

Safety of Toys Implementing Regulation

SECTION I Aim, Scope, Basis and Definitions

Aim

ARTICLE 1 - (1) The aim of this Implementing Regulation is to lay down the procedures and principles on the safety and free movement of toys.

Scope

ARTICLE 2 - (1) This Implementing Regulation

a) shall apply to products designed or intended, whether or not exclusively, for use in play by children under 14 years of age. The products listed in Annex I shall not be considered as toys within the meaning of this Implementing Regulation.

b) shall not apply to the following toys:

- 1) playground equipment intended for public use;
- 2) automatic playing machines, whether coin operated or not, intended for public use;
- 3) toy vehicles equipped with combustion engines;
- 4) toy steam engines;
- 5) slings and catapults.

Basis

ARTICLE 3 - (1) This Implementing Regulation is drawn up based on Law of Preparation and Implementation of Technical Legislation for Products numbered 4703 and dated 29/6/2001, Decree Law about the Organization and Assignment of Ministry of Customs and Trade numbered 640 and dated 3/6/2011, Implementing Regulation on Market Surveillance which entered into force by the Council of Ministers Decision numbered 2001/3529 and dated 13/11/2001 and Decision numbered 97/9196 and dated 15/1/1997 on Identification of the Bodies That Will Draw Up the Technical Legislation for Increasing the Exports of Turkish Products.

Definitions

ARTICLE 4 - (1) For the purposes of this Implementing Regulation the following definitions shall apply;

a) Accreditation: An attestation by a national accreditation body that a conformity assessment body meets the requirements set by harmonised standards and, where applicable, any additional requirements set out in relevant sectoral schemes, to carry out a specific conformity assessment activity;

b) Activity toy: 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;

c) EC: European Community;

ç) Ministry: Ministry of Customs and Trade;

d) "CE" marking: A marking by which the manufacturer indicates that the toy is in conformity with all the relevant rules of the technical legislation, providing for the affixing of the "CE marking";

e) Distributor: Any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a toy available on the market;

f) Functional toy: 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;

g) Functional product: A product which performs and is used in the same way as a product, appliance or installation intended for use by adults (indicated in item 12 in Annex I), and which may be a scale model of such product, appliance or installation;

g) Withdrawal: Any measure aimed at preventing a toy in the supply chain from being made available on the market;

h) Economic operator: The manufacturer, the authorised representative, the importer and the distributor;

i) Manufacturer: 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;

i) Importer: Any natural or legal person established in Turkey who supplies a toy from abroad on the domestic market;

j) Law: Law no.4703 on Preparation and Implementation of Technical Legislation for Products published in the Official Gazette no. 24459 and dated 11/7/2001;

k) Chemical toy: 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;

l) Olfactory board game: A toy the purpose of which is to assist a child to learn to recognise different odours or flavours;

m) Commission: European Commission;

n) Cosmetic kit: 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;

o) Gustative game: 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;

ö) Toy: products designed or intended, whether or not exclusively, for use in play by children under 14 years of age;

p) Market surveillance: The activities carried out and measures taken by public authorities to ensure that products comply with the rules in relevant technical regulation and do not endanger health, safety or any other aspect of public interest protection;

r) Making available on the market: Any supply of a toy for distribution, consumption or use on the domestic market in the course of a commercial activity, whether in return for payment or free of charge;

s) Placing on the market: The first making available of a toy on the domestic market;

- §) Risk: The probable rate of occurrence of a hazard causing harm and the degree of severity of the harm;
- t) Aquatic toy: A toy intended for use in shallow water which is capable of carrying or supporting a child on the water;
- u) Intended for use by: 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;
- ü) Design speed: Representative potential operating speed that is determined by the design of the toy;
- v) Hazard: A potential source of harm;
- y) Recall: Any measure aimed at achieving the return of a toy that has already been made available to the end user;
- z) Conformity assessment body: A body established in Turkey, which performs conformity assessment activities, including calibration, testing, certification and inspection;
- aa) Conformity assessment: The process demonstrating whether specified requirements relating to a toy have been fulfilled;
- bb) Harmonised standard: A standard drawn up and adopted upon EC's request by one of the European standardization bodies listed in Annex I of the Implementing Regulation on the Notification of Technical Legislation and Standards Between Turkey and EU published in the Official Gazette no. 24714 and dated 03/04/2002;
- cc) Authorised representative: Any natural or legal person established in Turkey who has received a written mandate from a manufacturer under this implementing regulation to act on his behalf in relation to specified tasks;
- dd) Harm: Physical injury or any other damage to health, including long-term health effects.

SECTION II

Obligations of Economic Operators

Obligations of manufacturers

ARTICLE 5 - (1) When placing their toys on the market, manufacturers shall ensure that the toys have been designed and manufactured in accordance with the requirements set out in Article 11 and Annex II.

(2) Manufacturers shall draw up the required technical documentation in accordance with Article 22, to carry out or have carried out the conformity assessment procedure in accordance with Article 20, where compliance of a toy has been demonstrated by conformity assessment procedure, to draw up an EC declaration of conformity, as referred to in Article 16, and to affix the CE marking on the toy as set out in paragraph 1 of Article 18.

(3) Manufacturers shall keep the technical documentation and the EC declaration of conformity for a period of 10 years after the toy has been placed on the market.

(4) Manufacturers shall ensure that necessary mechanisms are installed for series production to remain in conformity. Changes in toy design or characteristics and changes in

the harmonised standards by reference to which conformity of a toy is declared shall be adequately taken into account.

When deemed appropriate with regard to the risks presented by a toy, manufacturers shall, to protect the health and safety of consumers, carry out sample testing of marketed toys, investigate, and, if necessary, keep a register of complaints, of non-conforming toys and toy recalls, and shall keep distributors informed of any such monitoring.

(5) Manufacturers shall ensure that their toys bear a type, batch, serial or model number or other element allowing their identification, or, where the size or nature of the toy does not allow it, that the required information is provided on the packaging or in a document accompanying the toy.

(6) Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the toy or, where that is not possible, on its packaging or in a document accompanying the toy. The said address shall indicate a single point at which the manufacturer can be contacted.

(7) Manufacturers shall draw up the instructions for use and safety information accompanying the toy in Turkish language in a manner easily understood by consumers.

(8) Manufacturers who consider or have reason to believe that a toy which they have placed on the market is not in conformity with the relevant legislation shall immediately take the corrective actions necessary to bring that toy into conformity, to withdraw it or recall it, if appropriate. Where the toy made available in the market presents a risk, manufacturers shall immediately inform the Ministry on the non-compliance of the toy and of any corrective actions taken.

(9) Manufacturers shall, further to a reasoned request from the Ministry, provide the Ministry with all the information and documentation demonstrating the conformity of the toy. Furthermore manufacturers shall cooperate with the Ministry, at its request, as regards any action taken to eliminate the risks posed by toys which they have placed on the market.

Obligations of authorised representatives

ARTICLE 6 - (1) A manufacturer may, by a written mandate, appoint an authorised representative.

(2) The manufacturer's obligations laid down in paragraph 1 of Article 5 and the drawing up of technical documentation shall not form part of the authorised representative's mandate.

(3) An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The said mandate shall allow the authorised representative to do at least the following;

a) Keep the EC declaration of conformity and the technical documentation at the disposal of the Ministry for a period of 10 years after the toy has been placed on the market;

b) Further to a reasoned request from the Ministry, provide the Ministry with all the information and documentation necessary to demonstrate the conformity of a toy;

c) Cooperate with the Ministry, at their request, on any action taken to eliminate the risks posed by toys covered by the mandate.

Obligations of importers

ARTICLE 7- (1) Importers shall place on the market only the toys compliant with the technical regulation.

(2) Before placing a toy on the market, importers shall ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer, that the manufacturer has drawn up the technical documentation of the toy, that the toy bears the CE marking and is accompanied by the required documents, and that the manufacturer has complied with the requirements set out in paragraphs 5 and 6 of Article 5.

Where an importer considers or has reason to believe that a toy is not in conformity with the requirements set out in Article 11 and Annex II, it shall not place the toy on the market until the toy has been brought into conformity. Furthermore, where the toy presents a risk, the importer shall inform the manufacturer and the Ministry to that effect.

(3) Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the toy or, where that is not possible, on its packaging or in a document accompanying the toy.

(4) Importers shall ensure that the manufacturer provides instructions for use and safety information accompanying the toy in Turkish language in a manner easily understood by consumers.

(5) Importers shall ensure that, while a toy is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in Article 11 and Annex II.

(6) When deemed appropriate with regard to the risks presented by a toy, importers shall, to protect the health and safety of consumers, carry out sample testing of marketed toys, investigate, and, if necessary, keep a register of complaints, of non-conforming toys and toy recalls, and shall keep distributors informed of such monitoring.

(7) Importers who consider or have reason to believe that a toy which they have placed on the market is not in conformity with the relevant legislation shall immediately take the corrective actions necessary to bring that toy into conformity, to withdraw it or recall it, if appropriate. Where the toy made available at the market presents a risk, importers shall immediately inform the Ministry to that effect, giving details, in particular, of the non-compliance and of any corrective actions taken.

(8) Importers shall for a period of 10 years after the toy has been placed on the market, keep a copy of the EC declaration of conformity to be submitted to the Ministry and ensure that the technical documentation can be made available to the Ministry, upon request.

(9) Importers shall, further to a reasoned request from the Ministry, provide the Ministry with all the information and documentation necessary to demonstrate the conformity of the toy in Turkish language. Furthermore, they shall cooperate with the Ministry, at its request, on any action taken to eliminate the risks posed by toys which they have placed on the market.

Obligations of distributors

ARTICLE 8- (1) When making a toy available on the market, distributors shall act with due care in relation to the applicable requirements.

(2) Before making a toy available on the market, distributors shall verify that the toy bears the CE marking, that it is accompanied by required documents, instructions for use and safety information provided that there are in Turkish language, and that the manufacturer and the importer have complied with the requirements set out in paragraphs 5 and 6 of Article 5 and paragraph 3 of Article 7.

Where a distributor considers or has reason to believe that a toy is not in conformity with the requirements set out in Article 11 and Annex II, it shall not make the toy available on the market until the toy has been brought into conformity. Furthermore, where the toy presents a risk, the distributors shall inform the manufacturer or the importer, and the Ministry, to that effect.

(3) Distributors shall ensure that, while a toy is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in Article 11 and Annex II.

(4) Distributors who consider or have reason to believe that a toy which they have made available on the market is not in conformity with the relevant legislation shall make sure that the corrective actions necessary to bring that toy into conformity, to withdraw it or recall it, if appropriate, are taken. Furthermore, where the toy made available in the market presents a risk, distributors shall inform the Ministry to that effect, giving details, in particular, of the non-compliance and of any corrective actions taken.

(5) Distributors shall, further to a reasoned request from the Ministry, provide the Ministry with all the information and documentation necessary to demonstrate the conformity of the toy. They shall cooperate with the Ministry, at its request, as regards any action taken to eliminate the risks posed by toys which they have made available on the market.

Cases in which obligations of manufacturers are undertaken by importers and distributors

ARTICLE 9- (1) An importer or distributor shall be considered a manufacturer for the purposes of this Implementing Regulation and be subject to the obligations of the manufacturer under Article 5 where it places a toy on the market under its name or trademark or modifies a toy already placed on the market in such a way that compliance with the applicable requirements may be affected.

Identification of economic operators

ARTICLE 10- (1) Economic operators shall, on request, identify the following to the Ministry;

- a) any economic operator who has supplied them with a toy,
- b) any economic operator to whom they have supplied a toy.

(2) Economic operators shall be able to present the information referred to in the first paragraph for a period of 10 years after the toy has been placed on the market, in the case of the manufacturer, and for a period of 10 years after they have been supplied with the toy, in the case of other economic operators.

SECTION III

Conformity of Toys

Essential safety requirements

ARTICLE 11- (1) Ministry shall take all measures necessary to ensure that toys may not be placed on the market unless they comply with the essential safety requirements including the general safety requirement in paragraph 2 and the particular safety requirements in Annex II.

(2) Toys, including the chemicals they contain, shall not jeopardise the safety or health of users or third parties when they are used as intended or in a foreseeable way, bearing in mind the behaviour of children.

The ability of the users and, where appropriate, their supervisors shall be taken into account, in particular, in the case of toys which are intended for use by children under 36 months or by other specified age groups.

Labels affixed in accordance with paragraph 2 of Article 12 and instructions for use which accompany toys shall draw the attention of users or their supervisors to the inherent hazards and risks of harm involved in using the toys, and to the ways of avoiding such hazards and risks.

(3) Toys placed on the market shall comply with the essential safety requirements during their foreseeable and normal period of use.

Warnings

ARTICLE 12- (1) Where appropriate for safe use, warnings made for the purposes of paragraph 2 of Article 11 shall specify appropriate user limitations in accordance with Part A of Annex V.

As regards the categories of toys listed in Part B of Annex V, the warnings set out there shall be used. The warnings set out in points 2 to 10 of Part B of Annex V shall be used as worded here.

Toys shall not bear one or more of the specific warnings set out in Part B of Annex V where that warning conflicts with the intended use of the toy, as determined by virtue of its function, dimension and characteristics.

(2) The manufacturer shall mark the warnings in a clearly visible, easily legible and understandable and accurate manner on the toy, on an affixed label or on the packaging and, if appropriate, on the instructions for use which accompany the toy. Small toys which are sold without packaging shall have appropriate warnings affixed to them.

If a warning is to be used, the words 'Warning' or 'Warnings' shall be used before the warnings.

Warnings which determine the decision to purchase the toy, such as those specifying the minimum and maximum ages for users and the other applicable warnings set out in Annex V, shall appear on the consumer packaging or be otherwise clearly visible to the consumer before the purchase, including in cases where the purchase is made on-line.

(3) In accordance with paragraph 7 of Article 5, the safety instructions and warnings shall be written in Turkish language.

Free movement

ARTICLE 13- (1) The making available on the market of toys which comply with the provisions of this Implementing Regulation shall not be impeded.

Presumption of conformity

ARTICLE 14- (1) Toys which are manufactured in conformity with harmonised standards or their parts thereof, the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements covered by those standards or parts thereof set out in Article 11 and Annex II.

Formal objection to a harmonised standard

ARTICLE 15- (1) When the Ministry detects that a harmonised standard does not entirely fulfil the requirements which it aims and which are set out in Article 11 and Annex II, it shall communicate its opinions to the Ministry of Economy for them to be informed to the Commission or to be brought before the technical committee operating under Directive 98/34/EC.

EC declaration of conformity

ARTICLE 16- (1) The EC declaration of conformity shall state that the fulfilment of the requirements set out in Article 11 and Annex II has been demonstrated.

(2) The EC declaration of conformity shall as a minimum contain the elements specified in Annex III and the relevant modules set out in Annex III to the Implementing Regulation on CE Marking published in the Official Gazette no. 28213 and dated 23/02/2012, and shall be updated as necessary. The EC declaration of conformity shall be drawn up in accordance with the sample set out in Annex III. In cases where the EC declaration of conformity is not in Turkish language, its Turkish translation shall accompany the declaration.

(3) By drawing up the EC declaration of conformity, the manufacturer shall assume responsibility for the compliance of the toy.

General procedures and principles of the CE marking

ARTICLE 17 - (1) Toys made available on the market shall bear the CE marking.

(2) The CE marking shall be subject to the provisions set out in the Implementing Regulation on CE Marking, which was published in the Official Gazette no. 28213 and dated 23/02/2012.

(3) It shall be presumed that the toys bearing the CE marking comply with this Implementing Regulation.

(4) Toys not bearing a CE marking or which do not comply with this Implementing Regulation may be shown and used at trade fairs and exhibitions, provided that they are accompanied by a sign which clearly indicates that they do not comply with this Implementing Regulation and that they will not be made available on the market before being brought into conformity.

Rules and conditions for affixing the CE marking

ARTICLE 18- (1) The CE marking shall be affixed visibly, legibly and indelibly to the toy, to an affixed label or to the packaging. In the case of small toys and toys consisting of small parts, the CE marking may alternatively be affixed to a label or an accompanying leaflet. Where, in the case of toys sold in counter displays, that is not technically possible, and on condition that the counter display was originally used as packaging for the toy, the CE marking may be affixed to the counter display.

Where the CE marking is not visible from outside the packaging, it shall as a minimum be affixed to the packaging.

(2) The CE marking shall be affixed before the toy is placed on the market. It may be followed by a pictogram or any other mark indicating a special risk or use.

SECTION IV

Conformity Assessment

Safety assessments

ARTICLE 19- (1) Manufacturers shall, before placing a toy on the market, carry out an analysis of the chemical, physical, mechanical, electrical, flammability, hygiene and radioactivity hazards that the toy may present, and an assessment of the potential exposure to such hazards.

Applicable conformity assessment methods

ARTICLE 20- (1) Before placing a toy on the market, manufacturers shall use the conformity assessment procedures referred to in paragraphs 2 and 3 to demonstrate that the toy complies with the requirements set out in Article 11 and Annex II.

(2) If the manufacturer has applied harmonised standards, the reference number of which has been published in the Official Journal of the European Union, covering all relevant safety requirements for the toy, the manufacturer shall use the internal production control procedure set out in Module A of Annex III to the Implementing Regulation on CE Marking published in the Official Gazette no. 28213 and dated 23/02/2012.

(3) In the following cases, the toy shall be submitted to EC-type examination, as referred to in Article 21, together with the conformity-to-type procedure based on the internal control of manufacturing set out in Module C of Annex III to the Implementing Regulation on CE Marking published in the Official Gazette no. 28213 and dated 23/02/2012:

a) Where harmonised standards the reference number of which has been published in the Official Journal of the European Union, covering all relevant safety requirements for the toy, do not exist;

b) Where the harmonised standards referred to in point (a) exist but the manufacturer has not applied them or has applied them only in part;

c) Where one or more of the harmonised standards referred to in point (a) has been published with a restriction;

d) When the manufacturer considers that the nature, design, construction or purpose of the toy necessitate third party verification.

EC-type examination

ARTICLE 21- (1) An application for EC-type examination, the performance of that examination and the issuing of the EC-type examination certificate shall be carried out in accordance with the procedures set out in Module B of Annex III to the Implementing Regulation on CE Marking published in the Official Gazette no. 28213 and dated 23/02/2012.

EC-type examination shall be carried out in the manner specified in the second point 2 of that Module.

In addition to those provisions, the requirements laid down in paragraphs 2 to 5 of this Article shall apply.

(2) The application for an EC-type examination shall include a description of the toy and an indication of the place of manufacture, including the address.

(3) When a conformity assessment body, which is notified under Article 23 and referred to as a notified body, carries out the EC-type examination; it shall evaluate, if necessary together with the manufacturer, the analysis of the hazards that the toy may present carried out by the manufacturer in accordance with Article 19.

(4) The EC-type examination certificate shall include the name of this Implementing Regulation and a reference to the Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys, which this Regulation transposes and is equivalent to, a colour image of the toy, a clear description of the toy, including its dimensions, and a list of the tests performed, together with the name of the relevant test report.

The EC-type examination certificate shall be reviewed whenever necessary, in particular in case of a change to the manufacturing process, the raw materials or the components of the toy, and, in any case, every five years.

The EC-type examination certificate shall be withdrawn if the toy fails to comply with the requirements set out in Article 11 and Annex II.

Ministry shall take necessary measures to ensure that an EC-type examination certificate is not granted by national notified bodies for a toy in respect of which a certificate has been refused or withdrawn.

(5) The technical documentation and correspondence relating to the EC-type examination procedures shall be drawn up in Turkish language if the notified body is in the country, in an official language of the Member State in which the notified body is established or in a language acceptable to the notified body.

Technical documentation

ARTICLE 22- (1) The technical documentation referred to in paragraph 2 of Article 5 shall contain all relevant data or details of the means used by the manufacturer to ensure that toys comply with the requirements set out in Article 11 and Annex II. It shall, in particular, contain the documents listed in Annex IV.

(2) The technical documentation shall be drawn up in Turkish language or in one of the official languages of the EU subject to the requirement set out in paragraph 5 of Article 21.

(3) When the technical documentation is not in Turkish language, the manufacturer, as per Ministry's reasoned request, shall provide a Turkish translation of the relevant parts of the technical documentation.

Manufacturer shall provide the translation of the technical documentation or parts included in the technical documentation, requested by the Ministry, in 30 days at the latest. Ministry may fix a shorter deadline by giving the justification of a serious and immediate risk.

(4) If the manufacturer does not comply with the requirements of paragraphs 1, 2 and 3, Ministry may require the manufacturer to have a test performed by a notified body at its

own expense within a specified period in order to verify compliance with the harmonised standards and essential safety requirements

SECTION V

Notification of Conformity Assessment Bodies

Notification

ARTICLE 23- (1) Ministry shall notify the Commission through the Ministry of Economy of the bodies authorised to carry out third-party conformity assessment tasks under Article 21.

Principles relating to the competent bodies that assign notified bodies

ARTICLE 24- (1) Ministry shall assign notified bodies and carry out their surveillance and inspection. Ministry shall take necessary measures and make arrangements to ensure that

- a) Its managers and personnel do not have a relationship based on self-interest with the notified body candidates;
- b) The relevant units are organised and operated so as to safeguard their independence and objectivity;
- c) Each decision related to assigning notified bodies is taken by competent personnel and that the personnel is different from those who made the competency review on the notified body;
- c) The managers and personnel of any unit performing competency reviews or making decisions related to the notified bodies do not offer or provide any activities performed by conformity assessment bodies on a commercial or competitive basis, particularly consultancy services,;
- d) The managers and the relevant personnel safeguard the confidentiality of the information they obtain; and
- e) The managers and the relevant personnel have the competency, quality and quantity for the proper performance of surveillance of the notified bodies for which they are assigned.

Information obligation of the competent body that assigns notified bodies

ARTICLE 25- (1) Ministry of Economy shall inform the Commission of Ministry's principles for the assessment of competency of the conformity assessment bodies, which are notified body candidates, the assignment of those bodies as notified bodies, the notification and inspection of them, and the changes that occurred in those principles.

Qualifications required from notified bodies

ARTICLE 26- (1) A conformity assessment body, which will be assigned as a notified body under this Implementing Regulation, shall meet the following qualifications:

- a) A conformity assessment body shall be established under national law and shall have legal personality.
- b) A conformity assessment body shall be an independent third-party body which has no connections whatsoever with the toy it assesses or the organisation for which it provides conformity assessment service.

A body belonging to a chamber of industry, chamber of commerce, professional chamber, union, business association or professional federation representing organizations involved in the design, manufacturing, provision, assembly, use or maintenance of toys which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered a third-party body.

c) A conformity assessment body

1) itself, its managers and its personnel shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user (without prejudice to the use of assessed toys that are necessary for the operations of the conformity assessment body or the use of such toys for personal purposes), configurer or maintainer of the toy which is assessed, nor the authorised representative of any of those parties.

2) itself, its managers and its personnel shall not be directly involved in the design or manufacture, marketing, installation, use or maintenance of the toy, or represent the parties engaged in those activities and shall not engage in any activity that may negatively affect the independence of judgements for conformity assessment activities which it carries out as the notified body, and the duly performance of professional requirements. This shall in particular apply to consultancy services.

3) shall take necessary measures to ensure that the activities of its branch offices, agencies or contractors do not affect the confidentiality, objectivity or impartiality of its conformity assessment activities.

ç) Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field, and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.

d) A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it in accordance with Article 21 of this Implementing Regulation whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility. At all times and for each conformity assessment procedure and each kind or category of toy in relation to which it has been assigned as a notified body, a conformity assessment body shall have the following;

1) Personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;

2) Records to ensure the transparency of methods used in conformity assessment procedures and ability of reproduction of those procedures;

3) Appropriate policies and procedures that ensure the separation of its tasks as a notified body and its other tasks;

4) Procedures for the performance of activities which take due account of the size of the operations that has applied for conformity assessment, the sector in which it operates, its structure, the degree of complexity of the technology used for the toy in question and the mass or serial nature of the production process.

e) A conformity assessment body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities it is assigned with and shall have access to all necessary equipment or facilities.

f) The personnel of a conformity assessment body, responsible for carrying out the conformity assessment activities, shall have;

1) Sound technical and vocational training covering all the conformity assessment activities which the conformity assessment body has been assigned to perform as a notified body;

2) Satisfactory knowledge of the requirements of the assessment they carry out and adequate authority to carry out those assessments;

3) Appropriate knowledge and understanding of the essential requirements and provisions of the Implementing Regulation and of the applicable harmonized standards; and

4) The ability to draw up certificates, records and reports demonstrating the assessments they have carried out.

g) Notified bodies shall take out professional liability insurance that covers the activities they carry out unless liability is assumed by the public in accordance with the legislation, and the insurance coverage is determined by the Ministry by considering such measures as the inherent risks of the toy subject to conformity assessment activity, the risks they toy may pose within its normal period of use, the nature of the conformity assessment activity and user as well as the consumers, and the size of the sector.

g) A conformity assessment body shall ensure the impartiality of itself, its managers and its personnel that will carry out the assessment. The remuneration of the managers and assessment personnel of a conformity assessment body shall not depend on the number of assessments carried out or on the results of those assessments.

h) The personnel of a conformity assessment body shall protect the secrecy of information they obtained while carrying out their tasks under Article 21 of the Implementing Regulation and information under intellectual property rights except the obligation to provide information and documents to the Ministry as per legislation. Proprietary rights shall be protected.

i) Conformity assessment bodies shall participate in, or ensure that their assessment personnel are informed of, the relevant standardisation activities and the activities of the group established under Article 36 for the coordination of the notified bodies and shall apply as general guidance the administrative decisions and documents produced as a result of the activities of the group established for the coordination of the notified bodies.

Presumption of conformity

ARTICLE 27- (1) Where a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, it shall be presumed to comply with the requirements set out in Article 26 insofar as the applicable harmonised standards cover those requirements.

Formal objection to a harmonised standard

ARTICLE 28- Where the Ministry has a formal objection to the harmonised standards referred to in Article 27, the provisions of Article 15 shall apply.

Branch offices, agencies and contractors

ARTICLE 29- (1) Where a notified body assigned by the Ministry subcontracts some tasks connected with conformity assessment or uses a branch office or agency to carry out those tasks, this notified body shall take responsibility for ensuring that these branch offices, agencies or contractors meet the requirements set out in Article 26, and for informing the Ministry to that effect.

(2) Notified bodies shall take full responsibility for the tasks performed by all branch offices and agencies, including the ones established abroad, or their subcontractors.

(3) Conformity assessment activities may be subcontracted or carried out by a branch office or agency only with the agreement of the client.

(4) A notified body assigned by the Ministry shall maintain the documents concerning the assessment of the competency of the branch office, agencies or contractors and the work carried out by them under Article 21, so that they can be submitted to the Ministry upon its request.

Application for notification

ARTICLE 30- (1) When conformity assessment bodies established in Turkey apply to the Ministry to become notified bodies, their application document shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the toy or toys for which that body claims to be competent and by an accreditation certificate, where one exists, issued as indicated in the Implementing Regulation on Conformity Assessment Bodies and Notified Bodies published in the Official Gazette no.283123 and dated 23/02/2012, attesting that the conformity assessment body fulfills the requirements laid down in Article 26.

(2) When conformity assessment bodies, which do not have the accreditation certificate mentioned in paragraph 1, apply to become notified bodies, they shall provide the Ministry with the evidence and documents that will allow for the verification, recognition and regular monitoring of their compliance with the requirements for notified bodies laid down in Article 26 of the Implementing Regulation.

Notification process and assignment

ARTICLE 31- (1) In cases required by this Implementing Regulation, the Ministry shall assign notified bodies within the framework of Article 26 of this Implementing Regulation, the procedures and principles, if any, which are referred to in the regulatory procedure published by the Ministry in respect of the assignment, and the Implementing Regulation on Conformity Assessment Bodies and Notified Bodies published in the Official Gazette no.283123 and dated 23/02/2012, by selecting an appropriate number of conformity assessment bodies from amongst the ones that are established in Turkey and that apply to the Ministry.

(2) Necessary records and documents in respect of the notified body candidate shall be communicated to the Commission and the EU Member States through the Ministry of Economy. The communication shall include full details of the relevant conformity assessment

activities, module or modules, toy or toys subjected to conformity assessment and the competency of this body.

(3) Where an assignment is not based on an accreditation certificate as referred to in paragraph 1 of Article 30, Ministry shall provide the Ministry of Economy with evidence and documents that will allow for the verification, recognition and regular monitoring of the notified body's compliance with the requirements laid down in Article 26, to be sent to the European Commission and the EU Member States.

(4) Commission and the EU Member States can request additional information or raise an objection about the competency of the notified body candidate for which information was provided, as of the date when information was provided to the Commission, within two weeks where an accreditation certificate is used and within two months where accreditation is not used for assessing the notified body candidate.

(5) The Commission shall allocate an identification number to the conformity assessment body for which information was provided, and after that Ministry shall assign this body as a notified body. Assignment decision shall be published in the Official Gazette by the Ministry within the shortest time.

(6) Any changes in the notified bodies' activities and features subject to information shall be informed to the Commission and the EU Member States through the Ministry of Economy.

Sanctions to be applied to the notified bodies that fail to meet the requirements

ARTICLE 32- (1) Ministry shall monitor and inspect, when it deems necessary, whether the notified bodies it has assigned continues meet the requirements laid down in Article 26 of this Implementing Regulation, the Implementing Regulation on Conformity Assessment Bodies and Notified Bodies published in the Official Gazette no.283123 and dated 23/02/2012, and the regulatory procedure published by the Ministry in respect of the assignment, whether it fulfils its obligations, and whether it carries on with its activities in compliance with this legislation.

(2) If the result of this monitoring and inspection is negative, Ministry shall restrict or suspend the activities carried out by those bodies as notified bodies.

(3) If the identified non-conformities cannot be corrected in a time-period to be determined by the Ministry not to be less than 20 workdays and not to be more than 60 workdays by considering such measures as

- a) severity of the risks likely to be posed by the assessed product,
- b) urgency of the hazard,
- c) qualifications of the users and consumers,

Ministry shall withdraw the notified body status of those bodies under this Implementing Regulation.

(4) Decisions regarding the restriction and suspension of notified body activities or the withdrawal of notified body status shall be published in the Official Gazette by the Ministry. Those decisions shall be informed to the Commission and the EU Member States through the Ministry of Economy.

(5) A notified body, whose activities are restricted or suspended or whose notified body status is withdrawn by the Ministry or who willingly terminates its activities, shall submit the documents and records regarding the conformity assessment procedures it carried out in its activity period to the Ministry to be transferred, when necessary, to another notified body operating in the same field. However, the responsibilities of this notified body for the said documents and records shall continue for 10 years as of the date when those documents and records are drawn up. Ministry shall take necessary measures to ensure that the notified body fulfils those responsibilities.

Evaluating the objection to the competence of notified bodies

ARTICLE 33- (1) When the Commission or one of the EU Member States requests that the technical competence and conformity with the relevant legislation of a notified body assigned by the Ministry is investigated, the procedure referred to in Article 4 of Decision no.1/2006 of the Turkey - EU Association Council shall be followed. Ministry shall deliver the necessary information and documents to the Ministry of Economy, establish the necessary collaboration with relevant parties and take the necessary measures.

Obligations of notified bodies

ARTICLE 34- (1) The notified bodies assigned by the Ministry;

a) shall carry out conformity assessment in accordance with the conformity assessment procedure provided for in Article 21;

b) shall carry out conformity assessment in compliance with this Implementing Regulation, in a transparent, independent, impartial manner, without discriminating or creating unnecessary burdens for their clients, and perform their activities by taking due account of the size of the operations that has applied for conformity assessment, the sector in which it operates, its structure, the degree of complexity of the technology used for the toy in question and the mass or serial nature of the production process;

c) shall require the manufacturer to take the necessary corrective actions when they identify that the manufacturer does not comply with the requirements of Article 11 and Annex II or relevant harmonized standards and shall not issue the EC-type examination certificate;

ç) shall, in the course of the monitoring of conformity following the issue of a EC-type examination certificate, require the manufacturer to take necessary corrective actions, and shall suspend or withdraw the certificate if necessary where they identify a toy's non-compliance,

d) shall restrict the scope or duration of the certificate, suspend it or withdraw it proportionate to the non-compliance where the manufacturer does not take the necessary corrective actions or such actions do not bring about the intended effect.

Information obligation of notified bodies

ARTICLE 35- (1) The notified bodies assigned by the Ministry shall inform the Ministry of any refusal, restriction, suspension or withdrawal of an EC-type examination certificate, any changes affecting the scope of and conditions for the assignment of a notified body, any request for information which they have received from authorities carrying out market surveillance regarding conformity assessment activities and on request, conformity

assessment activities they performed as notified bodies, and any other activity performed, including their activities outside Turkey and subcontracting relations.

(2)- The notified bodies assigned by the Ministry, shall provide the other notified bodies, which carry out similar conformity assessment activities for the toys that fall under this Implementing Regulation with information on conformity assessment procedures ending up with negative results and, on request, conformity assessment procedures ending up with positive results.

Coordination of notified bodies

ARTICLE 36 - (1) Ministry shall ensure the participation of the notified bodies which it has assigned or their representatives to the sectoral group/groups established by the EU Commission, in order to provide coordination and cooperation among notified bodies which are assigned to function within the scope of toys directive.

SECTION VI

Market Surveillance

Precautionary principle

ARTICLE 37 - (1) When the Ministry takes measures as provided for in this Implementing Regulation and in particular those referred to in Article 38, it shall take due account of the precautionary principle.

Conducting market surveillance

ARTICLE 38 - (1) Ministry shall perform surveillance of toys placed on the market in accordance with Articles 40 to 45 of this Implementing Regulation and the Implementing Regulation on Market Surveillance published in the Official Gazette no. 24643 and dated 17/01/2002. In addition to those articles, Article 39 of this Implementing Regulation shall also apply.

Instructions to the notified bodies

ARTICLE 39- (1) Ministry may request a notified body it has assigned to provide information relating to any EC-type examination certificate which that body has issued or withdrawn, or which relates to any refusal to issue such a certificate, including the test reports and technical documentation.

(2) If the Ministry finds that a toy is not in conformity with the requirements set out in Article 11 and Annex II, it shall, where appropriate, instruct the notified body to withdraw the EC-type examination certificate in respect of that toy.

(3) Where necessary, and in particular in the cases specified in paragraph 4 of Article 21, the Ministry shall instruct the notified body to review the EC-type examination certificate.

Information sharing

ARTICLE 40- (1) Ministry shall establish an adequate mechanism in order to;

- a) follow up complaints and reports on the risks relating to toys;
- b) monitor accidents and health hazards which are caused or suspected to have been caused by toys;
- c) verify that corrective actions have been taken; and
- d) follow up scientific and technical knowledge concerning safety.

Measures taken

ARTICLE 41- (1) While carrying out the checks included in Article 9 of the Implementing Regulation on Market Surveillance published in the Official Gazette no. 24643 and dated 17/01/2002, Ministry shall take count of the existing risk assessment criteria, complaints and other information. Ministry may require economic operators to submit all kinds of information required for market surveillance activities and where it is necessary and justified, enter the manufacturing plants of economic operators and take the necessary samples of product. It may destroy or render inoperable products presenting a serious risk when necessary. Ministry shall take due account of the test reports or documents attesting the conformity of the products of the economic operator and received from an accredited conformity assessment body.

Products with severe risk

ARTICLE 42 - (1) Ministry shall ensure that products which present a serious risk requiring rapid intervention, including a serious risk the effects of which are not immediate, are recalled, withdrawn or that their being made available on their market is prohibited and shall inform the Ministry of Economy on the matter for the information to be communicated to the Commission.

(2) The decision whether or not a product represents a serious risk shall be based on an appropriate risk assessment which takes account of the nature of the hazard and the likelihood of its occurrence. Obtaining higher levels of safety or the availability of products posing less risk shall not mean that a product presents a serious.

Restrictive measures

ARTICLE 43- (1) Ministry, shall ensure that any measure taken, pursuant to this Implementing Regulation, to prohibit or restrict the product's being made available on the market, to withdraw it from the market or to recall it, is proportionate and states the exact grounds on which it is based in its decision.

(2) Ministry shall communicate to the economic operator the measures referred to in paragraph 1, the legal remedies that can be followed against those measures, the ways of objection and the time limits applicable to them.

(3) Except for the health or safety requirements or other emergencies required by public interests foreseen in this Implementing Regulation and prior to the adoption of a measure referred to in paragraph 1, the Ministry shall give the economic operator a time period of not less than 10 days for submitting its opinions. If action has been taken without getting the opinion of the economic operator, the economic operator shall be given this opportunity as soon as possible and the action taken shall be reviewed promptly thereafter.

(4) Ministry shall promptly withdraw or amend any measure referred to in paragraph 1 upon the economic operator's demonstrating that he has taken effective action.

Inspection of the toys imported from non-EU states

ARTICLE 44- (1) The import stage inspection of toys imported from the non-EU states shall be carried out within the framework of the procedures and principles referred to in the Decision on Technical Regulations and Standardization Regime in Foreign Trade and its sub-regulations.

Measures to be taken for risky toys

ARTICLE 45- (1) Where the Ministry have taken action pursuant to Article 42, or where it has sufficient reason to believe that a toy covered by this Implementing Regulation presents a risk to the health or safety of persons, Ministry shall carry out an evaluation in relation to the toy concerned covering all the requirements laid down in this Implementing Regulation. The relevant economic operators shall cooperate as necessary with the Ministry. Where, in the course of that evaluation, Ministry finds that the toy does not comply with the requirements laid down in this Implementing Regulation, it shall without delay require the relevant economic operator to take appropriate corrective action to bring the toy into compliance with those requirements, to withdraw the toy from the market, or to recall it within a reasonable period, commensurate with the nature of the risk. Ministry shall inform the relevant notified body accordingly. Article 43 shall apply to the assessment process for taking actions.

(2) Where Ministry considers that non-compliance is not restricted to Turkey only, it shall inform the Commission and EU Member States through the Ministry of Economy of the results of the evaluation and of the actions which it has required the relevant economic operator to take.

(3) The relevant economic operator shall take the necessary corrective action in respect of toys which it has made available on the market.

(4) Where the relevant economic operator does not take adequate corrective actions within the period referred to in paragraph 1, Ministry shall take appropriate provisional measures to prohibit or restrict the toy being made available on its national market, to withdraw the toy from that market or to recall it. Ministry shall inform the Commission and EU Member States through the Ministry of Economy, without delay, of those measures.

(5) The information referred to in paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant toy, the origin of the toy, the nature of the alleged non-compliance and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, Ministry shall indicate whether the non-compliance is due to either:

- a) failure of the toy to meet requirements relating to the health or safety of persons; or
- b) short-comings in the harmonised standards referred to in Article 14 conferring a presumption of conformity.

Formal non-compliance

ARTICLE 46- (1) Without prejudice to Article 45, where the Ministry makes one of the following findings, Ministry shall require the relevant economic operator to put an end to the non-compliance concerned:

- a) that the CE marking has been affixed in violation of Article 17 or 18,
- b) that the CE marking has not been affixed,
- c) that the EC declaration of conformity has not been drawn up,
- d) that the EC declaration of conformity has not been drawn up correctly,
- e) that technical documentation is either not available or not complete.

(2) Where the non-compliance referred to in paragraph 1 persists, Ministry shall take necessary measures to restrict or prohibit the toy being made available on the market, or shall ensure that it is recalled or withdrawn from the market.

SECTION VII

Miscellaneous

Reporting

ARTICLE 47- (1) Ministry, in every 5 years, shall send its report on the application of this Implementing Regulation to the Ministry of Economy to be sent to the Commission. First report will be submitted to the Commission by 20/7/2019. That report shall contain an evaluation of the situation concerning the safety of toys and of the effectiveness of this Implementing Regulation, as well as a presentation of the market surveillance activities performed by the Ministry.

Confidentiality

ARTICLE 48- (1) Ministry shall take the necessary measures to protect the confidentiality of the information that it obtained while applying this Implementing Regulation and which are trade secret or which relate to individual or industrial property rights. However, the disclosure made when required by other laws and human health and safety does not fall under this scope

Implementation of measures

ARTICLE 49- (1) The grounds of any measure taken by the Ministry pursuant to this Implementing Regulation to prohibit or restrict the placing on the market of a toy, to withdraw a toy or to recall a toy from the market shall be stated clearly in the decision. Decision for such a measure shall be notified without delay to the party concerned by stating the legal remedies and the ways of objection and the time limits applicable to them.

Penalties

ARTICLE 50- (1) The provisions of Law no.4703, Turkish Penal Code no.765 and other relevant legislation according to the nature and severity of the act shall apply to those who act or operate against the provisions of this Implementing Regulation.

SECTION VIII

Final and Transitional Provisions

Relevant provisions

ARTICLE 51- (1) The provisions of the Law and other relevant legislation shall apply.

Harmonized EU Directive

ARTICLE 52- (1) This Implementing Regulation is drawn up in parallel with the Directive 2009/48/EC of the European Parliament and of the Council of 18/7/2009 on the Safety of Toys.

Transitional Article 1- (1) Economic operators, which are still active and which are covered by this Implementing Regulation shall ensure compliance with the provisions of Implementing Regulation in the process from the publication of this Implementing Regulation until its effective date.

(2) The making available on the market of toys, which have been placed on the market in accordance with the Implementing Regulation on Toys published in the Official Gazette no. 28807 and dated 31/10/2013 before the effective date of this Implementing Regulation, are shall not be impeded.

Repealed provisions

ARTICLE 53- (1) The Implementing Regulation on Toys which entered into force on 31/10/2013 by being published in the Official Gazette no. 28807 shall be repealed on the effective date of this Implementing Regulation.

Entry into force

ARTICLE 54- (1) This Implementing Regulation shall enter into force six months following upon its publication in the Official Gazette of Turkey.

Execution

ARTICLE 55 - (1) The provisions of this Implementing Regulation shall be executed by the Minister of Customs and Trade.

Annex I

PRODUCTS THAT ARE NOT CONSIDERED AS TOYS ACCORDING TO THIS IMPLEMENTING REGULATION

1- Decorative objects for festivities and celebrations

2- Products for collectors, provided that the product or its packaging bears a visible and legible indication that it is intended for collectors of 14 years of age and above. Examples of this category are:

- a) detailed and faithful scale models;
- b) kits for the assembly of detailed scale models;
- c) folk dolls and decorative dolls and other similar products;
- d) historical reproductions of toys,
- e) reproductions of real fire arms.

3- Sports equipment, including roller skates, in-line skates and skateboards intended for children with a body mass of more than 20 kg

4- Bicycles with a maximum saddle height of more than 435 mm, measured as the vertical distance from the ground to the top of the seat surface, with the seat in a horizontal position and with the seat pillar set to the minimum insertion mark

5- Scooters and other means of transport designed for sport or which are intended to be used for travel on public roads or public pathways

6- Electrically driven vehicles which are intended to be used for travel on public roads, public pathways or on their pavements

7- Aquatic equipment intended to be used in deep water and swimming learning devices for children, such as swim seats and swimming aids

8- Puzzles with more than 500 pieces

9- Guns and pistols using compressed gas, with the exception of water guns and water pistols, and bows for archery over 120 cm long

10- Fireworks, including percussion caps which are not specifically designed for toys

11- Products and games using sharp-pointed missiles, such as sets of darts with metallic points

12- Functional educational products, such as electric ovens, irons or other functional products operated at a nominal voltage exceeding 24 volts which are sold exclusively for teaching purposes under adult supervision

13- Products intended for use for educational purposes in schools and other pedagogical contexts under the surveillance of an adult instructor, such as science equipment

14- Electronic equipment, such as personal computers and game consoles, used to access interactive software and their associated peripherals, unless the electronic equipment or the associated peripherals are specifically designed for and targeted at children and have a play value on their own, such as specially designed personal computers, key boards, joy sticks or steering wheels

15- Interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as CDs

16- Babies' soothers

17- Child-appealing luminaries

18- Electrical transformers for toys

19- Fashion accessories for children which are not for use in play

Annex II

PARTICULAR SAFETY REQUIREMENTS

I. Physical and Mechanical Properties:

1-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.

2- Accessible edges, protrusions, cords, cables and fastenings on toys must be designed and manufactured in such a way that the risks of physical injury from contact with them are reduced as far as possible.

3- Toys must be designed and manufactured in such a way as not to present any risk or only the minimum risk inherent to their use which could be caused by the movement of their parts.

4-a) Toys and their parts must not present a risk of strangulation.

b) Toys and their parts must not present a risk of asphyxiation by closing off the flow of air as a result of airway obstruction external to the mouth and nose.

c) Toys and their parts must be of such dimensions as to not present a risk of asphyxiation by closing off the flow of air as a result of internal airway obstruction by objects wedged in the mouth or pharynx or lodged over the entrance to the lower airways.

d) Toys, which are clearly intended for use by children under 36 months, and their component parts and any of their detachable parts must be of such dimensions as to prevent their being swallowed or inhaled. This also applies to other toys which are intended to be put in the mouth, and to their component parts and any of their detachable parts.

e) The packaging in which toys are contained for retail sale must not present a risk of strangulation or asphyxiation caused by airway obstruction external to the mouth and nose.

f) Toys contained within food or co-mingled with food must have their own packaging. This packaging, as it is supplied, must be of such dimensions as to prevent its being swallowed and/or inhaled.

g) Toy packaging, as referred to in points (e) and (f), which is spherical, egg-shaped or ellipsoidal, and any detachable parts of this or of cylindrical toy packaging with rounded ends, must be of such dimensions as to prevent it from causing airway obstruction by being wedged in the mouth or pharynx or lodged over the entrance to the lower airways.

h) Toys firmly attached to a food product at the moment of consumption, in such a way that the food product needs to be consumed in order to get direct access to the toy, shall be prohibited. Parts of toys directly attached to a food product in such a way that the food product does not need to be consumed in order to get direct access to the parts of toy shall fulfil the requirements set out in points (c) and (d).

5-Aquatic toys must be designed and manufactured 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.

6- 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 intended user can open easily from the inside.

7-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 generated 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.

The maximum design speed of electrically driven ride-on toys must be limited so as to minimise the risk of injury.

8-The form and composition of projectiles and the kinetic energy they may generate when fired from a toy designed for that purpose must be such that, taking into account the nature of the toy, there is no risk of physical injury to the user or to third parties.

9- Toys must be manufactured so as to ensure that:

a) the maximum and minimum temperature of any accessible surfaces does not cause injury when touched

b) liquids and gases contained within the toy do not reach temperatures or pressures which are such that their escape from the toy, other than for reasons essential to the proper functioning of the toy, might cause burns, scalds or other physical injury.

10-Toys which are designed to emit a sound shall be designed and manufactured in such a way in terms of the maximum values for impulse noise and continuous noise that the sound from them is not able to impair children's hearing.

11-Activity toys shall be manufactured so as to reduce the risk of crushing or trapping of body parts or trapping of clothing and of falls, impacts and drowning as far as possible. In particular, any surface of such a toy accessible for one or more children to play on shall be designed to bear their load.

II. Flammability:

1- Toys must not constitute a dangerous flammable element in the child's environment. Therefore they must be composed of materials which fulfil one or more of the following conditions:

- a) They do not burn if directly exposed to a flame or spark or other potential source of fire,
- b) They are not readily flammable. (The flame goes out as soon as the fire cause disappears),
- c) If they do ignite, they burn slowly and present a low rate of spread of the flame.
- d) irrespective of the toy's chemical composition, they are designed so as to mechanically delay the combustion process.

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

2-Toys which, for reasons essential to their functioning, contain substances or mixtures that meet the classification criteria laid down in Section 1 of Appendix B, 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 mixtures which may become flammable due to the loss of non-flammable volatile components.

3- Toys other than toy percussion caps must not be explosive or contain elements or substances likely to explode when used as specified in paragraph 2 of Article 11.

4- Toys and, in particular, chemical games and toys, must not contain the following substances or mixtures:

a) which, when mixed together, may explode through chemical reaction or through heating or

b) which may explode when mixed with oxidizing substances or

c) which contain volatile components which are flammable in air and liable to form a flammable or explosive vapour/air mixture.

III. Chemical Properties:

1- Toys shall be designed and manufactured in such a way that there are no risks of adverse effects on human health due to exposure to the chemical substances or mixtures of which the toys are composed or which they contain when the toys are used, as specified in paragraph 2 of Article 11.

Toys shall comply with the relevant legislation relating to certain categories of products or certain substances and mixtures.

2- Toys that are themselves substances or mixtures must comply also with the Implementing Regulation on the Classification, Packaging and Labelling of Hazardous Substances and Preparations, which was published in the Official Gazette no. 27092 and dated 26/12/2008 and Implementing Regulation on the Classification, Packaging and Labelling of Substances and Mixtures, which was published in the Official Gazette no. 28848 and dated 11/12/2013, as applicable, relating to the classification, packaging and labelling of certain substances and mixtures.

3- Without prejudice to the restrictions referred to in paragraph 2 of Point 1, substances that are classified as carcinogenic, mutagenic or toxic for reproduction (CMR) of category 1A, 1B or 2 pursuant to the Implementing Regulation on the Classification, Packaging and Labelling of Substances and Mixtures which was published in the Official Gazette no. 28848 and dated 11/12/2013 shall not be used in toys, in components of toys or in micro-structurally distinct parts of toys.

4- By way of derogation from point 3, substances or mixtures classified as CMR of the categories laid down in Section 3 of Appendix B may be used in toys, in components of toys or micro-structurally distinct parts of toys provided that one or more of the following conditions is met:

a) These substances and mixtures are contained in individual concentrations equal to or smaller than the relevant concentrations established in the relevant legislation referred to in Section 2 of Appendix B for the classification of mixtures containing these substances.

b) These substances and mixtures are inaccessible to children in any form, including inhalation, when the toy is used as specified in paragraph 2 of Article 11.

c) a decision made by the European Commission to permit the substance or mixture and its use and the substance or mixture and its permitted uses must be listed in Appendix A.

5- By way of derogation from point 3, substances or mixtures classified as CMR of the categories laid down in Section 4 of Appendix B may be used in toys, in components of toys or micro-structurally distinct parts of toys provided that one of the following conditions is met:

a) These substances and mixtures are contained in individual concentrations equal to or smaller than the relevant concentrations established in the legislation referred to in Section 2 of Appendix B for the classification of mixtures containing these substances.

b) These substances and mixtures are inaccessible to children in any form, including inhalation, when the toy is used as specified in paragraph 2 of Article 11.

c) The decision made by the European Commission to permit the substance or mixture and its use and the substance or mixture and its permitted uses must be listed in Appendix A.

6- Points 3, 4 and 5 shall not apply to nickel in stainless steel.

7- Points 3, 4 and 5 shall not apply to materials that fall under the scope of the Implementing Regulation on Substances and Materials That Came Into Contact With Food published in the Official Gazette no. 28157 and dated 29/12/2011 or that comply with the provisions for food contact materials specified under this Implementing Regulation and special measures for relevant materials, but not later than 20/07/2017 and until specific limit values are laid down for chemicals used in the toys intended for use by children under 36 months or intended to be placed in the mouth.

8- Without prejudice to the provisions of points 3 and 4, nitrosamines and nitrosable substances shall be prohibited for use in toys intended for use by children under 36 months or in other toys intended to be placed in the mouth if the migration of the substances is equal to or higher than 0,05 mg/kg for nitrosamines and 1 mg/kg for nitrosable substances.

9- Cosmetic toys, such as play cosmetics for dolls, shall comply with the compositional and labelling requirements laid down in the Implementing Regulation on Cosmetics published in the Official Gazette no. 25823 and dated 23/05/2005.

10- Toys shall not contain the following allergenic fragrances:

No	Name of the allergenic fragrance	CAS number
(1)	Alanroot oil (Inula helenium)	97676-35-2
(2)	Allylisothiocyanate	57-06-7
(3)	Benzyl cyanide	140-29-4
(4)	4 tert-Butylphenol	98-54-4
(5)	Chenopodium oil	8006-99-3
(6)	Cyclamen alcohol	4756-19-8
(7)	Diethyl maleate	141-05-9
(8)	Dihydrocoumarin	119-84-6
(9)	2,4-Dihydroxy-3-methylbenzaldehyde	6248-20-0
(10)	3,7-Dimethyl-2-octen-1-ol(6,7-Dihydrogeraniol)	40607-48-5
(11)	4,6-Dimethyl-8-tert-butylcoumarin	17874-34-9

(12)	Dimethyl citraconate	617-54-9
(13)	7,11-Dimethyl-4,6,10-dodecatrien-3-one	26651-96-7
(14)	6,10-Dimethyl-3,5,9-undecatrien-2-one	141-10-6
(15)	Diphenylamine	122-39-4
(16)	Ethyl acrylate	140-88-5
(17)	Fig leaf, fresh and preparations	68916-52-9
(18)	trans-2-Heptenal	18829-55-5
(19)	trans-2-Hexenal diethyl acetal	67746-30-9
(20)	trans-2-Hexenal dimethyl acetal	18318-83-7
(21)	Hydroabietyl alcohol	13393-93-6
(22)	4-Ethoxy-phenol	622-62-8
(23)	6-Isopropyl-2-decahydronaphthalenol	34131-99-2
(24)	7-Methoxycoumarin	531-59-9
(25)	4-Methoxyphenol	150-76-5
(26)	4-(p-Methoxyphenyl)-3-butene-2-one	943-88-4
(27)	1-(p-Methoxyphenyl)-1-penten-3-one	104-27-8
(28)	Methyl trans-2-butenoate	623-43-8
(29)	6-Methylcoumarin	92-48-8
(30)	7-Methylcoumarin	2445-83-2
(31)	5-Methyl-2,3-hexanedione	13706-86-0
(32)	Costus root oil (<i>Saussurea lappa</i> Clarke)	8023-88-9
(33)	7-Ethoxy-4-methylcoumarin	87-05-8
(34)	Hexahydrocoumarin	700-82-3
(35)	Peru balsam, crude (Exudation of <i>Myroxylon pereirae</i> (Royle) Klotzsch)	8007-00-9
(36)	2-Pentylidene-cyclohexanone	25677-40-1
(37)	3,6,10-Trimethyl-3,5,9-undecatrien-2-one	1117-41-5
(38)	Verbena oil (<i>Lippia citriodora</i> Kunth)	8024-12-2
(39)	Musk ambrette (4-tert-Butyl-3-methoxy-2,6-dinitrotoluene)	83-66-9
(40)	4-Phenyl-3-buten-2-one	122-57-6
(41)	Amyl cinnamal	122-40-7
(42)	Amylcinnamyl alcohol	101-85-9
(43)	Benzyl alcohol	100-51-6
(44)	Benzyl salicylate	118-58-1
(45)	Cinnamyl alcohol	104-54-1
(46)	Cinnamal	104-55-2
(47)	Citral	5392-40-5
(48)	Coumarin	91-64-5
(49)	Eugenol	97-53-0
(50)	Geraniol	106-24-1

(51)	Hydroxy-citronellal	107-75-5
(52)	Hydroxy-methylpentylcyclohexenecarboxaldehyde	31906-04-4
(53)	Isoeugenol	97-54-1
(54)	Oakmoss extracts	90028-68-5
(55)	Treemoss extracts	90028-67-4

However, the presence of traces of these fragrances shall be allowed provided that such presence is technically unavoidable under good manufacturing practice and does not exceed 100 mg/kg.

The names of the following allergenic fragrances shall be listed on the toy, on an affixed label, on the packaging or in an accompanying leaflet, if added to a toy, as such, at concentrations exceeding 100 mg/kg in the toy or components of the toys.

No	Name of the allergenic fragrance	CAS number
(1)	Anisyl alcohol	105-13-5
(2)	Benzyl benzoate	120-51-4
(3)	Benzyl cinnamate	103-41-3
(4)	Citronellol	106-22-9
(5)	Farnesol	4602-84-0
(6)	Hexyl cinnamaldehyde	101-86-0
(7)	Lilial	80-54-6
(8)	d-Limonene	5989-27-5
(9)	Linalool	78-70-6
(10)	Methyl heptine carbonate	111-12-6
(11)	3-methyl-4-(2,6,6-trimethyl-2-cyclohexen-1-yl)-3-buten-2-one	127-51-5

11- The use of the fragrances set out in items 41 to 55 of the list set out in paragraph 1 of point 10 and of the fragrances set out in items 1 to 11 of the list set out in paragraph 3 of that point shall be allowed in olfactory board games, cosmetic kits and gustative games, provided that;

a) those fragrances are clearly labelled on the packaging, and the packaging contains the warning set out in point 10 of Part B of Annex V,

b) the products made by the child in accordance with the instructions comply with the requirements of the Implementing Regulation on Cosmetics published in the Official Gazette no. 25823 and dated 23/05/2005,

c) those fragrances comply with the relevant legislation on food.

Such olfactory board games, cosmetic kits and gustative games shall not be used by children under 36 months and shall comply with point 1 of Part B of Annex V.

12-Without prejudice to points 3, 4 and 5, the following migration limits, from toys or components of toys, shall not be exceeded:

Element	mg/kg in dry, brittle, powder-like or pliable toy material	mg/kg in liquid or sticky toy material	mg/kg in scraped-off toy material
Aluminium	5 625	1 406	70 000
Antimony	45	11,3	560
Arsenic	3,8	0,9	47
Barium	1500	375	18750
Boron	1 200	300	15 000
Cadmium	1,3	0,3	17
Chromium (III)	37,5	9,4	460
Chromium (VI)	0,02	0,005	0,2
Cobalt	10,5	2,6	130
Copper	622,5	156	7 700
Lead	13,5	3,4	160
Manganese	1 200	300	15 000
Mercury	7,5	1,9	94
Nickel	75	18,8	930
Selenium	37,5	9,4	460
Strontium	4 500	1 125	56 000
Tin	15 000	3 750	180 000
Organic tin	0,9	0,2	12
Zinc	3 750	938	46 000

These limit values shall not apply to toys or components of toys which, due to their accessibility, function, volume or mass, clearly exclude any hazard due to sucking, licking, swallowing or prolonged contact with skin when used as specified in the first subparagraph of paragraph 2 of Article 11.

IV. Electrical Properties

1-Toys shall not be powered by electricity of a nominal voltage exceeding 24 volts direct current (DC) or the equivalent alternating current (AC) voltage, and their accessible parts shall not exceed 24 volts DC or the equivalent AC voltage.

Internal voltages shall not exceed 24 volts DC or the equivalent AC voltage unless it is ensured that the voltage and the current combination generated do not lead to any risk or harmful electric shock, even when the toy is broken.

2-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.

3- Electric toys must be designed and manufactured in such a way as to ensure that the maximum temperatures reached by all directly accessible surfaces are not such as to cause burns when touched.

4- Under foreseeable fault conditions, toys must provide protection against electrical hazards arising from an electrical power source.

5- Electric toys must provide adequate protection against fire hazards.

6-Electric toys must be designed and manufactured in such a way that electric, magnetic and electromagnetic fields and other radiations generated by the equipment are limited to the extent necessary for the operation of the toy, and must operate at a safe level in compliance with the generally acknowledged technical methods and latest technologic developments.

7-Toys which have an electronic control system must be designed and manufactured in such a way that the toy operates safely even when the electronic system starts malfunctioning or fails due to failure of the system itself or an outside factor.

8-Toys must be designed and manufactured in such a way that they do not present any health hazards or risk of injury to eyes or skin from lasers, light-emitting diodes (LEDs) or any other type of non-ionizing radiation.

9- The electrical transformer of a toy shall not be an integral part of the toy.

V. Hygiene

1- Toys must be designed and manufactured in such a way as to meet hygiene and cleanliness requirements in order to avoid any risk of infection, sickness or contamination.

2-A toy intended for use by children under 36 months must be designed and manufactured in such a way that it can be cleaned. A textile toy shall be washable, except if it contains a mechanism that may be damaged if soak washed. The toy shall fulfil the safety requirements also after having been cleaned in accordance with this point and the manufacturer's instructions.

VI. Radioactivity

Toys shall comply with the Implementing Regulation on Radiation published in the Official Gazette no.23999 and dated 24/03/2000.

APPENDIX-A

CMR substances and their permitted uses in accordance with points 4, 5 and 6 of Part III-
Chemical Properties

Substance	Classification	Permitted use
Nickel	CMR 2	In stainless steel

APPENDIX -B

As a result of the timing of the application of Implementing Regulation on the Classification, Packaging and Labelling of Substances and Mixtures which was published in the Official Gazette no. 28848 and dated 11/12/2013, there are equivalent ways of referring to a given classification that should be used at different points in time.

1- Criteria for classifying substances and mixtures for the purposes of Point 2 of Part II - Flammability.

A. Criteria to be applied until 31/5/2016:

Substances

The substance fulfils the criteria for any of the following hazard classes or categories set out in Annex I to Implementing Regulation on the Classification, Packaging and Labelling of Substances and Mixtures which was published in the Official Gazette no. 28848 and dated 11/12/2013:

- (a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (c) hazard class 4.1;
- (d) hazard class 5.1.

Mixtures

The mixture is dangerous within the meaning of Implementing Regulation on the Classification, Packaging and Labelling of Hazardous Substances and Preparations, which was published in the Official Gazette no. 27092 and dated 26/12/2008.

B. Criteria to be applied from 1/6/2016:

The substance or mixture fulfils the criteria for any of the following hazard classes or categories set out in Annex I to Implementing Regulation on the Classification, Packaging and Labelling of Substances and Mixtures, which was published in the Official Gazette no. 28848 and dated 11/12/2013:

- (a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (c) hazard class 4.1;

(d) hazard class 5.1

2- Legislation governing the use of certain substances for the purposes of points 4(a) and 5(a) of Part III-Chemical Properties:

Until 31/5/2016, the relevant concentrations for the classification of mixtures containing the substances shall be those established in accordance with Implementing Regulation on the Classification, Packaging and Labelling of Hazardous Substances and Preparations which was published in the Official Gazette no. 27092 and dated 26/12/2008.

From 1/6/2016, the relevant concentrations for the classification of mixtures containing the substances shall be those established in accordance with Implementing Regulation on the Classification, Packaging and Labelling of Substances and Mixtures which was published in the Official Gazette no. 28848 and dated 11/12/2013.

3- Categories of substances and mixtures classified as carcinogenic, mutagenic or toxic for reproduction (CMR) for the purposes of point 4 of III- Chemical Properties:

Substances

Point 4 of Part III - Chemical Properties concerns substances classified as CMR category 1A and 1B under Implementing Regulation on the Classification, Packaging and Labelling of Substances and Mixtures which was published in the Official Gazette no. 28848 and dated 11/12/2013.

Mixtures

Until 31/5/2016, point 4 of Part III - Chemical Properties concerns mixtures classified as CMR category 1 and 2 under Implementing Regulation on the Classification, Packaging and Labelling of Hazardous Substances and Preparations which was published in the Official Gazette no. 27092 and dated 26/12/2008.

From 1 June 2016, point 4 of Part III - Chemical Properties concerns mixtures classified as CMR category 1A and 1B under Implementing Regulation on the Classification, Packaging and Labelling of Substances and Mixtures which was published in the Official Gazette no. 28848 and dated 11/12/2013.

4- Categories of substances and mixtures classified as carcinogenic, mutagenic or toxic for reproduction (CMR) for the purposes of point 5 of Part III - Chemical Properties:

Substances

Point 5 of Part III- Chemical Properties concerns substances classified as CMR category 2 under Implementing Regulation on the Classification, Packaging and Labelling of Substances and Mixtures which was published in the Official Gazette no. 28848 and dated 11/12/2013.

Mixtures

Until 31/5/2016, point 5 of Part III - Chemical Properties concerns mixtures classified as CMR category 3 under Implementing Regulation on the Classification, Packaging and Labelling of Hazardous Substances and Preparations which was published in the Official Gazette no. 27092 and dated 26/12/2008.

From 1/6/2016, point 5 of Part III - Chemical Properties concerns mixtures classified as CMR category 2 under Implementing Regulation on the Classification, Packaging and Labelling of Substances and Mixtures, which was published in the Official Gazette no. 28848 and dated 11/12/2013.

ANNEX III

EC DECLARATION OF CONFORMITY

- 1- No(the number that identifies the toy by separating it from the others):
- 2- Name and address of the manufacturer or his authorised representative:
- 3- This declaration of conformity is issued under the sole responsibility of the manufacturer (Name of the manufacturer):
- 4- Object of the declaration (identify the toy so as to allow traceability) and a colour image of sufficient clarity to enable the identification of the toy.
- 5- The object of the declaration described above is in conformity with the following legislation. (Name of the legislation)
- 6- References to the relevant harmonised standards used, or references to the technical specifications in relation to which conformity is declared:
- 7- Name and identification number of the notified body which is involved (describing the type of conformity assessment activity) and which issued the certificate
- 8- Additional information:

Signed for and on behalf of:.....
(Place and date of issue)
(Name, task/title) (signature)

ANNEX IV

TECHNICAL DOCUMENTATION

The technical documentation referred to in Article 22 shall contain, in particular, the following documents so far as relevant for assessment:

- a) a detailed description of the design and manufacture, including a list of components and materials used in the toy as well as the safety data sheets on chemicals used, to be obtained from the chemical suppliers,
- b) the safety assessments carried out in accordance with Article 19,
- c) a description of the conformity assessment procedure followed,
- ç) a copy of the EC declaration of conformity,
- d) the addresses of the places of manufacture and storage,
- e) copies of documents that the manufacturer has submitted to a notified body, if the services of such are used,
- f) test reports and description of the means whereby the manufacturer ensured conformity of production with the harmonised standards, if the manufacturer followed the internal production control procedure referred to in paragraph 2 of Article 20,
- g) a copy of the EC-type examination certificate, a description of the means whereby the manufacturer ensured conformity of the production with the product type described in the EC-type examination certificate and copies of the documents that the manufacturer submitted to the notified body, if the manufacturer submitted the toy to EC-type examination and followed the conformity to type procedure referred to in paragraph 3 of Article 20.

ANNEX V

WARNINGS

(as referred to in Article 12)

PART A GENERAL WARNINGS

The user limitations referred to in paragraph 1 of Article 12 shall specify at least the minimum or maximum age of the user and, where appropriate, the abilities of the user, the maximum or minimum weight of the user and the need to ensure that the toy is used only under adult supervision.

PART B

SPECIFIC WARNINGS AND INDICATIONS OF PRECAUTIONS TO BE TAKEN WHEN USING CERTAIN CATEGORIES OF TOYS

1) Toys not intended for use by children under 36 months

Toys which might be dangerous for children under 36 months of age shall bear a warning such as 'Not suitable for children under 36 months' or 'Not suitable for children under three years' or a warning in the form of the following graphic:



These warnings shall be accompanied by a brief explanation of the specific hazard calling for this precaution, which may appear in the instructions for use.

This point shall not apply to toys which, on account of their function, dimensions, characteristics or properties, or on other cogent grounds, are manifestly unsuitable for children under 36 months.

2) Activity toys

Activity toys shall bear the following warning:

'Only for domestic use'.

Activity toys attached to a crossbeam as well as other activity toys, where appropriate, shall be accompanied by instructions drawing attention to the need to carry out checks and maintenance of the main parts (suspensions, fixings, anchorages, etc.) at regular intervals, and pointing out that, if these checks are not carried out, the toy may cause a fall or overturn.

Instructions must also be given as to the correct assembly of the toy, indicating those parts which can present a danger if incorrectly assembled. Specific information regarding a suitable surface on which to place the toy shall be given.

3) Functional toys

Functional toys shall bear the following warning.

‘To be used under the direct supervision of an adult’.

In addition, these toys shall be accompanied by directions giving working instructions and precautions to be taken by the user, with the warning that failure to take these precautions will expose the user to the hazards – to be specified - normally associated with the appliance or product of which the toy is a scale model or imitation. It shall also be indicated that the toy must be kept out of the reach of children under a certain age, which shall be specified by the manufacturer.

4) Chemical toys

Without prejudice to the provisions laid down in applicable legislation on the classification, packaging and labelling of certain substances or mixtures, the instructions for use of toys containing inherently dangerous substances or mixtures shall bear a warning of the dangerous nature of these substances or mixtures and an indication of the precautions to be taken by the user in order to avoid hazards associated with them, which shall be specified concisely according to the type of toy. The first aid to be given in the event of serious accidents resulting from the use of this type of toy shall also be mentioned. It shall also be stated that the toy must be kept out of reach of children under a certain age, which shall be specified by the manufacturer.

In addition to the instructions provided for in the first subparagraph, chemical toys shall bear the following warning on their packaging:

“Not suitable for children under ⁽¹⁾ years. For use under adult supervision”.

In particular, chemistry sets, plastic or ceramic moulds, enamelling or photography and similar toys that lead to a chemical reaction or similar substance alteration during use are regarded as chemical toys.

5) Skates, roller skates, on-line skates, skateboards, scooters and toy bicycles for children

These toys shall bear the following warning:

“Protective equipment should be worn. Not to be used in traffic”.

Moreover, the instructions for use shall contain a reminder that the toy must be used with caution, since it requires great skill, so as to avoid falls or collisions causing injury to the user or third parties. Some indication shall also be given as to recommended protective equipment (helmets, gloves, knee-pads, elbow-pads, etc.).

6) Aquatic toys

Aquatic toys shall bear the following warning:

‘Only to be used in water in which the child is within its depth and under adult supervision’.

¹ Age to be specified by the manufacturer.

7) Toys in food

Toys contained in food or co-mingled with food shall bear the following warning:
“Toy is inside. Adult supervision is recommended”.

8) Imitations of protective masks and helmets

Imitations of protective masks and helmets shall bear the following warning:
“This toy does not provide protection”.

9) Toys designed/ intended to be strung across a cradle, cot or perambulator by means of strings, cords, elastics or straps

Toys intended to be strung across a cradle, cot or perambulator by means of strings, cords, elastics or straps shall carry the following warning on the packaging, which shall also be permanently marked on the toy:

“To prevent possible injury by entanglement, remove this toy when the child starts trying to get up on its hands and knees in a crawling position”.

10) Packaging for fragrances in olfactory board games, cosmetic kits and gustative games

Packaging for fragrances in olfactory board games, cosmetic kits and gustative games that contain the fragrances set out in points 41 to 55 of the list set out in the first paragraph of point 10 of III-Chemical Properties of Annex II and of the fragrances set out in points 1 to 11 of the list set out in third paragraph of that point shall contain the following warning:

“Contains fragrances that may cause allergies”.