the design and production of toys to be placed on the market comply with the essential safety requirements. Manufacturers would be responsible for drawing up the technical documentation, and for performing the conformity assessment, including the creation of a product passport, which is mandatory for placing a toy on the market (Article 17). Article 22 provides for two conformity procedures: an in-house process managed by the manufacturer, and a process conducted by a third party, a 'notified body'.

European Parliament position

The IMCO committee adopted its [report](#) on 13 February 2024 unanimously. To improve child protection further, the report includes an amendment to Articles 7(3) and 17(2) requiring that the digital product passport be kept available for a period of 10 years after the last example of the toy model is placed on the market. An amendment to Articles 7 and 18 would ensure that the digital passport includes a link to the Safety Gate Portal, to enable users to signal a risk to the Commission, in line with Regulation (EU) 2023/988. To provide legal certainty, a new Article 20a on assistance for small and medium-sized enterprises (SMEs) would require the Commission to support SMEs in establishing their digital product passports. Article 54 on transitional provisions is amended to allow toys placed on the market in line with Directive 2009/48/EC to be available on the market until 50 months after the entry into force of the proposed regulation.

First-reading report: [2023/0290\(COD\)](#); Committee responsible: IMCO; Rapporteur: Marion Walsmann (EPP, Germany). For more information see the European Parliament's ['Legislative Train Schedule'](#).



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