



## **GUIDANCE DOCUMENT No 9**

### **ON THE APPLICATION OF THE DIRECTIVE ON THE SAFETY OF TOYS**

#### **BOOKS**

This document is a non-binding document intended to provide guidelines to help Member States and stakeholders to decide whether or not certain books are covered by the Toy Safety Directive. This document 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 products<sup>1</sup>.

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 Toy Safety 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 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**

The Commission services asked the national experts on toy safety 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 authorities’ reflections and the contributions from the Member States’ experts, the Expert Group adopted this guidance document.

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<sup>1</sup> The views expressed in this document are not legally binding; only the European Court of Justice ("Court") can give an authoritative interpretation of Union law.

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**

During the discussions in the European Parliament on the revision of the Toy Safety Directive, amendments were presented to exclude books from the Toy Safety Directive. As a result of these discussions no change was made to the new Toy Safety Directive, 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.

Clause 5 "Toys intended for children under 36 months" of EN 71-1 mentions requirements which consider paper/paperboard. Point 5.1 "General requirements" covers the requirement of Annex II Part I 4.(d) of the Toy Safety Directive that toys, which are clearly intended for use by children under 36 months, and their component parts and any of their detachable parts must be of such dimensions as to prevent their being swallowed 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/m<sup>2</sup> or less". The definition of paper is important as the general requirements for toys intended for children under 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/m<sup>2</sup>.

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

## **3. CRITERIA FOR CLASSIFICATION OF BOOKS**

To know if the Toy Safety Directive 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 Article 2 provides the following criteria:

- Any product designed or intended
- whether or not exclusively
- for use in play
- by children under 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 reasonably expected use shall 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.

Guidance document No 4 on the application of the Directive on the safety of toys "Grey zone problem: Is a specific product covered by Directive 2009/48/EC or not?" gives information on how to decide whether a product is a toy or not.

CEN guideline CR 14379 lists indicators 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 No 4, there also exists 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 are 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 (page 245).

Taken the 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 factors<sup>2</sup>:

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

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




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<sup>2</sup> 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 package features a red tractor and a yellow bunny. The second package features a girl in a pink dress and a yellow bunny. On the right, one of these fabric books is shown open, displaying a yellow bear on a green background and a white bunny on a yellow background.</p>	<p>Fabric book, few pages, simple images, makes noise when touching the pages</p>	<p>Toy &lt; 3 y CR 14379 table 6</p>
 <p>The image shows a blue plastic book titled 'L'oiseau blanc' by Alex Sanders. The cover features a white bird in flight. The book is shown open on the right, revealing several pages with simple illustrations of various birds and insects.</p>	<p>Plastic book, few pages, simple images</p>	<p>Toy &lt; 3 y CR 14379 table 6</p>


			<p><b>Plastic book, few pages, simple images</b></p>	<p><b>Toy</b>  <b>&lt; 3 y</b>  <b>CR 14379</b>  <b>table 6</b></p>
			<p><b>Book, few pages, simple images</b></p>	<p><b>Toy</b>  <b>&lt; 3 y</b>  <b>CR 14379</b>  <b>table 6</b></p>
			<p><b>Book, few pages, simple images</b></p>	<p><b>Toy</b>  <b>&lt; 3 y</b>  <b>CR 14379</b>  <b>table 6</b></p>

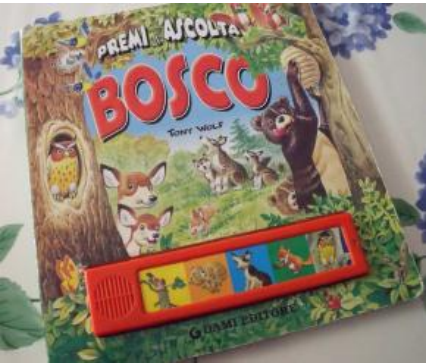

	<p><b>Book, few pages, simple images</b></p>	<p><b>Toy</b> <b>&lt; 3 y</b> <b>CR 14379</b> <b>table 6</b></p>
	<p><b>Book, few pages, simple images</b></p>	<p><b>Toy</b> <b>&lt; 3 y</b> <b>CR 14379</b> <b>table 6</b></p>
	<p><b>Colouring book, large images, few pages</b></p>	<p><b>Toy</b> <b>&lt; 3 y</b> <b>CR 14379</b> <b>table 6</b></p>

	<p><b>Book with CD, book with simple images</b></p> <p><b>(CD is not within the scope of the Toy Safety Directive)</b></p>	<p><b>Toy</b></p> <p><b>&lt; 3 y</b></p> <p><b>CR 14379 table 6</b></p>
	<p><b>Plastic book with simple features, few pages</b></p>	<p><b>Toy</b></p> <p><b>&lt; 3 y</b></p> <p><b>CR 14379 table 6</b></p>

 	<p><b>Pluche monkey with book holder with several books</b></p>	<p><b>Toy</b> <b>&lt; 3 y</b> <b>CR 14379 table 6</b></p>
 	<p><b>Book with touching elements like grass, leather..., few pages, simple images</b></p>	<p><b>Toy</b> <b>&lt; 3 y</b> <b>CR 14379 table 6 and CPSC guideline page 255</b></p>

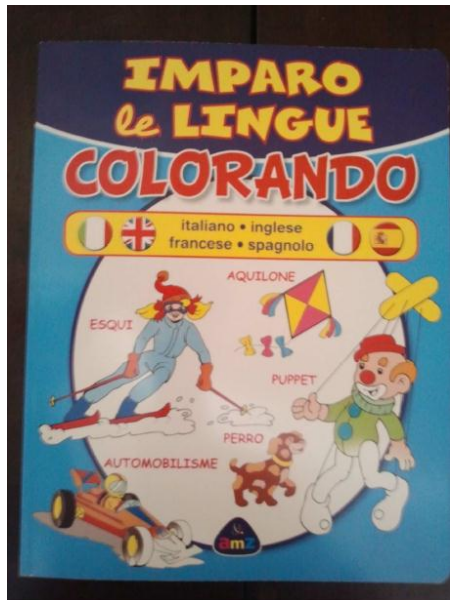


	<p><b>Book with folding elements, few pages, simple images</b></p>	<p><b>Toy</b>  <b>&lt; 3 y</b>  <b>CR 14379 table 6 and CPSC guideline page 257</b></p>
	<p><b>Plastic book with functional key board</b></p> <p><b>Can be played with by children &lt; 3 y as well as &gt; 3 y; must therefore comply with requirements for &lt; 3 y</b></p>	<p><b>Toy</b>  <b>&lt; 3 y</b>  <b>CR 14379 table 6 and CPSC guideline page 255</b></p>

	<p>Sound producing book with simple images and simple activation (push and listen)</p>	<p>Toy &lt; 3 y CR 14379 table 6 and CPSC guideline page 255</p>
	<p>Book with text and unfolding features</p>	<p>Toy &lt; 3 y CR 14379 table 6 and CPSC guideline page 255</p>

		<p><b>Book with text and unfolding features</b></p>	<p><b>Toy</b>  <b>&lt; 3 y</b>  <b>CR 14379</b>  <b>table 6 and</b>  <b>CPSC</b>  <b>guideline</b>  <b>page 255</b></p>
		<p><b>Plastic book, few pages, simple images, more text</b></p>	<p><b>Toy</b>  <b>&gt; 3 y</b>  <b>CPSC</b>  <b>guideline</b>  <b>page 257</b></p>

	<p><b>Book with focusing elements, few pages</b></p>	<p><b>Toy</b>  <b>&gt; 3 y</b>  <b>CPSC guideline page 257</b></p>
	<p><b>Colouring book with detailed images</b></p>	<p><b>Toy</b>  <b>&gt; 3</b>  <b>CR 14379 table 6 and CPSC guideline page 213</b></p>






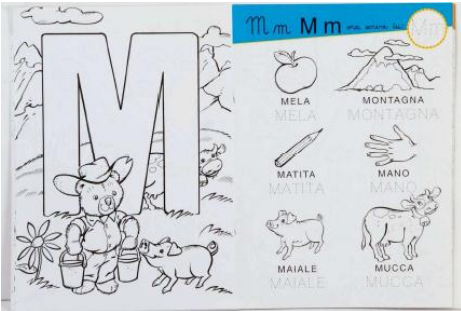
Colouring book

Toy

> 3 year

CR 14379  
table 6 and  
CPSC  
guideline  
page 213

(the learning  
is additional  
to the play)

 	<p><b>Colouring book</b></p>	<p><b>Toy</b></p> <p>&gt; 3 y</p> <p><b>CR 14379</b> table 6 and <b>CPSC</b> guideline page 213</p> <p>(the learning is additional to the play)</p>
 	<p><b>Colouring book</b> with detailed images</p>	<p><b>Toy</b></p> <p>&gt; 3</p> <p><b>CR 14379</b> table 6 and <b>CPSC</b> guideline page 213</p> <p>(the learning is additional to the play)</p>



Colouring books with text (stories, fairy tales, poetry etc.) and detailed images

Toy  
> 3 y



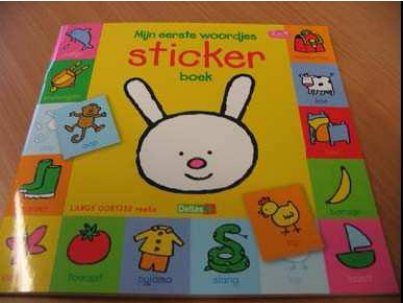
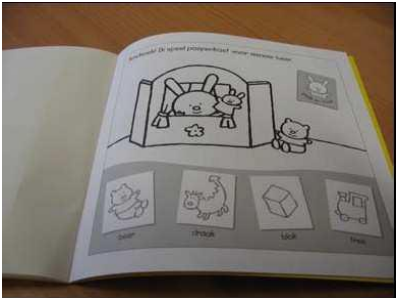
CR 14379  
table 6 and  
CPSC  
guideline  
page 213



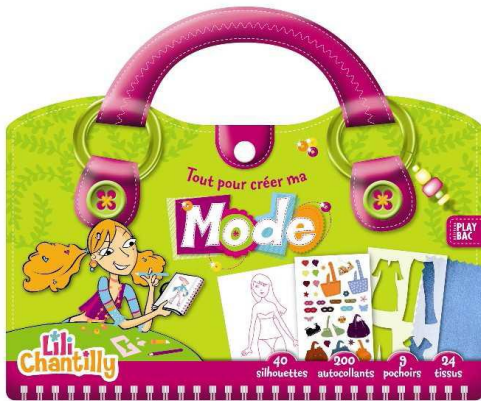
Colouring books with detailed images, educational purpose (literacy, learning of writing letters and numbers, different tasks etc.)

Toy  
> 3 y  
CR 14379 table 6 and CPSC guideline page 213



 	<p><b>Colouring book</b></p>	<p><b>Toy</b></p> <p>&gt; 3 y</p> <p><b>CR 14379 table 6 and CPSC guideline page 213</b></p> <p><b>(the learning is additional to the play)</b></p>
 	<p><b>Book with stickers, simple images, big stickers</b></p>	<p><b>Toy</b></p> <p>&gt; 3 y</p> <p><b>CPSC guideline page 204</b></p>

		<p><b>Book with simple features, stickers</b></p>	<p><b>Toy</b>  <b>&gt; 3 y</b>  <b>CPSC guideline page 204</b></p>
		<p><b>Book with stickers on the anatomy of the human body; seen the subject (more detailed) intended for older children</b></p>	<p><b>Toy</b>  <b>&gt; 3 y</b>  <b>CPSC guideline page 204</b></p>



Book resembling a bag, containing stickers ...

Toy  
>3 y  
CPSC guideline page 204



Book with stickers, few text, simple images

Toy  
> 3 y  
CPSC guideline page 204

	<p><b>Book with different tasks, to paint, to draw, to stick on stickers</b></p>	<p><b>Toy</b>  <b>&gt; 3 y</b>  <b>CPSC guideline page 204</b></p>
	<p><b>Colouring book with detailed images and stickers</b></p>	<p><b>Toy</b>  <b>&gt; 3 y</b>  <b>CPSC guideline page 204</b></p>

 <p>The image shows the cover and two pages of a children's book titled "Joyeux Noël, Pénélope!". The cover features a blue bear character in a red and green Christmas setting. The two pages show a bedroom and a dining room, both decorated for Christmas. The bear character is present in both scenes. There are red arrows pointing to specific features on the pages.</p>	<p><b>Book with text and unfolding features, more detailed</b></p>	<p><b>Toy</b>  <b>&gt; 3 y</b>  <b>CR 14379 table 6 and CPSC guideline page 255</b></p>
 <p>The image shows an open book page titled "La ponte" with illustrations of ducks on a nest. Next to it is a wooden duckhouse toy with a red roof, blue accents, and a small window with a duck inside. A purple pencil and a small duck figurine are also visible.</p>	<p><b>Book accompanied by a playing element which corresponds to the theme of the book</b></p>	<p><b>Toy</b>  <b>&gt; 3 y</b>  <b>CR 14379 table 6</b></p>

**RICHARD SCARRY**  
**GIOCO E IMPARO**

Radames ha fretta.  
Così, salta sul trattore!

QUANTI SONO?  
3 2

Quando Ottavio mangia  
il gelato, non sa decidere  
da quale cucchiaino cominciare!

E tu, come ti chiami?  
Scrivi qui sotto il tuo  
nome: ricorda che  
inizia con la lettera  
maiuscola.

Ora disegna  
il tuo ritratto  
nella cornice  
e coloralo!

MONDADORI

85

Educational book  
to learn alphabet  
or numbers

Not a toy

**Tutto per le mie RICERCHE**  
4 pagine di STICKERS

**EUROPA**

La Comunità Economica Europea (CEE)

Storia CEE alla FEI

DAMI EDITORE

Encyclopaedia  
with stickers  
(educational)

Not a toy



**Book –  
Encyclopaedia  
with unfolding  
features and  
different elements,  
detailed images  
and text  
(educational)**

**Not a toy**



**Book –  
Encyclopaedia  
with unfolding  
features, with  
(pop-up) images,  
detailed images  
and text  
(educational)**

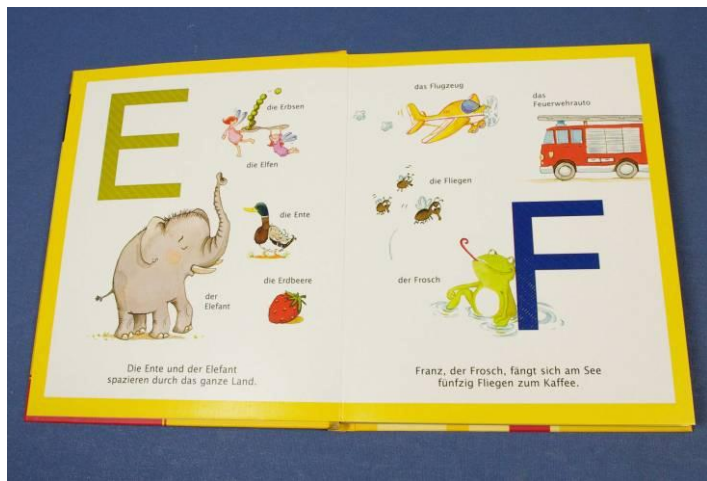
**Not a toy**





**Educational book to learn alphabet, in each page is a letter and image which starts with this letter**

**Not a toy**



**Educational book to learn letters, with thick paper pages, simple images**



**Not a toy**



Educational book to learn numbers, with thick paper pages, simple images

(Title: "My first book" "Numbers")

Not a toy

	<p><b>Educational book to learn about animals, with thick paper pages, simple images</b></p>	<p><b>Not a toy</b></p>
 <p>Sur le tronc du bananier, un petit singe est perché.  - Dis, que transportes-tu dans ton sac? Du fromage? demande Didil.  - Hi! Hi! répond le singe. Je ne mange que des fruits! Des fruits cueillis dans les arbres...  - Les arbres à fromage?  Le singe rit de plus belle.  - Hi! Hi! Ça n'existe pas! Regarde plutôt dans mon sac. Viens sentir...</p> <p>4</p>	<p><b>Book read to infants and children by parents, teachers, or older peers</b></p> <p><b>Contains Braille writing</b></p>	<p><b>Not a toy</b></p>

	<p><b>Book read to infants and children by parents, teachers, or older peers</b></p>	<p><b>Not a toy</b></p>
	<p><b>Book read to infants and children by parents, teachers, or older peers</b></p>	<p><b>Not a toy</b></p>