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Denmark Goes Ahead with the National Ban of 4 Phthalates in Articles



On 30 November 2012, the Danish [Order No. 1113 of 26/11/2012](#)¹ for a national ban on the import and sale of products containing any of the four phthalates DEHP, DBP, BBP and DIBP at a concentration greater than 0.1% by weight was published. The scope of the ban covers:

- products intended for indoor use; and
- products that may come into contact with the skin or mucous membranes.

The Order will enter into force on 1 December 2013. However, for electrical and electronic products that fall within the scope of RoHS 2

(Directive 2011/65/EC), the ban will enter into force on 1 December 2014.

The following are excluded from the scope of the ban:

1. Medical devices
2. Inner packaging of medicinal products
3. Toys
4. Childcare articles in the case of DEHP, DBP and BBP
5. Cosmetic products
6. Materials and articles intended for contact with food
7. Used goods that already complied with the Danish requirements when first sold on the market ■

The scope and exclusions of the ban are clarified with the following definitions:

Items intended for indoor use - includes products that are expected to be placed, kept, stored, hung up, laid, mounted, applied, fixed, etc for a significant part of their life.

Childcare article - any product that is intended or likely to be mouthed by children aged 0-3 years (0-36 months), including, in particular, pacifiers/dummies, bibs, jewellery and bath equipment, etc.

¹Order No. 1113 of 26/11/2012 Banning the Import and Sale of Products for Indoor Use Containing Phthalates DEHP, DBP, BBP and DIBP, and Items Containing these Substances that can come into Contact with the Skin or Mucous Membranes <https://www.retsinformation.dk/Forms/R0710.aspx?id=143212&exp=1>

Softlines, Toys & children's products

New EU toy guidance on carnival costumes is published

On 13 December, 2012, the European Commission (EC) has published on its website the [new guidance on carnival costumes](#)¹. This document expresses the views of the majority of members in expert group on toy safety on making distinction between toys and dress up products. Some official guidance is recommended for age evaluation of costumes within certain age groups. [CEN report 14379](#)² lists costumes, disguises and masks (intended to imitate) as toys for children below and above 36

months, depending on the size. The [CPSC age determination guidelines](#)³ lists information on dress-up materials and gives examples of costumes regarded as toys for children as of 12 months old.

Carnival costumes are products used to disguise and most children usually use them playing the corresponding character (e.g. cowboy, fireman, princess and doctor). If they are designed or intended, whether

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or not exclusively, for use in play by children under 14 years, they should be within the scope of Toy Safety Directive 2009/48/EC (TSD). Very young children in kindergarten and elementary school may also use the costumes in play. In addition, jewelry or accessories sold with toy disguise costumes and (imitation) jewelry to be assembled by the children themselves can be regarded as toys which they are for use in play.

However, carnival costumes for children aged or sized 1 year old and below should have no play value and should not have classified as toys,

given their lack of awareness for the costumes they are wearing. In this case, General Product Safety Directive (GPSD) should be applicable. Toy carnival costumes for children have to comply with all essential requirements of the TSD, especially covered by standard EN 71-2 chapter 4.2 "Toys to be worn on the head" and chapter 4.3 "Toy disguise costumes and toys intended to be worn by a child in play". Presumption of conformity is given by the references harmonised standards⁴ published under TSD.

¹ EU Toy Guidelines Document No.17 on carnival costumes http://ec.europa.eu/enterprise/sectors/toys/files/guidance-documents/017-guidance-document-disguise-costumes_en.pdf
² CR 14379:2002 <http://e.search.cen.eu/e/search/Details.aspx?id=7663570>
³ CPSC age determination guidelines <http://www.cpsc.gov/PageFiles/112958/adg.pdf>
⁴ References harmonised standards under TSD http://ec.europa.eu/enterprise/policies/european-standards/harmonised-standards/toys/index_en.htm

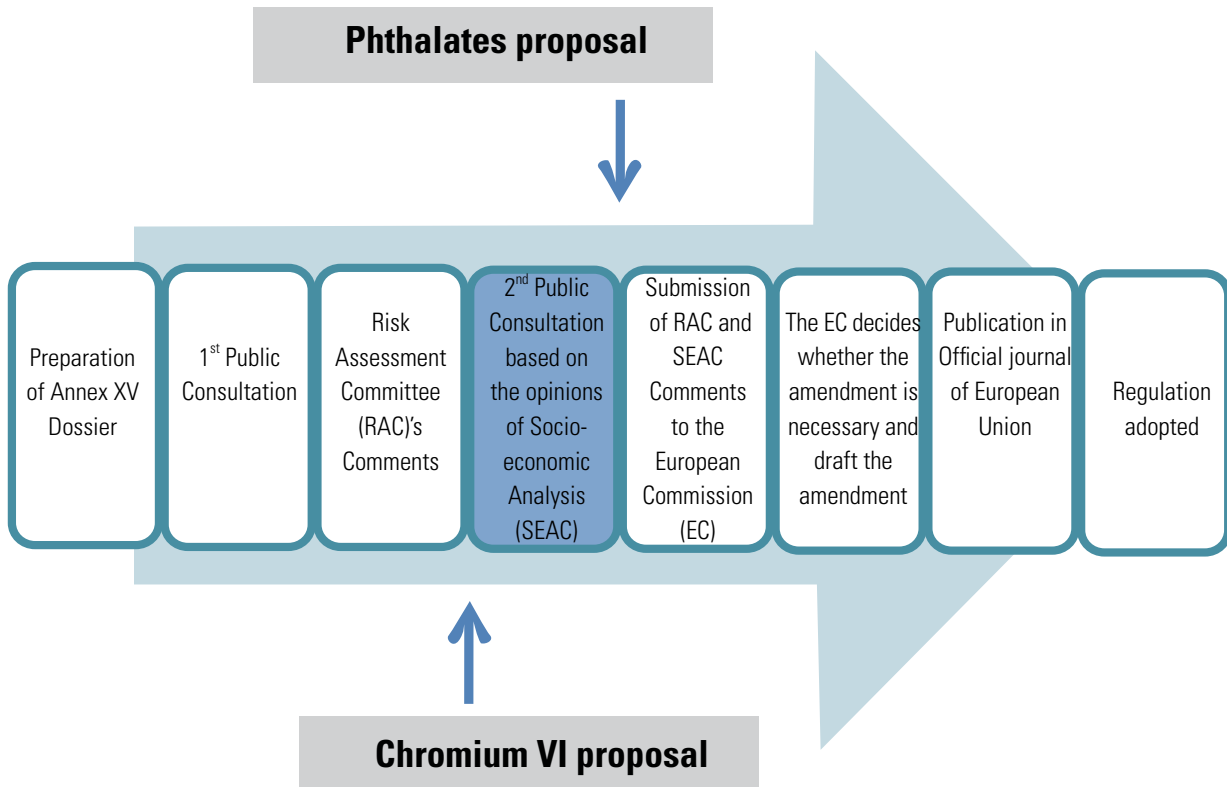
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Latest development of REACH Annex XVII restriction proposals for Phthalates and Chromium VI

Recently, the European Chemicals Agency (ECHA) updated the progress of restriction proposal for chromium VI and phthalates. Both restrictions were proposed by Denmark and it is intended to adopt restriction as a

risk management option to address the exposure of chemicals. The details of the progress are described as below. Picture 1 shows the progress of both proposals.

Picture 1: Progress of Restriction Proposals for chromium VI and phthalates under REACH Annex XVII



Progress of Restriction Proposal under REACH Annex XVII

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Restriction Proposal of Phthalates in plasticised materials used indoors

Upon the completion of the 2nd public consultation, the Social-economic Analysis Committee (SEAC)¹ under the ECHA concludes that the phthalates restriction is not justified on 7 December 2012. The SEAC Committee matches with the opinions of Risk Assessment Committee (RAC) and the current risk assessment measures are already sufficient to protect the public health. This is the first time that the restriction proposal is not supported by the SEAC and the RAC.

Denmark proposed to the ECHA that two types of articles that contain Bis (2-ethylhexyl) phthalates (DEHP), Dibutyl phthalates (DBP), Benzyl butyl phthalate(BBP) and Diisobutyl phthalate(DIBP) in a combined concentration greater than 0.1% by weight of any plasticised material including articles intended for use indoors and articles that may come into direct contact with the skin or mucous membranes. Upon receiving the comments from both Committees the ECHA may submit comments to the European Commission (EC) and the EC may decide whether this restriction is necessary.

Restriction Proposal of chromium VI in leather articles

On 14 December 2012, the ECHA launched the 2nd public consultation² on the restriction proposal for chromium VI compounds. The consultation will be completed on 12 February 2013. This restriction was proposed by Denmark to ban leather articles containing chromium VI from placing on the market. The leather articles should not contain chromium VI in concentration equal to or higher than 3 mg/kg.

After the 1st public consultation, both the Risk Assessment Committee (RAC) and Socio-economic Assessment Committee (SEAC) of ECHA support this restriction proposal but there is some modification to enhance the enforceability. According to the draft opinions³ adopted by both Committees, the wordings of “**direct and prolonged or repetitive contact**” are deleted. The new proposed scope of restriction



covers **all** leather articles coming into contact with the skin, not just direct and prolonged skin contact. The leather articles for which there are relatively short contact is included. In addition, EN ISO 17075:2007 is explicitly stated as a testing method proposed to quantify chromium VI in leather. The update of changes is listed in Table A. Upon the completion of 2nd public consultation, SEAC will finalize its opinions and the ECHA will submit the RAC and SEAC comments to the EC for the final decision on the restriction.

Table A: Comparison of changes in restriction proposal

Parameter	Original restriction proposal ⁴	Modified version proposed by the RAC and SEAC
Scope	Leather articles, coming into direct and prolonged or repetitive contact with the skin	Leather, or leather parts of articles, coming into contact with the skin
Test method	Not clearly indicated	EN ISO 17075:2007

¹ ECHA Press Release of phthalates restriction proposal http://echa.europa.eu/web/guest/view-article/-/journal_content/e14a8add-b03d-4705-95d8-8600b7c5b10c

² ECHA Press Release of 2nd public consultation of chromium VI: http://echa.europa.eu/web/guest/view-article/-/journal_content/2774c84c-5757-4746-b0ef-ff43c3e219ae

³ Draft opinions adopted by the SEAC and RAC: <http://echa.europa.eu/documents/10162/181c7157-76cf-4356-b1d8-664e43a1a3bd>

⁴ Summary of the Chromium (VI) proposal from Denmark: http://echa.europa.eu/documents/10162/17233/information_note_cr_vi_en.pdf

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