

E-ssentials

Choose certainty.
Add value.

Consumer Products | Technical updates essential to your operations

Toys & Children's Products

New EU Toy Safety Directive (TSD) Guidance Documents on sports equipment, writing instruments and stationery

In January 2012, two new guidance documents were published to help EU member states and stakeholders distinguish between toys and other specific items. Since the TSD does not contain any specific provisions concerning the products mentioned, the documents have listed some examples and criteria in order to facilitate the decision-making process. The documents emphasize that all such decisions should be made on a case-by-case basis.

Table A summarises the content of documents. ■



Table A: Summary on New TSD Guidance Documents

Title	Criteria for classification
Guidance Document No. 14 on sports equipments versus toys ¹	<ol style="list-style-type: none"> Intention from the manufacturer <ul style="list-style-type: none"> Distribution channel The placing for sale within a store Target audience Distinctive characteristics of the product <ul style="list-style-type: none"> Size Colour Material Design Special criteria for product use <ul style="list-style-type: none"> Learning and coaching Supervision Specific rules Use of protective equipment Price <ul style="list-style-type: none"> Sporting equipment has distinctive criteria and characteristics to enhance proper use and protection therefore toys may be sold at a lower price.
Guidance Document No. 15 on writing instruments and stationery ²	<ol style="list-style-type: none"> Colouring and painting articles <ul style="list-style-type: none"> In general, these products are considered as toys unless they are intended for artistic use. Writing or drawing articles <ul style="list-style-type: none"> These products are toys provided that they are not strictly functional, but can also be used for play. Other stationery products <ul style="list-style-type: none"> They generally have an educational and functional purpose. No play value is introduced even by adding features and decorations. However, when a play value is intentionally introduced by the manufacturer, the product can be considered to be a toy. International standards such as ISO 11540 are suggested for reference especially relating to pens and pencils

¹ See Guidance Document No.14 – *Sports Equipment vs Toys* http://ec.europa.eu/enterprise/sectors/toys/files/guidance-documents/014-guidance_doc_sport equipments_en.pdf

² See Guidance Document No.15 – *Writing Instruments and Stationery* http://ec.europa.eu/enterprise/sectors/toys/files/guidance-documents/015_guidance_document_classification_of_writing_instruments_and_stationery_items_en.pdf

Softlines, Hardlines, Electricals & Electronics, Toys & Children's Products and Health & Beauty

REACH Annex XIV updated to 14 substances

On 15 February 2012, the 8 Substances of Very High Concern (SHVC) recommended by the European Chemicals Agency (ECHA) for inclusion in Annex XIV ("the Authorisation List") were officially added to the Annex via the publication of [Regulation \(EU\) No. 125/2012](#)¹ in the Official Journal of the European Union (OJEU). [Annex XIV](#) now contains 14 substances².

As in the recommendation, there are no exemptions for any category of uses, including product and process orientated research and development (PPORD).

The final dates for submitting an application for authorisation³ and the corresponding sunset dates are given in Table B.

For more details on the background of Annex XIV and how it might affect your business, please refer to the article in Volume 28 (June 2011) of Retail E-ssentials⁴. ■

Table B: Application deadlines for submitting authorisations

	Substance Name	CAS Number (EC Number)	Transitional Arrangements	
			Latest Application Date	Proposed Sunset Date
1	Diisobutyl phthalate (DIBP)	84-69-5 (201-553-2)	21 August 2013	21 February 2015
2	Diarsenic trioxide	1327-53-3 (215-481-4)	21 November 2013	21 May 2015
3	Diarsenic pentaoxide	1303-28-2 (215-116-9)		
4	Lead chromate	7758-97-6 (231-846-0)		
5	Lead sulfochromate yellow (C.I. Pigment Yellow 34)	1344-37-2 (215-693-7)		
6	Lead chromate molybdate sulfate red (C.I. Pigment Red 104)	12656-85-8 (235-759-9)	21 February 2014	21 August 2015
7	Tris(2-chloroethyl)phosphate (TCEP)	115-96-8 (204-118-5)		
8	2,4-Dinitrotoluene (2,4-DNT)	121-14-2 (204-450-0)		

¹ See Regulation (EU) No. 125/2012 at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:041:0001:0004:EN:PDF>

² View the current Annex XIV in full at <http://echa.europa.eu/web/guest/addressing-chemicals-of-concern/authorisation/recommendation-for-inclusion-in-the-authorisation-list/authorisation-list>

³ See the application for authorization process at <http://echa.europa.eu/web/guest/addressing-chemicals-of-concern/authorisation/applications-for-authorisation>

⁴ Download Retail E-ssentials Vol. 28 at https://www.tuv-sud.in/APMKT/pdf/Retail_E-ssentials_v28_06-2011.pdf

Softlines

EU DMF ban extends for the third time

The temporary measure to ban dimethyl fumarate (DMF/DMFu, CAS 624-49-7) in all products has been extended for a third time under [EU Decision 2012/48/EU](#), published in the Official Journal of the European Union on 28 January 2012¹.

In view of the imminent addition of DMF under [REACH Annex XVII](#) as Entry 61², this extension will apply until the entry into force

of the REACH restriction or 15 March 2013, whichever is the earlier.

An anti-moulding agent widely used in consumer leather goods such as footwear and furniture, DMF has been banned in all products on the EU market at concentration above 0.1 mg/kg since 1 May 2009³, including in an anti-mould pouch as part of the packaging. It has been suggested that DMF in consumer goods can cause severe skin problems such as dermatitis and eczema.

The ban is a temporary emergency measure taken by the European Commission to

³ See Decision No. 2009/251/EC on the original ban in the EU Official Journal at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:074:0032:0034:EN:PDF>

deal with the sudden large number of cases reported in 2008 on severe health issues involving imported leather furniture impregnated with DMF. In 2010, France proposed to place DMF on a permanent ban under the REACH regulation. If accepted, the proposal would apply to all articles containing DMF at a concentration above 0.1 mg/kg.

For further information on DMF and its related regulatory requirements in the EU, please refer to the previous articles published in TÜV SÜD Retail E-ssentials Vol. 24⁴ and 37⁵. ■

¹ Read Decision No. 2012/48/EU on the current ban extension in the EU Official Journal at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:026:0035:0035:EN:PDF>

² See the full details on the REACH Annex XVII proposal for DMF as it submitted to the WTO at http://ec.europa.eu/enterprise/tbt/index.cfm?fuseaction=Search.getProject&Country_ID=EEC&num=403&dsplang=en&nextpage=1&basdatedeb=&basdatefin=&baspayseec=&baspayse2=&basnotifnum=403&basnotifnum2=&basstypepays=ANY&baskeywords=&fromform=viewBasic&project_type_num=1&project_type_id=1&lang_id=EN

⁴ Download Retail E-ssentials Vol. 24 at https://www.tuv-sud.in/APMKT/pdf/Retail_E-ssentials_v24_04-2011.pdf

⁵ Download Retail E-ssentials Vol. 37 at https://www.tuv-sud.in/APMKT/pdf/Retail_E-ssentials_v37_10-2011.pdf

Hardlines and Toys & Children's Products

Australia proposes regulation on domestic trampolines

Domestic trampolines are gymnastic equipment that are primarily used by children in the home environment. They mainly consist of a strong, stretched fabric attached with a metal suspension and frame structure.

Most trampolines are safe and fun when used appropriately. However, hundreds of Australian children are taken to hospital every year for injuries related to trampolines. Injury data and research show that children are injured by impacting with parts of a trampoline such as the frame and suspension system, resulting in injuries that range from cuts and bruises to more serious sprains and fractures.

Since there are currently no legislative requirements relating to domestic trampolines in Australia, the Australian Competition and Consumer Commission (ACCC) is examining the need for national regulation to minimise childhood injuries from these products. A [draft regulation impact statement](#) was published¹ on 19 January 2012 for consultation until 24 February 2012. The entire review process will take up to 18 months to complete.

¹ See the ACCC draft regulation statement on domestic trampolines in full at <http://www.productsafety.gov.au/content/item.phtml?itemld=991929&nodeld=544ffc4963cfa6ce6d4fb77590cd9e8&fn=Proposed%20regulation%20of%20domestic%20trampolines%20-%20Draft%20regulation%20Impact%20statement.pdf>

Table C: Trampoline safety requirements in other countries

Country/Region	Standard (Most Recent)	Standards Development
Europe	<ul style="list-style-type: none"> ▪ Toy domestic trampoline: Falls within the scope of the EU toy safety directive, but EN 71-8:2011 does not include the requirement of toy domestic trampoline, i.e. there is no harmonized standard for toy trampolines at current stage and EC type examination is required. ▪ Gymnastic/sports trampoline: EN 13219:2008 <i>Gymnastic equipment – trampolines: functional and safety requirements</i> 	Working on prEN 71-Y <i>Safety of toys - Part Y: Trampolines for domestic use</i> (DAV April 2014)
United States	ASTM F381-11 <i>Standard safety specification for components, assembly, use and labeling of consumer trampoline*</i>	N/A
New Zealand	NZS 5885:1997 <i>Consumer safety specification for components, assembly and use of a trampoline*</i>	N/A

* Voluntary or industry standard

One of the ACCC's recommendations in the impact statement calls for a mandatory standard for domestic trampolines². The Australian Standards Committee CS-100 has accepted a proposal to review AS 4989-2006

(the current voluntary standard for domestic trampolines), which includes assessing the introduction of safety net enclosures. The standard review is expected to complete in mid July 2013.

Table C summarises the trampoline safety requirements of other countries. ■

² Learn about trampoline standards development in Australia at <http://www.sdpp.standards.org.au/ActiveProjects.aspx?CommitteeNumber=CS-100&CommitteeName=Trampolines> or see the ACCC Trampoline safety tip at <http://www.productsafety.gov.au/content/index.phtml/itemld/971685/fromitemld/971684>

Your regional Consumer Products contacts worldwide

Asia Pacific

TÜV SÜD Asia Pacific
3 Science Park Drive
#04-01, The Franklin
Singapore 118223
+65 6427 4751
info@tuv-sud.sg

Americas

TÜV SÜD America
10 Centennial Drive
Peabody, MA 01960
USA
+1 800 888 0123
info@tuvam.com

Western Europe

TÜV SÜD Product Service GmbH
Ridlerstr. 65
80339 Munich
Germany
+49 180 332 42 42
productservice@tuev-sued.de

Central & Eastern Europe

TÜV SÜD Central Eastern Europe s.r.o.
Novodvorská 994/138
142 21 Praha 4
Czech Republic
+420 239 046 800
info@tuv-sud.cz

DISCLAIMER

All reasonable measures have been taken to ensure the quality, reliability, and accuracy of the information in this newsletter. However, TÜV SÜD is not responsible for the third party content contained in this newsletter. TÜV SÜD makes no warranties or representations, expressed or implied, as to the accuracy or completeness of information contained in this newsletter.

This newsletter is intended to provide general information on a particular subject or subjects and is not an exhaustive treatment of such subject (s). Accordingly, the information in this newsletter is not intended to constitute consulting or professional advice or services. If you are seeking advice on any matters relating to information in this newsletter, you should – where appropriate – contact us directly with your specific query or seek advice from qualified professional people.

The information contained in this newsletter may not be copied, quoted or referred to in any other publication or materials without the prior written consent of TÜV SÜD. All rights reserved © 2012 TÜV SÜD Asia Pacific Pte Ltd.