



EUROPEAN COMMISSION  
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

New Approach Industries, Tourism and CSR  
International regulatory agreements, toys safety, CSR

Last version: 06/04/2009

# **GUIDANCE DOCUMENT No. 11**

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

### **TOYS INTENDED FOR CHILDREN ABOVE AND UNDER 36 MONTHS**

*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 reflect the general approach of the expert group regarding the classification of toys intended for children above and under 36 months.*

#### **1. INTRODUCTION**

The Commission services asked the national experts on the safety of toys to reflect upon the criteria to be chosen in defining toys intended for children above or under 36 months.

CEN report CR 14379 Classification of toys gives guidelines for matching toy characteristics to children's ages. Although functions and characteristics and examples are listed in this report, some toys can give rise to discussion.

The French authorities have presented a comprehensive document on the classification of toys intended for children under or above the age of 36 months. On the basis of the French 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 toys intended for children under or above 36 months.

The approach proposed is focused on 3 categories of toys: Jigsaw puzzles, dolls, soft and stuffed toys. The approach is focussed on positive rather than negative criteria, seeking in particular to define the notion of a toy which is clearly intended for children under the age of 36 months.

## **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 directive does not provide for requirements regarding the different age classification grades. However, the Directive acknowledges that children under 36 months are especially at risk because of their mouthing behaviour and their undeveloped or limited physical and mental maturation. Consequently, the Directive sets out particular stringent provisions for toys intended for children under 36 months.

According to Annex II.I.2. (a) of the Directive *“the degree of risk present in the use of a toy must be commensurate with the ability of the users and where appropriate their supervisors, to cope with it. This applies in particular to toys which, by virtue of their functions, dimensions and characteristics are intended for use by children of under 36 months.”*

Annex II.II.1.(d) lays down that *“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.”*

In case of toys which might be dangerous for children under 36 months Annex IV (1) of the Directive requires that they should bear a warning. These toys should bear a warning stating, for example, *“Not suitable for children under 36 months”* or *“Not suitable for children under 3 years”* together with a brief indication, which may also appear in the instructions for use, of the specific risks calling for this restriction. The warning can be replaced by a symbol as laid down in the harmonised standard EN 71-6.

However, the obligation to affix the warning does not apply to toys which, by virtue of their functions, dimensions and characteristics, are intended for use by children under 36 months.

## **3. CRITERIA FOR CLASSIFICATION OF TOYS INTENDED FOR CHILDREN UNDER 36 MONTHS**

Toys could be designed in a such a way that some of their characteristics may appeal to children under 36 months of age while other characteristics may appeal to children above 36 months of age. In fact, the borderline between toys intended for children under and above 36 months is not always clear and easy. In order to clearly identify the borderline some key factors were identified by the expert group.

The play value of a toy intended for children under 36 months could be determined by the following key factors<sup>1</sup>:

---

<sup>1</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).

- (1) the psychology of children of under 3 years, particularly their need to “cuddle”;
- (2) their attraction to objects “which are like them”: baby, small child, baby animal, etc.;
- (3) their mental development, particularly their capacity for abstraction, level of knowledge, limited patience, etc.;
- (4) their less developed physical abilities in terms of ease of movement, manual dexterity, etc (the toy may be small and light for the child to handle it easily).

Some considerations have to be made:

- (1) it is the children's aptitudes to use a toy in accordance with its destination which justify the choice to intend them for the children of more or less than 3 years old; if this use can be gradual and start before three years to continue beyond, the toy has to be appropriate for the youngest children;
- (2) if a toy involves small parts that can be swallowed or inhaled or if there is a risk of strangulation, this does not mean, ipso facto, that the toy is intended for children of more than 3 years old;
- (3) marking "is not appropriate for the children of less than 3 years old" (or of less than 36 months) cannot have as a justification the economic realisation at the level of the tests and the setting in conformity of the products; it cannot therefore be found on a toy meeting the above criteria (for children less than 3 years) but which would present the risks for the children of less than 3 years old.
- (4) The images appearing in this document constitute examples intended to facilitate the decision-making on classification. They do not presuppose the conformity of the represented products.

## **4. PRODUCT CATEGORIES**

### **I PUZZLES**

Three categories of puzzles have been identified: foam floor puzzles; wooden, cardboard or plastic puzzles; geometric and two dimensional jigsaw puzzles.

#### **4.1. “Foam floor puzzles”**

These puzzles are sold in pre-packed batches designed to be assembled by children to form a playmat or different shapes. They are widely used, particularly in kindergarten. These products might be regarded as intended for children under 36 months provided that the pieces from the same batch (examples 1-7):

- are interchangeable (similar shape, standard and identical indents);
- can be interconnected at random, in no particular order;
- whatever their individual size.

Some of these puzzles might be regarded as suitable for children over 36 months, if, contrary to previous examples, they have different indents and can only be put together in one way in order to create a pre-designed shape. Hopscotch games also fit into this category as the tiles can only be arranged in a specific way and are therefore not interchangeable. Moreover, children play the game by hopping on one leg and for this reason it is too advanced for those under 36 months (examples 8-11).

## **4.2. Wooden, cardboard or plastic puzzles**

### *4.2.1. Puzzles where the pieces are inserted one by one into a playtray*

Might be classified as suitable for children under 36 months, as (examples 12-13):

- these puzzles offer a unique and clear opportunity to match the pieces (one piece per hole)
- they have large-sized pieces which are easy to grab;
- the shape of the pieces is simple and easily identifiable;
- they are easy to put together;
- there is a small number of pieces.

### *4.2.2. Puzzles where several pieces have to be interconnected on a base to make a simple image (an animal, background picture, scenery etc)*

They might be suitable for children under 36 months provided the puzzles have the features described as (examples 14-20):

- easily identifiable pieces, of simple shapes;
- large-sized pieces which are easy to grab;
- easily insertable pieces;
- small number of pieces.

## **4.3. Other puzzles and two-dimensional jigsaw puzzles**

These puzzles are regarded as not being intended for children under 36 months. (examples 21-23). The reasons are:

- the lack of pictures or images on the game;
- the pieces could not be interchanged;
- the diversity and complexity of combinations, particularly for games made up of 4 different geometric sets, especially difficult to recreate if the pieces of the 4 sections have been mixed up.

#### **4.4. Special case: cubes and mosaics**

Some cubes have parts of images on their six different faces and can be arranged to recreate that image according to a model. Mosaic puzzles have geometric pieces which fit together, are different colours (sometimes magnetic) and can be arranged in various ways. (examples 24-26). Both these types of products can be used in increasingly complex ways: children under 3 years are happy to stack up the pieces or lay them side-by-side; then gradually, as they become older, the children can recreate the images or make mosaics by arranging the colours. Both these games suit children of all ages.

## **II DOLLS**

Dolls can resemble a baby, a child, an adolescent or an adult and be both male and female. Dolls account for a very broad and diverse segment of the toy market, reflecting their design, level of realism and, in some cases, their accompanying accessories.

### **4.5. Dolls sold alone**

Determining factors used to confirm the suitability of the products for children under 3 years old:

- simple design;
- flexible, soft, smooth, cuddly products which resemble babies or little children;
- made entirely from padded fabric (example 1-3);
- bodies made completely from padded fabric, but with head and limbs made from rubber or PVC, or even totally made from rubber or PVC (example 4-6);
- head and limbs which can be moved only very slightly;
- simple actions which make the doll move, cry or talk (pulling a cord, pressing a button, etc.);
- with little or no interaction.

Non-determining factors:

- hair, made from wool or imitation hair;
- eyes which close.

### **4.6. Baby dolls and dolls sold with associated features**

#### *4.6.1. Boxes should be designed for children under 3 years old*

In addition to the doll with the features mentioned above, the box may include:

- non-removable clothes which the doll is already wearing;
- clothes which are easy to put on and take off, do not need adjustment, and are already worn by the doll or included as spare clothes;
- objects which are associated with children under 3 years old and which reflect their capabilities (potty, bib, plate, spoon, etc).

#### *4.6.2. Boxes not intended for children under 3 years old but contain a doll suitable to this age group*

If the doll meets the requirement from point 4.6.1, it should be suitable for children under 3 years old. Children under 3 years old should only be barred from access to the toy on

the basis of the clothes worn by the doll, or placed in the box, and / or to its associated features:

- clothes which are difficult to adjust, button or put on, etc;
- shoes with straps or laces, etc;
- more elaborate accessories, for example, a backpack, small scooter, rollerblades, small furniture items, buggy, etc.

#### *4.6.3. Dolls not intended for children under 3 years old*

This category refers to dolls with which children do not identify themselves as “dad”, “mum”, “big brother”, “big sister”. Examples include:

- traditional dolls which are completely rigid, those with many joints, dolls which you can dress, do their hair, etc.;
- fashion dolls, for example “Barbie” dolls and their accessories;
- fashion dolls made from padded cloth over a framework, see example 7.

### III SOFT AND STUFFED TOYS

Soft toys, by their nature, are cuddly toys due to their light, soft, spongy and smooth qualities. Very young infants have indeed a natural instinct to cuddle or be cuddled. Soft toys normally appear as baby animals or cartoon heroes. These are the kind of toys which attract very young infants and with which children instinctively identify.

They encourage basic playing, not requiring any special learning. The toy acts as a companion for the child and they look upon it as a living person, carrying it around with them and taking it to bed, etc.

There are many soft toys available on the market which are actually designed or clearly intended for use in play by children under 3 years old, or objects where, based on the reasons mentioned above, it would be reasonable to assume their use as toys for children under 3 years of age (examples 1-23).

In nearly all cases, soft toys should be suitable for children under 3 years old. While exceptions arising from a particular design of toy do exist, these are rare and reflect:

- additional features which may hinder the child's ability to cuddle the toy; the toy would therefore be regarded as being suitable for children over 3 years old.

#### **4.7. Soft toys which should be considered as intended for children under 3 years old**

The toys placed in this category are as follows:

##### *4.7.1. Stuffed toys*

- actual soft toys and musical soft toys;
- door decorations;
- height gauges for children's bedrooms which, when filled, are the shape of a soft toy;
- animal-shaped cushions.

##### *4.7.2. Soft toys which are not stuffed*

- purses;
- backpacks, particular reference is made to these two cases because of the risk of choking caused by the cords and straps;
- sleeping bags;
- animal-shaped cushion covers;
- animal-shaped hot-water-bottle covers;



- pyjama cases;
- small suitcases with wheels in the shape of Winnie the Poo, the soft toy part being removable.

#### **4.8. Themed soft toys, with or without associated features**

As is the case for dolls (item II), soft toys which come with associated features and have actions to suit the more limited manipulative abilities of children under 3 years old should be regarded as intended for children under 3 years old (examples 24-30).




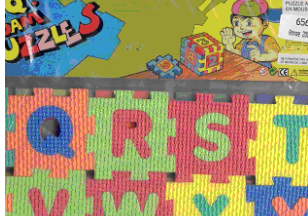
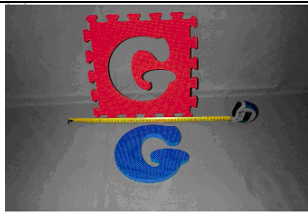


#### **4.9. Soft toys not intended for use in play**





##### *4.9.1. Soft toys solely for decorative purposes*



- soft toys intended for use as Christmas trees decorations, table decorations for special occasions (Annex I of Directive);
- objects which incorporate soft toys into photo frames (example 31).





## IV PICTURES



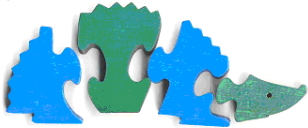
### PUZZLES




 <p>1</p>	<ul style="list-style-type: none"> <li>- are interchangeable (same shape, standard and identical indents);</li> <li>- can be interconnected at random, in no particular order; whatever their individual size.</li> </ul>	<p>&lt; 3 y</p>
 <p>2</p>	<ul style="list-style-type: none"> <li>- are interchangeable (same shape, standard and identical indents);</li> <li>- can be interconnected at random, in no particular order; whatever their individual size.</li> </ul>	<p>&lt; 3 y</p>
 <p>3</p>	<ul style="list-style-type: none"> <li>- are interchangeable (same shape, standard and identical indents);</li> <li>- can be interconnected at random, in no particular order; whatever their individual size.</li> </ul>	<p>&lt; 3 y</p>
 <p>4</p>	<ul style="list-style-type: none"> <li>- are interchangeable (same shape, standard and identical indents);</li> <li>- can be interconnected at random, in no particular order; whatever their individual size.</li> </ul>	<p>&lt; 3 y</p>
 <p>5</p>	<ul style="list-style-type: none"> <li>- are interchangeable (same shape, standard and identical indents);</li> <li>- can be interconnected at random, in no particular order; whatever their individual size.</li> </ul>	<p>&lt; 3 y</p>
 <p>6</p>	<ul style="list-style-type: none"> <li>- are interchangeable (same shape, standard and identical indents);</li> <li>- can be interconnected at random, in no particular order; whatever their individual size.</li> </ul>	<p>&lt; 3 y</p>
 <p>7</p>	<p>Mat made from foam pieces with simple indents. A small piano with nine keys has also been incorporated into the mat. It is sold along with a small book of musical tunes which can be played with the help of the pictures or numbers drawn on the piano keys.</p>	<p>&lt; 3 y</p>




 <p>8</p>	<p>Puzzles with pieces that are not interchangeable, much smaller and there are many more of them (full size of finished puzzle is 31 by 22 cm) where the puzzle pieces depict a road and where the foam puzzles depict an intricate image</p>	<p>&gt; 3 y</p>
 <p>9</p>	<p>Foam puzzles depict an intricate image</p>	<p>&gt; 3 y</p>
 <p>10</p>	<p>Puzzle with pieces that depict a road</p>	<p>&gt; 3 y</p>
 <p>11</p>	<p>Hopscotch games with tiles that can only be arranged in a specific way and are therefore not interchangeable. Moreover, children play the game by hopping on one leg and for this reason it is too advanced for those under 36 months</p>	<p>&gt; 3 y</p>

 <p>12</p>	<p>Puzzles in the shape of a clock or a board or numbers, since the success of such puzzles does not depend on being able to tell the time or being able to count</p>	<p>&lt; 3 y</p>
 <p>13</p>	<ul style="list-style-type: none"> <li>- these puzzles offer a unique and clear opportunity to match the pieces (one piece per hole);</li> <li>- they have large-sized pieces which are easy to grab;</li> <li>- the shape of the pieces is simple and easily identifiable;</li> <li>- they are easy to put together;</li> <li>- there is a small number of pieces.</li> </ul> <p>Some puzzles have gripping pins, other do not.</p>	<p>&lt; 3 y</p>

 <p>14</p>	<p>Puzzles in the shape of a clock or a board or numbers, since the success of such puzzles does not depend on being able to tell the time or being able to count</p>	<p>&lt; 3 y</p>
 <p>15</p>	<p>Puzzles in the shape of a clock or a board or numbers, since the success of such puzzles does not depend on being able to tell the time or being able to count</p>	<p>&lt; 3 y</p>
 <p>16</p>	<p>Puzzles with non-stylistic, real life images, for example “building tools”, and “food”. In fact, the pieces are less precisely shaped than the actual picture they are representing in order to be easier to fit or match</p>	<p>&lt; 3 y</p>
 <p>17</p>	<p>Puzzles with non-stylistic, real life images, for example “animals” and “dinosaurs”. In fact, the pieces are less precisely shaped than the actual picture they are representing in order to be easier to fit or match</p>	<p>&lt; 3 y</p>

 <p>9562 Collage : 20 pi/100 pc 11 x 10 cm</p>	18	<p>wooden puzzles, made up of several pieces which form a basic stylised animal, where each piece is easily identifiable and easy to position.</p>	< 3 y
	19	<ul style="list-style-type: none"> <li>- they have large-sized pieces which are easy to grab;</li> <li>- the shape of the pieces is simple and easily identifiable;</li> <li>- they are easy to put together;</li> <li>- there is a small number of pieces.</li> </ul>	< 3 y
	20	<ul style="list-style-type: none"> <li>- they have large-sized pieces which are easy to grab;</li> <li>- the shape of the pieces is simple and easily identifiable;</li> <li>- they are easy to put together;</li> <li>- there is a small number of pieces.</li> </ul>	< 3 y



	21	<p>according to the complexity of the subject, the number and size of the pieces and the difficulties in putting the puzzle together.</p>	> 3 y
	22	<p>according to the complexity of the subject, the number and size of the pieces and the difficulties in putting the puzzle together.</p>	> 3 y
	23	<p>according to the complexity of the subject, the number and size of the pieces and the difficulties in putting the puzzle together.</p>	> 3 y


	24	<p>The discriminatory factors :</p> <ul style="list-style-type: none"> <li>- the lack of pictures or images on the game;</li> <li>- the pieces could not be interchanged;</li> <li>- the diversity and complexity of combinations, particularly for games made up of 4 different geometric sets, especially difficult to recreate if the pieces of the 4 sections have been mixed up.</li> </ul> <p>This would apply even more strongly to puzzles without frames or to 3 dimensional puzzles.</p>	< 3 y
	25		< 3 y
	26	<p>Mosaic puzzles have geometric pieces which fit together, are different colours (sometimes magnetic) and can be arranged in various ways.</p> <p>Both these type of products can be used in increasingly complex ways: children under 3 years are happy to stack up the pieces or lay them side-by-side; then gradually, as they become older, the children can recreate the images or make mosaics by arranging the colours.</p> <p>These games suit children of all ages.</p>	< 3 y



## DOLLS


	1	<p>Made entirely from padded fabric Rag dolls which appeal to children under 3 years old and with which they identify themselves or can treat as their little sister/brother.</p>	< 3 y
	2	<p>Made entirely from padded fabric Rag dolls which appeal to children under 3 years old and with which they identify themselves or can treat as their little sister/brother.</p>	< 3 y
	3	<p>Made entirely from padded fabric Rag dolls which appeal to children under 3 years old and with which they identify themselves or can treat as their little sister/brother.</p>	< 3 y
	4	<p>Bodies made completely from padded fabric, but with head and limbs made from rubber PVC, or even totally made from rubber or PVC.</p> <p>Dolls whose body is made from fabric but whose head and joints are made from soft plastic materials or completely from plastic, which the child treats as its baby.</p>	< 3 y





	5	<p>Bodies made completely from padded fabric, but with head and limbs made from rubber PVC, or even totally made from rubber or PVC.</p> <p>Dolls whose body is made from fabric but whose head and joints are made from soft plastic materials or completely from plastic, which the child treats as its baby.</p>	< 3 y
	6	<p>Bodies made completely from padded fabric, but with head and limbs made from rubber PVC, or even totally made from rubber or PVC</p>	< 3 y

	7	<p>fashion dolls made from padded cloth over a framework.</p>	> 3 y
--	---	---	-------






## STUFFED TOYS


 <p>1</p>	Actual soft toys	< 3 y
 <p>11. 13. 2003 2</p>	Actual soft toys	< 3 y
 <p>11. 13. 2003 3</p>	Actual soft toys	< 3 y
 <p>4</p>	Actual soft toys	< 3 y

	Soft toys attached to a key ring	< 3 y
	Soft toys attached to a key ring	< 3 y
	Door decorations	< 3 y
	Height gauges for children's bedrooms which, when filled, are the shape of a soft toy	< 3 y


 <p>9</p>	<p>Height gauges for children's bedrooms which, when filled, are the shape of a soft toy</p>	<p>&lt; 3 y</p>
 <p>6703 40 x 30 x 10 cm 12/24 pc</p> <p>10</p>	<p>Animal-shaped cushions</p>	<p>&lt; 3 y</p>
 <p>6630 H 35 x 30 x 30 cm - 24 pc</p> <p>11</p>	<p>Animal-shaped cushions</p>	<p>&lt; 3 y</p>

**SOFT TOYS WHICH ARE NOT STUFFED**

 <p>12</p>	Purses	< 3 y
 <p>13</p>	Purses	< 3 y
<p>13)</p>  <p>14</p>	Backpacks	< 3 y

 <p>REF: NQ201</p> <p>15</p>	Backpacks	< 3 y
 <p>16</p>	Backpacks	< 3 y
 <p>17</p>	Animal-shaped sleeping bags	< 3 y
 <p>18</p>	Animal-shaped cushion covers	< 3 y

 <p>19</p>	Animal-shaped hot-water bottle covers	< 3 y
 <p>20</p>	Animal-shaped hot-water bottle covers	< 3 y
 <p>21</p>	Animal-shaped hot-water bottle covers	< 3 y
 <p>22</p>	Animal-shaped pyjama cases	< 3 y



 <p>23</p>	<p>Small suitcases with wheels in the shape of Winnie the Pooh, the soft toy part being removable</p>	<p>&lt; 3 y</p>
---	---	-----------------




## THEMED SOFT TOYS WITH OR WITHOUT ASSOCIATED FEATURES

 <p>24</p>	<p>soft toys which come with associated features and have actions to suit the more limited manipulative abilities of children under 3 years old should be regarded as intended for children under 3 years old</p>	<p>&lt; 3 y</p>
 <p>25</p>	<p>soft toys which come with associated features and have actions to suit the more limited manipulative abilities of children under 3 years old should be regarded as intended for children under 3 years old</p>	<p>&lt; 3 y</p>
 <p>26</p>	<p>soft toys which come with associated features and have actions to suit the more limited manipulative abilities of children under 3 years old should be regarded as intended for children under 3 years old</p>	<p>&lt; 3 y</p>
 <p>27</p>	<p>soft toys which come with associated features and have actions to suit the more limited manipulative abilities of children under 3 years old should be regarded as intended for children under 3 years old.</p>	<p>&lt; 3 y</p>



	28	<p>soft toys which come with associated features and have actions to suit the more limited manipulative abilities of children under 3 years old should be regarded as intended for children under 3 years old.</p>	< 3 y
	29	<p>Soft toy “loaded” with a large present</p>	< 3 y
30		<p>Soft "obscene" toys</p>	< 3 y

**SOFT TOYS SOLELY FOR DECORATIVE PURPOSES**

 <p>31</p>	Objects which incorporate soft toys into photo frames	Not a toy
---	---	-----------

## TABLE OF CONTENTS

1. INTRODUCTION.....	1
2. LEGAL BACKGROUND .....	2
3. CRITERIA FOR CLASSIFICATION OF TOYS INTENDED FOR CHILDREN UNDER 36 MONTHS .....	2
4. PRODUCT CATEGORIES .....	3
I    PUZZLES.....	3
4.1. “Foam floor puzzles” .....	3
4.2. Wooden, cardboard or plastic puzzles .....	4
4.2.1. Puzzles where the pieces are inserted one by one into a playtray.....	4
4.2.2. Puzzles where several pieces have to be interconnected on a base to make a simple image (an animal, background picture, scenery etc) .....	4
4.3. Other puzzles and two-dimensional jigsaw puzzles .....	4
4.4. Special case: cubes and mosaics .....	5
II    DOLLS.....	6
4.5. Dolls sold alone.....	6
4.6. Baby dolls and dolls sold with associated features.....	6
4.6.1. Boxes should be designed for children under 3 years old .....	6
4.6.2. Boxes not intended for children under 3 years old but contain a dolls suitable to this age group .....	6
4.6.3. Dolls not intended for children under 3 years old.....	7
III   SOFT AND STUFFED TOYS .....	8
4.7. Soft toys which should be considered as intended for children under 3 years old .....	8
4.7.1. Stuffed toys .....	8
4.7.2. Soft toys which are not stuffed.....	8
4.8. Themed soft toys, with or without associated features .....	9
4.9. Soft toys not intended for use in play.....	9
4.9.1. Soft toys solely for decorative purposes .....	9
IV   PICTURES .....	10
PUZZLES .....	10
DOLLS .....	15

STUFFED TOYS .....	17
SOFT TOYS WHICH ARE NOT STUFFED .....	20
THEMED SOFT TOYS WITH OR WITHOUT ASSOCIATED FEATURES.....	24
SOFT TOYS SOLELY FOR DECORATIVE PURPOSES.....	26