

Safety of Toys

Introduction

The purpose of this information sheet is to provide a guide to certain aspects of the Toys Safety Directive and in no way replaces the Directive.

European Legislation

The current European legislation relating to the safety of toys is:

- Council Directive 88/378/EEC concerning the safety of toys, hereafter referred to as the TSD (Toys Safety Directive); and
- Council Directive 93/68/EEC amending Directive 88/378/EEC.

The aim of the TSD is the free movement of safe toys within the European Community and that the children using the toys will be protected against injury.

Within the TSD a toy is defined as “ any product or material designed or clearly intended for use in play by children of less than 14 years of age”. It identifies 21 products which are not regarded as toys for children or products that present a particular risk not covered by the directive (e.g., sports equipment).

Annex II of the TSD prescribes essential safety requirements which toys must meet during manufacture and before being placed on the market. These include protection against health hazards or physical injury in general, and risks associated with the physical and mechanical, flammability, chemical, electrical, hygiene and radioactivity properties of toys in particular.

Irish Legislation

The current Irish regulations appropriate to the safety of toys are:

- European Communities (Safety of Toys) Regulations, 1990; S.I. No. 32 of 1990; and
- European Communities (Safety of Toys) (Amendment) Regulations, 1994; S.I. No. 458 of 1994.

Both Regulations may be downloaded from the Government website:
<http://www.irishstatutebook.ie/>

Irish Standards & Technical Recommendations

The current **Irish Standards** relevant to the safety of toys include:

I.S. EN 71 – 1 Safety of toys – Part 1: Mechanical and physical properties

I.S. EN 71 – 2 Safety of toys – Part 2: Flammability of toys

I.S. EN 71 – 3 Safety of toys – Part 3: Migration of certain parts

I.S. EN 71 – 4 Safety of toys – Part 4: Experimental sets for chemistry and related activities

I.S. EN 71 – 5 Safety of toys – Part 5: Chemical toys (sets) other than experimental sets

I.S. EN 71 – 6 Safety of toys – Part 6: Graphical symbol for age warning labelling

- I.S. EN 71 – 7 Safety of toys – Part 7: Finger paints – Requirements and test methods
- I.S. EN 71 – 8 Safety of toys – Part 8: Swings, slides and similar activity toys for indoor and outdoor family domestic use
- I.S. EN 71 – 9 Safety of toys – Part 9: Organic chemical compounds – Requirements
- I.S. EN 71 – 10 Safety of toys – Part 10: Organic chemical compounds – Sample preparation and extraction
- I.S. EN 71 – 11 Safety of toys – Part 11: Organic chemical compounds – Methods of analysis
- I.S. EN 50088 Safety of electric toys

The current [Irish Technical Recommendations](#) relevant to the safety of toys include:

- [I.S. CR 14379 : Classification of toys – Guidelines](#)
- [I.S. CEN TR 15071 National translations of warnings and instructions for use in EN 71](#)
- [I.S. CEN TR 15371 Safety of toys – Replies to requests for interpretation of EN 71-1, EN 71-2 and EN 71-8](#)

NOTE *Copies of the standards and technical recommendations may be purchased from NSAI ILL-Sales (Tel. No. 01 - 857 6730/31).*

The above harmonised European standards have been developed by European standards bodies (CEN, CENELEC and ETSI) on the basis of the essential requirements set out in Directive 88/378/EEC.

In the absence of harmonised standards or where the standards do not cover all aspects relating to the toy, the manufacturer is allowed to apply any appropriate specifications that meet the essential safety requirements of the Toy Safety Directive and the toy must be submitted for EC-type examination by an Approved Body.

Conformity Assessment

Before a product can be placed on the market the manufacturer or their authorised representative must subject the product to a conformity assessment. This is intended to prove the conformity of the toy with the essential requirements of the Toy Safety Directive and the harmonised standards through examinations and compliance tests.

Under the Toy Safety Directive a manufacturer, or authorised representative, can choose between two methods for conformity assessment:

- i) **Self-certification**
This can only be used when the manufacturer has followed the harmonised standards which cover all the safety aspects of the toy. In self-certification the relevant compliance tests and examinations are performed by the manufacturer who draws up a design dossier and describes the means by which the conformity of the product has been ensured. After this the manufacturer affixes the CE marking, their name and address on the toy or on the packaging before placing the toy on the market.
- ii) **EC-type examination**
This method must be used when the manufacturer has not applied the harmonised standards covering all the safety requirements for the toy or

where such standards do not exist. In this case the manufacturer submits the model of the toy as well as a design dossier to an Approved Body who examines the toy and, if satisfied that the toy meets the essential requirements of the Toy Safety Directive, issues an EC-type examination certificate. The manufacturer then uses the approved model to ensure conformity of their production, after which they can affix the CE marking, their name and address on each toy or on the packaging before placing the toy on the market.

The results of the conformity tests must be documented and the manufacturer, or their authorised representative, must be able to prove the conformity of the product with the requirements of the Toy Safety Directive. The following information must be available for inspection:

- a description of the means (such as the use of a test report or a technical file) whereby the manufacturer ensures conformity of production with relevant harmonised standards and, as appropriate, an EC-type certificate drawn up by an approved body; copies of the documents the manufacturer has submitted to the approved body; a description of the means whereby the manufacturer ensures conformity with the approved model;
- the address of the places of manufacture and storage; and
- detailed information concerning the design and manufacture.

NOTE *Where neither the manufacturer or their authorised representative are established in the European Community, the above obligation to keep a design dossier available shall be the responsibility of the person who places the toy on the Community market.*

CE Marking

CE marking was introduced as a declaration by the manufacturer, or their authorised representative, that the product conforms to all the harmonisation provisions that apply to it and that the product has been the subject of the applicable conformity assessment procedures.

All toys prior to being placed on the market must be affixed with the CE mark (on the toy or its packaging) by the manufacturer or their authorised representative.

Other Directives Applicable to Toys

It is often the case that the essential safety requirements of other Directives may be applicable to a given product at the same time to ensure consumer safety. Some of the other Directives which certain toys have to comply with include:

**Council Directive 2001/95/EC on General Product Safety;
Council Directive 99/5/EC on Radio & Telecommunications Terminal Equipment;
Council Directive 89/109/EEC and 90/128/EEC on Contact with Foodstuffs;
Council Directive 89/336/EEC on Electromagnetic Compatibility;
Council Directive 76/768/EEC on Cosmetic Products;
Council Directive 73/23/EEC on Low Voltage Equipment; &
Council Directive 67/548/EEC on Dangerous Substances.**

Certain obligations of the manufacturer and certain procedures under the General Product Safety Directive (GPSD) apply to the toys sector as the existing TSD does not contain comparable post-sale safety obligations.

Under the GPSD, if a manufacturer identifies a safety risk in a product already on the market it will need to inform its distributors and also immediately inform the relevant authority to impose a recall of such products. Member States also have the authority to impose a recall of such products. When a Member State restricts a product from the market, orders a withdrawal from the distributor, or requires a recall, the Member State is required to notify the European Commission through the RAPEX procedure. If the same product is likely to be on the markets of other Member States, those other Member States are also notified.

List of Approved Bodies

Currently there are no test laboratories in Ireland for the purpose of undertaking EC type-examinations on toys.

However, there are a number of Approved Bodies in the U.K. the details of which in an annex to this document.

ANNEX
THE TOYS (SAFETY) REGULATIONS : U.K. APPROVED BODIES

1. Specialised Technology Resources (UK) Ltd
10 Portman Road
Reading
Berkshire RG30 IEA
Keith.Richards@struk.co.uk
Tel: 0044 - 118 939 8700
Fax: 0044 - 118 939 8701

2. Eurofins Scientific
445 New Cross Road
London SE14 6TA
cathymensikova@eurofins.com
Tel: 0044 - 20 8694 9330
Fax: 0044 - 20 8694 7105

3. Wiratec
BTTG, Wira House
West Park Ring Road
Leeds LS16 6QL
nisorensen@bttg.co.uk
Tel: 0044 - 113 259 1999
Fax: 0044 - 113 278 0306

4. Intertek Testing Services (Leicester) Ltd
Centre Court
Meridian Business Park
Leicester LE19 1WD
philip.bullock@intertek.com
Tel: 0044 - 116 263 0330
Fax: 0044 - 116 263 0311

5. AMTAC Laboratories Ltd
Norman Road
Broadheath
Altrincham
Cheshire WA14 4EP
idalgetty@amtac.co.uk
Tel: 0044 - 161 928 8924
Fax: 0044 - 161 927 7359

6. SGS United Kingdom Ltd
Oakwood House
City Road
Bradford BD8 8JY
nbeaumont@sgs.com
Tel: 0044 - 1274 760410
Fax: 0044 - 1274 760418

7. The Northern Testhouse Ltd
Southlands
Leeds Road
Thorpe Willoughby
North Yorkshire YO8 0SF
roger@northhere.freeserve.co.uk
Tel: 0044 - 1757 7000 66
Fax: 0044 - 1757 7000 66

8. SATRA Technology Centre
SATRA House
Rockingham Road
Kettering
Northants NN16 9JH
austins@satra.co.uk
Tel: 0044 - 1536 410000
Fax: 0044 - 1536 410626

9. Merchandise Testing Laboratories (UK) Ltd
Oakhurst House
57 Ashbourne Road
Derby DE22 3FS
james.turnbull@mtlglobal.co.uk &
harvey.jones@mtlglobal.co.uk
Tel: 0044 - 1332 363100
Fax: 0044 - 1332 363700