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EU NOTIFIES WTO OF DRAFT DIRECTIVE TO STRENGTHEN CHEMICAL SAFETY IN CERTAIN TOYS

The European Commission (EC) has notified the World Trade Organisation (WTO) of a proposal to strengthen chemical safety in certain toys under the Toy Safety Directive. The proposed enforcement date is 18 months after publication in the Official Journal.

In June 2014, two Directives were published in the Official Journal of the European Union (OJEU) to restrict bisphenol A (BPA) and three flame retardants in certain toys under the Toy Safety Directive 2009/48/EC (TSD)¹.

Highlights of the restriction of BPA, the three flame retardants and draft Directive are summarised in Table 1.

In September 2014, the European Commission (EC) notified the World Trade Organisation (WTO) for the proposed inclusion of six substances under the TSD². The six substances are:

- 1,2-Benzisothiazol 3(2H)-one
- 5-Chloro-2-methylisothiazolin-3(2H)-one (CMI) and 2-methyl-isothiazolin-3(2H)-one (MI) (CMI:MI = 3:1, CAS 55965-84-9)
- 5-Chloro-2-methylisothiazolin-3(2H)-one (CMI, CAS 26172-55-4)
- 2-Methyl-isothiazolin-3(2H)-one (MI, CAS 2682-20-4)
- Formamide (CAS 75-12-7)
- Phenol (CAS 108-95-2)

The draft Directive introduces limit values to the six substances above in:

- Toys intended for use by children under 36 months or
- Other toys intended to be placed in the mouth

The draft Directive is proposed to be adopted in the first quarter of 2015 and proposed to enter into force in the third quarter of 2016.



¹ [SafeGuardS 129/14, EU Restricts Bisphenol A under Toy Safety Directive, July 2014](#)

² [Notification G/TBT/N/EU/231, WTO, 9 September 2014](#)
[Draft Commission Directive](#)

Appendix C of Annex II to Directive 2009/48/EC on Toy Safety						
Item	Citation	Substance	Scope	Method	Requirement, unless otherwise stated, is total content	Enforcement Date
1	Directive 2014/79/EU	TCEP	<ul style="list-style-type: none"> Toys intended for use by children under 36 months Other toys intended to be placed in the mouth 	Not defined	≤ 5 mg/kg	21 December 2015
2		T CPP			≤ 5 mg/kg	
3		TDCP			≤ 5 mg/kg	
4	Directive 2014/81/EU	Bisphenol A (BPA)		EN 71 Parts 10-11	≤ 0.1 mg/l (migration)	
5	Draft Commission Directive	1,2-Benzisothiazol 3(2H)-one		Not defined	≤ 5 mg/kg	18 months after publication in the Official Journal of the European Union (OJEU)
6		CMI and MI (3:1)			≤ 1 mg/kg	
7		CMI			≤ 0.75 mg/kg	
8		MI			≤ 0.25 mg/kg	
9		Formamide			≤ 20 µg/m ³ (emission)	
10		Phenol		EN 71 Parts 10-11	≤ 5 mg/l (migration) as monomer ≤ 10 mg/kg as preservative	



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