



Standards and presumption of conformity with legal requirements

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According to the Directives on Toy Safety and General Product Safety, only safe products can be sold. As a help to manufacturers, European safety standards are often available. Some of these standards have been given the status that a manufacturer can presume that a product which complies with such a standard, also meets the legal safety requirements. We can find such standards for toys, for some child care articles, but also for many other consumer products such as bicycles, and gymnastics equipment.

Standardisation in Europe

CEN, CENELEC and ETSI¹ are the three official European standardisation organisations. CEN is responsible for developing standards and other technical specifications for all areas except electrical engineering (CENELEC) and the information/communication technology (ETSI). CEN has a total of 33 member countries. In addition to the 28 EU member countries, we can also find the three EFTA countries Iceland, Norway and Switzerland, and Macedonia and Turkey. All member countries have committed to publish each CEN standard as a national standard. The same standard will then apply in all 33 states.

Directives and harmonised standards

Directives related to product safety normally only contain general safety requirements. The detailed technical requirements are specified in the standards developed by, for instance, CEN. In some cases, at the request from the European Commission to CEN, one or several standards can be developed to support the overall requirements of the Directive. The associated mandate sets the framework in terms of the content and timing. A standard developed by CEN in this manner is called a "harmonised standard".

Harmonized and referenced standard

When a harmonised standard is published, it is sent to the European Commission together with a request for publication of a reference to the standard in the Official Journal of the EU. The Commission then decides whether the standard can be considered to support the safety requirements in the current directive. As a basis for their decision, the Commission can refer to an assessment of the standard, made before its publication, by a "CEN consultant". This is an expert who follows the standardisation process under a certain Directive and who has the task of assessing whether the standard follows the mandate and supports the safety requirements specified in the Directive.

When the European Commission publishes a reference to the new standard in the Official Journal, this standard gives "presumption of conformity" with the Directive. This means that if the product is

¹ CEN = European Committee for Standardization, CENELEC = European Committee for Electrotechnical Standardization, ETSI = European Telecommunications Standards Institute

produced in accordance with the standard's requirements, it can be assumed that the product also complies with the corresponding safety requirements of the directive.

Transition periods

When a standard is published, it often replaces a previous version of the standard. It is indicated in the new standard when the previous version will be withdrawn and cease to apply. Often, this transition period is six months after the publication of the new version of the standard.

Similarly, when the European Commission publishes a reference to a standard in the Official Journal, they will indicate when the previous version of the standards ceases to give presumption of conformity. This date is often aligned with the date of withdrawal of the standard.

From the date set by the Commission, products placed on the market must meet the requirements of the new standard in order to enjoy presumption of conformity to the Directive.

Information on harmonised, referenced standards

The EU Commission regularly updates a list of the harmonised standards that have had their reference published. For childcare articles and many other consumer products, you will find a list on the following link: http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/general-product-safety/index_en.htm, and for toys: http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/toys/index_en.htm.

About TIE

Toy Industries of Europe (TIE) is the trade association for the European toy industry. The toy industry is highly international and is one of the most dynamic business sectors in Europe. Over 99% of the sector is composed of small and medium sized enterprises (SMEs), which have less than 50 employees. Members of TIE include corporate companies as well as national associations from Bulgaria, France, Germany, Italy, the Netherlands, Spain, Sweden, the UK and the Nordic region. TIE membership is open to both corporate companies with a presence in Europe and national associations from European Union Member States (including candidate countries).

Readers are reminded that the text of the original directive or standard is the only authentic legal reference and that the information in this document does not constitute legal advice. Toy Industries of Europe (TIE) does not accept any liability with regard to the contents of this document.

