

EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND THE WINDSOR FRAMEWORK

REGULATION (EU) 2025/2509 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 November 2025 on the safety of toys and repealing Directive 2009/48/EC

Submitted by the Department for Business and Trade, 5th January 2026

SUBJECT MATTER

1. Directive 2009/48/EC on the safety of toys ('the Toys Directive') was introduced to ensure a high level of safety of toys and their free movement on the EU's internal market. The Toys Directive was implemented across the UK by the Toys (Safety) Regulations 2011 ('the UK Toy Regulations'). Following an evaluation in 2020 of the Toys Directive, the EU have introduced Regulation (EU) 2025/2509 on the safety of toys ('the new EU Toy Safety Regulation') which replaces the Toys Directive and includes new specific safety requirements that must be met to ensure children and consumers are protected from modern day risks, before toys can legally be placed on the EU market.
2. The new EU Toy Safety Regulation will apply in Northern Ireland ('NI'), subject to the relevant democratic scrutiny processes, where certain EU product regulations continue to apply to facilitate dual access to both the UK Internal Market and EU Single Market, under the terms of the Windsor Framework.
3. While some of the requirements remain the same as under the Toys Directive, the new EU Toy Safety Regulation introduces key revisions and additions which include, but are not limited to, the following:
 - i. extending the current generic prohibition of hazardous chemicals to cover further chemical classifications
 - ii. extending limit values that applied under the Toys Directive for certain substances in toys intended for children under 36 months or toys that are intended to be put in the mouth, to all toys.
 - iii. Introducing the Digital Product Passport ('DPP'), which is set to replace the current EU Declaration of Conformity.
4. The Toys Directive included a generic prohibition on substances in toys that are carcinogenic, mutagenic or toxic for reproduction ('CMRs'), having been classified as such under Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures ('EU CLP Regulations'). This prohibition of CMRs is retained in the new EU Toy Safety Regulation.
5. The new EU Toy Safety Regulation establishes a generic prohibition on the presence in toys of substances in the form classified under the EU CLP Regulations as follows:
 - i. CMRs, category 1A,1B or 2;

- ii. endocrine disrupting chemicals ('EDCs') for human health, category 1 or 2;
 - iii. specific target organ toxicity, category 1, either in single exposure or in repeated exposure;
 - iv. respiratory sensitisation, category 1;
 - v. skin sensitisers, category 1A.
- 6. The new EU Toy Safety Regulation also imposes a generic prohibition on the presence of the bisphenols included in Part D of the Appendix, as well as the intentional use in toys of per- and polyfluoroalkyl substances ('PFAS').
- 7. If chemicals fall under any of these new classifications, it will result in automatic generic bans of their use in the manufacture of toys. However, as was the case with CMRs under the Toys Directive, the new EU Toy Safety Regulation allows for derogations to these general prohibitions in specific circumstances where there is sufficient evidence to demonstrate, for example, that the use of the chemical in the toy does not pose a risk to the safety of children, there are no suitable alternatives to the chemical available, and that the substance or mixture is not prohibited for use in consumer articles under Regulation (EC) No 1907/2006 (The Registration, Evaluation, Authorisation, and Restriction of Chemicals ('REACH') Regulations).
- 8. Under Appendix C of the Toys Directive there were limits in place for certain substances in toys specifically intended for children under the age of 36 months. The new EU Toy Safety Regulation will require such limit values to apply to all toys, and not just those intended for younger children.
- 9. There is a requirement for the safety assessment of toys falling within the scope of The Radio Equipment Directive (Directive 2014/53/EU), The EU Cyber Resilience Act (Regulation (EU) 2024/2847) or the EU AI Act (Regulation (EU) 2024/1689), to take account of the particular vulnerabilities of children when assessing the potential harm the toy may present. The EU AI Act and EU Cyber Resilience Act are subject to the Article 13(4) procedure under the Windsor Framework. Such provisions would only apply in NI with the agreement of the UK and the EU at the Withdrawal Agreement Joint Committee.
- 10. Government is committed to ensuring that toys made available in the UK are safe for consumers. We will consider evidence and proposals regarding potential risks to children's health and, where appropriate, will consider making amendments to ensure our regulations continue to protect consumers by responding to new product risks and opportunities to enable the UK to keep pace with technological advances.
- 11. The new EU Toy Safety Regulation also introduces a new requirement for manufacturers to create a digital product passport (DPP) for toys before they are placed on the market, including for toys sold online. There is also an obligation on manufacturers, importers and distributors to attach a 'data carrier' to all toys that links to the information required under the new EU Toy Safety Regulation, such as the specifications and safety information of the product, as well as other relevant requirements. This is a move away from the current paper-based requirements, though the information to be provided digitally is largely the same for the vast majority of toys. A small subset of toys, such as toys with embedded AI, may require new additional information, not as a result of the introduction of the DPP, but as a

result of other new safety assessment requirements introduced in other revisions made by the EU. The intention is that the DPP would be easily accessible to consumers or other end-users, market surveillance authorities, customs authorities, notified bodies, the Commission and other economic operators. However, it is intended that access to data held in the DPP will be differentiated by user group to balance transparency and security. Economic operators shall, before placing a toy on the market, upload the unique product identifier and unique operator identifier for that toy onto the Commission's digital registry.

12. Government is committed to taking the necessary steps to protect the UK internal market, ensuring consumers and businesses can continue to buy and sell products with confidence, while continuing to protect people and places from product related harm. This includes measures to avoid impacts on the movement of toys from Great Britain ('GB') to NI which would significantly impact businesses and consumers, resulting from the application of the new EU Toy Safety Regulation under the Windsor Framework. Further information on the measures the UK intends to take is set out in the policy implications and consultation sections.

SCRUTINY HISTORY

Toy Safety Regulation

13. Parliamentary scrutiny has previously been undertaken for the proposal for the new EU Toy Safety Regulation. An explanatory memorandum for COM (2023) 462 was submitted to the House of Commons European Scrutiny Committee and to the House of Lords Windsor Framework Sub-Committee on 9 November 2023.

Digital Product Passports

13. The DPP was originally introduced via Regulation (EU) 2024/1781 on Ecodesign Requirements for Sustainable Products. An Explanatory Memorandum providing opportunity to scrutinise was jointly submitted to the Northern Ireland Assembly by the Department for Energy Security and Net Zero, the Department for Environment, Food and Rural Affairs, and the Department for Business and Trade in July 2024. The Democratic Scrutiny Committee decided not to hold an inquiry into this matter.

MINISTERIAL RESPONSIBILITY

14. The Secretary of State for the Department for Business and Trade has responsibility for toy safety policy.

INTEREST OF THE DEVOLVED GOVERNMENTS (DGs)

15. The Devolved Governments have been consulted on this Explanatory Memorandum. This is a substantially reserved matter which the UK Government will continue to discuss with devolved counterparts as needed.
16. The new EU Toy Safety Regulation replaces the Toys Directive and will apply directly in all EU member states, and in NI under the terms of the Windsor Framework, subject to the relevant democratic scrutiny and consent processes. The Northern

Ireland Executive Office have been contacted as part of the preparation of this explanatory memorandum and did not raise any concerns. The Department of Business and Trade will continue to seek to engage with the Devolved Governments as the EU implements the new EU Toy Safety Regulation.

LEGAL AND PROCEDURAL ISSUES

Legal Base

17. The Toys Directive is listed in paragraph 17 to Annex 2 of the Windsor Framework, and the new EU Toy Safety Regulation will replace this Directive. In accordance with Article 13(3) of the Windsor Framework, the new EU Toy Safety Regulation will therefore apply to the UK in respect of NI, subject to the democratic scrutiny mechanisms set out in Article 13(3a) of the Windsor Framework and Schedule 6B of the Northern Ireland Act 1998.

Timetable for adoption and implementation

18. The new EU Toy Safety Regulation will apply from 1 August 2030 for the majority of its provisions, including those that introduce new requirements. However, Articles 28 to 44 and Articles 49 to 55 shall apply from 1 January 2026. Entry into force is to occur 20 days after publication. The new EU Toy Safety Regulation was published on 12 December 2025 meaning that the Regulation will come into force on 1 January 2026.

POLICY AND LEGAL IMPLICATIONS

19. The changes under the new EU Toy Safety Regulation will apply in relation to toys placed on the EU and NI markets from 1 August 2030. Under the Government's commitments to NI's unfettered access to the rest of the UK market, toys that meet the technical requirements of the new EU Toy Safety Regulation and are placed on the market in NI may also be legally placed on the GB market.
20. Manufacturers and suppliers will be afforded a considerable amount of time to adapt to the new requirements, and we therefore do not expect the new EU Toy Safety Regulation to create significant barriers to the movement of goods from GB into NI. This is even more likely given that, according to toys industry representatives, the majority of British toy manufacturers and distributors sell into both the UK and EU market, and will therefore be looking to apply the new requirements under the new EU Toy Safety Regulation to existing and future product lines.
21. The UK Toy Regulations are derived from EU law. The UK Toy Regulations implemented the Toys Directive in the UK and came into force on 19 August 2011. Following EU exit, the new EU Toy Safety Regulation will not apply in GB. However, the Product Regulation and Metrology Act 2025 ("PRAM Act") provides powers to amend product safety regulations as they apply in GB, including the UK Toy Regulations.
22. On deciding whether to implement the same or similar changes in GB, Government will consider, following appropriate consultation as required under the PRAM Act, whether this would deliver more protection for consumers, support business and

economic growth, and provide regulatory stability while protecting the UK internal market.

23. Manufacturers of toys within scope of the UK Toy Regulations must draw up a declaration of conformity stating compliance with the essential safety requirements. Parliament passed legislation in 2024 to continue recognition in GB of certain EU requirements, including the CE marking, for a range of products, which meant that manufacturers placing toys on the GB market on the basis of self-declaration of conformity could affix either a UKCA or CE mark to their products. This continued recognition was based on the requirements of the Toys Directive, so GB legislation will need to be amended for CE recognition to extend to products manufactured to the requirements of the new EU Toy Safety Regulation, should such continued recognition be considered to be in the interests of British businesses, relating to consumer safety, or environmental protection.

Northern Ireland

24. The key changes for manufacturers and other economic operators for placing products on the market subject to the new EU Toy Safety Regulation are:
- i. Generic prohibitions on chemical substances, including those classified EDCs and PFAS.
 - ii. Stricter limits on certain permitted chemical substances.
 - iii. Digitally connected toys will need to comply with new requirements relating to artificial intelligence (AI) and cybersecurity. However, the AI Act and Cyber Resilience Act are subject to the Article 13(4) procedure under the Windsor Framework. Provisions in these Acts would only apply in NI with the agreement of the UK and the EU at the Withdrawal Agreement Joint Committee.
 - iv. Replacing the EU Declaration of Conformity with Digital Product Passports (DPPs).
25. The DPP will replace the declaration of conformity for toy products sold on the NI and EU markets. The Government will consider DPP requirements as part of future reviews of GB product regulations. However, we expect that many UK manufacturers of toys are likely to meet the new requirements to be able to continue supplying products intended to be sold in the EU market, and it is expected that UK manufacturers will already hold most of the required information digitally. Any set-up costs are expected to be offset by ongoing savings relating to reduced physical labelling costs, and easier tracking and information sharing. We do not therefore, consider the impacts of introduction of DPP requirements under the new EU Toy Safety Regulation to result in significant impacts for those selling toys in NI or substantively affect trade in toys between NI and GB.
26. We understand that the EU is intending to produce guidance for Small and Medium Enterprises (SMEs) to ensure businesses are supported in light of the new regulations, and the UK will take similar steps to ensure UK SMEs will be supported.

CONSULTATION

27. There has been no formal public consultation undertaken by the UK Government with stakeholders on the impact of the new EU Toy Safety Regulation. This is because it is directly applicable EU regulation that will not apply in GB as a result of the UK's withdrawal from the EU but will apply in NI under the Windsor Framework. However, during the process of developing the new EU Toy Safety Regulation the EU held a public consultation as well as other stakeholder engagement activities.
28. The Department for Business and Trade will continue to engage with industry regarding the new EU Toy Safety Regulation. We are aware that industry raised concerns regarding the original transition periods proposed by the EU, but we note that these have been extended. UK Government will continue to engage with industry and other interested parties to hear their views relating to the impact of the new EU Toy Safety Regulation on the UK internal market to understand and minimise potential costs and other disbenefits for businesses while ensuring toys remain safe.
29. To this end, the Government will be launching a Call for Evidence within the next six months, which will cover the requirements of the new EU Toy Safety Regulation. This will be used to inform potential future regulatory changes in GB. Many of the Government's toy safety objectives are included in the new EU Toy Safety Regulation and we therefore wish to build on our understanding through this Call for Evidence. Subject to assessment, Government has powers to make changes to GB legislation, including through use of powers in the PRAM Act.
30. Government will also seek views through the Call for Evidence on whether it should extend the recognition of CE marking to GB for products covered by the new EU Toy Safety Regulation.

FINANCIAL IMPLICATIONS

31. The impact on those that would need to comply with the proposed changes, including NI, has been considered as part of the EU's assessment of impact. The EU published an Impact Assessment in July 2023 outlining the costs and benefits associated with the proposal.
32. The EU considered that savings could be made by moving to digital information (through implementing the DPP) and also in dealing with inspections by market surveillance authorities. The EU Impact Assessment did not, however, separate the cost of establishing a DPP scheme for the EU as a whole from the establishment and maintenance of the data costs for businesses.
33. The EU estimated the restrictions on chemical substances in toys could result in an increase in yearly testing costs as well as incremental one-off adjustment costs associated with product redesign and redevelopment. However, this is not expected to lead to a direct market contraction considering manufacturers may shift resources and production to alternative toys as well as consumers buying alternative toys.

MINISTERIAL NAME AND SIGNATURE

Kate Dearden MP

Parliamentary Under-Secretary of State for Employment Rights and Consumer
Protection

Department for Business and Trade

Kate Deacon.