



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Tourism, CSR, Consumer Goods and International Regulatory Agreements
International Regulatory Agreements and Toys' Safety

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M/482 EN

STANDARDISATION MANDATE ADDRESSED TO CEN TO AMEND EN 71-1:2005 +A9:2009 “SAFETY OF TOYS – PART 1: MECHANICAL AND PHYSICAL PROPERTIES” WITH REGARDS TO ITEMS THAT ARE PROPELLED INTO FREE FLIGHT BY A CHILD RELEASING AN ELASTIC BAND

1. OBJECTIVE

This standardisation mandate requests CEN to amend EN 71-1:2005 +A9:2009 “Safety of toys – Part 1: mechanical and physical properties” with regards to items that are propelled into free flight by a child releasing an elastic band in order that it will meet the essential requirements of Directive 2009/48/EC, revising Directive 88/378/EC on the approximation of the laws of the Member States concerning the safety of toys.

2. MOTIVATION

This mandate relates to Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the Safety of Toys, revising Directive 88/378/EC on the approximation of the laws of the Member States concerning the safety of toys.

According to Article 10 of Directive 2009/48/EC, toys subject to the Directive must comply with the essential safety requirements set out, as far as the general safety requirement is concerned, in paragraph 2 of Article 10, and, as far as the particular safety requirements are concerned, in Annex II.

Article 13 of Directive 2009/48/EC states that toys which are in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the requirements covered by those standards or parts thereof, set out in Article 10 and in Annex II.

Annex II. I.8 of Directive 2009/48/EC states that the form and composition of projectiles and the kinetic energy they may generate when fired from a toy designed for that purpose must be such that, taking into account the nature of the toy, there is no risk of physical injury to the user or to third parties.

In a reply to the Swedish authorities in 1992, the Commission stated that catapult airplanes or similar products which are propelled by a catapult are not to be considered as toys.

The Toy Safety Directive 2009/48/EC defines a toy as a product designed or intended, whether or not exclusively, for use in play by children under 14 years of age and mentions that it is not applicable to following toys: slings and catapults. This implies that the new Toy Safety Directive does see slings and catapults as toys, however excludes them from the scope.

In view of the new Directive Member States and Commission discussed the reply of 1992 and stated that the catapult airplanes or similar products are toys (as they are used by children under 14 years of age for use in play). Adding a catapult in order to release the airplane or similar product as a projectile, does not render the combination not being a toy. Only slings and catapults as such are excluded from the scope. The ADCO Expert group agreed that e.g. aero planes and rockets propelled into free flight by a child releasing an elastic band are toys.

The specific hazards encountered with these toy projectiles are that they can be launched with a high kinetic energy (which is determined by the child) and can cause injuries (skin and eye damages). As the eye injury hazard is similar to injuries caused by toy bows and arrows, similar requirements should be taken into consideration. The kinetic energy per impact area should also be taken into consideration. The risk that other items than the intended can be launched by the toy and cause injuries, should be considered, for example by appropriate warnings and/or instructions. However, safety by design must be given priority compared to safety through warnings and/or instructions. The toys concerned by this mandate should also fulfill all other relevant requirements of the standards and the Directive.

Therefore, the present standardisation mandate relates to amend EN 71-1:2005+A9:2009. Insofar as possible, this work should be integrated in the revision of the aforementioned standard in the framework of the adoption of the new directive 2009/48/EC.

3. DESCRIPTION OF THE MANDATED WORK

The Commission requests CEN to amend EN 71-1:2005+A9:2009 related to items that are propelled into free flight by a child releasing an elastic band, in order to ensure that it covers the scope and satisfies the essential safety requirements of Directive 2009/48/EC.

The amendment under this mandate shall meet the following specific requirements:

- 1) Ensure that the standard will fully satisfy the essential safety requirements of the Directive 2009/48/EC, in particular article 10 and Annex II.
- 2) Ensure that the hazards listed below are taken into account. Safety by design must be given priority compared to safety through instructions,
 - eye and skin injuries
- 3) Ensure that the risk that other items than the intended can be launched by the toy and cause injuries, should be considered, for example by appropriate warnings and/or

instructions. However, safety by design must be given priority compared to safety through warnings and/or instructions.

- 4) Take into account the explanation given on clearly visible and easily legible warnings in the explanatory guide published by the Commission under Directive 2009/48/EC and ensure that the durability of warnings and markings is taken into account with regard to the intended and foreseeable use.
- 5) 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.
- 6) Include an informative annex with the background and justification for the requirements.

4. EXECUTION OF THE MANDATE

The European standard shall be adopted within 36 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/EC¹ 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.

5. BODIES TO BE ASSOCIATED

As appropriate, CEN will invite the representative organisations of consumers' interests (ANEC), environmental protection (ECOS), workers (ETUI-REHS) and small and medium-size enterprises (NORMAPME) to take part in the standardisation work. CEN is also requested to consult with the European Commission Directorate General Joint Research Centre in order to explore if the Commission's research institutes dispose of specific competence to support the standardisation work.

¹ OJ L 204, 21.7.1998, p. 37. Directive as last amended by 2003 Act of Accession.