Safety of toys and repealing Directive 2009/48/EC

2023/0290(COD) - 25/11/2025 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution **approving** the Council's position at first reading with a view to the adoption of the regulation of the European Parliament and of the Council on the safety of toys and repealing Directive 2009/48/EC.

The proposed regulation lays down rules on the safety of toys in order to ensure a high level of protection of the health and safety of children and other persons, taking due account of the precautionary principle, and rules on the free movement of toys in the Union.

Scope

The regulation will apply to products that are designed or intended, whether or not exclusively, for use in play by children under **14 years of age** (toys). The scope of the regulation is clarified by specifying that certain books and paintball equipment should not be considered toys.

Specific safety requirements have been clarified, particularly with regard to the noise level that toys can emit, toys containing magnets or magnetic parts, and toys equipped with batteries.

Chemical substances banned in toys

Regarding the chemical properties of toys, certain chemical substances will be banned in toys:

- **carcinogenic, mutagenic or reprotoxic substances** (CMR substances), endocrine disruptors, respiratory sensitisers and substances toxic to a specific organ;

- **skin sensitizers**, category 1A;

- **per- and polyfluoroalkyl substances (PFAS)**, until the entry into force of the universal restrictions provided for by the Regulation on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) or by the Regulation concerning persistent organic pollutants (POPs);

- certain **allergenic fragrances** in toys intended for children under 36 months and in toys intended to be put in the mouth;

- **ten bisphenols**, for which the European Chemicals Agency (ECHA) has recommended regulatory measures;

- **nitrosamines** and nitrosatable substances, if the migration of these substances exceeds the migration limits set by the regulation.

Safety assessment

To demonstrate that a toy meets essential safety requirements, manufacturers must conduct a safety assessment before placing the toy on the market. This assessment must include a **hazard analysis** of the toy and an evaluation of any potential exposure to those hazards. Specifically, it must cover all chemical, physical, mechanical, electrical, flammability, hygiene, and radioactivity hazards. The safety assessment should take into account the health risk posed by digitally connected toys, where appropriate, including any risk posed to **mental health**.

Online toy sales

The Council's position introduces provisions relating to order fulfilment service providers and the online sale of toys. These provisions aim to be integrated into Regulation (EU) 2022/2065 (the Digital Services Act) and to converge with the General Product Safety Regulation, by specifying the information requirements to be included in offers through online marketplaces.

Warnings

Where necessary to ensure their safe use, toys will bear warnings specifying appropriate **user limitations**. The user limitations shall include at least the minimum age of the user and, where appropriate, the required abilities of the user, the maximum weight or minimum weight of the user and the need to ensure that the toy is used only under adult supervision. The manufacturer will mark warnings in a **clearly visible, easily legible and understandable and accurate manner** on the toy, on an affixed label or on the packaging and, if appropriate, on the instructions for use.

Digital Product Passport

Before placing a toy on the market, manufacturers will create a digital product passport for the toy to provide information on the toy's compliance with the regulation and other provisions of EU toy law. They will keep the digital product passport up to date and make any necessary changes as required.

The technical requirements for the digital product passport supplementing the regulation will be established via delegated acts, in line with the provisions on the digital product passport set out in Regulation (EU) 2024/1781 on eco-design requirements for sustainable products (ESPR).

Transition period

The application date of the new regulation has been set at **54 months** after its entry into force.