WRITTEN QUESTION E-1253/09
by Karl-Heinz Florenz (PPE-DE)
to the Commission

Subject: Risk assessment of phtalates by the Federal Office for the Environment

In April 2006 following ten years' investigation the Commission published the results of risk assessments for the most frequently used softeners, DINP and DIDP. The conclusion of the investigation was that neither DINP nor DIDP posed a risk either to human health or to the environment in any of their current uses.

Despite these results a regulation was adopted under European law in view of the special duty of care prohibiting the use of DINP and DIDP in baby articles and toys that can be placed in the mouth. In this situation the Commission decided that there was no need for further regulation of the use of DINP and DIDP. Moreover the concluding report expressly stated that there was sufficiently detailed evidence to show that there was no need for further investigation.

But a discussion paper produced by the Federal Office for the Environment (FOE) in February 2007 recommends avoiding an environmental impact by DINP and DIDP, 'for precautionary reasons'. Since the release of phtalates from soft PVC cannot be prevented, the FOE advocates replacing soft PVC with softener-free plastics, in spite of the EU's assessment to the contrary.

1. Is the Commission familiar with this situation?

2. How does the Commission view the fact that the FOE does not recognise the Commission's research findings and/or is issuing recommendations that contradict the Commission's conclusions?

3. Does the Commission have information showing by what means (as a result of which investigations) the FOE has reached the recommendations concerned?

4. In the light of the REACH Regulation (No 1907/2006[1]) and the harmonising principle on which it is based, how does the Commission view the mandatory nature of the conclusions that it publishes as the result of risk assessments?

5. How does the Commission view the fact that the FOE is recommending the use of alternative substances that in some circumstances have not been tested as intensively as phtalates?

[1] OJ L 396, 30.12.2006, p. 1.