



## Labelling and documentation in the new Toy Safety Directive

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*The new Toy Safety Directive 2009/48 EC comes into force on 20 July 2011 and it is important to understand the new administrative requirements of the Directive. This document provides some examples of rules on labelling and documentation.*

The requirements of the new Directive apply to all toys (i.e. each individual toy) that are “placed on the market” after 20 July 2011. “Placed on the market” means that the toy is either imported into an EU country or transferred from a manufacturer in Europe to a distributor/retailer. For the chemical requirements of the Directive, there is a two-year transitional period, which means that all toys placed on the market after 20 July 2013 must also comply with the chemical requirements.

### Labelling of toys

Under the new directive toys must be labelled with:

- CE mark (minimum height 5 mm). The CE mark shall be affixed to the toy, an affixed label or to the packaging. If the toy has packaging and the CE-mark is not visible through the (transparent) packaging, the CE-mark has to be affixed to the packaging.
  
- Type number, lot number, serial number, model number or other identification mark. The number or other identification mark shall allow the toy to be identified and serves as a link between the toy and the declaration of conformity. The identification shall as a rule be affixed to the toy unless the size and/or the nature of the toy makes the marking illegible or technically impossible. In the following cases, the nature of the toy is considered to allow the identification code to be affixed on the packaging or an accompanying document rather than on the toy itself:
  - the toy consists of several parts/components
  - the toy consists of one assembled item
  - the toy consists of one item which has not been assembled of several parts

Additional marking of individual toys/parts/components can be made based on the manufacturer’s internal rules and ambitions to minimise the extent of a potential recall by having a system for traceability of individual items (e.g. batch codes or date codes).

- The manufacturer’s name, registered company name or registered trademark and a contact address. This requirement also applies when the manufacturer is located outside the EU. The postal address (website address is not sufficient) shall indicate a single contact point in the EU and shall normally be on the toy but is permitted to be on the packaging if it is not possible under reasonable technical or economical conditions to have it on the toy.
  
- If the product is imported: The importer’s name, registered company name or registered trademark and a contact address (in addition to the manufacturer’s).

- Appropriate warnings. All warnings including the age warning symbol (minimum diameter 10 mm) shall be preceded by the word “Warning”. Warnings shall be worded exactly as given in the Directive (annex V) and warnings which determine the decision to purchase the toy are required to be clearly visible to the consumer before the purchase (applies also when purchase is made online). Warnings must be in a language understood by consumers in the country in which the toy is sold.

Note: For textile toys intended for children under 3 years, the manufacturer should supply washing instructions, if appropriate, since the Directive requires that such toys are at least soak washable and fulfil the safety requirements also after having been washed in accordance with the manufacturer’s instructions (the requirement does not apply if the toy contains a mechanism which may be damaged if soak washed).

### **Technical documentation**

The manufacturer shall draw up technical documentation and the importer shall ensure that the manufacturer has fulfilled this obligation. The manufacturer and/or importer shall, upon reasoned request from market surveillance, present the technical documentation within 30 days, for up to 10 years after the toy is placed on the market (i.e. in principle 10 years after the last product is imported).

The manufacturer must also draw up and sign a declaration of conformity which inter alia allows identification of the toy and the manufacturer, and states how compliance with the applicable requirements has been ensured, typically this is by reference to relevant harmonised standards. The importer must keep a copy of the declaration (for 10 years after the toy is placed on the market). The importer must also ensure that storage and transport conditions do not lead to the toy failing to meet safety requirements.

The technical documentation shall also include a safety assessment in which the potential hazards (chemical, physical, mechanical, electrical, hygiene, flammability, and radioactivity) are analysed and in which the potential exposure to these hazards is assessed. The safety assessment should include possible chemical hazards from 20 July 2011, even though the new chemical requirements do not come into effect until two years later.

### **Distributors’ responsibilities**

Distributors must act with due care in relation to applicable requirements. They shall verify that the toy carries the CE mark, appropriate addresses and identification marking, and also that it is accompanied by instructions and safety information in the language(s) understood by consumers in the country in which the toy is sold. If a distributor suspects that the toy does not comply, it must not be sold. If the toy poses a risk, the manufacturer/importer and authorities should be informed.

On a reasoned request from the authorities, the distributor shall provide the authorities with documentation showing that the toy meets the requirements (e.g. declaration of conformity, safety assessment or the full technical documentation). It is not expected that distributors maintain a full technical file but they must be able to obtain a copy upon reasoned request from the authorities. Distributors must ensure that storage and transport conditions do not lead to the toy failing to meet safety requirements.

**NOTE:** The rules in the Directive are complex and the text of this article provides only a highly simplified view of certain requirements of the Directive. For more detailed information, please consult the European Commission's Guidance Document on the Directive and on the Technical documentation:

<http://ec.europa.eu/enterprise/sectors/toys/documents/guidance/>

#### **About TIE**

*Toy Industries of Europe (TIE) is the trade association for the European toy industry, which comprises over 25% of the total world toy market. The toy industry is highly international and is one of the most dynamic business sectors in Europe. Around 80% of the sector is composed of small and medium sized enterprises (SMEs) which have less than 50 employees. Members of TIE include corporate companies as well as national associations from Bulgaria, France, Germany, Italy, the Netherlands, Spain, Sweden, the UK and the Nordic region. TIE membership is open to both corporate companies with a presence in Europe and national associations from European Union Member States (including candidate countries).*

*The information in this article is not exhaustive. Toy Industries of Europe (TIE) does not assume any responsibility or liability for the accuracy or completeness of this article. Although we do our best to provide accurate information, toy safety requirements are subject to changes, and we therefore recommend that you consult the latest available information.*