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#### 'I/A' ITEM NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the safety of toys and repealing Directive 2009/48/EC <b>(first reading)</b> - Adoption of the Council's position at first reading and of the statement of the Council's reasons - Statements

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#### Statement by Austria

Austria supports the objective of further improving the established high level of protection through the overhaul of the Toy Safety Directive (2009/48/EC), particularly with regard to protection from hazardous chemicals and more effective enforcement. The conversion into a Regulation, the introduction of a digital product passport for toys, and the explicit reference to the obligations of online marketplace operators are welcomed by Austria.

However, it must be noted that the compromise text does not adequately address Austria's substantial concerns regarding the enforceability and legal certainty of the provisions:

- Austria anticipates a significant administrative burden and additional costs for businesses and authorities arising from certain proposed provisions, without a corresponding substantial improvement in the current level of protection. In particular, the provisions concerning mental health and the general ban on hazardous chemicals give rise to substantial legal uncertainties and serious practical enforcement challenges from Austria's perspective.
- Furthermore, the deletion of the sell-off period in Article 57 will result in a dual system of products on the market, some with and some without a digital product passport. This will create significant challenges for market surveillance and complicate the uniform and legally sound enforcement of the Regulation in practice.

Due to these concerns, Austria will abstain from the final vote.

### **Statement by the Commission**

The Commission regularly and systematically evaluates the occurrence of hazardous chemicals in toys, taking into account available scientific evidence, with a view to adapting the limit values or the conditions for the presence of specific chemical substances or mixtures in toys in accordance with Article 46 of Regulation 2025/... on the safety of toys. For that purpose, the Commission will request an opinion from the European Chemicals Agency on the safety of nitrosamines and nitrosatable substances in toys, in view of the overall exposure, within 12 months of the entry into force of this Regulation. For the same purpose, the Commission will request an opinion from the European Chemicals Agency on the safety of lead, cadmium, mercury and chromium vi in toys, in view of the overall exposure, within 24 months of the entry into force of this Regulation.