

Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys

Anex II

Essential safety requirements for toys

I. GENERAL PRINCIPLES

- 1 The users of toys as well as third parties must be protected against health hazards and risk of physical injury when toys are used as intended or in a foreseeable way, bearing in mind the normal behaviour of children. Such risks are those:
 - a) which are connected with the design, construction or composition of the toy;
 - b) which are inherent in the use of the toy and cannot be completely eliminated by modifying the toy's construction and composition without altering its function or depriving it of its essential properties.
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 - a) The degree of risk present in the use of a toy must be commensurate with the ability of the users, and where appropriate their supervisors, to cope with it. This applies in particular to toys which, by virtue of their functions, dimensions and characteristics, are intended for use by children under 36 months.
 - b) To observe this principle, a minimum age for users of toys and/or the need to ensure that they are used only under adult supervision must be specified where appropriate.
- 3 Labels on toys and/or their packaging and the instructions for use which accompany them must draw the attention of users or their supervisors fully and effectively to the risks involved in using them and to the ways of avoiding such risks.

II. PARTICULAR RISKS

1 Physical and mechanical properties

- (a) Toys and their parts and, in the case of fixed toys, their anchorages, must have the requisite mechanical strength and, where appropriate, stability to withstand the stresses to which they are subjected during use without breaking or becoming liable to distortion at the risk of causing physical injury.
- (b) Accessible edges, protrusions, cords, cables and fastenings on toys must be so designed and constructed that the risks of physical injury from contact with them are reduced as far as possible.
- (c) Toys must be so designed and constructed as to minimise the risk of physical injury which could be caused by the movement of their parts.
- (d) Toys, and their component parts, and any detachable parts of toys which are clearly intended for use by children under 36 months must be of such dimensions as to prevent their being swallowed and/or inhaled.
- (e) Toys, and their parts and the packaging in which they are contained for retail sale must not present risk of strangulation or suffocation.

- (f) Toys intended for use in shallow water which are capable of carrying or supporting a child on the water must be designed and constructed so as to reduce as far as possible, taking into account the recommended use of the toy, any risk of loss of buoyancy of the toy and loss of support afforded to the child.
- (g) Toys which it is possible to get inside and which thereby constitute an enclosed space for occupants must have a means of exit which the latter can open easily from the inside.
- (h) Toys conferring mobility on their users must, as far as possible, incorporate a braking system which is suited to the type of toy and is commensurate with the kinetic energy developed by it. Such a system must be easy for the user to operate without risk of ejection or physical injury for the user or for third parties.
- (i) The form and composition of projectiles and the kinetic energy they may develop when fired from a toy designed for that purpose must be such that, taking into account the nature of the toy, there is no unreasonable risk of physical injury to the user or to third parties.
- (j) Toys containing heating elements must be so constructed as to ensure that:
- the maximum temperature of any accessible surfaces does not cause burns when touched;
 - liquids and gases contained within toys do not reach temperatures or pressures which are such that their escape from a toy, other than for reasons essential to the proper functioning of the toy, might cause burns, scalds or other physical injury.

2 Flammability

- (a) Toys must not constitute a dangerous flammable element in the child's environment. They must therefore be composed of materials which:

1. do not burn if directly exposed to a flame or spark or other potential seat of fire;

or

2. are not readily flammable (the flame goes out as soon as the ignition source is removed);

or

3. if they do ignite, burn slowly and present a low rate of spread of the flame;

or

4. irrespective of the toy's chemical composition, are treated so as to delay the combustion process.

Such combustible materials must not constitute a risk of ignition for other materials used in the toy.

- (b) Toys which, for reasons essential to their functioning, contain dangerous substances or preparations as defined in Council Directive 67/548/EEC (implemented in United Kingdom law as The Classification, Packaging and Labelling of Dangerous Substances Regulations 1984 and subsequent amending Regulations), in particular materials and equipment for chemistry experiments, model assembly, plastic or ceramic moulding, enamelling, photography or

similar activities, must not contain, as such, substances or preparations which may become flammable due to the loss of non-flammable volatile components.

- (c) Toys must not be explosive or contain elements or substances likely to explode when used as intended or in a foreseeable way, bearing in mind the normal behaviour of children. This provision does not apply to toy percussion caps, for which reference should be made to point 10 of Annex B and the related footnote.
- (d) Toys and, in particular, chemical games and toys, must not contain, as such, substances or preparations:
- which, when mixed, may explode:
 - i. through chemical reaction, or through heating;
 - ii. when mixed with oxidising substances.
 - which contain volatile components which are flammable in air and liable to form flammable or explosive vapour/air mixture.

3 Chemical properties

- 1 Toys must be so designed and constructed that, when used as intended or in a foreseeable way, bearing in mind the normal behaviour of children, they do not present health hazards or risks of physical injury by ingestion, inhalation or contact with the skin, mucous tissues or eyes.

They must in all cases comply with the relevant Community legislation relating to certain categories of products or to the prohibition, restrictions of use or labelling of certain dangerous substances and preparations.

- 2 In particular, for the protection of children's health, bioavailability resulting from the use of toys must not, as an objective, exceed the following levels per day:

0,2 mg for antimony;
0,1 mg for arsenic;
25,0 mg for barium;
0,6 mg for cadmium;
0,3 mg for chromium
0,7 mg for lead;
0,5 mg for mercury;
5,0 mg for selenium.

or such other values as may be laid down for these or other substances in Community legislation based on scientific evidence.

The bioavailability of these substances means the soluble extract having toxicological significance.

- 3 Toys must not contain dangerous substances or preparations within the meaning of Directives 67/548/EEC and 88/379/EEC (entered into force June 1991) in amounts which may harm the health of children using them. At all events it is strictly forbidden to include, in a toy, dangerous substances or preparations if they are intended to be used as such while the toy is being used. However, where a limited number of substances or preparations are essential to the functioning of certain toys, in particular materials and equipment for chemistry experiments, model assembly, plastic or ceramic moulding, enamelling,

photography or similar activities, they are permitted up to a maximum concentration level to be defined for each substance or preparation by mandate to the European Committee for Standardisation (CEN) according to the procedure of the committee set up by Directive 83/189/EEC, provided the permitted substances and preparations comply with the Community classification rules in respect of labelling, without prejudice to point 4 of Schedule 4 of the Regulations.

4 Electrical properties

- a) Electric toys must not be powered by electricity of a nominal voltage exceeding 24 volts and no part of the toy may exceed 24 volts.
- b) Parts of toys which are connected to, or liable to come into contact with, a source of electricity capable of causing electric shock, together with the cables or other conductors through which electricity is conveyed to such parts, must be properly insulated and mechanically protected so as to prevent the risk of such shock.
- c) Electric toys must be so designed and constructed as to ensure that the maximum temperatures reached by all directly accessible surfaces are not such as to cause burns when touched.

5 Hygiene

Toys must be so designed and manufactured as to meet the requirements of hygiene and cleanliness in order to avoid any risk of infection, sickness and contamination.

6 Radioactivity

Toys must not contain radioactive elements or substances in forms or proportions likely to be detrimental to a child's health. Council Directive 80/836/Euratom shall apply.