



What is a Notified Body under the TSD?

27 October 2015

Sometimes you hear the term "Notified Body". Before a manufacturer places a toy on the market, a conformity assessment must be carried out. Normally, the manufacturer uses the toy safety standards and internal production control. However, there are cases where manufacturers choose to, or must, use a so-called Notified Body. Here, we explain more about Notified Bodies.

Conformity Assessment

Manufacturers of toys have many obligations under the Toy Safety Directive. One of these is to carry out a "conformity assessment" before the toy is placed on the market, in order to demonstrate that the toy complies with the Directive's safety requirements.

There are two ways to conduct a conformity assessment:

- Using the toy safety standards which have had their reference published in the EU Official Journal and which cover all relevant safety requirements for the toy, in combination with internal production control.
- Putting the toy through an EC-type examination, in combination with internal production control.

The manufacturer shall put the toy through an EC-type examination in the following cases:

1. *When there is no safety standard covering all relevant safety requirements for the toy.* As an example, the specific hazards that trampolines for domestic use may pose were not covered by a safety standard for toys until EN 71-14 was published in early 2015.
2. *When the manufacturer is not at all or only partially, applying the toy safety standards.*
3. *When a reference to a toy safety standard has been published in the EU Official Journal but with a notice (e.g. the standard is not considered to cover a specific hazard).* There are no recent examples, but for a period there was a notice regarding EN 71-8 which was not considered to cover all hazards from swings. The notice was removed when the standard was updated and a requirement for the swing impact was introduced in EN 71-8.
4. *When the manufacturer considers that the nature, design, construction or purpose of the toy necessitates third party verification.* A manufacturer may simply feel unsure if the standards cover all hazards and can then choose the EC-type examination route.

In general, one might say that mandatory EC-type examination is quite unusual. That is because the toy safety standards are well developed and in all normal cases cover the safety requirements to which toys are subject.

Notified bodies, the EC type-examination

EC-type examinations of toys can only be carried out by the so-called "Notified Bodies". Notified bodies are independent organizations with the expertise to assist and monitor manufacturers' efforts to verify that the toys placed on the market comply with the requirements in the Toy Safety Directive (i.e. not just requirements in the toy safety standards). The term 'Notified Body' is used because the member states notify the European Commission of which bodies they have approved. The Commission supplies each Notified Body with an identification number (four digits) and publishes the Notified Body's name, address and the sector in which they have the right to act (i.e., the TSD with regard to toys). Nando is the database where all notified bodies are listed and where you identify those which are registered under the TSD. (<http://ec.europa.eu/growth/tools-databases/nando/>). Notified Bodies under the TSD are usually also accredited for the testing of toys in accordance with the safety standards existing in the sector. It is the member states that evaluate and supervise "their" Notified Bodies. There are detailed requirements in the Directive that stipulate how the Notified Bodies must act.

Cooperation between Notified Bodies

The European Commission ensures that there is coordination and cooperation between Notified Bodies under the Toy Safety Directive. The cooperation of these notified bodies is popularly called "NB-Toys". Member States shall ensure that the bodies notified by them participate in collaborative group work. NB-Toys meets twice a year to coordinate their work and to update themselves on changes in directives and standards, among other things. When the notified bodies recognize the absence of safety standards that covers all hazards presented by a certain type of toy, they may choose to draw up a "protocol" to ensure they carry out their EC-type examinations for the specific toy types in a uniform way. The advice and protocol that "NB-Toys" issues are published on the European Commission's website after approval. On the same site you will also find various Commission recommendations on the application of the Directive and the classification of various toys:

http://ec.europa.eu/growth/sectors/toys/safety/guidance/index_en.htm

Currently, there are three "protocols" from the Notified Bodies that indicates how they can ensure:

1. Microbiological safety. For liquid based toys, it needs to be ensured there cannot be bacterial growth in the liquid so as not to create a microbiological risk.
2. Radio controlled helicopters. RC helicopters might have fast-rotating rotor blades that lack a protective ring around the blades and therefore need to present other solutions to prevent eye damage.
3. Washability. Can the toy be washed without any safety risks arising? This refers only to toys that are all-textile, which have no components that can be damaged by water, and are intended for children under three. According to the Directive, such toys must be washable and must satisfy safety requirements after washing.

Childcare articles and other baby products

Childcare articles and other baby products normally fall under the General Product Safety Directive. This Directive and these product groups do not use the system of Notified Bodies.

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,



Toy Industries of Europe

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.