



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

New Approach Industries, Tourism and CSR
International and horizontal aspects of the New Approach, CSR

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STANDARDISATION MANDATE TO CEN TO DRAW UP A STANDARD FOR MAGNETIC TOYS

1. MOTIVATION

This mandate relates to the Council Directive 88/378/EEC¹ on the approximation of laws of the Member States concerning the safety of toys of 3 May 1988 as amended by the Council Directive 93/68/EEC² of 22 July 1993 (hereinafter referred to as the Directive).

Pursuant to Article 2 (1) of the Directive, toys placed on the market must not jeopardise the safety and/or health of users or third parties when they are used as intended or in a foreseeable way, bearing in mind the normal behaviour of children. According to the Directive to attain this purpose toys must meet the essential safety requirements applicable to them as set out in Annex II of the Directive.

In addition, the Directive provides that in order to facilitate the proof of conformity with the essential safety requirements set down in Annex II, European standards concerning the design and composition of toys should be drawn up by the standardisation organisations.

The European Committee for Standardisation (hereinafter referred to as CEN), under mandate from the Commission, drew up and adopted the standard EN 71-1:2005 “Safety of toys – Part 1: mechanical and physical properties” which is a consolidated version of the harmonised standard EN 71-1:1998 and its 11 amendments.

This standard lays down the requirements and test methods for mechanical and physical properties of toys. Furthermore, the standard specifies requirements for packaging, marking and labelling. However, the standard does not contain technical requirements for magnetic toys.

Magnetic toys consist of small magnetic pieces which can take many shapes and forms intended for children to play with. However, these toys might present a risk for children. If more than one piece is swallowed, the magnetic pieces can attract to each other and cause intestinal perforation or blockage which may lead to fatal accidents.

¹ OJ L 187/1 18.7.88, p.1.

² OJ L 220, 30.8.1993, p. 1.

In 2006, Member States informed the Commission services of several incidents and accidents in the USA with magnetic building toy sets. In 2007, Member States informed the Commission services of several incidents happened with magnetic toys placed on the European Union market.

As a result of the discussions with Member States within the expert group on the implementation of the Directive, CEN is requested to draw up a standard for magnetic toys in order to complete the harmonised standard EN 71-1. The constructional safety requirements of the standard must ensure that hazardous magnetic pieces should not be swallowed by children in the ages exposed to ingestion hazardous according to the accident/incident data.

2. DESCRIPTION OF THE MANDATED WORK

In the framework of Directive 88/378/EEC on the safety of toys, the Commission services hereby request CEN to prepare a European standard concerning the risks associated with magnetic toys.

The standard technical requirements shall cover the essential safety requirements lay down in Annex II of the Directive, in particular Annex II.II.1 “particular risks – physical and mechanical properties”.

The European standard under this mandate shall meet the following specific requirements:

- (1) Address the hazards presented by magnetic toys intended for children under 14 years old. The general constructional safety requirements must ensure that hazardous magnetic pieces should not be swallowed by children under 14 years of age.
- (2) Draw up provisions regarding requirements on warnings concerning certain defined categories of educational toys which may be exempted from the general constructional requirements, such as for example experimental sets with magnets intended for children that are not in the ages exposed to ingestion hazards according to the accident/ incident data .
- (3) Include an annex providing information with regard to the relationship between its clauses and the essential safety requirements of the Directive in order to allow the users of the standard to establish to what extent the standard provides for a presumption of conformity with the essential safety requirements.
- (4) Include an informative annex with the background and justification for the requirements.

3. EXECUTION OF THE MANDATE

The European standard shall be adopted within 24 months of the acceptance of the mandate. At this time, the three linguistic versions (German, English, French) shall be available as well as the correct titles in the other official languages of the European Union.

Acceptance by CEN of this mandate starts the standstill period referred to in Article 7 of Directive 98/34/EC³ of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and on Information Society Services, as amended by Directive 98/48/EC.

4. BODIES TO BE ASSOCIATED

As appropriate, CEN shall invite the representative organisations of consumers interests (ANEC).

³ OJ L 204, 21.7.1998, p. 37. Directive as last amended by 2003 Act of Accession.