



**2023/0290(COD)**

8.11.2023

**\*\*\*I**

## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
on the safety of toys and repealing Directive 2009/48/EC  
(COM(2023)0462 – C9-0317/2023 – 2023/0290(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Marion Walsmann

Rapporteur for the opinion of associated committee pursuant to Rule 57 of the  
Rules of Procedure:

Sara Cerdas, Committee on the Environment, Public Health and Food Safety

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a regulation of the European Parliament and of the Council on the safety of toys and repealing Directive 2009/48/EC  
(COM(2023)0462 – C9-0317/2023 – 2023/0290(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0462),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0317/2023),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the opinion of the Committee on the Environment, Public Health and Food Safety,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## Amendment 1

### Proposal for a regulation

#### Recital 2

##### *Text proposed by the Commission*

(2) Children are a particularly vulnerable group. It is essential to ensure a high level of safety of children when playing with toys. Children should be adequately protected from possible risks stemming from toys, ***in particular*** from the chemical substances that toys may contain. At the same time, compliant toys should be able to move freely across the internal market without additional requirements.

##### *Amendment*

(2) Children are a particularly vulnerable group. It is essential to ensure a high level of safety of children when playing with toys. Children should be adequately protected from possible risks stemming from toys, ***including*** from the chemical substances that toys may contain. At the same time, compliant toys should be able to move freely across the internal market without additional requirements.

Or. en

##### *Justification*

*All risks to safety are important and the economic operators have to consider them all.*

## Amendment 2

### Proposal for a regulation

#### Recital 14

##### *Text proposed by the Commission*

(14) Relying on digital technologies has led to new hazards in toys. Radio toys are to comply with essential requirements for the protection of privacy and internet-connected toys are to incorporate safeguards towards cybersecurity and protection from fraud in accordance with Directive 2014/53/EU of the European Parliament and of the Council<sup>30</sup>. Toys which include artificial intelligence are to comply with Regulation (EU) .../...[P.O. insert serial number for Regulation laying down harmonised rules on artificial intelligence]<sup>31</sup>. Therefore, particular safety

##### *Amendment*

(14) Relying on digital technologies has led to new hazards in toys. Radio toys are to comply with essential requirements for the protection of privacy and internet-connected toys are to incorporate safeguards towards cybersecurity and protection from fraud in accordance with Directive 2014/53/EU of the European Parliament and of the Council<sup>30</sup>. Toys which include artificial intelligence are to comply with Regulation (EU) .../...[P.O. insert serial number for Regulation laying down harmonised rules on artificial intelligence]<sup>31</sup>. Therefore, ***such toys***

requirements regarding cybersecurity, protection of personal data and privacy or other hazards stemming from the incorporation of artificial intelligence in toys should *not be set out*. **However, protecting the health of children should not merely ensure the absence of disease or infirmity and relying on digital technologies may pose risks to children which go beyond their physical health. To ensure that children are protected from any risk coming from the use of digital technologies in toys, the general safety requirement should ensure the psychological and mental health, as well as the well-being and cognitive development, of children.**

***should comply with standards of safety, security and privacy by design.*** Particular safety requirements regarding cybersecurity, protection of personal data and privacy or other hazards stemming from the incorporation of artificial intelligence in toys should ***be dealt with within the specific legislation.***

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<sup>30</sup> Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).

<sup>31</sup> PO: Please insert in the text the number of the Regulation and insert the number, date, title and OJ reference of that Regulation in the footnote.

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<sup>30</sup> Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).

<sup>31</sup> PO: Please insert in the text the number of the Regulation and insert the number, date, title and OJ reference of that Regulation in the footnote.

Or. en

### *Justification*

*It is very difficult if not impossible to assess the impact that common toys such as wooden construction elements would have on a child's psychology. When it comes to children's books, the consideration would depend on personal or cultural values, and this could pave the way to censorship of books. Moreover, it is very questionable whether all market surveillance authorities in the EU would define and assess this aspect in the same way. This could lead to more confusion and legal uncertainty.*

## **Amendment 3**

### **Proposal for a regulation Recital 15**

(15) Toys should comply with physical and mechanical requirements that prevent children from getting physically injured when playing with toys and should not pose a risk of choking or suffocation to children. In order to protect children from the risk of impaired hearing, maximum values should be set out for both impulse noise and continuous noise emitted by toys. Toys or their parts and their packaging which can be reasonably expected to be brought into contact with food or to transfer their constituents to food under normal or foreseeable conditions of use are subject to Regulation (EC) No 1935/2004 of the European Parliament and of the Council<sup>32</sup>. In addition, it is appropriate to lay down specific safety requirements to cover the potential specific hazard presented by toys in food, since the association of a toy and food could cause a risk of choking which is distinct from the risks presented by the toy alone and which is, therefore, not covered by any specific measure at Union level. Toys should also ensure sufficient protection as regards flammability or electric properties, in particular to prevent burns or electric shocks. Moreover, toys should meet certain hygiene standards to avoid microbiological risks or other risks of infection or contamination.

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<sup>32</sup> Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4).

(15) Toys should comply with physical and mechanical requirements that prevent children from getting physically injured when playing with toys and should not pose a risk of choking or suffocation to children. In order to protect children from the risk of impaired hearing, maximum values should be set out for both impulse noise and continuous noise emitted by toys ***which are designed to emit a sound***. Toys or their parts and their packaging which can be reasonably expected to be brought into contact with food or to transfer their constituents to food under normal or foreseeable conditions of use are subject to Regulation (EC) No 1935/2004 of the European Parliament and of the Council<sup>32</sup>. In addition, it is appropriate to lay down specific safety requirements to cover the potential specific hazard presented by toys in food, since the association of a toy and food could cause a risk of choking which is distinct from the risks presented by the toy alone and which is, therefore, not covered by any specific measure at Union level. Toys should also ensure sufficient protection as regards flammability or electric properties, in particular to prevent burns or electric shocks. Moreover, toys should meet certain hygiene standards to avoid microbiological risks or other risks of infection or contamination.

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<sup>32</sup> Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4).

Or. en



## Amendment 4

### Proposal for a regulation Recital 40

#### *Text proposed by the Commission*

(40) In the absence of relevant harmonised standards, the Commission should be empowered to adopt **implementing** acts setting out common specifications for the essential requirements of this Regulation, provided that in doing so it duly respects the standardisation organisations' role and functions, as an exceptional fall back solution to facilitate the manufacturer's obligation to comply with the essential requirements, when the standardisation process is blocked or when there are delays in the establishment of appropriate harmonised standards.

#### *Amendment*

(40) In the absence of relevant harmonised standards, the Commission should be empowered to adopt **delegated** acts **supplementing this Regulation by** setting out common specifications for the essential **safety** requirements of this Regulation, provided that in doing so it duly respects the standardisation organisations' role and functions, as an exceptional fall back solution to facilitate the manufacturer's obligation to comply with the essential requirements, when the standardisation process is blocked or when there are delays in the establishment of appropriate harmonised standards.

Or. en

## Amendment 5

### Proposal for a regulation Recital 42

#### *Text proposed by the Commission*

(42) Manufacturers should create a product passport to provide information on the compliance of toys with this Regulation and with any other Union legislation applicable to toys. The product passport should replace the EU declaration of conformity under Directive 2009/48/EC **and** include the elements necessary to assess the conformity of the toy with the applicable requirements and harmonised standards or other specifications. In order to facilitate checks on toys by market surveillance authorities and to allow the actors in the supply chain and consumers to access information on the toy, the

#### *Amendment*

(42) Manufacturers should create a product passport to provide information on the compliance of toys with this Regulation and with any other Union legislation applicable to toys. The product passport should replace the EU declaration of conformity under Directive 2009/48/EC, **Directive 2014/53/EU and any other Union legislation applicable to toys. It should also** include the elements necessary to assess the conformity of the toy with the applicable requirements and harmonised standards or other specifications **or elements**. In order to facilitate checks on toys by market surveillance authorities and

information on the product passport should be provided digitally and in a directly accessible manner, through a data carrier affixed to the toy, its packaging or the accompanying documentation. Market surveillance authorities, customs authorities, economic operators and consumers should have immediate access to the information on the toy through the data carrier.

to allow the actors in the supply chain and consumers to access information on the toy ***and on communication channels***, the information on the product passport should be provided digitally and in a directly accessible manner, through a data carrier affixed to the toy, its packaging or the accompanying documentation. ***Depending on access rights***, market surveillance authorities, customs authorities, economic operators and consumers should have immediate access to the ***respective*** information on the toy through the data carrier.

Or. en

### *Justification*

*The product passport shall also replace the declarations of conformity required by the Radio Equipment Directive and any other Union legislation that in the future may be applicable to toys, such as the Ecodesign for Sustainable Products Regulation (ESPR) and Cyber Resilience Act..*

## **Amendment 6**

### **Proposal for a regulation Recital 44**

#### *Text proposed by the Commission*

(44) In particular, Regulation (EU) .../... [P.O. insert serial number for the Regulation on ecodesign requirements for sustainable products] of the European Parliament and of the Council<sup>37</sup> also lays down requirements and technical specifications for a product passport, the establishment of a Commission central registry where passport information is stored and the interconnection of that registry with the customs IT systems. That Regulation may include toys within its scope in the medium term, thus requiring that a product passport is available for toys. Therefore, it should be possible in the future to include more precise information

#### *Amendment*

(44) In particular, Regulation (EU) .../... [P.O. insert serial number for the Regulation on ecodesign requirements for sustainable products] of the European Parliament and of the Council<sup>37</sup> also lays down requirements and technical specifications for a product passport, the establishment of a Commission central registry where passport information is stored and the interconnection of that registry with the customs IT systems. That Regulation may include toys within its scope in the medium term, thus requiring that a product passport is available for toys. Therefore, it should be possible in the future to include more precise information

in the product passport, *in particular information related to environmental sustainability, such as the environmental footprint of a product, information useful for recycling purposes, the recycled content of a certain material, information about the supply chain, and other similar information*. The product passport for toys created under this Regulation should therefore comply with the same requirements and technical elements as those set out in Regulation (EU) .../... [P.O. insert serial number for the Regulation on ecodesign requirements for sustainable products], including the technical, semantic and organisational aspects of end-to-end communication and data exchange.

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<sup>37</sup> PO: Please insert in the text the number of the Regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC.... and insert the number, date, title and OJ reference of that Regulation in the footnote.

in the product passport. The product passport for toys created under this Regulation should therefore comply with the same requirements and technical elements as those set out in Regulation (EU) .../... [P.O. insert serial number for the Regulation on ecodesign requirements for sustainable products], including the technical, semantic and organisational aspects of end-to-end communication and data exchange.

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<sup>37</sup> PO: Please insert in the text the number of the Regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC.... and insert the number, date, title and OJ reference of that Regulation in the footnote.

Or. en

## Amendment 7

### Proposal for a regulation Recital 45 a (new)

*Text proposed by the Commission*

*Amendment*

***(45a) In order to enable SMEs and micro-enterprises to comply with the new obligations imposed by this Regulation, the Commission should publish practical guidelines and tailor-made guidance for SMEs and micro-enterprises. In particular a direct channel of communication with experts should be set up to help them perform safety assessments and to set up a product***

*passport for the toys they produce.*

Or. en

*Justification*

*The introduction of a product passport can be a real challenge, especially for small and medium-sized companies. They need additional support to overcome the new administrative hurdles.*

**Amendment 8**

**Proposal for a regulation**

**Article 1 – paragraph 1**

*Text proposed by the Commission*

This Regulation lays down rules on the safety of toys, ensuring a high level of protection of health and safety of children **and other persons**, and on the free movement of toys in the Union.

*Amendment*

This Regulation lays down rules on the safety of toys, ensuring a high level of protection of health and safety of children, and on the free movement of toys in the Union.

Or. en

**Amendment 9**

**Proposal for a regulation**

**Article 2 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

For the purposes of this Regulation, a product shall be considered to be intended for use in play by children under 14 years of age, **or by children of any other specific age group below 14 years**, where a parent or supervisor can reasonably assume, by virtue of the functions, dimensions and characteristics of that product, that it is intended for use in play by children of the relevant age group.

*Amendment*

For the purposes of this Regulation, a product shall be considered to be intended for use in play by children under 14 years of age, where a parent or supervisor can reasonably assume, by virtue of the functions, dimensions and characteristics of that product, that it is intended for use in play by children of the relevant age group.

Or. en

## Amendment 10

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 7

*Text proposed by the Commission*

(7) ‘fulfilment service provider’ means fulfilment service provider as defined in Article 2, point 11, of Regulation (EU) 2019/1020;

*Amendment*

(7) ‘fulfilment service provider’ means fulfilment service provider as defined in Article 3, point 11, of Regulation (EU) 2019/1020;

Or. en

## Amendment 11

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 9

*Text proposed by the Commission*

(9) ‘online marketplace’ means online **marketplace as defined in** Article 3, point (14), of Regulation (EU) 2023/988;

*Amendment*

(9) ‘**provider of an** online marketplace’ means **a provider of an intermediary service using an online interface which allows consumers to conclude distance contracts with traders for the sale of products according to** Article 3, point (14), of Regulation (EU) 2023/988;

Or. en

## Amendment 12

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 11 a (new)

*Text proposed by the Commission*

*Amendment*

**(11a) “intended for the use by” means that a parent or supervisor shall reasonably be able to assume by virtue of the functions, dimensions and characteristics of a toy that it is intended for use by children of the stated age**

**group;**

Or. en

*Justification*

*From Art. 3 point 29 of the current TSD. Addition is necessary because of the deletion in Art. 2 (1).*

**Amendment 13**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) “essential safety requirements” means the ‘general safety requirement’ according to Article 5 (2) together with the particular safety requirements set out in Annex II;***

Or. en

**Amendment 14**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) ‘product passport’ means a set of data specific to a product that includes the information specified in Annex VI and that is accessible via electronic means through a data carrier;***

Or. en

*Justification*

*Change in order to create coherency with Art. 2 (29) from proposal for the Regulation on Ecodesign.*

## Amendment 15

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 20

*Text proposed by the Commission*

(20) ‘conformity assessment’ means the process demonstrating whether the essential requirements relating to a toy have been fulfilled;

*Amendment*

(20) ‘conformity assessment’ means the process demonstrating whether the essential **safety** requirements relating to a toy have been fulfilled;

Or. en

## Amendment 16

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 29

*Text proposed by the Commission*

(29) ‘functional toy’ means a toy which performs and is used in the same way as a product, appliance or installation intended for use by adults, and which may be a scale model of such product, appliance or installation;

*Amendment*

(29) ‘functional toy’ means a toy which performs and is used in the same way as a product, appliance or installation intended for use by adults, **which brings the same level of risk as the product used by adults** and which may be a scale model of such product, appliance or installation;

Or. en

## Amendment 17

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 36

*Text proposed by the Commission*

(36) ‘**substance of concern**’ means **substance of concern as defined in Article 2, point (28), of Regulation (EU) .../... [on Ecodesign Requirements for Sustainable Products]**.

*Amendment*

**deleted**

Or. en

## Amendment 18

### Proposal for a regulation Article 5 – title

*Text proposed by the Commission*

*Amendment*

***Product*** requirements

***Essential safety*** requirements

Or. en

## Amendment 19

### Proposal for a regulation Article 5 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

Toys shall not present a risk to the safety or health of users or third parties, ***including the psychological and mental health, well-being and cognitive development of children***, when they are used as intended or in a foreseeable way, bearing in mind the behaviour of children.

Toys shall not present a risk to the safety or health of users or third parties, when they are used as intended or in a foreseeable way, bearing in mind the behaviour of children.

Or. en

#### *Justification*

*It is very difficult if not impossible to assess the impact that common toys such as wooden construction elements would have on a child's psychology. When it comes to children's books, the consideration would depend on personal or cultural values, and this could pave the way to censorship of books. Moreover, it is very questionable whether all market surveillance authorities in the EU would define and assess this aspect in the same way. This could lead to more confusion and legal uncertainty.*

## Amendment 20

### Proposal for a regulation Article 6 – paragraph 1



*Text proposed by the Commission*

1. Where necessary to ensure their safe use, toys shall bear a **general** warning specifying appropriate user limitations. The user limitations shall include at least the minimum **or maximum** age of the user and, where appropriate, the required abilities of the user, the maximum or minimum weight of the user and the need to ensure that the toy is used only under adult supervision.

*Amendment*

1. Where necessary to ensure their safe use, toys shall bear a warning specifying appropriate user limitations. The user limitations shall include at least the minimum age of the user and, where appropriate, the required abilities of the user, the maximum **weight** or minimum weight of the user and the need to ensure that the toy is used only under adult supervision.

Or. en

**Amendment 21**

**Proposal for a regulation**

**Article 6 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The **following** categories of toys **shall bear warnings** in accordance with the rules for each category set out in Annex III:

- (a) **toys not intended for use by children under 36 months;**
- (b) **activity toys;**
- (c) **functional toys;**
- (d) **chemical toys;**
- (e) **skater, roller skates, inline skates, skateboards, scooters and toy bicycles;**
- (f) **aquatic toys;**
- (g) **toys in food;**
- (h) **imitations of protective masks and helmets;**
- (i) **toys intended to be strung across a cradle, cot or perambulator by means of strings, cords, elastics or straps;**
- (j) **packaging for fragrances in olfactory board games, cosmetic kits and**

*Amendment*

The categories of toys set out in Annex III **shall bear warnings.**

*gustative games.*

Or. en

*Justification*

*In order to be able to amend the list via delegated acts, the list has to remain in the Annex III and not in the article.*

**Amendment 22**

**Proposal for a regulation**

**Article 6 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Warnings shall be clearly visible to the consumer before the purchase, including in cases where the purchase is made through distance sales. Warnings shall be of sufficient size to ensure their visibility.

*Amendment*

Warnings ***which determine the decision to purchase the toy*** shall be clearly visible to the consumer before the purchase, including in cases where the purchase is made through distance sales. Warnings shall be of sufficient size to ensure their visibility.

Or. en

*Justification*

*Maintaining of the reference according to TSD Art. 11 (2). A lot of additional warnings, that are not relevant for the purchasing decision, will be added. This will make important warnings (like age/small parts) not stand out and enlarge the packaging.*

**Amendment 23**

**Proposal for a regulation**

**Article 7 – paragraph 2 – subparagraph 2 – point b**

*Text proposed by the Commission*

(b) affix the data carrier ***to the toy or to a label attached to the toy***, in accordance with Article 17(5);

*Amendment*

(b) affix the data carrier in accordance with Article 17(5);

Or. en

## Amendment 24

### Proposal for a regulation Article 7 – paragraph 7

#### *Text proposed by the Commission*

7. Manufacturers shall ensure that the toy is accompanied by instructions and safety information in a language or languages easily understood by consumers and other end-users, as determined by the Member State concerned. Such instructions and information shall be clear, understandable and legible.

#### *Amendment*

7. Manufacturers shall ensure that the toy is accompanied by instructions **for use** and safety information in a language or languages easily understood by consumers and other end-users, as determined by the Member State concerned. Such instructions and information shall be clear, understandable and legible.

Or. en

## Amendment 25

### Proposal for a regulation Article 7 – paragraph 8 – subparagraph 1

#### *Text proposed by the Commission*

Where manufacturers consider, or have reason to believe, that a toy which they have placed on the market is not in conformity with this Regulation, they shall immediately take the corrective measures necessary to bring that toy into conformity, withdraw it or recall it, as appropriate.

#### *Amendment*

Where manufacturers consider, or have reason to believe, **on the basis of the information in that manufacturer's possession**, that a toy which they have placed on the market is not in conformity with this Regulation, they shall immediately take the corrective measures necessary to bring that toy into conformity, withdraw it or recall it, as appropriate.

Or. en

#### *Justification*

*Change in order to create coherency with Art. 9 (8) GPSR.*

## Amendment 26

### Proposal for a regulation

#### Article 7 – paragraph 8 – subparagraph 2 – introductory part

##### *Text proposed by the Commission*

Where manufacturers consider, or have reason to believe, that a toy presents a risk, they shall immediately provide information thereof to:

##### *Amendment*

Where manufacturers consider, or have reason to believe, ***on the basis of the information in that manufacturer's possession.*** that a toy presents a risk, they shall immediately provide information thereof to:

Or. en

##### *Justification*

*Change in order to create coherency with Art. 9 (8) GPSR.*

## Amendment 27

### Proposal for a regulation

#### Article 7 – paragraph 11

##### *Text proposed by the Commission*

11. Manufacturers shall make publicly available a telephone number, an electronic address, a dedicated section of their website ***or another communication channel***, allowing consumers or other end-users to ***file*** complaints concerning the safety of toys and to inform the manufacturers of any accident or safety issue they have experienced with such toys. In doing so, the manufacturers shall take into account the accessibility needs for persons with disabilities.

##### *Amendment*

11. Manufacturers shall make publicly available ***communication channels such as*** a telephone number, an electronic address, a dedicated section of their website, allowing consumers or other end-users to ***submit*** complaints concerning the safety of toys and to inform the manufacturers of any accident or safety issue they have experienced with such toys. In doing so, the manufacturers shall take into account the accessibility needs for persons with disabilities. ***The communication channel shall include a link to the section of the Safety Gate Portal referred to in Article 34(3) of Regulation 2023/988 for the transmission of information about toys that may present a risk to the health and safety of consumers.***

## Amendment 28

### Proposal for a regulation

#### Article 8 – paragraph 3 – introductory part

##### *Text proposed by the Commission*

3. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer and shall provide a copy of the mandate to the market surveillance authorities upon their request. The mandate shall allow the authorised representative to **do** at least the following:

##### *Amendment*

3. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer and shall provide a copy of the mandate to the market surveillance authorities upon their request. The mandate shall allow the authorised representative to **perform** at least the following **tasks**:

Or. en

##### *Justification*

*Change in order to create coherency with Art. 10 (2) GPSR.*

## Amendment 29

### Proposal for a regulation

#### Article 8 – paragraph 3 – point c

##### *Text proposed by the Commission*

(c) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by toys covered by the mandate.

##### *Amendment*

(c) cooperate with the competent national authorities, at their request, on any action taken to eliminate **in an effective manner** the risks posed by toys covered by the mandate.

Or. en

##### *Justification*

*Change in order to create coherency with Art. 10 (2) (d) GPSR.*

## Amendment 30

### Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1 – point b

*Text proposed by the Commission*

(b) the toy is accompanied by instructions ***of*** use and safety information in accordance with in Article 7(7) in a language or languages which can be easily understood by consumers or other end-users, as determined by the Member State concerned;

*Amendment*

(b) the toy is accompanied by instructions ***for*** use and safety information in accordance with in Article 7(7) in a language or languages which can be easily understood by consumers or other end-users, as determined by the Member State concerned;

Or. en

## Amendment 31

### Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1 – point d

*Text proposed by the Commission*

(d) ***the toy bears*** a data carrier in accordance with Article 17(5);

*Amendment*

(d) a data carrier ***is affixed*** in accordance with Article 17(5);

Or. en

## Amendment 32

### Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

Where importers consider, or have reason to believe, that a toy is not in conformity with the essential safety requirements, they shall not place the toy on the market until it has been brought into conformity.

*Amendment*

Where importers consider, or have reason to believe, ***on the basis of the information in that importer's possession***, that a toy is not in conformity with the essential safety requirements, they shall not place the toy on the market until it has been brought into conformity.

Or. en

*Justification*

*Change in order to create coherency with Art. 11 (2) GPSR.*

**Amendment 33**

**Proposal for a regulation**

**Article 9 – paragraph 2 – subparagraph 3 – introductory part**

*Text proposed by the Commission*

Where importers consider, or have reason to believe, that the toy presents a risk, they shall immediately provide information thereof to:

*Amendment*

Where importers consider, or have reason to believe, ***on the basis of the information in that importer's possession***, that the toy presents a risk, they shall immediately provide information thereof to:

Or. en

*Justification*

*Change in order to create coherency with Art. 11 (2) GPSR.*

**Amendment 34**

**Proposal for a regulation**

**Article 9 – paragraph 2 – subparagraph 3 – point c**

*Text proposed by the Commission*

***(c) consumers or other end-users, in accordance with Article 35 or 36 of Regulation (EU) 2023/988, or both.*** ***deleted***

*Amendment*

Or. en

*Justification*

*Consumers cannot be informed if the product has not been placed in the market yet. Content moved to (6) of this article.*

## Amendment 35

### Proposal for a regulation

#### Article 9 – paragraph 6 – subparagraph 2

##### *Text proposed by the Commission*

Where importers consider, or have reason to believe, that a toy that they have placed on the market presents a risk to health and safety of consumers and other end-users, they shall immediately inform the competent national authorities of the Member States in which they made the toy available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

##### *Amendment*

Where importers consider, or have reason to believe, that a toy that they have placed on the market presents a risk to health and safety of consumers and other end-users, they shall immediately inform the competent national authorities of the Member States in which they made the toy available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken **and inform consumers or other end-users, in accordance with Article 35 or 36 of Regulation (EU) 2023/988, or both.**

Or. en

##### *Justification*

*Addition moved from second paragraph subparagraph 3 point c to paragraph 6.*

## Amendment 36

### Proposal for a regulation

#### Article 9 – paragraph 9

##### *Text proposed by the Commission*

9. Importers shall verify whether the manufacturer has made **a** communication **channel** as referred to in Article 7(11) publicly available to consumers or other end-users, allowing them to present complaints concerning the safety of toys and provide information on any accident or safety issue they have experienced with the toy. If **a** communication **channel is** not available, importers shall provide for **such a channel**, taking into account accessibility needs for persons with disabilities.

##### *Amendment*

9. Importers shall verify whether the manufacturer has made communication **channels** as referred to in Article 7(11) publicly available to consumers or other end-users, allowing them to present complaints concerning the safety of toys and provide information on any accident or safety issue they have experienced with the toy. If communication **channels are** not available, importers shall provide for **them**, taking into account accessibility needs for persons with disabilities.



*Justification*

*In order to create coherency with Art. 11 (9) GPSR.*

**Amendment 37**

**Proposal for a regulation**

**Article 10 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) the toy is accompanied by instructions and safety information in a language or languages which can be easily understood by consumers or other end-users as determined by the Member State in which the toy is to be made available on the market;

*Amendment*

(a) the toy is accompanied by instructions ***for use*** and safety information in a language or languages which can be easily understood by consumers or other end-users as determined by the Member State in which the toy is to be made available on the market;

Or. en

**Amendment 38**

**Proposal for a regulation**

**Article 10 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

Where distributors consider, or have reason to believe, that a toy is not in conformity with the essential safety requirements, they shall not make the toy available on the market until it has been brought into conformity.

*Amendment*

Where distributors consider, or have reason to believe, ***on the basis of the information in that distributor's possession***, that a toy is not in conformity with the essential safety requirements, they shall not make the toy available on the market until it has been brought into conformity.

Or. en

*Justification*

*In order to be coherent with Art. 12 (3) GPSR.*

## Amendment 39

### Proposal for a regulation

#### Article 10 – paragraph 2 – subparagraph 3 – introductory part

*Text proposed by the Commission*

Where distributors consider, or have reason to believe, that the toy presents a risk, they shall immediately provide information thereof to:

*Amendment*

Where distributors consider, or have reason to believe, ***on the basis of the information in that distributor's possession***, that the toy presents a risk, they shall immediately provide information thereof to:

Or. en

*Justification*

*In order to be coherent with Art. 12 (4) GPSR.*

## Amendment 40

### Proposal for a regulation

#### Article 10 – paragraph 2 – subparagraph 3 – point c

*Text proposed by the Commission*

***(c) consumers or other end-users, in accordance with Article 35 or 36 of Regulation (EU) 2023/988, or both.***

***deleted***

*Amendment*

Or. en

*Justification*

*Moved to paragraph 4.*

## Amendment 41

### Proposal for a regulation

#### Article 10 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

Where distributors consider, or have reason to believe, that a toy which they have made available on the market is not in

*Amendment*

Where distributors consider, or have reason to believe ***on the basis of the information in that distributor's possession***, that a toy

conformity with this Regulation, they shall ensure that the corrective measures necessary to bring that toy into conformity, to withdraw it or recall it, if appropriate, are taken.

which they have made available on the market is not in conformity with this Regulation, they shall ensure that the corrective measures necessary to bring that toy into conformity, to withdraw it or recall it, if appropriate, are taken.

Or. en

#### *Justification*

*In order to be coherent with Art. 12 (3) GPSR.*

### **Amendment 42**

#### **Proposal for a regulation**

#### **Article 10 – paragraph 4 – subparagraph 2**

##### *Text proposed by the Commission*

Where distributors consider, or have reason to believe, that a toy that they have made available on the market presents a risk, they shall immediately inform the market surveillance authorities of the Member States in which they made the toy available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

##### *Amendment*

Where distributors consider, or have reason to believe, that a toy that they have made available on the market presents a risk, they shall immediately inform the market surveillance authorities of the Member States in which they made the toy available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken ***and inform consumers or other end-users, in accordance with Article 35 or 36 of Regulation (EU) 2023/988, or both.***

Or. en

#### *Justification*

*Moved from paragraph 2 subparagraph 3 point c to paragraph 4.*

### **Amendment 43**

#### **Proposal for a regulation**

#### **Article 13 – title**

*Text proposed by the Commission*

*Amendment*

Presumption of conformity

Presumption of conformity *of toys*

Or. en

#### **Amendment 44**

##### **Proposal for a regulation**

##### **Article 14 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

The Commission may, by means of ***implementing*** acts, establish common specifications for the essential safety requirements where the following conditions are fulfilled:

The Commission may, by means of ***delegated*** acts ***supplementing this Regulation***, establish common specifications for the essential safety requirements where the following conditions are fulfilled:

Or. en

#### **Amendment 45**

##### **Proposal for a regulation**

##### **Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. When references of a harmonised standard are published in the Official Journal of the European Union, the Commission shall assess whether the ***implementing*** acts referred to in paragraph 2 of this Article which cover the same essential safety requirement need to be repealed or amended.

3. When references of a harmonised standard are published in the Official Journal of the European Union, the Commission shall assess whether the ***delegated*** acts referred to in paragraph 2 of this Article which cover the same essential safety requirement need to be repealed or amended.

Or. en

## Amendment 46

### Proposal for a regulation Article 17 – paragraph 1

*Text proposed by the Commission*

1. Before placing a toy on the market, manufacturers shall **create** a product passport for that toy. The product passport shall meet the requirements **laid down** in this Article and Article 18.

*Amendment*

1. Before placing a toy on the market, manufacturers shall **draw up** a product passport **for that toy, which shall replace all EU declarations of conformity required** for that toy. The product passport shall meet the requirements **set out** in this Article and **in** Article 18, **as well as the requirements of other Union harmonised legislation requiring an EU declaration of conformity**.

Or. en

## Amendment 47

### Proposal for a regulation Article 17 – paragraph 2 – point f

*Text proposed by the Commission*

(f) be accessible to consumers or other end-users, market surveillance authorities, customs authorities, notified bodies, the Commission and other economic operators;

*Amendment*

(f) **depending on access rights**, be accessible to consumers or other end-users, market surveillance authorities, customs authorities, notified bodies, the Commission and other economic operators **in accordance with paragraph 2a and taking into account the need to protect confidential business information and trade secrets in accordance with Directive (EU) 2016/943**;

Or. en

## Amendment 48

### Proposal for a regulation Article 17 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. The access rights referred to in paragraph 2 (f) shall comprise:**

**(a) information accessible to consumers or other end-users listed in points (c), (d), (i), (j), (ka), (kb) and (kc) of Part I of Annex VI and, where applicable, points (a) and (b) of Part II of Annex VI;**

**(b) information accessible only to market surveillance authorities, customs authorities, notified bodies, and the Commission listed in points (a) to (j) of Part I of Annex VI and, where applicable, points (a) and (b) of Part II of Annex VI;**

Or. en

#### **Amendment 49**

##### **Proposal for a regulation Article 17 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. By way of derogation from paragraph 2, point (c), where information requirements relating to substances of concern in toys are established in a delegated act adopted in accordance with Article 4 of Regulation .../... [OP please insert: the Ecodesign for Sustainable Products Regulation], the information referred to in Part I, point (k), of Annex VI to this Regulation is no longer required.**

**deleted**

Or. en

## Amendment 50

### Proposal for a regulation

#### Article 17 – paragraph 10 – subparagraph 1 – introductory part

*Text proposed by the Commission*

The Commission shall adopt **implementing** acts determining the specific and technical requirements related to the product passport for toys. Those requirements shall cover in particular the following:

*Amendment*

The Commission shall adopt **delegated** acts **in order to supplement this Regulation by** determining the specific and technical requirements related to the product passport for toys **by.....(OP please insert the date = 12 months after the entry into force of this Regulation)**. Those requirements shall cover in particular the following:

Or. en

## Amendment 51

### Proposal for a regulation

#### Article 17 – paragraph 10 a (new)

*Text proposed by the Commission*

*Amendment*

**10a. The Commission shall publish guidelines and tailor-made guidance for SMEs and micro-enterprises on how to set up a product passport for their toys and an automatic translation tool for the languages referred to in paragraph 2(e). This support shall be implemented no later than .....(OP please insert date = 12 months after the entry into force of this Regulation).**

Or. en

## Amendment 52

### Proposal for a regulation

#### Article 18 – paragraph 3

*Text proposed by the Commission*

3. Consumers or other end-users, economic operators and other relevant actors shall have access to the product passport free of charge.

*Amendment*

3. Consumers or other end-users, economic operators and other relevant actors shall have access ***on the basis of their respective access rights*** to the product passport free of charge.

Or. en

**Amendment 53**

**Proposal for a regulation  
Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Before placing a toy on the market, economic operators shall upload, in the registry established under Article 12(1) of Regulation (EU) .../... [PO insert serial number for Ecodesign Requirements for Sustainable Products] (the ‘registry’), the unique product identifier and unique operator identifier for that toy.

*Amendment*

1. Before placing a toy on the market, ***and following the adoption of delegated acts in accordance with Article 17(10) of this Regulation***, economic operators shall upload, in the registry established under Article 12(1) of Regulation (EU) .../... [PO insert serial number for Ecodesign Requirements for Sustainable Products] (the ‘registry’), the unique product identifier and unique operator identifier for that toy.

Or. en

**Amendment 54**

**Proposal for a regulation  
Article 21 – paragraph 1**

*Text proposed by the Commission*

1. In order to demonstrate that a toy complies with the essential safety requirements, manufacturers shall, before placing a toy on the market, carry out a safety assessment ***including an analysis of the hazards that the toy may present, as***

*Amendment*

1. In order to demonstrate that a toy complies with the essential safety requirements, manufacturers shall, before placing a toy on the market, carry out a safety assessment ***which shall in particular:***



*well as an assessment of* the potential exposure to such hazards.

*(a) cover all the chemical, physical, mechanical, electrical, flammability, hygiene and radioactivity hazards and the potential exposure to such hazards;*

*(b) in relation to chemical hazards, take account of the possible exposure to individual chemicals, and any known additional hazards from combined exposure to the different chemicals present in the toy, taking into account the obligations under Regulation (EC) No 1907/2006 and the conditions set out therein;*

*(c) be updated whenever additional relevant information is available.*

Or. en

#### *Justification*

*(a)-(c) moved from paragraph 2 up to paragraph 1.*

#### **Amendment 55**

##### **Proposal for a regulation**

##### **Article 21 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*The safety assessment shall in particular :*

*deleted*

*(a) cover all the chemical, physical, mechanical, electrical, flammability, hygiene and radioactivity hazards and the potential exposure to such hazards;*

*(b) in relation to chemical hazards, take account of the possible exposure to individual chemicals, and any known additional hazards from combined exposure to the different chemicals present in the toy, taking into account the obligations under Regulation (EC) No 1907/2006 and the conditions set out therein;*

**(c) be updated whenever additional relevant information is available.**

Or. en

*Justification*

*Text moved up to para. 1.*

**Amendment 56**

**Proposal for a regulation  
Article 22 – paragraph 2**

*Text proposed by the Commission*

2. If the manufacturer has applied harmonised standards, the reference of which has been published in the Official Journal of the European Union, or common specifications covering all relevant safety requirements for the toy, the manufacturer shall use the internal production control procedure set out in Part I of Annex IV.

*Amendment*

2. If the manufacturer has applied harmonised standards, the reference of which has been published in the Official Journal of the European Union, or common specifications, covering all relevant safety requirements for the toy, the manufacturer shall use the internal production control procedure set out in Part I of Annex IV.

Or. en

**Amendment 57**

**Proposal for a regulation  
Article 22 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) where harmonised standards, the reference of which has been published in the Official Journal of the European Union, or common specifications covering all relevant safety requirements for the toy, do not exist;

*Amendment*

(a) where harmonised standards, the reference of which has been published in the Official Journal of the European Union, or common specifications, covering all relevant safety requirements for the toy, do not exist;

Or. en

## Amendment 58

### Proposal for a regulation

#### Article 22 – paragraph 3 – point c

*Text proposed by the Commission*

(c) where one or more of the harmonised standards referred to in point (a) has been published with a restriction;

*Amendment*

(c) where one or more of the harmonised standards referred to in point (a) has been published with a restriction, ***in the event that restriction is relevant to the toy in question***;

Or. en

## Amendment 59

### Proposal for a regulation

#### Article 26 – paragraph 6

*Text proposed by the Commission*

6. A notifying authority shall have a sufficient number of competent personnel at their disposal for the ***proper*** performance of their tasks.

*Amendment*

6. A notifying authority shall have a sufficient number of competent personnel at their disposal for the ***efficient*** performance of their tasks.

Or. en

## Amendment 60

### Proposal for a regulation

#### Article 28 – paragraph 6 – subparagraph 3

*Text proposed by the Commission*

A conformity assessment body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities ***in an appropriate manner*** and shall have access to all necessary equipment or facilities.

*Amendment*

A conformity assessment body shall have the means necessary to ***efficiently*** perform the technical and administrative tasks connected with the conformity assessment activities and shall have access to all necessary equipment or facilities.

Or. en

## Amendment 61

### Proposal for a regulation Article 28 – paragraph 10

#### *Text proposed by the Commission*

10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under Annex IV, except in relation to the competent authorities of the Member State in which its activities are carried out. Intellectual property rights shall be protected.

#### *Amendment*

10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under Annex IV, except in relation to the competent authorities of the Member State in which its activities are carried out. Intellectual property rights **and trade secrets, in accordance with Directive (EU) 2016/943**, shall be protected.

Or. en

## Amendment 62

### Proposal for a regulation Article 41 – title

#### *Text proposed by the Commission*

***Procedure for dealing with toys presenting a risk at national level***

#### *Amendment*

National ***measures concerning toys which are not compliant with the particular safety requirements***

Or. en

## Amendment 63

### Proposal for a regulation Article 41 – paragraph 1 – subparagraph 1

#### *Text proposed by the Commission*

Where the market surveillance authorities of one Member State have sufficient reason to believe that a toy covered by this Regulation presents a risk to the health or

#### *Amendment*

Where the market surveillance authorities of one Member State have sufficient reason to believe that a toy covered by this Regulation presents a risk to the health or

safety of persons, they shall carry out an evaluation in relation to the toy concerned covering all the requirements laid down in this Regulation. The relevant economic operators shall cooperate, as necessary, with the market surveillance authorities for that purpose.

safety of persons, they shall carry out an evaluation in relation to the toy concerned covering all the requirements laid down in this Regulation. ***They shall immediately inform the relevant economic operator, in accordance with Article 4(1) and (2) of Regulation (EU) 2019/1020, of the procedure they have initiated and of the possible risk they have identified in the toy, and give the economic operator the opportunity to react.*** The relevant economic operators shall cooperate, as necessary, with the market surveillance authorities for that purpose.

Or. en

#### *Justification*

*The responsible economic operator must be informed as soon as possible that his toy may present a risk to the health or safety of persons.*

#### **Amendment 64**

##### **Proposal for a regulation Article 47 – paragraph 4**

###### *Text proposed by the Commission*

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

###### *Amendment*

4. Before adopting a delegated act, the Commission shall consult ***relevant stakeholders and*** experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Or. en

#### **Amendment 65**

##### **Proposal for a regulation Chapter IX a (new) – Article 52 a (new)**

*Text proposed by the Commission*

*Amendment*

**Chapter IXa**

**AMENDMENTS**

**Article 52a**

**Amendments to Directive 2014/53/EU**

***In Article 10 (3) of the Directive 2014/53/EU the following text is added: ‘  
If the radio equipment is in a toy, the product passport established by Regulation (EU) 2024/... of the European Parliament and of the Council of..... on the safety of toys includes also the elements set out in Annex VI and Annex VII of this Directive.’***

Or. en

*Justification*

*The product passport shall also replace the declaration of conformity required by the Radio Equipment Directive.*

**Amendment 66**

**Proposal for a regulation  
Article 54 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Toys placed on the market in conformity with Directive 2009/48/EC before ... [OP please insert the date = the first day of the month following 30 months after the date of entry into force of this Regulation] may continue to be made available on the market until ... [OP please insert the date = the first day of the month following **42** months after the date of entry into force of this Regulation].

1. Toys placed on the market in conformity with Directive 2009/48/EC before ... [OP please insert the date = the first day of the month following 30 months after the date of entry into force of this Regulation] may continue to be made available on the market until ... [OP please insert the date = the first day of the month following **54** months after the date of entry into force of this Regulation].

Or. en

## Amendment 67

### Proposal for a regulation Article 55 – paragraph 1

#### *Text proposed by the Commission*

1. By ... [OP please insert the date = the first day of the month following **60** months after the date of entry into force of this Regulation] and every 5 years thereafter, the Commission shall carry out an evaluation of this Regulation. The Commission shall submit a report to the European Parliament and to the Council on the main findings.

#### *Amendment*

1. By ... [OP please insert the date = the first day of the month following **72** months after the date of entry into force of this Regulation] and every 5 years thereafter, the Commission shall carry out an evaluation of this Regulation. The Commission shall submit a report to the European Parliament and to the Council on the main findings.

Or. en

## Amendment 68

### Proposal for a regulation Annex II – Part I – point 9

#### *Text proposed by the Commission*

9. Toys shall be designed and manufactured in such a way, in terms of the maximum values for impulse noise and continuous noise, that the sound from them is not able to impair children's hearing.

#### *Amendment*

9. Toys ***which are designed to emit a sound*** shall be designed and manufactured in such a way, in terms of the maximum values for impulse noise and continuous noise, that the sound from them is not able to impair children's hearing.

Or. en

#### *Justification*

*Noise limits should only have to apply to toys that are designed to emit a sound, as foreseen in Annex II Part I number 10 of the current Toy Safety Directive (2009/48/EC).*

## Amendment 69

### Proposal for a regulation Annex II – Part III – point 7 – point c

*Text proposed by the Commission*

*Amendment*

(c) toy components ***necessary for electronic or electric functions of the toy*** where the substance or mixture is fully inaccessible to children, including by inhalation.

(c) toy components where the substance or mixture is fully inaccessible to children, including by inhalation, ***when the toy is used as specified in the first subparagraph of Article 5(2)*** .

Or. en

*Justification*

*Addition from Annex II, Part 3 point 4 b) Toy Safety Regulation 2009/48/ EC.*

## **Amendment 70**

### **Proposal for a regulation**

#### **Annex III – point 1 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

All warnings shall be preceded by the word ‘Warning’ or, alternatively, by ***a generic pictogram such as*** the following:

All warnings shall be preceded by the word ‘Warning’ or, alternatively, by the following ***pictogram***:

Or. en

*Justification*

*In order to avoid confusing consumers, the Toy Safety Regulation should provide for a single, specific pictogram to be used, taken from ISO 7010 "Graphic symbols – Safety colours and safety signs – Registered safety symbols".*

## **Amendment 71**

### **Proposal for a regulation**

#### **Annex III – point 2 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

These warnings shall be accompanied by a brief indication, which may appear in the instructions for use, of the specific hazard calling for this precaution.

***The pictogram shall be at least 10 mm diameter in size and shall contain a red circle with a white background and with the text and face in black colour.*** These warnings shall be accompanied by a brief



indication, which may appear in the instructions for use, of the specific hazard calling for this precaution.

Or. en

*Justification*

*Addition necessary in order to align it with the specification in standard EN71.*

**Amendment 72**

**Proposal for a regulation**

**Annex III – point 8 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Toys contained in* food or co-mingled with *food* shall bear the following warning:

*Amendment*

***Packaging of food containing toys or packaging of*** food or co-mingled with ***toys*** shall bear the following warning:

Or. en

*Justification*

*If food contains a toy, it would be better to inform the consumer before consuming the food, therefore a warning that is visible on the food packaging makes more sense than on the toy itself.*

**Amendment 73**

**Proposal for a regulation**

**Annex IV – Part III – title**

*Text proposed by the Commission*

Conformity to type based on internal production control

*Amendment*

***Module C:*** Conformity to type based on internal production control

Or. en

## **Amendment 74**

### **Proposal for a regulation Annex VI – Part I – point k**

*Text proposed by the Commission*

*Amendment*

**(k) any substance of concern that is present in the toy.** **deleted**

Or. en

## **Amendment 75**

### **Proposal for a regulation Annex VI – Part I – point k a (new)**

*Text proposed by the Commission*

*Amendment*

**(ka) the communication channel as provided for in Article 7(11);**

Or. en

## **Amendment 76**

### **Proposal for a regulation Annex VI – Part I – point k b (new)**

*Text proposed by the Commission*

*Amendment*

**(kb) if the toy includes radio equipment the information provided for in Annex VI of Directive 2014/53/EU of the European Parliament and of the Council;**

Or. en

### *Justification*

*The product passport shall also replace the declaration of conformity required by the Radio Equipment Directive.*

## **Amendment 77**

### **Proposal for a regulation**

#### **Annex VI – Part I – point k c (new)**

*Text proposed by the Commission*

*Amendment*

***(kc) a link to the section of the Safety Gate Portal referred to in Article 34(3) of Regulation 2023/988 for the transmission of information about toys that might present a risk to the health and safety of consumers.***

Or. en

## EXPLANATORY STATEMENT

The EU single market for safe toys has been a major achievement for the protection of children while removing the barriers to the free movement of toys within the Union to the benefits of companies, which are mostly constituted by small and medium sized enterprises.

While it must be recognized that the framework built by Directive 2009/48/EC - the ‘Toy Safety Directive’ - has made the EU the safest place for toys in the world, new challenges have arisen, for example, from the changes in the purchasing habits brought by online marketplaces and from new technologies. Greater efforts must be undertaken to overcome these challenges, and reduce the number of unsafe toys circulating in the single market (toys are still amongst the most notified categories of products in the EU Safety Gate system for non-food dangerous products).

The current Toy Safety Directive should therefore be revised to ensure that consumers can count on a high level of safety for all products and that this safety is effectively monitored. This revision should also prioritise the removal of potential barriers to the development of disruptive technologies, as stated by the European Parliament in its resolution of 25 November 2020 on addressing product safety in the single market (2019/2190(INI)). Furthermore, the Parliament called for a broader approach for this revision through its resolution of 16 February 2022 on the implementation of the Toy Safety Directive (2021/2040(INI)), in order to enhance its effectiveness and efficiency and avoid implementation inconsistencies among Member States and market fragmentation.

The rapporteur is satisfied that the Commission has chosen a Regulation on toy safety to replace the Directive. This will not just strengthen the level of protection of children from possible risks but will also strengthen a harmonised protection system while providing for a level playing field between toys manufactured in the EU and abroad.

The key principle of the Rapporteur in drafting the report was therefore the protection of children as the most vulnerable consumers. With this perspective, the Rapporteur welcomes the ban on CMRs and endocrine disruptors, and, with regard to other chemicals, suggests a proportionate approach if children are not exposed to them.

With regard to the obligations for the economic operators, the rules for manufacturers, importers and distributors need to be coherent with currently adopted legislation, in particular the General Product Safety Regulation. Further to that, administrative burdens should be avoided, since they might create barriers to market access and will not help to improve toy safety. Additionally, SMEs need more help to comply with the future new set of rules set out by the Regulation. In particular, the product passport might cause an administrative burden to SMEs. The Rapporteur therefore suggests for the Commission to provide SMEs with tailor-made guidance on how to set up a product passport for their toys and also an automatic translation tools for the different languages of the Member States in which the SMEs want to make available their toys.

Issues may arise due to the fact that the new Ecodesign for sustainable products Regulation is not yet adopted, while this proposal refers to that Regulation when it comes to the use of the

digital product passport. In any case, even if the uncertainties concerning the digital product passport are addressed, the relevant information requirements in the context of the toy safety regulation should be applied only with regard to toy safety related matters and should not cover other elements, such as those related to the substances of concern. The specific environmental issues are subject to other pieces of legislation. Therefore, overlapping should be avoided, to allow legal certainty in the interest of consumers, companies and market surveillance authorities who will have to enforce the new rules.

Within this context, the product passport is an interesting solution as an effective tool for the market surveillance of products, including products entering the territory of the Union, but it could also do more than that. The Rapporteur has identified four specific aspects with regard to the product passport:

- a) it should allow consumers to get the information needed in case they want to complain about the safety of a product;
- b) it should replace all declarations of conformity, also the one foreseen in radio equipment directive;
- c) it should be organised in different sections with different access rights for market surveillance authorities and consumers, since sensitive commercial information and trade secrets should be protected;
- d) its technical specifications should be set out through delegated acts and at least 12 months after the entry into force of the legislation, to give the toy industry 18 months to adapt to the new system.

Furthermore, in general, industry needs enough time to adapt to new legislation, in particular because of the standards that need to be updated, the possible derogations and transitional period. The transitional period therefore should be modified.

## ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the [draft report / report, until the adoption thereof in committee]:

Entity and/or person
DG Internal Market, Industry, Entrepreneurship and SMEs, Bioeconomy, Chemicals, Cosmetics (European Commission)
HASBRO Spieleverlag
Deutscher Verband der Spielwarenindustrie e.V. (DVSI)
Toy Industries of Europe (TIE)
DEKRA
Deutscher Verband der Spielwarenindustrie e. V.
European Balloon & Party Council (EBPC)
The European Consumer Organisation (BEUC)
Verbraucherzentrale Bundesverband (VZBV)
The European consumer voice in standardisation (ANEC)
Independent Retail Europe
Permanent Representation Germany
HEJ Support International
Client Earth
Bundesamt für Risikobewertung
TÜV
Independent Retail Europe
Child Rights International Network (CRIN)
Handelsverband Deutschland (HDE)
Börsenverein des Deutschen Buchhandels e.V.
LEGO
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