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

1999/0238(COD) - 14/06/2005

The committee adopted the report by Antonios TRAKATELLIS (EPP-ED, EL) amending the Council's common position under the 2nd reading of the codecision procedure. It reinstated, sometimes in modified form, a number of amendments adopted by Parliament at 1st reading which were not taken up by the Council:

- although the Council had imposed a ban on the use of DINP, DIDP and DNOP in toys and childcare articles intended for children under three which could come into contact with the mouth, the committee upheld Parliament's position from 1st reading that this ban should not be restricted to toys for the under-threes, given that babies and very small children will often want to play with the toys of their older siblings and may put them into their mouths. It therefore reinstated Parliament's 1st reading amendment banning the use of the three phthalates in question in "parts of toys and childcare articles intended to be placed in the mouth or in toys and childcare articles which can be placed in the mouth by children";

- MEPs also upheld Parliament's previous argument that, for all other toys, provision must be made, on the basis of the precautionary principle, for adequate labelling so that parents are informed of the presence of these three phthalates. They accordingly reinstated the 1st reading amendments requiring toys and childcare articles containing DINP, DIDP and DNOP to be properly labelled, with a pictogram "in an easily legible and indelible form" and the warning "Contains phthalates - Not to be kept in the mouth";

- another amendment reinstated from 1st reading stipulated that fragrances could not be added to toys or childcare products containing the above three phthalates, if children can put them in their mouths. The committee repeated Parliament's argument that such fragrances increased the tendency of small children to put these items in their mouths;

- the Commission should review the use of all these phthalates in articles used in healthcare, food packaging and floor coverings.

The committee also adopted some new amendments:

- the new definition of childcare articles introduced by the Council was slightly extended in order to cover such products as changing tables and mats;

- a new **Article 1A** was introduced to ensure that the monitoring requirements mentioned in the new recital 14 of the common position would be included in the enacting terms of the directive;

- the directive should be reviewed 3 years after its entry into force, rather than 5 years as proposed by the Council.