

---

STATUTORY INSTRUMENTS

---

**2011 No. 1881**

**The Toys (Safety) Regulations 2011**

**PART 2**

**Prohibitions and Obligations on Economic Operators**

*Importers*

**Prohibitions on placing toys on the market**

**26.**—(1) An importer must not place a toy on the market unless it will comply with the essential safety requirements during its foreseeable and normal period of use.

(2) An importer must not place a toy on the market unless—

- (a) the importer has ensured that the manufacturer has done all of the following in relation to the toy—
  - (i) followed the applicable conformity assessment procedure in accordance with regulation 13;
  - (ii) drawn up the technical documentation in accordance with regulation 17;
  - (iii) affixed the CE marking in accordance with regulation 18;
  - (iv) complied with regulation 19 (information identifying toy and manufacturer);
  - (v) complied with regulation 20 (instructions for use, safety information and warnings);and
- (b) the importer has complied with both of the following—
  - (i) regulation 27 (information identifying importer);
  - (ii) regulation 28 (storage or transport of toys).

**Information identifying importer**

**27.**—(1) An importer must ensure that the following information is marked on the toy—

- (a) the importer's name, registered trade name or registered trade mark; and
- (b) the address at which the importer can be contacted.

(2) The information may instead be marked on the toy's packaging or on a document accompanying the toy where—

- (a) the size or nature of the toy precludes the information from being marked on the toy; or
- (b) the importer would have to open the toy's packaging in order to mark the information on the toy.

**Storage or transport of toys**

**28.** An importer must ensure that, while a toy is under the importer's responsibility, the conditions in which it is stored or transported will not jeopardise the toy's compliance with the essential safety requirements during its foreseeable and normal period of use.

**Monitoring of toys**

**29.—(1)** An importer must take such of the following actions in relation to a toy as the importer considers appropriate for the purpose of protecting the health and safety of consumers, taking into account any risk presented by the toy.

(2) The actions are—

- (a) carrying out sample testing of marketed toys;
- (b) investigating any complaint made in relation to the toy;
- (c) keeping a register of—
  - (i) any such complaints;
  - (ii) any toy in relation to which any provision of these Regulations has not been complied with; and
  - (iii) any toy which has been recalled; and
- (d) keeping distributors informed of any action taken by the importer in accordance with subparagraph (a), (b) or (c).

**Non-compliant toys and toys presenting a risk**

**30.—(1)** Paragraph (2) applies if an importer has reason to believe that a toy which the importer was intending to place on the market—

- (a) will not comply with the essential safety requirements during its foreseeable and normal period of use; and
- (b) presents a risk.

(2) The importer must inform the manufacturer and the relevant enforcement authority of the risk presented by the toy.

(3) An importer who has placed a toy on the market and has reason to believe that any provision of these Regulations has not been complied with in relation to the toy must immediately—

- (a) take the corrective measures which are necessary to ensure that the provision is complied with in relation to the toy, or withdraw or recall the toy, if appropriate; and
- (b) where the toy presents a risk, provide the relevant enforcement authority with information about the following matters.

(4) The matters are—

- (a) the risk presented by the toy;
- (b) the non-compliance in question; and
- (c) any corrective measures taken in accordance with paragraph (1)(a).

(5) An enforcement authority may request an importer who has placed a toy on the market to cooperate with it in relation to any action taken or to be taken to eliminate any risk posed by the toy.

(6) The importer must comply with the request.

### **Duties to retain and provide information**

**31.**—(1) An importer must, for a period of 10 years after the day on which the toy is placed on the market—

- (a) keep a copy of the EC declaration of conformity; and
- (b) ensure that the technical documentation can be made available to an enforcement authority on request by the authority.

(2) An enforcement authority may, during the 10 year period, request an importer to provide, within such period as the authority may specify, a copy of all or part of the technical documentation (including the EC declaration of conformity), or a translation of it into English.

(3) The request must be accompanied by the reasons for making the request.

(4) The importer must comply with the request.

### **Duty in certain circumstances to comply with manufacturers' duties in place of importers' duties**

**32.**—(1) This regulation applies where an importer—

- (a) places a toy on the market under the importer's name or trademark; or
- (b) modifies a toy already placed on the market in such a way that compliance with the essential safety requirements may be affected.

(2) The importer must comply with all of the duties imposed by these Regulations on a manufacturer and in such a case, a reference to the manufacturer in these Regulations is to be taken as being a reference to the importer.

(3) Such an importer is not required to comply with the duties imposed by these Regulations on importers.