

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2023/740

of 4 April 2023

on harmonised standards for toys drafted in support of Directive 2009/48/EC of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽¹⁾, and in particular Article 10(6) thereof,

Whereas:

- (1) In accordance with Article 13 of Directive 2009/48/EC of the European Parliament and of the Council ⁽²⁾, toys which are in conformity with harmonised standards or parts thereof, the references of which have been published in the *Official Journal of the European Union*, are to be presumed to be in conformity with the requirements covered by those standards or parts thereof set out in Article 10 of Directive 2009/48/EC and Annex II to that Directive.
- (2) Directive 2009/48/EC lays down, in Part III of Annex II thereto, specific requirements in order to ensure that there are no risks of adverse effects on human health due to exposure to the chemical substances or mixtures of which the toys are composed or which they contain. Moreover Article 10(2) lays down the general safety requirement.
- (3) By letter M/445 ⁽³⁾ of 9 July 2009 the Commission made a request to the European Committee for Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (Cenelec) for the drafting of new and the revision of existing harmonised standards in support of Directive 2009/48/EC. That request was replaced by a new request set out in Commission Implementing Decision C(2022)7410 ⁽⁴⁾, which requested among others a revision of standard EN 71-13 ‘Safety of toys – Part 13: Olfactory board games, cosmetic kits and gustative games’.
- (4) CEN revised harmonised standard EN 71-13:2021 ‘Safety of toys – Part 13: Olfactory board games, cosmetic kits and gustative games’, the reference of which was published by Commission Implementing Decision (EU) 2021/1992 ⁽⁵⁾. This resulted in the adoption of harmonised standard EN 71-13:2021+A1:2022.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1).

⁽³⁾ M/445 of 9 July 2009 on a standardisation mandate addressed to CEN and Cenelec within the framework of Directive 2009/48/EC revising Directive 88/378/EEC concerning the safety of toys.

⁽⁴⁾ Commission Implementing Decision C(2022)7410 of 24 October 2022 on a standardisation request to the European Committee for Standardisation and the European Committee for Electrotechnical Standardisation as regards toys in support of Directive 2009/48/EC of the European Parliament and of the Council.

⁽⁵⁾ Commission Implementing Decision (EU) 2021/1992 of 15 November 2021 on harmonised standards for toys drafted in support of Directive 2009/48/EC of the European Parliament and of the Council (OJ L 405, 16.11.2021, p. 14).

- (5) The specifications of harmonised standard EN 71-13:2021+A1:2022 are more clearly related to the requirements of Directive 2009/48/EC. In particular, this new version of standard EN 71-13:2021 aligns the standard with Directive 2009/48/EC as amended by Commission Directives (EU) 2020/2088 ⁽⁶⁾ and (EU) 2020/2089 ⁽⁷⁾. Tables 1 and 2 of the standard have been revised and an additional table 3 has been inserted in the standard in order to take into account changes to the allergenic fragrance lists in Directive 2009/48/EC, introduced by Directives (EU) 2020/2088 and (EU) 2020/2089. Table 3 of the standard includes allergenic fragrances which, in accordance with Directive 2009/48/EC, are to be listed on a label affixed to the toy, on the packaging or in an accompanying leaflet to the toy. Standard EN 71-13:2021+A1:2022 includes the specification that cosmetic kits and gustative games are not to be used by children under 36 months of age. This specification clearly reflects the requirement set out in Part III, point 12, second paragraph, of Annex II to Directive 2009/48/EC.
- (6) The Commission together with CEN has assessed whether harmonised standard EN 71-13:2021+A1:2022 drafted by CEN complies with the request M/445 of 9 July 2009. The Commission has also assessed compliance with the new request set out in Implementing Decision C(2022)7410. The harmonised standard satisfies the requirements which it aims to cover and which are set out in Directive 2009/48/EC. It is therefore appropriate to publish the references of that standard in the *Official Journal of the European Union*.
- (7) Harmonised standard EN 71-13:2021+A1:2022 replaces harmonised standard EN 71-13:2021. It is therefore necessary to withdraw the references of that standard from the *Official Journal of the European Union*.
- (8) In the interests of clarity, rationality and simplification, a complete list of references of harmonised standards drafted in support of Directive 2009/48/EC and satisfying the requirements they aim to cover should be published in a single act. The references of harmonised standards drafted in support of Directive 2009/48/EC are currently published by Implementing Decision (EU) 2021/1992. Consequently, it is necessary to replace Implementing Decision (EU) 2021/1992 by a new decision.
- (9) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the date of its publication,

HAS ADOPTED THIS DECISION:

Article 1

The references of the harmonised standards for toys drafted in support of Directive 2009/48/EC, listed in the Annex to this Decision, are hereby published in the *Official Journal of the European Union*.

Article 2

Implementing Decision (EU) 2021/1992 is repealed.

Article 3

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

⁽⁶⁾ Commission Directive (EU) 2020/2088 of 11 December 2020 amending Annex II to Directive 2009/48/EC of the European Parliament and of the Council as regards the labelling of allergenic fragrances in toys (OJ L 423, 15.12.2020, p. 53).

⁽⁷⁾ Commission Directive (EU) 2020/2089 of 11 December 2020 amending Annex II to Directive 2009/48/EC of the European Parliament and of the Council as regards the prohibition of allergenic fragrances in toys (OJ L 423, 15.12.2020, p. 58).

Done at Brussels, 4 April 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

No	Reference of the standard									
1.	EN 71-1:2014+A1:2018 Safety of toys – Part 1: Mechanical and physical properties									
2.	EN 71-2:2020 Safety of toys – Part 2: Flammability									
3.	EN 71-3:2019+A1:2021 Safety of toys – Part 3: Migration of certain elements									
4.	EN 71-4:2020 Safety of toys – Part 4: Experimental sets for chemistry and related activities									
5.	EN 71-5:2015 Safety of toys – Part 5: Chemical toys (sets) other than experimental sets									
6.	EN 71-7:2014+A3:2020 Safety of toys – Part 7: Finger paints – Requirements and test methods									
7.	EN 71-8:2018 Safety of toys – Part 8: Activity toys for domestic use									
8.	EN 71-12:2016 Safety of toys – Part 12: N-Nitrosamines and N-nitrosatable substances Informative note: The limit values in point (a) of Table 2 of clause 4.2 of standard 'EN 71-12:2016 Safety of toys – Part 12: N-Nitrosamines and N-nitrosatable substances' are lower than the limit values to be complied with set in point 8 of part III of Annex II to Directive 2009/48/EC. In particular those values are as follows:									
	<table border="1"> <thead> <tr> <th>Substance</th> <th>Standard EN 71-12:2016</th> <th>Directive 2009/48/EC</th> </tr> </thead> <tbody> <tr> <td>N-nitrosamines</td> <td>0,01 mg/kg</td> <td>0,05 mg/kg</td> </tr> <tr> <td>N-nitrosatable</td> <td>0,1 mg/kg</td> <td>1 mg/kg.</td> </tr> </tbody> </table>	Substance	Standard EN 71-12:2016	Directive 2009/48/EC	N-nitrosamines	0,01 mg/kg	0,05 mg/kg	N-nitrosatable	0,1 mg/kg	1 mg/kg.
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9.	EN 71-13:2021+A1:2022 Safety of toys – Part 13: Olfactory board games, cosmetic kits and gustative games									
10.	EN 71-14:2018 Safety of toys – Part 14: Trampolines for domestic use									
11.	EN IEC 62115:2020 Electric toys – Safety EN IEC 62115:2020/A11:2020									