



**EUROPEAN COMMISSION**  
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Tourism, CSR, Consumer Goods and International Regulatory Agreements  
**International Regulatory Agreements and Toys' Safety**

## **EXPERT GROUP ON TOY SAFETY**

Document number:	ENTR/TOYS/EXPERT /2012/014
Date:	30/04/2012

**Adopted on 10 Of September 2012**

**SUBJECT:** Report EXPERT meeting

**SUMMARY:**

**ACTION:**

# **EXPERT GROUP MEETING ON TOY SAFETY**

**Report of the Expert Group Meeting on the implementation of Directive 2009/48/EC  
concerning the Safety of toys**

**Conference Centre Albert Borschette**

**23 April 2012 (10:00-12:30)**

**Chair:** DG Enterprise and Industry, Unit F3

**List of participants:** See annex I

- Competent authorities and market surveillance authorities under Directive 2009/48/EC
- EFTA
- Authorities from candidate countries and Switzerland
- Stakeholders

## **1. Opening of the meeting**

COM opened the floor by welcoming participants.

### **1.1 Approval of the agenda (EXP-2012-001 rev1)**

COM would like to seek the adoption of the agenda (EXP-2012-001rev1). Are there any objections or additional items?

The chair concluded that the agenda is adopted.

### **1.2 Adoption of the draft minutes (EXP-2011-031 rev1)**

COM would like to seek the adoption of the minutes of the last meeting (EXP-2011-031 rev1) Can the minutes be adopted?

MS has comments in relation to the participants list and will sent comments.

The chair concluded that the minutes are adopted subject to the comments from MS

## **2. Update of Activities from CEN/CENELEC/NB- EXP/2012/010, EXP/2012/011, EXP/2012/012, Recommendation n.1, protocols n.1,2 4**

Due to time constraints there will be no oral presentations. The contributions from CEN, NB have been uploaded on CIRCA. Does anybody have a question related to these updates?

COM also uploaded on request from the HCNB new and revised protocols and recommendations. Are there any objections?

COM made comments on the protocol number 2, on the microbiological safety of toys, and asked the NB to make a reference to the latest version of the European Pharmacopeia. COM asked also the HCNB to make changes to the recommendation number 1, related to EC type certification, in order to refer to the latest standards and decisions.

The Chair of the HCNB indicates that changes have been made in order to take into account the publication of standard EN 71-8. Now that the impact test for swings has been adopted, an EC type examination is no longer mandatory.

COM indicates that additional comments on the protocols and recommendations were received from MS. COM will forward these comments to the HCNB for evaluation and discussion during the next meeting of the HCNB.

The chair concludes the protocols and recommendations are adopted and will be published on the COM website.

### 3. Information from the Commission

COM informed participants that an information campaign intended for economic operators started in January 2012. The campaign is financed by the COM and carried out for the COM by TIE. The aim of the campaign is to provide training to all economic operators involved in toy manufacturing and marketing. By now, seminars took place in Poland Romania and Bulgaria, with a very good level of participation (namely 77, 55 and 43 participants). In May, seminars will be organised in Nuremberg, Paris and Prague. By the end of the year, seminars will take place in Spain, Italy, Ireland, Sweden and Denmark. Given the success of the campaign, it will be most probably prolonged in 2013, in order to cover all MS. TIE contacts, for the purpose of the campaign, all national authorities responsible for toy safety, in order to participate as speakers during the seminars. COM calls on national authorities to participate, as this participation is most useful and appreciated by economic operators.

COM informed participants that in 2011, for the Christmas holidays, an information campaign for consumers took place. COM distributed cards with tips for consumers on how to safely buy and use toys in hundreds of toy shops. A video clip on toy safety was developed and shared on social networks and websites. For 2012, this campaign will be renewed, with a seasonal approach. COM will develop a clip and cards with tips for the summer period (i.e. inflatable toys) and for the Christmas holidays. Once available, the cards and the clip will be made available to participants for use and dissemination.

COM informed participants about the adoption of Decision 2012/106 (EXP/2012/006), following Germany's request to maintain national provisions on certain chemical substances instead of applying the TSD. According to this decision, the German request with regard to antimony, mercury and arsenic is rejected, because the TSD offers an adequate level of protection. The request with regard to lead and barium is accepted, but subject to time limitation (until COM will adopt new limits for lead and barium). For nitrosamines, the request is accepted, mainly based on new exposure parameters which were not available at the time of the TSD revision. COM sent a letter to CEN, informing about the decision and asking for this decision to be reflected in the on going development of the nitrosamines standard.

COM informed participants that CIRCA will migrate to CIRCABC. Members of CIRCA have been informed by email. Normally, nothing will change after the migration; members will receive a new login, and will have access to documents as they had in CIRCA. During a certain period, necessary for the migration, CIRCA will be available in read-only mode. COM won't be able to upload any documents. If during this period you see inconsistencies, please report back to the COM. Members of CIRCA are requested to verify the accuracy of their personal information (i.e. emails), as only members can modify this information.

COM gave feedback on the outcome of the WG on chemicals. The WG made several proposals.

COM concludes that the proposals of the WG on chemicals are adopted. COM will elaborate working documents accordingly.
------------------------------------------------------------------------------------------------------------------------

**Industry** informs participants about potential problems industry will face in relation to nickel. In 2013, the chemical requirements of the TSD will enter into application, including the general ban of CMR substances. Nickel, a CMR cat.2, has electrical conductivity properties. Toys as train tracks for example, use nickel alloys. Nickel is a very good conductor, and also avoids corrosion. This alloy is not stainless steel, and thus not exempted from the CMR ban. Industry would like to use other alloy, which are not stainless steel and can not be turned to stainless steel (i.e. nickel silver which contains 20% of metallic nickel). Using this kind of alloy would not prevent industry to comply with the migration limits for nickel, in terms of nickel release, not with the REACH restriction for nickel in articles in direct and prolonged contact with the skin. Other innovative toys use nickel as an electricity conductor (i.e cars to be used with an Ipad). Alternatives for nickel to be used as an electricity-city conductor exist, but are very costly (i.e. silver). Industry is currently working with a university in the UK, in order to provide evidence to support additional exonerations for nickel. This work is currently under preparation, but industry wanted to warn MS and COM about this issue and its potential consequences (ban of certain toys from the market).

**COM** notes that it is possible to introduce in the TSD (appendix A) exonerations for certain chemical substances. This can be done only after a positive opinion from the scientific committee. COM would like to seek the approval of participants for preparing a mandate to request the opinion of the scientific committee on this matter.

**COM** concludes that a mandate will be prepared and sent to the scientific committee in order to seek exoneration for the use of metallic nickel in certain alloys.

#### **4. Feedback on the Toy Safety Directive 2009/48/EC**

##### **4.1 Discussion on the explanatory guidance document and technical documentation guidance document**

**COM** introduces a request from FR. The TSD requires for warnings which determine the decision to purchase the toy to be visible before the purchase, even online. It was agreed that the warnings concerned were all warnings which specify the minimum and maximum age for users, as well as all warnings listed in annex V, except warning number 9. FR would like to reopen the discussion on the exclusion of warning 9. COM however stresses that this was discussed and agreed in the past, and it would be suitable to maintain the same position.

**FR** has no comments.

**COM** concludes that warning 9 remains excluded from the requirements of article 11.2, 3<sup>rd</sup> subparagraph.

**COM** discussed changes proposed by MS and stakeholders and amended the guidelines accordingly.

#### **5. AoB**

No AoB

## 6. Closing of the Expert Meeting

The chair closes the meeting by thanking participants and inviting them to the closed afternoon session (ADCO).

### Annex

**List of Participants  
(Presences)  
Expert Group on Toy Safety  
10-11/10/2011**

<b>Country</b>	<b>Organisation</b>	<b>Present</b>
Austria	Ministry of Health	
Austria	Market Authority	X
Belgium	Federal Public Service economy, SMEs, Self-employed and Energy	X
Belgium	Federal Public Service economy, SMEs, Self-employed and Energy	X
Bulgaria	State Agency for Metrological & Technical Surveillance	
Bulgaria	State Agency for Metrological & Technical Surveillance	
Cyprus	Ministry of Commerce, Industry & Tourism	X
Czech Republic	Czech Office for Standards Metrology and Testing (COSMT)	X
Czech Republic	Ministry of Health	
Czech Republic	Czech Trade Inspection	X
Denmark	Danish Standards Foundation	
Denmark	Danish Safety Technology Authority	X
Denmark	Danish Safety Technology Authority	X
Denmark	Danish Environmental protection Agency	X
Finland	Ministry of Employment & Economy	X
Finland	Finnish Safety & Chemicals	
France	Ministère de l'économie, de l'industrie et de l'emploi – Direction générale de la concurrence, de la consommation et de la répression des fraudes (DGCCRF)	X
France	Ministère du Budget, des comptes publics et de la réforme de l'Etat	X
France	Ministère de l'Economie, des Finances, de l'Industrie, Direction générale des Entreprises/SQUALPI	
France	Laboratoires de Marseille	X
France	Ministère de l'économie, des finances et de l'industrie	X
Germany	Regierung von Mittelfranken Gewerbaufsichtsamt	
Germany	Regierung von Mittelfranken Gewerbaufsichtsamt	X

<b>Country</b>	<b>Organisation</b>	<b>Present</b>
Germany	Bundesministerium für Wirtschaft und Technologie	X
Germany	Federal Institute for risk Assessment	
Hungary	General Inspectorate of Consumer protection	X
Ireland	National Consumer Agency	X
Ireland	Competititon & Consumer Policy	X
Italy	Istituto Italiano Sicurezza dei giocattoli	X
Italy	Ministero dello sviluppo economico	X
Latvia	Product & Services surveillance Department	X
Latvia	Consumer right protection Centre	X
Lithuania	Ministry of Economy	X
Lithuania	Ministry of Economy	X
Luxembourg	ILNAS Surveillance du marché	X
Malta	Regulatory Affairs Directorate, Malta Standards Authority	X
Malta	Malta Competition Consumer Affairs Authority	
Netherlands	Consumer products & services Netherlands Standardization Institute	X
Netherlands	Food & Consumer Product Safety Authority	
Netherlands	Ministry of Health Welfare & Sport	
Netherlands	Food & Consumer Product Safety Authority	X
Norway	Directorate for Civil Protection and emergency planning	X
Norway	Directorate for Civil Protection and emergency planning	X
Norway	Climate & Pollution Agency	X
Poland	Ministry of Economy Department of Industry.	
Poland	Office of Competition & Consumer Protection Market Surveillance Dept.	X
Poland	Office of Competition & Consumer Protection Market Surveillance Dept.	X
Portugal	Food security & economy authority	X
Romania	Ministry of Economy	X
Romania	National Authorities Consumer Protection	
Slovakia	Ministry of Economy	X
Slovakia	Slovak Trade Inspection	X
Slovenia	Ministry of Health	X
Slovenia	Institute of Public Health	
Spain	Instituto Nacional del Consumo	X
Spain	Vigilancia de Mercado Generalitat Valenciana	

<b>Country</b>	<b>Organisation</b>	<b>Present</b>
Spain	Ministry of Industry & Trade	X
Spain	Instituto Nacional del Consumo	X
Sweden	Swedish Chemical Agency	
Sweden	Swedish Consumer Agency	X
Sweden	Swedish Chemical Agency	
Sweden	Swedish Consumer Agency	X
Sweden	Ministry of Justice	
United Kingdom	Department for Business, Innovation & Skills	X
United Kingdom	Consumer & Competition Policy Directorate	X
Turkey	Undersecretariat of the prime Minister for Foreign Trade – General Directorate for Standardisation	X
Switzerland	Federal Office of Public Health	X
Switzerland	Federal Office of Public Health	
Croatia		
Croatia		
FYROM	State Market Authority	
FYROM	Ministry of Economy	
	ANEC	X
	ANEC	
	ANEC	X
	ANEC	
	BEUC	X
	CEN Consultant	X
	CEN	X
	CENELEC	
	Fed of European Publichers	X
	Notified Bodies	X
	TIE	X
	TIE	X
	TIE	X
	SGS	X
	European Commission DG ENTR	X
	European Commission DG ENTR	X
	European Commission DG ENTR	X
	European Commission DG ENTR	X
	European Commission DG ENTR	
	European Commission DG SANCO	



<b>Country</b>	<b>Organisation</b>	<b>Present</b>
	European Commission DG SANCO	
	European Commission DG SANCO	
	European Commission DG SANCO	
	European Commission DG SANCO	