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Environmental aspects of enterprise policy, resource-based and specific industries
Textiles, leather, toys

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GUIDANCE DOCUMENT N° 5 ON THE APPLICATION OF THE DIRECTIVE ON THE SAFETY OF TOYS (88/378/EEC)

Grey-zone problem: Criteria to classify products consisting of miniatures to be assembled and painted and their support products.

This document is a non binding document and is intended to provide guidelines to help Member States to decide whether products consisting of miniatures to be assembled and painted and their support products are covered by the Safety of Toys Directive. This document expresses the views of a majority of experts in the Expert Group on Toy Safety meetings.

I. Products consisting of miniatures to be assembled and painted

The problem is to decide when this kind of product is to be considered as a toy within the scope of the Safety of Toys Directive or a detail scale model for adult collectors out of the scope of the Directive (exception foreseen in Annex I.2). Member States' competent authorities may use criteria similar to the ones used for differentiating toys from decorative dolls for adult collectors (exception foreseen in Annex I.6):

- 1.** The particular **purpose ascribed to the product** by the importer or manufacturer;
- 2.** The **place of selling**: products sold in shops specialised in the sale of collectors' items or hobby shops;
- 3.** The **target audience of the advertising and packaging**: labelling clearly stating that they are intended to be used by adults;
- 4.** The **selling price**: higher price than the normal price of toys;
- 5.** The **details**: special details of the product, e.g.: the quality of the materials, the degree of details, design, etc.
- 6.** Labelling indicating the age of the intended user: Labelling indicating the recommended ages of user, e.g. "over 10 years" or labelling usually used on toys, e.g. "not suitable for children under the age of 3"

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II. Support products sold in combination with toys consisting in miniatures to be assembled and painted

Definition of support products

Support products are any product or material sold specifically for producing or being incorporated on the toy, e.g. parts for producing tiny plastic figures, glues, colour paints, varnishes, etc.

Classification of support products

The products or materials that are **sold specifically for producing or being incorporated on the toy** shall be considered as part of the toy and therefore must comply with the safety requirements of the Safety of Toys Directive.

This apply both to:

- products sold together with the toy
- products sold separately, but labelled as to be used for assembling or painting the toy.

The manufacturers should recommend support products that comply with the Safety of Toys Directive, when the support products are sold separately.

In case of **toys intended to be assembled and/or painted by children**¹ (e.g. figures to be assembled and paint, model plastic kits, etc) the **support products** provide a significant part of the **play value of the toy**. The support products are clearly intended for use in play by children (Article 1 (1) of Directive 88/378/EEC) and must be considered as part of the toy. Therefore, the safety requirements of the Safety of Toys Directive must apply not only to the assembled toy but also to each unit of the support products.

¹ A different problem are the **toys that have to be assembled before they can provide play value** (e.g. garden swings and ride-on toys). In this case, the **support products** do not provide play value and cannot be considered as toys. However, **they are part of the toy** that a child will play with and might be hazardous if they are not assembled properly. The European Standard 71-1:1998, clause 4.2 established the safety requirements that could be applied for toys intended to be assembled by a child or by an adult.