European Commission

Market Surveillance

Toys (Indoor climbing toys, Swings and Activity towers)

Final Report

JACOP 2024

Table of contents

Part 2

List of abbreviations

CASP	Coordinated Activities on the Safety of Products
EC	European Commission
EFTA	European Free Trade Association
EN	European Standard
EU	European Union
GPSD	General Product Safety Directive
ICSMS	Information and Communication System for Market Surveillance
JACOP	Joint Actions on Compliance of Products
KoM	Kick-off meeting
MSA	Market surveillance authority
PSA	Product-specific activity
TSD	Toy Safety Directive

Part 1

Executive summary

Objectives of the activity

This activity focused on activity toys for domestic use, which were identified by MSAs as a priority for a targeted safety investigation.

Product scope	Testing criteria
Indoor climbing frames Swings: • for children under 36 months (indoor and outdoor); • for children above 36 months (indoor and outdoor). Activity towers	All sampled products were tested against a selection of clauses from the standard **EN 71-8:2018 on mechanical properties for activity toys and EN 71 -1: 2014 + A1 2018** on packaging. Additionally, all activity toys marketed for children under 36 months where tested against **EN 71 -1 : 2014 + A1 2018** on small parts.

Results and conclusions

- Out of 89 samples tested, 74 did not meet at least one of the technical requirements of the testing plan. That is a failure of **84%**;
- 60 samples did not meet at least one of the requirements for markings, warnings and instructions;
- The economic operators need to take responsibility for the products they place on the market and that they meet their legal obligations regarding pre-market conformity assessment. The mechanical safety test requirements found in EN 71-8:2018 and EN 71-1:2014 + A1:2018 are both well-established and accepted;
- It is suggested that this product market continues to be monitored – either through sampling and testing or administrative market interventions.

Key recommendations

For consumers	For economic operators	For public authorities	For standardisation organisations
Carefully read installation instructions for activity toys to ensure safe construction. Regularly maintain and check activity toys for damage and do not use if broken.	If you are manufacturing activity toys, you have a legal duty to ensure the toys are safe and satisfy the essential requirements according to the Toy Safety Directive.	The high profile or cost of a product does not guarantee its safety; items that are expensive and widely recognised are not necessarily of superior quality or safety.	Safety-critical instructions should be marked on the product itself, not just in the manual as incorrect assembly could pose serious risks.

Overview of the activity

Participating MSAs

A total of 14 MSAs from 12 EU Member States and 2 EFTA countries participated in the activity toys product specific activity (PSA 4). Table 1 provides an overview of the participating MSAs.

Product scope

The Toy Safety Directive (2009/48/EC) defines activity toys under Art.3 § 21 as "*a toy for domestic use in which the support structure remains stationary while the activity is taking place and which is intended for the performance by a child of any of the following activities: climbing, jumping, swinging, sliding, rocking, spinning, crawling and creeping, or any combination thereof.*"

The three activity toys this Joint Action on Compliance of Products focused on were:

I. Indoor climbing frames
II. Swings:
- intended for children under 36 months;
- intended for children above 36 months;

III. Activity towers

Testing criteria

All sampled products were tested against a selection of clauses from the standard **EN 71-8:2018 on mechanical properties specific for activity toys and EN 71 -1: 2014 + A1 2018** on packaging. Additionally, all activity toys marketed for children under 36 months were tested against **EN 71 -1: 2014 + A1 2018** on small parts. All participating MSAs agreed to exclude chemical testing for this joint action.

In addition to the laboratory tests, the MSAs checked warnings, markings and instructions in their national language(s). A checklist with the main requirements was prepared by the technical expert to provide guidance to the MSAs.

Sampling and testing

The collection of samples from the participating MSAs took place from May to August 2024. The testing period ran from July to November and the laboratory meeting was held on 21 and 22 November 2024.

Overview of sampled products and sampling channels

The sampling was carried out based on a pre-selection by each of the MSAs, in line with the peculiarities of each market. The total number of samples was eventually adjusted to accommodate the capacity of each MSA and the availability of the products in their market. The MSAs decided how to allocate the total number of samples they assessed across the three different product categories and whether to sample products from all product categories or only specific ones.

A total of 89 samples was collected. The table below illustrates the number of samples collected by each MSA.

Table 1. Participating MSAs and number of samples collected

Country	Market Surveillance Authority	Indoor climbing	Swings under 36 months	Swings above 36 months	Swings under/above 36 months[1]	Activity towers
Austria	Austrian Agency for Health and Food Safety	3	4		1	1
Croatia	State Inspectorate		5	1	1	
Cyprus	Ministry of Energy, Commerce and Industry			3	1	
Finland	Finnish Safety and Chemicals Agency	2	2	2		
Germany	Government of Middle Franconia					6
Greece	Ministry of Development	1	1	2		3
Iceland	Housing and Construction Authority	4	1	2		
Ireland	Competition and Consumer Protection Commission	4		2		2
Malta	Malta Competition and Consumer Affairs Authority	3			1	1
Netherlands	Netherlands Food and Safety Authority		3	2		2
Norway	The Norwegian Directorate for Civil Protection		4			3

1) Four samples were swings that could be categorised for children either under or over 36 months, depending on how the seats are assembled.

Country	Market Surveillance Authority	Indoor climbing	Swings under 36 months	Swings above 36 months	Swings under/above 36 months[1]	Activity towers
Portugal	Economic and Food Safety Authority		2	1		2
Slovakia	Slovak Trade Inspection		1	4		1
Sweden	Swedish Consumer Agency	4				1
Total		21	23	19	4	22

Testing process

During the testing process, one of the primary challenges encountered was product categorisation, particularly for swings. Some swings could be categorised as both intended for children under and above 36 months, due to their interchangeable seats.

Additionally, it was difficult to determine whether certain products were intended for indoor climbing or as activity towers. Furthermore, there were difficulties in assembling some products due to incomplete instructions and, occasionally, missing parts. Certain products were excluded due to variations in assembly or arrangement that could classify them as different products. For example, a climbing arch facing upwards could be classified as a seesaw, which is not recognised by current toy safety standards. This could make it difficult to communicate failures to the manufacturer.

Test results

Overview of the test results and main findings

A total of 15 out of the 89 samples tested by the laboratory met all the requirements defined in the final testing plan, as shown in Figure 1. The remaining 74 samples did not meet at least one of the requirements.

Figure 1. Overall test results (n=89)

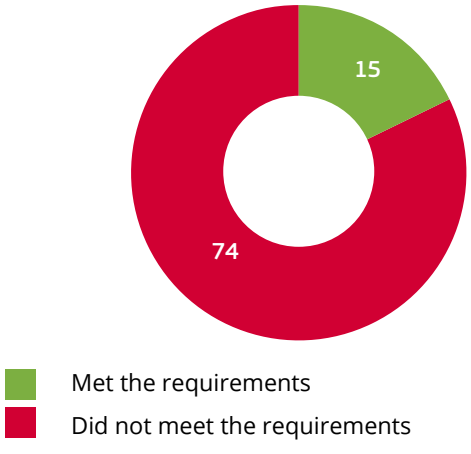
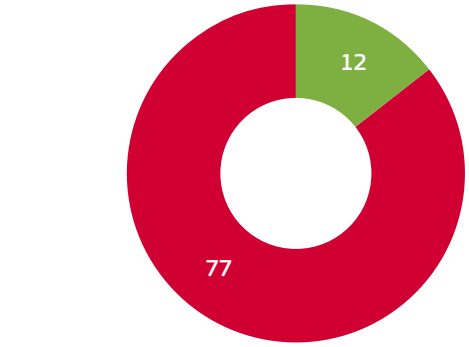


Figure 2. Overall results including warning, markings and instructions



The MSAs checked warnings, marking and instructions in their national language(s). Out of 89 samples, 60 (67 %) did not meet requirements. The most common non-compliance issues were warnings that were not in the appropriate national language(s) and incomplete information on the assembly and installation instructions.

If we consider both the tests performed by the laboratory and the warnings, markings and instruction checks performed by the MSAs, a total of 77 samples did not meet at least one of the requirements (see Figure 2).

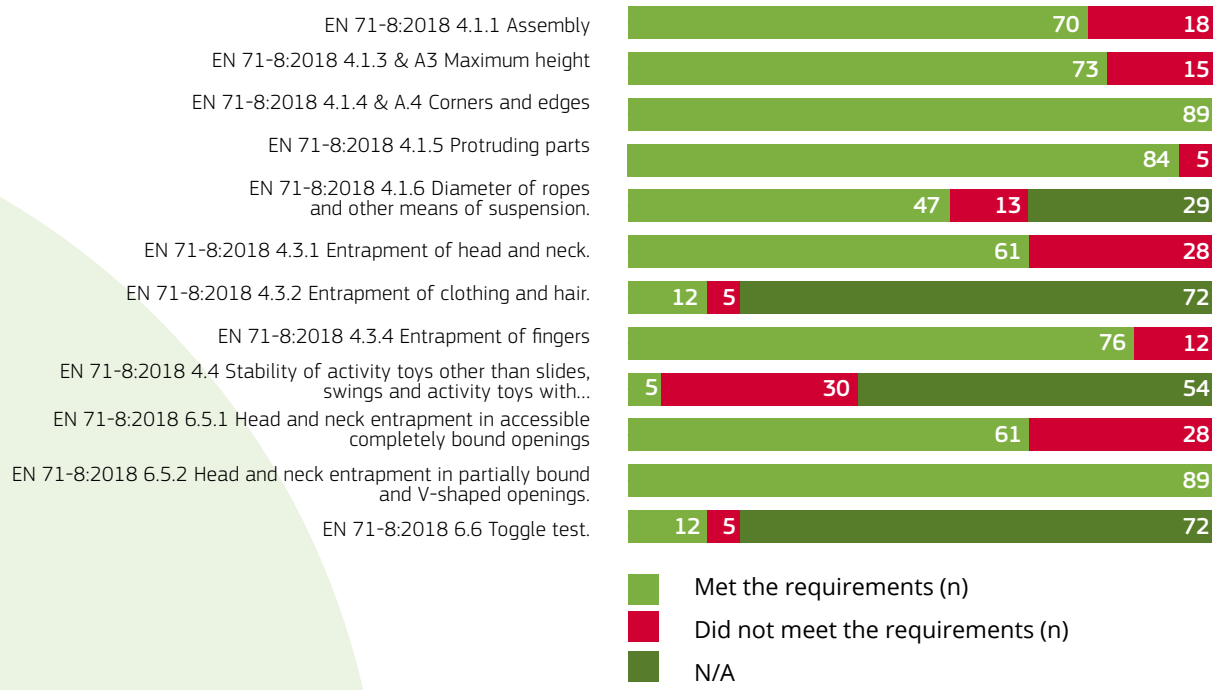
Overall, the category that presented the highest number of samples that did not meet the requirements of the testing plan was swings for children under 36 months (20 samples), followed closely by indoor climbing frames (19 samples), activity towers (18 samples), swings for children over 36 months (14 samples), and swings for children under/over 36 months (3 samples).

The non-compliance rate for products sampled online is considerably higher than for those sampled in physical stores, at 63 % (17 out of 27) compared to 92 % (57 out of 62).

Results per clause

When examining the results for EN 71-8:2018 – Mechanical test requirements for all activity toys – testing against certain clauses produced a particularly large number of non-compliant samples. The figures below provide an overview of the results per clause.

Figure 3. Mechanical test requirements for all activity toys

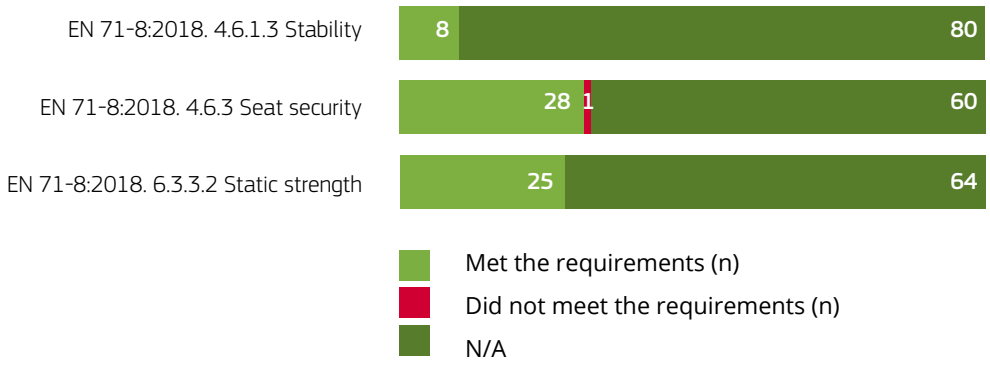


The following results per clause are specific mechanical test requirements for certain product types that supplement the general mechanical test requirements applicable to all activity toys as required by EN 71-8.

Regarding the testing of the small parts requirements for all activity toys intended specifically for children under 36 months, 18 samples failed the general requirements for small parts of standard EN 71–1:2014 +A1 2018 while 39 samples passed.

For swings designed for children under 36 months, only one sample failed to meet the seat security requirements specified in standard EN 71-8:2018. All other samples successfully complied with every clause of the standard applicable to this category.

Figure 4. Particular mechanical test requirements for swings for children under 36 months



Regarding the clauses applicable to swings for children over 36 months, at least one sample failed every clause for this category.

Figure 5. Particular mechanical test requirements for swings for children over 36 months

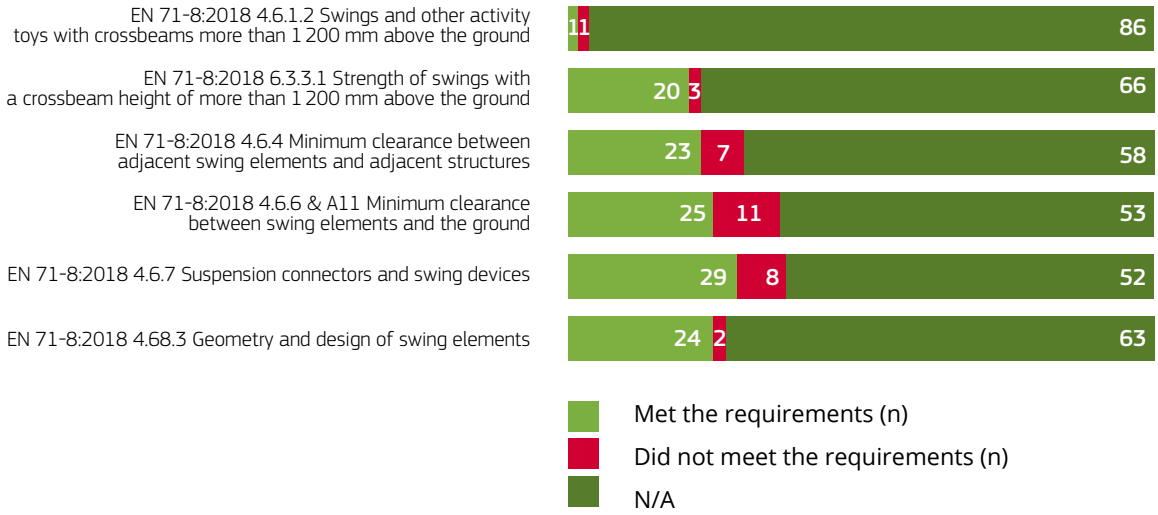
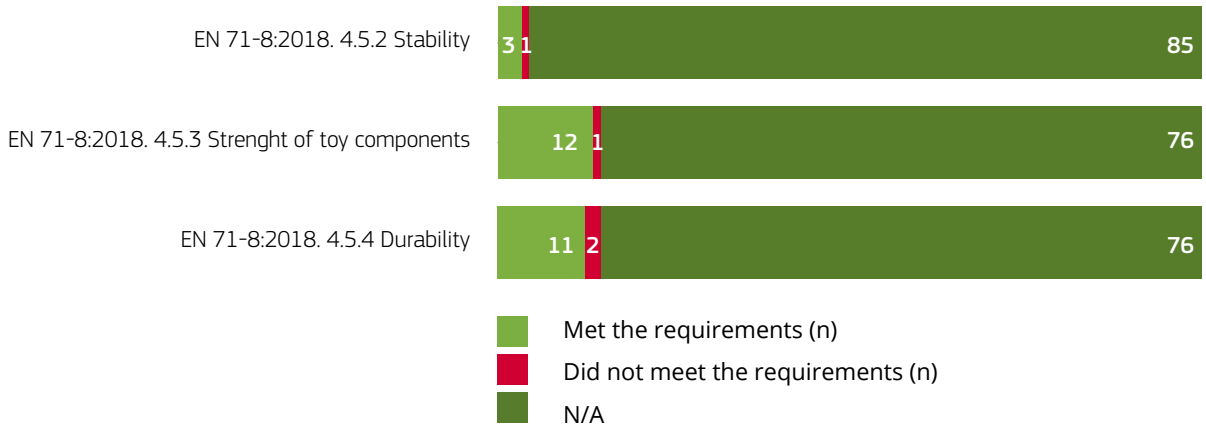


Figure 6. Particular mechanical test requirements for activity towers - child slides



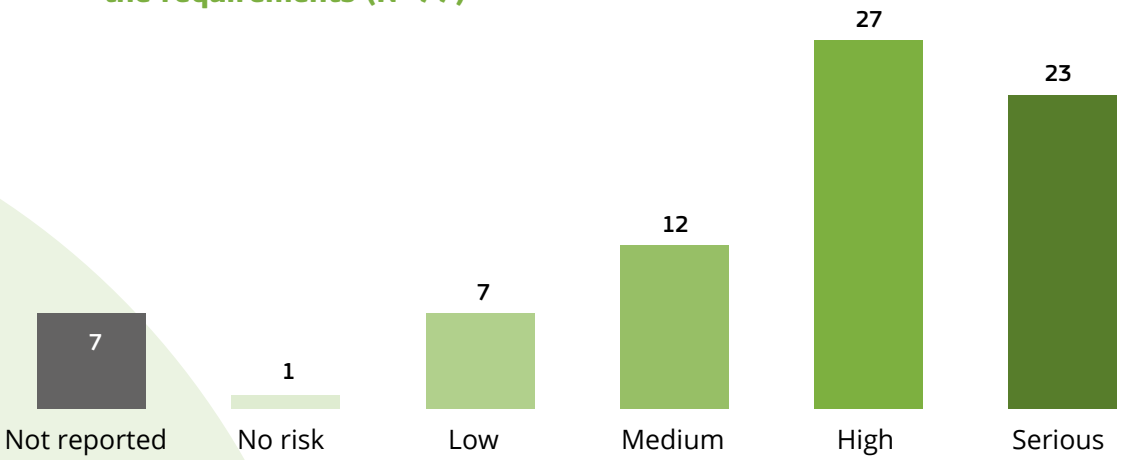
For activity towers, most of the samples to which the standard was applicable had a high success rate. Only a few samples failed the applicable clauses. For tests on the packaging, at least 15 samples failed clause 6 & A56/57, indicating the toy packaging could be hazardous for children.

Risk assessment and measures taken

Figure 7 shows the risk levels of the 77 samples that did not meet at least one of the requirements (laboratory testing or checks performed by the MSAs on warnings, markings and instructions).

The risk levels are defined through the risk assessments performed by the MSAs based on the risk assessment principles laid down in Annexe II of the Commission Delegated Regulation (EU) 2024/3173[2].

Figure 7. Overview of risk levels of samples that did not meet the requirements (N=77)



2) The risk assessment results and corrective measures reported are those provided by the MSAs by the deadline of 14 March 2025. While measures are continuing beyond this date as part of an ongoing process performed by the MSAs, a cut-off date was established for the purpose of this report.

Figure 8. Measures adopted for samples that did not meet the requirements (N=57)

In the framework of the JACOP 2024 project, MSAs have taken 57 follow-up measures so far, and 48 have been registered in the ICSMS and reported on the results and measures taken. It is important to note that not all measures have been reported in ICSMS as some actions are still ongoing for certain samples. Figure 8 displays a breakdown of the corrective measures taken for the products that did not meet the requirements[3].

Conclusions and recommendations

Conclusions

Of concern is that the laboratory reported such a high percentage of failures: only 15 of 89 samples complied with the selected tests, an 84 % failure ratio. It should be noted that this activity performed only certain tests on the activity toys – those decided by consensus. All the cases of non-compliance reported by the laboratory involved only certain physical and mechanical failures. For several products tested, the failure of meeting the technical requirements, means that there is a risk of serious consequences for a child when using the toy.

CASP 2020 Home Outdoor Play Equipment had a slightly different scope than JACOP 2024 and tested activity towers, swings and playhouses. CASP 2020 had a significantly lower failure rate of 43 % for testing of physical and mechanical requirements. **Consequently, it is suggested that this product market continues to be monitored – either by sampling and testing or by administrative market interventions**. MSAs in this sector will be able to use this activity and CASP 2020 as the basis for further market surveillance work.

3) The risk assessment results and corrective measures reported are those provided by the MSAs by the deadline of 14 March 2025. While measures are continuing beyond this date as part of an ongoing process performed by the MSAs, a cut-off date was established for the purpose of this report.

Recommendations to stakeholders

For consumers

- Activity toys require careful attention due to their involvement in dynamic play. Make sure to thoroughly read and follow the installation instructions to ensure the safe construction of the activity toy. Not following the instructions correctly has an impact on the safety of the toy and endangers the safety of your child.
- Be aware that the assembly height of a swing can influence its safety. If not correctly installed, it can impact the safety of the child.
- Make sure you maintain the activity toy and check regularly for any damage.
- Do not allow your child to use the activity toy if it is damaged or broken as this may affect the safety of the toy.
- When buying activity toys, ensure that they are CE marked as a presumption that safety measures are in place.
- If you have a complaint about the toy which is safety related, please report the matter to your Market Surveillance Authority. This will ensure that other children will be protected, not just in your country but throughout Europe.
- Keep the instructions, it contains important information and warnings and it's also useful for second-hand toys and future use.
- Remember that parental supervision is key, even when the product is used indoors.

For economic operators

- If you are manufacturing activity toys, you have a legal duty to ensure the toys are safe and satisfy the essential requirements according to the Toy Safety Directive.
- If you are selling toys online, be aware of the new online sales requirements of the General Product Safety Regulation.
- Before you place activity toys on the Single Market you must comply with the technical requirements evidencing conformity assessment. A declaration of conformity with the associated technical documentation must be in existence before the first supply and must be retained for 10 years after.
- If you supply activity toy products with your own brand name or trademark, then you become the 'manufacturer' with the associated responsibility that is required.
- If you are not based in the EU and you supply direct to consumers, then you must first have a responsible person established in the EU who is able to communicate with the European market surveillance authorities.
- Economic operators should ensure that instructions are clear, complete, always accompany the product, and are provided in the language of the Member State where the product is placed.

For MSAs

- The high profile or cost of a product does not guarantee its safety; items that are expensive and widely recognized are not necessarily of superior quality or safety

For Standardisation organisations

- Safety critical instructions, such as height, usage, and age recommendations, should be marked on the product itself, not just in the manual; for example, displaying the minimum and maximum height of the toy on swings would be critical, as incorrect assembly could pose serious risks if these elements are not taken into account.
- The scope of this European Standard EN 71-8 excludes bow-mounted rocking activity toys such as rocking horses and similar toys. EN 71-1 contains only certain requirements. However, there are certain risks in relation to finger entrapment underneath the rocker, which are not covered. Therefore, new requirements covering these risks should be included in EN 71-8.

Part 2

What is JACOP?

The JACOP initiative aims to organise Joint Actions on Compliance of Products in the EU and EFTA countries, fostering collaboration among Market Surveillance Authorities (MSAs). The primary objectives include conducting joint product testing, assessing risks and harmonising operational methodologies. Through open dialogues, knowledge-sharing, and engaging external stakeholders, the project contributes to a secure Single Market. Key focuses involve evaluating product risks, implementing timely measures and ensuring regulatory alignment.

JACOP 2024 includes 16 product-specific activities covering 9 sectors

Product-specific activities test different types of products to assess their compliance with existing legislation and Regulation and take appropriate actions. The products are selected and collected by the market surveillance authorities involved and are examined using a commonly agreed testing plan.

PSA 1
Dental implants

PSA 2
Hyaluronic acid-based dermal fillers

PSA 4
Toys (Indoor climbing toys, Swings and Activity towers)

PSA 5
Small receptacles (cylinders) containing gas (gas cartridges)

PSA 6
Receptacles (refillable cylinders) for domestic use

PSA 7
Detonators and Boosters

PSA 8
Fridges

PSA 9
Solid fuel boilers

PSA 10
Air cooling

PSA 11
Refrigerating appliances with direct sales function

PSA 12
Electric motors

PSA 13
Lifeboats

PSA 14
Child safety equipment (CSE)

PSA 15
Non-automatic weighing instruments (NAWI) sold online

PSA 16
Installation cables

PSA 17
Led replacement tubes

** Note that PSA 3 has been cancelled*

Roles and responsibilities

EISMEA - Contracting Authority

In charge of the contractual management of the project. Oversees the overall project management, ensuring compliance with the contractual obligations and requirements.

Contractor (EY, MCI Brussels, ESN)

- EY: Manages overall project implementation, coordinates activities, and oversees the testing process.
- ESN: Handles external communication and dissemination, including the production of communication materials.
- MCI: Organises meetings and events, and manages logistics for participants.

Market Surveillance Authorities of European Union / European Economic Area Member States

- Key participants in decision-making.
- Monitor national markets, collect samples, and ensure testing compliance.
- Enforce corrective actions for non-compliance to maintain a safe market.

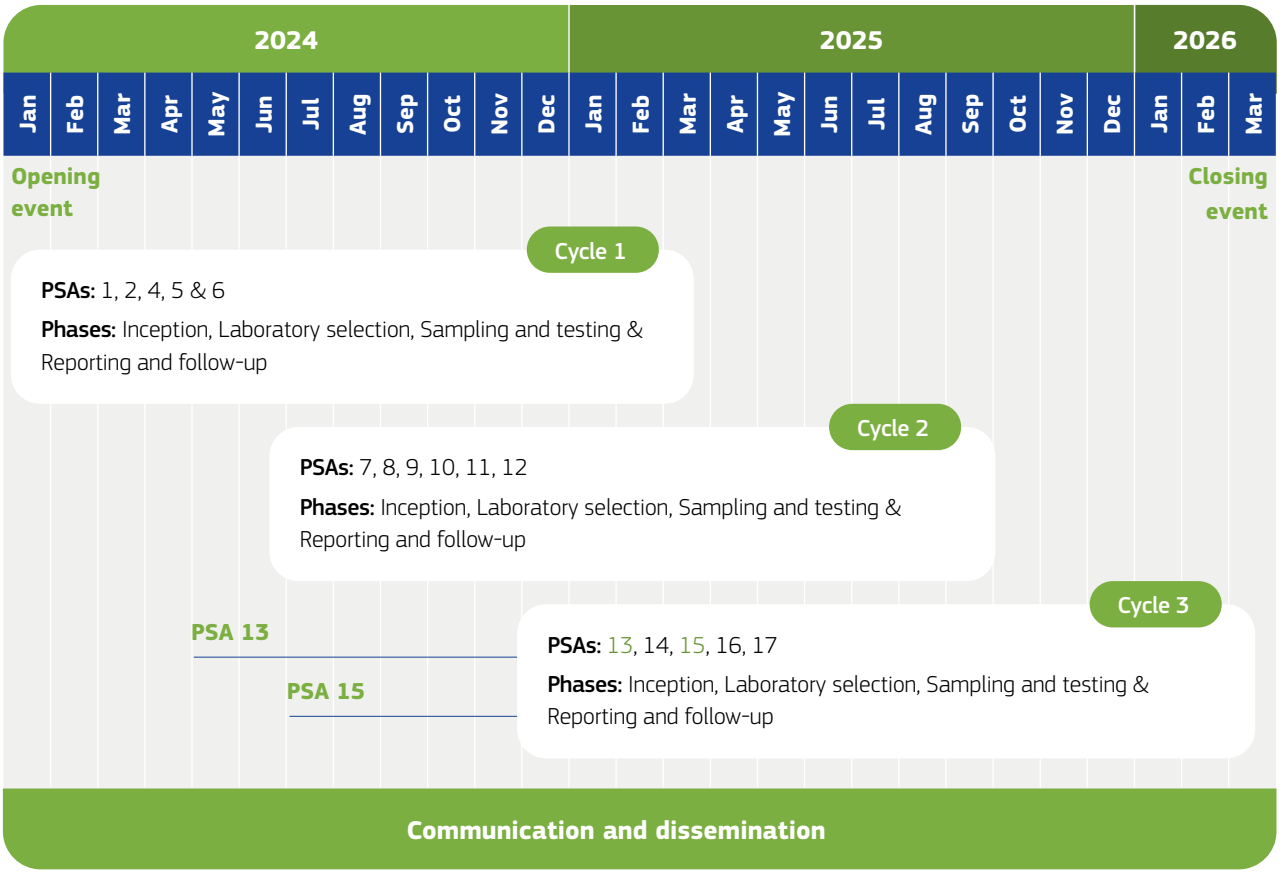
European Commission – DG GROW

- Plays a supervisory role, involved in the implementation of the projects facilitates cooperation and provides policy guidance for the project.

Technical Experts

Offer specialised knowledge and advice to support MSAs. Involved in stimulating debates, leading to operational conclusions and ensuring high-quality production of PSA-specific deliverables.

Work plan and timeline



	1 Inception	2 Laboratory selection	3 Sampling and testing	4 Reporting and follow-up
Description	This phase involves conducting desk research, scoping interviews, drafting the testing plan and mapping laboratories.	This phase includes the process of selecting and contracting a laboratory through a tendering process.	In this phase, samples are collected and sent to the selected laboratory for testing based on predefined criteria.	This phase involves reporting on test results, agreed risk assessment, follow-up measures, and preparing final reports.
Main Milestone	**Kick-off Meeting** – Official start of the project where MSAs agree on the product scope and testing criteria.	**Intermediate Meeting** – MSAs review of laboratory proposals and select the appropriate laboratory.	**Laboratory meeting** – Presentation of the tests results and discussion on risk assessment and follow-up measures.	**Final Meeting** – Presentation of final reports including all conclusions and recommendations.

Communication and dissemination

Communication and dissemination activities involve raising product safety awareness among MSAs, consumers, and economic operators through targeted campaigns, media engagement, and influencer involvement, focusing on compliance education.

Tools and processes

1 Pre-JACOP process

DG GROW conducted a priority-setting exercise to select the 16 JACOP 2024 product categories, working closely with ADCO groups through consultations.

2 Validation of the testing and sampling plans

The technical experts draft the plans based on market surveillance authority feedback and the available budget. Drafts are presented at kick-off meetings according to PSA timelines (except PSA 13 and 15, which follow a tailored approach), then finetuned and validated by the market surveillance authorities via the Wiki.

3 Laboratory selection

The contractor's team maps the laboratories and contacts them to collect prices and other information. The tendering process is launched after the kick off meeting, and the offers are evaluated. During the intermediate meetings, the participating market surveillance authorities decide which laboratory to select.

4 Collection and transportation of samples

The market surveillance authorities collect the relevant samples from their national markets and register them in a codification file. After performing preliminary checks, the market surveillance authorities send the samples to the laboratory.

5 Testing and delivery of test reports

The laboratory tests the samples according to the agreed testing plan and uploads the test reports to the Wiki.
The market surveillance authorities ask for clarification if necessary, and approve the reports.

6 Risk assessment

The technical expert and the market surveillance authorities develop scenarios based on selected samples during the laboratory meeting and analyse the risks. Market surveillance authorities perform risk assessments on all samples that do not meet legal requirements.

7 Measures adopted by MSAs

The market surveillance authorities take appropriate measures on the products in question and report them on ICSMS and Safety Gate.

8 External communications

The external communication activities aim to raise awareness of product safety and compliance among MSAs, consumers, and economic operators. Campaigns plans include influencer outreach, performance evaluation, and communication tools such as articles, infographics, and videos.

Tools

For all 16 PSAs:

- **Article** summarising the main findings of the testing activity. The article will include at least 1 image.
- **One-page infographic** summarising the main findings of the testing activity.
- One **social media visual** based on the infographics.
- One **infographic and one social media visual** covering the entire project.

These communication assets are available in 23 EU languages + Norwegian and Icelandic

For 3 PSAs: Toys, Fridges and Child Safety Equipment

- Short **video** for social media promotion

Channels

The communication material is disseminated using:

- National and specialised media across the EU27.
- Online and social media platforms.
- Influencers on social media.
- Market surveillance authorities national communication channels.

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This document was written by EY for the European Commission. May – 2025

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