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Retail & Wholesale

Position Paper
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Recommendations for the CMR Restriction in childcare articles

Recommendations

1. The proposal could **clarify the scope** regarding electrical and electronic components, and the discrepancy between the age range in EN standards and the proposal.
2. **Issue supporting guidance the form of a practical guidelines, to help ensure consistent implementation.** The ECHA investigation report could form the basis, more clearly describe the compliance steps in an operational manner.
3. Following from above, the measure should be clear that in place of testing for thousands of substances, an assessment of substances in specific materials with focus on testing where **risk is highest** shall be implemented.
4. The restriction proposal could benefit from **aligning** the requirements and testing with the CMR restriction under the **Toy Safety Regulation**, although there are still practical uncertainties on how to achieve compliance with the latter.
5. The proposal could consider a **migration-based limit aligned for Bisphenol A (BPA)** with the Toy Safety Regulation in place of a uniform BPA content limit, as this better reflects actual exposure while also avoiding disproportionate impacts on sustainable materials.
6. The proposal could consider alignment of **heave metals migration testing** methods with the TSR.
7. The proposal foresees a 36-month transition period but does not appear to include explicit exemptions for articles already in use. It could benefit from an **explicit exemption of products in stock**, as is the case for certain REACH restrictions.

Justifications

1. **Electrical and Electronic Components & Age Range:** It is unclear whether components such as batteries or accessible cables fall within the scope of the restriction. Products like electric baby bouncers or swings are already compliant with sector-specific legislation (RoHS), yet may not qualify as "inaccessible" under a strict interpretation, risking a de facto ban. The TSR precedent — which exempts certain CMR substances (e.g. cobalt, Carc. 1B, Muta. 2, Repr. 1B) in current-conducting components — should be reflected here. The Commission should clarify whether component-level compliance is required. Additionally, current EN standards for childcare products (CEN/TC 252) cover children aged 0–3, while ECHA's investigation report proposed aligning the scope with the toy safety age range of 0–14.
2. **Generic limit and exposure assessment:** The proposed generic limit of 0.001% (w/w) in homogeneous material does not account for actual exposure, which depends on material type, substance release, child age and behaviour, and location of the substance in the product. Notably, ECHA's own investigation report did not perform exposure or risk assessments due to the broad

scope. Applying a blanket limit without this foundation risks imposing significant compliance burdens disproportionate to the actual risk. It would also create implications for the enforceability of the measure.

3. **Supply chain communication & Enforceability:** Due to the large number of substances in scope, it is challenging for a manufacturer to ensure compliance. First, there are challenges related to uncertainties about testing methods of CMR 1A and 1B substances for many different material types (what kind of solvent, time, temperature of extraction, analysis equipment etc), which are also described in the ECHA investigation report. Second, the proposed limit falls well below the threshold triggering SDS communication requirements, whereas this becomes further challenging when part of the supply chain is outside the EU. This concern clearly shows a problem highlighted by retailers before where we see a need to require more detailed information in the SDS (change the requirements for SDS as stated in REACH Annex II), as testing for thousands of substances is not a realistic approach, especially for SMEs.
4. **Alignment with the Toys Safety Regulation (TSR):** The stated objective of the proposed restriction is to provide children with the same level of protection as under the EU Toy Safety Regulation (TSR). However, the two frameworks are not yet fully aligned. Aligning the requirements and testing strategy to show compliance for materials used in both toys and childcare products would be beneficial for operators trading with both categories, and would deliver on the objective to ensure children's safety.
5. **Migration-based limits & alignment with TSR:** The uniform BPA content limit proposed across all materials departs from ECHA investigation report (textile-specific limit of 0.8 mg/kg) and the EU Toy Safety Regulation (migration limit of 0.005 mg/l). However, the exposure potential from textile material is different compared to other polymeric material such as plastic and foam where most BPA is tightly bound into the matrix of the materials and not easily migrated. A migration-based limit would better capture real exposure risk while remaining consistent with the TSR framework. Furthermore, the proposed content limit would effectively restrict the use of recycled rPET textiles textile (rPET plastic from PET bottles sources). This consequence will conflict with many sustainable sources' agenda of many brands.
6. **Heavy metals testing method:** Currently, EU Toy Safety Regulation refers to EN 71-3 (heavy metals migration). There is no correlation between the two different methods to test migration, and we would therefore suggest aligning with the EU Toy Safety Regulation. This will be beneficial from a testing perspective, instead of creating a situation where two different testing methods are relevant (EN 16711-2 and EN 71-3).

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