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M/372 EN

STANDARDISATION MANDATE TO CEN RELATING TO FLOATING LEISURE PRODUCTS FOR USE ON OR IN THE WATER

I. Background

Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety¹ regulates consumer product safety, in a horizontal way, at EU level. This directive, adopted in December 2001, is applicable as from 15 January 2004.

The Directive is aimed at ensuring that only safe products are placed on the market in the EU. To that end, it establishes a general safety requirement for consumer products, supported by a definition of “safe” product.

According to Article 3(2) of Directive 2001/95/EC a product shall be presumed safe as far as the risks and risk categories covered by relevant national standards are concerned when it conforms to voluntary national standards transposing European standards, the references of which have been published by the Commission in the *Official Journal of the European Union* in accordance with Article 4 of that Directive.

Article 4(2) establishes the methodology for the drawing up of the European standards for products under the Directive.

The Member States and the Commission, in close co-operation with the European standardisation bodies and after consultation of stakeholders, have identified floating leisure articles for use on or in the water as a group of products for which European standards should be drawn up on the basis of a mandate to be given by the Commission pursuant to Directive 2001/95/EC.

The Commission has set in its Decision 2005/323/EC of 21/04/2005² on the safety requirements to be met by the European standards for floating leisure articles for use on or in the water pursuant to Directive 2001/95/EC of the European Parliament and of the Council, the safety requirements for the floating leisure articles for use on or in the water. A copy of the Annex of that Decision is in Annex I, which is fully part of this mandate.

¹ OJ L11, 15.1.2002, p.4.

² OJ L 104, 23.4.2005, p.39.

II. Description of the mandated work

CEN is mandated to:

- Develop a work programme and draw up European standards for floating leisure products for use on or in the water that satisfy the safety requirements defined in Decision 2005/323 and will thus enable the product to be presumed safe under Directive 2001/95/EC as far as the risks and the risk categories covered are concerned.
- Report on the progress of the work to the Commission twelve months after acceptance of the mandate, and each twelve months after that until the standards are adopted.

The classification of products covered by this mandate is illustrated by Annex 2, Part I.

In carrying out the mandated work, CEN is requested to consider existing standardisation work in this area, and take into account in particular the standards listed in Annex 2, Part II. The mandated work must be coherent with standardisation activities under other Community legislation, in particular under the directives on PPE ((89/686/EEC) and toys (88/378/EEC).

III. Execution of the mandate

CEN shall inform the Commission of the arrangements to be adopted for the execution of the work within three months of acceptance of this mandate.

CEN shall present target dates for the presentation and adoption of the draft standards to the Commission within six months of the acceptance of this mandate. The target dates for the adoption of the standards shall not be more than 3 years after acceptance.

CEN must carry out the work in respect of accepted principles such as openness to the various parties interested, including ANEC, NORMAPME and ECOS, and their possible participation and the need for standardisation to be based on a consensus between all the parties. The developments on the international level shall be taken into account.

CEN shall present the draft standards listed therein by the target dates specified.

CEN shall ensure the presence in the standards of the indication of the relationship between the clauses of that standard and the safety requirements contained in the Commission Decision 2005/323.

The European Standards shall be adopted by the target dates specified. At these dates, the three linguistic versions (German, English and French) shall be available, as well as the correct titles in all the other European Union languages.

CEN shall notify the Commission of the addition or removal of standards projects, with their target dates in the case of additions, which it approves for addition to its work programme that may be necessary.

The European standards accepted shall be transposed into national standards and differing national standards shall be withdrawn from the catalogues of the national standards organisations in the Member States after their adoption following CEN's procedures.

Acceptance by CEN of this mandate starts the standstill period referred to in Article 7 of the Directive 98/34/EEC of 22 June 1998 (Of N° L 204/37 of 21 July 1998)

The Commission reserves the right to specify more precisely, if necessary, the terms of this mandate.

The work following this mandate may be updated by common agreement if that proves to be necessary during the course of the work.

ANNEX I

Commission Decision 2005/323/EC of 21/04/2005

ANNEX:

Safety requirements for floating leisure products for use on or in the water

PART I

Product definition:

The floating articles covered by this Decision are leisure articles for use on or in the water whose floatation is ensured by buoyancy through inflation or inherent buoyant materials. These articles are not covered by any product-specific EU legislation, which are used on and in the water for leisure activities such as playing in the water, water sports, boating, diving and learning to swim, beyond the most typical and traditional products in that sector. Some of those products have been established on the European market for years whereas others are new, with new products appearing constantly.

Most of these products are in part modified traditional core products or derived from them and further developed. Increasingly, often land-based playground equipment is being adapted for use on the water.

These new products aim at increasing pleasure and entertainment but also to increase speed or to enhance action and thrill with new adventurous activities such as "tubing" and "white water rafting".

Floating leisure articles covered by Directive 88/378/EEC concerning the safety of toys³, by Directive 89/686/EEC relating to personal protective equipment⁴ and by Directive 94/25/EC relating to recreational craft⁵ are excluded from this Decision.

Floating articles covered by this Decision must be classified by their intended use, means of propulsion and design, in the following classes:

Class A: Floating articles intended for static positional use on or in the water. Position of user upon the buoyant structure. Intended for both single and collective use, mainly passive. Normally no mechanical means of propulsion. Devices may be designed in a way which provides floating stability, or may have to be balanced by the user.

Articles designed for protective functions, covered by Directive 89/686/EEC, are excluded. The same way, articles designed or clearly intended for individual use in play by children in shallow water, covered by Directive 88/378/EEC, are excluded.

³ Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys; OJ L 187, 16.7.1988, p.1.

⁴ Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment; OJ L 399, 30.12.1989, p.18.

⁵ Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft; OJ L 164, 30. 6.1994, p.15.

Class B: Floating articles which are intended for static use. Position of the user is inside a buoyant structure which develops around the user's body (relatively tight fit). Devices may provide a body-holding system or the user may be expected to hold himself by the arms and hands. Body-holding system might be an integrated seat, straps or other means of holding regardless of the body posture (sitting, standing, lying, kneeling ...). User's body is more or less immersed. Normally the upper part (chest upwards) is out of the water. Intended for both single and collective use. Normally no mechanical means of propulsion.

Articles designed for protective functions, covered by Directive 89/686/EEC, are excluded. The same way, articles designed or clearly intended for individual use in play by children in shallow water, covered by Directive 88/378/EEC, are excluded.

Class C: Floating articles for dynamic use, i.e. application at high speed. Position of user is upon or inside the buoyant structure. There may be a cockpit or seat or other means to give hold to the user. The device is towed behind external means of propulsion. User is required to manage floating stability and safe course behind the towing devices.

Class D: Floating articles for active use i.e. climbing, jumping and any connected activity. No distinct position of user. Intended for both single and collective use. Normally no mechanical means of propulsion. Articles designed for protective functions, covered by Directive 89/686/EEC, are excluded. The same way, articles designed or clearly intended for individual use in play by children in shallow water, covered by Directive 88/378/EEC, are excluded.

Class E: Inflatable boats with buoyancy less than 1800 N and a hull length of more than 1.2 m and less than 2.5 m, measured according to the appropriate harmonized standards intended for sports and leisure purposes as defined in Directive 94/25/EC. Single and collective use. Position of user inside the buoyant structure (wide cockpit).

PART II

A. Risks

The main risks associated with these products are drowning and near-drowning accidents.

Other risks associated with the specific products which can also cause more or less serious injuries include risks related to the product design, such as drifting away, losing hold, fall from high height, entrapment or entanglement above or below water surface, sudden loss of buoyancy, capsizing, cold shock, as well as the risks inherent to their use, such as collision and impact, and risks linked to winds, currents and tides.

B. General safety requirement

The products must comply with the general safety requirement referred to in Directive 2001/95/EC and be “safe” within the meaning of Article 2(b) thereof.

C. Specific safety requirements

In application of the general safety requirement referred to in Directive 2001/95/EC, the following must be taken into account, as a minimum:

C.1. Requirements on the product design

Safety by design must be given priority compared to safety through instructions. Materials used and workmanship must correspond to the state of the art, taking into account the expected use of the articles and eventual consequences for the health of the user and the environment.

The following must be considered, as a minimum:

- (a) Floating stability in accordance with the intended and foreseeable use;
- (b) Minimum buoyancy and, in case of inflatable articles, residual buoyancy after failure of one air chamber. Additionally retention of function where appropriate and in particular where collective use is intended or likely;
- (c) Means of getting hold during use, easy gripping;
- (d) Easy escape in case of capsizing, avoidance of any other forms of entrapment or entanglement regarding parts of the human body;
- (e) Means to facilitate re-embarkation in particular where collective use is intended as well as means of getting hold when in the water in an emergency;
- (f) Presence of a reliable quick release for products moved (towed) at high speed;

C.2. Warnings and information in respect of a cautious use of the product

The presentation and illustration of the product, conspicuous and clear labelling, as well as any warnings and instructions for its use, must be fully coherent and easily and clearly understood by the consumer and must not play down risks to potential users, especially children.

Labelling (including pictograms) related to warnings or appropriate sizing must be visible during use. Pictograms directly related to very serious risks must be accompanied by the corresponding text. Essential information regarding the performance and limitations of the product must be presented in a way to inform the potential user before buying. Special attention must be given to information related to risks in relation to children. As a minimum, the following must be considered:

- (a) Any requisite limitation on use concerning, for example: number of users, total weight, risks linked to winds, currents and tides, specifications on distance from shore, height, speed, the interaction with other products or objects, where it is reasonable foreseeable that the product will be used with other products or in vicinity to dangerous objects (safety distances); additionally, the foreseeable misuse of the product must also be considered.
- (b) All products must have the warning “ATTENTION: No protection against drowning. Swimmers only!”;
- (c) Recommendation regarding the use of adequate personal protective equipment (PPE) against drowning and for impact resistance, where appropriate;

(d) Instructions on inflation and pressure conditions, maintenance, repair, storage and disposal taking account of the specific characteristics of these products and of their use, situations of repeated use over long periods and the aging process;

(e) Products intended for categories of consumers at risk when using the product, in particular children, non-swimmers and in some cases the elderly, must have specific warnings.

ANNEX II – Useful information

I. Example of products within each class (photographs for informative purposes only):

Class A:



Class B:



Class C:



Class D



Class E:



II. Normative references

Some examples of reference documents include the following:

EN 71-1:1998 - Safety of toys - Part 1: Mechanical and physical properties

EN 71-3: 1994 - Safety of toys - Part 3: Migration of certain elements

EN 393:1993 - Lifejackets and personal buoyancy aids - Buoyancy aids 50 N

EN 396:1993 - Lifejackets and personal buoyancy aids - Lifejackets – 150 N

EN 13138-1: 2003 – Buoyant aids for swimming instruction: Part 1: Safety requirements and test methods for buoyant aids to be worn

EN 13138-2: 2003 – Buoyant aids for swimming instruction: Part 2: Safety requirements and test methods for buoyant aids to be held

EN 13138-3: 2003 – Buoyant aids for swimming instruction: Part 3: Safety requirements and test methods for swim seats to be worn

EN ISO 6185-1 -2001 Inflatable boats - Part 1: Boats with a maximum motor power rating of 4.5 KW and a minimum buoyancy of 1800 N.

ISO / IEC Guide 14 - Purchase information on goods and services intended for consumers

ISO / IEC Guide 51 Safety aspects -Guidelines for their inclusion in standards

ISO 105-A01, Textiles - Tests for colour fastness, Part A01: General principles of testing

ISO 105-A02, Textiles - Tests for colour fastness, Part A02: Grey scale for assessing change in colour

ISO 105-A03, Textiles - Tests for colour fastness, Part A03: Grey scale for assessing staining

ISO 105-E03, Textiles - Tests for colour fastness, Part E03: Colour fastness to chlorinated water (swimming pool water)

EN ISO 105-E02 Textiles - Test for colour fastness, Part E02: Colour fastness to sea water

ISO 105-E04, Textiles - Tests for colour fastness, Part E04: Colour fastness to perspiration

ISO 105-X12, Textiles - Tests for colour fastness, Part X12: Colour fastness to rubbing

ISO 3696 - Water for analytical laboratory use; Specification and test methods