



## **TOY SAFETY DIRECTIVE (2009/48/EC)**

Directive 2009/48/EC of the European Parliament and of The Council of 18 June 2009 on the safety of s.

Directive 2009/48/EC was published on 18th June 2009 and it came into force on 20th July 2009. The Member States had until 29th June 2008 to adopt and publish the national laws and regulations transposing the provisions of the new Directive into national law.

The Toy Safety Directive has two main objectives:

- First, to ensure that toys used by children are safe and,
- Secondly, to guarantee the smooth functioning of the internal market for toys.

## **WHICH PRODUCTS ARE COVERED BY THE TOY SAFETY DIRECTIVE (2009/48/EC)?**

This Directive applies to products designed or intended, whether or not exclusively, for use in play by children under 14 years of age (referred to as “toys”). In order to establish whether a product falls under the scope of the Directive, the following criteria has been provided:

Any product or material designed or intended, whether or not exclusively, for use in play by children under 14 years of age.



The words “whether or not exclusively” indicate that the product does not have to be exclusively intended for playing purposes in order for it to be considered as a toy, but it can have other functions as well. For example, a key-ring with a teddy bear attached to it is considered as a toy, or a sleeping bag in the shape of a soft filled toy.

## **WHICH PRODUCTS ARE NOT COVERED BY THE TOY SAFETY DIRECTIVE (2009/48/EC)?**

**This Directive shall not apply to the following toys:**

- playground equipment intended for public use;
- automatic playing machines, whether coin operated or not, intended for public use;
- toy vehicles equipped with combustion engines;
- toy steam engines; and
- slings and catapults.

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The following products mentioned in Annex I to the Directive are specifically excluded from its scope:

1. Decorative objects for festivities and celebrations
2. Products for collectors, provided that the product or its packaging bears a visible and legible indication that it is intended for collectors of 14 years of age and above.  
Examples of this category are:
  - Detailed and faithful scale models
  - Kits for the assembly of detailed scale models
  - Folk dolls and decorative dolls and other similar articles
  - Historical replicas of toys
  - Reproductions of real fire arms
3. Sports equipment, including roller skates, inline skates, and skateboards intended for children with a body mass of more than 20kg
4. Bicycles with a maximum saddle height of more than 435mm, measured as the vertical distance from the ground to the top of the seat surface, with the seat in a horizontal position and with the seat pillar set to the minimum insertion mark
5. Scooters and other means of transport designed for sport or which are intended to be used for travel on public roads or public pathways
6. Electrically driven vehicles which are intended

- to be used for travel on public roads, public pathways, or the pavement thereof
7. Aquatic equipment intended to be used in deep water, and swimming learning devices for children, such as swim seats and swimming aids
8. Puzzles with more than 500 pieces
9. Guns and pistols using compressed gas, with the exception of water guns and water pistols, and bows for archery over 120 cm long
10. Fireworks, including percussion caps which are not specifically designed for toys
11. Products and games using sharp-pointed missiles, such as sets of darts with metallic points
12. Functional educational products, such as electric ovens, irons or other functional products operated at a nominal voltage exceeding 24 volts which are sold exclusively for teaching purposes under adult supervision
13. Products intended for use for educational purposes in schools and other pedagogical contexts under the surveillance of an adult instructor, such as science equipment
14. Electronic equipment, such as personal computers and game consoles, used to access interactive software and their associated peripherals, unless the electronic equipment or the associated peripherals are specifically designed for and targeted at children and have a play value on their own, such as specially designed personal computers, key boards, joy sticks or steering wheels
15. Interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as CDs
16. Babies' soothers
17. Child-appealing luminaires
18. Electrical transformers for toys
19. Fashion accessories for children which are not for use in play.



## **HOW TO COMPLY WITH THE TOY SAFETY DIRECTIVE (2009/48/EC):**

Before placing a toy on the market, manufacturers must use the following conformity assessment procedures:

1. Internal Production Control or CE marking self-certification: the manufacturer performs the conformity assessment and documents the assessment in his own right. (when the manufacturer has applied the harmonized standards the references of which have been published in the Official journal of the European Union)
2. EC-type examination, in other words, the toy has to be submitted for a certification by a third party when:
  - (a) where harmonized standards covering all relevant safety requirements for the toy, do not exist;
  - (b) where the harmonized standards referred to in point (a) exist but the manufacturer has not applied them or has applied them only in part;
  - (c) where one or more of the harmonized standards referred to in point (a) has been published with a restriction;
  - (d) when the manufacturer considers that the nature, design, construction or purpose of the toy necessitate third party verification.

