

TIE RESPONSE TO DRAFT REPORT INI 2021/204

MORE EFFECTIVE WAYS TO PROTECT CHILDREN DURING PLAY

16 June 2021

Thanks to the EU's world class toy safety rules, children throughout Europe can enjoy playing safely.

Ensuring toys are safe for children to play with is important. Play is recognised as a right of every child by the United Nations, and has innumerable benefits on children's health, well-being and development. This is why it is essential to make sure that toys – the tools of play – are safe, and why toy safety is the number one priority for reputable toy manufacturers.

Safe toys sold in the EU comply with a comprehensive framework of rules and standards that are designed to evolve in line with new scientific evidence. At the centre of the framework is the Toy Safety Directive, the safety bible for reputable manufacturers.

In the recently published IMCO Draft Report on the Commission's Evaluation of the Toy Safety Directive, a call has been made to revise the Directive on the basis of what the Rapporteur consider to be "inconsistencies".

From our experience of putting toy safety into practice, we agree that there are certain issues that need to be addressed to optimise children's protection. We fully support the Rapporteur's calls on more effective market surveillance and rules for e-commerce. However, with regards to the call for the revision of the Directive, we think that there are better, quicker and more pragmatic ways to protect children's safety.

Why we believe the current Toy Safety Directive remains the best way to protect children

The Commission's own Evaluation – based on input from all the different stakeholders involved in making sure toys in the EU are safe – recognises that the Toy Safety Directive is working well on the whole, although it notes certain points that need to be addressed.

As the voice of reputable manufacturers, we believe that the TSD and its surrounding framework is:

- Comprehensive – the Toy Safety Directive provides the core of the safety framework; it is complemented by the application of references to toys in non-toy specific legislation – for example on issues like sustainability, chemicals, privacy etc.
- Robust – the rules are made on the basis of scientific expertise, with big margins to account for future technical developments in the sensitivity of testing and backed up by standards
- Adaptable – the rules are proven to evolve in line with new scientific evidence
- Workable – the toy safety framework is designed in a way that can be put into practice by manufacturers in the real world

As well as being unnecessary, a revision of the TSD would start a lengthy process that could dilute or confuse elements of the existing Directive and general toy safety framework. The last TSD revision took seven years from proposal to implementation, and longer still when we take into account the time it took to make sure all corners of the value chain as well as market surveillance officers were properly educated about the changes.

As the voice of reputable companies guided daily by EU legislation, and for whom toy safety is the number one priority, we feel strongly that there are effective, pragmatic and efficient ways to improve the safety of children at play without revising the Directive.

In response to the most pressing concerns raised in the draft report, we propose the following recommendations as the most effective solutions to protect children when they play:

TOPIC	CAUSE OF CONCERN	RECOMMENDATION
Chemicals	Derogations on CMR substances are putting children at risk	Maintain the principle of no exposure = no risk, use relevant mechanisms in Appendix C and REACH Regulation to ensure correct limits in place and ensure all agreed CMR limits are properly applied and fully enforced.
	The level of Nitrosamines allowed in toys is too high in the current Toy Safety Directive	Call on the Commission to fully reference the lower limit values for “Nitrosamines” through the 2016 Standard in the Official Journal to ensure the correct limits applied at EU level.
	Older children are not adequately protected from dangerous substances	Call on the Commission to use the REACH Regulation to protect children from exposure to dangerous chemicals in all products, including toys, that they come into contact with on a regular basis.
Market Surveillance	Too many unsafe toys are being sold in the EU market	Support the rapporteur’s call for reinforced market surveillance and enforcement actions, in particular, that specific funding from the single market programme should be dedicated to toys.
E-Commerce	Online space creates specific market surveillance challenges	Ensure legislative loopholes allowing dangerous toys to be sold online are closed through EP action on the DSA proposal and GPSD Revision.
Legal Instrument	It’s confusing that toy safety rules are spread out across different legislation	Use digital tools to help make assessment procedures clearer.

About Toy Industries of Europe

Toy Industries of Europe (TIE) is the voice of the reputable European toy manufactures. Our mission is to promote the right of every child to play safely and securely and to promote fair practices and fair legislation, allowing responsible toy companies to continue to grow. TIE’s membership includes 17 international toy manufacturers, eight European national toy associations, who represent their local manufactures, and eight affiliate members.

Please contact lars.vogt@toyindustries.eu if you would like to discuss this paper or need more information.