

SAFEGUARDS

CONSUMER GOODS AND RETAIL

TOYS & JUVENILE PRODUCTS

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GERMANY AUTHORISED TO MAINTAIN EXISTING LIMITS FOR 5 HEAVY METALS IN TOYS

The Commission authorises that Germany maintains its national provisions for the migration limits of antimony, arsenic, barium, lead and mercury beyond 20 July 2013. This Decision is provisional and is valid until the General Court or the Court of Justice has rendered its final judgment.

In July 2013, we informed you that Germany may continue to apply its existing limits to certain heavy metals in toys¹.

On 9 October 2013, Decision 2013/492/EU was published in the Official Journal of the European Union (OJEU) to authorise Germany to maintain the migration limit values for antimony, arsenic, barium, lead and mercury beyond 20 July 2013, the date of entry into force for chemicals under the new Toy Safety Directive 2009/48/EC (TSD)². The migration limits for these 5 heavy metals correspond to limit values established under the former Toy Safety Directive 88/378/EEC and are identical to the value limits under the former standard EN 71 Part 3:1994 + A1:2000/AC:2002¹.

According to the Decision, the Commission lodged an appeal against the Order of the President of the General Court (C-426/13P (R)) on 26 July 2013, but the appeal did not have a suspensory effect. As a result, the Commission complies with the Order and authorises that the migration limits of the 5 heavy metals in question be maintained. The Commission continues to pursue legal action against the measures. This Decision is provisional and is only valid until a final decision has been reached in the case T-198/12R by the General Court or in the case T-198/12R (Case C-426/13 P(R)) in the Court of Justice.

Highlights of the migration limits for the 2 sets of EN 71-3 standards are summarised in Table 1. The definition and examples of toy material categories are summarised in Table 2.



¹ [SGS-SafeguardS 119/13](#) and references therein

² [Decision 2013/492/EC](#)

TABLE 1.

	MIGRATION LIMIT (MG/KG)				
SOLUBLE ELEMENT	EN 71-3:2013			EN 71 PART 3:1994 + A1:2000/AC:2002	
	CATEGORY I (TABLE 2)	CATEGORY II (TABLE 2)	CATEGORY III (TABLE 2)	TOY MATERIAL OTHER THAN MODELLING CLAY	MODELLING CLAY
Antimony	45	11.3	560	60	60
Arsenic	3.8	0.9	47	25	25
Barium	1,500	375	18,750	1000	250
Lead	13.5	3.4	160	90	90
Mercury	7.5	1.9	94	60	25
Aluminium	5,625	1,406	70,000	—	—
Boron	1,200	300	15,000	—	—
Cadmium	1.3	0.3	17	75	50
Chromium (III)	37.5	9.4	460	60 (sum)	25 (sum)
Chromium (VI)	0.02	0.005	0.2	60	25
Cobalt	10.5	2.6	130	—	—
Copper	622.5	156	7,700	—	—
Manganese	1,200	300	15,000	—	—
Nickel	75	18.8	930	—	—
Selenium	37.5	9.4	460	500	500
Strontium	4,500	1,125	56,000	—	—
Tin	15,000	3,750	180,000	—	—
Organic tin	0.9	0.2	12	—	—
Zinc	3,750	938	46,000	—	—

TABLE 2.

CATEGORY	DEFINITION	EXAMPLE OF TOY MATERIAL
I	Dry, brittle, powder like or pliable materials	- Compressed paint tablets - Materials intended to leave a trace or similar materials in solid form (e.g. cores of colouring pencils, chalk and crayons) - Bouncy putty, magic sand, plastacine, plaster of Paris and magic sand
II	Liquid or sticky materials	Liquid paints, including finger paints, varnishes, lacquers, liquid ink in pens and similar materials in liquid form (eg slimes and bubble solution)
III	Scraped-off material	- Coatings of paints, varnishes, printing inks and similar coatings - Polymeric (plastic) and similar materials, including laminates - Paper and paper board - Natural or synthetic textiles - Glass, ceramic or metallic materials - Other materials such as bone, fibre board, foam, hard board, leather, natural sponge and wood

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for soluble elements and other restricted substances in toys and consumer products for compliance with Germany, the EU and worldwide requirements. Please do not hesitate to contact us for further information.



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