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

2021/2040(INI) - 16/02/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 688 votes to 6, with 1 abstention, a resolution on the implementation of Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys (Toy Safety Directive).

While recognising the added value of the Toys Directive in improving child safety and ensuring the same high level of protection throughout the single market, Members regretted that some third-country manufacturers selling their products on the single market, notably through the online market, do not comply with EU legislation, and that many toys sold in the EU still pose a significant threat to children.

Members therefore called for a **revision of the Toys Directive**, in particular to ensure that strict safety requirements are applied by all economic operators placing toys on the EU market.

Chemicals

Parliament recalled that toys that are placed on the EU market must **comply with the TSD and with specific EU laws on chemicals**. It called on the Commission to consider consolidating all applicable limits for toys to uniform values, justified by further assessment, in one piece of legislation, in order to streamline conformity assessment and to make it easier and less burdensome to comply with the requirements.

The Commission is called on to conduct an impact assessment in order to analyse if generic limits for derogated carcinogenic, mutagenic or toxic to reproduction (CMR) in the safety of toys Directive should be reduced and to explore if, in line with the chemicals strategy for sustainability, the possibility to derogate from the rules on the presence of CMRs that are inaccessible to the child in toys should be deleted and if adequate provisions to avoid children’s exposure to dangerous, toxic, harmful, corrosive and irritant substances should be made.

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, Parliament 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 invited to explore the possibilities of using new technologies such as **e-labelling, blockchain and artificial intelligence** to detect dangerous products, mitigate risks and improve compliance with the Toys Directive, as well as to facilitate the work of market surveillance authorities.

Concerned about new vulnerabilities and risks associated with **connected toys**, Parliament stressed the importance of protecting children's privacy when using connected toys. It encouraged producers of connected toys to build **safety and security mechanisms** into their products at the design stage.

The Commission should look into different policy options, including extending the scope of the Toys Directive to include provisions on privacy and information security, adopting horizontal legislation on cybersecurity requirements for connected products and related services.

E-commerce

While recognising the positive role of online trading platforms, which have enabled EU toy manufacturers to grow, Members are concerned about the high number of unsafe toys sold online by rogue manufacturers and consider it necessary to **eliminate the online sale of non-compliant and unsafe toys**.

Members believe that online marketplaces should be required to take more **responsibility** for ensuring the safety and compliance of toys sold on their platforms, in particular to identify and remove non-compliant toys, including by cooperating with market surveillance authorities to remove such toys and prevent their reappearance.

In addition, the resolution 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.

The Commission is invited to introduce specific requirements for the visibility and readability of warnings on toys, and to analyse whether better **information on the durability and reparability of toys** could be added to the labelling provisions. Digital solutions could be used to make this information available to consumers.

Data

The resolution 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. 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.