

Requirements for Toys in UK

Overview of legal situation from January 1st, 2021

June 2022

BREXIT

On January 1st, 2021, UK completed the exit from the EU and became a third country with its own independent legislation. For some aspects, UK regulators postponed the deadline to give companies time to comply (UK transition period).

The guidance [Product safety for businesses: A to Z of industry guidance](#) gives an overview of product specific regulations of the UK. Although the United Kingdom as a whole has left the EU, there are different provisions in Great Britain ("GB") which comprises England, Scotland and Wales than in Northern Ireland ("NI"). Official guidance is available for [Placing manufactured goods on the market in Great Britain from January 1st 2021](#) as well as [Placing manufactured goods on the market in Northern Ireland](#).

NORTHERN IRELAND

The [Ireland/Northern Ireland protocol](#) is a Brexit Withdrawal Agreement avoiding a hard border on the island of Ireland and protecting North-South cooperation. For as long as it is in force, Northern Ireland will align with relevant EU rules relating to the placing on the market of manufactured goods. This means that goods fulfilling the EU-requirements including EU-labelling continue to be marketable in Northern Ireland.

A special feature is the conformity mark. Products which are marked on the basis of a self-assessment or have been checked by an EU Notified Body bear the CE mark. Products that have been approved by a UK Notified Body must bear the CE mark and the UKNI mark. Details are described on the official website [Using the UKNI marking from January 1st 2021](#).

GENERAL MARKETABILITY OF GOODS

Products as well as accompanying information (instructions, leaflet, and document accompanying the toy or packaging) have to be labelled with the market placer's details, including the company's name and a contact address. Now after the EU exit, a UK Address is needed for circulation in the UK and an EU Address for circulation in the EU. For marketing imported goods in the UK, companies have the following options:

- a) Use of a UK based office address (e.g. of a subsidiary or a local representative) or
- b) The Customer, previously considered a distributor, will become an Importer (his name and address must be added) or
- c) Appointment of a UK based "Authorized Representative".

Until December 31st, 2022, the information concerning the UK market placer may be provided on the accompanying documentation rather than on the good itself.

TRANSFORMATION OF EUROPEAN LAWS AND STANDARDS INTO UK LEGISLATION

At the time of withdrawal from the EU, the UK Regulations were comprehensive and included all aspects of the corresponding EU laws. All EU decisions legally in force on December 31st, 2020 (e.g. CLP harmonized classification and BPR active substance decisions) became UK law. Since January 1st, 2021, the GB regulations and the corresponding EU legislations operate independently from each other. Thus, the GB Regulations are not amended automatically when changes in EU legislations occur. Instead, the UK will have a separate discussion on whether and to what extent GB should adopt these changes. Accordingly, there may be differences between the EU and the UK and companies need to ensure that the relevant duties are met under both pieces of legislation.

European standards (EN) are still valid and were not changed. As before, they use the prefix 'BS' to indicate that they are standards adopted by the [British Standards Institution \(BSI\)](#) as the UK's national standards body. BSI currently remains a full member of CEN and CENELEC and BSI experts still have the right to contribute to European standardization process such as to propose new work items, apply to hold secretariats and to nominate committee chairs.

UK also kept the principle of standards assigned to a directive. After December 31st, 2020, EU harmonized standards became "Designated standards" in the UK. As soon as a standard is referenced in the corresponding UK list of designated standards, it is considered to be mandatory for "presumption of conformity" with the corresponding regulations. The [Office for Product Safety and Standards \(OPSS\)](#) published an initial lists of designated standards in December, 2020. General information and links to designated standards for various regulations can be found on the website [Guidance Designated Standards](#) (last updated January 10th, 2022).

UK TOYS SAFETY REGULATIONS (S.I. 2011/1881)

The [Toys \(Safety\) Regulations 2011](#) (S.I. 2011/1881) implemented the requirements of the European Directive on the Safety of 2009/48/EC (TSD). To deal with aspects related to the EU exit, the regulations were amended by schedule 15 of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696). General information with links to GB and NI guides were released by the OPSS its website [Statutory guidance Toys \(Safety\) Regulations 2011](#) (last updated May 10th, 2022).

The most recent adaptations to UK Toys Safety Regulations EU Toys Safety Directive concerned phenol and the lowered limits for bisphenol A, chromium (VI) and lead. Currently, certain revised limit values for toys in the EU coming into force in 2021 or later were not (yet) incorporated in the GB Toys (Safety) Regulations. However, 'catching up' following Brexit is already in progress: The [Scientific Advisory Group on Chemical Safety of Non-Food and Non-Medicinal Consumer Products \(SAG-CS\)](#) agree to implement the lowered EU migration limits for aluminium and also the new EU limits for formaldehyde and aniline (see opinions on their website). Also, UK will adopt EU's ban of the fragrance allergens atranol, chloraranol and methyl heptene carbonate. On April 13th, 2022, the Secretary of State published a draft statutory instrument for implementation of these restrictions [Draft Toys and Cosmetic Products \(Restriction of Chemical Substances\) Regulations 2022](#) (as the Cosmetics Regulations shall be amended as well). Comments can still be submitted until June 14th, 2022. According to UK's WTO-notification [G/TBT/N/GBR/47](#), the proposed date of adoption is June 15th, 2022 and the proposed dates of entry into force are December 15th, 2022 for aluminium, formaldehyde and aniline as well as October 15th, 2022 for fragrance allergens.

On December 9th, 2020, OPSS published a [consolidated list of designated standards on toy safety](#) (version 1, January 1st, 2021) that reflects the list published in the EU's Official Journal (OJEU) with COMMISSION IMPLEMENTING DECISION (EU) 2019/1728.

UKCA MARKING

The new UKCA (UK Conformity Assessed) marking is a new UK product marking applicable for goods being placed on the market in Great Britain that required the CE marking previously. Conditions for attachment and appearance of the UKCA marking are regulated by Schedule 5 Article 30 of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019. Harmonized goods can carry both the CE and UKCA marking.

The UKCA marking is applicable from January 1st, 2021. However, CE marked goods can continue to be placed on the GB market until December 31st, 2022 as long as the rules in EU and UK remain the same (no deviations between EU and UK legislations arose). In any case, UKCA marks will be required even from January 1st, 2021 if products require generally mandatory third party conformity assessment (not applicable for toys but e.g. for medical devices) or have had conformity assessment by a UK Approved body (e.g. type examination of a cuddly toy with double-function as a warming pad, in which the filling is heated in the microwave oven).



Rules for using the UKCA image:

- fixed proportion for the letters forming the UKCA marking
- height at least 5mm (unless different specification in relevant legislation)
- easily visible, legible
- different colors (solid or transparent) are possible

Details are described online in the official guidance [Using the UKCA marking](#) (last updated August 24th, 2021) issued by the Department for Business, Energy & Industrial Strategy (BEIS) and also in their document [UKCA Implementation Guidance](#).

Product specific regulations define where to place the UKCA marking. The Toys (Safety) Regulations 2011 demand that the UKCA label must be affixed to either the toy or a label affixed to the toy or the toy's packaging unless the toy is small or consists of small parts (reflecting Directive 2009/48/EC). Until December 31st, 2023, the UKCA may alternatively be placed on a label which is not affixed to the product or a leaflet which accompanies the product. However, this must stay with the good until it reaches its end user.

DECLARATION OF CONFORMITY (DOC)

Like the EC declaration of conformity for the CE-marking, most products lawfully bearing a UKCA marking must be accompanied by a UK declaration of conformity. The UK DoC is identical in format and appearance to the EU DoC but in the content some are to be done:

- relevant UK regulations rather than EU legislation
- UK designated standards rather than standards cited in the Official Journal of the European Union

The declaration must match the attached conformity mark. As long as CE-marking is used, the EU declaration of conformity must be supplied. As soon as the product bears a UK marking, it must be accompanied by a UK

declaration of conformity. Although both conformity marks may be affixed to the same product, EU and UK DoC should be separate documents and not merged into one.

CONFORMITY ASSESSMENT

After Brexit, UK-based Notified Bodies turned into UK approved bodies. The [UK Market Conformity Assessment Bodies \(UKMCAB\) database](#) serves as the UK's database of Conformity Assessment Bodies (CABs) and replaces the EU's New Approach Notified and Designated Organisations (NANDO) database. The United Kingdom Accreditation Service (UKAS) will continue as national accreditation body.

UK approved bodies must be established in the UK (as it is the other way round for the EU). Currently there is no system of mutual recognition and CE conformity assessment must be done by an EU Notified Body whereas UK conformity assessment must be done by a UK approved body.

For Northern Ireland, either an EU recognised Notified Body (obligation to use CE-marking) or a UK approved body (in this case the labelling with CE marking accompanied by the UKNI marking is required) can be commissioned. Further details can be found in the guidance [Conformity assessment and accreditation](#) issued by OPSS.

MARKET SURVEILLANCE & DATABASE OF UNSAFE PRODUCTS

Market surveillance authorities will notify unsafe and noncompliant products to OPSS on the Product Safety Database which is comparable to the EU's Safety Gate (RAPEX). Unsafe products posing a risk to the health and safety of consumers may be recalled. Public information on products that present a risk to health and safety can be found in the [List of Product Safety Alerts, Reports and Recalls](#). Weekly reports and further information are given on the official website [Guidance Product Recalls and Alerts](#) (last updated May 19th, 2022).

Further information on current legal changes can also be found on our homepage at www.tuv.com or www.tuv.com/regulations-and-standards/en/.

For further technical information please contact:

TÜV Rheinland LGA Products GmbH

Technical Competence Center Toys

Dr. Kathrin Birkmann

Kathrin.Birkmann@de.tuv.com

Tillystraße 2

90431 Nürnberg

Germany

TUV Rheinland UK Ltd. has been listed as UK approved body for Toys and also for RED, EMC, Machinery, PED and PPE
<https://www.gov.uk/uk-market-conformity-assessment-bodies/tuv-rheinland-uk-ltd>

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