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24. Restrictions on marketing and use of dangerous substances (Phthalates and toy safety) ***I

A5-0149/2000

Proposal for a European Parliament and Council directive amending for the 22nd time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (phthalates) and amending Council Directive 88/378/EEC on the approximation of the laws of the Member States concerning the safety of toys (COM(1999) 577 — C5-0276/1999 — 1999/0238(COD))

The proposal was amended as follows:

TEXT PROPOSED BY THE COMMISSION [1]	AMENDMENTS BY PARLIAMENT
(Amendment 1) *Recital 3*	
(3) The presence of phthalates in certain toys and childcare articles made of soft PVC *and intended to be placed in the mouth,* presents risks related to general toxicity to the health of *young* children.	(3) The presence of phthalates in certain toys and childcare articles made of soft PVC presents risks related to general toxicity to the health of children. **Toys and childcare articles, especially those intended for children under the age of three, which, although not intended for that purpose, can be put in the mouth, may under certain circumstances present a risk to the health of small children if they are made of, or include parts made of, soft PVC.**
(Amendment 18) *Recital 4a (new)*	
	(4a) The CSTEE, after being consulted by the Commission, has stated that the use of certain citrates and adipates as a substitute for phthalates as plasticisers cannot be supported.
(Amendment 2) *Recital 5a (new)*	
	(5a) There is a greater risk that a child will place in its mouth toys and childcare articles made of, or including parts made of, soft PVC to which fragrances have been added, even though such toys and childcare articles are not intended for that purpose.

[1] OJ C 116 E, 26.4.2000, p. 14.

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TEXT PROPOSED BY THE COMMISSION	AMENDMENTS BY PARLIAMENT
(Amendment 3) *Recital 7*	
(7) It is necessary to provide for adequate labelling for child-care articles made of *soft PVC* or including parts made of soft PVC intended for children *under the age of three*, which, although not intended for that purpose, can be put in the mouth. Such labelling also has to be provided for in Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys for those toys, which fall within the scope of that Directive.	(7) It is necessary to provide for adequate labelling for child-care articles made of, or including parts made of, soft PVC intended for children **between the ages of three and six**, which, although not intended for that purpose, can be put in the mouth **by children under the age of three**. Such labelling also has to be provided for in Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys for those toys which fall within the scope of that Directive.
(Amendment 4) *Recital 8*	
(8) The Commission will review the provisions in this Directive in the light of further scientific knowledge within *four* years of adoption.	(8) The Commission will review the provisions in this Directive in the light of further scientific knowledge within **two** years of adoption. **In doing so, it will also take account of children's exposure to phthalates from sources other than toys (particularly from floor coverings and food packaging made of soft PVC and from the ambient air) and will, if appropriate, commission research to ascertain the values in question.**
(Amendment 5) *Recital 8a (new)*	
	(8a) The Commission will review other applications of PVC articles which may expose people to risks, especially PVC articles used in health care.
(Amendments 11 and 24) *Recital 8b (new)*	
	(8b) If a method of measuring the migration of phthalates is developed and this technique is approved by the Scientific Committee for practical use, this will provide strong grounds for the Commission to review the provisions of this Directive.
(Amendment 6) *ARTICLE 2* *Annex IV(7) (Directive 88/378/EEC)*	
7. Toys, made of or including parts of soft PVC containing the phthalates listed in point XX of the Annex to Directive 76/769/EEC, which are intended for children *under the age of three* and which can be put in the mouth, although not intended for that purpose.	7. Toys, made of or including parts *made* of soft PVC containing the phthalates listed in point XX of the Annex to Directive 76/769/EEC, which are intended for children **between the ages of three and six** and which can be put in the mouth, although not intended for that purpose, **by children under the age of three**

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TEXT PROPOSED BY THE COMMISSION	AMENDMENTS BY PARLIAMENT
The following warning shall appear in an easily legible and indelible form on the packaging for the toy.	The following warning shall appear in an easily legible and indelible form on the packaging for the toy.
'Warning — do not *put in the mouth for extended periods* as could release phthalates dangerous to child health'.	'Warning — do not **give to children under the age of three** as could release phthalates dangerous to child health'.
The following shorter warning shall appear in an easily legible and indelible form on the toy:	The following shorter warning shall appear in an easily legible and indelible form on the toy:
'Not to be kept in the mouth'.	'Not to be kept in the mouth'.

(Amendment 7)

ANNEX

Annex I(XX), list (Directive 76/769/EEC)

XX. Phthalates	XX. Phthalates **of all kinds**
Of the following types:	
— *di-'isononyl' phthalate (DINP)* *CAS No 28553-12-0* *EINECS No 249-079-5*	
— *bis (2-ethylhexyl) phthalate (DEHP)* *CAS No 117-81-7* *EINECS No 204-211-0*	
— *dioctyl phthalate (DNOP)* *CAS No 117-84-0* *EINECS No 204-214-7*	
— *di-'isodecyl' phthalate (DIDP)* *CAS No 26761-40-0* *EINECS No 247-977-1*	
— *benzyl butyl phthalate (BBP)* *CAS No 85-68-7* *EINECS No 201-622-7*	
— *dibutyl phthalate (DBP)* *CAS No 84-74-2* *EINECS No 201-557-4*	

(Amendments 17/rev. and 16)

ANNEX

Annex I(XX)(1) (Directive 76/769/EEC)

1. May not be used as substances or as constituents of preparations at concentrations of greater than *0,1 %* in toys and child care articles made of *PVC*, or including parts of PVC, *intended to* be put in the mouth by children *under the age of three*.	1. May not be used as substances or as constituents of preparations at concentrations of greater than **0,05 %** in toys and childcare articles made of, or including parts **made** of, PVC, **which can** be put in the mouth by children.

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TEXT PROPOSED BY THE COMMISSION	AMENDMENTS BY PARLIAMENT

(Amendment 8)

ANNEX

Annex I(XX)(3) (Directive 76/769/EEC)

3. The following warning shall appear in an easily legible and indelible form on the packaging for childcare articles, other than those referred to in point 1 above, made of or including parts of soft PVC containing one or more of these phthalates, and intended for children *under the age of three* and which can be put in the mouth:	3. The following warning shall appear in an easily legible and indelible form on the packaging for childcare articles, other than those referred to in point 1 above, made of, or including parts *made* of, soft PVC containing one or more of these phthalates, and intended for children **between the ages of three and six** and which can be put in the mouth **by children under the age of three**:
'Warning — do not *put in mouth for extended periods* as could release phthalates dangerous to child health'.	'Warning — do not **give to children under the age of three** as could release phthalates dangerous to child health'.
The following shorter warning shall appear in an easily legible and indelible form on the childcare article:	The following shorter warning shall appear in an easily legible and indelible form on the childcare article:
'Not to be kept in the mouth'.	'Not to be kept in the mouth'.

(Amendment 9)

ANNEX

Annex I(XX)(3a) (new) (Directive 76/769/EEC)

	3a. Fragrances may not be added to toys or childcare articles made of, or including parts made of, soft PVC containing one or more of these phthalates and which can be put in the mouth by children.

European Parliament legislative resolution on the proposal for a European Parliament and Council directive amending for the 22nd time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (phthalates) and amending Council Directive 88/378/EEC on the approximation of the laws of the Member States concerning the safety of toys (COM(1999) 577 — C5-0276/1999 — 1999/0238(COD))

(Codecision procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(1999) 577) [1],

— having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0276/1999),

— having regard to Rule 67 of its Rules of Procedure,

— having regard to the report of the Committee on the Environment, Public Health and Consumer Policy and the opinion of the Committee on Legal Affairs and the Internal Market (A5-0149/2000),

[1] OJ C 116 E, 26.4.2000, p. 14.