

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

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CERTAIN MEMBER STATES ALREADY CONSIDER ALL ELECTRICAL TOYS TO FALL UNDER ROHS

In 2012, a final report prepared for the European Commission (EC), DG ENV, revealed that some Member States in the EU regarded that toys, irrespective of whether their primary or secondary function uses electric currents or electromagnetic fields, are in the scope of RoHS Directive 2002/95/EC. Compliance with RoHS or RoHS Recast Directive 2011/65/EU to these Member States would be immediate rather than July 2019.

In 2006, the European Commission (EC) published a non-legal binding FAQ document for RoHS and WEEE¹. According to the document, an equipment (e.g. an electric or electronic toy) which is 'dependent' on electric current or electromagnetic fields means electricity is the primary energy and the equipment must be dependent on electric current or electromagnetic fields in order to fulfill its basic (primary) function. If the electrical energy is used only for support or control (secondary function), such an equipment is not covered by WEEE. The FAQ also clearly excluded a teddy bear with battery as an example of a product that is outside the scope of RoHS.

In September 2012, we informed you that RoHS Recast (RoHS 2) will come into force on 2 January 2013. We also informed that electrical toys with minor or secondary, but intended, functions are not in the scope of RoHS and such toys are obliged to comply with RoHS Recast by 23 July 2019² on European Union level.

In 2012, a final report prepared for the EC, EN DGV, revealed that some Member States argued that toys, irrespective of whether their primary function uses electrical energy, are under the scope of RoHS as such toys are under Category 7 of the WEEE Directive³. According to the report, Member States known to have considered all toys that use electrical energy to fall under the scope of RoHS, and thus have never adopted the definition from the non-legal FAQ document in their local legislation, are Belgium, Denmark, Estonia, Finland, France, Ireland, Malta, the Netherlands and Sweden. For those MS national legislation all EE toys (including the secondary function toys) have been in scope of RoHS and consequently the expectation is that the national requirement may be that all EE toys must be RoHS 2 compliant by January 2013.



¹ [FAQ on Rohs \(Directive 2002/95/EC\) and WEEE \(Directive 2002/96/EC\), European Commission, 2006](#)

² [SGS-SafeguardS 160/12](#)

³ [BIO Intelligence Service \(2011\). Measures to be implemented and additional impact assessment with regard to scope changes, pursuant to the new RoHS Directive, Final Report prepared in collaboration with ERA Technology for the European Commission, DG ENV](#)

TABLE 1. HIGHLIGHTS FOR ELECTRICAL TOYS TO COMPLY WITH ROHS RECAST

DIRECTIVE 2011/65/EU (ROHS RECAST)	'MEASURES TO BE IMPLEMENTED AND ADDITIONAL IMPACT ASSESSMENT WITH REGARD TO SCOPE , CHANGES, PURSUANT TO THE NEW ROHS DIRECTIVE' (JULY 2012)
<p>Article 2 (2)</p> <ul style="list-style-type: none"> Electrical and Electronic Equipment (EEE) outside scope of RoHS but which would not comply with RoHS Recast may continue to be available on market until 22 July 2019 <p>(Enforcement for electrical toys whose secondary function is dependent on electrical energy will be 23 July 2019)</p>	<p>Section 1.2.1</p> <ul style="list-style-type: none"> Some member states argue that toys are under category 7 of WEEE Directive and are under RoHS irrespective of whether primary function depends on electricity Member states known to include all electrical toys under RoHS: Belgium, Denmark, Estonia, Finland, France, Ireland, Malta, Netherlands and Sweden

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for RoHS and other restricted substances in toys and other consumer products for the EU and international markets. Please do not hesitate to contact us for further information.

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