



Raising standards for consumers



The Consumer Voice in Europe

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ANEC/BEUC final input to the public consultation on a proposal for a Toy Safety Regulation

Character limit: 4,000
Current version: 3,998

ANEC and BEUC welcome the draft Toy Safety Regulation (TSR)

AIM 1 protecting children against harmful chemicals

We strongly support banning known and suspected endocrine disruptors, respiratory sensitizers and STOTs. Combined with the limited derogation options, this will protect children against such chemicals. Further, the TSR will enable protective limits to be set for all toys. We recommend reinforcing the obligation in Art. 49 to consider exposure from toys and all other sources. Likewise, ECHA should be required to consider potential combination effects in its opinions. The new limits for nitrosamines and nitrosatable substances should be extended to all toys.

AIM 2 reducing non-compliance

A Digital Product Passport can facilitate enforcement and reduce the prevalence of non-compliant toys on the EU market. Safeguards are however needed to ensure the accuracy of the information and a well-functioning tool for all actors involved in the supply chain, consumers and authorities. We agree on a free access by consumers, but without requiring them to install specific apps or to register with personal data. Data processing shall be based on consent with consumers having to opt in.

To safeguard children's health and wellbeing, we further recommend the following:

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NON-CHEMICAL RISKS

As the TSR rightly extends toy safety requirements to children's mental health, we are concerned that interactive software, including computer and smart phone games either specifically designed for and targeted at children or that can be reasonably expected to be played by them, are not covered. The proposal should further build on the General Product Safety Regulation and cover threats from smart toys. A possibility to establish specific safety requirements for these and other risks, such as mechanical or physical risks should be added. Based on the principle 'the higher the risk, the higher conformity assessment procedure', EC-type examination for smart toys and other toy categories should be included. Limits for sound emitting toys should be introduced. The overlap between toy and non-toy scooters should be further clarified.

TOY LABELS AND WARNINGS

The TSR will enable manufacturers to replace the word 'Warning' with a pictogram. To avoid consumer confusion, it should provide for a single pictogram to be used. To make toy labels work for consumers, clear legibility criteria in relation to e.g. minimum font size or text/background contrast should be added. While the CE marking should be relegated to the technical files, the obligation to include in the label a full ingredient list should be extended from cosmetic toys to toys that are substances or mixtures. This would enable consumers to make informed choices while facilitating enforcement efforts.

ONLINE SALES

Given their central role in the supply chain, the TSR should introduce a possibility to hold online marketplaces liable for non-compliance where no other responsible economic operator can be identified or takes appropriate action. Online marketplaces should be obliged to verify the identity of sellers on their sites, as well as to detect, remove and prevent the (re)appearance of non-compliant toys. Additional obligations for Very Large Online Platforms under the DSA should be set regarding the systemic risks related to the appearance of non-compliant toys.

GOVERNANCE

We welcome the new powers of the European Commission to specify/amend certain TSR provisions and to address emerging risks. The precautionary principle should be reintegrated in the legal text to guide the regulator in situations where there are reasonable grounds for concern but scientific evidence is insufficient or uncertain. Enforcement capacities should be strengthened, especially at national level, and the reporting of toy-related accident and injury facilitated by the setting up of a pan-European database. Joint market surveillance actions should be conducted. The proposed transition period should significantly be reduced.

ENDS.

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