



**Co-ordination of the Notified Bodies
NB-TOYS**
under the Safety of Toys Directive 2009/48/EC

**NB-TOYS/2011/
033 Rev 1**
12 April 2011

Recommendation No. 4 Rev1 Transitional period

Agreed by:

NB-Toys group on: 10 March 2011

ADCO group on Toy Safety on: 4 April 2011

Expert group on Toy Safety on: 5 April 2011

Available at:

http://ec.europa.eu/enterprise/sectors/toys/documents/recommendations/index_en.htm

Question related to: Transitional period / EC-type certificate (Article 53 of the Directive 2009/48/EC)

Question regarding the transitional period and the issuing of EC-type certificates

1. How should a Notified Body proceed during the transitional period regarding issuing EC-type certificates under the new TSD 2009/48/EC?

Answer to question 1

In order to be able to issue EC type examination certificates under the new directive 2009/48/EC a test house must be notified under the 2009/48/EC directive by the national notifying authority (contacts available on the European Commission website <http://ec.europa.eu/enterprise/newapproach/nando/index.cfm?fuseaction=na.main>). After being notified by a national notifying authority a test house can issue EC type examination certificates under the new directive 2009/48/EC.

During the transitional period (20th of July 2009 until 20th of July 2011, with the exception of chemical requirements, where the transitional period ends 20th of July 2013), all of the stakeholders concerned will be able to take the necessary steps to ensure a smooth transition from Directive 88/378/EEC to Directive 2009/48/EC.

The transitional period foreseen for chemicals (2013) is intended to facilitate the manufacturers to get ready for the new chemical requirements. In order to enable manufacturers to meet the new chemical requirements before the end of the transitional period Notified Bodies may apply the provisions of the Directive 2009/48/EC as state of the art as far as possible at request of a specific client/manufacturer. The client/manufacturer although is entitled to request for compliance under 88/378/EEC Directive until the end of the transitional period.

EC type examination needs to take into account all requirements related to a specific toy, including chemical requirements. As of 20 July 2011, and until 20 July 2013, NB issuing EC type certificates shall refer to the safety requirements foreseen in Directive 2009/48/EC, except the chemical requirements for which they shall refer to Directive 88/378/EEC or 2009/48/EC. From 20 July 2013, the new directive becomes fully applicable and NB shall refer exclusively to the requirements of directive 2009/48/EC.