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

1999/0238(COD) - 04/04/2005 - Council position

The Council’s common position represents a fresh start after several years of stalemate and therefore does not address each of the amendments proposed by the European Parliament during the first reading.

The Council wishes to move forward in the same direction as the European Parliament, by significantly broadening the scope of the ban, replacing labelling with an outright ban. The Council believes that this will greatly assist towards adopting a permanent ban, subject to a continuous review, leading to an even broader ban, should new scientific evidence arise after its entry into force.

More specifically, as far as the group of phthalates is concerned which have been classified as CMR (carcinogen, mutagen, reprotoxic) substances, the proposal goes further than the amendments of the European Parliament by banning their use in toys regardless of the age-group.

For the other group of phthalates, the common position follows the proposed amendments. A review clause, as suggested by the European Parliament, has been included in the proposal.

The amendments relating to the labelling of toys and childcare articles and the banning of fragrances have not been taken into account, because bearing in mind the risk assessment results and the wider scope of the proposed limitations as compared to the ones initially proposed these measures were not considered proportional.

Moreover, the Council has introduced new modifications as follows:

- the introduction of the obligation for the Commission to review these measures within four years from their entry into force;

- compliance with the guidelines on drafting legislative texts, and to add the obligation for Member States to notify the transposition measures to the Commission;

- in the Annex, the scope of the ban has been clarified, by extending it, for DEHP, DBP and BBP to all toys and childcare articles; for DINP, DIDP and DNOP, the ban will cover toys and childcare articles intended for children under three years of age and which can be placed in the mouth by them. In both cases, it has been clarified that the concentration limit of 0,1 % of the mass applies to the plasticised material mass, so that in case of items which include both plasticised material and other components, it

remains applicable in full to the plasticised part only.