

Statutory Order on a ban on phthalates in toys and childcare articles

Statutory Order no. 786 of 11 July 2006

Statutory Order on a ban on phthalates in toys and childcare articles ¹⁾

Pursuant to sections 30, 31, 45(1), 59(4), and section 60 of the Act on Chemical Substances and Products, cf. Consolidated Act no. 21 of 16 January 1996, as amended by Act no. 424 of 10 June 1997, Act no. 256 of 12 April 2000, Act no. 296 of 30 April 2003, Act no. 441 of 10 June 2003, Act no. 189 of 24 March 2004 and Act no. 315 of 5 May 2004, the following shall be laid down:

1.-(1) This Statutory Order shall apply to toys and childcare articles.

(2) For the purposes of this Statutory Order, the following definitions shall apply:

- 1) 'Toy' shall mean any product which is clearly constructed or intended to be played with by children under 14 years old.
- 2) 'Childcare articles' shall mean any product intended to facilitate sleep, relaxation, hygiene, the feeding of children or sucking on the part of children.
- 3) 'Phthalates' shall mean esters of o-phthalic acid.

2.-(1) The phthalates stated in annex 1 shall be banned from use as substances or as constituents in chemical products in concentrations exceeding 0.1% by mass of plasticised material in toys and childcare articles.

(2) Import and sale of toys and childcare articles which contain the phthalates stated in annex 1 in concentrations exceeding 0.1% by mass of plasticised material shall be banned.

(3) The phthalates stated in annex 2 shall be banned from use as substances or as constituents in chemical products in concentrations exceeding 0.1% by mass of plasticised material in toys and childcare articles which can be placed in the mouth by children.

(4) Import and sale of toys and childcare articles which can be placed in the mouth by children and which contain the phthalates stated in annex 2 in concentrations exceeding 0.1% by mass of plasticised material shall be banned.

3.-(1) The phthalates not stated in annex 1 or 2 shall be banned from use as substances or as constituents in chemical products or components hereof in concentrations exceeding 0.05% by mass in:

- 1) toys for children from 0-3 years old (0-36 months), and
- 2) childcare articles for children from 0-3 years old which are intended, or normally can be expected, to be placed in the mouth, including in particular dummies, bibs, jewellery as well as bathing articles etc.

(2) Import and sale of products mentioned in subsection (1) which contain phthalates in concentrations exceeding 0.05% by mass shall be banned.

(3) Subsections (1) and (2) shall not cover childcare articles which are intended to come into contact with food.

4. Supervision and control of compliance with the rules of this Statutory Order shall be carried out by the Danish Environmental Protection Agency, cf. the statutory regulations hereon.

5.-(1) Any person violating section 2 and 3 shall be liable to a fine, unless more severe punishment is incurred under other legislation.

(2) The penalty may be increased to a prison sentence of up to two years, where it is found that the breach was committed deliberately or as a result of gross negligence, and where the breach has caused:

- 1) harm to the life or health of humans or domestic animals or risk of harm, or
- 2) damage to the environment or risk of damage, or
- 3) actual or intended economic advantage, including savings, for the offender or for others.

6. Criminal liability may be imposed on companies (legal persons) according to the rules of Part 5 of the Danish Criminal Code.

7.-(1) This Statutory Order shall enter into force on 16 January 2007.

(2) Statutory Order no. 151 of 15 March 1999 banning phthalates in toys for children aged 0-3 and in certain childcare articles etc. shall be repealed.

The Ministry of the Environment, 11 July 2006

Connie Hedegaard

/Karsten Skov

List of phthalates covered by section 2(1) and (2)

The following phthalates (or other CAS or Einecs numbers which cover the following substances) are covered by section 2(1) and (2).

Substance group	CAS no.	Einecs no.
Di(2-ethylhexyl)phthalate (DEHP)	117-81-7	204-211-0
Dibutyl phthalate (DBP)	84-74-2	201-557-4
Butylbenzyl phthalate (BBP)	85-68-7	201-622-7

List of phthalates covered by section 2(3) and (4)

The following phthalates (or other CAS or Einecs numbers which cover the following substances) are covered by section 2(3) and (4).

Substance group	CAS no.	Einecs no.
Diisononyl phthalate (DINP)	28553-12-0	249-079-5
	68515-48-0	271-090-9
Diisodecyl phthalate (DIDP)	26761-40-0	247-977-1
	68515-49-1	271-091-4
di-n-octyl phthalate (DNOP)	117-84-0	204-214-7

Official notes

¹² This Statutory Order contains provisions, which in draft have been notified in accordance with Directive 98/34/EC from the European Parliament and the Council (Information Procedure), as last amended by Directive 98/48/EC. The Statutory Order contains provisions which implement Directive 2005/84/EEC from the European Parliament and the Council of 14 December 2005 amending for the 22nd time Council Directive 76/769/EEC relating to restrictions on marketing and use of certain dangerous substances and preparations (phthalates in toys and childcare articles) (Official Journal of the European Union 2005 L 344, p. 41).

Links to EC Directives, cf. note 1

Directive 2005/84/EC Celex no. 32005L0084