Child health protection: phthalates, dangerous substances, safety of toys (amend. Directives 76 /769/EEC, 88/378/EEC)

1999/0238(COD) - 10/11/1999 - Legislative proposal

PURPOSE: To harmonise provisions relating to phthalates in toys and child care articles in order to ensure a high level of health protection, notably of young children.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: The purpose of the proposed Directive is to harmonise provisions on phthalates is toys and child care articles in order to ensure a high level of health protection for young children under the age of three. The proposed Directive is being presented on the back of research conducted in Denmark and Spain, which indicates that unsafe levels of phthalates are migrating from certain soft PVC child care articles. The Commission's preferred route of action is to initiate an outright ban on the use of certain phthalates in PVC toys and child care articles put in the mouth by small children under the age of three. An additional provision would ensure that soft PVC toys intended for children under the age of three, which could be put in the mouth, should carry a label alerting carers that children should not put those toys in their mouths. To enact the ban the Commission is proposing to amend, for the twenty second time, Directive 76/769/EEC relating to restriction on the marketing and use of certain dangerous substances and preparations (phthalates). At the same time it is proposing an amendment to Council Directive 88/378 /EEC concerning the safety of toys. The phthalates concerned are DINP and DEHP. It should be noted that a ban was chosen over an above testing methods given that tests for detecting the migration of phthalates are incomplete and are therefore not sufficiently good enough for regulatory purposes.

As the adoption and implementation of the proposed ban on phthalates will take a certain period of time, the Commission is proposing to simultaneously agree to Council Decision, Article 9 of the Directive on Product Safety, which requires the Member States to take temporary measures to implement the prohibition within less than 10 days.

Given that most of the Member States have already notified their intention to introduce (in the framework of Commission Recommendation 98/485/EC) national bans on the use of phthalates in toys, the costs are considered minimal. In addition, industry has adapted to the situation and in a majority of Member States, most of the products in question no longer contain phthalates.