## Basic information

| | |
|---|---|
| **2021/2040(INI)**<br><br>INI - Own-initiative procedure | Procedure completed |
| Implementation of Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys (Toy Safety Directive)<br><br>**Subject**<br><br>2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance<br>4.60.04.02 Consumer security<br>4.60.08 Safety of products and services, product liability | |

## Key players

**European Parliament**

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| IMCO Internal Market and Consumer Protection | BENIFEI Brando (S&D) | 18/02/2021 |
| | Shadow rapporteur<br><br>WALSMANN Marion (EPP)<br><br>BOTOŞ Vlad-Marius (Renew)<br><br>LANGENSIEPEN Katrin (Greens/EFA)<br><br>MAZUREK Beata (ECR)<br><br>BASSO Alessandra (ID)<br><br>PELLETIER Anne-Sophie (The Left) | |

**European Commission**

| Commission DG | Commissioner |
|---|---|
| Internal Market, Industry, Entrepreneurship and SMEs | BRETON Thierry |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 29/04/2021 | Committee referral announced in Parliament | | |
| 09/12/2021 | Vote in committee | | |
| 14/12/2021 | Committee report tabled for plenary | A9-0349/2021 | Summary |
| 15/02/2022 | Debate in Parliament | | |
| 16/02/2022 | Decision by Parliament | T9-0037/2022 | Summary |

| Technical information | |
|---|---|
| **Procedure reference** | 2021/2040(INI) |
| **Procedure type** | INI - Own-initiative procedure |
| **Procedure subtype** | Implementation |
| **Legal basis** | Rules of Procedure EP 55 |
| **Other legal basis** | Rules of Procedure EP 165 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | IMCO/9/05864 |

**Documentation gateway**

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee draft report | | PE692.714 | 03/06/2021 | |
| Amendments tabled in committee | | PE695.242 | 13/07/2021 | |
| Committee report tabled for plenary, single reading | | A9-0349/2021 | 14/12/2021 | Summary |
| Text adopted by Parliament, single reading | | T9-0037/2022 | 16/02/2022 | Summary |

## Meetings with interest representatives published in line with the Rules of Procedure

### Other Members

**Transparency**

| Name | Date | Interest representatives |
|---|---|---|
| DE MEO Salvatore | 24/06/2021 | Assogiocattoli |

# 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.

# 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) - 14/12/2021 - Committee report tabled for plenary, single reading

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**.