

# SAFE TOYS

=SAFE FUN FOR CHILDREN



Baltic Sea Network  
Product Safety

# SAFE TOYS = SAFE FUN FOR CHILDREN

## WHO SHOULD READ THIS FLYER?

In general this flyer is addressed to small and medium entrepreneurs who want to place toys on the European Community market. However, retailers and consumers may use this information to avoid selling or buying dangerous toys as well.

## WHAT IS A TOY?

Toys are products or materials designed or clearly intended for use in play by children less than 14 years of age.

Please note that some products may look like toys, but do not fall under this definition, e.g. decorative objects for festivities, Christmas decorations, collector items, – for exemptions see annex I Council Directive 88/378/EEC<sup>1</sup>.

## WHAT MAKES A SAFE TOY?

### GENERAL RESPONSIBILITIES OF THE MANUFACTURERS

The manufacturer shall produce toys taking into account the essential safety requirements described in Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys<sup>2</sup> and national regulations which implemented the directive's provisions as national law<sup>3</sup>.

The manufacturer shall carry out an analysis of chemical, physical, mechanical, electrical risks, flammability, hygiene and radioactivity hazards that a toy may present and an assessment of the potential exposure to them and issue a technical document. This technical document shall contain all relevant data, detailing how the manufacturer ensures that toys comply with the relevant essential requirements.

There are two ways in which a toy may conform to the essential safety requirements:

1. It can conform to relevant national standards transposing the harmonised standards published in the Official Journal – mainly EN 71 (for toys) or EN 62115 (for electrical toys), or
2. it can be subjected to an EC-type examination (i.e. an independent third party tested the toy).

The manufacturer is free to choose whether to comply with harmonised standards or to subject a toy to an EC-type examination. EC-type examinations are carried out by 'approved bodies' (accredited test laboratories) who are 'notified' to the European Commission by the Member States.

<sup>1</sup> EU-lex, Official Journal, L 187, 16.07.1988, annex I

<sup>2</sup> EU-lex, Official Journal, L 187, 16.07.1988, p. 1.

<sup>3</sup> Council Directive 88/378/EEC (03.05.1988) on the approximation of the laws of the Member States concerning the safety of toys will be replaced by Council Directive 2009/48/EC (18.06.2009) on the safety of toys as of 20 July, 2011 (EU-lex, Official Journal, L 170, 30.06.2009).



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## GENERAL RESPONSIBILITIES OF THE ENTITY PLACING A TOY ON THE MARKET

A manufacturer, importer or authorised representative of the manufacturer shall place identification details on a toy or its packaging to help identify an entity responsible for a toy (i.e. name and address, model number if applicable, EAN code, etc.).

Before placing a toy on the market importers shall verify that an appropriate conformity assessment procedure has been carried out by a manufacturer.

Before placing a toy on the market importers shall verify that an appropriate conformity assessment procedure has been carried out by a manufacturer. The economic operators are obliged to cooperate with each other. If a toy poses a risk or danger, they have to inform each other and the responsible market surveillance authority without delay. The guideline for "Notifications of Dangerous Products by Producers and Distributors" is available on the website of the European Commission:

[http://ec.europa.eu/consumers/publications/index\\_en.htm](http://ec.europa.eu/consumers/publications/index_en.htm).

<sup>4</sup> Please note that more restrictive requirements are envisaged for toys for children under 3 years of age.

<sup>5</sup> CEN report CR 14379 "Classification of Toys" provides guidelines for matching toy characteristics to children's ages. →

## MARKINGS AND WARNINGS

Toys made available on the market shall bear the CE mark. It is placed on the product by the producer and he declares with the CE-mark that the product conforms to the essential requirements of the toy-directive.



Warnings, instructions, and information placed on a toy should be in the language(s) of the country/countries in which a toy is distributed<sup>4</sup>.

Toys that are not intended for children under 3 years of age, but which can be dangerous for them shall bear a warning "not suitable for children under the age of 3 years" or a graphic sign along with a brief indication of a specific danger to the child. This warning does not apply for toys clearly not intended for children under 3 years of age:



Please note that any toy which could reasonably be regarded suitable for children under 3 years of age must comply with appropriate regulations. Therefore, labelling a toy "not suitable for children under 3 years" does not exempt it from complying with the regulations<sup>5</sup>.



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## SOME GENERAL BUT IMPORTANT REQUIREMENTS

- toys shall be designed and made of materials to avoid a risk of physical injury (esp. projectiles shall be designed in such a way that the kinetic energy they may develop when fired does not pose an unreasonable risk of physical injury to a user or to third parties);
- the shape and size of toys intended for children who are too small to sit down without assistance shall prevent their entrapment;
- toys must be designed and manufactured to meet hygiene and cleanliness requirements in order to avoid any risk of infection, sickness and contamination;
- the dimensions of toys for children under 36 month and their components shall prevent their ingestion, absorption or insertion into any body orifice and should not pose a risk to health or risk of injury if swallowed, inserted into a body orifice or from contact with the skin, mucous membranes or eyes;
- toys for children under 36 months must not contain accessible glass or porcellain parts;
- toys which produce high impulse sound levels or their packaging shall carry the warning: "Warning! Do not use close to the ear! Misuse may cause damage to hearing";
- toys containing heating elements must be constructed to ensure that the maximum temperature of any accessible surfaces does not cause burns when touched;
- toys must not constitute a dangerous flammable element in the child's environment, detrimental to a child's health;
- electric toys must not be powered by electricity of a nominal voltage exceeding 24 volts ;

- no part of the toy may exceed 24 volts; for electrically powered self-propelled toys, the maximum speed may not exceed 8 km/h;
- toys must not contain radioactive elements or substances in forms or proportions likely to be detrimental to a child's health.

## SUGGESTIONS FOR SMALL DISTRIBUTERS (SHOPS)

### WHAT TO LOOK FOR:

- *Make sure the toy or its packaging has a CE mark.*
- *Remember that young children may be especially vulnerable to choking on small parts.*
- *There are various things you can check on the toy:*
  - sharp edges
  - hidden spikes
  - loose facial features (on puppets or dolls), wheels, tires and other small parts: these should be securely fixed to the toy
  - secure seams: if the seams are loose and the stuffing accessible, a child could choke on it
  - any cord on a pull along toy should be at least 1.5 mm in diameter
  - any openings or gaps into which children could put their fingers and suffer harm from the mechanical parts inside
  - brittle plastic which could shatter into small sharp pieces
  - folding mechanisms: How much damage would they do if a child's fingers were caught in them?



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## DANGEROUS PRODUCTS FOUND IN THE MARKET AND USEFULL LINKS

Every Friday, the European Commission publishes a weekly overview of dangerous products reported by the national authorities (the RAPEX notifications).



[http://ec.europa.eu/consumers/dyner/rapex/rapex\\_archives\\_en.cfm](http://ec.europa.eu/consumers/dyner/rapex/rapex_archives_en.cfm)

RAPEX is the EU rapid alert system for all dangerous consumer products. It allows for the rapid exchange of information between Member States and the Commission on measures taken to prevent or restrict the marketing or use of products posing a serious risk to the health and safety of consumers. Both measures ordered by national authorities and measures taken voluntarily by producers and distributors are covered by RAPEX.

[http://ec.europa.eu/consumers/index\\_en.htm](http://ec.europa.eu/consumers/index_en.htm)

– the ec consumer affairs website (in English)

<http://ec.europa.eu/enterprise/newapproach/nando/>

<http://www.newapproach.org/>

– the Nando (New Approach Notified and

Designated Organisations) Information System

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## PARTNERS



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[www.ptac.gov.lv](http://www.ptac.gov.lv)



[www.uokik.gov.pl](http://www.uokik.gov.pl)



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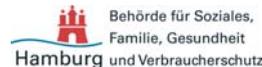
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[www.produksicherheit.hamburg.de](http://www.produksicherheit.hamburg.de)  
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EU-Projekt

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