

SAFEGUARDS

CONSUMER GOODS AND RETAIL

TOYS & JUVENILE PRODUCTS

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EU TOYS ADOPTION OF RESTRICTION OF BPA AND FLAME RETARDANTS EXPANDS EXEMPTION OF NICKEL

The EU Commission Committee for Toy Safety recently voted in favour of adoption of the restriction of BPA and three flame retardants. The Committee was also in favour of exempting nickel as a Carcinogenic, Mutagenic or Reprotoxic (CMR) substance in toy components intended to conduct an electric current. After a check by the European Parliament and Council, there will be a transitional period before the measures are enforced. As the control process by the European Parliament and Council is ongoing the date of publication coming into force is not known.

In August 2013, we informed you that the European Commission notified the World Trade Organisation (WTO) for the proposed inclusion of bisphenol A (BPA) and three flame retardants into the Toy Safety Directive 2009/48/EC¹.

On 18 February 2014, the EU Commission Committee for the Toy Safety Directive 2009/48/EC (TSD) voted in favour of adopting three measures to amend the TSD.

The three measures are:

1. To restrict the migration of bisphenol A (BPA) (CAS 80-05-7) in toys. The migration limit of 0.1 mg/L is identical to EN 71-9².
2. To restrict the 3 flame retardants³
 - tris(2-chloroethyl) phosphate (TCEP) (CAS No 115-96-8)
 - tris(2-chloro-1-methylethyl) phosphate (TCPP) (CAS 13674-84-5)
 - tris[2-chloro-1-(chloromethyl)ethyl] phosphate (TDCEP) (CAS 13674-87-8)
3. To expand the exemption of nickel to toy components intended to conduct an electric current⁴.

The three measures will enter into force when they have been formally adopted by the European Council and Parliament and published in the Official Journal of the European Union (OJEU). Highlights of the three adopted measures are summarised in Table 1.



¹ [SGS-Safeguard 144/13](#)

² [Document D029355/04, 18 February 2014](#)

³ [Document D029354/04, 18 February 2014](#)

⁴ [Document D031909/02, 18 February 2014](#)

TABLE 1.

JURISDICTION	CITATION	SUBSTANCE	SCOPE	METHOD	REQUIREM	PROPOSED
EU	Appendix C of Annex II to TSD	BPA	Toys	EN 71 Parts 10-11:2005	≤0.1 mg/L (migration)	18 months after publication in OJEU
		TCEP	<ul style="list-style-type: none"> Toys intended for children under 36 months Other toys intended to be placed in the mouth 	Not designated	≤5 mg/kg	
		TCP		Not designated	≤5 mg/kg	
		TDCP		Not designated	≤5 mg/kg	
	Appendix A of Annex II to TSD	Nickel		<ul style="list-style-type: none"> Toy components which are intended to conduct an electric current 	---	Permitted to be used

NB

- The use of nickel in toys and toy components made of stainless steel is exempted under the TSD

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