

WRITTEN QUESTION E-1594/05

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to the Commission

Subject: EU directives affecting the toy industry

The toy industry is one of the sectors covered by Directive 2002/96/EC¹ (on waste electrical and electronic equipment) and Directive 2002/95/EC² (on the restriction of the use of certain hazardous substances in electrical and electronic equipment). This legislation imposes challenging technical requirements and substantial financial and administrative obligations on this industry which must be met by August 2005 for WEEE and July 2006 for RoHs. However, neither directive clearly defines which toys are covered by the directive. The legal basis for the RoHs Directive is Article 95 and as such this directive must have a common scope across the EU. The legal basis for the WEEE Directive (Article 175) allows Member States to determine for themselves the scope of the directive, but to date many Member States have missed the deadline for implementation of the legislation and therefore the scope for toys is still undefined. The deadline has already passed by which the toy industry needed to receive confirmation as to which products are covered by the directives, in order to meet their obligations particularly with regard to the labelling of products and with regard to the elimination of the restricted substances from the supply chain. If companies are obliged to speculate whether their products fall within the scope of the directives in each Member State, the impact on competition within the Single Market will be substantial.

We ask the Commission:

- Will it provide immediate guidance to the toy industry as to which toys are covered by the directives?
- Is it willing to endorse the decision tree developed by the industry?
- Will it ensure harmonisation for marking and RoHs and data submission?
- In view of the current uncertainties, will the deadline for the application of the legislation be deferred for toys?
- If the deadline is not deferred, what protection from penalties and/or financial compensation will be available for companies that were unaware that their toys would fall within the scope of the directives?
- If the deadline is not deferred, what financial support will be available to toy companies whose products cease to be competitive because they wrongly assume their products would fall inside the scope of the directives?

¹ OJ L 37, 13.2.2003, p. 24.

² OJ L 37, 13.2.2003, p. 19.