

TSD: Toy Safety Directive (Directive 2009/48/EC), explained

The Toy Safety Directive sets the essential safety requirements that toys, meaning products designed or intended for play by children under 14, must meet before being placed on the EU market, with duties for manufacturers, importers and distributors. It has applied since 20 July 2011 and is repealed from 1 August 2030 by the Toy Safety Regulation (EU) 2025/2509.

Reviewed 24 September 2026 by Conphora compliance team · Next review 14 March 2027 · Not legal advice

Key facts

Reference	Directive 2009/48/EC	Act type	Directive
In force	20 July 2009	Applies from	20 July 2011
Amended by	Commission Directive 2012/7/EU, Commission Regulation (EU) No 681/2013, Commission Directive 2014/79/EU, Commission Directive 2014/81/EU, Commission Directive 2014/84/EU, Commission Directive (EU) 2015/2115, Commission Directive (EU) 2015/2116, Commission Directive (EU) 2015/2117, Council Directive (EU) 2017/738, Commission Directive (EU) 2017/774, Commission Directive (EU) 2017/898, Commission Directive (EU) 2018/725, Commission Directive (EU) 2019/1922, Commission Directive (EU) 2019/1929, Commission Directive (EU) 2020/2088, Commission Directive (EU) 2020/2089, Commission Directive (EU) 2021/903, Commission Directive (EU) 2026/192	Enforced by	National market surveillance authorities enforce the national laws transposing the directive; Article 40 still cites Articles 15 to 29 of Regulation (EC) No 765/2008, read as Regulation (EU) 2019/1020 since 16 July 2021, with the directive listed in its Annex I; the directive is also among the acts listed in Article 4(5) of Regulation (EU) 2019/1020, so a toy may only be placed on the Union market if a manufacturer, importer, authorised representative or fulfilment service provider established in the Union is responsible for the Article 4 tasks.
CELEX	32009L0048		

Key dates

18 June 2009	Directive 2009/48/EC adopted by the European Parliament and the Council	title
20 July 2009	Entry into force, the twentieth day after publication in OJ L 170 of 30 June 2009	Art. 56
20 January 2011	Deadline for Member States to bring their transposing laws into force	Art. 54
20 July 2011	National measures apply; Directive 88/378/EEC repealed except Article 2(1) and Section 3 of Part II of Annex II; toys conforming to the old directive and placed on the market before this date may still be made available; Member States notify their penalty rules	Art. 51, Art. 53(1), Art. 54 and Art. 55
20 July 2013	Chemical requirements of Annex II, Part III apply; the remaining parts of Directive 88/378/EEC are repealed; toys meeting the new directive except Part III and the old chemical rules could be placed on the market until this date; the cadmium limits of Directive 2012/7/EU apply and Regulation (EU) No 681/2013 on barium enters into force	Art. 53(2) and Art. 55; Art. 2(1); Art. 2
1 July 2015	Directive 2014/84/EU applies: Appendix A permits nickel (CMR 2) in stainless-steel toys and components and in components intended to conduct an electric current	Art. 1 and Art. 2(1)
21 December 2015	Directives 2014/79/EU and 2014/81/EU apply: Appendix C sets 5 mg/kg content limits for the flame retardants TCEP, TCPP and TDCP and a 0,1 mg/l migration limit for bisphenol A in toys for children under 36 months or intended to be placed in the mouth	Art. 1 and Art. 2(1); Art. 1 and Art. 2(1)
24 May 2017	Directives (EU) 2015/2115 and 2015/2116 apply: Appendix C limits for formamide (20 µg/m ³ emission from foam toy material above 200 mg/kg content) and 1,2-benzisothiazol-3(2H)-one (5 mg/kg in aqueous toy materials)	Art. 1 and Art. 2(1); Art. 1 and Art. 2(1)
20 July 2017	End of the fallback in Annex II, Part III, point 7: materials complying with the food-contact rules of Regulation (EC) No 1935/2004 are no longer exempt from the CMR rules unless Appendix C sets a specific limit	Annex II, Part III, point 7
24 November 2017	Directive (EU) 2015/2117 applies: Appendix C content limits for the CMI/MI 3:1 mixture (1 mg/kg), CMI (0,75 mg/kg) and MI (0,25 mg/kg) in aqueous toy materials	Art. 1 and Art. 2(1)
28 October 2018	Council Directive (EU) 2017/738 applies: lead migration limits lowered to 2,0, 0,5 and 23 mg/kg for dry, liquid and scraped-off toy material	Art. 1 and Art. 2(1)
4 November 2018	Directive (EU) 2017/774 applies: Appendix C limits for phenol, 5 mg/l migration from polymeric materials and 10 mg/kg content as a preservative	Art. 1 and Art. 2(1)

26 November 2018	Directive (EU) 2017/898 applies: bisphenol A migration limit tightened to 0,04 mg/l	Art. 1 and Art. 2(1)
18 November 2019	Directive (EU) 2018/725 applies: chromium (VI) migration limits lowered to 0,02, 0,005 and 0,053 mg/kg	Art. 1 and Art. 2(1)
20 May 2021	Directive (EU) 2019/1922 applies: aluminium migration limits lowered to 2 250, 560 and 28 130 mg/kg	Art. 1 and Art. 2(1)
21 May 2021	Directive (EU) 2019/1929 applies: Appendix C limits for formaldehyde in polymeric, resin-bonded wood, textile, leather, paper and water-based toy material	Art. 1 and Art. 2(1)
5 July 2022	Directives (EU) 2020/2088 and 2020/2089 apply: atranol, chloroatranol and methyl heptine carbonate join the prohibited fragrances (58 in total) and 61 fragrances join the list that must be labelled above 100 mg/kg (71 in total)	Art. 2(1) and Annex; Art. 2(1) and Annex
5 December 2022	Directive (EU) 2021/903 applies: Appendix C limits for aniline, 30 mg/kg after reductive cleavage in textile and leather toy material and in finger paints and 10 mg/kg as free aniline in finger paints	Art. 1 and Art. 2(1)
1 January 2026	Regulation (EU) 2025/2509 on the safety of toys enters into force; its Articles 28 to 44 on notified bodies and Articles 49 to 55 on delegated acts, committee procedure, confidentiality and penalties apply from this date	Art. 59
29 August 2026	Directive (EU) 2026/192 applies: Appendix A permits cobalt (CMR 1B) as an impurity in the nickel of stainless steel, in components conducting an electric current and in neodymium magnets that cannot be swallowed or inhaled; the Danish order nr. 574 of 24 June 2026 enters into force the same day	Art. 1 and Art. 2(1)
1 August 2030	Directive 2009/48/EC repealed; Regulation (EU) 2025/2509 applies in full; toys placed on the market in conformity with the directive before this date may continue to be made available	Art. 56, Art. 57(1) and Art. 59
1 February 2031	EC-type examination certificates issued under Article 20 of the directive cease to be valid, unless they expire earlier	Art. 57(3)

Obligations by role

Manufacturer (including brand owners)

- Design and manufacture toys to the general safety requirement, so that they do not jeopardise the safety or health of users or third parties when used as intended or in a foreseeable way bearing in mind the behaviour of children, and to the particular requirements of Annex II on physical and mechanical properties, flammability, chemical properties, electrical properties, hygiene and radioactivity, throughout the foreseeable and normal period of use. Art. 4(1), Art. 10 and Annex II
- Before placing a toy on the market, analyse the chemical, physical, mechanical, electrical, flammability, hygiene and radioactivity hazards it may present and assess the potential exposure to them; keep this safety assessment in the technical documentation. Art. 18 and Annex IV, point (b)
- Run the conformity assessment: internal production control (Module A of Decision No 768/2008/EC) where harmonised standards published in the Official Journal cover all relevant safety requirements and were applied; otherwise EC-type examination by a notified body (Module B) followed by conformity to type (Module C), including where standards were applied only in part, were published with a restriction, or the nature of the toy calls for third-party verification. Art. 4(2), Art. 13, Art. 19 and Art. 20
- Draw up the Annex IV technical documentation (design and manufacture description, list of components and materials with safety data sheets, the safety assessment, the conformity procedure, the declaration, the places of manufacture and storage, test reports and any notified-body documents) in an official language of the Union, and the EC declaration of conformity in the Annex III model, translated into the languages the Member State of sale requires; keep both for 10 years after the toy was placed on the market. Art. 4(2), Art. 4(3), Art. 15, Art. 21, Annex III and Annex IV
- Draw up the Annex IV technical documentation (design and manufacture description, components and materials with safety data sheets, the safety assessment, the conformity procedure, places of manufacture and storage, test reports and notified-body documents) in an official language of the Union. Art. 4(2), Art. 21 and Annex IV
- Draw up the EC declaration of conformity in the Annex III model, translated into the languages the Member State of sale requires. Art. 4(2), Art. 15 and Annex III
- Keep the technical documentation and the EC declaration of conformity for 10 years after the toy was placed on the market. Art. 4(3)
- Affix the CE marking visibly, legibly and indelibly to the toy, an affixed label or the packaging before placing it on the market, on a label or leaflet for small toys or toys made of small parts, and at least on the packaging where it is not visible from outside; it may be followed by a pictogram indicating a special risk or use. Art. 4(2), Art. 16 and Art. 17
- Mark the warnings that Article 11 and Annex V require, preceded by the word Warning or Warnings, clearly visible, legible, understandable and accurate on the toy, an affixed label or the packaging and where appropriate in the instructions, using the exact wording of Annex V, Part B, points 2 to 10; warnings that determine the purchase decision, such as minimum and maximum ages, must be visible before purchase, including online; do not use a Part B warning that conflicts with the toy's intended use. Art. 11 and Annex V
- Give each toy a type, batch, serial or model number or other identifier, and indicate your name, registered trade name or trade mark and a single contact address on the toy or, where not possible, on its packaging or in an accompanying document; supply instructions and safety information in the language or languages the Member State determines. Art. 4(5), Art. 4(6) and Art. 4(7)
- Give each toy a type, batch, serial or model number or other identifier, and indicate your name, registered trade name or trade mark and a single contact address on the toy or, where not possible, on its packaging or in an accompanying document. Art. 4(5) and Art. 4(6)

- Supply instructions and safety information in the language or languages the Member State of sale determines. Art. 4(7)
- Keep series production in conformity, taking account of design changes and changes to the harmonised standards; where the risks warrant it, sample-test marketed toys, investigate complaints and keep a register of complaints, non-conforming toys and recalls, and keep distributors informed. Art. 4(4)
- Keep procedures in place for series production to remain in conformity, taking account of design changes and changes to the harmonised standards. Art. 4(4)
- Where the risks warrant it, sample-test marketed toys, investigate complaints, keep a register of complaints, non-conforming toys and recalls, and keep distributors informed. Art. 4(4)
- If you consider or have reason to believe that a toy you placed on the market does not conform, immediately bring it into conformity, withdraw or recall it, and where it presents a risk inform the competent national authorities of the Member States where you made it available, giving details of the non-compliance and the corrective measures. Art. 4(8)
- On a reasoned request, provide the authority with all information and documentation demonstrating conformity in a language it easily understands, translate the relevant parts of the technical documentation within 30 days unless a serious and immediate risk justifies a shorter deadline, cooperate on risk-elimination measures, and be able to identify your suppliers and customers for 10 years after placing the toy on the market. Art. 4(9), Art. 9 and Art. 21(3)
- On a reasoned request, provide the authority with all information and documentation demonstrating conformity in a language it easily understands, translate the relevant parts of the technical documentation within 30 days unless a serious risk justifies less, and cooperate on risk-elimination measures. Art. 4(9) and Art. 21(3)
- Be able to identify on request any economic operator who supplied you with a toy or to whom you supplied one, for 10 years. Art. 9

Authorised representative

- Act under a written mandate that at least lets you keep the EC declaration of conformity and the technical documentation at the disposal of the national surveillance authorities for 10 years after the toy was placed on the market, provide conformity information and documentation on reasoned request, and cooperate with the authorities on risk-elimination measures for the toys covered by the mandate. Art. 5(1) and Art. 5(3)
- Do not take over the manufacturer's duty to ensure design and manufacture to the requirements of Article 10 and Annex II or to draw up the technical documentation; those duties cannot form part of the mandate. Art. 5(2)
- Identify on request any economic operator who supplied you with a toy or to whom you supplied one, for 10 years after you were supplied with it. Art. 9

Importer

- Place only compliant toys on the market, and before doing so check that the manufacturer carried out the appropriate conformity assessment, drew up the technical documentation, affixed the CE marking, supplied the required documents and applied the identification number and the name and contact address; where you believe a toy does not conform, hold it back until it does, and where it presents a risk inform the manufacturer and the market surveillance authorities. Art. 6(1) and Art. 6(2)
- Indicate your name, registered trade name or trade mark and a contact address on the toy or, where not possible, on its packaging or in an accompanying document, and ensure the toy is accompanied by instructions and safety information in the language or languages the Member State determines. Art. 6(3) and Art. 6(4)
- Indicate your name, registered trade name or trade mark and a contact address on the toy or, where not possible, on its packaging or in an accompanying document. Art. 6(3)
- Ensure the toy is accompanied by instructions and safety information in the language or languages the Member State of sale determines. Art. 6(4)
- Ensure that storage and transport conditions while the toy is under your responsibility do not jeopardise its compliance with Article 10 and Annex II. Art. 6(5)
- Where the risks warrant it, sample-test marketed toys, investigate complaints and keep a register of complaints, non-conforming toys and recalls, and keep distributors informed of the monitoring. Art. 6(6)
- If a toy you placed on the market does not conform, immediately take corrective measures, withdraw or recall it, and where it presents a risk inform the competent authorities of the Member States where you made it available, with details of the non-compliance and the corrective measures. Art. 6(7)
- Keep a copy of the EC declaration of conformity at the disposal of the market surveillance authorities for 10 years after the toy was placed on the market and ensure the technical documentation can be made available on request; provide conformity information on reasoned request in a language the authority understands, cooperate on risk-elimination measures, and identify your suppliers and customers for 10 years after you were supplied with the toy. Art. 6(8), Art. 6(9) and Art. 9
- Keep a copy of the EC declaration of conformity at the disposal of the market surveillance authorities for 10 years after the toy was placed on the market, and ensure the technical documentation can be made available on request. Art. 6(8)
- On reasoned request, provide the information and documentation demonstrating the toy's conformity in a language the authority easily understands, and cooperate on risk-elimination measures. Art. 6(9)
- Be able to identify on request any economic operator who supplied you with a toy or to whom you supplied one, for 10 years. Art. 9
- If you place a toy on the market under your own name or trademark, or modify a toy already placed on the market in a way that may affect compliance, you carry the manufacturer's obligations under Article 4. Art. 8

Distributor (wholesaler or retailer)

- Act with due care and, before making a toy available, verify that it bears the CE marking, that it is accompanied by the required documents and by instructions and safety information in a language easily understood by consumers in the Member State of sale, and that the manufacturer and importer have applied the identification number, name and contact address; where you believe a toy does not conform, hold it back until it does, and where it presents a risk inform the manufacturer or importer and the market surveillance authorities. Art. 7(1) and Art. 7(2)
- Show the warnings that determine the purchase decision, such as age limits, to the consumer before the purchase, including when selling online. Art. 11(2), third subparagraph
- Ensure that storage and transport conditions while the toy is under your responsibility do not jeopardise its compliance with Article 10 and Annex II. Art. 7(3)
- If a toy you made available does not conform, make sure corrective measures are taken to bring it into conformity, withdraw or recall it, and where it presents a risk immediately inform the competent authorities of the Member States where you made it available. Art. 7(4)
- On reasoned request, provide the information and documentation demonstrating conformity, cooperate on risk-elimination measures, and identify your suppliers and customers for 10 years after you were supplied with the toy. Art. 7(5) and Art. 9
- On reasoned request, provide the information and documentation demonstrating the toy's conformity in a language the authority easily understands, and cooperate on risk-elimination measures. Art. 7(5)
- Be able to identify on request any economic operator who supplied you with a toy or to whom you supplied one, for 10 years. Art. 9
- If you sell a toy under your own name or trademark, or modify it in a way that may affect compliance, you take on the manufacturer's obligations. Art. 8

Penalties

Member States lay down the rules on penalties for economic operators that infringe their national transposing laws, which may include criminal sanctions for serious infringements; the penalties must be effective, proportionate and dissuasive and may be increased for a repeat infringement. Market surveillance follows Regulation (EC) No 765/2008 as cited in Article 40, read as Regulation (EU) 2019/1020 since 16 July 2021: where a toy presents a risk or does not comply, the authority evaluates it against all the requirements, requires corrective action, withdrawal or recall within a reasonable period commensurate with the risk, and if the operator fails to act takes provisional measures to prohibit or restrict the making available, withdraw or recall the toy and informs the Commission and the other Member States. Formal non-compliance, namely CE marking affixed in violation of Articles 16 or 17 or not affixed, an EC declaration of conformity not drawn up or drawn up incorrectly, or technical documentation not available or incomplete, must be ended and otherwise leads to restriction, prohibition, withdrawal or recall; the authority can instruct a notified body to withdraw or review an EC-type examination certificate and can order a test by a notified body at the manufacturer's expense where the technical documentation or its translation is not supplied. In Denmark, Erhvervsstyrelsen is the control authority under section 9 of the act on products and market surveillance (lovbekendtgørelse nr. 22 of 8 January 2026); the former Sikkerhedsstyrelsen has been part of Erhvervsstyrelsen as the department Markedsovervågning since January 2026 and checks toys on the Danish market, Miljøstyrelsen controls the chemical properties of toys (section 57 of bekendtgørelse nr. 815 of 7 June 2022 om legetøj), and section 58 of that order punishes with a fine, for example, placing on the market or making available a toy that does not meet the safety requirements, failing to draw up technical documentation or carry out the conformity assessment, missing warnings, instructions or identification, and failing to take corrective measures or notify the authority, with imprisonment of up to 2 years for placing non-compliant toys on the market under aggravating circumstances such as danger to health, an accident causing serious injury or death, repeat offences or systematic infringement for financial gain. Art. 51, Art. 40, Art. 41, Art. 42, Art. 45 and Art. 21(4)

Checklist

1. Confirm the product is a toy under Article 2(1): designed or intended, whether or not exclusively, for play by children under 14, and check that it is not one of the 19 Annex I products or the five Article 2(2) exclusions; use the Commission's grey-zone and product-specific guidance for borderline cases.
2. Decide your role for each toy, remembering that selling under your own brand or modifying a toy makes you the manufacturer (Article 8), and that an authorised representative needs a written mandate (Article 5).
3. Carry out and document the Article 18 safety assessment covering chemical, physical, mechanical, electrical, flammability, hygiene and radioactivity hazards and the potential exposure, and fix the intended age group (Article 10(2)).
4. Identify the applicable harmonised standards published in the Official Journal (the EN 71 series and EN IEC 62115 for electric toys) and choose the conformity route: Module A internal production control where they cover all relevant requirements, otherwise EC-type examination by a notified body plus conformity to type (Articles 13 and 19).
5. Verify the chemical rules that apply: the CMR ban with its Appendix A and B derogations, the 19 element migration limits of Annex II, Part III, point 13, the nitrosamine limits and Appendix C limits for toys for children under 36 months or to be placed in the mouth, and the 58 prohibited and 71 labelled allergenic fragrances (Annex II, Part III).
6. Compile the Annex IV technical documentation with safety data sheets, test reports and, where used, the EC-type examination certificate, and draw up the EC declaration of conformity in the Annex III model; keep both for 10 years (Articles 4(3), 15 and 21).
7. Affix the CE marking on the toy, label or packaging and add the type, batch or serial number and the manufacturer's and importer's name and contact address (Articles 4(5), 4(6), 6(3) and 17).
8. Apply the Annex V warnings in the exact wording, preceded by Warning, and put age limits and other purchase-relevant warnings on the consumer packaging and on the product page in online sales, in the languages the Member State of sale requires (Article 11).
9. Set up production control, complaint and recall registers, the corrective-action and notification procedure and 10-year supplier and customer traceability (Articles 4(4), 4(8), 6(6), 7(4) and 9).
10. Plan the hand-over to Regulation (EU) 2025/2509: toys placed on the market before 1 August 2030 may continue to be sold, EC-type examination certificates expire by 1 February 2031, and from 1 August 2030 every new toy needs a digital product passport instead of the declaration of conformity (Regulation (EU) 2025/2509, Articles 19, 56, 57 and 59).

Sources

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13. Council Directive (EU) 2017/738, lead (EUR-Lex) — <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32017L0738>
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18. Commission Directive (EU) 2019/1929, formaldehyde (EUR-Lex) — <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L1929>
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