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GUIDANCE DOCUMENT No. 9

ON THE APPLICATION OF THE DIRECTIVE ON THE SAFETY OF TOYS (88/378/EEC)

Classification of books

This guidance document is a non binding document. The proposals contained in this document are not necessarily supported by all the experts in the Expert Group on Toys Safety. However, on the whole the document reflects the general approach of the Expert group regarding the classification of books.

1. INTRODUCTION

The Commission services asked the national experts on the safety of toys to reflect upon the criteria to be chosen in defining books as a toy or not.

The French and Belgian authorities have presented a comprehensive document on the classification of books. On the basis of the French and Belgian authority's reflections and the contributions from the Member States' experts the Expert group adopted this guidance document.

The document is a non binding document intended to provide guidelines in order to help Member States on the classification of books.

2. LEGAL BACKGROUND

Directive 88/378/EEC on the safety of toys define toy as “*any product or material designed or clearly intended for use in play by children of less than 14 years of age*”.

The current Toy Safety Directive 88/378/EEC does not contain any specific provisions concerning books.

During the discussions in the European Parliament on the revision of the Toy Safety Directive (TSD) amendments were presented to exclude books from the TSD. As a result of these discussions no change was made to the new TSD, but the Commission made a declaration stating: "Taking into account the difficulties related to the relevant tests required in the harmonised Toy standards EN 71:1 for books made of cardboard and paper, the Commission will mandate CEN to establish a revised standard which covers adequate testing for children's books."

The EN 71-1 specifies requirements and methods of tests for mechanical and physical properties of toys. It includes specific requirements for toys intended for children under 36 months and for children who are too young to sit up unaided.

Point 5 "toys intended for children under 36 months" of EN 71-1 mentions requirements which consider paper/paperboard. The point 5.1 "general requirements" covers the requirement of Annex II. II. 1.(d) of the TSD: toys, and their component parts, and any detachable parts of toys which are clearly intended for use by children under 36 months must be of such dimensions as to prevent their being swallowed and/or inhaled. Point 5.1 of EN 71-1 covers in particular the choking risk of children.

The EN 71-1 defines paper as material, marketed as either paper or paperboard, with a mass per unit area of 400 g/m² or less. The definition of paper is important as the general requirements for toys intended for children less than 36 months (point 5.1 of EN 71-1) do not apply to paper, fabric, elastics, yarn, strings and fuzz. In principle paper is excluded as presenting a choking risk if it weighs less than 400 g/m².

The Commission made a mandate to CEN and CENELEC and asked CEN to take into account above mentioned declaration and to revise the standard.

3. CRITERIA FOR CLASSIFICATION BOOKS

Whether to know if the TSD is applicable to a product, manufacturers have to look at the definition of a toy in order to see if their product is covered by this Directive. If so, the toy has to fulfil all the essential safety requirements.

The definition of a toy provides the following criteria:

- Any product or material designed or clearly intended
- for use in play
- by children of less than 14 years of age.

The main difficulty of this definition is the concept of "use in play" or "playing value". Virtually, everything has playing value for a child, but this does not make every object fall into the definition of toy. To be considered as a toy for the purpose of the Directive, the playing value has to be introduced in an intended way by the manufacturer.

The declaration by the manufacturer of the intended use is a criterion to be considered. However, the reasonable expected use shall prevail over the declaration of intended used by the manufacturer. If the manufacturer labels the products as not being toys, he has to be able to support this claim.

The guidance document n° 4 on the application of the directive on the safety of toys (88/378/eec) "Grey zone problem: Is a specific product covered by Directive 88/378/EEC or not?" gives information on how to decide whether a product is a toy or not.

CEN guideline CR 14379 lists indicators whether to decide if it is used in play. Such indicators are play value as the intended primary function, size, point of sale, detail, cost, packaging and advertising and markings. CR 14379 also lists in table E examples of products that are considered as a toy.

Besides CR 14379 and guidance document n°4, there exists also a guideline from the CPSC which relates children's ages to toy characteristics and play behaviour. Indeed number of pages, level of detail and colour contrasts is used as toy characteristics to determine the play value. These guidelines include a description of what types of books are appropriate and how a particular age group plays with books.

Taken above into consideration and in order to clearly identify the borderline some key factors were identified by the Expert group.



The play value of a book could be determined by the following key factors¹:

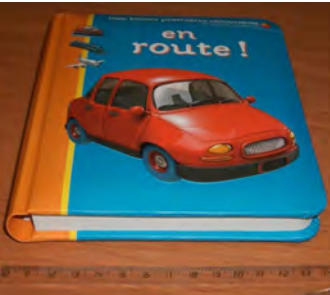

- (1) Number of Pages
- (2) Materials
- (3) Sensory Elements
- (4) Level of Detail
- (5) Colour/Contrast


Following consideration has to be made: ordinary reading books and ordinary educational books are not toys.

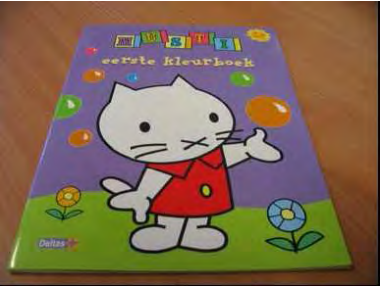



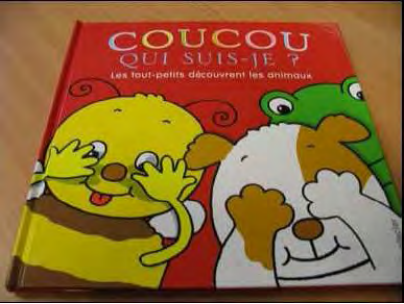

¹ For additional information on the characteristics and play value of various types of toys, reference can be made to "Classification of toys – Guidelines" published by the European Committee for Standardisation, document CR 14379, of 17 April 2002, (CIRCA doc. ENTR/TOYS/2001/059).

4. PRODUCT CATEGORIES

Product	Comments	Toy or not < 3 or > 3 y
 <p>The image shows two fabric books in their original packaging on the left. The first is titled 'KASPER BEKLEZT' and features a rabbit illustration. The second is titled 'L'ESSE FROM-PROU' and features a girl illustration. On the right, one of these fabric books is shown open, displaying a bear on the left page and a rabbit on the right page.</p>	<p>fabric book, few pages, simple images, makes noise when touching the pages</p>	<p>Toy < 3 y</p>
 <p>The image shows a blue plastic book on the left with the title 'L'oiseau blanc' and an illustration of a white bird. On the right, the same book is shown open, revealing several pages with simple illustrations of insects and animals.</p>	<p>Plastic book, few pages, simple images</p>	<p>Toy < 3 y</p>

		<p>Plastic book, few pages, simple images</p>	<p>Toy < 3 y</p>
		<p>Plastic book, few pages, simple images</p>	<p>Toy < 3 y</p>
		<p>Book, few pages, simple images</p>	<p>Toy < 3 y</p>

		<p>Book, few pages, simple images</p>	<p>Toy < 3 y</p>
		<p>Book, few pages, simple images</p>	<p>Toy < 3 y</p>
		<p>Book with touching elements, few pages</p>	<p>Toy < 3 y</p>

 	<p>Colour book, large images, few pages</p>	<p>Toy < 3 y</p>
 	<p>Book with stickers, simple images, big stickers</p>	<p>Toy < 3 y</p>
 	<p>Book with folding elements, few pages, simple images</p>	<p>Toy < 3 y</p>



Book with simple features, stickers

Toy < 3 y



Books with touching elements like grass, leather...

Toy < 3 y





Book with CD, book with simple images



Toy < 3 y





Plastic book with functional key board

Toy < 3 y

	<p>Plastic book with simple features, few pages</p>	<p>Toy < 3 y</p>
	<p>Pluche monkey with book holder with several books</p>	<p>Toy < 3 y</p>

	<p>Book with text and unfolding features</p>	<p>Toy < 3 y</p>
	<p>Book with text and unfolding features</p>	<p>Toy < 3y</p>

	<p>Book with stickers on the anatomy of the human body; Seen the subject (more detailed) intended for elder children</p>	<p>Toy > 3 y</p>
	<p>Book resembling a bag, containing stickers...</p>	<p>Toy >3 y</p>



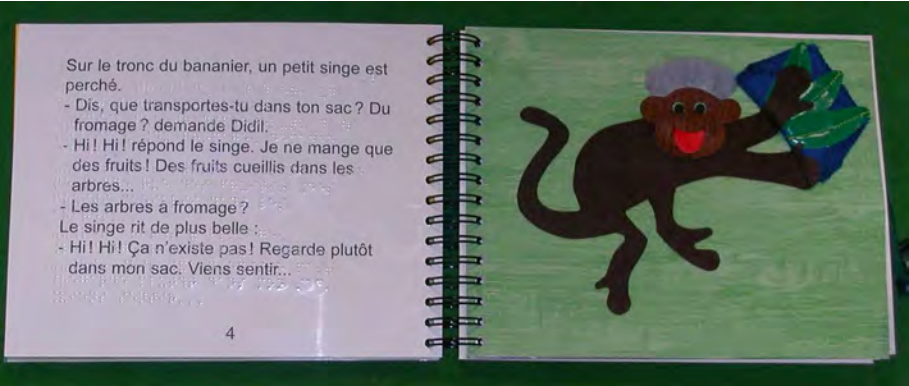
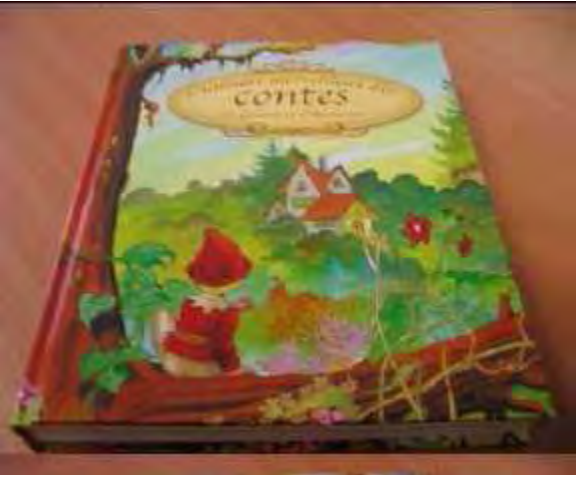
Book with text and unfolding features, more detailed

Toy > 3 y



books accompanied by a playing element which corresponds to the theme of the book

Toy > 3 y

	<p>books read to infants and children by parents, teachers, or older peers Containing Braille writing</p>	<p>Not a toy</p>
	<p>books read to infants and children by parents, teachers, or older peers</p>	<p>Not a toy</p>



books read to infants and children by parents, teachers, or older peers

Not a toy