**Summary of all amendments to the Toy Safety Directive 2009/48/EC:**

**Appendixes A & C, migration limits and other changes**

**July 2023**

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Jan | Feb | March | April | May | June | July | Aug | Sept | Oct | Nov | Dec |
| 2013 |  |  |  |  |  |  | Migration: |  |  |  |  |  |
| - Barium |
| - Cadmium |
| 2015 |  |  |  |  |  |  | App A : |  |  |  |  | App C : |
| - Nickel | - BPA |
|  | - TCEP, TCPP, TDCP |
| 2016 |  |  |  |  |  |  |  |  |  |  |  |  |
| 2017 |  |  |  |  | App C : |  |  |  |  |  | App C : |  |
| - Formamide | - CMI/MI |
| - BIT |  |
| 2018 |  |  |  |  |  |  |  |  |  | Migration: | App C : |  |
| - lead | - Phenol |
|  | - BPA |
| 2019 |  |  |  |  |  |  |  |  |  |  | Migration:  - Cr VI |  |
| 2020 |  |  |  |  |  |  |  |  |  |  |  |  |
| 2021 |  |  |  |  | Migration:  - Aluminium |  |  |  |  |  |  |  |
| App C :  Formaldehyde |
| 2022 |  |  |  |  |  |  | Fragrances |  |  |  |  | App C :  Aniline |

**Appendix A:**

The [Commission Directive 2014/84/EU](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.192.01.0049.01.ENG) exempting nickel from the CMR requirements for certain uses in toys (stainless steel and toys intended to conduct an electric current) **applies since July 2015**.

**Ongoing initiatives:** Titanium dioxide and metallic cobalt requests for Appendix A derogations

**Appendix C:**

(Scope: toys intended for use by children under 36 months and other toys intended to be placed in the mouth – The TSD explanatory guidance document gives some additional information regarding which toy materials would be most likely to contain the below substances).

* **Bisphenol A (BPA – CAS N° 80-05-7):**

The [Commission Directive 2014/81/EU](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0081) restricting BPA applies since December 2015. It lays down a 0.1 mg/l migration limit when tested in accordance with the methods laid down in EN 71-10:2005 and EN 71-11:2005. A lowering of the 0.1 mg/l limit to 0.04 mg/l was adopted in November 2016 and the [Commission Directive 2017/898/EU](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1496040330204&uri=CELEX:32017L0898) was published on 25 May 2017. It **applies since November 2018**.

**Ongoing discussions:** The Commission is investigating the lowering of the BPA migration limit following the EFSA opinion published in 2023.

* **Tris(2-chloroethyl) phosphate (TCEP - CAS N° 115-96-8), tris[2-chloro-1-(chloromethyl) ethyl] phosphate (TDCP - CAS N° 13674-87-8) and tris(2-chloro-1-methylethyl) phosphate (TCPP - CAS No 13674-84-5) :**

The [Commission Directive 2014/79/EU](http://eur-lex.europa.eu/legal-content/FR/TXT/?uri=celex%3A32014L0079) restricting TCEP, TCPP & TDCP (5 mg/kg each – total content) **applies since December 2015.**

* **Formamide (CAS N° 75-12-7):**

The [Commission Directive 2015/2115/EU](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2015.306.01.0017.01.ENG) restricting formamide **applies since May 2017**. It restricts the formamide emission at a maximum of 20 μg/m³ (emission limit) after a maximum of 28 days from commencement of the emission testing of foam toy materials containing more than 200 mg/kg (cut-off limit based on content).

This means that if the content limit of formamide is less than or equal to 200 mg/kg, there is no need to demonstrate compliance with the emission requirement.

* **BIT (benzisothiazolinone – CAS N° 2634-33-5):**

The [Commission Directive 2015/2116/EU](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2015.306.01.0020.01.ENG) restricting BIT **applies since May 2017**. It restricts this substance at 5 mg/kg (content limit) in aqueous toy materials, in accordance with the methods laid down in EN 71-10:2005 and EN 71-11:2005.

* **CMI/MI (chloromethylisothiazolinone - CAS N° 26172-55-4 and methylisothiazolinone - CAS N° 2682-20-4):**

The [Commission Directive 2015/2117/EU](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2015.306.01.0023.01.ENG) restricting CMI and MI and CMI/MI **applies since November 2017**. It restricts these substances in aqueous toy materials at a content limit of 0,75 mg/kg (CMI) and 0,25 mg/kg (MI) individually and at 1 mg/kg for a CMI/MI mixture (3:1) (CAS N° 55965-84-9) , in accordance with the methods laid down in EN 71-10:2005 and EN 71-11:2005.

* **Phenol (CAS N° 108-95-2):**

The [Commission Directive 2017/774/EU](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2017.115.01.0047.01.ENG&toc=OJ:L:2017:115:TOC) restricting phenol **applies since November 2018**. It restricts this substance at 5 mg/l (migration limit) in polymeric materials and at 10 mg/kg (content limit) as a preservative (most likely in aqueous toy material and paint tablets to be used with water).

* **Formaldehyde (CAS N° 50-00-0):**

The [Commission Directive 2019/1929/EU](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.299.01.0051.01.ENG&toc=OJ:L:2019:299:TOC) restricting formaldehyde **applies since 21 May 2021.** It restricts its content in textile, leather, paper and water-based toy materials. It also sets a migration limit for polymeric materials and an emission limit in resin-bonded wood toy materials. The associated test methods are mentioned in the recitals of the Directive.

* **Aniline** **(CAS N° 62-53-3):**

The [Commission Directive 2021/903/EU](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021L0903) **applies since 05 December 2022.** It restricts aniline at 30 mg/kg after reductive cleavage in textile and leather toy material, in accordance with the methods laid down in EN 14362-1 and EN 17234-1. It also restricts aniline at 10 mg/kg (free aniline) and at 30 mg/kg after reductive cleavage in finger paints (to align with the requirements in EN 71-7).

**Migration of certain elements:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Element | 2009/48/EC requirements | | | | Legislative text - date of application |
|  | mg/kg in dry, brittle, powderlike or pliable toy material | mg/kg in liquid or sticky toy material | mg/kg in scraped off toy material |  |
| Barium | Original TSD limits | 4500 | 1125 | 56000 |  |
| **New limits** | 1500 | 375 | 18750 | [Commission Regulation 681/2103](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0681)  **Applies since July 2013** |
| Cadmium | Original TSD limits | 1.9 | 0.5 | 23 |  |
| **New limits** | 1.3 | 0.3 | 17 | [Commission Directive 2012/7/EU](http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32012L0007)  **Applies since July 2013** |
| Lead | Orignal TSD limits | 13.5 | 3.4 | 160 |  |
| **New limits** | 2 | 0.5 | 23 | [Council Directive 2017/738/EU](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32017L0738)  **Applies since 28 Oct 2018** |
| Chromium VI | Original TSD limits | 0.02 | 0.005 | 0.2 |  |
| **New limits** | No change | No change | 0.053 (LOQ from EN 71-3) | [Commission Directive 2018/725/EU](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2018.122.01.0029.01.ENG&toc=OJ:L:2018:122:TOC)  **Applies since 18 Nov 2019** |
| Aluminium | Current TSD limits | 5625 | 1406 | 70000 |  |
| **New limits** | 2250 | 560 | 28130 | Commission Directive [2019/1922/EU](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.298.01.0005.01.ENG&toc=OJ:L:2019:298:TOC)  **Applies since 20 May 2021** |

**Ongoing discussions:** The Commission is investigating the possibility to lower the CrVI migration limits as recommended in a SCHEER opinion.

**Fragrances:**

In December 2020, two Directives amending the TSD on fragrances were published in the EU’s Official with changes to be applied from July 5, 2022. The new rules extend the list of 55 [banned](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2020.423.01.0058.01.ENG&toc=OJ%3AL%3A2020%3A423%3ATOC) fragrances with atranol, chloroatranol and methyl heptine carbonate in toys and toy materials. They also require that 61 [further allergenic](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2020.423.01.0053.01.ENG&toc=OJ%3AL%3A2020%3A423%3ATOC) fragrances in toys, if present at more than 100 mg/kg, have to be labelled on the toy, on an affixed label, on the packaging or in an accompanying leaflet.