

Directive 2009/48/EC of the European Parliament and of the Council  
of 18 June 2009 on the safety of toys (Text with EEA relevance)

CHAPTER I

**GENERAL PROVISIONS**

*Article 1*

**Subject-matter**

This Directive lays down rules on the safety of toys and on their free movement in the Community.

*Article 2*

**Scope**

1 This Directive shall apply to products designed or intended, whether or not exclusively, for use in play by children under 14 years of age (hereinafter referred to as toys).

The products listed in Annex I shall not be considered as toys within the meaning of this Directive.

2 This Directive shall not apply to the following toys:

- a playground equipment intended for public use;
- b automatic playing machines, whether coin operated or not, intended for public use;
- c toy vehicles equipped with combustion engines;
- d toy steam engines; and
- e slings and catapults.

*Article 3*

**Definitions**

For the purposes of this Directive the following definitions shall apply:

1. 'making available on the market' means any supply of a toy for distribution, consumption or use on the Community market in the course of a commercial activity, whether in return for payment or free of charge;
2. 'placing on the market' means the first making available of a toy on the Community market;
3. 'manufacturer' means any natural or legal person who manufactures a toy or has a toy designed or manufactured, and markets that toy under his name or trademark;
4. 'authorised representative' means any natural or legal person established within the Community who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;

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5. 'importer' means any natural or legal person established within the Community who places a toy from a third country on the Community market;
6. 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a toy available on the market;
7. 'economic operators' means the manufacturer, the authorised representative, the importer and the distributor;
8. 'harmonised standard' means a standard adopted by one of the European standardisation bodies listed in Annex I to Directive 98/34/EC on the basis of a request made by the Commission in accordance with Article 6 of that Directive;
9. 'Community harmonisation legislation' means any Community legislation harmonising the conditions for the marketing of products;
10. 'accreditation' shall have the meaning assigned to it by Regulation (EC) No 765/2008;
11. 'conformity assessment' means the process demonstrating whether specified requirements relating to a toy have been fulfilled;
12. 'conformity assessment body' means a body that performs conformity assessment activities, including calibration, testing, certification and inspection;
13. 'recall' means any measure aimed at achieving the return of a toy that has already been made available to the end user;
14. 'withdrawal' means any measure aimed at preventing a toy in the supply chain from being made available on the market;
15. 'market surveillance' means the activities carried out and measures taken by public authorities to ensure that toys comply with the applicable requirements set out in Community harmonisation legislation and do not endanger health, safety or any other aspect of public interest protection;
16. 'CE marking' means a marking by which the manufacturer indicates that the toy is in conformity with the applicable requirements set out in Community harmonisation legislation providing for its affixing;
17. 'functional product' means a product which performs and is used in the same way as a product, appliance or installation intended for use by adults, and which may be a scale model of such product, appliance or installation;
18. 'functional toy' means a toy which performs and is used in the same way as a product, appliance or installation intended for use by adults, and which may be a scale model of such product, appliance or installation;
19. 'aquatic toy' means a toy intended for use in shallow water which is capable of carrying or supporting a child on the water;
20. 'design speed' means representative potential operating speed that is determined by the design of the toy;
21. 'activity toy' means a toy for domestic use in which the support structure remains stationary while the activity is taking place and which is intended for the performance by a child of any of the following activities: climbing, jumping, swinging, sliding, rocking, spinning, crawling and creeping, or any combination thereof;

22. 'chemical toy' means a toy intended for the direct handling of chemical substances and mixtures and which is used in a manner appropriate to a given age-group and under the supervision of an adult;
23. 'olfactory board game' means a toy the purpose of which is to assist a child to learn to recognise different odours or flavours;
24. 'cosmetic kit' means a toy the purpose of which is to assist a child to learn to make products such as fragrances, soaps, creams, shampoos, bath foams, glosses, lipsticks, other make-up, tooth-paste and conditioners;
25. 'gustative game' means a toy the purpose of which is to allow children to make sweets or dishes which involve the use of food ingredients such as sweets, liquids, powders and aromas;
26. 'harm' means physical injury or any other damage to health, including long-term health effects;
27. 'hazard' means a potential source of harm;
28. 'risk' means the probable rate of occurrence of a hazard causing harm and the degree of severity of the harm;
29. 'intended for use by' means that a parent or supervisor shall reasonably be able to assume by virtue of the functions, dimensions and characteristics of a toy that it is intended for use by children of the stated age group.