



Raising standards for consumers

POSITION PAPER

ANEC reply to the European Commission Inception Impact Assessment on

Protecting children from unsafe toys and strengthening the Single Market – revision of the Toy Safety Directive 2009/48/EC



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ANEC is supported financially by the European Union & EFTA



Ref: ANEC-CHILD-2021-G-130

October 2021

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ANEC **welcomes the EC's inception impact assessment**¹, which contains many points we agree with. **We agree** the **aim of this initiative** should be to further strengthen the protection of children against possible risks in toys, in particular from chemicals, and to further complete the Single Market for toys. We do not support the baseline scenario, which would be not to act (no change). Although the Toy Safety Directive certainly brought improvements to child safety in Europe, we are of the opinion that **a revision of the Directive is necessary to improve different aspects.**

We agree that the main aspects to be tackled are chemical risks, internet-connected toys (new risks), and compliance & enforcement.

ANEC welcomes the conclusion of the Commission's evaluation² with respect to **deficient chemical provisions**. Chemical requirements for toys need to be strengthened significantly. A key point in this context is to broaden the scope of Art 46 to allow for the establishment or amendment of provisions for all kinds of chemicals and all kinds of toys (not only for children under 36 months) using a comitology procedure. The extended Comitology should be used to specify, where appropriate, also essential requirements for safety aspects other than chemicals (i.e. mechanical and physical requirements, e.g. to set noise limit values). We welcome the proposed measures to be assessed, in line with our ANEC position paper '[Toy Safety Directive evaluation and Chemicals Strategy for Sustainability \(CSS\): Which way forward?](#)' (April 2021).

ANEC welcomes the intention to address risks posed by **internet-connected toys**. It is essential to address the issues we brought to the attention of the European Commission in 2016 & 2017 about unsecure smart toys (Cayla the spying doll). As more and more toys are now connected to the Internet or other communication networks/protocols, new rules are needed to effectively protect children. New technologies can pose risks not only because they can have a direct impact on the health and safety of children and their personal data protection, but also because of connectivity, they can be indirectly used as a tool to put at risk their personal security (e.g. kidnapping). The safety obligations of producers need to cover the entire lifespan of the connected toy, not only when it is placed on the market (e.g. software updates). Market Surveillance authorities must have the means and resources to check this evolving aspect of safety and Harmonised Standards have to also reflect it.

EU Safety Gate notifications show that the toy market is far from clean and that there is a continued need for increased **market surveillance** actions. Necessary resources (budget and staff) shall be made available; the European Commission shall organise & finance joint market surveillance actions on toys.

¹ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13164-Protecting-children-from-unsafe-toys-and-strengthening-the-Single-Market-revision-of-the-Toy-Safety-Directive_en

² SWD(2020) 287 final, COMMISSION STAFF WORKING DOCUMENT, EVALUATION of Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, 19.11.2020

In the interest of legal certainty, specific requirements for **visibility & legibility of warnings on toys** (e.g. minimum letter size) need to be introduced, in order to enable Member States to enforce these requirements in a uniform way (there are no specified requirements in the Directive and belonging standards). Warnings on toys are often too small, hidden by other text or under crumples in the packaging, etc. It is sometimes difficult to discover and read the warning(s).

We welcome the intention to improve reporting obligations by Member States on unsafe toys. In this context, we reiterate the need to revitalise the European Injury Database (EU-IDB) and to **create a legal basis for the collection of accidents and injury data in the EU**. The Single Market Programme could provide a sound financial base for this.

ANEC **fully supports** to convert the Directive into a **Regulation**.

Finally, ANEC asks for the following aspects to be tackled: better regulate **noise levels** in toys (set the limit to what is allowed for adults in industry according to Directive 2003/10/EEC, there is no safety-based reason to expose children to higher levels than is allowed for adults); introduce **EC-type examination** for certain categories of toys (applying the principle 'the higher the risk, the higher the conformity assessment procedure', already applied for PPE or Medical Devices); remove **CE Marking** from the toy or its packaging and relegate it to the technical file.

ENDS.



ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and the use of standards, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 34 countries.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.

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