

# SAFEGUARDS

## CONSUMER GOODS AND RETAIL

TOYS & JUVENILE PRODUCTS

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## EU NOTIFIES WTO TO STRENGTHEN CHEMICAL REGULATIONS IN TOYS

The European Commission (EC) has recently notified the World Trade Organisation (WTO) for the proposed inclusion of bisphenol A (BPA) and 3 flame retardants under the Toy Safety Directive 2009/48/EC (TSD). The proposed enforcement date is 18 months after publication in the Official Journal of the European Union (OJEU).

In July 2013, the EC made 2 notifications to the WTO to expand the number of substances to be regulated in toys under the TSD. One notification introduces a migration limit for bisphenol A (BPA) in toys<sup>1</sup>. The second notification introduces specific limit values for the substances TCEP, TCPP and TDCP<sup>2</sup>.

Bisphenol A is classified as a reprotoxic category 2 substance without a specific concentration limit under Regulation (EU) 1272/2008 on the 'CLASSIFICATION, LABELLING AND PACKAGING OF SUBSTANCES AND MIXTURES' (CLP). BPA is used as a building block in the manufacture of polycarbonate plastics which, in turn, is used to manufacture toys and other consumer products. Furthermore, BPA has been found in plastic materials in children's books.

The substance TCEP is known to be used as a flame retardant plasticiser in polymers and can be found in toys in quantities lower than the relevant concentration limits established under the CLP Regulation. The risk assessments on the substances TCPP and TDCP concluded that considerations of TCEP could be applied to these substances if used in the manufacture of toys.

Interested parties may send comments on the proposals to the European Commission within 60 days from the date of notification.

Highlights on the 2 notifications are summarised in Table 1. The acronyms for substances and their full names are summarised in Table 2.



<sup>1</sup> [Committee on Technical Barriers to Trade, G/TBT/N/EU/137, 19 July 2013](#)

<sup>2</sup> [Committee on Technical Barriers to Trade, G/TBT/N/EU/133, 16 July 2013](#)

TABLE 1.

PROPOSALS TO AMEND APPENDIX C OF ANNEX II TO DIRECTIVE 2009/48/EC				
SUBSTANCE	SCOPE	REQUIREMENT [METHOD]	PROPOSED DATE OF ADOPTION	PROPOSED EFFECTIVE DATE
BPA	Toys	≤ 0.1 mg/L (migration) [EN 71 Parts 10-11]	Early 2014	18 months after adoption (by publication in OJEU)
TCEP TCPP TDCP		≤ 5 mg/kg (total content) each substance		

TABLE 2.

ITEM	ACRONYM	NAME	CAS
1	BPA	Bisphenol A	80-05-7
2	TCEP	Tris-(2-chloroethyl) phosphate	115-96-8
3	TCPP	Tris-(2-chloro-1-methylethyl) phosphate	13674-84-5
4	TDCP	Tris-[2-chloro-1-(chloromethyl)ethyl] phosphate	13674-87-8

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for restricted substances, including the new EN 71-3:2013, in toys for the EU and international markets. Please do not hesitate to contact us for further information.



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