

WRITTEN QUESTION E-3423/06

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to the Commission

Subject: Differences in the application of Directive on phthalates in toys (2005/84/EC)

The directive on phthalates in toys (Directive 2005/84/EC¹) will apply to toys placed on the market after 16 January 2007. This is an internal market directive, based on Article 95 of the EC Treaty. However, differences in Member States' interpretation of the term 'placed on the market' are leading to major differences in the application of this directive across the EU. These differences are undermining the operation of the internal market and are expected to lead to losses of several million euro in the toy and retail industries, with a consequent impact on jobs and the viability of small companies.

1. How and when will the Commission provide guidance on the appropriate definition of the term 'place on the market', with a view to ensuring the proper functioning of the internal market?
2. Will such guidance be in line with guidance it has already provided for internal market directives based on the New Approach and the Global Approach and more recently offered for another Article 95 Directive, the RoHs Directive (Directive 2002/95/EC)?
3. Will the Commission state what action it will take to ensure that the impact of the directive is proportionate to its objectives and to ensure that it does not threaten the viability of small businesses in particular?
4. Can the Commission confirm that it will act to ensure there is a common application of this Article 95 Directive across the EU?

¹ JO L 344 du 27.12.2005, p. 40.