



Mr. Juergen Vogelgesang and Ms Katleen Hendrix
European Commission
DG GROW

ANEC-CHILD-2016-G-014

Brussels, 8 February 2016

Comments from ANEC on document EXP/2015/069, Evaluation of Directive 2009/48/EC on the Safety of Toys

Dear Mr Vogelgesang and Ms Hendrix,

Following the comments orally expressed by ANEC at the meeting of the COM Expert Group on 14 January, please find below our more detailed comments in writing.

The ANEC views are overall well presented in the report, particularly as regards chemicals. It is clearly stated that ANEC is not satisfied with the current provisions in the TSD and that the existing chemical rules are flawed. Several Member States with a high level of commitment and expertise in this area do support this view. Consequently, the conclusion in the report that no change of the Directive is needed seems premature. ANEC agreed with the statement from Norway at the meeting that the concerns expressed on chemicals by consumers and some of the Member States are not proportionally reflected in the conclusions of the report. ANEC strongly supports the suggested in-depth assessment of this subject, as these issues really need informed discussion.

The limitation of the current Comitology needs to be definitely repaired. It can only establish requirements for toys for children up to 36 months and toys intended to be placed in the mouth and change limits for elements and fragrances. The acceptance of the German lower limits for N-Nitrosamines and N-nitrosatable substances by the Commission on health grounds and the



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subsequent amendment of the EN71-12 reflecting the fact that the limits in the TSD are inadequate is a good (but not the only) example for the need to broaden the Comitology. ANEC agrees there is no need to open the Toy Safety Directive for a complete revision. Just a broadening of Article 46 with a view to allow the setting of chemical provisions for ALL kinds of toys and ALL kinds of chemicals would be sufficient (which means just a “recast” of the TSD with limited changes).

Yours sincerely,

Tania Vandenberghe

ANEC representative Expert Group on Toy Safety