



EUROPEAN COMMISSION
 ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

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

Brussels, 27th January 2011
M/484 EN

STANDARDISATION MANDATE ADDRESSED TO CEN TO AMEND EN 71-1:2005 +A9:2009 “SAFETY OF TOYS – PART 1: MECHANICAL AND PHYSICAL PROPERTIES” WITH REGARD TO CERTAIN AQUATIC TOYS

1. OBJECTIVE

This standardisation mandate requests CEN to amend EN 71-1:2005 +A9:2009 “Safety of toys – Part 1: mechanical and physical properties” clause 4.18 related to aquatic toys in order that it will fully 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.5 of Directive 2009/48/EC states that aquatic toys must be designed and manufactured so as to reduce as far as possible, taking into account the recommended use of the toy, any risk of loss of buoyancy of the toy and loss of support afforded to the child. Further more, aquatic toys shall bear the warning: "Only to be used in water in which the child is within its depth and under adult supervision."

In the framework of the current Directive 88/378/EEC related to the safety of toys, CEN, under mandate from the European Commission, adopted standard EN 71-1:2005 +A9:2009 “Safety of toys – Part 1: Mechanical and physical properties”. Clause 4.18 of

the aforementioned standard addresses the risk associated with the sudden loss of buoyancy of inflatable aquatic toys if air is released through the inlet.

In the framework of the new Toy safety directive 2009/48/EC the European Commission has already sent to CEN a mandate to revise the current EN 71-1 standard in order for it to comply with the new directive's safety requirements. However, with regard to Directive 88/378/EEC, the requirements related to aquatic toys remain unchanged.

Aquatic toys are simple devices intended for use in shallow water under adult supervision. Inflatable aquatic ride-on toys of a size bigger than 1,2 m are extremely sensitive to wind drift and as wind gusts can occur unexpectedly, these toys risk being blown out into deep water before adults can interfere. This risk was only recently brought to the attention of the European Commission and was therefore not specifically noted in the mandate mentioned above¹.

As inflatable aquatic ride-on toys larger than 1,2 m come in different shapes (e.g. dolphins, crocodiles, cars etc) a child might be faced with difficulties to retain support. The risk of loss of support therefore also needs to be addressed.

Similar requirements are addressed in the standard EN 15649 Floating leisure articles for use on and in the water - Part 3: Additional specific safety requirements and test methods for Class A devices.

Thus, this new standardisation mandate requests an amendment to EN 71-1:2005+A9:2009. As far 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 aquatic ride-on toys larger than 1,2 m 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 Directive 2009/48/EC, in particular article 10 and Annex II, clause I.5,
- 2) Ensure that the requirements listed below on the product properties are taken into account. Safety by design must be given priority compared to safety through instructions.
 - floating stability in accordance with the intended and foreseeable use;
 - minimum buoyancy and residual buoyancy after failure of one air chamber.

¹ According to Guidance document 7 mattresses larger than 1,2 m and boats larger than 1,2 m are not considered to fall under the Safety of Toys Directive, but instead under the General Product Safety Directive. These products are therefore not covered by EN 71-1 or by this mandate.

- means of getting retaining support during use (easy gripping);
 - easy escape in case of capsizing, i.e. avoidance of any form of entrapment or entanglement of body parts;
- 3) Take into account the requirements for 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 in accordance with the intended and foreseeable use.
 - 4) 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,
 - 5) Include an informative annex with the background and justification for the requirements

4. 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/EC² 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 (ANEC³), environmental protection (ECOS⁴), workers (ETUI-REHS⁵) and small and medium-size enterprises (NORMAPME⁶) to take part in the development of the standards. 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.

² OJ L 204, 21.7.1998, p. 37. Directive as last amended by 2003 Act of Accession.

³ European Association for the Co-ordination of Consumer Representation in Standardisation

⁴ European Environmental Citizens Organisations for Standardisation

⁵ European Trade Union Institute - Research, Education, Health and Safety

⁶ European Office of Crafts, Trades and Small and Medium- Sized Enterprises for Standardisation