



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
AMEND THE STANDARD EN 71-1:2005, CLAUSE 5.12 ON
OBJECTS INTENDED FOR DRINKING**

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.

The Directive also 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.

The standard EN 71-1:2005 “Safety of toys – Part 1: mechanical and physical properties”, clause 5.12 provides for technical requirements to address the risks of suffocation presented by hemispheric-shaped toys.

The standard requirements apply to cup-shaped, bowl-shaped or one half of an egg-shaped toys having a nearly round, oval or elliptical opening. However, the standard excludes from its scope objects intended for drinking. The reason to exclude these

¹ OJ L 187/1 18.7.88, p.1.

² OJ L 220, 30.8.1993, p. 1.

products from the scope of the standard was that there has been no accidents registered with objects intended for drinking.

Following a formal objection raised by the French authorities, the Commission considers that cup-shaped, bowl-shaped or one half of an egg-shaped toys having a nearly round, oval or elliptical opening which are intended for drinking, such as toy tea sets cups, may present a risk for children's health.

The reason is that the purpose of the technical requirements laid down in the standard is to address the suffocation risks presented by certain shapes³ in connection with an opening. Therefore, objects intended for drinking also present a risk and should also be covered the standard.

Furthermore, objects intended for drinking are already in line with the current standard requirements. This is demonstrated by a survey carried out by the Dutch authorities which concluded that a majority of toy tea set cups found on the market comply with the technical requirements set down in the standard.

Taking into account the above, objects intended for drinking should be included in the scope of the standard.

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 include objects intended for drinking in the scope of the standard EN 71-1:2005 "Safety of toys – Part 1: mechanical and physical properties", clause 5.12.

The amendment to the standard EN 71-1:2005 "Safety of toys – Part 1: mechanical and physical properties", clause 5.12, under this mandate shall meet the following specific requirements:

- (1) Address the hazards presented by cup-shaped, bowl-shaped or one half of an egg-shaped toys having a nearly round, oval or elliptical opening objects which are intended for drinking.
- (2) 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.
- (3) Include an informative annex with the background and justification for the requirements.

By doing this, the standard technical requirements will cover the essential safety requirements lay down in Annex II of the Directive, in particular, Annex II.II.1 (e).

³ EN 71-1 :2005, Informative Annex, C.50- hemispheric shaped toys.

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/EC⁴ 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 organisation of consumers interests (ANEC).

⁴ OJ L 204, 21.7.1998, p. 37. Directive as last amended by 2003 Act of Accession.