CHEM Trust position on the Toy Safety Regulation trilogues

The ongoing negotiations between the Council, Parliament and Commission on the revision of the Toy safety law are crucial to ensure toxic-free toys.

This revision follows findings that the current EU law does not adequately protect children from harmful chemicals in toys. [1] Children are particularly vulnerable to these chemicals as their bodies are still developing - their brain, immune and hormonal systems are very sensitive and can be easily affected even by a small exposure to harmful chemicals. [2]

We call on co-legislators' leadership to uphold the highest level of protection for children.

For this to happen, the revision must include the following:

- **A ban on PFAS, the 'forever chemicals'**

  Member States have started banning PFAS in national laws [3], certain US states have already phased out PFAS from toys [4], and a growing number of companies are producing PFAS-free products, which will facilitate the sourcing of PFAS-free materials for toy manufacturing.

  Last year, co-legislators decided to ban PFAS in food packaging under the Packaging and Packaging Waste Regulation – we ask for the same approach to be applied to the Toy Safety Regulation. Why should food packaging be free of PFAS, but not toys?

- **A ban on the bisphenols group**

  There are around 150 worrisome bisphenols [5] and many have been found in toys - in some cases up to six different bisphenols in a single toy. Bisphenols have been detected in the urine of children across Europe [6], and their hormone-disrupting effects may lead to developmental issues, obesity and cancer.

  We need to ban these chemicals as a group for two important reasons. First, to accelerate action, as it would take the European Union decades to restrict them individually. Second, to avoid costly and regrettable substitution – a process whereby industry replaces one harmful bisphenol with another equally harmful one.

  Some stakeholders claim that the REACH Regulation is better placed to protect children from bisphenols in toys. However, the reality is different, as it is unclear when further action on bisphenols will be taken under REACH. The European Commission has said it will investigate a potential restriction on bisphenols that impact human health depending on the outcome of a German proposal for a restriction on certain bisphenols. However, the German restriction proposal has been withdrawn, resulting in inaction for years to come. Meanwhile, we already know that at least 34 bisphenols may need to be restricted due to

their interference with the hormonal system and effects on reproduction, as highlighted in a report by the European Chemicals Agency [7].

- **A broadening of the chemicals restriction mechanism to include all the most harmful chemicals**

  All the most harmful chemicals need to be restricted from toys, including five hazard classes that have not been included by the European Commission or Council: chemicals that persist, bioaccumulate, are mobile and toxic, and are endocrine disruptors for the environment [8]. The Commission defines all these chemicals as "most harmful chemicals" in documents and therefore they have no place in toys.

  In its conclusion [9], the Council agreed with the Commission that persistent, bioaccumulative, and toxic (PBT) chemicals should not be present in consumer products, including toys. Therefore, we are surprised that the Council's negotiation mandate on the Toy Safety Regulation does not follow this line.

- **The inclusion of the precautionary principle in the operational part of the law**

  This would ensure that companies and the European Commission fully consider this Treaty principle when making decisions.

[1] European Commission (2020), Evaluation of the Toy Safety Directive

[2] CHEM Trust (2017), No Brainer - The impact of chemicals on children's brain development: a cause of concern and need for action

[3] A Danish ban on PFAS in textiles (from 2026) and another one in food contact materials (since 2020); A French ban on PFAS in textiles, cosmetics and ski-waxes awaits a final decision in Parliament (February 2025).

[4] Table of US federal states taking action on PFAS in toys

[5] [7] European Chemicals Agency (2021), Assessment of regulatory needs

[6] Results from the HBM4EU project

[8] PBT, vPvB, PMT, vPvM and EDC for the environment

[9] Council (2021), Conclusions - Sustainable Chemicals Strategy of the Union: Time to Deliver

Contact

Ioana Bere, EU Policy advocate, CHEM Trust
ioana.bere@chemtrust.org

chemtrust.org
EU Transparency Register number: 27053044762-72

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