

Amendment 247**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

Report**A9-0044/2024****Marion Walsmann**Safety of toys and repealing Directive 2009/48/EC
(COM(2023)0462 – C9-0317/2023 – 2023/0290(COD))**Proposal for a regulation****Recital 17***Text proposed by the Commission*

(17) *In order to provide for flexibility* where the safety of children is not compromised and *where it is necessary for making certain toys available on the market, it should* be possible to *derogate* from the generic prohibitions of *chemical* substances in toys. *Derogations to* generic prohibitions permitting the use of prohibited substances should be of general application and should only be possible where the use of the relevant substance is considered safe for children, where there are no *commercially* viable alternatives for the substance and where the use of the substance is not prohibited in consumer articles under Regulation (EC) No 1907/2006. The assessment of *the safety of the substance in toys* should be carried out by the relevant scientific committees in the European Chemicals Agency (ECHA) in order to ensure consistency and efficient use of resources in the assessment of *chemical* substances in the Union.

Amendment

(17) Where the safety of children is not compromised and *there are no suitable alternative substances or mixtures* available *it may* be possible to *exempt* from the generic prohibitions of substances *and mixtures* in toys. *Exemptions from* generic prohibitions permitting the use of prohibited substances *and mixtures* should be *time-limited*, of general application and should only be possible where the use of the relevant substance *or mixtures* is considered safe for children, where *elimination or substitution of such prohibited substances via design changes or other materials or components is not technically possible, where* there are no *technically* viable alternatives for the substance *or mixture, where a substitution plan upon ECHA request has been submitted* and where the use of the substance *or mixture* is not prohibited in consumer articles under Regulation (EC) No 1907/2006. The assessment of *this* substance should be carried out by the relevant scientific committees in the European Chemicals Agency (ECHA) in order to ensure consistency and efficient use of resources in the assessment of substances *and mixtures* in the Union.

Or. en

6.3.2024

A9-0044/248

Amendment 248

Pascal Canfin

on behalf of the Committee on the Environment, Public Health and Food Safety

Report

A9-0044/2024

Marion Walsmann

Safety of toys and repealing Directive 2009/48/EC
(COM(2023)0462 – C9-0317/2023 – 2023/0290(COD))

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) Existing limit values for certain chemical substances and their corresponding test methods have proven to be appropriate for the protection of children as regards those substances and should be maintained. In order to adapt to new scientific knowledge, the Commission should be empowered to revise those limit values where necessary. Limit values for arsenic, **cadmium, chromium VI, lead, mercury** and organic tin, which are particularly toxic and which should therefore not be intentionally used in toys, should be set out at half the values that are considered safe by the relevant scientific body, in order to ensure that only traces that are compatible with good manufacturing practice are present in the toy.

Amendment

(21) Existing limit values for certain chemical substances and their corresponding test methods have proven to be appropriate for the protection of children as regards those substances and should be maintained. In order to adapt to new scientific knowledge, the Commission should be empowered to revise those limit values where necessary ***in line with the precautionary principle and the One Health approach***. Limit values for arsenic and organic tin, which are particularly toxic and which should therefore not be intentionally used in toys, should be set out at half the values that are considered safe by the relevant scientific body in order to ensure that only traces that are compatible with good manufacturing practice are present in the toy. ***Use of chromium VI, cadmium, mercury and lead, highly toxic elements, should not be allowed in toys, unless their presence is technically unavoidable under good manufacturing practice and their residues do not exceed the limit of detection in the homogenous material.***

Or. en

6.3.2024

A9-0044/249

Amendment 249

Pascal Canfin

on behalf of the Committee on the Environment, Public Health and Food Safety

Report

A9-0044/2024

Marion Walsmann

Safety of toys and repealing Directive 2009/48/EC
(COM(2023)0462 – C9-0317/2023 – 2023/0290(COD))

Proposal for a regulation

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) Lead is a naturally occurring toxic metal that may cause lung, brain, stomach, and kidney cancer in humans. It can enter drinking water when plumbing materials that contain lead corrode, especially where the water has high acidity or low mineral content that corrodes pipes and fixtures. The Directive (EU) 2020/2184^{1a} sets out provisions as regards lead content in water intended for human consumption. It can therefore not be excluded that toys produced with the use of water might contain minimal residues of lead due to the water used in the manufacturing process. Such residues should be considered as technically unavoidable under good manufacturing practice where it is not possible to eliminate them via available filtering or absorption methods.

^{1a} Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast), OJ L 435, 23.12.2020, p. 1–62

Or. en

Amendment 250**Pascal Canfin**

on behalf of the Committee on the Environment, Public Health and Food Safety

Report**A9-0044/2024****Marion Walsmann**Safety of toys and repealing Directive 2009/48/EC
(COM(2023)0462 – C9-0317/2023 – 2023/0290(COD))**Proposal for a regulation****Recital 54***Text proposed by the Commission**Amendment*

(54) Children are daily exposed to a wide range of different chemicals originating from various sources. Significant progress has been made to close some knowledge gaps on the impact of the combination effect of those chemicals. However, the safety of chemicals is usually assessed through the evaluation of single substances and in some cases of mixtures intentionally added for particular uses. In order to provide the highest protection for children, the most harmful substances should be generally banned in toys to ensure that there is no exposure to them in toys. The specific limit values for chemicals in toys should account for combined exposure from different sources to the same chemical substance. In addition, manufacturers should be required to carry out an analysis of the various hazards that the toy may present and an assessment of the potential exposure to such hazards and, as part of the assessment of chemical hazards, to consider known cumulative or synergistic effects of the chemicals present in the toy, to ensure that risks from simultaneous exposure to multiple chemicals are taken into account. Furthermore, toys are to comply with general chemicals legislation, in particular Regulation (EC) No 1907/2006 of the European Parliament and of the Council;

(54) Children are daily exposed to a wide range of different chemicals originating from various sources ***that have negative effects as individual substances or mixtures, but also through combined exposure***. Significant progress has been made to close some knowledge gaps on the impact of the combination effect of those chemicals. However, the safety of chemicals is ***currently*** usually assessed through the evaluation of single substances and in some cases of mixtures intentionally added for particular uses. ***Further efforts are needed to better understand the impact of the combination effect of chemicals***. In order to provide the highest protection for children ***and the environment in general***, the most harmful substances should be generally banned in toys to ensure that there is no exposure to them in toys. The specific limit values for chemicals in toys should account for combined exposure from different sources to the same chemical substance. In addition, manufacturers should be required to carry out an analysis of the various hazards that the toy may present and an assessment of the potential exposure to such hazards and, as part of the assessment of chemical hazards, to consider known cumulative or synergistic effects of the chemicals present in the toy, to ensure that

this Regulation does not modify the obligations for the assessment of the safety of the chemical substances or mixtures themselves that may be applicable in accordance with that Regulation.

risks from simultaneous exposure to multiple chemicals are taken into account. Furthermore, toys are to comply with general chemicals legislation, in particular Regulation (EC) No 1907/2006 of the European Parliament and of the Council; this Regulation does not modify the obligations for the assessment of the safety of the chemical substances or mixtures themselves that may be applicable in accordance with that Regulation.

Or. en

6.3.2024

A9-0044/251

Amendment 251

Pascal Canfin

on behalf of the Committee on the Environment, Public Health and Food Safety

Report

A9-0044/2024

Marion Walsmann

Safety of toys and repealing Directive 2009/48/EC
(COM(2023)0462 – C9-0317/2023 – 2023/0290(COD))

Proposal for a regulation

Article 46 – paragraph 6

Text proposed by the Commission

6. The Commission is empowered to adopt delegated acts in accordance with Article 47 to amend Part C of the Appendix to Annex II in order to permit a certain use in toys of a specific substance or mixture that is prohibited under Part III, point 4, of Annex II, or to limit a certain use that has been permitted.

Amendment

6. The Commission is empowered to adopt delegated acts in accordance with Article 47 to amend Part C of the Appendix to Annex II in order to permit ***for a specified period of time*** a certain use in toys of a specific substance or mixture that is prohibited under Part III, point 4, of Annex II, or to limit a certain use that has been permitted. ***While assessing the requests for exemption and its duration, the Commission shall take into account the availability of alternatives and any potential adverse impacts on innovation. Life-cycle thinking on the overall impacts of the exemption shall apply, where relevant. Six months after the entry into force of this Regulation, the Commission shall adopt delegated acts in accordance with Article 47 to amend Part C of the Appendix to Annex II in regard to nickel, in order to set out the validity period for the exemption from the generic prohibition under Part III, point 4, of Annex II, for that substance. The Commission shall justify any exemption granted and make this publicly available in an easily accessible and user-friendly manner.***

Or. en

6.3.2024

A9-0044/252

Amendment 252

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on behalf of the Committee on the Environment, Public Health and Food Safety

Report

A9-0044/2024

Marion Walsmann

Safety of toys and repealing Directive 2009/48/EC
(COM(2023)0462 – C9-0317/2023 – 2023/0290(COD))

Proposal for a regulation

Article 46 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. Exemptions from the general prohibition in accordance with paragraphs 7 and 7a shall be time-limited. The validity period for each exemption shall be subject to a review and may be renewed, on a case-by-case basis for each substance or mixture.

Or. en