

## FACTSHEET

### Declaration of Conformity in the 2009 Toy Safety Directive

October 2009

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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.**

### Declaration of conformity

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When a toy is placed on the market, the manufacturer must draw up an EC declaration of conformity (DoC). By doing so, the manufacturer certifies and assumes responsibility for the compliance of the toy with the essential requirements of the 2009 TSD.

The manufacturer or the authorized representative established within the EU must keep the DoC for ten (10) years after the toy is put on the market.

The DoC needs to be translated into the languages required by the Member States in whose market the toy is placed or made available.

The DoC should state that the fulfillment of the 2009 TSD safety requirements has been demonstrated, and should at a minimum include (for the layout, please see Annex III of the 2009 TSD):

- the (unique) identification number of the toy;
- the name and address of the manufacturer or his authorized representative;
- the statement that "This declaration of conformity is issued under the sole responsibility of the manufacturer";

- the object of the declaration (including a colour image);
- the references to the relevant harmonized standards used or references to the specifications in relation to which conformity is declared;
- (where applicable,) the statement that “the notified body... (name, number)... performed ... (description of intervention performed)... and issued the certificate”;
- additional information, such as the date, place, signature of manufacturer, and function of signatory.

It is worth noting that an importer also must keep a copy of the manufacturer’s DoC for a period of ten (10) years after the toy has been placed on the market.

More than one toy could be referenced by the DoC provided the above requirements are fulfilled but there is a requirement to continuously update the DoC should changes be necessary.

## Sources of information

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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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