

FACTSHEET

The 2009 Toy Safety Directive

Provisions on Warnings

October 2009

This document is one of a series of factsheets, aimed at providing a general overview of the changes introduced by the new Toy Safety Directive (2009 TSD) as adopted in 2009. The objective of the TIE/EC factsheets is to provide guidance to toy manufacturers across the EU regarding the implementation of the 2009 TSD. A particular focus is put on the obligation of manufacturers.

The 2009 TSD will strengthen the rules as laid down in the 1988 TSD. As a result, this new legislation will require adaptations in the manufacturing chain, as well as new procedures along the supply chain.

The 2009 TSD was published in the *Official Journal of the European Union* on 30 June 2009 and entered into force on 20 July 2009. The general provisions of the 2009 TSD will be applicable to toys placed on the market as of 20 July 2011, while the chemical provisions will be applicable to toys placed on the market as of 20 July 2013 (additional 2-year transition period for chemical properties). In practice, this means that **the toys compliant with the 1988 TSD will be allowed to be placed on the market until 19 July 2011 or 19 July 2013 in the case of certain chemical provisions.**

Warnings

General rules

General warnings which specify user limitations should be provided with the toy where appropriate for safe use. In addition, Part B of Annex V of the 2009 TSD provides that specific warnings for certain categories of toys should be provided.

In addition to the mandatory requirements set out in the 2009 TSD, the harmonized standards also specify warnings that should accompany certain categories of toys.

Within its territory, a Member State may stipulate that the warnings shall be written in a language or languages easily understood by consumers, as determined by the Member State.

Location of the warnings

The manufacturer shall mark the warnings in a clearly visible, easily legible and understandable and accurate manner.

Warnings must be marked on the toy, an affixed label or the packaging. If appropriate, warnings should also be included in the instructions.

It is important to note that in cases where the toy is sold without packaging, the warning needs to be affixed on the toy itself. Affixing warnings on a counter display box is not sufficient to meet the requirements of the 2009 TSD.

Warnings which determine the purchase decision, such as minimum and maximum user age indications and the specific warnings described in Part B of Annex V of the 2009 TSD, must appear on the consumer packaging or be otherwise clearly visible to the consumer before the purchase, even in cases where the purchase is made online.

Specific warnings

User limitations must contain at least the minimum or maximum age of the user. If appropriate, they shall also contain the abilities or characteristics required by a user to be able to use the toy safely (e.g. ability to sit unaided, maximum and minimum weight of the user, need to use the toy under supervision).

Economic operators may choose between a warning phrase or pictogram (or both):

Warning – Not suitable for children under 36 months



In any case, the wording and/or the pictogram must be preceded by the word “Warning” or “warnings” as appropriate.

The specific warning “*Not suitable for children under 3 years*” and pictogram described in Part B of Annex V of the 2009 TSD in relation to children under 3 years cannot be used for toys intended for children under 3 years.

More generally, specific warnings provided for certain categories of toys must not conflict with the intended use of the toy, as determined by virtue of its function, dimension and characteristics.

If necessary, the European Commission may propose wording for the specific warnings of certain categories of toys.

Sources of information

The final text of the 2009 TSD is available [here](#) and as a backgrounder the text of the 1988 TSD is available [here](#).

The two documents can also be found at the following URLs:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ%3AL%3A2009%3A170%3A0001%3A0037%3AEN%3APDF>
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1988L0378:20090112:EN:PDF>

Important notice:

This factsheet reflects our understanding of the 2009 TSD text published in the *Official Journal of the European Union* on 30 June 2009 and is intended merely to highlight in a general manner certain provisions of that text. TIE does not make any warranties about the completeness of the information herein and assumes no responsibility for any use of or reliance on this factsheet.

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