





Basic information	
<b>2023/0290(COD)</b> COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Safety of toys and repealing Directive 2009/48/EC  Repealing Directive 2009/48 <a href="#">2008/0018(COD)</a>  <b>Subject</b>  2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 4.60.04.02 Consumer security 4.60.08 Safety of products and services, product liability	

Key players			
European Parliament	<b>Committee responsible</b>	<b>Rapporteur</b>	<b>Appointed</b>
	 Internal Market and Consumer Protection	WALSMANN Marion (EPP)	01/08/2024
	<b>Former committee responsible</b>	<b>Former rapporteur</b>	<b>Appointed</b>
	 Internal Market and Consumer Protection	WALSMANN Marion (EPP)	05/09/2023
	<b>Former committee for opinion</b>	<b>Former rapporteur for opinion</b>	<b>Appointed</b>
	 Environment, Public Health and Food Safety (Associated committee)	CERDAS Sara (S&D)	24/10/2023
Council of the European Union			
European Commission	<b>Commission DG</b>	<b>Commissioner</b>	
	Internal Market, Industry, Entrepreneurship and SMEs	BRETON Thierry	
European Economic and Social Committee			

Key events			
Date	Event	Reference	Summary
28/07/2023	Legislative proposal published	COM(2023)0462 	Summary

19/10/2023	Committee referral announced in Parliament, 1st reading		
19/10/2023	Referral to associated committees announced in Parliament		
13/02/2024	Vote in committee, 1st reading		
20/02/2024	Committee report tabled for plenary, 1st reading	<a href="#">A9-0044/2024</a>	<a href="#">Summary</a>
13/03/2024	Decision by Parliament, 1st reading	<a href="#">T9-0144/2024</a>	<a href="#">Summary</a>
13/03/2024	Results of vote in Parliament		
05/09/2024	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
16/09/2024	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
13/11/2024	Committee referral announced in Parliament, 1st reading		
26/06/2025	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations	<a href="#">PE774.604</a> <a href="#">PE775.384</a>	
16/10/2025	Council position published	<a href="#">09663/1/2025</a>	
23/10/2025	Committee referral announced in Parliament, 2nd reading		
11/11/2025	Vote in committee, 2nd reading		
12/11/2025	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A10-0227/2025</a>	
25/11/2025	Decision by Parliament, 2nd reading	<a href="#">T10-0279/2025</a>	<a href="#">Summary</a>
25/11/2025	Results of vote in Parliament		
26/11/2025	Final act signed		
12/12/2025	Final act published in Official Journal		

Technical information	
<b>Procedure reference</b>	2023/0290(COD)
<b>Procedure type</b>	COD - Ordinary legislative procedure (ex-codecision procedure)
<b>Procedure subtype</b>	Legislation
<b>Legislative instrument</b>	Regulation
<b>Amendments and repeals</b>	Repealing Directive 2009/48 <a href="#">2008/0018(COD)</a>
<b>Legal basis</b>	Rules of Procedure EP 57_o Treaty on the Functioning of the European Union TFEU 114
<b>Other legal basis</b>	Rules of Procedure EP 165
<b>Mandatory consultation of other institutions</b>	<a href="#">European Economic and Social Committee</a>
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	IMCO/10/00841







Documentation gateway				
<b>European Parliament</b>				
<b>Document type</b>	<b>Committee</b>	<b>Reference</b>	<b>Date</b>	<b>Summary</b>

Committee draft report		<a href="#">PE754.649</a>	08/11/2023	
Amendments tabled in committee		<a href="#">PE757.094</a>	05/12/2023	
Amendments tabled in committee		<a href="#">PE757.095</a>	05/12/2023	
Amendments tabled in committee		<a href="#">PE757.116</a>	05/12/2023	
Committee opinion	<a href="#">ENVI</a>	<a href="#">PE758.211</a>	12/02/2024	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0044/2024</a>	20/02/2024	<a href="#">Summary</a>
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0144/2024</a>	13/03/2024	<a href="#">Summary</a>
Text agreed during interinstitutional negotiations		<a href="#">PE774.604</a>	11/06/2025	
Committee letter confirming interinstitutional agreement		<a href="#">PE775.384</a>	30/06/2025	
Committee draft report		<a href="#">PE779.456</a>	03/11/2025	
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A10-0227/2025</a>	12/11/2025	
Text adopted by Parliament, 2nd reading		<a href="#">T10-0279/2025</a>	25/11/2025	<a href="#">Summary</a>

#### Council of the EU

Document type	Reference	Date	Summary
Council position	<a href="#">09663/1/2025</a>	16/10/2025	
Draft final act	<a href="#">00050/2025/LEX</a>	27/10/2025	

#### European Commission

Document type	Reference	Date	Summary
Legislative proposal	<a href="#">COM(2023)0462</a> 	28/07/2023	<a href="#">Summary</a>
Document attached to the procedure	<a href="#">SEC(2023)0297</a> 	28/07/2023	
Document attached to the procedure	<a href="#">SWD(2023)0268</a> 	28/07/2023	
Document attached to the procedure	<a href="#">SWD(2023)0269</a> 	28/07/2023	
Document attached to the procedure	<a href="#">SWD(2023)0270</a> 	28/07/2023	
Commission response to text adopted in plenary	<a href="#">SP(2024)350</a>	22/07/2024	
Commission communication on Council's position	<a href="#">COM(2025)0635</a> 	14/10/2025	

#### National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	<a href="#">IT_CHAMBER</a>	<a href="#">COM(2023)0462</a>	05/12/2023	

**Other institutions and bodies**

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	<a href="#">CES3708/2023</a>	13/12/2023	

**Additional information**

Source	Document	Date
EP Research Service	<a href="#">Briefing</a>	20/11/2023
European Commission	<a href="#">EUR-Lex</a>	

**Meetings with interest representatives published in line with the Rules of Procedure****Rapporteurs, Shadow Rapporteurs and Committee Chairs**

Transparency				
Name	Role	Committee	Date	Interest representatives
<a href="#">WALSMANN Marion</a>	Rapporteur	<a href="#">IMCO</a>	18/02/2026	Amazon
<a href="#">WALSMANN Marion</a>	Rapporteur	<a href="#">IMCO</a>	25/02/2025	Deutsche Ständige Vertretung
<a href="#">MÜLLER Piotr</a>	Shadow rapporteur	<a href="#">IMCO</a>	20/02/2025	Bureau Européen des Unions de Consommateurs The European Consumer Voice in Standardisation
<a href="#">KULJA András Tivadar</a>	Shadow rapporteur for opinion	<a href="#">ENVI</a>	20/02/2025	Toy Industries of Europe
<a href="#">KULJA András Tivadar</a>	Shadow rapporteur for opinion	<a href="#">ENVI</a>	13/02/2025	Child Rights International Network
<a href="#">WALSMANN Marion</a>	Rapporteur	<a href="#">IMCO</a>	05/02/2025	Deutscher Verband der Spielwarenindustrie e.V.
<a href="#">WALSMANN Marion</a>	Rapporteur	<a href="#">IMCO</a>	05/02/2025	Perm Representation of Poland
<a href="#">MÜLLER Piotr</a>	Shadow rapporteur	<a href="#">IMCO</a>	04/02/2025	EuroCommerce
<a href="#">KULJA András Tivadar</a>	Shadow rapporteur for opinion	<a href="#">ENVI</a>	07/01/2025	EuroCommerce
<a href="#">BENIFEI Brando</a>	Shadow rapporteur	<a href="#">IMCO</a>	28/11/2024	The LEGO Group
<a href="#">WALSMANN Marion</a>	Rapporteur	<a href="#">IMCO</a>	21/11/2024	TÜV-Verband e. V.
<a href="#">STÜRKGH Anna</a>	Shadow rapporteur	<a href="#">IMCO</a>	19/11/2024	Toy Industries of Europe
<a href="#">KULJA András Tivadar</a>	Shadow rapporteur for opinion	<a href="#">ENVI</a>	19/11/2024	European Balloon and Party Council
<a href="#">KULJA András Tivadar</a>	Shadow rapporteur for opinion	<a href="#">ENVI</a>	18/11/2024	The LEGO Group
<a href="#">BOYLAN Lynn</a>	Shadow rapporteur for opinion	<a href="#">ENVI</a>	15/11/2024	ChemTrust
<a href="#">STÜRKGH Anna</a>	Shadow rapporteur	<a href="#">IMCO</a>	14/11/2024	The LEGO Group
<a href="#">NEGRESCU Victor</a>	Rapporteur	<a href="#">ENVI</a>	11/11/2024	Toy Industries of Europe

WALSMANN Marion	Rapporteur	IMCO	07/11/2024	Prawnik
WALSMANN Marion	Rapporteur	IMCO	24/10/2024	Europäische Kommission
BENIFEI Brando	Shadow rapporteur	IMCO	04/03/2024	Toy Industries of Europe
WALSMANN Marion	Rapporteur	IMCO	31/01/2024	Video Games Europe
BOTOȘ Vlad-Marius	Rapporteur	IMCO	30/01/2024	The LEGO Group
WALSMANN Marion	Rapporteur	IMCO	30/01/2024	The LEGO Group
BENIFEI Brando	Shadow rapporteur	IMCO	25/01/2024	Amazon Europe Core SARL
BENIFEI Brando	Shadow rapporteur	IMCO	25/01/2024	Amazon Europe Core SARL
WALSMANN Marion	Rapporteur	IMCO	16/01/2024	European Economic and Social Committee
WALSMANN Marion	Rapporteur	IMCO	08/01/2024	TIC Council Europe
WALSMANN Marion	Rapporteur	IMCO	13/12/2023	Chemsec
WALSMANN Marion	Rapporteur	IMCO	12/12/2023	CHEM Trust
WALSMANN Marion	Rapporteur	IMCO	08/12/2023	DIN
CERDAS Sara	Rapporteur for opinion	ENVI	08/12/2023	SRS Legal Mattel Portugal Creative Toys Portugal Concentra
DE LANGE Esther	Shadow rapporteur	ENVI	05/12/2023	Amazon Europe Core SARL
WALSMANN Marion	Rapporteur	IMCO	04/12/2023	Alibaba
WALSMANN Marion	Rapporteur	IMCO	01/12/2023	Amazon
CERDAS Sara	Rapporteur for opinion	ENVI	30/11/2023	ChemSec
CERDAS Sara	Shadow rapporteur for opinion	ENVI	28/11/2023	Amazon Europe Core SARL
DE LANGE Esther	Shadow rapporteur	ENVI	27/11/2023	Toy Industries of Europe
BENIFEI Brando	Shadow rapporteur	IMCO	24/11/2023	Toy Industries of Europe
LANGENSIEPEN Katrin	Shadow rapporteur	IMCO	22/11/2023	Börsenverein des Deutschen Buchhandels e.V.
BOTOȘ Vlad-Marius	Shadow rapporteur	IMCO	22/11/2023	ANEC/BEUC
BOTOȘ Vlad-Marius	Shadow rapporteur	IMCO	20/11/2023	5 Rights Foundation
BOTOȘ Vlad-Marius	Shadow rapporteur	IMCO	15/11/2023	Toy Industries of Europe
CERDAS Sara	Rapporteur for opinion	ENVI	14/11/2023	The LEGO Group
WALSMANN Marion	Rapporteur	IMCO	08/11/2023	5Rights Foundation
WALSMANN Marion	Rapporteur	IMCO	31/10/2023	Child Rights International Network
CERDAS Sara	Rapporteur for opinion	ENVI	27/10/2023	Toys Industries of Europe Globetrade SES

WALSMANN Marion	Rapporteur	IMCO	18/10/2023	TÜV-Verband e. V.
WALSMANN Marion	Rapporteur	IMCO	18/10/2023	Bundesinstitut für Risikobewertung
WALSMANN Marion	Rapporteur	IMCO	16/10/2023	Independant Retail Europe
WALSMANN Marion	Rapporteur	IMCO	16/10/2023	HEJSupport International
WALSMANN Marion	Rapporteur	IMCO	09/10/2023	European Commission
WALSMANN Marion	Rapporteur	IMCO	05/10/2023	Verbraucherzentrale Bundesverband
WALSMANN Marion	Rapporteur	IMCO	05/10/2023	Bureau Européen des Unions de Consommateurs
WALSMANN Marion	Rapporteur	IMCO	04/10/2023	DEKRA e.V.
WALSMANN Marion	Rapporteur	IMCO	04/10/2023	European Balloon and Party Council
WALSMANN Marion	Rapporteur	IMCO	19/09/2023	Deutscher Verband der Spielwarenindustrie e.V.
WALSMANN Marion	Rapporteur	IMCO	12/09/2023	European Commission
WALSMANN Marion	Rapporteur	IMCO	12/09/2023	ANEC
WALSMANN Marion	Rapporteur	IMCO	26/04/2023	Deutscher Verband der Spielwarenindustrie e.V.

## Other Members

Transparency		
Name	Date	Interest representatives
WALSMANN Marion	09/04/2025	Permanent Representation of the Republic of Poland to the European Union
WALSMANN Marion	17/03/2025	Permanent Representation of the Republic of Poland to the European Union
WALSMANN Marion	12/03/2025	Permanent Representation of the Republic of Poland to the European Union
ARIAS ECHEVERRÍA Pablo	21/03/2024	AEFJ
VAN BREMPT Kathleen	11/03/2024	Toy Industries of Europe smart.be
ZULLO Marco	25/01/2024	Amazon Europe Core SARL
ROSSI Maria Veronica	19/01/2024	GEMAR SRL
VANDENKENDELAERE Tom	08/12/2023	Globetrade
BALLARÍN CEREZA Laura	05/12/2023	Mattel, Inc.
LINS Norbert	01/12/2023	Deutscher Verband der Spielwarenindustrie e.V.
LUENA César	30/11/2023	Asociacion Española de Fabricantes de Juguetes
COMI Lara	28/11/2023	GEMAR SRL
SCHWAB Andreas	23/11/2023	Börsenverein des Deutschen Buchhandels e.V.
VANDENKENDELAERE Tom	21/11/2023	The European Consumer Voice in Standardisation BEUC
BALLARÍN CEREZA Laura	21/11/2023	Asociación Española de Fabricantes de Juguetes
KOKALARI Arba	09/11/2023	The LEGO Group Toy Industries of Europe

		Brio Micki Lek- och Babybranschen
<a href="#">CHAHIM Mohammed</a>	27/10/2023	Toy Industries of Europe
<a href="#">GRUDLER Christophe</a>	24/10/2023	Toys Industries of Europe
<a href="#">BALLARÍN CEREZA Laura</a>	20/09/2023	Asociación Española de Fabricantes de Juguetes
<a href="#">VANDENKENDELAERE Tom</a>	14/09/2023	Toy Industries of Europe

<b>Final act</b>
<a href="#">Regulation 2025/2509</a> <a href="#">OJ OJ L 12.12.2025</a>

## Safety of toys and repealing Directive 2009/48/EC

2023/0290(COD) - 28/07/2023 - Legislative proposal

**PURPOSE:** to replace Directive 2009/48/EC on the safety of toys with a Regulation to ensure its uniform application.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** Directive 2009/48/EC of the European Parliament and of the Council was adopted to ensure a high level of safety of toys and their free movement on the internal market.

A Commission evaluation of Directive 2009/48/EC concluded that the Directive is relevant and generally effective in protecting children. However, it also identified a number of deficiencies that have emerged during the practical application of the Directive since its adoption in 2009. In particular, the evaluation identified certain shortcomings with regard to possible risks arising from harmful chemicals in toys. The evaluation also concluded that many non-compliant and unsafe toys remain on the Union market. Moreover, the reliance on digital technologies has led to new hazards in toys. Radio toys are to comply with essential requirements for the protection of privacy and internet-connected toys are to incorporate safeguards towards cybersecurity and protection from fraud.

Since the rules setting out the requirements for toys, in particular the essential requirements and the conformity assessment procedures, need to be of uniform application across the Union, and not give room for divergent implementation by Member States, Directive 2009/48/EC should be replaced by a regulation.

**CONTENT:** the aim of this proposed Regulation is to **change the directive to a regulation** with a view to simplifying the regulatory environment and to ensure uniform implementation throughout the EU of the proposed legislation.

### **Exclusions**

The products that are not covered by the proposed regulation have been set out in Annex I, which is now a **single list**. The products exempted from the scope of the proposed regulation remain the same as in the current Directive, with the exception of slings and catapults, which are no longer excluded from the scope of the Regulation. The proposal also empowers the Commission to determine via implementing acts whether a specific product or category of products should be considered as a toy or not.

### **Requirements for toys**

The proposal contains the obligation: (i) for toys to conform with the general and particular safety requirements; and (ii) to **affix specific warnings** when these are necessary for the safe use of the toys. While the categories of particular safety requirements in Annex II remain the same as for Directive 2009/48/EC, the general safety requirement goes beyond protecting the physical health and safety of users, to include the **psychological well-being and cognitive development** of children.

### **Particular safety requirements for toys**

The main categories of essential requirements for toys are set out in Annex II and they concern:

- physical and mechanical properties;
- flammability;

- chemical properties;
- electrical properties;
- hygiene;
- radioactivity.

The **chemical properties** are amended and simplified.

The generic restrictions of particularly harmful substances now include: (i) substances which are **carcinogenic, mutagenic or toxic for reproduction**; (ii) **endocrine disruptors**, (iii) **respiratory sensitisers** and (iv) substances **toxic to a specific organ**.

The possibilities for a derogation to this ban have been limited.

#### ***Obligations of economic operators***

The proposal incorporates obligations for manufacturers, importers and distributors aligned with Decision 768/2008/EC, as is already the case in the current Directive. This clarifies the respective obligations, which are proportionate to the economic operators' role. The manufacturer is required to create a product passport for the toy including the relevant compliance information which will replace the EU declaration of conformity.

#### ***Presumption of conformity of toys***

The presumption of conformity of toys when manufacturers apply the relevant harmonised standards or parts thereof published in the Official Journal of the European Union remains. However, in order to ensure the presumption of conformity when there are no relevant harmonised standards the Commission will be empowered to adopt common specifications. This will be a fall-back option to be used only when the standardisation bodies are not able to provide standards or provide standards that do not respond to the Commission standardisation request and the essential requirements of Annex II.

#### ***Product passport***

The EU declaration of conformity is replaced by the obligation to have a **product passport** available for toys to declare compliance with the requirements of this proposed regulation. The product passport will be connected through a data carrier to a unique product identifier and meet the same technical requirements for a product passport contained in the ESPR. The reference of the product passport must be included in a Commission central registry that will be set up under the regulation on ecodesign requirements for sustainable products (ESPR) and this information needs to be indicated at customs when toys coming from outside the EU are placed under the customs procedure of release for free circulation.

## **Safety of toys and repealing Directive 2009/48/EC**

2023/0290(COD) - 20/02/2024 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Marion WALSMANN (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council on the safety of toys and repealing Directive 2009/48/EC.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

#### ***Subject matter***

The objective of this Regulation is to improve the functioning of the internal market while providing for a high level of consumer protection and a high level of protection of health and safety of children and other persons. This Regulation lays down rules on the safety of toys and on the free movement of toys in the Union, contributing to strengthening of the internal market. It should be implemented taking due account of the **precautionary principle**.

#### ***Product requirements***

Internet connected toys that have social interactive features (e.g. speaking or filming) may also require a third-party conformity assessment.

When assessing the risk to the safety or health of users or third parties, a manufacturer of digitally connected toys should, where appropriate, according to reasonable best efforts, also take into account any **risk posed to mental health, as well as the cognitive development, of children**, that may arise when such toys are used in accordance with their intended use.

Members stated that toys which include **artificial intelligence** are to comply with the Regulation laying down harmonised rules on artificial intelligence, which classifies them as high-risk, and subjects them to third-party assessments, risk management, transparency, and human oversight. Therefore, such toys should comply with standards of safety, security and privacy by design.

#### ***Warnings***

Toys which are sold without packaging should have appropriate warnings affixed to them if the surface of the toy allows. If this is not possible, the warnings should be placed on the label. The manufacturer may add a QR-code which provides a link to the instructions in a digital format, but shall always mark warnings on the toy, on an affixed label or on the packaging.

Warnings which determine the decision to purchase the toy should be **clearly visible to the consumer before the purchase**. They should be of sufficient size to ensure that they are also immediately visible and legible online.

### ***Obligations of online marketplaces***

Toys should comply with the recently updated general rules on **product safety**, for example with regard to online sales, accident reporting and consumers' right to information and redress.

### ***Delegated acts***

The Commission may, by means of delegated acts supplementing the Regulation, establish common specifications for the essential safety requirements only where:

- it has requested one or more European standardisation organisations to develop or revise European standards for the requirements concerned, and the request has not been accepted; or
- no reference to harmonised standards covering product requirements has been published in the Official Journal of the European Union and no such reference is expected to be published within a reasonable period of time.

### ***Digital product passport***

Before placing a toy on the market, manufacturers should draw up a digital product passport for that toy. The digital product passport should meet the requirements laid down in this Regulation and other relevant Union harmonised legislation requiring an EU declaration of conformity and it should replace all EU declarations of conformity required.

All information included in the digital product passport should be based on open standards developed with an interoperable format, including for the purpose of transmitting information via the Safety Business Gateway and the Safety Gate Portal.

### ***Assistance for SMEs***

The Commission should provide comprehensive assistance, in cooperation with the relevant national authorities, to SMEs that are required to establish a digital product passport for toys, by providing them with tailor-made guidance on how to efficiently set up and operate a digital product passport for toys and an automatic translation tool for the languages.

### ***Safety assessment***

In order to demonstrate that a toy complies with the essential safety requirements, manufacturers should, before placing a toy on the market, carry out a safety assessment which should at least the following:

- cover all the chemical, physical, mechanical, electrical, flammability, hygiene and radioactivity hazards and the potential exposure to such hazards;
- in relation to chemical hazards, take account of the possible exposure to individual chemicals, and any known additional hazards from combined exposure to the different chemicals present in the toy, taking into account the obligations under Regulation (EC) No 1907/2006 and the conditions set out therein;
- be updated whenever additional relevant information is available.

The safety assessment should be included in the technical documentation.

## **Safety of toys and repealing Directive 2009/48/EC**

2023/0290(COD) - 13/03/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 603 votes to 5, with 15 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the safety of toys and repealing Directive 2009/48/EC.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

### ***Subject matter***

The objective of this Regulation is to improve the functioning of the internal market while providing for a high level of consumer protection and a high level of protection of health and safety of children and other persons. This Regulation lays down rules on the **safety of toys** and on the free movement of toys in the Union, contributing to strengthening of the internal market. It should be implemented taking due account of the **precautionary principle**.

### ***Ban on harmful chemicals***

The Regulation will ban substances that are carcinogenic, mutagenic or toxic to reproduction (CRM). The existing prohibition on carcinogenic and mutagenic substances or substances toxic for reproduction (CRM) is extended to chemicals that are particularly harmful to children, such as **endocrine disruptors** or chemicals affecting the respiratory system. The rules also target chemicals that are toxic to specific organs or are persistent, bioaccumulative, and toxic.

The use in toys, components of toys or micro-structurally distinct parts of toys, of **per- and polyfluoroalkyl substances (PFAS)** and of bisphenols is **prohibited**. Toys intended for use by children under 36 months or other toys intended to be placed in the mouth shall not contain any fragrances.

### ***Product requirements***

**Internet connected toys** that have social interactive features (e.g. speaking or filming) may also require a third-party conformity assessment.

When assessing the risk to the safety or health of users or third parties, a manufacturer of digitally connected toys should, where appropriate, according to reasonable best efforts, also take into account any **risk posed to mental health, as well as the cognitive development, of children**, that may arise when such toys are used in accordance with their intended use.

When assessing the safety of digitally connected toys likely to have an impact on children, manufacturers should ensure that the products they make available on the market meet the highest standards of safety, security and privacy by design, in the best interests of children.

Members stated that toys which include **artificial intelligence** are to comply with the Regulation laying down harmonised rules on artificial intelligence, which classifies them as high-risk, and subjects them to third-party assessments, risk management, transparency, and human oversight. Therefore, such toys should comply with standards of safety, security and privacy by design.

### ***Warnings***

Toys which are sold without packaging should have **appropriate warnings affixed** to them if the surface of the toy allows. If this is not possible, the warnings should be placed on the label. The manufacturer may add a **QR-code** which provides a link to the instructions in a digital format, but shall always mark warnings on the toy, on an affixed label or on the packaging.

Warnings which determine the decision to purchase the toy should be **clearly visible to the consumer before the purchase**. They should be of sufficient size to ensure that they are also immediately visible and legible online.

Labels and instructions for use should draw the attention of children or their supervisors to the inherent hazards and risks to the health and safety of children considering the age group of children for which the toys are intended, and to the ways of avoiding such hazards and risks.

### ***Obligations of online marketplaces***

Toys should comply with the recently updated general rules on product safety, for example with regard to online sales, accident reporting and consumers' right to information and redress.

### ***Digital product passport***

Before placing a toy on the market, manufacturers should draw up a digital product passport for that toy. The digital product passport should meet the requirements laid down in this Regulation and other relevant Union harmonised legislation requiring an EU declaration of conformity and it should replace all EU declarations of conformity required.

All information included in the digital product passport should be based on open standards developed with an interoperable format, including for the purpose of transmitting information via the Safety Business Gateway and the Safety Gate Portal.

### ***Assistance for SMEs***

The Commission should provide comprehensive assistance, in cooperation with the relevant national authorities, to SMEs that are required to establish a digital product passport for toys, by providing them with tailor-made guidance on how to efficiently set up and operate a digital product passport for toys and an automatic translation tool for the languages.

### ***Safety assessment***

In order to demonstrate that a toy complies with the essential safety requirements, manufacturers should, before placing a toy on the market, carry out a safety assessment which should at least the following:

- cover all the chemical, physical, mechanical, electrical, flammability, hygiene and radioactivity hazards and the potential exposure to such hazards;
- in relation to chemical hazards, take account of the possible exposure to individual chemicals, and any known additional hazards from combined exposure to the different chemicals present in the toy, taking into account the obligations under Regulation (EC) No 1907/2006 and the conditions set out therein;
- be updated whenever additional relevant information is available.

The safety assessment should be included in the technical documentation.

## **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.