Implementation of Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys (Toy Safety Directive)

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The Committee on the Internal Market and Consumer Protection adopted an own-initiative report by Brando BENIFEI (S&D, IT) on the implementation of Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys (Toy Safety Directive).

The Directive on the safety of toys (TSD) was adopted in 2009 to ensure a high level of health and safety for children and improve the functioning of the internal market for toys by removing barriers to trade in toys between Member States. Despite the lack of comprehensive data on its full impact, the TSD is still largely effective in guaranteeing the free movement of toys in the single market.

Members acknowledged the added value of the TSD in improving the safety of toys. However, they regretted that some of the non-EU manufacturers that are selling their products in the single market, especially through online marketplaces, do not comply with the EU legislation, and that **many toys sold in the EU are still posing significant threats to children**.

Therefore, Members called for a further revision of the TSD.

Chemicals

The report recalled that toys that are placed on the EU market must comply with the TSD and with specific EU laws on chemicals. The Commission should ensure that endocrine disruptors are banned in toys as soon as they are identified. In addition, the Commission must decide whether the current distinction between toys intended for children **under 36 months** and those intended for older children needs to be abolished.

In view of a future revision of the TSD, the Commission should also evaluate whether the limit value for chemicals, such as **nitrosamines and nitrosatable**, should be set as the strictest value in force at national level, and introduce a mechanism allowing limit values for dangerous substances to be changed quickly.

Market surveillance and new technologies

Concerned that the effectiveness of market surveillance under the TSD is limited, the report called on the Member States to equip customs and market surveillance authorities with **adequate human, financial and technical resources** in order to increase the number and effectiveness of controls, so that effective enforcement of the TSD can be ensured and the proliferation of unsafe and non-compliant toys in the EU prevented.

The Commission is called on to:

- provide active support to Member States in the enforcement of national market surveillance strategies;

- adopt implementing acts laying down benchmarks and techniques for checks on the basis of common risk analysis at EU level, in order to ensure consistent enforcement of EU law, strengthen controls on products entering the EU market and avoid divergences and achieve an effective and uniform level of such controls;

- explore possibilities for using new technologies such as **e-labelling, blockchain and artificial intelligence** with a view to detecting unsafe products, mitigating risk and improving compliance with the TSD;

- extend the scope of the TSD to include provisions on privacy and information security, adopting horizontal legislation on cybersecurity requirements for **connected products** and associated services;

- publish guidelines on recall procedures.

E-commerce

While recognising the positive role of e-commerce, including the role of online marketplaces, which have enabled the development of EU toy manufacturers, Members stressed that the development of e-commerce poses challenges for market surveillance authorities in ensuring the compliance of products sold online. Many products bought online fail to conform to EU safety requirements. Therefore, the report considered it necessary to **eliminate the sale of non-compliant and dangerous toys online**.

Market surveillance and customs authorities are called to step up their cooperation, including the exchange of information on non-compliance findings, and perform robust enforcement actions to stop rogue traders from exploiting the EU market.

In addition, the report stressed the need to step up cooperation with non-EU countries with a view to preventing **unsafe and non-compliant toys from entering the EU market**.

Legal instrument and way forward

Members called on the Commission, since the TSD acts as a de facto regulation, to consider whether its revision could be the opportunity to **convert it into a regulation** in order to enhance its effectiveness and efficiency and avoid implementation inconsistencies among Member States and market fragmentation.

Concerned that some producers avoid complying with the TSD by claiming that their products are not toys, while they are clearly used as such, the report stressed that the **definition** of 'toys' should be included in the future revision of the TSD.

Data

The report highlighted that the lack of consistent EU-wide statistics on accidents caused by toys has made it difficult to quantitatively assess the level of protection granted by the TSD and to inform standardisation work on toys. It stressed that insufficient coordination and funding at EU level is a root cause of the absence of consistent data. Members called on the Commission to assess the possibility of establishing a **pan-European accident and injury database** that allows for introduction and collection of information on accidents and injuries that occur because of dangerous toys, **including those sold online**.