



European Commission
DG JUST, Unit E.3

ANEC-CHILD-2016-G-035

Brussels, 14 March 2016

Subject: Safety requirements for children's shoes

Following the last CSN meeting on 2 February 2016, members and observers were asked to comment on the proposal from the COM:

- not to proceed with the work on safety requirements for children footwear for the time being or
- to proceed with the work on safety requirements for children's footwear addressing only hazards for children up to 3 years of age and extend it to children's clothes (focusing on choking and strangulation hazards).

ANEC **strongly disagrees** with the Commission's proposed way forward for the following reasons:

- Lack of opportunity to discuss the pros and cons to come to a consensus

The replies received from the members of the small expert group and from CSN members were never shared/distributed as far as we know. No paper summarizing the experts' positions was sent out and no discussion took place with the small expert group to come to a consensus. Instead, the only information provided was that there was no consensus about hazards for children above 3 and also no consensus about chemicals. We would like to see all the replies and ask for these replies to be discussed by the expert group.

On the 7th slide of the COM's presentation at the October 2015 CSN meeting it says that a new list of hazards and a new draft will be shared. As far as we know, this was not done.



ANEC is supported financially by the European Union & EFTA

EU Transparency Register No. 507800799-30

Raising standards for consumers

- Chemical requirements

In its position paper "Hazardous chemicals in products - The need for enhanced EU regulations" (June 2014) ANEC considered that *"the present specific European regulatory provisions for chemicals in (consumer) products, particularly in articles, are insufficient"*. Further, it was stated that *"REACH does not, and will not, compensate for these deficits because articles – particularly imported ones - are barely covered"* for a number of reasons (which are not discussed in this paper). ANEC insisted that *"a systematic approach to address chemicals in products relevant for consumers needs to be developed"*. This holds true also for shoes in general, and shoes for children, in particular. It should be noted that there are very few restrictions concerning chemicals in shoes in REACH (such as the limits on chromium VI or azocolourants and azodyes).

In a joint ANEC-BEUC position paper entitled "Protecting consumers from hazardous chemicals in textiles" (March 2016) with respect to the public consultation on possible restriction of hazardous substances (only CMR 1A and 1B) in textile articles for consumer use both organisations suggested *"that textiles should not be addressed through REACH but be regulated rather through a separate, product specific regulation on textiles, allowing addressing all substances of concern in an appropriate way taking into account already existing voluntary specifications such as the Oekotex standards"*. This is equally true for other materials such as leather or any other material used in the production of footwear.

In its contribution to the first version of the draft safety requirements for children's shoes ANEC pointed out that requirements need to be established *"providing at the very minimum the level of safety which applies to toys, i.e. to make use of existing regulatory provisions in the Toy Safety Directive (TSD)"*. Further, ANEC pointed to the adoption of CEN TR 13387-2 "Child use and care articles - General safety guidelines - Part 2: Chemical hazards" which follows a similar approach. This means e.g. to exclude CMR substances of categories 1A, 1B and 2, possibly using even lower limits or to stipulate limits for elements/metals and N-nitrosamines and N-nitrosatable compounds. In addition, it is essential to address other groups of hazardous substances such as skin sensitizers. There is a big number of chemicals associated with shoe allergy including rubber and rubber additives (such as benzothiazoles, carbamates, paraphenylenediamine derivatives, thioureas, thiurams and resin components), adhesives (such as p-tertiary-butylphenol formaldehyde resin, PTBFR), dyes (such as paraphenylenediamine).

A detailed proposal will be prepared by ANEC soon.

Finally, we would kindly like to remind the Commission of its promise to have an in-depth discussion about coverage of chemicals in safety requirements,

following the discussion on chemical requirements for candles and accessories. We hope that this has not been forgotten.

- Other requirements

Construction and orthopedic requirements are very important for shoes for children under 3 and should be covered as well.

As children under the age of 3 tend to put everything in the mouth, biological hazards and hygiene requirements are equally important to be addressed.

- Extending the safety requirements to children's clothing

Safety requirements for children's clothing should be addressed separately from footwear requirements.

Best wishes,

Tania Vandenberghe
ANEC representative Consumer Safety Network