Public Hearing

TÜV Rheinland position on

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND THE COUNCIL on the safety of toys

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TÜV Rheinland Group

About 75 companies in over 340 locations in 60 countries around the globe.

TÜVRheinland®
LGA

Toy Testing

EMC/ Radio

Interference emission, interference immunity, radio emission, e.g. for RC, EMC

Mechanical Safety

Tensile test
Anti-tilting test
Load test
Torque test
Drop test

Acoustics

Noise emission
Constant acoustic level
Impulse acoustic level

Chemical Safety

Resistance to saliva and sweat
Colour fastness, delivery of heavy metals
Migration of solvent, formaldehyde
Content of softener, azo-dye,
Chemical organical compound tests
e.g timber preservative, preservatives, flame protection

Hygiene / Microbiology

Preservation, antimicrobial efficacy

Electrical Safety

Examination of the marking
Temperature rise test and locked motor test
Test on short circuibility
Heat resistance

Instruction

Comprehensibility/completeness/ Safety indications
Practice test
Testing, evaluation, optimisation
Issuance, translation
Usability

Certification

LGA-GS
LGA Tested
LGA Service certificate
LGA Quality certifikate
Premium certifikate
CB certificate

Statement

„Health and Safety of Children is non-negotiable and cannot be subjected to any compromise.

That is, why we have to ensure that toys put on the market in Europe are safe.“

Vice-President Günter Verheugen

Definitions

For the purpose of the Directive the following definitions shall apply:

Chemical toys:

objects and materials for playing with direct handling of chemical substances, compounds and preparations for educational or exploratory use

Oral contact toys:

toys or parts of toys, which are intended or likely to be placed in the mouth, e.g. mouthpieces.

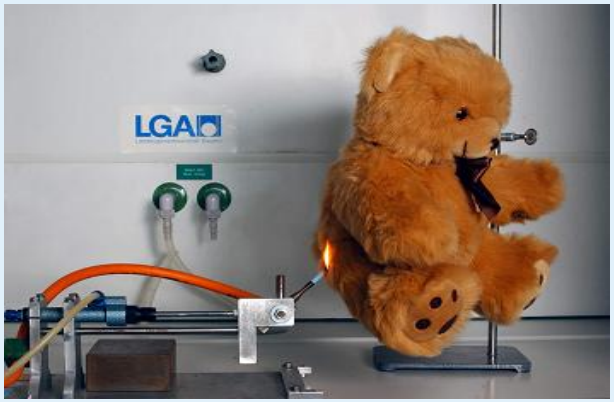
Dermal contact toys

toys of no fixed shape which come into directand lengthy contact with the skin, e.g. finger paints, modelling materials

Conformity assessment

TÜV Rheinland recommends:

The type examination should not only foresee the assessment of the adequacy of the technical design of a toy but in addition the risk assessment of the manufacturer and the necessary technical documentation should be made available to the Notified Body according to the procedures set out in Module B (paragraph 2, first indent).

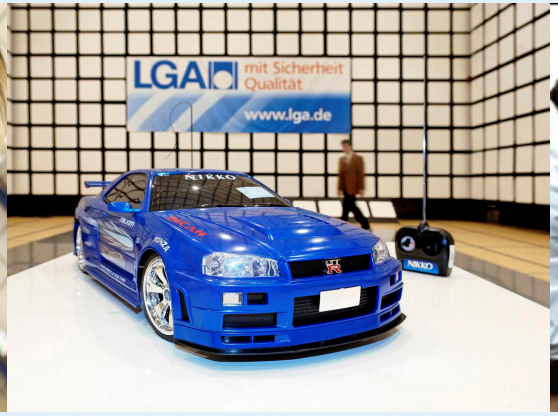


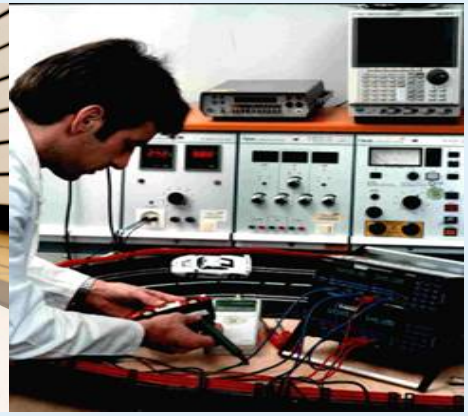
Conformity assessment

TÜV Rheinland recommends:

- The decision for the necessity for a third party verification shouldnot be left solely to the manufacturer (article 18). Basis of an EC type examination should bethe nature, design, construction or purpose of the toy but not the consideration of the manufacturer.

- The manufacturer has to demonstrate his competence to carry out the foreseen “safety assessments” (article 17).





Chemical requirements – CMR

The intended requirements of the draft directive for carcinogenic, mutagenic and reproduction-toxic substances (CMR) restrict only the use for these substances in toys

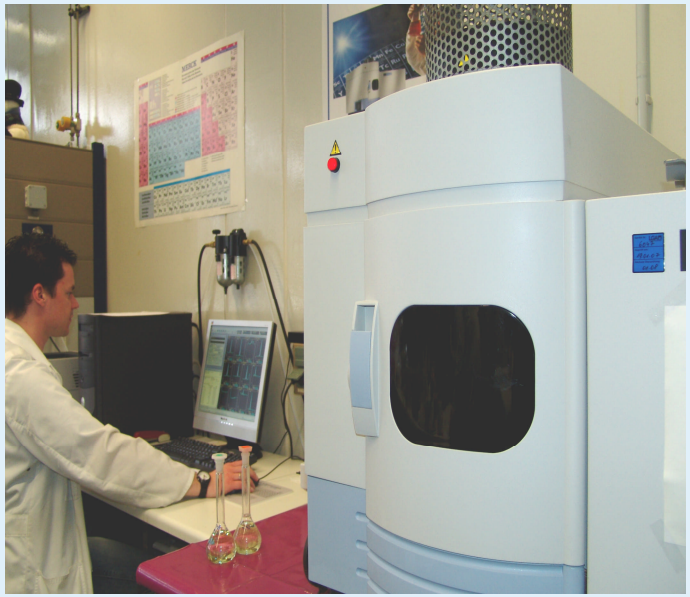
- We recommend that the existence of CMR-substances in toys have to be excluded (exception chemical toys)
- We recommend that the limit values should be reassessed in order to strengthen the requirements
- We recommend that there is no distinction regarding the procedure of the risk analysis of the CMR categories 1, 2 and 3 concerning toys

Chemical requirements – Fragrances

- From our point of view, it is not desirable to use fragrances in toys which could cause allergic reactions in children.
- Fragrances may not be used in toys.
- As an exception only fragrances for educational or exploratory use may be accepted, taking into account the requirements of Directive 76/768/EEC for cosmetic products.

Chemical requirements – migration of heavy metals

TÜV Rheinland welcomes that the new proposal is further limiting the use of heavy metals but criticizes that the migration limits in some cases are higher than in the existing directive.



Instead of values for the bioavailability of 8 heavy metals, now migration limits for 19 parameters are listed in the proposal of the new toy directive

Aluminium, antimony, arsenic, barium, **boron**, cadmium, chromium (III), chromium (VI), **cobalt**, **copper**, lead, **manganese**, mercury, nickel, selenium, **strontium**, **tin**, **org. tin**, and **zinc**

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Chemical requirements – migration of heavy metals

TÜV Rheinland recommends

- toxicological data regarding the bioavailability should be defined in the DIRECTIVE
- specific migration limits are to be listed in a harmonized technical standard (today: EN 71-3)
- a continuous adjustment to the technical progress is ensured due to the mandatory review of a technical standard every 5 years
- the list of elements of the draft directive are to be revised in regards to its relevancy (e. g. aluminium, zinc) to avoid unintentionally restriction on reliable materials for the use in toys.

Chemical requirements – organic-chemical substances

- We recommend a harmonized, risk-oriented regulation, especially for the organic-chemical harmful substances
- This should be anchored solidly in a revision of the toy directive to establish a specific procedure of developing migration models and standardized assessment criteria
- The preliminary work of the EN 71 part 9-11 working groups should necessarily be continued and extended to further potential toxic substance groups
- The mandate for this workgroups with the aim of a harmonized standard for organic-chemical toxic substances has to be updated

Conformity assessment acc. to New Approach

- New Approach legislation gives a high priority to the objective of free circulation of products.
- Consumers believe that the CE-marking is a safety mark, although this was never the intention.
- TÜV Rheinland recommends to verify the conformity of toys as well as its production process by an independent third party body.
- The verification of the conformity of toys as well as its producing process by an independent third party body should be carried out according to the foreseen conformity assessment modules of New Approach legislation (e.g. module A2).
- We fully support the amendment of the Rapporteur Mrs. Marianne Thyssen to delete paragraph 5 from article 15 of the commission's proposal.

Thank you for your attention

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