



Bureau Européen des Unions de
Consommateurs - The European
Consumers' Organisation



European Association for the
Co-ordination of Consumer
Representation in Standardization

ANEC2001/CHILD/112
BEUC/470/2001
19 December 2001

**Further comments from ANEC and BEUC on the Commission's Discussion
paper "Issues to consider in a possible revision of the Safety of Toys
Directive (88/378/EEC)"**

(In addition to the "Preliminary views from ANEC and BEUC
on the revision of the Toy Safety Directive" from May 2001)

Page 3

We welcome that the Directive could be re-written in a more straightforward language.

Page 6, clause 1.3

We are in principle in favour of the proposal to introduce a mandatory EC type examination for certain categories of toys that present a highly risk. It needs to be clarified however what is exactly meant by it and what it really covers. There is a need to establish clear criteria for this. The definition of what is "high risk" should be done by the committee (see under clause 1.5 and clause 3.5 "commitology procedure").

The health consequences (short- and long term) of certain chemical toys might have to be considered. We would also suggest to introduce mandatory EC type examination for toys intended for children under three years.

Page 7, clause 1.5

We welcome the proposal to introduce a commitology procedure to "recover" political subjects from the standardization to the political level. ANEC and BEUC ask for an observer status in a committee established under the commitology procedure.

The introduction in the Directive of a technical annex (including technical requirements) which can be changed in a flexible way (by this committee) would be much welcomed.

As we mentioned already in our preliminary comments, there should be a possibility to add, modify or specify in detail essential requirements in a flexible way after the adoption of the Directive.

We would like to emphasize again that a better monitoring of the standards work is needed (see our preliminary comments from May 2001, page 1). An "early exchange of information and discussion of problems", as stated at the end of paragraph 2 under clause 1.5 is a step forward in our opinion.

Page 9, clause 2

We are in favour of the proposals and welcome the preparation of a comprehensive guideline on the application of the Toy Directive and the GSPD.

Page 11, clause 3.2

In principle we consider that the worst scenario should be considered. As we mentioned already in our preliminary comments, it must be clarified that foreseeable use, "bearing in mind the normal behavior of children", means a worst case scenario, the use of a toy which most likely leads to a dangerous situation. The current wording is not adequate because it can be interpreted in the opposite way. Normal use or behavior is not the worst case and there are different opinions about the meaning of "normal".

We would once again underline our position concerning chemicals in toys. We agree with the comment in the discussion paper from the Commission in part 3.2 "Safety requirements", where it says that the whole chapter on chemical properties needs to be reconsidered.

Further a positive list for chemicals allowed in toys should be established. Children are vulnerable consumers who need special protection - especially for long-term risks posed by chemicals. Endocrine disrupter should be addressed in this list.

It is important that the toys directive ensures a strong link to the chemicals directive 67/548/EEC in order to ensure that the CMR substances classified as category 1 and 2 always are prohibited in toys. CMR substances classified as category 3 refer to a suspected health effect and should consequently not be used in toys either.

Fragrances in toys can cause allergies, a life long disease. Precaution is needed and demands a special approach in the toys directive itself e.g. prohibiting use of highly allergenic fragrances.

The cosmetic directive is currently being amended. The Council and the European Parliament have spoken out in favour of a special evaluation of fragrances in childrens' products.

A clear link between the toys directive and this part of the cosmetics directive 76/768/EEC should be established to ensure that fragrances in childrens' products are regulated as a minimum on the same level.

However it must be ensured that the fragrances used in all kinds of toys are regulated. For example, as a minimum the same rules as those contained in the cosmetics directive should apply to a fragranced teddybear containing a highly allergenic substance.

For **certain categories of toys**, there is a need to use a larger test cylinder. Accident data show that toys with spherical, semi spherical, egg-shaped, ovoid and rounded ends

have caused problems although they do not fit into the small parts test cylinder. Toys with detachable suction cups might also present a hazard, also in cases when the suction cups are larger than the cylinder.

Page 12, clause 3.4

Warnings should also appear on Internet websites where toys are directly sold to consumers, and also in mail order catalogues.

Page 12, clause 3.5

As we mentioned already under clause 1.5, we are in favour of introducing a commitment procedure.

Page 13, clause 3.6

ANEC and BEUC are in favour of a separate Directive for child use and care articles.