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GUIDANCE DOCUMENT No 7

ON THE APPLICATION OF THE DIRECTIVE ON THE SAFETY OF TOYS

TOYS USED IN AND ON THE WATER

This document is a non binding document intended to provide guidelines to help Member States and stakeholders to decide whether or not certain aquatic devices/equipment are covered by the Safety of Toys Directive. This document expresses the views of the majority of members in the Expert Group on Toys Safety. The images appearing in the document constitute examples intended to facilitate the decision-making. They do not presuppose the conformity of the represented products.¹

This document does not relieve national authorities from their obligation to determine for any individual product, on a case-by-case basis, whether it falls within the scope of application of the Safety of Toys Directive or within the scope of application of other sectoral legislation. The Court has repeatedly held that the national authorities, acting under the supervision of the courts, must proceed on a case-by-case basis, taking account of all the characteristics of the product. Therefore, this document shall not “prescribe” what regulatory framework applies. Rather, it shall serve as one out of many elements supporting the national competent authorities in their case-by-case decision on individual products. In particular, this manual does not deprive a national authority to consult with colleagues from other regulated sectors concerned in order to reach a complete view on all aspects related to a given product.

I Provisions of the Toy Safety Directive

2009/48/EC

Article 2 of the Safety of Toys Directive 2009/48/EC defines toys as products "designed or intended, whether or not exclusively, for use in play by children under 14 years of age". "aquatic toy" is defined as a toy intended for use in shallow water which is capable of carrying or supporting a child on the water.

¹ the views expressed in this manual are not legally binding; only the European Court of Justice ("Court") can give an authoritative interpretation of community law

Annex I of the directive classifies "Aquatic equipment intended to be used in deep water, and swimming learning devices for children, such as swim seats and swimming aids" are products not regarded as toys.

According to Annex II.I.5. of the Directive 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. Furthermore, Annex V part B.6 provides that aquatic toys shall bear the following warning: "Only to be used in water in which the child is within its depth and under adult supervision".

II Product categories

In general, products used in or on the water should be classified in a pragmatic way on a case by case basis taking into account the above mentioned provisions of the Toys Directive. However, some categories of aquatic products can be distinguished for the purposes of classification. They are presented below.

a) Bath Toys (photo 1)

These are very simple, brightly coloured toys, often animal-shaped, and generally used in the bath. As a rule, they are intended for very young children and are covered by the Toy Safety Directive.

b) Small, battery powered (remote controlled) toy vessels (photo 2)

These products are intended for children over 36 months old, generally for use in city fountains or in rivers, lakes, swimming pools, at the seaside etc. They are covered by the Toy Safety Directive.

c) Inflatable PVC toys²

i) Simple inflatable toys (photo 3)

These toys are for use at home or at the beach, not exclusively for use in water and not designed to bear the weight of a child. Examples are: large balls with multicoloured segments; big or small self-righting dolls intended for children of all age groups. They are covered by the Toy Safety Directive.

ii) Inflatable toys for use in water and intended to be played on (photo 4 and 5)

The position of the user on these aquatic toys is on the buoyant structure, e.g. small mattresses (not exceeding 1,2 m), small boats (not exceeding 1,2 m) and small or large ride-on toys. The ride-on toys can be classified as toys regardless of their size (provided they are intended to be used in play by children).

2 Toys may also be made of other material than PVC, such as foam. The same principles of classification as the ones presented in this document for inflatable PVC products can be applied to the products made of other materials too.

Boats and mattresses exceeding 1,20 m are normally intended to be used in deep water and are therefore not considered to be toys.

iii) Bathing rings (photo 6, 7 and 8)

These may be small, medium or large rubber rings which are able to support the weight of a child (picture 6). They are generally used in shallow water (where the child is within its depth) and under adult supervision. They are intended to be used in play by children and are not swimming aids or swimming learning devices and are therefore toys. Articles designed for life saving are not considered as toys.

Picture 7 and 8 are examples of floating leisure articles and are not considered as toys.

d) Certain PVC articles not covered by the Safety of Toys Directive

i) Inflatable articles with seats for use in water (floating seats) (photo 9)

These products are bathing rings that have an integrated seat with two holes for a child's legs to hang freely in water. The classification of floating seats is dealt with in guidance document nr 2 of 26 April 2001 which states that these products should not fall under the Toy Safety Directive but under the General Product Safety Directive.

ii) Swimming aids and swimming learning devices (armbands, jackets) (photo 10 and 11)

This group of products consists mainly of small jackets and armbands. Although they are usually sold in toy shops, they are not intended for play but are flotation aids/swimming learning devices. Therefore, they do not fall under the Toy Safety Directive.

PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4

#59380  50 Lb. (23kg) max. weight
Pool Cruisers
 • 40" x 26" (102cm x 66cm)
 • 8 ga. (0.20mm) vinyl
 • Submarine, Fun Boat and Fish assortment
 • Repair patch
 24 Ea., Asst.
 21.1 Lb. (9.6kg)

#58516  50 Lb. (23kg) max. weight
NEW! PREMIUM Rocket Car Rider
 • 38" x 37" (97cm x 94cm)
 • 10 ga. (0.25mm) vinyl
 • Extra wide back axle for more stability
 • 2 air chambers for safer play
 • Grab handle
 • Repair patch • Shelf box
 12 Ea., 19.4 Lb. (8.8kg)

STREET 25 POOL 1004

PHOTO 5



PHOTO 6

#59212 
Fish Rings
 • 32" x 31½" (81cm x 80cm)
 • Printed on clear vinyl
 • Smooth inner seam
 24 Ea., Asst., 10.3 Lb (4.7kg)

NEW ITEM



#58249

NEW!
PREMIUM
#58249 
Happy Sun Ring
 • 32" (81cm) diameter
 • 8 ga. (0.20mm) vinyl
 • 2 air chambers for safer play
 • Pegable box
 24 Ea., 15.2 Lb. (6.9kg)



#59212



#59220 
Animal Split Rings
 • 24" x 22" (61cm x 56cm)
 • 8 ga. (0.20mm) vinyl
 • Butterfly, Duck and Frog styles
 36 Ea., Asst., 13.1 Lb. (6.0kg)







#59220



NEW STYLE

#58221






NEW STYLE

NEW STYLES!
PREMIUM
#58221 
Big Animal Rings
 • 30" x 22" (76cm x 56cm)
 • 10 ga. (0.25mm) vinyl
 • New Crab, Puppy and new Turtle styles
 • Smooth inner seam
 • Pegable box
 36 Ea., Asst., 23.7 Lb. (10.8kg)

Colorful tubes for kids, teens and adults.
From traditional tire tubes to fashionable
transparents, neons and pearlescents,
Intex has your choice
for summer fun.




#59252
Giant Tire Tube 
• 36" (91cm) diameter
• 8.8 ga. (0.22mm) vinyl
• "Radial" tread and sidewall
24 Ea., 19.2 Lb. (8.7kg)



#59252

NEW ITEM

NEW!
PREMIUM
#58263
Transparent Tubes 
• 38" (97cm) diameter
• 10 ga. (0.25mm) vinyl
• Clear tops with printed bottoms
• Heavy duty handles
• Smooth inner seam
• Shelf box
12 Ea., Asst., 17.0 Lb. (7.7kg)

PREMIUM
#58202
Color Whirl Tube 
• 48" (122cm) diameter
• 12 ga. (0.30mm) vinyl
• 2 air chambers
• Heavy duty handles
• Smooth inner seam
• Repair patch • Shelf box
6 Ea., 17.1 Lb. (7.8kg)



#58202



PREMIUM
#68209
River Rat™
• 48" (122cm) diameter
• SUPER-TOUGH™* vinyl construction
• Top 14 ga. (0.36mm);
bottom 16 ga. (0.41mm) vinyl
• 2 air chambers with double valves
• All-around rope • Smooth inner seam
• Repair patch • Shelf box
6 Ea., 18.6 Lb. (8.5kg)
* SUPER-TOUGH™ is a high molecular PVC formulation that is highly resistant to damage from abrasion, impact and sunlight. It also permits more air pressure for firmness.



#68209



PHOTO 8



PHOTO 9



PHOTO 10

NEW COLORS!

PREMIUM #56643
Roll-Up Arm Bands
 Pool School™ Step 3
 • Easy to use - inflate first & roll-up the arm
 • 8" x 6" (20cm x 15cm)
 • 10 ga. (0.25mm) vinyl
 • 2 air chambers each • Pegable box
 36 Prs., 13.8 Lb. (6.3kg)

NEW COLORS!

PREMIUM #56641
Neon Frost Roll-Up Arm Bands
 • Easy to use - inflate first & roll-up the arm
 • 8" x 6" (20cm x 15cm)
 • 9 ga. (0.23mm) vinyl
 • 2 air chambers each
 • Pegable box
 36 Prs., 13.2 Lb. (6.0kg)

NEW COLORS!

PREMIUM #56642
Neon Frost Large Roll-Up Arm Bands
 • Easy to use - inflate first & roll-up the arm
 • 10" x 6" (25cm x 15cm)
 • 9 ga. (0.23mm) vinyl
 • 2 air chambers each
 36 Prs., 14.9 Lb. (6.8kg)

PREMIUM #58654
Frog Arm Bands
 • 11" x 7½" (28cm x 19cm)
 • 8 ga. (0.20mm) vinyl
 • 2 air chambers each
 • Pegable box
 36 Prs., 14.2 Lb. (6.5kg)

PHOTO 11

#59661

#58671

Swim Vest
POOL SCHOOL