

**REPLY FROM THE EUROPEAN UNION TO THE COMMENTS RECEIVED FROM**

**P. R. CHINA ON NOTIFICATION**

**G/TBT/N/EU/504**

**DRAFT COMMISSION DIRECTIVE AMENDING, FOR THE PURPOSE OF ADAPTATION TO  
TECHNICAL AND SCIENTIFIC DEVELOPMENTS, POINT 13 OF PART III OF ANNEX II TO  
DIRECTIVE 2009/48/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE  
SAFETY OF TOYS, AS REGARDS CHROMIUM VI**

The European Union (EU) would like to thank China for its comments on the draft *"Commission Directive amending, for the purpose of adaptation to technical and scientific developments, point 13 of part III of Annex II to Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, as regards chromium VI"*.

The EU has closely examined the comments submitted by China and would like to provide the following reply to these comments.

The EU would like to recall that the proposal to strengthen the limit value for chromium VI in scraped-off toy materials is based on an opinion of the independent Scientific Committee on Health and Environmental Risks (SCHER)<sup>1</sup>. The limit value of 0.0094 mg/kg proposed by SCHER cannot however be measured with the test methods available today. Therefore, the proposal from the EU is 0.053 mg/kg, which is the lowest concentration that the test method in EN 71-3:2013+A1:2014 can reliably measure.

Since the new limit value proposed by the EU can be measured with the available test method, there is no additional effort necessary, in comparison to the current situation, for businesses when ensuring the safety of their toys. The situation also remains unchanged with regard to the toy materials that may require testing: the manufacturer will have to decide, based on the safety assessment of the toy that he is obliged to carry out, whether the testing is necessary or not.

The EU would like to thank the Chinese authorities once again for providing comments on the notified draft and hopes that the responses conveyed sufficiently clarifies the issue raised.

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<sup>1</sup> Scientific Committee on Health and Environmental Risks (SCHER), Opinion on "Chromium VI in toys". Adopted on 22 January 2015.  
[http://ec.europa.eu/health/sites/health/files/scientific\\_committees/environmental\\_risks/docs/scher\\_o\\_167.pdf](http://ec.europa.eu/health/sites/health/files/scientific_committees/environmental_risks/docs/scher_o_167.pdf)