EUROPEAN PARLIAMENT

2004 *2009*

Committee on Industry, Research and Energy

2008/0018(COD)

9.10.2008

OPINION

of the Committee on Industry, Research and Energy

for the Committee on the Internal Market and Consumer Protection

on the proposal for a directive of the European Parliament and of the Council on the safety of toys
(COM(2008)0009 – C6-0039/2008 – 2008/0018(COD))

Draftsman: David Hammerstein

SHORT JUSTIFICATION

The toy industry in Europe, standing at approximately € 13 billion in retail sales, 2.000 manufacturers with some 100.000 employees may not be one of the largest European industries in terms of turnover, yet with roughly 80 million children below 15 years of age across EU-27 it has perhaps the widest base within this most vulnerable consumer group.

The need for special regulation of this specific industry resulted in the Directive on Toy Safety adopted in May 1988. Undisputedly, the Directive served the industry well since its inception. However, the 2007 worldwide recalls of millions of toys by leading producers made it clear that the provisions of the 1988 directive have fallen behind the dynamic and fast-evolving development of the toy industry thus rendering the existing legislation inadequate to address the emerging issues in that sphere.

In a response to these developments and the rising wave of consumer concern about the level of safety of toys marketed throughout Europe, the Commission presented in January 2008 a proposal for an improved directive on the safety of toys that seeks to address three main priority points:

I. *Enhanced safety requirements* - dealing with bans on the use of cancer-provoking carcinogenic, mutagenic and toxic for reproduction (CMR) chemical substances and allergenic fragrances; reduction in the legal limits of certain dangerous substances; stricter measures on warnings, physical and mechanical properties of toys; new provisions for toys in food;
II. *More coherent and efficient enforcement of the Directive* - seeking to step up market surveillance in Member States; improve and strengthen the rules on the CE marking and the safety assessment procedure;
III. *Clarified scope and concepts of the Directive* - regarding the list of products not covered by the directive; a list with definitions of terms used in the directive;

Your draftsman welcomes the initiative for a much needed revised version of the Toy Safety Directive. The proposal goes in the right direction by strengthening current and introducing new measures that cover all contested fields with regards to regulating the safety of toys in Europe.

However, in view of ensuring the highest level of protection for children, not the scope but the depth of certain categories of measures does require further consideration:

Chemical properties of toys: Cancer-provoking substances (all CMR categories 1, 2 and 3) as well as dangerous elements present a very potent risk to children's health. Results of irreversibly and adversely affected health may not be manifested overnight but over a prolonged period of exposure to such substances. Similarly, it is widely recognised that certain fragrances lead to allergies that are rather difficult to treat. In this respect, your draftsman is of the opinion that as strict as possible measures should be taken to minimise the heath risks by introducing a general prohibition for CMR substances categories 1 and 2 and a ban with possibility for exemptions for category 3. All fragrances and a list of six dangerous elements (arsenic, mercury, lead, organic tin, cadmium and chromium IV) should also be respectively banned.

Safety assessment procedure: The safety assessment procedure is a key element in the

process of ensuring a high level of safety of toys placed on the market and as such it should be further strengthened. Without overburdening the industry, there is a need to introduce the EC-type examination for at least those of most dangerous categories of toys as well as conduct annual sample checks on these groups of toys in order to guarantee consistent checks on safety in the production beyond the initial prototype testing.

Flexibility of Directive's provisions: The toy industry has proven to be highly dynamic and fast evolving in terms of new products and new product designs, materials used, etc. The new provisions in the revised directive should be so designed as to make it flexible enough to quickly respond to unforeseen risks and developments and thus avoid fatalities that could be prevented with quick action (rather than reaction) on behalf of manufacturers, legislators and enforcement authorities. Consequently, the regulatory procedure with scrutiny should be extended and have a prominent role to play in the following areas - amending limits on physical characteristics of toys (speed, noise, temperature), amending the list of products not considered toys under the directive as well as the list with toys within the four categories of most dangerous toys to be subjected to EC-type examination.

In addition, the pre-cautionary principle with regards toy safety will allow for measures to be taken when there is a potential risk to health but there is insufficient accident history to warrant the instigation of such protective measures.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission	*Amendment*
	(3a) Another important objective of the new system to be established by this Directive is to encourage and in certain cases to ensure that dangerous substances and materials used in toys are replaced by less dangerous substances or technologies where suitable economically and technically viable alternatives are available.

Justification

This amendment is an adaptation to the REACH Regulation (recital 12).

Amendment 2

Proposal for a directive
Recital 8

Text proposed by the Commission	*Amendment*
(8) All economic operators intervening in the supply and distribution chain should take the appropriate measures to ensure that they make available on the market only toys which are in conformity with the applicable legislation. This Directive provides a clear and proportionate distribution of obligations which correspond to the respective role of each operator in the supply and distribution process.	(8) ***This Directive is based on the principle that*** all economic operators intervening in the supply and distribution chain ***should manufacture, import or place toys on the market with such responsibility and care as may be required to ensure that, under normal and reasonably foreseeable conditions of use, children's health and safety and the environment are not adversely affected. Economic operators*** should take the appropriate measures to ensure that they make available on the market only toys which are in conformity with the applicable legislation. This Directive provides a clear and proportionate distribution of obligations which correspond to the respective role of each operator in the supply and distribution process.

Justification

This amendment introduces a duty of care for economic operators. It is an adaptation inspired from the provisions of the REACH Regulation (recital 16).

Amendment 3

Proposal for a directive
Recital 16

Text proposed by the Commission	*Amendment*
(16) In order to ensure protection of children against ***recently discovered*** risks, ***it*** is also necessary to adopt new essential safety requirements. In particular, it is necessary to complete and update provisions on chemical substances in toys. These provisions should specify that toys should comply with the general chemicals legislation, in particular Regulation (EC) No 1907/2006 of the European Parliament	(16) In order to ensure ***a high level of*** protection of children ***and the environment*** against risks, ***dangerous substances, in particular carcinogenic, mutagenic or toxic for reproduction (CMR) and allergenic substances and elements, should, in accordance with the precautionary principle, be subject to careful attention. It*** is also necessary to adopt new essential safety requirements. In

and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC*16*. These provisions should, however, also be adapted to the particular needs of children, who are a vulnerable group of consumers. Therefore, new restrictions on substances that are classified as carcinogenic, mutagenic or toxic for reproduction (CMR) according to Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances17 and fragrances in toys should be provided for on account of the special risks that these substances may entail for human health. The specific limit values laid down in Directive 88/378/EEC for certain substances should be updated to take into account of the development of scientific knowledge.	particular, it is necessary to complete and update provisions on chemical substances in toys. These provisions should specify that toys should comply with the general chemicals legislation, in particular Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC16. These provisions should, however, also be adapted to the particular needs of children, who are a vulnerable group of consumers. Therefore, new restrictions on substances that are classified as *CMR* according to Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances17 and fragrances in toys should be provided for on account of the special risks that these substances may entail for human health. The specific limit values laid down in Directive 88/378/EEC for certain substances should be updated to take into account of the development of scientific knowledge.

Justification

This amendment draws the attention to the importance to address substances of very high concern. It is an adaptation from the REACH Regulation (recital 69).

Amendment 4

Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission	*Amendment*
	(16a) In order to avoid any possible duplication of evaluation under this Directive and Regulation (EC) No 1907/2006 (REACH), CMRs that have been evaluated and have not been prohibited under this Directive should not be made subject to proposals for restriction under Regulation (EC) No 1907/2006 on the grounds of risks to human health and should not be made subject to authorisation under Regulation (EC) No 1907/2006 on the grounds of risks to human health according to Article 58(2) of that Regulation. In order to avoid similar duplication, CMRs which have been evaluated for use in toys and which have not been prohibited under Regulation (EC) No 1907/2006 should not be made subject to restrictions or evaluation under this Directive.

Justification

Any duplication of evaluation by different EU bodies for the use of the same substance in toys must be avoided. Once a substance is evaluated where it is contained in toys under this Directive, it should not subsequently become subject to restrictions or to the Authorisation procedure under Reach (Article 58(2) of Reach). Similarly, if a substance is not prohibited under REACH for use in a toy subsequent to a relevant evaluation, it should not be made subject to the provisions of this Directive.

Amendment 5

Proposal for a directive
Recital 16 b (new)

Text proposed by the Commission	*Amendment*
	(16b) It is necessary to apply a harmonised transition period of two years after the entry into force of this Directive for compliance with its provisions and a further transition period of three years to allow toy manufacturers and economic

operators the time needed to comply with the new technical requirements on chemicals, and to ensure consistent application of this Directive throughout the European Union.

Justification

The proposal provides that Member States shall not restrict the placing on the market of toys that comply with the current Toy Safety Directive 88/378/EEC "at the latest two years after the Directive enters into force." This means that Member States may decide to apply the new provisions of the Directive right after entry into force. For reasons of legal certainty, it is important to avoid such a situation.

Amendment 6

Proposal for a directive
Article 2 – point 3 a (new)

Text proposed by the Commission	*Amendment*
	(3a) "authorised representative" means any natural or legal person established within the Community who has received a written mandate from the manufacturer to act on his behalf for specified tasks with regard to the obligations of manufacturers under this Directive;

Justification

A definition for 'authorised representative' needs to be added to Article 2.

Amendment 7

Proposal for a directive
Article 3 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Manufacturers who consider or have reason to believe that a toy which they have placed on the market is not in conformity with the applicable Community legislation shall take the necessary corrective measures to bring that toy into conformity or withdraw it from the market	7. Manufacturers who consider or have reason to believe that a toy which they have placed on the market is not in conformity with the applicable Community legislation shall take the necessary corrective measures to bring that toy into conformity or withdraw it from the market

and recall it from end users, if appropriate. They shall immediately inform the national authorities of the Member States where they made the toy available to this effect, giving details, in particular, of the non-compliance and of the corrective measures taken.	and recall it from end users, if appropriate. They shall immediately inform the national authorities of the Member States where they made the toy available to this effect, giving details, in particular, of the non-compliance and of the corrective measures taken. ***Manufacturers shall immediately suspend the placing on the market of these toys until they comply with the applicable Community legislation.***

Amendment 8

Proposal for a directive
Article 4 – title and paragraph 1

Text proposed by the Commission	*Amendment*
Authorised representatives	***Obligations of*** authorised representatives
1. ***Manufacturers*** may appoint, by a written mandate, ***any natural or legal person established within the Community, ("***the authorised representative***"), to act on their behalf for specified tasks with regard to the obligations of manufacturers under this Directive.***	1. ***A Manufacturer*** may appoint, by a written mandate, ***an*** authorised representative ***as defined in Article 2, point (3a).***

Justification

In order to be consistent with the titles of Articles 3 and 5. A definition for 'authorised representative' has been added to Article 2.

Amendment 9

Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States ***may*** require warnings and safety instructions***, or some of them,*** to be presented in their own official language or languages when the toys are placed on the market in their territory.	3. Member States ***shall*** require ***all*** warnings and safety instructions to be presented in their own official language or languages when the toys are placed on the market in their territory.

Justification

It is not admissible that such important safety information for consumers may be displayed in a language that is not the official one for the market where the toy is placed.

Amendment 10

Proposal for a directive
Article 45 – Paragraph 1

Text proposed by the Commission	*Amendment*
1. The Commission may, for the purposes of adapting them to technical ***and*** scientific developments, amend the following:	1. The Commission may, for the purposes of adapting them to technical**,** scientific ***feasible*** developments, amend the following:
(a) Points 7 and 8 in Part III of Annex II;	(a) Points 7 and 8 in Part III of Annex II;
(b) Annex V.	(b) Annex V.
Those measures, designed to amend non-essential elements of this *Regulation* shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 46(2).	Those measures, designed to amend non-essential elements of this *Directive,* shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 46(2) ***and according to the assessment of the relevant Scientific Committee***.

Justification

I consider the Scientific committee has to be involved in the revision of the Annex II and V, in order to give scientifical and technical advice in light of the scientific progress.

Amendment 11

Proposal for a directive
Article 45 - Paragraph 2

Text proposed by the Commission	*Amendment*
2. The Commission may decide upon the ***use in toys*** of substances or preparations classified as carcinogenic, mutagenic or toxic to reproduction, of category 1, 2 and 3, under Annex I to Directive 67/548/EEC.	2. The Commission may decide upon the ***content*** of substances or preparations classified as carcinogenic, mutagenic or toxic to reproduction, of category 1, 2 and 3, under Annex I to Directive 67/548/EEC ***in toys***.
Those measures, designed to amend non-essential elements of this Directive, shall	Those measures, designed to amend non-essential elements of this Directive, shall

be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 46(2).	be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 46(2) ***and according to the assessment of the relevant Scientific Committee***.

Justification

I consider the Scientific committee has to be involved in the revision of the Annex II and V, in order to give scientifical and technical advice in light of the scientific progress.

Amendment 12

Proposal for a directive
Article 52

Text proposed by the Commission	*Amendment*
Member States shall not impede the placing on the market of toys which are in accordance with Directive 88/378/EEC and which were placed on the market before this Directive entered into force or ***at the latest*** *2 years* after this Directive entered into force.	Member States shall not impede the placing on the market of toys which are in accordance with Directive 88/378/EEC and which were placed on the market before this Directive entered into force or ***for*** *two years* after this Directive enters into force. ***With regard to Articles 3(1) and 9(1) and part III of Annex II on chemical properties, Member States shall not impede the placing on the market of toys which are in accordance with Directive 88/378/EEC and which were placed on the market either before this Directive entered into force or during the three year period after its entry into force.***

Justification

It is important that this directive enters into force at same time in all Member States. An additional period is necessary to give time both central bodies to develop new tests and industry to comply will the new technical requirements on chemicals.

Amendment 13

Proposal for a directive
Annex I – point 17 a (new)

Text proposed by the Commission	*Amendment*
	17a. Books that do not contain any additional elements or objects (except those made of paper or cardboard).

Justification

Following the implementation of the 1988 Toy Safety Directive, some Member States have considered children's books as toys. This has led to considerable difficulties for the children's book publishing industry in several EU Member States. Due to the crucial importance of books, especially at the youngest age, for improving reading skills, it is important that encouragement of books' reading continues to be promoted. So for the purpose of the Directive, it should be considered that a book is not a toy unless it has evident game-related elements.

Amendment 14

Proposal for a directive
Annex II – part I – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
The packaging in which toys are contained for retail sale must not present risk of strangulation or asphyxiation caused by airway obstruction external to the mouth and nose.	The packaging in which toys are contained for retail sale must not present risk of strangulation or asphyxiation caused by airway obstruction ***internal and*** external to the mouth and nose.

Amendment 15

Proposal for a directive
Annex II – part III – paragraph 3

Text proposed by the Commission	*Amendment*
3. Without prejudice to the application of the restrictions under the first sentence of point 2, ***the use in toys of substances*** that are classified as carcinogenic, mutagenic or toxic for reproduction ***(CMR)*** according to Directive 67/548/EEC in individual concentrations equal to or greater than the relevant concentrations established for the	3. Without prejudice to the application of the restrictions under the first sentence of point 2, ***toys shall not contain substances*** that are classified as carcinogenic, mutagenic or toxic for reproduction ***categories 1 or 2*** according to ***Annex I of*** Directive 67/548/EEC in individual concentrations equal to or greater than the

classification of preparations containing the substances in accordance with the provisions of Directive 1999/45/EC ***shall be prohibited,*** except if the substances are contained in components ***of toys*** or ***micro-structurally distinct*** parts of ***toys*** that are not accessible ***to any physical contact*** by children.	relevant concentrations established for the classification of preparations containing the substances in accordance with the provisions of Directive 1999/45/EC except if the substances are contained in components or parts of ***the toy*** that are not accessible by children ***as defined in standard EN 71***.

Justification

If CMR 1 and 2 substances are not accessible (that means non exposure) there is no risk in the use of toys. Safety will not be enhanced by extending the restriction to the non accessible components of a toy. To better define this concept I consider important to introduce the definition of accessibility as established by the EU Standard EN 71.

Amendment 16

Proposal for a directive
Annex II – part III – paragraph 4

Text proposed by the Commission	*Amendment*
4. Substances ***or preparations*** classified as CMR category 1 and 2 according to Directive 67/548/EEC may be used in toys provided that the following conditions are met:	4. Substances classified as CMR category 1 and 2 according to ***Annex I of*** Directive 67/548/EEC may be used in toys provided that the following conditions are met:

Justification

The deletion of the word preparations and the Annex I specification is needed for legal clarity.

Amendment 17

Proposal for a directive
Annex II – part III – paragraph 4 – subparagraph 4.1

Text proposed by the Commission	*Amendment*
4.1 ***use of the substance has been evaluated by the relevant Scientific Committee and found to be safe, in particular in view of exposure, and a Decision as referred to in Article 45(2) has been taken****;*	4.1 ***the relevant Scientific Committee has concluded that the substances classified as CMR category 1 and 2 according to Annex I of Directive 67/548/EEC contained in accessible components or parts of toys above the concentration***

limits in paragraph 3 does not pose an unacceptable risk to human health, in particular in relation to exposure;

To that end, manufacturers may, prior to the end of the transition period in Article 52, apply to the Commission for an evaluation by the relevant Scientific Committee of the risk posed by substances classified as CMR category 1 and 2 according to Annex I of Directive 67/548/EEC. That application shall be accompanied by relevant information in particular on exposure. Upon the receipt of an application, the Commission shall without delay mandate the Scientific Committee to provide its opinion.

Manufacturers are allowed to place on the market toys containing the substances classified as CMR category 1 and 2 according to Annex I of Directive 67/548/EEC for which an application has been submitted and until a decision is adopted.

Justification

There is no benefit to the safety by apply the restrictions to the internal components of a toy. It is in the standard that all the technical details of toy safety are worked out, including the likelihood of breakages. It is for this reason that we recommend that the definition of accessibility is that established by the standard. When there is no exposure to these components there is no risk for children's health.

Amendment 18

Proposal for a directive
Annex II – part III – paragraph 4 – subparagraph 4.2

Text proposed by the Commission	*Amendment*
4.2 there are no suitable substances available, as documented in an analysis of alternatives,	***deleted***

Justification

We ask that the requirement to replace a chemical simply because an alternative exists be deleted in the interest of child safety. If a risk assessment demonstrates that the substance

poses no risk to a child, there is no reason to require to experiment with new chemical formulations that risk changing the performance of the material that contains it. A child's safety depends first and foremost upon the safety of the materials used to construct a toy, e.g. whether a plastic will crack or splinter. Safety is therefore enhanced when materials which meet established performance tests are used.

Amendment 19

Proposal for a directive
Annex II – part III – paragraph 5

Text proposed by the Commission	*Amendment*
5. ***Substances or preparations classified as CMR category 3 according to Directive 67/548/EEC may be used in toys if use of the substance has been evaluated by the relevant Scientific Committee and found to be safe, in particular in view of exposure, and following a Decision as referred to in Article 45(2) and provided that*** they ***are not*** prohibited for uses in consumer articles under Regulation (EC) No 1907/2006 (REACH).	5. ***Without prejudice to the application of the restrictions under the first sentence of paragraph 2, toys shall not contain substances that are classified as carcinogenic, mutagenic or toxic for reproduction category 3 according to Annex I of Directive 67/548/EEC if:***
	(i) they ***have been*** prohibited for uses in consumer articles under Regulation (EC) No 1907/2006 (REACH)***; or***
	(ii) the CMR category 3 substance is contained in components or parts of toys that are accessible, as defined in standard EN71, by children and the relevant Scientific Committee has evaluated in accordance with Article 45(2) that the content of the substance in the toy poses an unacceptable risk to human health, in particular in relation to exposure.

Justification

The difference between CMRs 1-2 and CMRs 3 is clear: the large number of CMR 3 substances are not subject to the same legal restrictions as CMR 1 and 2. Several hundred chemicals are categorized as CMR 3s and are found in materials used to produce other consumer products as well as toys. For the sake of children's health and the EU's commitment to better regulation, a common approach is needed for all consumer products. CMR3s that are banned should be listed in a new annex IIb.

Amendment 20

Proposal for a directive
Annex II – part III – paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5a. Manufacturers may continue placing on the market toys which contain the substances classified as CMR according to Directive 67/548/EEC for which a request has been submitted, until a decision has been adopted.

Amendment 21

Proposal for a directive
Annex II – part III – paragraph 7 – first list of fragrances – new points after point 38

Text proposed by the Commission	*Amendment*
	(39) Musk ambrette
	(40) 4-Phenyl-3-buten-2-one
	(41) Amyl cinnamal
	(42) Amylcinnamyl alcohol
	(43) Benzyl alcohol
	(44) Benzyl salicylate
	(45) Cinnamyl alcohol
	(46) Cinnamal
	(47) Citral
	(48) Coumarin
	(49) Eugenol
	(50) Geraniol
	(51) Hydroxycitronellal
	(52) Hydroxymethylpentylcyclohexenecarboxaldehyde
	(53) Isoeugenol

Justification

Scientific reports show that there are 40 forbidden fragrances. These are contained in the list

of banned fragrances in the Proposal on the safety of toys with the exception of 2 substances. These 2 substances (= musk ambrette and 4 phenyl-3-buten-2-one) which have been considered as allergenic by the SCCNFP in 2003 were not included in the list of the TSD and need to be added. It is also appropriate to ban13 fragrances that are subject to labelling in the Commission's Proposal because Scientific reports indicated that these 13 fragrance chemicals are most frequently reported as contact allergens.

Amendment 22

Proposal for a directive
Annex II – part III – paragraph 7 – second list of fragrances

Text proposed by the Commission	*Amendment*
(1) Amyl cinnamal	
(2) Amylcinnamyl alcohol	
(3) Anisyl alcohol	(3) Anisyl alcohol
(4) Benzyl alcohol	
(5) Benzyl benzoate	(5) Benzyl benzoate
(6) Benzyl cinnamate	(6) Benzyl cinnamate
(7) Benzyl salicylate	
(8) Cinnamal	
(9) Cinnamyl alcohol	
(10) Citral	
(11) Citronellol	(11) Citronellol
(12) Coumarin	
(13) Eugenol	
(14) Farnesol	(14) Farnesol
(15) Geraniol	
(16) Hexyl cinnamaldehyde	(16) Hexyl cinnamaldehyde
(17) Hydroxy-citronellal	
(18) Hydroxy-methylpentylcyclohexenecarboxaldehyde	
(19) Isoeugenol	
(20) Lilial	(20) Lilial
(21) d-Limonene	(21) d-Limonene
(22) Linalool	(22) Linalool
(23) Methyl heptine carbonate	(23) Methyl heptine carbonate
(24) 3-methyl-4-(2,6,6-trimethyl-2-	(24) 3-methyl-4-(2,6,6-trimethyl-2-

cyclohexen-1-yl)-3-buten-2-one	cyclohexen-1-yl)-3-buten-2-one
(25) Oakmoss extracts	(25) Oakmoss extracts
(26) Treemoss extracts	(26) Treemoss extracts

Justification

The Commission failed to include a number of important substances in the list of allergenic fragrances. These must be added.

Amendment 23

Proposal for a directive
Annex II – part III – paragraph 8 – Introductory wording and table

Text proposed by the Commission

The following migration limits, from toys or components of toys that are accessible to children during use as specified in the first subparagraph of Article 9 (2), shall not be exceeded:

Element	***mg/kg in dry, brittle, powder-like or pliable toy material***	***mg/kg in liquid or sticky toy material***
Aluminium	***5625***	***1406***
Antimony	***45***	***11.3***
Arsenic	***7.5***	***1.9***
Barium	***4500***	***1125***
Boron	***1200***	***300***
Cadmium	***3.8***	***0.9***
Chromium (III)	***37.5***	***9.4***
Chromium (VI)	***0.04***	***0.01***
Cobalt	***10.5***	***2.6***
Copper	***622.5***	***156***
Lead	***27***	***6.8***
Manganese	***1200***	***300***
Mercury	***15***	***3.8***
Nickel	***75***	***18.8***
Selenium	***37.5***	***9.4***
Strontium	***4500***	***1125***
Tin	***15000***	***3750***
Organic tin	***1.9***	***0.5***
Zinc	***3750***	***938***

Amendment
In order to protect children's health, no more than the following maximum daily

amounts of the substances listed below may be bioavailable as a result of handling toys:
0.2 µg Antimony
0.01 µg Arsenic
0.85 µg Barium
5.0 µg Boron
0.25 µg Cadmium
0.25 µg Chromium* (derived from Cr III)
0.35 µg Lead
0.2 µg Mercury
1.25 µg Selenium
In addition, only the following amounts may be bioavailable from organic tin compounds:
0.025 µg Tin or
0.075 µg Sum of organic tin compounds.
For oral exposure via toys, a maximum of 10% of the respective tolerable daily intake for children (TDI value) may be bioavailable as a result of handling any toy.

Justification

Substances such as strontium that do not occur during the manufacture of toys should be deleted from the directive and monitored in accordance with the usual toxicological processes. The limit values for other substances are far too high and must be reduced. In particular, a lower limit value should be set for lead. The measurement of the listed substances should be based on the tolerable daily intake for children.

Amendment 24

Proposal for a directive
Annex V – part B – paragraph 7 – subparagraph 2

Text proposed by the Commission	*Amendment*
"Adult supervision recommended".	"Adult supervision ***strongly*** recommended".

Justification

This wording offers better guarantees for the safety of children.

PROCEDURE

Title	Safety of toys
References	COM(2008)0009 – C6-0039/2008 – 2008/0018(COD)
Committee responsible	IMCO
Opinion by Date announced in plenary	ITRE 11.3.2008
Drafts(wo)man Date appointed	David Hammerstein 27.5.2008
Discussed in committee	27.5.2008 16.7.2008 7.10.2008
Date adopted	7.10.2008
Result of final vote	+: 29 –: 2 0: 11
Members present for the final vote	Jan Březina, Jerzy Buzek, Jorgo Chatzimarkakis, Giles Chichester, Dragoş Florin David, Pilar del Castillo Vera, Den Dover, Nicole Fontaine, Norbert Glante, András Gyürk, David Hammerstein, Erna Hennicot-Schoepges, Mary Honeyball, Ján Hudacký, Romana Jordan Cizelj, Werner Langen, Pia Elda Locatelli, Eluned Morgan, Angelika Niebler, Reino Paasilinna, Atanas Paparizov, Francisca Pleguezuelos Aguilar, Miloslav Ransdorf, Herbert Reul, Teresa Riera Madurell, Paul Rübig, Britta Thomsen, Patrizia Toia, Claude Turmes, Nikolaos Vakalis, Adina-Ioana Vălean
Substitute(s) present for the final vote	Gabriele Albertini, Etelka Barsi-Pataky, Manuel António dos Santos, Juan Fraile Cantón, Neena Gill, Pierre Pribetich, Silvia-Adriana Ţicău, Vladimir Urutchev
Substitute(s) under Rule 178(2) present for the final vote	Domenico Antonio Basile, José Javier Pomés Ruiz, Stefano Zappalà