

# Toy Safety ~~Directive~~ Requirements

EU requirements: Directive 2009/48/EC on the safety of toys (the “Toy Safety Directive”) contains the rules on the supply and sale of toy products in the EU. It sets out a number of important requirements on toy safety, labelling, warnings and administrative obligations.

It is your responsibility to comply with the Toy Safety Directive and the national ~~implementation of laws and regulations in in EU Member States that implement~~ the Toy Safety Directive ~~in EU Member States.~~

Please see below for further information about EU requirements.

UK requirements: The UK’s Toys (Safety) Regulations 2011/1881 (the “Toy Safety Regulations”) contain the rules on the supply and sale of toy products in the UK. The Toy Safety Regulations set out a number of important requirements on toy safety, labelling, warnings and administrative obligations. Different rules apply to goods you sell in: (1) Great Britain (England, Scotland and Wales); and (2) Northern Ireland.

It is your responsibility to comply with the Toy Safety Regulations if you supply or sell toys in the UK. If you also sell toys on Amazon EU website(s), then you must also comply with the Toy Safety Directive and the implementing national laws and regulations in EU Member States.

Please see below for further information about UK Requirements.

This material is for informational purposes only. It is not intended as legal advice. We encourage you to consult your legal counsel if you have questions about the laws and regulations concerning your product. This material only reflects the position at the date of writing and requirements in the EU and the UK may change. You should refer to current UK Brexit guidance about your products (see below) to learn more about changes that may affect you from 1 January 2021.

## I. EU Requirements

### Who does the Toy Safety Directive apply to?

The Toy Safety Directive sets out obligations for manufacturers, ~~authorised~~authorized representatives, importers and distributors of toys.

- You are a manufacturer if you manufacture a toy yourself or have a toy designed and manufactured, and ~~market~~sell it under your name or trademark.
- You are an ~~authorised~~authorized representative if a toy manufacturer has given you a written mandate to act on their behalf in relation to specific tasks.
- You are an importer if you are established in the EU and you ~~import and~~ sell toys from outside the EU into the EU.
- You are a distributor if you ~~offer~~make toys available for sale or supply but are not a manufacturer or importer.

## What products are in scope of the Toy Safety Directive?

The Toy Safety Directive applies to all toys. Toys are products designed or intended for use in play by children under the age of 14. The product does not have to be intended exclusively for “play”, it could have other functions as well; e.g. a ~~keyring~~key ring with a teddy bear attached to it or a soft; filled; animal -shaped backpack. Any product designed with a-potential play function, being attractive to or ~~marketed~~advertised for children could be considered a toy in scope of the directive.

There are a number of product types that are excluded from the scope of the ~~legislation~~.[Toy Safety Directive](#). A full list of excluded products is contained in Article 2 and Annex I of the Toy Safety Directive. This includes, by way of example, puzzles with more than 500 pieces, sports equipment such as roller skates intended for children [with a body mass](#) above 20kg, baby soothers, toy steam engines and slings/catapults.

## What are the key requirements of the Toy Safety Directive?

### *Safety*

Manufacturers are responsible ~~to ensure~~[for ensuring](#) that a toy undergoes a safety assessment and conformity assessment procedure. This ~~is can be~~ done either by (i) self-verification by using the European-~~harmonised~~ [harmonized](#) standards or ~~by~~-(ii) third -party verification ~~via~~[through](#) a notified body. A list of European-~~harmonised~~ [harmonized](#) standards can be found here: [https://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/toys\\_en](https://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/toys_en) -

A toy must comply with the essential safety requirements listed in Annex II of the Toy Safety Directive, which are both general (e.g. health and safety of children and others such as parents/caregivers) and specific (e.g. relating to physical, chemical and mechanical risks, flammability etc.), before they can be sold in the EU. Toys, including chemicals ~~that~~ they contain, must not ~~jeopardise~~[jeopardize](#) the health and safety of people when they are used in a foreseeable way.

There are specific requirements for toys intended to be used by children under the age of 36 months or by other specified age groups, e.g. toys for use by children under the age of 36 months must not contain small parts or certain chemicals.

### *Documentation, markings and warnings*

Manufacturers are responsible for ensuring that toys are CE -marked, have ~~a~~[an EU](#) declaration of conformity and are accompanied by instructions, safety language and warnings in the official language of the Member States ~~which~~ the toys are being sold in. Where a warning will determine the decision to purchase the toy (e.g. minimum or maximum age for users),) this must be placed on the consumer packaging or otherwise be clearly visible to the consumer before purchase. Manufacturers are also required to maintain a technical file.

The toy must bear a type, batch, serial or model number; or other element allowing its identification. It must also bear the name and an EU address for the manufacturer ~~or~~[and](#) importer. An importer is also responsible for checking ~~that~~ the toy bears the manufacturer’s details. If it is

not possible to have this information on the toy, it can be placed on the packaging or an accompanying document.

Importers must keep a copy of the declaration of conformity and ensure ~~that~~ the manufacturer has carried out the appropriate conformity assessment, affixed the CE mark, and drawn up the required technical documentation. Importers must also ensure that the toy is accompanied by instructions and safety information, and bears the required warnings.

Distributors have to act with due care to ensure ~~that~~ a product complies with the Toy Safety Directive, which may include verifying that the CE marking is affixed to the toy (or on its packaging or affixed label), the toy bears the manufacturer's identification for traceability (e.g. batch or serial number), and that the toy is accompanied by instructions and safety information.

### *Product listings*

Toy products may require specific warnings to be listed on the product detail page. It is your responsibility to provide [us with](#) accurate and complete product information, including applicable warning messages. ~~In order to learn more about adding applicable warnings to your Product listings, refer:~~

### **What should I do if a toy I manufacture or sell does not comply with the Toy Safety Directive?**

If you have reason to believe that a toy you have manufactured or sold does not comply with the Toy Safety Directive, you must take the necessary corrective measures to bring the toy into conformity immediately, or withdraw/recall the toy. If you believe ~~that~~ the toy presents a risk, you must immediately inform the relevant competent authority.

If a competent authority provides you with a reasoned request for information, you must provide them with the information and documentation necessary to demonstrate the conformity of the toy, and cooperate with any action taken to eliminate risks posed by the toy.

### **Additional information**

We encourage you to visit the following sites for more information on the Toy Safety Directive:

- [http://ec.europa.eu/growth/sectors/toys/placing-on-eu-market\\_en](http://ec.europa.eu/growth/sectors/toys/placing-on-eu-market_en)
- <https://ec.europa.eu/docsroom/documents/16183/>
- <http://ec.europa.eu/growth/sectors/toys/safety/guidance/>

## **II. UK Requirements**

### **Where do the Toy Safety Regulations apply?**

[The Toy Safety Regulations apply to all products sold in the UK, but the provisions apply differently to Great Britain \(England, Scotland and Wales, “GB”\) and Northern Ireland. You can read more about the position in Northern Ireland \(“NI”\) below.](#)

## **Who do the Toy Safety Regulations apply to?**

The Toy Safety Regulations set out obligations for manufacturers, authorized representatives, importers and distributors of toys.

- You are a manufacturer if you manufacture a toy yourself or have a toy designed and manufactured and sell it under your name or trademark.
- You are an authorized representative if a toy manufacturer has given you a written mandate to act on their behalf in relation to specific tasks.
- You are an importer if you are established in the UK and you sell toys from outside of the UK into GB. For details of importing into NI, see the “Northern Ireland” section below.
- You are a distributor if you sell or supply toys and you are not a manufacturer or importer.

## **What products are in scope of the Toy Safety Regulations?**

The Toy Safety Regulations apply to all toys. Toys are products designed or intended for use in play by children under the age of 14. The product does not have to be intended exclusively for “play”, it could have other functions as well e.g. a key ring with a teddy bear attached to it or a soft filled animal shaped backpack. Any product designed with a potential play function, being attractive to or advertised for children could be considered a toy in scope of the Toy Safety Regulations.

There are a number of product types that are excluded from the scope of the Toy Safety Regulations. A full list of excluded products is contained in Regulation 4 and Schedule 1 of the Toy Safety Regulations. This includes, by way of example, puzzles with more than 500 pieces, sports equipment such as roller skates intended for children with a body mass of above 20kg, baby soothers, toy steam engines and slings/catapults.

## **What are the key requirements of the Toy Safety Regulations?**

### Safety

Manufacturers are responsible for ensuring that a toy undergoes a safety assessment and conformity assessment procedure. This can be done either by (i) self-verification by using the designated standards or by (ii) third party verification through a notified body.

A toy must comply with the essential safety requirements listed in Schedule 6 of the Toy Safety Regulations, which are both general (e.g. health and safety of children and others such as parents/caregivers) and specific (e.g. relating to physical, chemical and mechanical risks, flammability etc.), before they can be sold in the UK. Toys, including chemicals they contain, must not jeopardize the health and safety of people when they are used in a foreseeable way.

There are specific requirements for toys intended to be used by children under the age of 36 months or by other specified age groups, e.g. toys for use by children under the age of 36 months must not contain small parts or certain chemicals.

### Documentation, markings and warnings

Manufacturers are responsible for ensuring that toys have the relevant conformity marking and have a declaration of conformity.

The relevant conformity marking is as follows:

- for products sold in GB, the UKCA mark;
- for products sold in NI while the Northern Ireland Protocol remains in force, the European CE mark (see “Northern Ireland” section below).

**Note:** the UK Government has passed legislation which provides that for certain products (including products covered by the Toy Safety Regulations) CE marking will be accepted in GB until 1 January 2022, and that additional means of affixing the UKCA mark will be accepted until 1 January 2023. A specific Declaration of Conformity will be required referencing UK (not EU) legislation and standards. See the “*BREXIT: UK Government Guidance*” section below for more details on the new requirements and transitional measures.

In addition, manufacturers are responsible for ensuring that toys are accompanied by instructions, safety information and warnings in English. Where a warning will determine the decision to purchase the toy (e.g. minimum or maximum age for users) this must be placed on the consumer packaging or otherwise be clearly visible to the consumer before purchase. Manufacturers are also required to maintain a technical file.

The toy must bear a type, batch, serial or model number or other element allowing its identification. It must also bear the name and an address for the manufacturer and importer (an EU address, if sold prior to 31 December 2020 and a UK address thereafter). An importer is also responsible for checking the toy bears the manufacturer’s details. If it is not possible to have this information on the toy, it can be placed on the packaging or an accompanying document. The UK Government has released guidance on alternative means of providing GB importer traceability information until 31 December 2022. See the “*BREXIT: UK Government Guidance*” section below for links to this guidance.

Importers must keep a copy of the declaration of conformity and ensure the manufacturer has carried out the appropriate conformity assessment, affixed the relevant conformity marking, and drawn up the required technical documentation. Importers must also ensure that the toy is accompanied by instructions and safety information and bears the required warnings.

Distributors have to act with due care to ensure a product complies with the Toy Safety Regulations, which may include verifying that the relevant conformity marking is affixed to the toy (or on its packaging or affixed label), the toy bears the manufacturer’s identification for traceability (e.g. batch or serial number), and that the toy is accompanied by instructions and safety information.

### *Product listings*

Toys may require specific warnings to be listed on the product detail page. It is your responsibility to provide us with accurate and complete product information, including applicable warning messages.

## What should I do if a toy I manufacture or sell does not comply with the Toy Safety Regulations?

If you have reason to believe that a toy you have manufactured or sold does not comply with the Toy Safety Regulations, you must take the necessary corrective measures to bring the toy into conformity immediately, or withdraw/recall the toy. If you believe the toy presents a risk, you must immediately inform Trading Standards.

If Trading Standards provides you with a reasoned request for information, you must provide them with the information and documentation necessary to demonstrate the conformity of the toy and cooperate with any action taken to eliminate risks posed by the toy.

## Northern Ireland

Please note that different rules apply in NI from 1 January 2021 as a result of the Northern Ireland Protocol. In particular:

- You should ensure that products meet EU requirements and that you use the CE mark.
- You are an importer if you are established in the EU or NI and you sell products from a country outside of the EU and Northern Ireland (including from GB) into NI. Products sold in NI should be marked with details of any EU / NI based importer.
- Authorised representatives can be based in NI or the EU. From 16 July 2021, new rules come into force under EU Regulation 2019/1020 and some businesses may need to appoint a responsible person in the EU or NI to carry out compliance functions (if there is no other entity in the supply chain who is able to carry out the functions). Further guidance on the new rules will be made available by the UK Government.
- If you are using a UK body to carry out mandatory third-party conformity assessment, you will need to apply a UKNI marking as well as a CE mark to products placed in NI from 1 January 2021. Goods with the CE and UKNI marking can't be sold in the EU. You do not need to use the UKNI marking if you self-certify compliance or use an EU body to carry out a mandatory third-party assessment.
- "Qualifying Northern Ireland goods" will be able to be sold in GB with the CE mark. The UK Government is issuing guidance on how this will work.

## BREXIT: UK Government Guidance

The UK Government has released guidance on selling products in GB and NI from 1 January 2021. This guidance provides information for manufacturers, importers and distributors regarding compliance requirements from 1 January 2021, including on:

- whether you need to change your conformity assessment;

- [when and how to use the UKCA mark;](#)
- [requirements for technical documentation and a specific Declaration of Conformity for products sold in GB;](#)
- [appointing an authorised representative or responsible person in the UK;](#)
- [whether your legal responsibilities will change ;](#)
- [whether you need to provide GB importer information, and methods for doing this \(including transitional arrangements until the end of 2022\);](#)
- [how to deal with existing stock;](#)
- [what documentary evidence is required to show that products have been placed in the EU or UK before 1 January 2021; and](#)
- [specific rules for selling products in NI.](#)

[We encourage you to review this guidance \(linked below\), alongside any other specific UK Government Guidance that applies to your product. You should consult your legal counsel if you have questions about how the laws and regulations apply to your products from 1 January 2021.](#)

[The Brexit guidance can be found here:](#)

[GB:](#)

- [Placing manufactured goods in Great Britain from 1 January 2021](#)
- [Using the UKCA mark in GB from 1 January 2021](#)
- [Product Safety and Metrology in GB from 1 January 2021](#)

[NI:](#)

- [Placing manufactured goods in Northern Ireland from Great Britain](#)
- [Placing manufactured goods in Northern Ireland from the EU](#)
- [Using the UKNI mark](#)
- [Product Safety and Metrology – NI](#)

### **[Additional information](#)**

[We strongly encourage you to review the UK Government’s guidance on the Toy Safety Regulations:](#)

- <https://www.gov.uk/guidance/toy-manufacturers-and-their-responsibilities>

[We also encourage you to visit the UK’s Business Companion website, which contains guidance on UK product compliance rules:](#)

- <https://www.businesscompanion.info/en/get-startedhttps://www.businesscompanion.info/en/quick-guides/product-safety/toy>

Information is also available on the British Toy & Hobby Association's website:

- <https://www.btha.co.uk/guidance/toy-safety/>