



Toy Industries of Europe

Toy Industries of Europe (TIE) Position

Batteries Regulation (Article 11)

Toy Industries of Europe (TIE) supports the European Commission's aim to extend the life of electrical products and promote circularity by ensuring batteries can be replaced. However, a one-size-fits-all approach will have unintended consequences.

TIE's members are reputable toy manufacturers who are always looking to improve the sustainability of their processes and products, whilst making sure that toys remain safe and fun for children to play with. There is a wide variety of toys with portable batteries from talking teddy bears, toy tablets to remote-control cars. A one-size-fit-all approach in this case may be counterproductive both from a sustainability point of view, as well as the user experience.

We have a number of recommendations regarding **Article 11** of the Batteries Regulation proposal to ensure consumer safety and functionality of products:

Key points:

- **No blank ban on products** with non-replaceable batteries, specifically products that can still fulfil their basic function if the electrical current is off (talking teddy bears, key chains with LEDs);
- **Battery replacement** should be performed either by **qualified independent operators or end-users with tools which are commercially available**;
- An adequate transition period of **at least 24 months** before obligations on replaceability would apply.

I. **No blank ban on the use of non-replaceable batteries for toys**

Phasing out and banning the use of non-removable batteries will improve circularity and expand the lifespan of products. For toy manufacturers who put the safety of young consumers first, it is of fundamental importance that children cannot access the batteries. This is why, as a rule, our members ensure that battery-operated toys have a safe battery compartment that cannot be opened by a young child. Those batteries are easily replaceable (by an adult) without affecting the functionality of the toy.

However, there are still many toys and other products that function only with non-replaceable batteries. Due to safety reasons and product design concerns, these toys (light up yo-yos, robotic toy bugs or fish, key chains with lights) have an integrated battery. As children are the ones that play with toys, manufacturers take additional measures to ensure that batteries come with protection circuits and mechanisms. This makes it difficult to replace the battery of the toy without affecting its play functionality or destroying the toy.

These toys are also usually smaller in size. Designing them with a replaceable battery will increase their size and result in extra weight and/or loss of functionality. For example, a ball that lights up when it bounces will no longer properly bounce as a removable battery will change the surface of the ball. Extra weight will usually require a larger motor for the toy (toy drones, toy cars with remote control). A larger motor would require a larger battery which would consume more energy and ultimately negate any eco-benefits. Even if the toy were not affected in its size or functionality, additional expenses are likely to lead to manufacturers not producing those types of toys anymore.

At the same time, TIE notes that toys usually last longer than the batteries. However, many toys continue to serve their purpose after the battery is no longer functioning. Children still play with (talking) teddy bears, bouncing balls, or enjoy a singing book even when the battery is depleted. In these cases, TIE asks for an exemption to the ban.

Some examples:



Fig. 1

Fig. 1 is an example of a drone game with a rechargeable LiPo battery. The battery can be removed only by destroying the drone. If the manufacturers would make the battery removable and replaceable it would result in extra weight, larger motor and battery. A larger battery would consume more energy and ultimately negate any eco-benefits.

Fig. 2

Fig. 2 is an example of a child’s smartwatch. The small size of the products makes it difficult for replaceable batteries to be used. If the manufacturers will need to use removable batteries, they will need to completely change the design and thickness of the product. This will prevent them from designing smartwatches adapted to children’s wrists.



Fig. 3



Fig. 4

Fig. 3 and **Fig. 4** are key rings with non-replaceable batteries, connected to a LED, placed inside a soft plastic casing. Making batteries removable would lead to a more complex and expensive manufacturing process. The cost increase would discourage reputable toy manufacturers from making them.

Recommendations:

- Exempt small toys or toys that function with a non-replaceable battery due to safety reasons from the ban of non-replaceable batteries. In many cases such a ban would have a negative impact from a consumer standpoint, as well as from a sustainability perspective.
- Exempt small toys or toys from the ban of non-replaceable and non-removable batteries, as long as the products can serve their play function as toys.

II. Transition period

It is of great importance for manufacturers to have enough time to adjust to the new rules. The obligation on replaceability of portable batteries would inevitably have an impact on design, manufacture process as well as their choice of suppliers. The 12 months proposed by the European Parliament would not give producers enough time to adjust to the new rules. **24 months** is the minimum period for manufacturers to adjust to new rules and redesign their products.

A short and unrealistic timeline would also have a significant environmental impact. Without an adequate transition period, thousands of products already manufactured and not put on the market, which would effectively be banned under the Batteries Regulation, will likely be discarded, leading to a considerable and unjustified amount of waste.

A short transition period would also put the European manufacturers at a competitive disadvantage. The European industry would have to adapt their production processes, which are costly and time consuming. However, rogue traders who disregard EU rules would continue to put unsafe products on EU market and benefit from the short transition period.

Recommendations:

- A transition period of **24 months** should be ensured to give producers enough time to adjust their supply chains and production processes.

III. Qualified independent operator and commercially available tools for the replacement

In cases where toys have a removable battery, TIE agrees that battery replacement should be performed either by qualified independent operators or consumers (adult or an older child), as foreseen by the original Commission proposal. Generally, the batteries in a lot of toys are easily replaced by an adult without affecting the functionality of the toy. However, in some cases (specifically for toys where batteries are welded or soldered) it is important to have a qualified independent operator replace the battery. This way the operator will be responsible for the cases where safety risks (fire, explosion) or damage to the product arise from faulty replacement. Due to this, TIE considers that it is better to have both options (independent operators and consumers) mentioned in the proposal, and not restrict it to replacement of batteries only by consumers, as mentioned in the European Parliament position.

TIE also notes that replacements of batteries should be performed with “commercially available tools”, as defined in standard EN45554. “Basic tools and commonly available tools”, as proposed by the European Parliament, would capture a very limited list of tools prescribed in standardisation. However, the approach proposed by TIE would ensure that the Regulation is future-proof and allows for future innovations both on the tooling and the design sides.



Fig. 5 (phone for children)

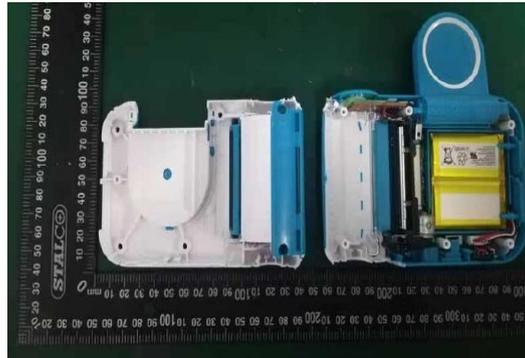


Fig. 6 (printcam for children)

Fig. 5 and Fig 6 represent toys with a complex system for batteries. It takes time, expertise and the right tools to dismantle and put it back together.

Recommendations:

- Battery replacement should be performed by either a qualified independent operator or the consumer (adult or older child) with commercially available tools.

About Toy Industries of Europe

Toy Industries of Europe (TIE) - Our mission is to promote the right of every child to play safely and securely and to promote fair practices and fair legislation, allowing responsible toy companies to continue to grow.

For more information, contact lidia.galus@toyindustries.eu.