

# BRINGING SAFE CREATIVE MATERIALS TO MARKET



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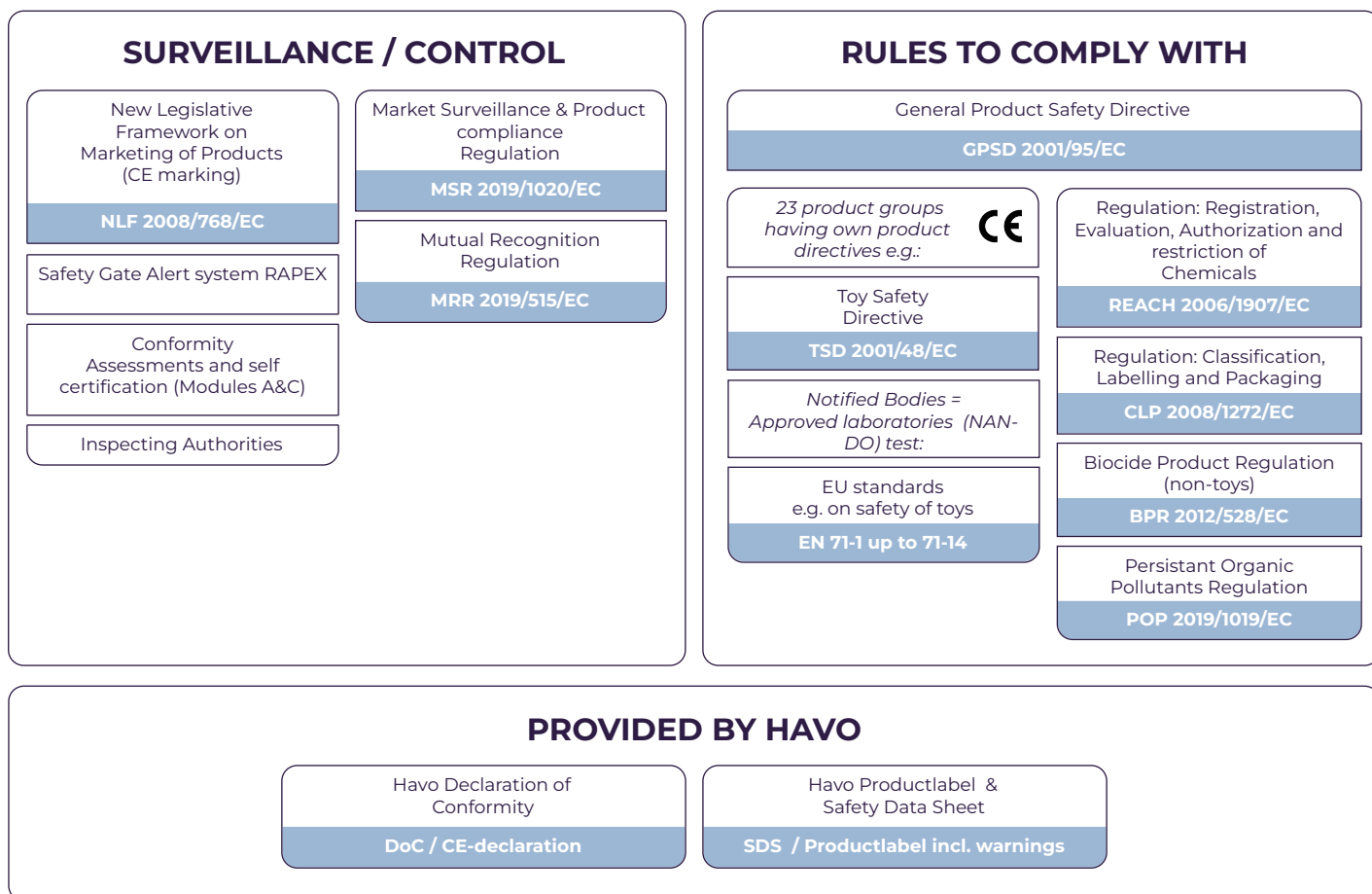
Every year, more than 2,300 products are withdrawn from the European market because they do not comply with legislation on quality, health, safety and the environment. As a retailer or school supplier, you want to offer your customers safe products and not have to deal with complicated legal proceedings. What should you pay attention to when bringing creative products to market?

## Which laws?

It is important to know which laws apply in your market and the country where your market is located. Let's take ourselves as an example: As a Dutch producer, we are subject to the European laws for creative products. That legislation is implemented and monitored on a country-by-country basis. In addition, there are national supplements per country on, for example, waste, packaging or water quality. From raw material to finished product, we must always comply with this legislation package. In the image below you can see a simplified representation of the laws that apply to our products.

## Simplified overview of EU-Regulations related to Havo products

National authorities implement the EU Regulations and Directives



The main laws for our products are:

- **REACH** (Registration, Evaluation, Authorisation and Restriction of Chemicals)
- **POP** (persistent organic pollutants law)
- **CLP** (Classification, labelling and packaging)
- **Toy Safety Directive**

Are you also in the European market or do you want to go there in the future? If so, chances are you will also have to deal with these laws. We therefore briefly explain the laws below.

## **REACH**

This law ensures that only approved and controlled substances are brought to market. This means that substances of concern or danger are not allowed at all or only up to a certain concentration. Manufacturers are also required by REACH to make safety data sheets available to their business customers, in our case the (school) wholesaler or retailer. These data sheets record the presence or absence of hazards during the production process (Health and Safety), storage, transport and use. It is important to have those fact sheets in your possession. After all, this means you are properly prepared for situations such as accidental ingestion. In that case, national anti-poison centres may urgently request the safety data sheets and ingredient list from you. So feel free to ask for these papers from your supplier.

## **POP**

In 2020, the Persistent Organic Pollution (POP) law came into effect. This law complements REACH and further restricts the use of harmful substances in the industry.

## **CLP**

The regulation for classification, labelling and packaging applies to both the business customer and the end user. CLP requires the manufacturer to indicate the potential hazards of the substances used on the label. Are the products sold in a web shop? Then the warning should be mentioned there too.

## **Toy Safety Directive and CE marking**

What exactly falls under toys? These are all products for children under the age of 14. Toys are one of the 23 product categories for which there is its own directive: the Toy Safety Directive. The Toy Safety Directive places additional safety requirements on children's products in terms of chemical and physical safety. This includes things like mentioning the danger of swallowing small parts or recommending parental supervision to prevent those dangers from occurring. If your toy product complies with this directive, you may use the CE marking, provided that:

- you can guarantee that the product always complies with the directive
- you have done a risk assessment (e.g. through testing)
- your technical file is in order

The CE marking is not checked by an external party and is therefore not a quality mark.

The European Committee for Standardisation (CEN) has prepared a number of standards to objectively assess toy compliance. A manufacturer can therefore also have its products tested against these European toy standards (EN 71). In addition, the safety of the products can also be monitored by carrying out entry checks on the raw materials yourself.

## **Supervision**

All of these laws do need to be complied with. This is supervised by national authorities. They conduct both random and scheduled inspections of products or companies. Irregularities or violations are reported to the European Safety Gate system (formerly Rapex) and reported to all EU countries.

## Conformity

When you bring products to the European market, you obviously want to be able to show that they comply with the applicable laws. Therefore, producers and importers are required to prepare a declaration of conformity. This states that the products in question comply with the relevant legislation, are of guaranteed quality and that this quality is safeguarded internally by means of controls. It doesn't hurt to ask your suppliers additional questions in addition to this document. Are they strict in their selection of raw materials? Do they perform entry checks on that as well? Is their quality management system in order? Are they ISO 9001 certified? The answers to these questions will help you get a better idea of how they ensure their quality.

## Non-conformity and liability

What if a product does not comply with the legislation? The associated hassle and possible reputation damage are, of course, not something you want. Therefore, it is wise to know what responsibilities and liabilities you have. These are laid down in, among others, the European Framework for the Marketing of Products (EC 768/2008).

If there are unsafe products, who has what responsibilities can also be found in that Framework. In that case, the producer and importer should inform the competent authorities, conduct a risk assessment and take the corresponding corrective measures. Corrective measures include modifying a product or withdrawing a product from the market (recall).

When a product is found to be unsafe, this is always reported to a national inspection. Within the European Union, that notification is sometimes passed on to other EU countries. Depending on the severity and extent of the danger to consumers when used, the inspection authority may impose fines.



Increasingly, retailers or tenders are making additional demands on aspects like social responsibility, sustainability, environment and origin of raw materials. Havo has its own Code of Conduct containing agreements and our vision on working conditions, environment and quality.

## Check your role!

So it's good to consider what role your company plays in the chain. This will give you a clear picture of what your responsibilities are with respect to the products you trade. Are you a European customer of a European producer? Then you are distributor. You then have a responsibility to alert your customer to potential hazards. You must make this information visible on safety data sheets, the label and, when applicable, in your web shop.

Are you a European customer of a non-European producer? Then many other roles and corresponding responsibilities are defined. In that case, keep a close eye on the legislation as well. In the coming years, the EU is going to impose stricter requirements on non-EU products, including those that come to market through so-called EU-distance sellers such as Amazon and Aliexpress.



## Questions?

Do you have a question as a result of the above or would you like more info? Then do not hesitate to contact our legislative specialist Paul Salverda at [ra@havo.com](mailto:ra@havo.com).

## Who is who?

- **Producer:**  
makes the products
- **Importer:**  
Brings products from abroad or outside the free trade area (like the EU) onto the domestic market
- **Distributor:**  
brings products made by external party to market