

Policy and Executive Officer, Solace NI



[REDACTED], Senior Assistant Clerk
Windsor Framework Democratic Scrutiny
Committee (DSC)

Ref: DSC 178/25
13 June 2025

Marie Ward,
Chair, Solace NI
Issued by email to: [REDACTED]
CC: Solace NI

Dear Marie,

COM/2023/462 Proposal for a Regulation on the safety of toys

Thank you for your letter dated 18 April 2025 in relation to the abovementioned proposed EU act (enclosed for reference).

The European Parliament and Council of the EU reached a provisional agreement in relation to this proposed EU act on 10 April 2025 and the provisionally agreed text has now been made available [here](#).

At its meeting on 1 May 2025, the Windsor Framework Democratic Scrutiny Committee (DSC) considered this proposed EU act and your letter dated 18 April 2025.

The DSC agreed to write to SOLACE when the provisionally agreed text became publicly available, and request your views on whether any changes have been made to the text that would alter the original assessment you provided on 7 April 2025 (also enclosed for reference).

If possible, I would appreciate a response by 11 July 2025.

Yours sincerely,

[REDACTED]

[REDACTED], Senior Assistant Clerk
Windsor Framework Democratic Scrutiny Committee
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Senior Assistant Clerk
Windsor Framework Democratic Scrutiny Committee (DSC)

By email only: ██████████

Your Ref: DSC 72/25

18 April 2025

Dear ██████████

Thank you for your letter dated 11 April 2025 in reference to the response to the DSC provided by Solace NI on 7 April 2025.

I would highlight that the information provided in the Solace NI response is based on basic assumptions on potential impacts that have been drawn from initial interpretation of the regulations and the explanatory memorandum that was originally provided to the committee by the Department of Business and Trade. Our response reflects front line officer discussion of what the potential changes might mean, however I must clarify no detailed information has been provided to councils, or research undertaken by councils to fully ascertain or confirm what the impact for businesses will be.

In all areas of regulation, where councils are the enforcing body at a local level, we would expect that national and regional level engagement with affected businesses and regulatory impact assessments be completed, with practical guidance for businesses and enforcing bodies also provided by the central competent authority for the specific regulatory function. This happens in other areas of regulation such as Food Hygiene and Food Standards, Environmental Protection and Health and Safety at work.

For consumer product safety matters, which are reserved matters at Westminster (i.e. not devolved to the NI Assembly), we would expect this to be undertaken by the Office of Product Safety and Standards (part of the Department of Business and Trade). Such information has not yet been provided to NI councils in respect of the proposed EU regulations. We would suggest that the committee should seek this information from the Office of Product Safety and Standards (OPSS).

In relation to the additional questions posed by the committee, I would reiterate that the OPSS within the Department of Business and Trade are best placed to advise on what engagement with stakeholders has been undertaken in respect of the proposed regulations, what impact assessments have been conducted, and their view on the implications for businesses exporting / importing to Northern Ireland, and for businesses in Northern Ireland retailing such goods local. I have however provided individual responses to each question below:

Regulatory alignment / divergence

SOLACE states that if the proposal was applied in NI, it would “pose a challenge to the toy industry”. If it was not applied, SOLACE states businesses would not be “aligned with either the UK or EU market.” This, SOLACE suggests, would lead to challenges for businesses and consumers in NI, as well as difficulties for councils providing advice and carrying out enforcement.

- If the proposal was to apply in NI, what specific challenges would it pose for the toy industry, and would there be any cost/supply implications for consumers and businesses?
- If the proposal was not applied in NI, what specific challenges would arise for businesses and consumers as a result of the 'trivergence', and would there be any cost/supply implications for consumers and businesses?

Councils do not hold any additional information on specific challenges for the toy industry or on potential trivergence. Whilst at an officer level it may be assumed there 'might' be some impact, we are not in a position to quantify what this would be or how trading processes might be affected in any detailed way as we do not hold this information. We would expect that this would be a role for the national competent authority (OPSS) to advise the committee on, following engagement with stakeholders in industry.

GB-NI Movement

If applied, the proposal would alter the requirements that toys must meet to be sold in NI (including those manufactured in GB). The European Parliament's [press release](#) dated 10 April 2025 states that the proposal "clarifies requirements for online marketplaces", and that obligations would also apply to fulfilment service providers.

- If the proposal was to apply in NI, how would you expect it to impact on the movement of toys between GB and NI?

Councils have not assessed the impact for movement of toys between GB and NI. Councils do not hold data on trade movement volumes for such products or details of the relevant customs declaration processes. We would expect that OPSS, as the national competent authority for product safety, would be able to advise on the implications for such movements.

Nonetheless, we assume that products for sale in NI would need to meet the EU regulations to be compliant and permitted for sale in NI.

Product Safety

SOLACE states applying the proposal in NI would "significantly benefit" consumers from a product safety perspective.

- In terms of product safety, can you provide more detail on how applying the proposal would significantly benefit consumers in NI?
- Are there likely to be any product safety risks for consumers if the proposal was not applied in NI? If so, what are they?

At a summary level, we would expect there will be a benefit to consumers due to the additional controls being applied and these are outlined in our letter. Councils have not received any detailed information from OPSS that quantifies this potential impact for consumers. We would suggest that the committee seeks this information from OPSS.

Digital Product Passports

SOLACE states that the introduction of a new digital product passport would "assist district councils in verifying compliance". However, SOLACE states that it would also be "a burdensome administrative requirement for toy manufacturers."

- Can you provide more detail on how a new digital product passport would assist district councils in verifying compliance?

- What challenges would it pose for toy manufacturers based in, or selling into, NI?

We can advise that we would expect that a digital product passport for relevant products will be publicly accessible online to consumers, businesses and regulators alike. This will aid councils in their enforcement role to access relevant safety and business information more quickly in relation to products under investigation. We do not have detailed information on how the digital product passport scheme will work, how businesses will interface with the scheme or any associated challenges they might face. We would expect that the national competent authority for product safety in Northern Ireland and GB (OPSS) will assess this and provide advice and guidance to businesses affected. We would suggest that the committee should seek this information from OPSS.

Consultation and engagement

SOLACE states that “councils have not been formally consulted by the Department of Business and Trade on the proposed legislation.”

- Has the UK Government indicated that it intends to consult councils on the proposal as it progresses through the EU legislative system?
- Have councils undertaken any stakeholder engagement on the proposal? If so, what was the outcome?

The UK government has not indicated to councils that it intends to consult on the proposals. Nonetheless, in many areas of regulation, central competent authorities with policy and legislative oversight roles at the national level would often engage with enforcement bodies (including local councils) to advise on upcoming changes in EU legislation, and when appropriate, provide additional guidance. For consumer product safety, OPSS are the central competent authority and are also the designated Single Liaison Office for the EU, in respect of product safety regulation in Northern Ireland. We would therefore suggest that the committee seeks an update from OPSS on its plans for engaging NI stakeholders in respect of forthcoming EU legislation to understand its impacts and to ensure that businesses and local councils are supported in its implementation.

Councils have not undertaken stakeholder engagements on the proposals. We would expect that the central competent authority for Product safety (OPSS) would engage with industry/businesses, consumer groups and enforcement bodies to assess and understand the impacts of forthcoming changes to, or additional, legislation that will apply in Northern Ireland. We are not aware of OPSS undertaking any such engagement in respect of the proposed regulations for Toy Safety.

In light of the information above, I am conscious that councils are unable to offer any additional insight to the original response. Councils are not best placed to advise the committee on the potential impacts, and we would expect that OPSS would support NI stakeholders in ensuring any new EU legislation to be applied in NI is fully understood and prepared for. We would therefore suggest that the committee directs these questions to OPSS.

Should the committee decide they still wish to question representatives from local councils, I must advise it would be preferable the Office of Product Safety and Standards be in attendance to provide the clarity required.

Yours sincerely



Marie Ward
Chair, Solace NI

CC: Solace NI



Policy and Executive Officer, Solace NI



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Chair, Solace NI



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██████████
Senior Assistant Clerk
Windsor Framework Democratic Scrutiny Committee (DSC)
By email only: ██████████

7 April 2025

Dear ██████████

[COM/2023/462 Proposal for a Regulation on the safety of toys](#)

I am writing in response to your letter regarding the above matter which councils have now considered, as outlined below.

1. Whether it appears likely that the application of the proposed EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.

Councils have not been formally consulted by the Department of Business and Trade on the proposed legislation, and are therefore not in a position to make a detailed and long-term assessment to quantify the impacts of applying the proposed legislation on communities in Northern Ireland.

It is our understanding that the proposed EU regulation aims to enhance toy safety by addressing the risks associated with harmful substances and ensuring stringent safety standards for toys within the EU Market.

The main changes to the proposed EU Regulation will increase protection from harmful chemicals in toys and provide for the introduction of a new digital product passport. Whilst these changes will pose a challenge to the toy industry, it will reduce the number of non-compliant and unsafe toys on the EU market by strengthening the enforcement of the legal requirements, in particular for toys both imported and sold online. By holding online marketplaces accountable, the regulations seek to ensure that only compliant and safe toys reach the consumer. This will significantly benefit consumers in Northern Ireland from a product safety perspective.

The introduction of enhanced rules on chemicals will mean better alignment with existing chemical regulations such as Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), and Classification, Labelling and Packaging (CLP), which district councils enforce. The proposed changes are also in line with the Chemicals Strategy for Sustainability (CSS), which protects public health and the environment from harmful chemicals, whilst promoting innovation for safer and more sustainable communities in Northern Ireland.

The digital product passport replaces the current Declaration of Conformity for Toys and provides information on the compliance of products to district councils, supply chain 'actors' and consumers. It will assist district councils in verifying compliance and helping to reduce the number of non-compliant and unsafe toys on the Northern Ireland market. Again, from a product safety perspective, this will significantly benefit consumers in Northern Ireland, but will be a burdensome administrative requirement

for toy manufacturers.

In summary, whilst the proposed EU Toy Safety regulations present challenges for the toy industry, it will greatly enhance consumer protection and toy safety.

2. *Whether it appears likely that not applying the proposed EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.*

Councils have not been formally consulted by the Department of Business and Trade on the proposed legislation, and are not in a position to make a detailed and long-term assessment to quantify the impacts of not applying the proposed legislation on communities in Northern Ireland.

Currently the safety of toys is regulated by Directive 2009/48/EC, which establishes the requirements that toys, both EU-made and imported, must meet in order to be placed and sold on the EU/NI market. The new proposed legislation addresses certain weaknesses and responds to several new challenges introduced by digital (smart) toys and online shopping.

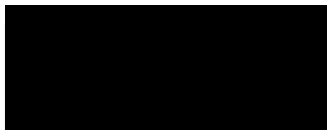
By not applying the proposed new legislation, the benefits outlined in point 1. above would be denied to consumers in Northern Ireland, and it will present difficulties for businesses who are already trying to navigate complex divergence issues.

3. *Details of any other matters regarding the proposed EU act which you wish to draw to the DSC's attention.*

The new legislation is in the form of a Regulation, with immediate effect and identical application in all EU member states, ensuring consistency in relation to the safety of toys.

There is already divergence between the UK and EU on toy regulations. If Northern Ireland does not apply the proposed EU Regulation, businesses will find themselves in a position where they are not aligned with either the UK or EU market. This will present challenges for Northern Ireland businesses and consumers. Additionally, consumer protection law is linked through numerous pieces of legislation, covering market surveillance, enforcement and responsibilities of economic operators. By not applying the proposed EU Regulation, this will create difficulties for district councils when providing advice and carrying out enforcement.

Yours sincerely



Marie Ward
Chair, Solace NI

CC: Solace NI