

Dear Commissioner Ms Elżbieta Bieńkowska,

We are writing to you to share our concerns, on the overall efficiency and effectiveness of a number of issues relating to the Toy Safety Directive concerning chemicals. These concerns relate to severe delays in updating annexes and guidance documents, as well as an inability in addressing emerging risks. We hope that the Commission agrees with our concern and is willing to act on the issues mentioned below in order to ensure the safety of our children.

Firstly, we would like to express our concern with the slow pace in adding new limit values to hazardous substances in the Annex of the Toy Safety Directive.

In December 2017, it was agreed to lower the limit values on aluminium due to new scientific evidence. These limits have not yet been voted on. We therefore urge the Commission to maintain the planned Committee meeting in June to have a vote on restrictions on aluminium, formaldehyde and aniline. Any delay has a direct impact on the safety of our children.

Secondly, we strongly believe that the directive should be amended in order to allow limit values for toys for children also above three years of age. Several cases have shown this is urgently needed. The latest example is the emission of chemicals from the foam toys “squishies” that pose a risk. Most squishies are labelled as toys for children above three years. A Danish survey<sup>1</sup> showed that 12 out of 12 tested squishies emitted chemical substances that posed a risk for children and limit values for eight substances are highly warranted.

Another example is the lack of limits for problematic preservatives that are used in toys for children older than three years, for example in slime and modelling clay. It is a huge deficiency with the existing directive, and it can result in unsafe toys for children, when known hazardous substances are not restricted directly with limit values in relevant toys.

Thirdly, the limit values for the carcinogenic nitrosamines and nitrosatable substances are higher in the directive than acceptable in the most recently agreed standard based on up-to-date scientific evidence<sup>2</sup>. Market surveillance authorities face enforcement challenges due to this discrepancy and our children may be unnecessarily exposed to

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<sup>1</sup> Analysis and risk assessment of fragrances and other organic substances in squishy toys, <https://www2.mst.dk/Udgiv/publications/2018/08/978-87-93710-64-1.pdf>.

<sup>2</sup> European Standard, Safety of toys – Part 12: N-Nitrosamines and N-nitrosatable substances, EN 71-12:2016

these hazardous substances. A revision of the limits for nitrosamines and nitrosatable substances is therefore urgently needed.

Finally, we urge the Commission to update the guidance documents on Technical documentation and the explanatory guidance document as soon as possible. These guidance documents have not been updated since 2016 despite agreements on several issues of importance for the safety of toys and thus the well-being of our children<sup>3</sup>.

We look forward to receiving your response.

Yours sincerely,

Undersigned by ministers of

Denmark  
Belgium  
Sweden  
Norway  
Lithuania  
The Netherlands  
Hungary  
Finland  
Czech Republic  
Luxembourg  
France



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Minister of Economy and Consumer Affairs  
Belgium



Ms Isabella Lövin  
Minister for Environment and Climate  
Sweden



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Minister of Climate and Environment  
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<sup>3</sup> Agreements can be seen from minutes from Expert Group Meetings on toys.

  
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Minister for Innovation and Technology  
Hungary



  
Mr Kęstutis Mažeika  
Minister of Environment  
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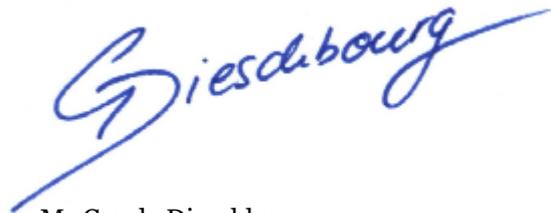
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Ministry of Economic Affairs and Employment  
Finland



Mr Bruno Bruins  
Minister for Medical Care and Sport  
The Netherlands



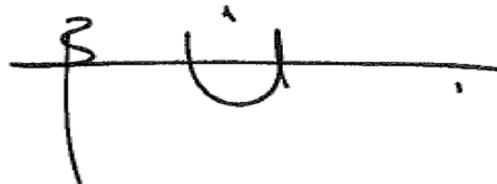
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Mr François de Rugy  
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