

BERR

Department for Business
Enterprise & Regulatory Reform

**WARNING REQUIREMENT FOR
TOYS CONTAINING MAGNETS**

Consultation on proposals to
implement the European
Commission Decision on
safety warnings for toys
containing magnets

APRIL 2008

URN 08/779

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1. Executive Summary

1.1. The European Commission is introducing a Decision under Article 13 of the General Product Safety Directive (2001/95/EC) which will require all toys containing magnets of an ingestible shape and size, which are accessible to children, to carry a warning about the risk magnets pose to health and safety when swallowed or inhaled.

1.2. This measure is being introduced as part of a series of actions to deal with a consumer safety hazard that came to light during a number of worldwide toy recalls during 2007. The hazard, which previously had been little appreciated within the toys industry, is the ability of magnets to attract to each other, or to metal parts, through internal human tissue when swallowed or inhaled. The Decision is to be a temporary measure that will remain in force until the European toys standard can be revised to set new design requirements that will prevent magnets coming loose from their housings.

1.3. The Decision is expected to be formally adopted around the end of March or beginning of April 2008 and will set a date three months from date of adoption by which time Member States must have put in place measures implementing it. The warning requirement will come into force on the same date.

1.4. We are proposing to implement the warning requirement in the UK by introducing regulations under section 11 of the Consumer Protection Act 1987.

1.5. We believe the new burdens introduced by a mandatory requirement would fall mainly on small and medium size businesses but would not be significant. This assumption is based on the understanding that most larger businesses would voluntarily comply even if we did not introduce implementing measures.

1.6. This consultation invites comment on our proposals for implementing the Commission Decision and on the annexed impact assessment. Unfortunately, the timescale available to us to implement the Decision means that this consultation can only run for six weeks instead of the normal three month period. We have, however, been liaising with toy stakeholders (including representatives of small producers and retailers) about the issue since December 2007.

How to respond

1.7. This consultation opened on 2 April 2008. The last date for responses is 16 May 2008.

1.8. Consultation responses should be sent by post, fax or e-mail to:

Steve Ringer
Department for Business, Enterprise and Regulatory Reform
Consumer and Competition Policy
Bay 428
1 Victoria Street
London SW1H 0ET
Tel: 020 7215 0359
Fax: 020 7215 0357
magnetsintoys@berr.gsi.gov.uk

1.9. When responding please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

1.10. A list of those organisations and individuals who have been contacted about this consultation is provided in Annex B. We would welcome suggestions for others who you think may wish to be involved in this consultation process.

Confidentiality

1.11. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

1.12. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of this information we will take full account of your explanation. But we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

1.13. The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Complaints

1.14. If you have any comments or complaints about the way this consultation has been conducted, these should be sent to:

Vanessa Singhateh
Consultation Co-ordinator
Department for Business, Enterprise and Regulatory Reform
Better Regulation Team
1 Victoria Street
London SW1H 0ET
E-mail: vanessa.singhateh@berr.gsi.gov.uk
Tel: 020 7215 2293

1.15. A copy of the Code of Practice on Consultation can be found at Annex A

Additional copies

1.16. You may make copies of this document without seeking permission. Further printed copies of the consultation document can be obtained from:

BERR Publications Orderline
ADMAIL 528
London SW1W 8YT
Tel: 0845 015 0010
Fax: 0845 015 0020
Minicom: 0845 015 0030

1.17. An electronic version can be downloaded from the Department's website at: <http://www.berr.gov.uk/consultations/index.html>

Queries

1.18. Queries on the issues raised in this consultation should be addressed to Steve Ringer (see paragraph 1.8).

Consultation questions

1.19. This consultation does not seek views on the Decision itself (Annex C), only on the Impact Assessment (Annex D) and on our proposed implementing legislation (Annex E). We would find answers to the following questions particularly helpful.

Q1. Have we assessed the relative merits of the various policy options correctly?

Q2. Do you agree with our assumption that large businesses (manufacturers, importers and retailers) would comply with the warning requirement regardless of Government intervention?

Q3. Have we properly assessed the scale of burden that would fall to small

businesses?

Q4. Are there any costs or burdens that we have not identified?

Q5. Are there any other consequences of implementation that we have not anticipated?

Q6. Do you have any other comments that might aid the consultation process?

2. The proposals

Introduction

2.1. Following a series of worldwide toy recalls in 2007, the European Commission carried out a thorough examination of European toy safety controls. One of the conclusions from that exercise was that the hazard presented by magnets when swallowed or inhaled – their ability to stick together or to metal objects through human tissue – was not specifically covered. Furthermore, it was seen that the lack of clarity on how to deal with this hazard was leading to inconsistent enforcement and a failure to remove a serious risk from the market.

2.2. The Commission and Member States agreed that the solution was to update the European toys standard to include design requirements that would prevent magnets coming loose, and CEN (the European standards body) was mandated to take this work forward in June 2007. However, this work is not expected to complete for 2-3 years and it was felt that an interim measure was also needed. On 28 February 2008, the Commission and Member States agreed to introduce a temporary warning requirement to raise awareness of the problem and to do this via a formal Commission Decision introduced under Article 13 of the General Product Safety Directive (2001/95/EC) (the “GPSD”).

The requirement

2.3. The requirement to be introduced by the Decision is that all toys with magnets or magnetic components of an ingestible shape and size which are accessible to children must carry the following warning, or something similar:

“Warning! This product contains magnets or magnetic components. Magnets sticking together or becoming attached to a metallic object inside the human body can cause serious or fatal injury. Seek immediate medical help if magnets are swallowed or inhaled.”

2.4. The requirement will come into force three months from the date of publication of the Commission Decision in the Official Journal of the European Union and will apply to new toys and to toys already on the market.

How we will implement the requirement

2.5. There is a legal obligation on EU Member States to implement Article 13 Decisions, so the ‘do nothing’ option is not available to us.

2.6. We have considered three implementation options. The first of these, to reach agreement with industry bodies on self-regulation, we rejected because although the industry, both production and retail, is well represented there are still a large number of unrepresented businesses who would not be covered by such an agreement and who might not feel bound by it. Given the disagreement within the industry over whether the Decision should have covered all strengths of magnet and products already on the market we feel the risk of significant non-compliance, particularly at the small retailer end of the sector, would be unacceptably high. Significant non-compliance would prove burdensome to Trading Standards who

would only be able to enforce the requirement using the General Product Safety Regulations 2005 (the “GPSR”), which would require them in every instance to prove that the product was unsafe.

2.7. We also considered using Regulation 35(2) of the GPSR to direct local authorities on how they should enforce the warning requirement using powers already available to them under the Regulations. But again, without a specific legal requirement on business, we saw similar disadvantages to those associated with the voluntary agreement option.

2.8. We concluded that introducing regulations under s11 of the Consumer Protection Act 1987 would provide the clarity and legal certainty necessary to encourage full compliance and to support consistent enforcement. We see separate regulations as being better suited to the temporary nature of the Commission Decision compared to amending the Toy (Safety) Regulations 1995. We will consider whether it is safe to revoke the Regulations once the Decision is allowed to expire.

Impact on business

2.9. The Impact Assessment at Annex D indicates that the new burdens (and costs) resulting from any of the considered options would be broadly the same – they would fall mainly on SMEs (particularly retailers) but would not be significant.

ANNEX A

The Consultation Code of Practice Criteria

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The complete code is available on the Cabinet Office's web site, address <http://www.cabinetoffice.gov.uk/regulation/consultation/index.asp>

ANNEX B

Organisations contacted

Argos
British Chambers of Commerce
British Retail Consortium
British Shops and Stores Association
British Standards Institution
British Toy and Hobby Association
British Toymakers Guild
Child Accident Prevention Trust (CAPT)
Clive Shelton Associates
CBI
EQUITOY (Association of Toy Importers)
Federation of Small Business
Forum for Private Business
Hasbro Europe
Health and Safety Commission
HM Revenue & Customs
Institute of Directors
LACORS
Littlewoods
Mail Order Trader's Association
Mega Brands Europe
National Consumer Council (NCC)
National Federation of Retail Newsagents
National Market Traders' Association
Royal Society for the Prevention of Accidents (RoSPA)
The Social Enterprise Coalition
Tomy UK Ltd
Toy Retailers Association
Toys R Us
Walt Disney
WH Smith
Woolworths

ANNEX C



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,
C(2008)

final

Draft

COMMISSION DECISION

of

requiring Member States to ensure that magnetic toys placed or made available on the market display a warning about the health and safety risks they pose

Draft

COMMISSION DECISION

of

requiring Member States to ensure that magnetic toys placed or made available on the market display a warning about the health and safety risks they pose

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety¹, and in particular Article 13 thereof,

Having consulted the Member States,

Whereas:

- (1) Pursuant to Directive 2001/95/EC and Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys², as amended by Council Directive 93/68/EEC, producers are obliged to place only safe toys on the market.
- (2) Directive 88/378/EEC lays down the essential safety requirements that toys must meet to ensure the safety objectives of the Directive. In addition, the Directive provides that, in order to facilitate the proof of conformity with the essential safety requirements, European standards concerning the design and composition of toys should be drawn up by the standardisation bodies. Currently the risk posed by magnets is covered by the general safety requirement of Directive 88/378/EEC, but the Directive does not lay down particular safety requirements dealing with the risk posed by magnets.
- (3) The European Committee for Standardisation (CEN) issued European standard EN 71-1:2005 "Safety of toys – Part I: mechanical and physical properties" which is a consolidated version of harmonised standard EN 71-1:1998 and its 11 amendments. Toys complying with the standard are presumed to be in conformity with the essential requirements of Directive 88/378/EEC, as far as the specific requirements covered by the standard are concerned. The standard does not currently contain technical requirements for magnetic toys. In accordance with Article 8(2)(a) of Directive 88/378/EEC, producers must have recourse to EC type-examination when a harmonised standard does not cover all the risks that a toy may present.

¹ OJ L 11, 15.1.2002, p. 4.

² OJ L 187, 16.7.1988, p. 1. Directive as amended by Directive 93/68/EEC (OJ L 220, 30.8.1993, p. 1).

- (4) In order to address the specific risks of magnetic toys, on 25 May 2007 the Commission gave a mandate to CEN³, in accordance with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations⁴, to revise the European standard EN 71-1:2005 within 24 months. Pending the drawing up and entry into force of the revised standard, it is necessary to address immediately the risks posed by magnetic toys in order to minimise further accidents to children caused by these toys by improving the knowledge of the risks.
- (5) In addition to Directive 88/378/EEC, the safety of toys is covered by Directive 2001/95/EC which sets out the market surveillance framework for consumer products. According to Article 13 of Directive 2001/95/EC, if the European Commission becomes aware that certain products present a serious risk to the health and safety of consumers, it may, under certain conditions, adopt a decision requiring Member States to take temporary measures intended in particular to restrict or make subject to specific conditions the placing and making available on the market of such products.
- (6) Such a decision may be adopted if (a) Member States differ significantly on the approach adopted or to be adopted to deal with the risk concerned; (b) the risk cannot, in view of the nature of the safety issue, be dealt with in a manner compatible with the degree of urgency of the case under other procedures laid down by the specific Community legislation applicable to the product concerned; and (c) the risk can be eliminated effectively only by adopting appropriate measures applicable at Community level, in order to ensure a consistent and high level of protection of the health and safety of consumers and the proper functioning of the internal market.
- (7) A serious risk has recently emerged concerning magnets in toys. Even though magnets have been used in toys for a long time, in the last few years they have become increasingly powerful and they can become detached more easily if attached using the same techniques as those employed in the past. Moreover, given their increased strength, loose magnets or magnetic parts used in toys now pose a higher risk of serious accidents than in the past.
- (8) This serious risk has been established by a number of accidents that were reported worldwide in the course of 2006 and 2007 where children had swallowed magnets detached from toys or small parts of toys containing magnets. When more than one magnet is swallowed, the magnets can attract each other and may cause intestinal perforation, infection or blockage, which can be fatal. Inhalation of those magnets has also caused serious injuries, and aspiration into the lungs requires immediate surgery.
- (9) Besides one fatal accident reported in the United States, several occurrences of children swallowing at least two magnets or a magnet and a metal object, and requiring major surgery, have been reported worldwide since 2006. These incidents have involved children aged between 10 months and 12 years.

³ Standardisation mandate to CEN of 25 May 2007 to draw up standard for magnetic toy (M/410).

⁴ OJ L 204, 21.7.1998, p. 37.

- (10) In 2006 and 2007, several toy producers launched major recalls of magnetic toys. In particular, over 18 million magnetic toys were recalled worldwide during the summer of 2007, and a significant proportion of these toys were on the European market. As a result of the accidents and the recent recalls, many producers have realised the risk and modified the design of the toys concerned, encapsulating or collaring the magnets in the parts containing them.
- (11) Some countries have already adopted measures to deal with the risk. In particular, the United States Consumer Product Safety Commission (CPSC) released, on 19 April 2007, a warning to parents concerning the health and safety risks posed by magnetic toys. The CPSC has also participated in the revision of ASTM F963-2007 'Standard Consumer Safety Specification on Toy Safety' created under the auspices of the standardisation body, ASTM International, to deal with magnets in toys. In Europe, both France and Germany have informed the Commission of national measures.
- (12) In its resolution of 26 September 2007 on the safety of products and particularly toys⁵, the European Parliament urged the Commission to use its powers to take restrictive measures, including bans, if consumer goods placed on the Community market are found to be unsafe.
- (13) Consultation of the Member States in the Committee set up by Article 15 of Directive 2001/95/EC has established that Member States differ significantly on the approach to deal with the risk posed by magnetic toys.
- (14) In the absence of Community rules, some Member States have adopted or are about to adopt divergent national measures to manage the risk posed by magnetic toys. The introduction of such national measures will inevitably result in an uneven level of protection and in intra-Community barriers to trade in magnetic toys. Several Member States have called for a Community measure.
- (15) There is Community legislation on small parts in toys meant for small children⁶, but that legislation does not deal specifically and sufficiently with risks from magnetic toys to children who are over three years of age. In view of the nature of the hazard, the risk posed by magnetic toys cannot be dealt with effectively under other procedures laid down in specific rules of Community law in a manner compatible with the degree of urgency of the case. It is therefore necessary to have recourse to a temporary decision under Article 13 of Directive 2001/95/EC until the revised European standard EN 71-1:2005 provides a comprehensive solution to the problem identified. The targeted measure introduced by this Decision offers only a partial, temporary, short-term solution. The Commission has already clearly recognised the need for constructional requirements to deal adequately with the risks posed by magnetic toys when issuing the standardisation mandate to CEN to revise EN 71-1:2005.
- (16) In view of the serious risk from magnetic toys, and in order to ensure a consistent and high level of consumer health and safety protection throughout the EU as well as to avoid barriers to trade, it is urgent that a temporary decision pursuant to Article 13 of Directive 2001/95/EC be adopted. Such a decision should rapidly make the placing

⁵ Texts Adopted, P6_TA(2007)0412.

⁶ In accordance with Directive 88/378/EEC, toys, and their component parts, and any detachable parts of toys which are clearly intended for use by children under 36 months must be of such dimensions as to prevent their being swallowed and/or inhaled. This means that toys intended for children under 36 months must not contain any element liable to be swallowed or inhaled, whether magnets or not.

and making available on the market of magnetic toys subject to the condition that they are marked with an adequate warning of the risks linked to the presence of magnets or magnetic components of ingestible shape and size that are accessible to children. Such a decision should contribute to the prevention of further deaths and injuries.

- (17) In the light of the accident and hazard data and the pending permanent measure in the form of the revision of standard EN 71-1:2005, the scope of this Decision should cover magnetic toys.
- (18) This Decision is without prejudice to Articles 3(4) and 6 to 8 of Directive 2001/95/EC, and thus does not bar Member States from taking appropriate measures where there is evidence that a magnetic toy is dangerous, regardless of the conformity with the requirements in this Decision and other criteria designed to ensure the general safety requirement. Member States must carry out market surveillance and enforcement activities to prevent risks posed by unsafe products to the health and safety of consumers.
- (19) On the basis of the progress made with the revision of the European standard EN 71-1:2005 and with regard to the completeness of the revised standard and its adequacy to address fully the risks posed by magnetic toys, the Commission will decide whether to extend the validity of this Decision for additional periods and whether the Decision should be amended. In particular, the Commission will decide whether to introduce constructional requirements to supplement the warning required in this Decision.
- (20) A short transition period is necessary in the interests of both the Member States who must ensure that the Decision will be applied efficiently and also of the producers and distributors of magnetic toys who are subject to the obligation to place or make available on the market only magnetic toys that bear the appropriate warning. In this case, the shortest possible transition period should be laid down, consistent with the need to prevent further accidents and to ensure proportionality, taking into account that the measure consists of a marking only and does not require changes to the product design itself. Therefore, the requirement for a warning to be affixed to magnetic toys should apply shortly after the adoption of this Decision by the Commission.
- (21) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 15 of Directive 2001/95/EC.

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purposes of this Decision the following definitions shall apply:

- (1) “magnetic toy” means a toy that contains or consists of one or more magnets or one or more magnetic components that are of ingestible shape and size and are accessible to children;
- (2) “toy” means any product or material designed or clearly intended for use in play by children of less than 14 years of age;
- (3) “of ingestible shape and size” means fitting entirely into the small-parts cylinder defined in the standard EN 71-1:2005;
- (4) “accessible to children” means loose or able of becoming detached from the toy under normal or reasonably foreseeable conditions of use by children, even if originally contained, encapsulated, recessed or collared in the toy;
- (5) “making available on the market” means any supply of a magnetic toy for distribution, consumption or use on the Community market in the course of a commercial activity, whether in return for payment or free of charge;
- (6) “placing on the market” means the first making available of a magnetic toy on the Community market;
- (7) “withdrawal” means any measure aimed at preventing the distribution, display and offer.

Article 2

Warning

1. Member States shall ensure that magnetic toys which are placed or made available on the Community market display a warning :
 - (a) with the following wording: “Warning! This toy contains magnets or magnetic components. Magnets sticking together or becoming attached to a metallic object inside the human body can cause serious or fatal injury. Seek immediate medical help if magnets are swallowed or inhaled.”;
 - (b) or with an equivalent easily understandable wording that clearly conveys the same content.
2. The warning shall appear in a clearly visible and legible manner, conspicuously displayed on the packaging or otherwise attached to the magnetic toy in such a way as to be visible to the consumer at the point of purchase.
3. The warning shall appear in the official languages of the Member State in which the product is placed or made available on the market.

Article 3

Implementation

1. As of [Insert fixed day! three months from the date of adoption of this Decision by the Commission], Member States shall ensure that magnetic toys which do not display the required warning are prohibited from being placed or made available on the market.
2. As of [Insert fixed day! three months from the date of adoption of this Decision by the Commission], Member States shall ensure that magnetic toys which do not display the required warning and are placed or made available on the market are withdrawn from the market, and that consumers are adequately informed of the risk.
3. Member States shall inform the Commission without delay of the measures taken under this Article in accordance with Article 12 of Directive 2001/95/EC.

Article 4

Information

Member States shall take the necessary measures to comply with this Decision, publish those measures and forthwith inform the Commission thereof.

Article 5

Period of application

This Decision shall be applicable until [Insert fixed day! twelve months from the date of adoption of this Decision by the Commission].

Article 6

Addressees

This Decision is addressed to the Member States.

Done at Brussels, [...] 2008

For the Commission

Meglana KUNEVA

Member of the Commission

Summary: Intervention & Options

Department /Agency: Annex D - BERR	Title: Impact Assessment of implementing the European Commission Decision on warnings for toys containing magnets	
Stage: Consultation	Version: 1	Date: 27 March 2008
Related Publications:		

Available to view or download at:

<http://www.berr.gov.uk/consultations/open-consultations/index.html>

Contact for enquiries: Steve Ringer

Telephone: 020 7215 0359

What is the problem under consideration? Why is government intervention necessary?

There is no specific requirement in existing toy safety controls that could be used to counter the relatively new hazard seen to exist with toys containing magnets - i.e. magnets' ability, when swallowed, to cause injury by attracting through internal tissue. Government intervention is necessary to ensure the consistent use of warnings as a means of alerting consumers to a hazard they might not otherwise consider when buying magnetic toys. The intervention will also help to restore consumer confidence in toy safety following a series of high profile worldwide recalls in 2007.

What are the policy objectives and the intended effects?

The policy objective is to ensure consumers have adequate information about risks inherent in toys containing magnets so that they can make informed purchasing decisions and be able to take appropriate precautions to ensure the product is used safely.

What policy options have been considered? Please justify any preferred option.

- Do nothing
- Reach agreement with the toys industry on self-regulation
- Issue a Ministerial direction under the General Product Safety Regulations 2005
- Make regulations

The preferred option is to make regulations as the risk to consumers is deemed serious and in need of a precise mandatory control.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? The policy will be reviewed on an on-going basis throughout the life of the Commission Decision, which is a temporary measure.

Ministerial Sign-off For SELECT STAGE Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

.....Date:

Summary: Analysis & Evidence

Policy Option: 2-4	Description: Implementing the Commission Decision on warnings for toys containing magnets
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups' Almost all costs will fall to SMEs, and mainly to small retailers. All costs will be one-off. There should be no costs after the first year. The costs identified apply to all three implementation options.
	One-off (Transition) Yrs	
	£ 80,000-130,000 1	
	Average Annual Cost (excluding one-off)	
£	Total Cost (PV)	£ 80,000-130,000
Other key non-monetised costs by 'main affected groups' Implementing the Commission Decision will require (initially at least) increased focus from the local enforcement authorities (Trading Standards) but it is difficult to determine how this can be costed when it is assumed that there will be some re-ordering of local enforcement priorities.		

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups' We can identify no likely benefit to the health service as there is no data on injuries that we can expect to reduce.
	One-off Yrs	
	£	
	Average Annual Benefit (excluding one-off)	
£	Total Benefit (PV)	£ 0
Other key non-monetised benefits by 'main affected groups' There is an assumption that the implementing measure will help to restore consumer confidence in product safety controls but this is difficult to evidence as the toys industry report no adverse impact on sales.		

Key Assumptions/Sensitivities/Risks The main assumption is that most of the costs of compliance (particularly large business costs) will be met voluntarily regardless of whether we implement the Commission Decision, due mainly to the need to protect brand image and to be able to market products elsewhere in Europe.

Price Base Year	Time Period Years	Net Benefit Range (NPV) £ 0	NET BENEFIT (NPV Best estimate) £ 0
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What is the geographic coverage of the policy/option?	UK				
On what date will the policy be implemented?	June/July 2008				
Which organisation(s) will enforce the policy?	Trading Standards				
What is the total annual cost of enforcement for these organisations?	£ not yet known				
Does enforcement comply with Hampton principles?	Yes				
Will implementation go beyond minimum EU requirements?	No				
What is the value of the proposed offsetting measure per year?	£ N/A				
What is the value of changes in greenhouse gas emissions?	£ N/A				
Will the proposal have a significant impact on competition?	No				
Annual cost (£-£) per organisation (excluding one-off)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center;">Micro 0</td> <td style="width: 25%; text-align: center;">Small 0</td> <td style="width: 25%; text-align: center;">Medium 0</td> <td style="width: 25%; text-align: center;">Large 0</td> </tr> </table>	Micro 0	Small 0	Medium 0	Large 0
Micro 0	Small 0	Medium 0	Large 0		
Are any of these organisations exempt?	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center;">No</td> <td style="width: 25%; text-align: center;">No</td> <td style="width: 25%; text-align: center;">N/A</td> <td style="width: 25%; text-align: center;">N/A</td> </tr> </table>	No	No	N/A	N/A
No	No	N/A	N/A		

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)
Increase of £ 80k-130k	Decrease of £	Net Impact £ not yet known

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

Introduction

1. This Impact Assessment accompanies the consultation document on implementing the new European requirement for toys containing magnets to carry a warning about the health and safety risks they pose. Consultees are invited to offer their views on the treatment of costs and benefits.

Overview

2. Concern over toy safety grew during 2007 as a result of a number of worldwide product recalls. This prompted the European Commission to initiate a thorough examination of product safety legislation and its enforcement to discover whether there were any deficiencies that needed addressing.

3. Although the Commission's exercise confirmed that product safety legislation was generally fit for purpose it was found that the ingestion hazard inherent in toys containing magnets (i.e. the magnets' ability to cause injury by attracting to each other, or to metal parts, through internal tissue) was not specifically addressed. The Commission concluded that a lack of clarity on how to assess magnet-related safety was posing a barrier to the removal of this particular risk from the Community market.

4. The Commission and Member States have agreed that the solution is to revise the European Toys standard EN71 to set improved design requirements that would ensure magnets could not come loose from toy products. The European Committee for Standardisation (CEN) was accordingly mandated to take this work forward in June 2007 and to complete by summer 2009. As an interim measure to reduce the risk until the standard is revised the Commission is introducing a temporary requirement for all toys containing magnets to carry a warning highlighting the danger presented by magnets when swallowed. This requirement will come into force in summer 2008.

The Issue

5. The highly emotive nature of child safety has long ensured that toy safety controls are among the tightest of any product area. Legislation and technical standards have been regularly updated to broaden and strengthen these controls. However, confidence in these controls suffered as a result of several worldwide toy recalls during 2007.

6. In August 2007, Mattel announced it was recalling over 450,000 'Sarge' toy cars worldwide because of lead in the paint and 18 million toys (including Polly Pocket sets, Barbie Doll and Tanner play sets) containing small magnets because of fears that the magnets could come loose and could cause serious problems if swallowed. In September, the company also announced a recall of 700,000 Barbie pet and furniture play sets because of lead in paint. There were further recalls in October and November, with 12,000 Fisher Price 'Go Diego Go Animal Rescue Boat' toys recalled in the UK and Ireland because of lead in paint and 7,000 samples of the Fisher Price 'Laugh and Learn Learning Kitchen' recalled because of concerns over small parts breaking off and causing choking hazards. Fortunately, very few recorded injuries were linked to these products, and none in the UK.

7. None of these recalls resulted from market surveillance intervention, which raised the question whether European product safety controls were being properly enforced. The general conclusion from the ensuing Commission stocktake of product safety controls was that existing legislation, when properly applied, was capable of ensuring a high level of consumer protection. Nevertheless some shortcomings were identified including a lack of clarity on how to assess the safety of toys containing magnets in respect of their inherent ingestion hazard.

The hazard presented by magnets

8. The unique hazard presented by magnets when swallowed is their ability to attract to each other, or to other metal parts, through human tissue. When this happens in the intestine the strength of many magnets used today could very quickly result in damage to the intestine wall and even perforation. Where magnets attract through tissue inside the human body surgery is usually required to remove them.
9. There has been no systematic collection of data relating to incidents of children swallowing magnetic toy parts. The data that is available is often not clear on whether it was a magnet or a non-magnetic component of the toy that was swallowed, or even whether a toy was involved.
10. Research conducted by CEN found that in a seven year period up to March 2007 the American Consumer Product Safety Commission (CPSC) had issued 43 incident reports involving children between 11 months and 12 years, which included one fatality and 19 cases where medical attention was needed. At least 24 of these cases were related to magnetic building sets where magnets had come loose. In Europe, Greece reported 25 accidents between December 2003 and June 2005 where non-magnetic metal balls were swallowed from a magnetic building toy. Denmark reported that over an eight year period up to 2005 approximately 70 children were known to have swallowed either metal balls from a magnetic building toy or a magnet. Isolated incidents were also reported in Sweden, the Netherlands and Switzerland.
11. We have not been able to find any recent data of similar incidents in the UK where toys containing magnets were involved. In 2000, however, a number of children in Sheffield acquired several small but powerful industrial magnets which they then used to mimic body-piercing on various parts of the body. This led to 24 referrals to the Sheffield Children's Hospital, 9 of which involved swallowed magnets.

The UK market for toys with magnets

12. Estimating the number of UK businesses involved in the manufacture, importation and retail of toys has been difficult. We understand that collectively the British Toy and Hobby Association, Toy Importers Association, Toy Retailers Association and The Toymakers Guild have around 900 members, although this figure could include an element of double-counting. There may well be several more hundred businesses that are not represented.
13. The number of toy products containing magnets is not a statistic routinely collected by the toy industry, nor is the number of businesses manufacturing, importing or selling these products. However, one of the world's largest producers has said that it expects to have to over-label up to 10 million of its products across the EU. The same manufacturer advised that about 5% of its toy product range contained magnets that would be covered by the Decision.
14. The specialist toy sector (including department and mixed stores with a strong toy section) represents around 55-60% of toy sales by value. Internet sales account for much of the remainder. We estimate there are around 600-700 specialist toy retailing businesses, with all but four or five of these having less than 250 employees and more than 500 retailers having less than ten. In addition, there are probably around 10-20 departmental or mixed stores that have strong toy sections. Around 350 of all these businesses are single outlet. We assume that the vast majority of toy retailers supply some toys containing magnets.

The solution to the problem

15. Toy safety in Europe is controlled by the Toys Directive (88/378/EEC) with support from the General Product Safety Directive (the GPSD). The latter sets the general safety requirement for consumer products, the former sets the essential safety requirements for toys. The main European standard supporting the Toys Directive is EN 71.

16. The Commission has already mandated CEN to revise EN 71 (by summer 2009) to include design requirements that would prevent magnets coming loose from their housing. To reduce the risk in the interim the Commission is introducing a temporary mandatory warning requirement for toys containing magnets, which will come into force either at the end of June or beginning of July 2008.

17. The requirement will be for all toys containing magnets of an ingestible shape and size, and accessible to children, to contain the following warning (or something very similar):

"Warning! This product contains magnets or magnetic components. Magnets sticking together or becoming attached to a metallic object inside the human body can cause serious or fatal injury. Seek immediate medical help if magnets are swallowed or inhaled."

18. The requirement will apply to new toys and to those already on the market.

Identifying the extent to which the Commission Decision interacts with other legislative provisions

19. The Decision has some interaction with the following existing legislative provisions:

- **The General Product Safety Regulations 2005 (the "GPSR") (which implement Directive 2001/95/EC):** These set the general safety requirement that no producer can place on the market or supply an unsafe product. They apply to all consumer products that are not otherwise and to the same extent covered by product-specific legislation. As there is no provision in toy safety legislation for the introduction of a temporary emergency Community measure such as the Decision the power to do so provided under Article 13 of the GPS Directive is made available to the control of toy safety.
- **The Toy (Safety) Regulations 1995 (implementing Directive 88/378/EEC):** These set the essential safety requirements for toys, which together with European standard EN 71 set the basis for identifying and taking action on unsafe toys.
- **Council Regulation 339/93:** This is directly applicable community legislation that obliges Customs to inform local authorities when they come across products they suspect present a serious risk to health and safety.
- **The Consumer Protection Act 1987 (the "CPA"):** This provides the legal basis for much of the UK's consumer safety legislation, including the Toy Regulations. Infringement of the Regulations would constitute an offence under the CPA.

20. These legislative provisions overlap with the Commission Decision in terms of the groups of society they affect (their scope) and the extent to which the groups are affected (their scale). There are two ways in which this interaction takes place:

- By 'overlapping': The Decision replicates one or more of the other legislative provisions. For instance, without the Decision, the general safety requirement in the GPSR and the essential safety requirements in the Toy Regulations would still require toys containing magnets to carry adequate warnings.
- By 'partnering': Other legislation may increase or decrease the ability of the Decision to fulfil its intended purpose. The GPSR impose obligations on businesses and provides enforcement powers over and above those contained within the CPA and product-specific legislation – for example, providing the authorities with the power to order product recalls and obliging distributors to cooperate with producers and the authorities in action taken to remove risk from the market.

Identifying the unique aspects of the Commission Decision

21. Existing legislation and technical standards do not set specific requirements for warnings on toys containing magnets. The Decision would do this. Such Decisions are temporary twelve month (renewable) measures.

Rationale for Government Intervention

22. The proposed intervention addresses the asymmetry of information between consumer and supplier. Consumers (or more precisely parents) are generally unaware of the hazard presented by magnets when swallowed.
23. Full implementation of the Commission Decision is seen as essential to restoring consumer confidence in toy safety following the damage caused by the 2007 recalls.

Objectives of Intervention

24. The Decision aims to address the asymmetry of information by alerting consumers to the risk presented by magnets if swallowed. Placing warnings on packaging should re-assure consumers that they are being presented with sufficient information upon which to base an informed purchasing decision.

Options Identified

25. Four options have been considered for implementing the Decision's requirement, only one of which (the last) is regulatory.

Option 1 – Do nothing (the baseline)

26. This option would breach the UK's legal obligation to implement the requirements of an Article 13 Decision and would invite infraction. It is therefore rejected and is not considered further.

Option 2 – Reach agreement with the toys industry on self-regulation

27. There is not enough time to reach agreement with the various businesses who would have to be party to it. Many businesses feel that the requirement should only apply to strong magnets and some that it should not apply to products already in the supply chain at date of coming into force. There is also some reason to doubt that the agreement would fully bite given that there was evidently little early adoption of the magnets warning BTHA recommended to its members in autumn 2007.

28. This option is rejected.

Option 3 – Issue a Ministerial Direction (under Regulation 35(2) of the General Product Safety Regulations 2005) to local authorities on how to enforce the requirements using powers already available to them under the GPSR

29. This option was previously seen to be effective in implementing the Commission Decision on novelty lighters and child-resistant lighters. On this occasion, however, Lacors feels that a light touch non-regulatory approach is not appropriate to the greater risk and wider range (and greater number) of businesses associated with the magnets risk. Taking into account that the GPSR place the burden of proof on the enforcement authorities (to prove that the product is unsafe) and given their finite resources and wide range of responsibilities, the ability of local authorities to fully enforce the requirement might well be tested by a slow move to compliance by business.

30. This option is rejected.

Option 4 – Make regulations (either separately or via amendment to The Toys (Safety) Regulations 1995)

31. Regulations would make compliance with the requirement mandatory. We have considered both amending the Toy (Safety) Regulations 1995 and making standalone regulations. The former course may appeal to the toys sector as this legislation is already familiar to them but we feel the latter would be more appropriate for temporary regulations.

32. Making standalone regulations is the preferred option.

Benefits and Costs of Options

33. The following sections explore the benefits and costs associated with Options 2-4, which are assessed against the baseline of doing nothing (Option 1).

34. Benefits are hard to identify. We can foresee no obvious savings to the NHS as there are no records of incidents in the UK where magnets have been ingested after coming loose from toys. Although it is reasonable to believe warnings would have some beneficial impact on consumer confidence it is difficult to evidence this in any tangible way as the toy industry reports no adverse impact on Christmas sales from a supposed drop in confidence following last year's recalls.

35. Estimating costs has been hampered by difficulty in obtaining data relating to toys containing magnets. This has not previously been a focus for data collection and there is no specific customs code. What costs we have identified assume that the industry will have at least four months notice of the warning requirement coming into force, which should ensure that by the 'coming into force' date the majority of affected toys will have either had their packaging re-designed or will have been over-labelled at very low cost before entering the supply chain. We have also assumed that almost all small to medium size retailers would have to attach labels to the products themselves but that many check themselves what products needed labelling and to meet the cost of producing these labels and attaching them. All costs would be one-off transition costs. With all the implementing options it is likely there would be a small number of small manufacturers (particularly micro, craft and occasional manufacturers) who are not represented and would not know about the requirement. There is very little expectation of costs being passed on to consumers.

The baseline (do nothing)

36. If the UK did nothing to implement the Commission Decision it is still very likely (based on comments received from stakeholders) that almost all large and most medium size manufacturers and importers would voluntarily comply with the requirement in respect of re-designing packaging or producing and attaching labels to stock they still held, as well as over-labelling stock already supplied to some of their large retail customers. The motivation for doing this would be protection of brand image against a backdrop of a fully compliant Europe and/or because large retailers, with similar motivation, would demand it under terms and conditions. The commercial benefits of producing multiple-language packaging for marketing in different European countries would also argue for voluntary compliance.

37. Although it is for Trading Standards and ultimately the courts to decide, it is further assumed for the purpose of calculating costs that the BTHA recommended warning already in use meets the Decision's requirements. **This assumption should not be taken as Government advice to the industry. Businesses will need to take their own legal advice on the matter.**

38. We understand it is less likely that small to micro size manufacturers would voluntarily comply if there was no implementing activity in the UK, and very little likelihood of small to medium size retailers complying.

39. Regardless of policy option chosen, Lacors would still have to instruct local authorities on how they should take into account the European requirement when assessing product safety. There should be little or no further familiarisation costs associated with any of the implementation options.

Option 2 – Reach agreement with the toys industry on self-regulation

i) Benefits

40. This option could have a positive impact on **consumer** confidence compared to doing nothing but would still likely leave many consumers concerned, particularly those who saw the Channel 4 programme

'Dispatches' (shown in November 2007) which reported finding little evidence of compliance with the British Toy and Hobby Association recommendation to its members to include warnings on magnets.

41. An industry agreement would encourage many micro to medium size **producers** to comply who would otherwise not have done so under baseline.

42. Represented micro to medium size retailers would similarly be encouraged to comply. However, the timing of compliance, for most retailers, would likely be driven more by convenience than by an agreed deadline.

43. This option would require a significant **public sector** exercise with BERR needing to identify and negotiate with key businesses and representative bodies. There would then be an ongoing requirement to monitor the effectiveness of the agreement which would need to involve Trading Standards. Trading Standards would also need to do something to ensure that all relevant local businesses knew about the agreement.

ii) Costs

44. There would be no significant costs additional to baseline for medium and large size **Producers**. Where there is time to redesign packaging the cost of amending film should be negligible. We would expect to see 5-10 micro manufacturers spend between £100-£150 each on producing and attaching labels, giving a national cost in the range £500-£1,500. Medium size importers might face costs of £1,000-£2,000 per product in respect of handling container consignments. However, given the effective four-month notice period we would not expect this to happen often and would not expect costs to exceed £20,000 nationally. We suggest that compared to baseline the additional national costs for producers would be in the region £30,000.

45. It is likely that almost all of the 1,000+ micro to medium size **retail** outlets (including department stores) would have to attach labels themselves (at an equivalent staff time cost of £10 per retailer), though it is assumed that most would receive support from their representative body in the form of being supplied with appropriate sticky labels and advice on what toys needed to be labelled. Unrepresented SME retailers could expect to face the additional cost of producing their own labels and seeking advice from their suppliers concerning products to be labelled, which together might amount to an additional cost in the range £20-£50 per retailer. We suggest national costs equivalent to the staff time needed to attach the labels would fall in the range £50,000-£100,000.

46. There could be additional costs for the **public sector**. Trading Standards would need to be involved in monitoring the effectiveness of the agreement and we will consult the local authorities about this. There would be an impact on BERR staff resource in establishing contact with appropriate businesses and then negotiating the agreement.

Option 3 - Issue a Ministerial Direction (under Regulation 35(2) of the General Product Safety Regulations 2005) to local authorities on how to enforce the requirements using powers already available to them under the GPSR

i) Benefits

47. This option would have a positive impact on **consumer** confidence.

48. Although not a regulatory measure many **producers** would nevertheless see this option as giving the requirements a legal context, which should make decision-making (and compliance) easier for them. BERR and local authorities would have to ensure that all businesses known to be active in the toys supply chain were made aware of the requirements and that non-compliance would invite enforcement action under the GPSR.

49. As with producers, the legal context given to this option should encourage **distributor/retailer** compliance.

50. This option would provide a good basis for Trading Standards to take action if goods were found to be non-compliant. However, doing so under the GPSR would still place the burden of proof on them. They would have to prove via risk assessment that the product was unsafe which with limited resources and needing to juggle priorities could have a detrimental impact on consistent enforcement.

ii) Costs

51. The cost for **producers** and **distributors/retailers** would be the same as that indicated for Option 2.

52. There would be no significant cost for central government. Local authorities would be expected to do some additional short term market surveillance once the requirements come into force and we will consult further with them about this.

Option 4 - Make regulations (either separately or via amendment to The Toys (Safety) Regulations 1995)

i) Benefits

53. This option would have a positive impact on **consumer** confidence.

54. Having a specific legal requirement would maximise encouragement to **producers** and to **distributors/retailers** to comply.

55. There would be no impact on central government. Having a specific legal requirement would place the burden of proof more on to businesses which should relieve some of the pressure on local authority resources and make for more consistent enforcement.

ii) Costs

56. The cost for **producers** and **distributors/retailers** would be the same as that identified for Option 2.

57. There would be no costs for central government. Local authorities would expect to do some market surveillance focused on the requirements and we will consult further with them about this.

Small Firms Impact test

58. Given the assumption that large businesses would incur the cost of compliance voluntarily under the 'do nothing' baseline, and that many small to medium size businesses would not, the conclusion must be that most of the additional cost burden resulting from any of the three implementation options would fall on SMEs, and mostly on small retailers.

59. Our assumptions concerning SMEs were heavily influenced by our meeting with the four main toy representative bodies (the BTHA, British Toymakers Guild, Toy Retailers Association and the Toy Importers Association), all of whom rely heavily on SME membership, and subsequent correspondence.

60. Given the notice period of at least four months, and the very small number of small businesses who produce toys containing magnets (and the very small volumes involved), the impact on small producers from these requirements would be insignificant. Costs for those few micro producers who would be affected (no more than 5-10 businesses) should be little more than £100. Costs for medium sized producers (and particularly importers) might rise to £1,000-£2,000 per product depending on levels of stock held, but we do not expect these costs to greatly exceed £20,000 nationally. When taking into account our estimate of costs for small retailers, who represent the vast majority of retail outlets, we estimate an overall national cost for small businesses to be in the range £80,000-£130,000. However, some of this we might expect to be offset by, for example, representative bodies making suitable sticky warning labels available to their members free of charge.

Competition Assessment

61. There would be no impact on competition from full compliance with the requirements. Costs would typically be proportionate to the size of business and are not considered by stakeholders to be unduly burdensome. No one sector, size or type of business would be at a disadvantage compared to other businesses.

Enforcement

62. Regulations implementing the Commission Decision would be enforced by local authority Trading Standards. As part of the ongoing policy development process, the Department will consult with the local authorities to determine whether there are likely to be an impacts not hitherto identified.

Legal Aid

63. There is no impact.

Sustainable Development

64. There is no impact.

Carbon Assessment

65. There is no impact.

Other Environment

66. There is no impact.

Health Impact Assessment

67. There is no impact.

Race Equality

68. There is no impact.

Disability Equality

69. There is no impact.

Gender Equality

70. There is no impact.

Human Rights

71. There is no impact.

Rural Proofing

72. There is no impact.

Contact Point

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Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

2008 No.

CONSUMER PROTECTION

Magnetic Toys (Safety) Regulations 2008

Made - - - - - ***

Laid before Parliament ***

Coming into force - - - - - *July 2008*

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by section 11 of the Consumer Protection Act 1987(a).

In accordance with section 11(5) of that Act he has consulted such organisations as appear to him to be representative of interests substantially affected by the following Regulations, such other persons as he considered appropriate and the Health and Safety Commission.

Citation and commencement

1. These Regulations may be cited as the Magnetic Toys (Safety) Regulations 2008 and shall come into force on [] 2008.

Interpretation

2. In regulation 3—

“accessible to children” means loose or capable of becoming detached from the toy under normal or reasonably foreseeable conditions of use by children, even if originally contained, encapsulated, recessed or collared in the toy;

“BS EN 71-1:2005+A4:2007” means the British Standard for the safety of toys: mechanical and physical properties published by the British Standards Institution on 5th December 2005(b);

“EN 71-1:2005” means the European Standard ‘Safety of Toys – Part 1: physical and mechanical properties’ which was approved by the European Committee for Standardisation on 19 September 2005;

“ingestible shape and size” means fitting entirely into the small parts cylinder defined in—

- (a) EN 71-1:2005,
- (b) BS EN 71-1:2005+A4:2007, or
- (c) another standard or specification recognised for use in a Member State which corresponds to EN 71-1:2005;

“magnetic toy” means a toy that contains or consists of one or more magnets or one or more magnetic components that are of ingestible shape and size and are accessible to children;

(a) 1987 c.43. Section 11(1) has been amended by S.I. 2005/1803.
(b) ISBN 9780580595943

“supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly;

“toy” means any product or material designed or clearly intended for use in play by children of less than 14 years of age.

Requirement for magnetic toys to be accompanied by a warning

3.—(1) No person shall supply a magnetic toy unless it is accompanied by a warning containing either—

(a) the following wording—

“Warning: This toy contains magnets or magnetic components. Magnets sticking together or becoming attached to a metallic object inside the human body can cause serious or fatal injury. Seek immediate medical help if magnets are swallowed or inhaled.”; or

(b) equivalent easily comprehensible wording which clearly conveys the same meaning.

(2) The warning shall appear in a clearly visible and legible manner, conspicuously displayed on the packaging or otherwise attached to the magnetic toy in such a way as to be visible to the consumer at the point of purchase.

Commencement of proceedings

4.—(1) In England, Wales and Northern Ireland a magistrates’ court may try an information (in the case of England and Wales) or a complaint (in the case of Northern Ireland) in respect of an offence committed under section 12 of the 1987 Act in relation to a contravention of these Regulations if (in the case of England and Wales) the information is laid or (in the case of Northern Ireland) the complaint is made within twelve months from the time when the offence is committed.

(2) In Scotland, summary proceedings for such an offence may be begun at any time within twelve months from the time when the offence is committed.

Address	<i>Name</i> Parliamentary Under Secretary of State
Date	Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to Commission Decision SANCO/.../2008 (O.J. No. Lxx, xx.x.08, p.xx) (“the Decision”). The Decision is made under Article 13 of Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (O.J. L11, 15.1.2002, p.4).

The Regulations require all toys containing or consisting of magnets which could be swallowed by children (magnetic toys) to carry a warning about the dangers presented by magnets when swallowed.

A regulatory impact assessment of the effect that these Regulations will have on costs to businesses is available from the Consumer and Competition Policy Directorate of the Department for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London SW1H 0ET and on the BERR website (www.berr.gov.uk). Copies of a transposition note relating to these Regulations have been placed in the libraries of both Houses of Parliament. Copies are also available to the public from the Consumer and Competition Policy Directorate of the Department for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London SW1H 0ET.

Copies of British Standards are available from sales outlets operated by the British Standards Institution (BSI) or by post from BSI at 389 Chiswick High Road, London, W4 4AL.