



European
Commission



CASP2021

Coordinated Activities
on the Safety of Products

Toys from
non-EU
webshops



Final
Report

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List of abbreviations

ABBREVIATION	DESCRIPTION
CASP	Coordinated Activities on the Safety of Products
DG JUST	Directorate-General for Justice and Consumers of the European Commission
EC	European Commission
EEA	European Economic Area
EISMEA	European Innovation Council and SMEs Executive Agency
EO	Economic operator
EU	European Union
GPSD	General Product Safety Directive (2001/95/EC)
MSA	Market surveillance authority
PAH	Polycyclic-aromatic hydrocarbons
PSA	Product-specific activity
RAPEX Guidelines	Decision (EU) 2019/417
TSD	Toy Safety Directive (2009/48/EC)

Executive summary

Objectives of the activity

The Coordinated Activities on the Safety of Products (CASP) projects enable all market surveillance authorities (MSAs) from European Union (EU) and European Economic Area (EEA) countries to cooperate in reinforcing the safety of products placed on the European Single Market.

This product-specific CASP activity focused on toys from non-EU web shops and non-EU sellers on marketplaces, which were identified by the MSAs as a priority for a targeted safety investigation. The products were sampled and tested following commonly agreed criteria in a single European laboratory selected by the participating MSAs.

Product scope

Plastic toys / toys with plastic parts for children under and above 36 months collected online and originated from third countries.

Main testing criteria

A selection of clauses from the following two standards, and the requirements set out in the following Regulation, were included in the testing plans:

- EN71-1:2014+A1:2018 Safety of toys – Part 1: Mechanical and physical properties;
- EN71-3:2019 Safety of toys – Part 3: Migration of certain elements;
- Regulation (EC) 1907/2006 – REACH (for the following substances) –
 - cadmium,
 - phthalates,
 - polycyclic-aromatic hydrocarbons (PAH).

Both mechanical and chemical tests were performed by the selected laboratory. The MSAs performed checks on warnings, markings and instructions in their national languages.



Results

- Number of toys tested: 92
 - 50 toys intended for children above 36 months
 - 42 toys intended for children under 36 months
- A total of 15 toys (16%) met the testing requirements
- A total of 77 toys (84%) did not meet the testing requirements
 - The mechanical tests revealed a larger number of samples that did not meet the requirements (84%) than the chemical tests (21%)
 - Toys for children under 36 months presented a slightly larger number of samples that did not meet the requirements (88%) than toys for children above 36 months (80%)
 - The MSAs' checks on warnings, labelling and instructions showed that all the samples (except one) did not meet the requirements

Key recommendations

For consumers

Consumers should exercise caution when buying from online web shops or market places (especially if the seller is not located in the EU) and should pay attention to the warnings, markings and instructions that accompany the products.

For economic operators (EOs)

- Online web shops and market places should remove dangerous products that have been identified in a timely manner and notify consumers of any safety issues or recall actions. Market places should also put more effort to avoid reappearance of dangerous products on their websites.
- Labelling requirements are important and should be clearly displayed on the websites and interfaces where the products are listed for sale.

Conclusions

A number of mechanical and chemical risks were identified in the tested samples. The results reflect the ongoing safety problems that MSAs are having with toys from non-EU online sellers.

Risk assessments performed by the MSAs showed that 53 samples presented a serious risk, 9 a high risk and 7 a medium risk.

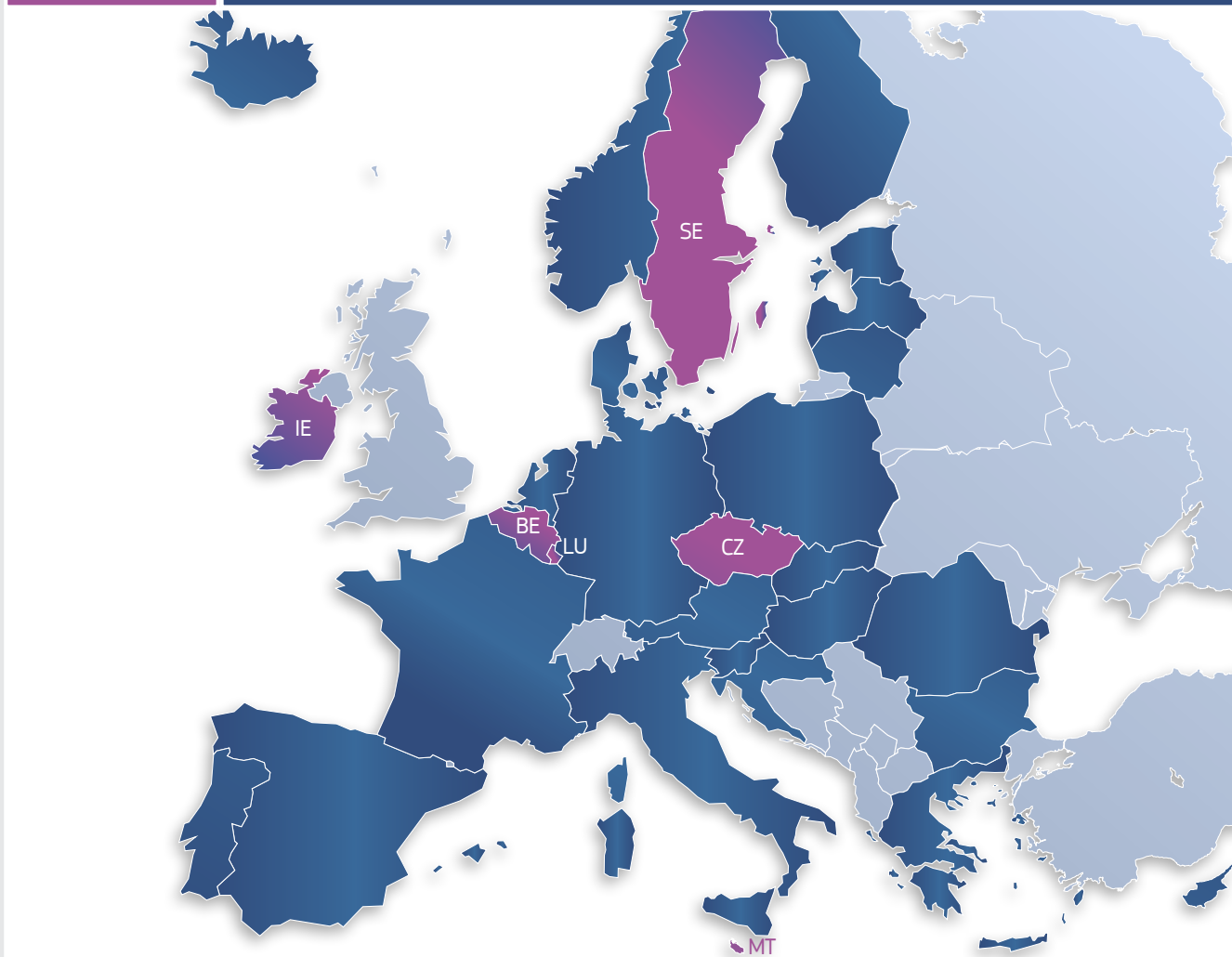
74 listings were removed from the online market places as a result of this activity.

1. Overview of the activity

1.1 Participating MSAs

A total of 7 MSAs from 6 EU Member States participated in the Toys from non-EU web shops product-specific activity (PSA), as illustrated in the image below.

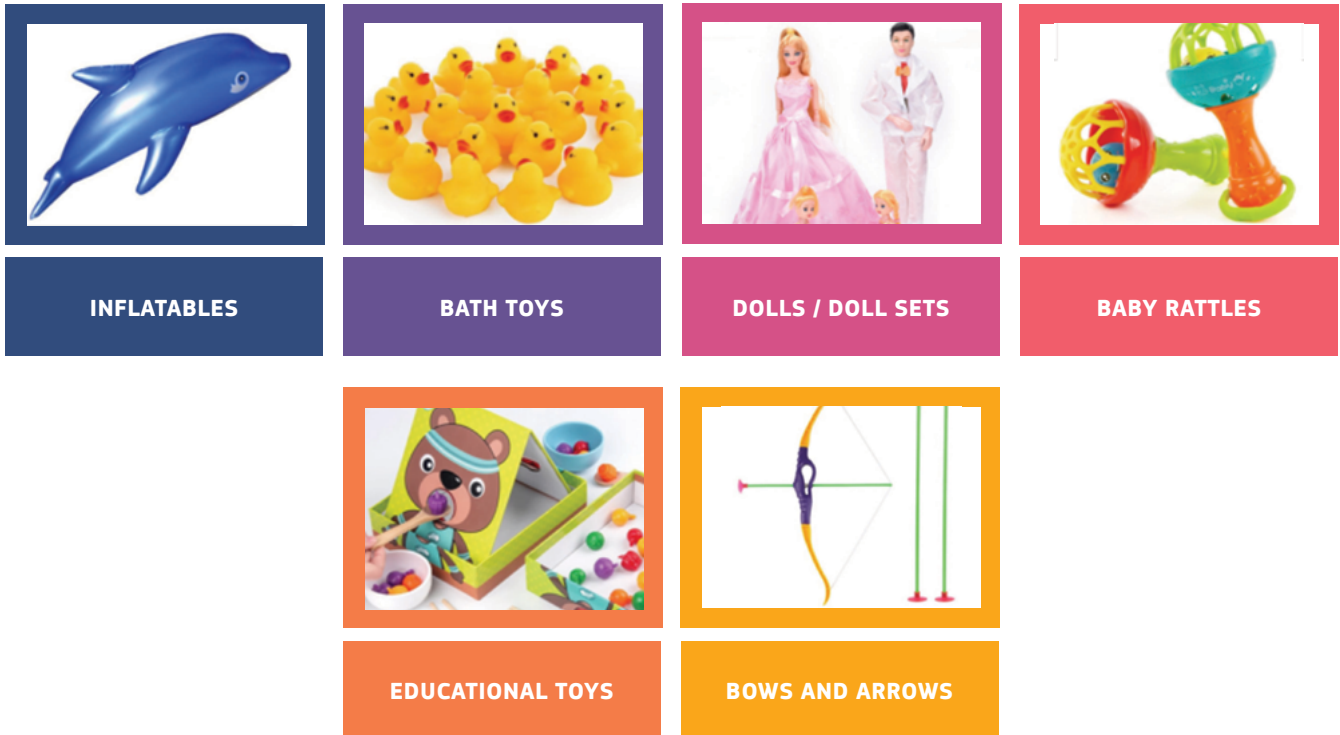
COUNTRY	MSA
Belgium	Federal Public Service Health, Food Chain Safety & Environment - Federal Environment Inspectorate
	Federal Public Service Economy - Directorate General Quality and Safety
Czechia	Czech Trade Inspection Authority
Ireland	Competition and Consumer Protection Commission
Luxembourg	Market Surveillance Department
Malta	Malta Competition and Consumer Affairs Authority
Sweden	The Swedish Chemicals Agency



1.2 Product scope and testing criteria

1.2.1 Product scope

The activity focused on plastic toys and toys with plastic parts for children above and under 36 months.

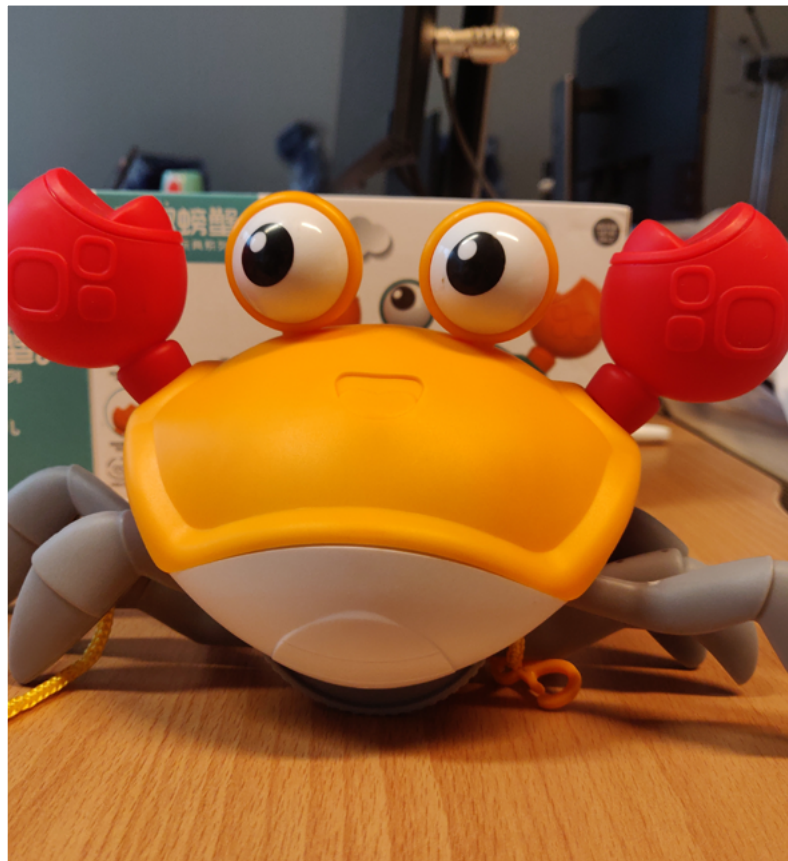


1.2.2 Testing criteria

Considering the broad product scope, the testing plan was designed to include a large variety of product types. The testing plan for this activity included a selection of clauses from the following two standards, and the requirements set out in the following Regulation:

- EN71-1:2014+A1:2018 Safety of toys – Part 1: Mechanical and physical properties;
- EN71-3:2019 Safety of toys – Part 3: Migration of certain elements;
- Regulation (EC) 1907/2006 – REACH (for the following substances) –
 - cadmium;
 - phthalates;
 - PAH.

Both mechanical and chemical tests were performed by the selected laboratory. The MSAs performed checks on warnings, markings and instructions in their national languages. A checklist with the main requirements was prepared by the technical expert to provide additional guidance to the MSAs.



2. Sampling and testing

2.1 Sampling distribution and channels

The sampling was carried out on the basis of a pre-selection by each of the MSAs, in line with the peculiarities of each market.

The toys tested in this activity were sampled exclusively online, and came from non-EU sellers. A total of 113 samples were ordered by the MSAs. As anticipated, a certain number of

samples (14) could not be received due to cancelled orders and lost deliveries. Therefore, 99 samples were eventually received by the MSAs within this PSA. Seven products were sampled by the MSAs as toys and later classified as floating seats.

Table 1 - Number of samples collected by participating MSAs

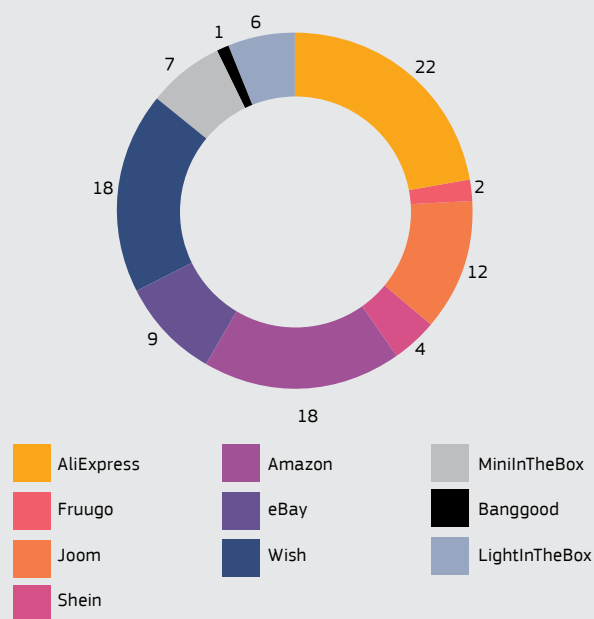
COUNTRY	MSA	Sampled
Belgium ¹	Federal Public Service Health, Food Chain Safety & Environment - Federal Environment Inspectorate	17
	Federal Public Service Economy - Directorate General Quality and Safety	
Czechia	Czech Trade Inspection Authority	17
Ireland	Competition and Consumer Protection Commission	10
Luxembourg	Market Surveillance Department	20
Malta	Malta Competition and Consumer Affairs Authority	20
Sweden	The Swedish Chemicals Agency	15
TOTAL		99

The European Commission (EC) is cooperating with several online market places that have signed the Product Safety Pledge². By signing the Pledge, the market places make a voluntary commitment to regularly checking the Safety Gate portal, and removing any listings of dangerous products from their interfaces following a notification or an alert issued by a recall website.

The MSAs sampled from both market places that have signed the Pledge and those that have not, in order to investigate whether there is a difference in terms of the corrective actions taken when unsafe products have been identified.

Figure 1 illustrates the range of market places that the MSAs sampled toys from. The vast majority of samples (79) were collected from signatories to the Product Safety Pledge. A total of 20 samples were collected from market places that are not signatories (MiniInTheBox, LightInTheBox, Shein, Fruugo and Banggood).

Figure 1
Retail channels



¹ The two Belgian MSAs sampled together.

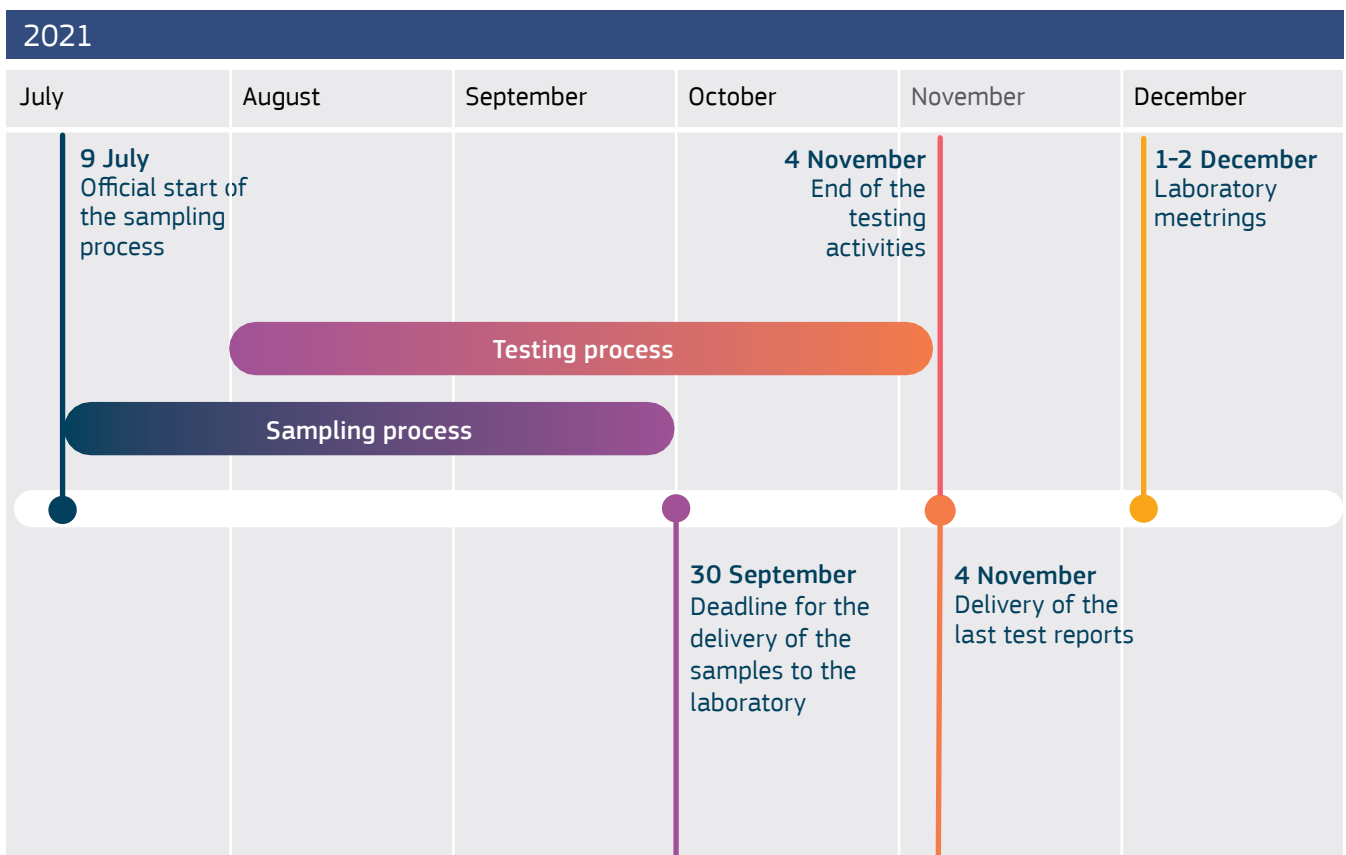
² AliExpress, Amazon, eBay, Rakuten France, Allegro, Cdiscount, Wish, bol.com, eMAG, Joom, and Etsy.

2.2 Testing process

Based on extensive desk research, 88 accredited laboratories located in the EU/EEA were identified. The Contractor prepared tender specifications and invited the identified laboratories to submit their offers. The MSAs were presented with comparative analyses of the technical suitability and financial offers of the nine laboratories that answered the project team’s invitation. The MSAs selected the laboratory that received the highest points in terms of technical quality; it had the capacity and necessary accreditation to perform all the requested tests and offered a competitive price.

The MSAs had three months to collect the samples and send them to the laboratory. The testing process encountered no delays and was completed on 4 November 2021. The laboratory meeting took place on 1 and 2 December 2021 (in a hybrid format³).

Figure 2 - Timeline of the sampling and testing process



³ Members of the Contractor’s team and representatives from the Directorate-General for Justice and Consumers of the European Commission (DG JUST) were at the laboratory with the audiovisual team; the MSAs joined the meeting via Zoom.

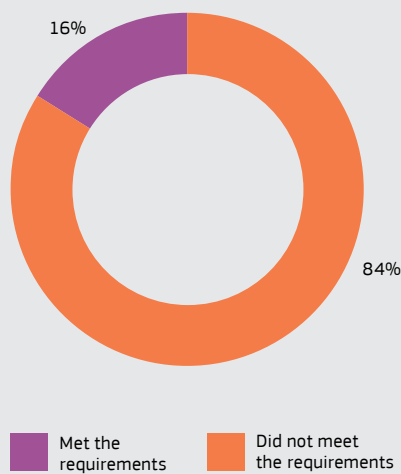
3. Test results

3.1 Overview of the test results and main findings

99 samples were sent to the laboratory for testing. However, seven samples are out of scope considering that they were eventually classified as floating seats (see section Products misleadingly placed in the market as toys). The test results of these samples are not presented in this section.

Only 15 out of the 92 toys tested by the laboratory met the requirements of the standards included in the testing plan. The remaining 77 samples did not meet at least one of the requirements.

Figure 3
Overall test results (N=92)



Products misleadingly placed in the market as toys

Seven products sampled in this activity were marketed and designed in such way that made it easy to confuse them with toys. However, these products, although incorrectly labelled and thus marketed as toys, fall under the definition of floating seats indicated in the Commission's Guidance document No 7 on the application of the Directive on the safety of toys – Toys used in and on the water⁴ as they are "bathing rings that have an integrated seat with two holes for a child's legs to hang freely in water". They are, therefore, not covered by the Toy Safety Directive but by the General Product Safety Directive as learning devices.

All these products did not meet the requirements of the GPSD as they were incorrectly marketed as toys. Floating seats should be used under constant adult supervision and cannot be designed and appear in such a way that would lead parents and children to confuse them with a toy, resulting in the risk of drowning of the child. Information on the risk level assessed and measures adopted for these products is available in section 4.1.

⁴ DocsRoom - European Commission (europa.eu)

3.2 Results per type of test

The mechanical tests revealed a considerably larger number of failures (84%) than the chemical tests (21%). The test results per clause are illustrated in the graphs below.

Figure 4 - Test results per clause, EN 71-1:2014+A1:2018 (N=92)

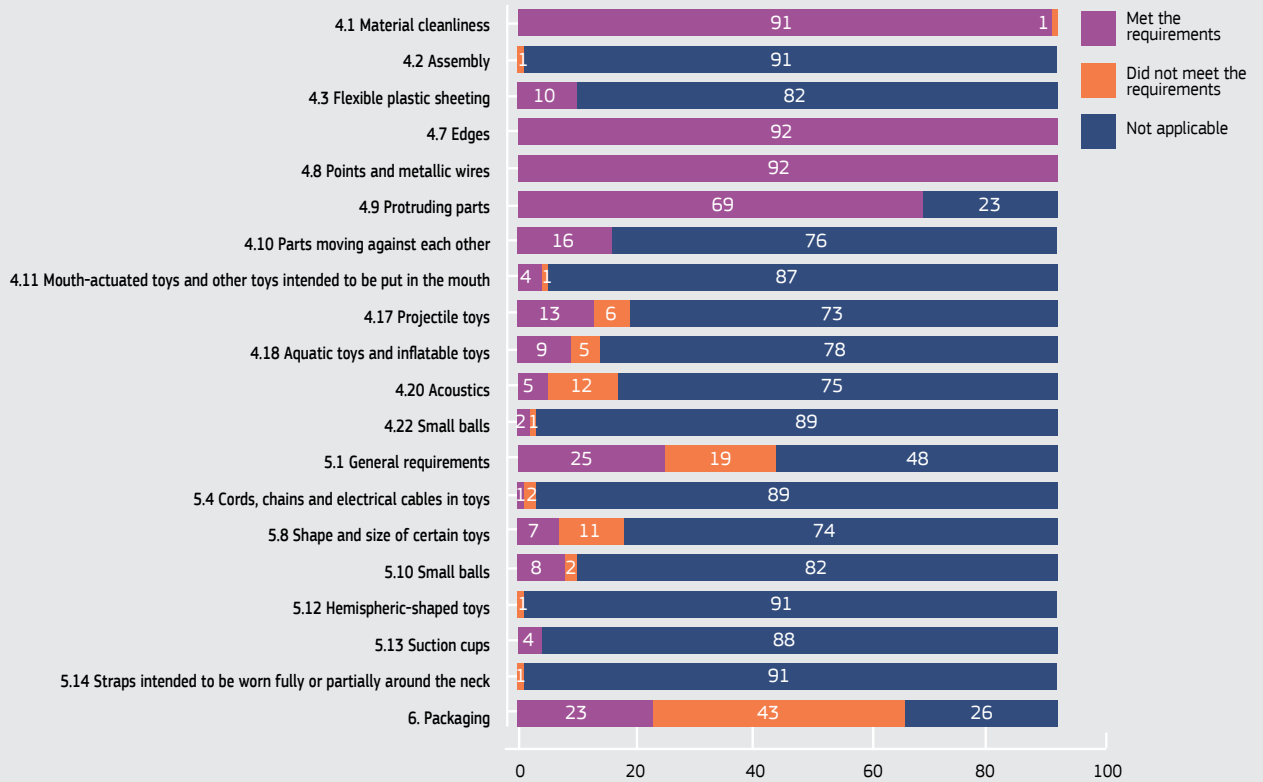


Figure 5
Test results, EN 71-3:2019
Part 3: Migration of certain elements (N=92)

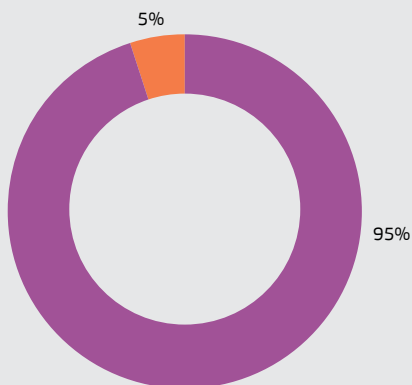
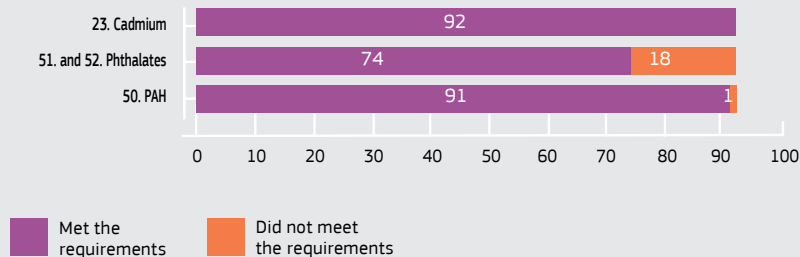


Figure 6
Test results, Regulation (EC) 1907/2006 – REACH (N=92)



All the samples (except one) did not meet the requirements for warnings, markings and instructions in the checks performed by the MSAs. In total, 61% of the samples did not have a CE marking or the CE marking was incorrect. Other issues included:

- missing information on the manufacturer or importer;
- warnings were not in the correct language;
- warnings were missing, illegible or not visible at the time of purchase;
- warnings were inappropriate for the intended use;
- warnings were not accompanied by the word ‘warning/warnings’.



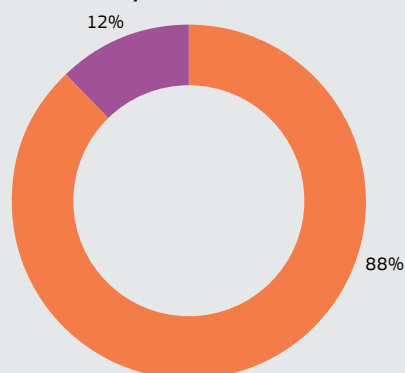
3.3 Results per age category

Out of the 92 tested toys, 54% (50) were toys intended for children above 36 months, while 46% (42) were intended for children under 36 months.

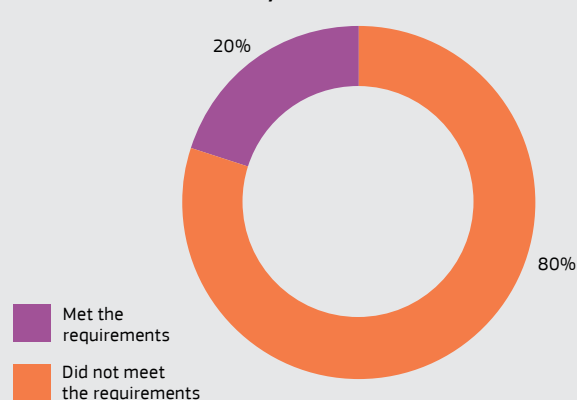
Toys for children under 36 months presented a slightly higher failure rate (88%) than toys for children above 36 months (80%).

Figure 7 - Test results per age category

Overall test results for toys intended for children under 36 months



Overall test results for toys intended for children above 36 months



3.4 Conclusions on the test results

A number of mechanical and chemical risks were identified in the tested samples. The results reflect the ongoing safety problems that MSAs are having with toys from non-EU web shops and market places.

Mechanical risks

The rate of mechanical failures was very significant (84% of products did not meet the requirements). Risks related to mechanical failures are more likely to be identified by consumers and MSAs than the chemical risks toys can present. Good mechanical compliance rates were recorded on edges (clause 4.7), points and metallic wires (clause 4.8) and protruding parts (clause 4.9), which present the most immediate injury threats to children.

A number of samples did not meet the requirements of the following clauses, which may lead to the considerable risks:

- Clause 4.20 acoustics (12 samples), leading to ear damage risks;
- Clause 5.1 on small parts (19 samples), leading to choking risks;
- Clause 5.8 on shape and size of certain toys (11 samples), leading to risks of impactation in the throat.

In addition, a very high number of samples (43) did not meet the requirements of clause 6 on the thickness of packaging. Toy packaging is a key safety requirement but can easily get overlooked by parents or supervisors. In simple terms, if the bag is big enough to cover a child's head and is thin enough to cling to their mouth and nose, it presents a serious risk of suffocation. Therefore, the toy samples that do not meet requirements in relation to packaging represent a serious concern.

Chemical risks

The main chemical issue identified was related to phthalates. In total, 20% of the samples (18) did not meet the requirements on phthalates. Some phthalates are chemical plasticisers that are widely used to soften plastics. These chemicals have been found to 'leach' from toys and cause serious long-term medical conditions like cancer and infertility. The testing has highlighted this chemical as a key area of concern.

Warnings, markings and instructions

The MSAs' checks on warnings markings and instructions revealed that all the samples, except one, presented at least one administrative non-conformity. The most frequent issues were related to incorrect or missing CE marking, missing information on the manufacturer or importer and missing warnings in the national languages of the country in which the product is sold.

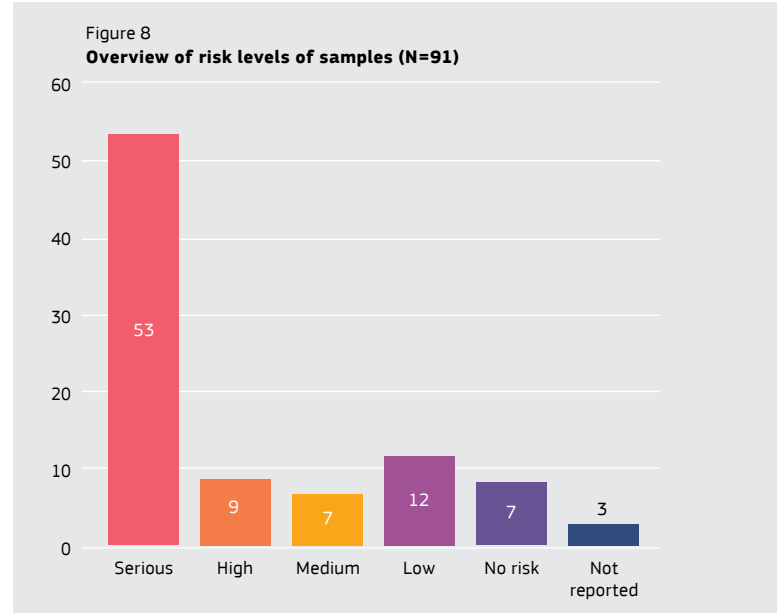
4. Risk assessment and measures

4.1 Risk assessment results

According to the TSD⁵, toys placed on the Union market shall comply with the essential safety requirements set out in this directive. In particular, toys shall not jeopardise the safety or health of users or third parties when they are used as intended or in a foreseeable way. When assessing whether a product poses a risk, the approach must be based on the Commission Implementing Decision (EU) 2019/417⁶ (the RAPEX Guidelines). To develop the risk assessments, the MSAs used the RAG tool⁷ managed by the EC.

Furthermore, according to art. 34 of Regulation 2019/1020⁸, MSAs shall enter into the information and communication system for market surveillance (ICSMS) in relation to products made available on the market for which an in-depth check of compliance has been carried out.

Figure 8 shows the risk levels (based on the risk assessments performed by the MSAs) of the samples that did not meet the requirements⁹.

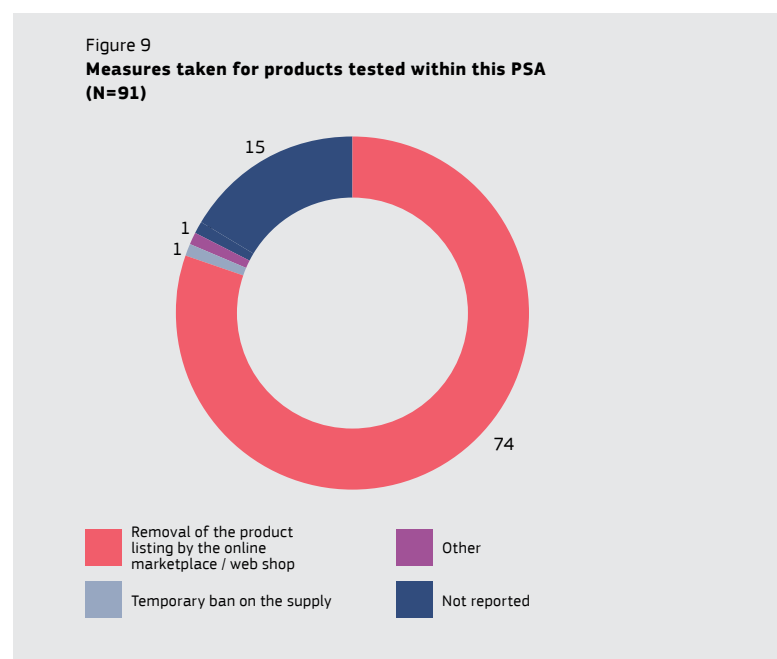


4.2 Corrective measures taken on tested products

Based on the test results and the risk assessments performed, the MSAs decide which corrective measure has to be taken regarding the products that do not comply with EU legislation and/or the applicable standards to stop dangerous products from appearing on the Single Market.

The EC has been cooperating with several online platforms that have signed the Product Safety Pledge and have committed to regularly checking the Safety Gate portal and removing any dangerous products subject to notifications from their websites. A large number of samples from market places that have signed the Product Safety Pledge did not meet the applicable requirements. The majority of the market places that are signatories of the Pledge took the appropriate measures, and removed the listings as soon as they were notified by the MSAs. However, only a limited number of market places made the effort to also remove similar listings placed by other sellers from their platforms.

Figure 9 illustrates the main measures taken¹⁰.



⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32009L0048>

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019D0417&from=EN>

⁷ <https://ec.europa.eu/rag/#/screen/home>

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32019R1020>

⁹ Reported results are based on the information available on 01/04/2022. The category 'not reported' refers to cases where a risk assessment was still ongoing at this date.

¹⁰ Reported results are based on the information available on 01/04/2022. The category 'not reported' refers to cases where the measures were still ongoing at this date

Furthermore, when a serious risk is identified, MSAs are legally obliged to submit a notification in the Safety Gate (pursuant to Article 12.1 of the GPSD¹¹). The RAPEX Guidelines¹² also recommend submitting notifications on measures taken against products posing a less than serious risk.

Following the actions triggered by the joint testing campaign, 56 products were subject to Safety Gate notifications and notifications for other 5 products are pending.

Regarding the seven samples of floating seats considered out of scope for this activity, four of them were assessed by the MSAs as posing serious risk, two as posing high risk and one as posing low risk.

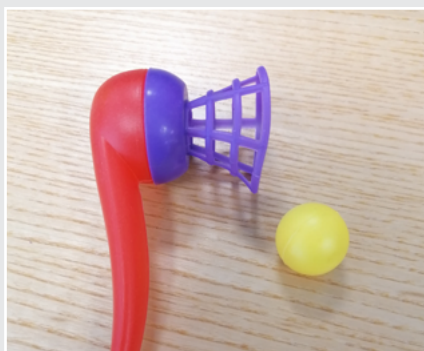
Two of the products assessed as posing serious risks did not meet the requirements of the REACH Regulation No 1907/2006 (for cadmium and phthalates). All these products did not meet the requirements of the GPSD as they were incorrectly marketed as toys. Floating seats should be used under constant adult supervision and cannot be designed and appear in such a way that would lead parents and children to confuse them with a toy, leading to the risk of drowning of the child. Three out of seven products were notified in the Safety Gate and two are pending to be notified.

5. Conclusions and recommendations

5.1 Conclusions

Of all the tested samples in scope of the activity, 84% did not meet the technical requirements of the applicable standards and, therefore, did not meet the essential safety requirements of the TSD. Toys intended for children under 36 months presented a slightly higher failure rate (88%) than toys for children above 36 months (80%), due to the stricter requirements applicable to this category. The results of the testing suggest that while only a small number of products present chemical risks, a large number of toys do not meet the mechanical safety requirements. Improvements need to be made in order to protect consumers by preventing dangerous toys from being placed on the EU market.

Furthermore, all the samples (except one) did not meet the requirements for warnings, markings and instructions. These aspects provide parents/caregivers with crucial information on the correct use of the product, so this represents a large amount of risk overall. MSAs issued 56 Safety Gate notifications based on the outcome of this PSA (a further 5 notifications are pending) and requested the economic operators to remove 74 product listings from the market places / web shops for samples assessed as posing serious, high, medium and in some cases (6 samples) also low risks.



¹¹ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32001L0095>

¹² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A4390682>

5.2 Recommendations for stakeholders

For consumers

Online market places. Consumers should exercise caution when buying from online market places, especially if the sellers are not located in the EU. Consumer associations and testing campaigns can provide reliable product reviews.

Enforcement of the rules is particularly difficult when sellers are established outside the EU. In this cases, MSAs could take as last resort a measure to block the relevant websites (under Regulation 1020), if other measures are not bringing results. Therefore, consumers should exercise caution when buying from third country sellers.

Warnings, markings and instructions. Consumers should pay particular attention to the warnings, markings and instructions that accompany the products.

- The product packaging must include a CE marking, an address in the EU and appropriate warnings. These should be available in the national languages of the country of sale.
- For toys, consumers should check if the age labelling is appropriate for the child, paying particular attention to those toys that are clearly intended for children under 36 months even if they bear an age warning that indicates otherwise.
- To use products safely, consumers should carefully read the instructions. Adults should follow key instructions and safely dispose of the packaging. They should keep the label.

Monitor Safety Gate. The Safety Gate system should be regularly monitored as it contains relevant information on recalled and banned products. Any safety issue identified should always be reported to the competent MSA.

For European and national authorities

Keep the toys sold online under surveillance.

- Considering the high failure rates of the products sampled and tested in this activity, continued market surveillance should be conducted on both EU and non-EU market places and web shops. Whether the failures to meet requirements are administrative (e.g. no address) or serious safety issues, it is important that MSAs contact and inform the market places and ask them to remove the items or to correct the labelling.
- EC and MSAs should continue working with online market places to exploit the full potential of the Product Safety Pledge. MSAs may consider investigating both market places that are signatories of the Product Safety Pledge and those that are not. MSAs should be encouraged to use the EC web crawling tool to monitor whether products notified via Safety Gate and banned for sale on the European Single Market are still being sold in web shops or on any other online market places.

Cooperation between MSAs and customs. MSAs need to closely cooperate with customs in order to prevent unsafe products from entering the EU.

For EOs

Be aware of your obligations under the applicable legislation. Be aware of all the applicable legal requirements. Before placing toys on the market, ensure that they are designed and manufactured in accordance with the Toy Safety Directive (2009/48/EC) and the appropriate toy safety standard (EN 71). Toys should be correctly CE marked (this indicates that safety checks, e.g. for dangerous chemical levels, have been performed). A Declaration of Conformity can be requested as proof.

Market places that are signatories of the Product Safety Pledge should do all efforts to identify similar product listings to those covered by the Safety Gate alerts, to avoid that the same unsafe product appears under various listings.

Labelling and packaging. Labelling is important and should be clearly displayed on the websites where the products are being sold.

- All toys should be marked with a type, batch, serial or model number, or other markings that allow them to be identified.
- Based on the requirements of Regulation (EU) 2019/1020¹³, each product covered by Article 4 that enters the EU needs to be accompanied with the name and contact information of the person in the EU that is responsible for them.
- Labelling and warnings must be specific to the toy in question and also need to be translated into the national languages of the country in which the product is being sold.
- Age warnings must be correct. Toys clearly designed for children under 36 months should follow the requirements for this category and should not bear an age warning indicating that the toy is not intended for younger children.
- Toy packaging must meet strict toy safety requirements.
- Plastic toys such as aquatic toys, projectile toys and toy dolls have particular hazards associated with them and should have specific warnings.

Be aware of the risks of misleadingly placing products in the market as toys.

Products that are not toys should not be marketed and designed in such a way that could likely lead the parents and children to confuse them with a toy. For example, floating seats are not toys and shall not have a play value that could confuse the consumers or lead the parents to leave their children unattended while using them. They should be designed and manufactured in accordance with the GPSD requirements on learning devices and the standard EN 13138. These products do not require CE marking.

Ensure cooperation between market places and third party sellers. Online market places and sellers should closely cooperate, particularly when conducting recalls. Different channels should be used to inform consumers about recalls or any safety issues related to specific products.

¹³<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32019R1020>

1. What is CASP?

The Coordinated Activities on the Safety of Products (CASP) enable Market Surveillance Authorities (MSAs) from EU/EEA countries to cooperate and to reinforce the safety of products placed on the Single Market.

Product-specific activities (PSAs) test different types of products that may pose a risk to consumers. The products are selected and collected by the MSAs involved and are examined using a commonly agreed testing plan.

Horizontal activities (HAs) provide a forum for MSAs to exchange ideas and best practices. Under the guidance of a technical expert, they develop common approaches, procedures and practical tools for market surveillance.

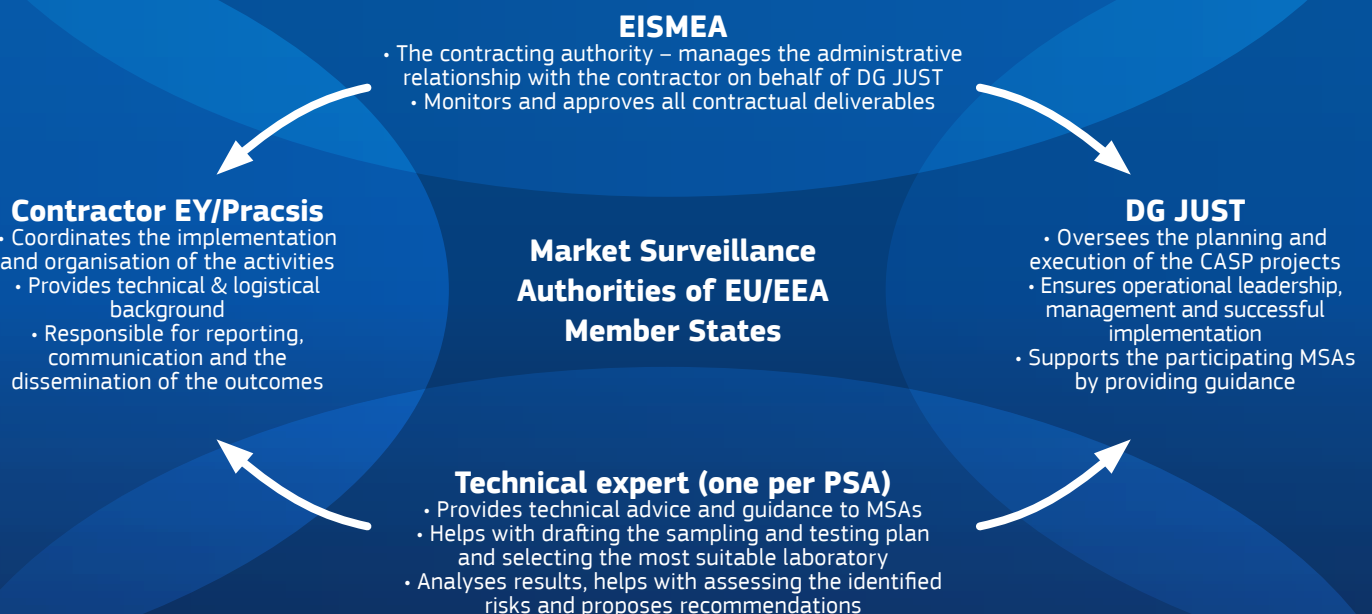
Hybrid activities facilitate horizontal discussions and conduct testing campaigns. The results are used to develop common approaches and methodologies.

CASP 2021 includes five PSAs, three HAs and one hybrid activity. They were pre-selected by the participating MSAs through a consultation organised by DG JUST.

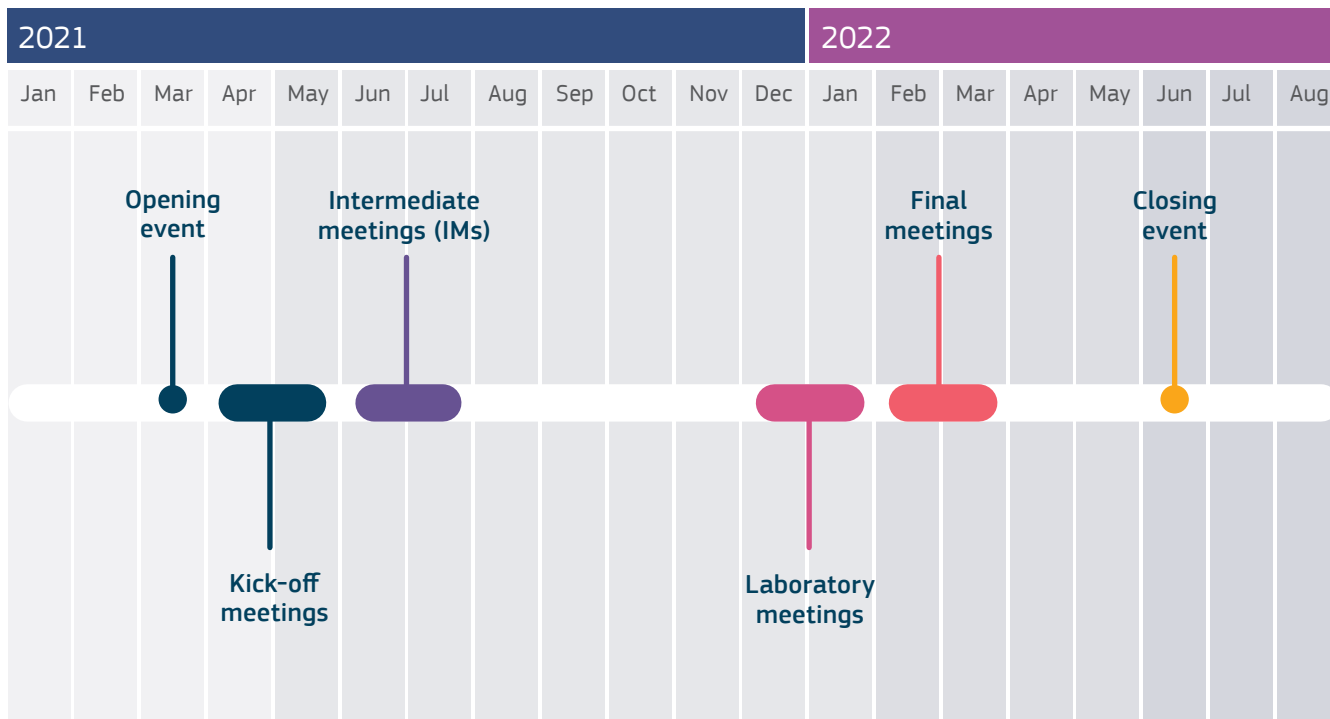
Product-specific activities (PSAs)



Roles and responsibilities

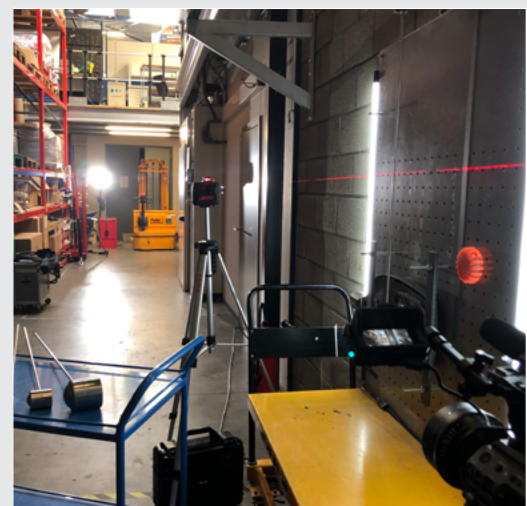


2. PSA work plan



Continuous internal communication via the Wiki Confluence platform

INCEPTION	SAMPLING AND TESTING	REPORTING	EXTERNAL COMMS
Desk research	Laboratory tendering process	Risk assessment	Development of a comms toolkit
Scoping interviews	Laboratory selection and contracting	Coordination of measures adopted by MSAs	Development of communication messages
Draft testing and sampling plan	Sampling and transportation	Drafting of final reports	Launch of communications campaign
Laboratory mapping	Testing process and test reports	Disposal or return of samples to MSAs	Assessing the impact



3. PSA Tools & processes



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