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Consumer, Environmental and Health Technologies
Biotechnology and Food Supply Chain

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GUIDANCE DOCUMENT No 10

ON THE APPLICATION OF DIRECTIVE 2009/48/EC ON THE SAFETY OF TOYS

Musical instruments

This Guidance document is a non-binding document intended to provide guidelines to help Member States and stakeholders on the classification of musical instruments. It expresses the views of the majority of members in the Expert Group on Toy Safety. The images appearing in the document constitute examples intended to facilitate the decision-making. They do not presuppose the conformity of the represented products¹.

This Guidance 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 Toy Safety Directive 2009/48/EC or within the scope of application of other sectoral legislation. The Court of Justice of the European Union 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” which 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 Guidance document does not prevent a national authority from consulting with colleagues from other regulated sectors concerned in order to reach a complete view on all aspects related to a given product.

1. Introduction

In the majority of cases, the definition of a toy provided by Article 2 of the Toy Safety Directive 2009/48/EC is clear enough to decide on the classification of a musical instrument as a toy or not. However, there are some borderline musical instruments that are difficult to classify. For these cases, the definition does not seem to be specific enough, and it appears necessary to take into consideration additional criteria.

¹ The views expressed in this document are not legally binding; only the Court of Justice of the European Union can give an authoritative interpretation of Union law.

An approach and procedure to follow in case of doubt concerning the classification of a product can be found in Guidance document No 4 on grey zone problem: Is a specific product covered by the Toy Safety Directive 2009/48/EC or not?

Guidance document No 11 on the classification of toys intended for children under 3 years of age² contains additional information on function and characteristics of toys and gives guidelines for deciding which toys are intended for children under 36 months of age and which toys are not intended for such children.

2. Toy musical instruments versus real musical instruments for children

In most cases, it is easy to distinguish whether musical instruments are toys within the meaning of the Toy Safety Directive 2009/48/EC or real musical instruments for children.

Besides the functions and characteristics mentioned in CEN report CR 14379 "Classification of toys – Guidelines", the decision may be based on the following criteria:

- the **purpose of the product**: real musical instruments are generally intended to make music or to provide rhythmical accompaniment at a given tempo; toy musical instruments are generally intended to produce simple sounds although some toys may allow producing simple music or rhythmical accompaniment;
- the **characteristics of the product**: design and materials chosen to enhance sound quality, a high level of detail and realistic dimensions rather point to a real music instrument;
- the **documents accompanying the product**: the presence of elements of music theory, technical tips, diagrams and printed music rather point to a real music instrument;
- the **place of sale**: toy shops, shops/shelves for baby articles or shops specialised in musical articles (instruments and sheet music)/shelves for musical articles. In a web shop: page for baby articles or for musical articles.
- the **public at which the product is aimed**: a realistic presentation rather points to a real music instrument;
- the **retail price**: a high price may rather point to a real music instrument.

Like for all classifications as a toy or not, it is important to assess on a case-by-case basis and to consider all relevant factors, including those provided in Section 2 of Guidance document No 4 and this Section 2 of the present Guidance document. To note that the **reasonably foreseeable use** is considered to prevail over the declaration of intended use by the manufacturer. If the manufacturer labels the products as not being toys, he has to be able to support this claim.

3. Musical instruments to be considered as toys

Musical quality is not the objective of toys. They are generally intended to produce simple and/or low quality sounds or are not really possible to tune. Nevertheless some toys may allow producing simple music or rhythmical accompaniment.

² http://ec.europa.eu/growth/sectors/toys/safety/guidance_en

Toy musical instruments can be scaled-down versions of real musical instruments but may be much more colourful and/or have fewer keys to press.

It should be kept in mind that mouth actuated toy musical instruments, such as a trumpet or a flute, must not release small parts.³

Toys for children under 36 months or of 36 months over

Guidelines and criteria for the classification of toys intended for children under 36 months can be found in Section 3 of Guidance document No 11: Toys intended for children under or over 36 months of age. They include criteria such as the material a toy is made off, its presentation, and others. Of course, when classifying products as toy musical instruments, consideration should also be given whether the products are toys at all. Guidance document No 4 on grey zone problem: Is a specific product covered by the Toy Safety Directive 2009/48/EC or not may be helpful in this regard.

There are also age determination guidelines from the U.S. Consumer Product Safety Commission (CPSC) relating children's ages to toy characteristics and play behaviour⁴ which describe the relationship between the characteristics of toy musical instruments and the characteristics of children in various age groups. This includes a description of what types of musical instruments are appropriate and how a particular age group plays with these toys (see section 'MUSICAL INSTRUMENTS').

Also CEN ISO/TR 8124-8 safety of toys – Part 8: Age determination guidelines includes information about the age-dependent abilities of children according to finely divided age segments, including with regard to generate music.

Annex I.A of the present Guidance document contains examples of toy musical instruments for children under 36 months or of 36 months and over.

It should be borne in mind that toy musical instruments which are not intended for use by children under 36 months, but which might be dangerous for them, must bear the warning foreseen by Annex V Part B point 1 of the Toy Safety Directive 2009/48/EC. This does not apply to toys which are manifestly unsuitable for children under 36 months on account of their function, dimensions, characteristics, properties or other cogent grounds. If nevertheless manufacturers would like to affix such warning on a toy manifestly for children of 36 months and over, they should thoroughly consider that the over-use of warnings may dilute the impact of properly used warnings in the long term.

4. Real musical instruments for children

Real musical instruments for children, which are thus not to be considered as toys, are intended to be used in the systematic study of music and/or for actually performing music. The instruments are designed for good sound and musical quality.

Annex II.A of the present Guidance document contains examples of real musical instruments not to be considered as toys.

³ See EN 71-1, clause 4.11.

⁴ <http://www.cpsc.gov/pagefiles/113962/adg.pdf>

5. Particular case: Maracas

Maracas are percussion instruments consisting of a gourd or plastic shell filled with dried seeds, pebbles, etc. They are used mainly in Latin American music.

5.1. Toy rattles - in the shape of maracas - for children too young to sit up unaided

According to EN 71-1, a rattle is defined as a "toy, intended for children who are too young to sit up unaided, that is clearly designed to emit sound when shaken or activated by the child or another person". Such very young children can normally easily grasp and use rattles by simply shaking them, even when lying down in a cot. Since EN 71-1 recognises "that children normally sit up unaided between five and ten months", rattles as defined by EN 71-1 should be considered to be toys for children under 36 months. Rattles are normally sold as single items (not in pairs).

Some rattles as defined by EN 71-1 may have a design consisting of a hollow ball with a handle, thus making them look like maracas. Still they are rattles, but not maracas. Of course, not all items that look like maracas are rattles as defined above. See points 5.2 and 5.3 below.

Annex I.B of the present Guidance document contains examples of rattles as defined by EN 71-1 in the shape of maracas that are to be considered as toys for children who are too young to sit up unaided. For such rattles in the shape of maracas, a warning "This is not a rattle" is not allowed as this would contradict the intended use of the toy.

Clause 5.8 of EN 71-1 requires, for toys weighing 500 grams or less and intended for children too young to sit up unaided, including rattles, that:

- (1) no part of the toy protrude past the base of template A when tested according to Clause 8.16;
- (2) in addition, if the toy has nearly spherical, hemispherical or circular flared ends, no part of the toy protrude past the base of template B when tested according to Clause 8.16.

5.2. Toy maracas for children old enough to sit up unaided and under 3, as well as for children of 3 years and over

Like any toy musical instruments, toy maracas may be intended for children under 14 years for purposes of play and/or simple rhythmical accompaniment. Their size is normally not convenient for grasping by infants. Their decoration with colours or patterns is normally not particularly appealing for infants, although possibly bright or contrasting. Also their possible supply as a pair (2 toy maracas of the same kind in a single packaging) may be an indication for toy musical instruments.

Toy maracas other than the rattles discussed under point 5.1 can usually be considered as intended for both age groups under and over 3 years old. They must therefore comply with requirements for toys for children under 3 (with the exemption of clause 5.8).

Annex I.C of the present Guidance document contains examples of toy maracas that are to be considered as toy musical instruments; they are not rattles as discussed under point 5.1.

Clause 5.8 of EN 71-1 does not apply to toys intended for children old enough to sit up unaided but younger than 3 years, nor to toys weighing more than 500 grams.



5.3. Maracas that are real musical instruments




Maracas, sometimes called rumba shakers or various other names, are percussion instruments that originated in Latin America. Players hold them by their handles, usually in pairs, and shake them. Traditional maracas consist of hollow balls made from dried gourd shell or coconut shell filled with seeds or dried beans and mounted on a wooden handle. Modern maraca balls are also made of leather, wood or plastic. Maracas are a simple instrument, but require modest skill to play in time to music. (*source: Wikipedia*).




Due to their traditional origin and the style of music in which they are usually played, maracas that are real musical instruments may nevertheless have a design with bright colours and/or limited detail. Such a design does not make them toys.


Annex II.B of the present Guidance document contains examples of maracas that are real musical instruments not to be considered as toys.


ANNEX I.A: EXAMPLES OF TOY MUSICAL INSTRUMENTS



Product	Comments	Toy or not Under 36 months or 36 months and over
	<p>Brightly coloured wooden xylophones with stick, 28 cm long and 17 cm large. Presented as the body of a mouse and a frog, respectively, with a friendly cartoon-like head on top and cartoon-like tail/feet at the bottom. No information whether the keys are properly tuned.</p> <p>5 keys in different bright colours which can be activated by simply hitting with the stick. Musical quality is not the objective.</p> <p>Scaled down version; the "real" musical instrument has no child-appealing colours and a lot more keys.</p>	<p>Toy</p> <p>Under 36 months</p> <p>Cf. CEN ISO/TR 8124-8 Table 4.</p>
	<p>Brightly coloured xylophone with wheels and a stick attached to a cord. Made of plastic, metal and cord. Dimensions about 30 cm x 15 cm, 7 cm high. Weight about 600 g. No information whether they keys are properly tuned.</p> <p>8 keys in different bright colours which can be activated by simply hitting with the stick. Musical quality is not the objective.</p> <p>Scaled down version; the "real" musical instrument has no child-appealing colours and a lot more keys.</p>	<p>Toy</p> <p>Under 36 months</p> <p>Cf. CEN ISO/TR 8124-8 Table 4.</p>



 	<p>Brightly coloured plastic item combining saxophone and xylophone. The saxophone is about 50 cm high, the xylophone about 25 cm. Cartoon-like face on the horn of the saxophone.</p> <p>Saxophone has 6 buttons in bright colours which can presumably be activated by blowing into the brightly coloured mouthpiece. No information whether the buttons are properly tuned.</p> <p>Xylophone has 12 keys in different bright colours which can be activated by simply hitting with the sticks. No information whether the keys are properly tuned.</p> <p>Musical quality is not the objective.</p>	<p>Toy</p> <p>Under 36 months</p> <p>Cf. CEN ISO/TR 8124-8 Table 4.</p>
	<p>Brightly coloured plastic trumpet, with a paper sticker. About 23 cm x 10 cm, weighing about 110 g.</p> <p>Trumpet has 3 buttons in bright colours. No information whether the buttons are properly tuned.</p> <p>Musical quality is not the objective.</p>	<p>Toy</p> <p>Under 36 months</p> <p>The CPSC age determination guidelines mention horns as examples of toy musical instruments for the age ranges of 2 years ("children have gained the ability to briefly blow into horns and whistles").</p> <p>Cf. CEN ISO/TR 8124-8 Table 4.</p>





 <p>réf. 9647 8 x H 7 cm - 48/96 pc</p>	<p>Bird-shaped small whistles (7 cm high) in bright colours, material unknown. The bird design is very simple and cartoon-like.</p> <p>Can be activated by simply blowing into the tail.</p> <p>Musical quality is not the objective.</p>	<p>Toy</p> <p>Under 36 months</p> <p>Cf. CEN ISO/TR 8124-8 Table 4.</p>
	<p>Simple, bright yellow wooden flute.</p> <p>Can be activated by blowing into the mouthpiece and at the same time pulling or pushing the stick at the other end (= complicated simultaneous actions).</p> <p>Musical quality is not the objective, but rather making a fun sound.</p>	<p>Toy</p> <p>36 months and over</p>
	<p>Blue recorder made of plastic, with a red mouth piece.</p> <p>Musical quality is not the objective.</p>	<p>Toy</p> <p>36 months and over</p>

	<p>Blue plastic harmonica with a paper sticker. Simple rounded design, much less holes to blow through than in a "real" harmonica. Dimensions about 16 cm x 5 cm, height about 4cm. Weight about 65 g.</p> <p>Can be activated by simply blowing into the holes. Musical quality is not the aim.</p>	<p>Toy</p> <p>36 months and over</p>
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	<p>Foam puzzle mat with integrated giant piano keyboard. Well-known cartoon figures on the keys, the puzzle mat pieces and the packaging. 16 properly tuned keys in realistic black and white colours, but non-realistic number and arrangement of the keys. Similar piano mats can be bought for about 22 to 25 EUR.</p> <p>Keys can be activated by simply pressing. Although accompanied by simple sheet music helping to play songs/music, musical quality is not the objective.</p>	<p>Toy</p> <p>Under 36 months</p> <p>Cf. CEN ISO/TR 8124-8 Table 2 and Table 4.</p>
	<p>This small piano: about 45 to 62 EUR, made of wood, 32 cm x 29 cm, accompanied by simple sheet music.</p> <p>A similar small piano with brightly coloured dots on the keys: about 90 to 95 EUR, made of wood, 32 cm x 32 cm, accompanied by simple sheet music showing how to play songs by pressing the coloured dots.</p> <p>Both marketed by the manufacturer as toys for children over 3 to just hit the keys or, when growing older, learn to play songs.</p> <p>18 properly tuned keys in realistic black and white colours can be activated by simply pressing. Musical quality is not the objective, although songs can be played with the help of the accompanying sheet music. The piano is less childlike than the piano mat of the previous example, inter alia because the piano body is uniform red, with no patterns or figures.</p> <p>Scaled down version; a "real" piano is a lot bigger and has a lot more keys.</p>	<p>Toy</p> <p>36 months and over</p> <p>The CPSC age determination guidelines mention keyboards and pianos as examples of toy musical instruments for the age ranges of 4-5, 6-8 and 9-12 years old.</p>

	<p>Small plastic drum with 2 sticks and cord to hang around the neck. Brightly coloured, with well-known cartoon figures on the membrane intended for hitting.</p> <p>Can be activated by simply hitting the membrane with the sticks. Musical quality is not the objective; the child simply makes noise or pretends to be a member of a marching band.</p>	<p>Toy</p> <p>Under 36 months</p> <p>Cf. CEN ISO/TR 8124-8 Table 4.</p> <p>The CPSC age determination guidelines mention "small, light tambourines" as examples of toy musical instruments for the several age ranges from birth to 23 months, and "tambourines" for the age ranges of 2 years and older.</p>
	<p>Small wooden tambourines, +/- 16 cm diameter.</p> <p>Bright childlike colourful patterns on the wooden frame, no decoration on the membrane intended for hitting.</p> <p>Can be activated by holding the tambourine and hitting the membrane or the frame with the hand or shaking to make the small metal parts jingle. Older children may activate the tambourine in a more sophisticated manner (shake and turn at the same time). Musical quality is not the objective.</p> <p>Scaled down versions.</p>	<p>Toy</p> <p>Under 36 months</p> <p>Cf. CEN ISO/TR 8124-8 Table 4.</p> <p>The CPSC age determination guidelines mention "small, light tambourines" as examples of toy musical instruments for the several age ranges from birth to 23 months, and "tambourines" for the age ranges of 2 years and older.</p>

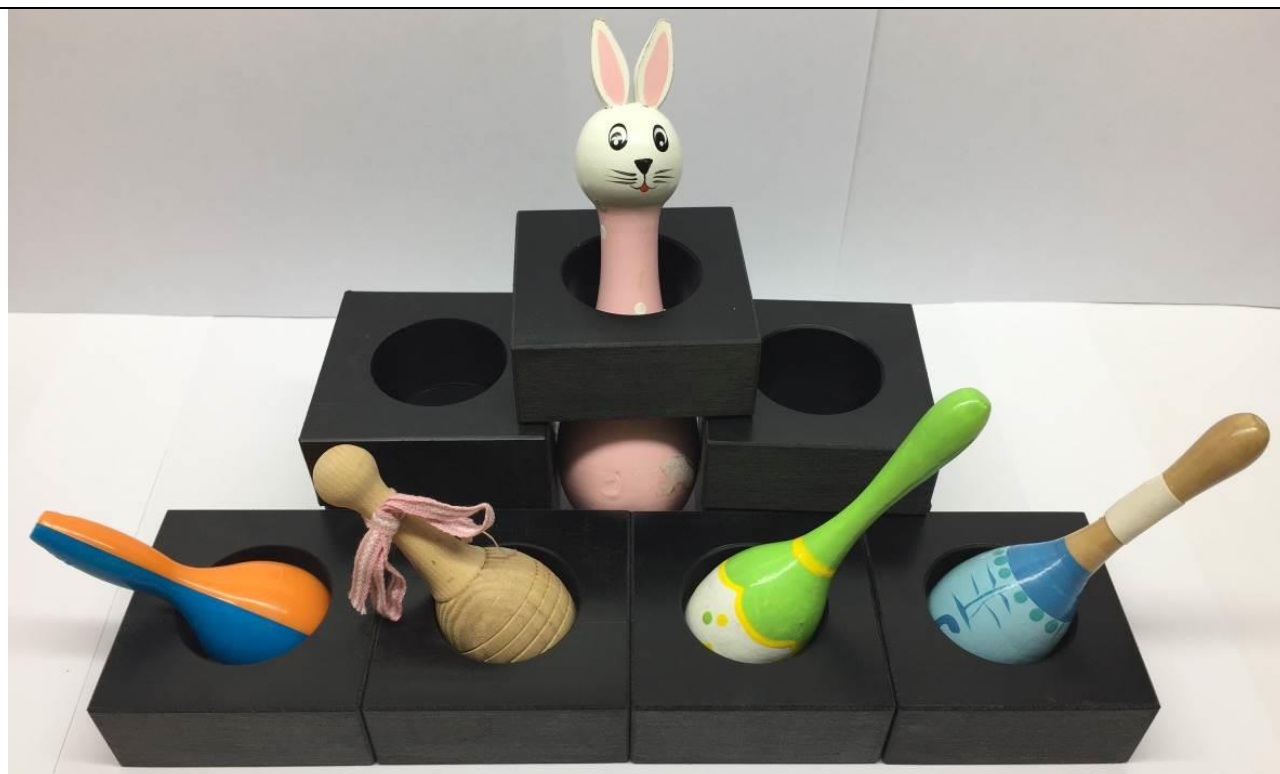
	<p>Wooden castanets, 7cm x 4 cm.</p> <p>The castanets are presented as a ladybird and a frog, respectively, with simplified friendly features.</p> <p>Can be activated by passing a finger through the loop, holding up the castanet in the hand and clapping it with the finger(s). Difficult technique to master.</p> <p>Marketed as a toy for children over 3 years old.</p> <p>Musical quality is not the objective.</p>	<p>Toy</p> <p>36 months and over</p> <p>The CPSC age determination guidelines mention age ranges from 4 to 12 years old as those when children can use castanets effectively.</p>
	<p>Wooden clapper</p> <p>The clapper is more than 20 cm long and must be shaken in a particular direction and kept free to make the noise – hardly feasible for children too young to sit up unaided. It is therefore not a "rattle".</p> <p>21 cm long, weight 66,5 g.</p> <p>Bright childlike colours and pattern.</p> <p>Can be activated by holding the handle and shaking. Less difficult technique to master than the castanets of the previous example.</p> <p>Musical quality is not the objective.</p>	<p>Toy</p> <p>Under 36 months</p> <p>For children old enough to sit up unaided</p>

 	<p>Brightly coloured <u>plastic</u> guitar with 4 strings and frets. Dimensions about 44 cm x 16 cm, height about 6 cm, weight about 310 g.</p> <p>Strings cannot be properly tuned.</p> <p>Can be activated by picking the strings with one hand and pressing down the strings with the other (= complicated simultaneous actions), or by simply picking the strings with one hand. In both cases, musical quality is not the objective, but rather pretending to be a guitar player or just making a noise. Nevertheless, the noise is relatively realistic as it is produced by picking the strings, not by e.g. pressing a button.</p> <p>Scaled down versions; the "real" musical instrument has no child-appealing colours and usually 6 or more strings which can be tuned.</p>	<p>Toy</p> <p>Under 36 months</p> <p>Cf. CEN ISO/TR 8124-8 Table 4.</p>
 	<p><u>Wooden</u> guitars with 4 strings, frets and brightly coloured bodies. The first example also has a polka-dot pattern. The second example has a child appealing packaging.</p> <p>Strings cannot be properly tuned.</p> <p>Can be activated by picking the strings with one hand and pressing down the strings with the other (= complicated simultaneous actions), or by simply picking the strings with one hand. In both cases, musical quality is not the objective, but rather pretending to be a guitar player or just making a noise. Nevertheless, the noise is relatively realistic as it is produced by picking the strings, not by e.g. pressing a button.</p> <p>Scaled down versions; the "real" musical instrument has no child-appealing colours and usually 6 or more strings which can be tuned.</p>	<p>Toy</p> <p>36 months and over</p> <p>Note that the CPSC age determination guidelines mention that at 4 to 5 years old, children prefer adult quality instruments over those made of plastic.</p>

ANNEX I.B: EXAMPLES OF RATTLES IN THE SHAPE OF MARACAS FOR CHILDREN TOO YOUNG TO SIT UP UNAIDED

Toy rattles complying with clause 5.8 in EN 71-1		
	<p>Colourful, two bright and contrasting child-appealing colours.</p> <p>Overall length 16 cm, 42 g.</p> <p><i>Note: Compliant with clause 5.8 of EN 71-1.</i></p>	<p>Toy</p> <p>Under 36 months</p> <p>For children too young to sit up unaided</p> <p>Cf. CEN ISO/TR 8124-8 Table 1.</p>
	<p>Bright colourful polka dots pattern.</p> <p>Overall length 15 cm, 72,5 g.</p> <p><i>Note: Compliant with clause 5.8 of EN 71-1.</i></p>	<p>Toy</p> <p>Under 36 months</p> <p>For children too young to sit up unaided</p> <p>Cf. CEN ISO/TR 8124-8 Table 1.</p>

Toy rattles failing clause 5.8 in EN 71-1



Rattle (in the shape of maracas) for children too young to sit up unaided.

Colourful, two bright and contrasting child-appealing colours.

Overall length 9 cm, 11,5 g.

Note: This is a non-compliant toy.

Toy

Under 36 months

For children too young to sit up unaided

Cf. CEN ISO/TR 8124-8 Table 1.



Rattle (in the shape of maracas) for children too young to sit up unaided.

Not colourful ("eco-type" design) but very convenient size for grasping.

Overall length 9.5 cm, 27 g.

Note: This is a non-compliant toy.


Toy

Under 36 months




For children too young to sit up unaided




Cf. CEN ISO/TR 8124-8 Table 1.

	<p>Rattle (in the shape of maracas) for children too young to sit up unaided.</p> <p>Bright colourful patterns, respectively polka dots and a smiling hippo face.</p> <p>Overall length 12 and 11,5 cm respectively, 23,5 and 24,5 g respectively</p> <p><i>Note: This is a non-compliant toy.</i></p>	<p>Toy</p> <p>Under 36 months</p> <p>For children too young to sit up unaided</p> <p>Cf. CEN ISO/TR 8124-8 Table 1.</p>
	<p>Rattle (in the shape of maracas) for children too young to sit up unaided.</p> <p>Colourful contrasting pattern with a cute rabbit face and ears.</p> <p>Overall length 16 cm, 67,5 g.</p> <p><i>Note: This is a non-compliant toy.</i></p>	<p>Toy</p> <p>Under 36 months</p> <p>For children too young to sit up unaided</p> <p>Cf. CEN ISO/TR 8124-8 Table 1.</p>
	<p>Rattles (in the shape of maracas) for children too young to sit up unaided.</p> <p>Overall length 10 cm. Colourful rattle heads with a small face (ladybird-like design).</p> <p>Can be activated by holding the handle and shaking.</p> <p>Musical/rhythmical quality is not the aim.</p> <p><i>Note: This is a non-compliant toy.</i></p>	<p>Toy</p> <p>Under 36 months</p> <p>For children too young to sit up unaided</p> <p>Cf. CEN ISO/TR 8124-8 Table 1.</p>

	<p>Rattle (in the shape of maracas) for children too young to sit up unaided.</p> <p>Overall length about 10 cm. Brightly coloured rattle with a girl's face painted on the rattle head.</p> <p>Can be activated by holding the handle and shaking.</p> <p>Musical/rhythmical quality is not the aim.</p> <p><i>Note: This is a non-compliant toy.</i></p>	<p>Toy</p> <p>Under 36 months</p> <p>For children too young to sit up unaided</p> <p>Cf. CEN ISO/TR 8124-8 Table 1.</p>
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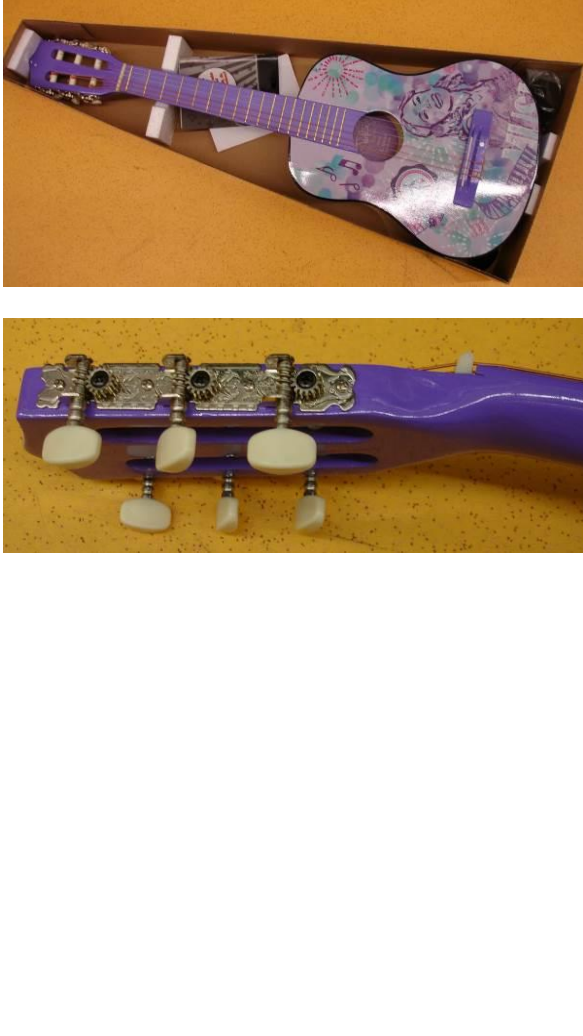
ANNEX I.C: EXAMPLES OF TOY MARACAS FOR CHILDREN OLD ENOUGH TO SIT UP UNAIDED



	<p>Yellow plastic toy maracas</p> <p>Overall length 17 cm, weight about 37 g.</p> <p>Can be activated by holding the handle and shaking.</p> <p>Sold as a pair, suggesting use as a toy instrument rather than a rattle. Sound, simple rhythmical accompaniment or playing at being member of a rumba band are the aims.</p>	<p>Toy</p> <p>Under 36 months</p> <p>For children old enough to sit up unaided</p>
	<p>Partly yellow wooden toy maracas</p> <p>Overall length 18 cm, weight 98 g.</p> <p>Not convenient size for grasping by infants. Bright contrasting colours and pattern, but not particularly appealing for infants.</p>	<p>Toy</p> <p>Under 36 months</p> <p>For children old enough to sit up unaided</p>
	<p>Blue plastic toy maracas</p> <p>Overall length 19 cm, 65,5 g.</p> <p>Not convenient size for grasping by infants. Colours and pattern are neither bright nor contrasting, therefore not particularly appealing for infants.</p>	<p>Toy</p> <p>Under 36 months</p> <p>For children old enough to sit up unaided</p>

	<p>Wooden toy maracas</p> <p>Overall length 20 cm, weight 63,5 g.</p> <p>Not convenient size for grasping by infants. Colours and pattern are bright and contrasting, but not necessarily particularly appealing for infants.</p>	<p>Toy</p> <p>Under 36 months</p> <p>For children old enough to sit up unaided</p>
	<p>Red plastic toy maracas</p> <p>Overall length 17,5 cm, weight 43,5 g.</p> <p>Labelled "Toy Band" and "3+".</p> <p>Colours not particularly bright, no patterns, not necessarily particularly appealing for infants.</p> <p>Sold as a pair, suggesting use as a toy instrument rather than a rattle. Sound, simple rhythmical accompaniment or playing at being member of a rumba band are the aims.</p>	<p>Toy</p> <p>Under 36 months</p> <p>For children old enough to sit up unaided</p>
	<p>Brightly patterned wooden toy maracas</p> <p>Overall length 20 cm.</p> <p>Not convenient size for grasping by infants. Nevertheless, colours and pattern are bright and contrasting.</p> <p>Sold as a pair, suggesting use as a toy instrument rather than a rattle. Sound, simple rhythmical accompaniment or playing at being member of a rumba band are the aims.</p>	<p>Toy</p> <p>Under 36 months</p> <p>For children old enough to sit up unaided</p>

ANNEX II.A: EXAMPLES OF REAL MUSICAL INSTRUMENTS



 	<p>Stainless steel harmonica, without child appealing design. Manufacturer's brand embossed in the steel. High manufacturing quality. Solid packaging case that is not child-appealing.</p> <p>Generates one sound by blowing or breathing in each hole and therefore requires a certain degree of ability to operate.</p> <p>Musical quality in learning and/or performing is the objective.</p>	<p>Not a toy</p>
	<p>Stainless steel and plastic harmonica, without child appealing design. Dimensions about 13 cm x 3 cm, height about 2 cm, weight about 64 g.</p> <p>Generates one sound by blowing or breathing in each hole and therefore requires a certain degree of ability to operate.</p> <p>Musical quality in learning and/or performing is the objective.</p>	<p>Not a toy</p>

	<p>Full-size guitar with 6 strings, frets and a colourful body. Packaging is not child appealing.</p> <p>The strings can be properly tuned.</p> <p>Although the body is colourful, it is not particularly child-appealing: the colour is subdued and fades to black towards the edges of the body. The rim of the central hole appears to be inlaid giving it a non-childlike aesthetic appeal.</p> <p>Musical quality in learning and/or performing is the objective.</p>	<p>Not a toy</p>
	<p>Wooden guitar with 6 strings, frets and a colourful body. Includes details made of plastic and metal. Packaging is not child appealing. Dimensions about 78 cm x 29 cm, height about 10 cm, weight about 900 g.</p> <p>The strings can be properly tuned.</p> <p>Although the body is colourful, it is not particularly child-appealing: the pattern is "hippie-style". The design of the tuning keys is elaborate and detailed giving them a non-childlike aesthetic appeal.</p> <p>The guitar comes with instructions on how to play and show that a certain degree of ability is required to operate. Musical quality in learning and/or performing is the objective.</p>	<p>Not a toy</p>

	<p>Recorder⁵ made of wood and plastic, according to classic design. About 33 cm long, 3 cm diameter, weight about 110 g.</p> <p>Requires a certain degree of ability to operate. Intended for studying music and performing music. No play value.</p> <p>Supplied with plastic cleaning stick inside the recorder, confirming that musical quality is intended.</p> <p>No child-appealing design.</p>	<p>Not a toy</p>
	<p>Recorder⁶ according to classic design. About 27 cm long, 2,6 cm diameter at widest point, weight about 24,5 g.</p> <p>Intended for developing dexterity, motoric skills and co-ordination and for encouraging musical play and imaginative play. Songs can be played with the help of visual aids/stickers/coloured areas on the recorder. Recognition of characters and simple melodies. No play value.</p> <p>Supplied with or without storage container (cardboard box or plastic sleeve).</p> <p>Made in bright child-appealing colours and with child-appealing decoration (a cartoon character or lettering) and packaging.</p>	<p>Not a toy</p>


⁵ A "recorder" is a particular type of flute.

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	<p>Recorder⁷ according to classic design. About 27 cm long, 2,6 cm diameter at widest point, weight about 24,5 g.</p> <p>Intended for developing dexterity, motoric skills and co-ordination and for encouraging musical play and imaginative play. Songs can be played with the help of visual aids/stickers/coloured areas on the recorder. Recognition of characters and simple melodies. No play value.</p> <p>Supplied with or without storage container (cardboard box or plastic sleeve).</p> <p>Made in bright child-appealing colours and with child-appealing decoration (a cartoon character or lettering) and packaging.</p>	<p>Not a toy</p>
	<p>Recorder⁸ according to classic design. About 27 cm long, 2,6 cm diameter at widest point, weight about 24,5 g.</p> <p>Intended for developing dexterity, motoric skills and co-ordination and for encouraging musical play and imaginative play. Songs can be played with the help of visual aids/stickers/coloured areas on the recorder. Recognition of characters and simple melodies. No play value.</p> <p>Supplied with or without storage container (cardboard box or plastic sleeve).</p> <p>Made in bright child-appealing colours and with child-appealing decoration (a cartoon character or lettering) and packaging.</p>	<p>Not a toy</p>

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	<p>Tin whistle</p> <p>About 28 cm long, 1,5 cm diameter at widest point, 1.0 at narrowest point.</p> <p>The tin whistle (also called penny whistle, English flageolet, Scottish penny whistle, tin flageolet, Irish whistle, Belfast Hornpipe, feadóg stáin (or simply feadóg) and Clarke London Flageolet) is a simple, six-holed woodwind instrument. It is closely associated with Celtic music.</p> <p>Intended for learning and playing traditional music. No play value.</p> <p>Made with cheap materials due to its traditional origin, but no particular child-appealing colours or decoration.</p>	<p>Not a toy</p>
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ANNEX II.B: EXAMPLES OF REAL MARACAS

 	<p>Plastic maracas in two basic colours:</p> <ul style="list-style-type: none"> – yellow and black, 13 cm long, 50 g. – red and black, 14,5 cm long, 32 g. <p>Design colourful but not child-appealing.</p> <p>Musical-rhythmical quality in learning and/or performing is the objective.</p>	<p>Not a toy</p>
	<p>Wholly wooden maraca, natural colour, 15 cm long, 37 g.</p> <p>Design not child appealing.</p>	<p>Not a toy</p>
 	<p>Maracas with wooden handles:</p> <ul style="list-style-type: none"> – with hollow ball made of stitched natural material and with natural colour, 16 cm long, 40 g. – with hollow ball made of plastic made to look stitched and with bright yellow colour, 27 cm long, 183 g. <p>Design not child appealing. In the case of the second example, the relatively large size and the weight makes it unsuitable for children too young to sit up unaided.</p>	<p>Not a toy</p>