FREQUENTLY ASKED QUESTIONS
EU TOY SAFETY DIRECTIVE 2009/48/EC

Answers to these Frequently Asked Questions (FAQ) are provided to help UL-STR’s clients gain a greater understanding of the complex requirements of the updated directive and to ease their ongoing efforts toward full compliance. The responses provided herein are based upon the most current information available, including European Commission (EC) Enterprise Directorate general guidance.
FREQUENTLY ASKED QUESTIONS

Q. Why has the toy directive been updated?
A. The original toy directive, 88/378/EEC was published in 1988. The EC (European Commission) is required to review the directive periodically to ensure it is achieving its objectives and update when necessary. Recent technological developments in the toy industry have raised new issues with regard to the safety of toys in areas such as noise, chemicals, and choking hazards. As a result, the new EU Toy Safety Directive 2009/48/EC was introduced to strengthen and update the rules on toy safety.

Q. Do I have to retest the product?
A. As requirements change with the EU Toy Safety Directive 2009/48/EC, the harmonized standards will also change. Although there is no specific requisite to retest if the changes in the standard do not apply to the specific toy, it is necessary to be able to demonstrate compliance with the new requirements.

Q. Will it cost more to test?
A. Some of the tests will change significantly, and so the costs of testing will change. Costs will vary depending on product and tests performed. Until the test methods are available and published it is not possible to estimate final costs.

Q. Can I composite heavy metals testing?
A. No. EN71-3 does not permit composite testing as the chemicals in the different materials can react and give false negative results.

Q. Does the new toy directive state that I have to test for phthalates?
A. No, but it is important to know what chemicals are present in the toy. Some phthalates are restricted under the REACH Regulations (EC 1907/2006), and CMR’s are restricted by EU Toy Safety Directive 2009/48/EC.

Q. Will it take longer to test to the new requirements?
A. This will depend on the product. The EU Toy Safety Directive 2009/48/EC adds some new requirements and new test methods are being developed. It is likely that additional chemical testing will also be required.

Q. Will I need to supply more samples?
A. As the number of standards and tests increase, the number of samples required also increases. It is therefore likely that more samples will be required.

Q. Where do I get copies of this directive?

Q. Will I need to supply more information to the customer?
A. The EU Toy Safety Directive 2009/48/EC clearly defines the information that must be held and made available. The list of information that the manufacturer has to hold and maintain has been clarified and increased.

Q. Historically as a manufacturer I’ve had my toys tested for EN71-1, 2, 3. Will this be all I need to do?
A. No, the requirements have changed and there is now a need to perform an assessment of the product and maintain a detailed technical file.

Q. Are the requirements of the new toy directive the same as the United States CPSIA?
A. No. There are significant differences between the current CPSIA requirements and those of the EU Toy Safety Directive 2009/48/EC. Compliance with the CPSIA will not demonstrate compliance with the new toy directive.
FREQUENTLY ASKED QUESTIONS

Q. Will the requirements be retroactive?
A. No. The new requirements apply to any toy item placed onto the European market beginning July 20, 2011 for most requirements, and beginning July 20, 2013 for chemical requirements. It is important that there is sufficient traceability to be able to demonstrate when the specific toy item was placed on the market, not just identical models of the toy.

Q. Do I only need to worry about toys for children under the age of three years?
A. No. The EU Toy Safety Directive 2009/48/EC applies to all toys for children under the age of 14 years of age. However, there are additional requirements for toys for children under the age of three years.

Q. How do I know if a laboratory is approved to test to the new requirements?
A. Laboratories are accredited to the ISO 17025 General Requirements international standard for competence in testing and calibration by independent accreditation bodies such as ACLASS, UKAS, HKAS, CNAS. The laboratory scope of accreditation will indicate the standards to which the laboratory has been assessed.

Q. How big does the CE mark have to be?
A. According to the EU Toy Safety Directive 2009/48/EC, the CE mark has to be 5mm in height. Other CE marking directives may have different requirements.

Q. All my products come with instructions in English. Do I need to worry about translations?
A. Instructions and warnings should be in the national languages of the countries of distribution.

Q. My supplier has sent me a certificate that says the toy complies with REACH and RoHS. Is this the same as a risk assessment?
A. No. A risk assessment is a formal assessment of the combination of the severity of possible damage to the consumer and the probability that this damage should occur. REACH and RoHS are specific pieces of legislation relating to chemicals.

Q. Can you provide training on the new requirements?
A. UL-STR offers a range of training packages developed to help you gain a clear understanding of the EU Toy Safety Directive 2009/48/EC requirements, whether it is a basic overview or more detailed technical content. Please contact the ToyTeam@ul.com to discuss your specific needs.

Q. Can you test to the new EN71-3 requirements?
A. UL-STR can conduct a screening test using the current EN71-3 test method for 17 of the elements listed. Organic Tin and Chromium VI require different methods of analysis. New standards and test methods will be developed over the next few years to address the new requirements.

Q. My product is not a toy. Do I still need to comply with this directive?
A. The requirements of the EU Toy Safety Directive 2009/48/EC apply to products designed or intended, whether or not exclusively, for use in play by children under 14 years of age. There are a number of products that are specifically excluded (e.g., toy steam engines) listed in the directive.

Q. Can UL-STR produce the ‘technical file’ for me?
A. There are a number of requirements the ‘technical file’ must contain (e.g., detailed description of design and manufacture; list of components and materials; safety assessments; copy of EC Declaration of Conformity). It is the manufacturer’s responsibility to assemble this file, but UL-STR can assist in gathering and templating the information, including providing assistance in drafting the EC Declaration of Conformity.
FREQUENTLY ASKED QUESTIONS

Q. What are the cleaning requirements for a toy intended for a child under 36 months?

A. EU Toy Safety Directive 2009/48/EC requires that a toy intended for children under 36 months must be designed and manufactured in such a way that it can be cleaned. Textile products without a mechanism should be suitable for soak washing and cannot be labeled as surface wash or surface clean only.

Q. How does placing on the market apply to on-line sales? For example, when is the product defined as being placed on the market?

A. A toy is considered as ‘placed on the market’ when it is commercially available. A toy offered on-line is not considered to have been ‘placed on the market’ until the final product is available for shipment.

Q. Does the technical file need to contain scale drawings?

A. The requirement is for a detailed description of the design and manufacture of the toy and this is often partly addressed with the inclusion of technical drawings. The European guidance document does indicate that descriptions or explanations necessary for the understanding of any drawings should also be included.

Q. What happens if a paint supplier won’t provide the formulation because of confidentiality issues?

A. Even if the refusal to supply information is justified it does not remove the obligation of the manufacturer, as defined in the directive, to conduct a chemical safety assessment.

Where limited information is available it is still possible to carry out a chemical safety assessment but it would probably require a lot more discussion with producers or suppliers and could result in the need for more chemical testing than would otherwise be necessary. It may also have to rely on taking worst case assumptions, e.g., assuming that a soft plastic is plasticized with a restricted phthalate.

It may be possible with some suppliers to obtain either a signed declaration of conformity declaring that the item is in conformity with certain EU legislation, or a declaration of non-use, which declares that certain substances have not been used.

The producer of the toy or component could be requested to provide the chemical safety assessment but this would have to meet requirements of the directive and the manufacturer would remain responsible for any inadequacy of the chemical safety assessment.

Trusted the world over, UL-STR is an independent provider of quality assurance testing, audit, inspection and responsible sourcing services for the consumer products industry. Our reach encompasses over 30 countries across five continents and the capability to provide audit services in over 140 countries. Our customized solutions help clients produce products that comply with industry standards, and meet consumer expectations.


2 The responses provided herein are based upon the most current information available as of July 31, 2012.