



EUROPEAN COMMISSION  
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

New Approach Industries, Tourism and CSR  
International and horizontal aspects of the New Approach; CSR

## GUIDANCE DOCUMENT No 7

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

### Aquatic toys covered by the Toys Directive

This document is a non binding document intended to provide guidelines to help Member States to decide whether or not certain aquatic devices/equipment are covered by the Safety of Toys Directive (88/378/CEE). This document expresses the views of the majority of members in the Expert Group on Toys Safety.

### I Provisions of the Toys Directive

Article 1 of the Safety of Toys Directive defines toys as products “*designed or clearly intended for use in play by children of less than 14 years of age*”. Annex I of the Toys Directive classifies “*aquatic equipment intended to be used in deep water*” as falling out of the scope of the directive.

According to Annex II, II.1.f) of the Directive “*toys intended for use in shallow water which are capable of carrying or supporting a child on the water must be designed and constructed so as to reduce as far as possible, taking into account the recommended use of the toy, any risk of loss of buoyancy of the toy and loss of support afforded to the child*”. Furthermore, Annex IV provides that toys intended for use in water shall contain a warning stating that they are “*only to be used in water in which the child is within its depth and under supervision*”.

### II Product categories

In general, these products should be classified in a pragmatic way on a case by case basis taking into account the above mentioned provisions of the Toys Directive. However,

some categories of aquatic products can be distinguished for the purposes of classification. They are presented below.

**a) Bath Toys** (photo 1)

These products are very simple, brightly coloured toys, often animal-shaped, and they are generally used in the bath. As a rule, they are intended for very young children and are covered by the Safety of Toys Directive.

**b) Small battery powered (remote controlled) vessels** (photo 2)

These products are intended for children over 36 months old, generally for use in city fountains or in rivers, lakes, swimming pools, at the seaside etc. They are covered by the Safety of Toys Directive.

**c) Inflatable PVC toys**<sup>1</sup>

*i) Simple inflatable toys* (photo 3)

These toys are for use at home or at the beach, not exclusively for use in water and not designed to bear the weight of a child. Examples are: large balls with multicoloured segments; big or small self-righting dolls intended for children of all age groups.

*ii) Inflatable toys for use in water and intended to be played on* (photo 4 and 5)

Floating articles which are intended for use in play for children aged over 36 months and for use in shallow water (where the child is in its depth) and under adult supervision. Position of the user is inside a buoyant structure, e.g. small boats, or on it, e.g. ride on toys and small mattresses.

Those small boats and mattresses not exceeding 1.20m are considered as toys. As regards ride on toys, they can be considered as toys regardless of their size if intended for children under 14 years of age.

*iii) Bathing rings* (photo 6 and 7)

These may be small, medium or large rubber rings which are able to support the weight of a child. They are generally used in shallow water (where the child is in its depth) and under adult supervision. They are used for playing by children and are not swimming aids or swimming learning devices. Therefore, they fall under the Safety of Toys Directive. However, articles designed for life saving are not considered as toys.

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<sup>1</sup> Aquatic toys may also be made of other material than PVC, such as foam. The same principles of classification as the ones presented in this document for inflatable PVC products can be applied to the products made of other materials too.

**d) Certain PVC articles not covered by the Safety of Toys Directive**

*i) Inflatable articles with seats for use in water (floating seats) (photo 8)*

These products are bathing rings that have a seat integrated in it with two holes for a child's legs to hang freely in water. The classification of floating seats is dealt with in guidance document nro 2 of 26 April 2001 which states that these products should not fall under the Safety of Toys Directive but under the General Product Safety Directive.

*ii) Swimming aids and swimming learning devices (armbands, jackets) (photo 9 and 10)*

This group of product consists mainly of small jackets and armbands. Although they are usually sold in toy shops, they are not intended for playing but are floating aids/swimming learning devices. Therefore, they do not fall within the scope of the Toys Directive.

PHOTO 1



PHOTO 2




PHOTO 3



PHOTO 4



#59380  
**Pool Cruisers**  50 Lb. (23kg) max. weight  
 • 40" x 26" (102cm x 66cm)  
 • 8 ga. (0.20mm) vinyl  
 • Submarine, Fun Boat and Fish assortment  
 • Repair patch  
 24 Ea., Asst., 21.1 Lb. (9.6kg)

#59380

**NEW!**  
**PREMIUM**  
 #58516  50 Lb. (23kg) max. weight  
**Rocket Car Rider**  
 • 38" x 37" (97cm x 94cm)  
 • 10 ga. (0.25mm) vinyl  
 • Extra wide back axle for more stability  
 • 2 air chambers for safer play  
 • Grab handle  
 • Repair patch • Shelf box  
 12 Ea., 19.4 Lb. (8.8kg)



#58516

**NEW ITEM**



#58509

**PREMIUM**  
 #58509   
**Sidewinder Floats**  
 • 88" x 47" x 43½" (224cm x 119cm x 110cm)  
 • 11.2 ga. (0.28mm) vinyl  
 • Great pool float  
 • 1 air chamber  
 • Repair patch  
 • Shelf box  
 6 Ea., Asst., 23.1 Lb. (10.5kg)

PHOTO 5



PHOTO 6

#59212   
**Fish Rings**  
 • 32" x 31½" (81cm x 80cm)  
 • Printed on clear vinyl  
 • Smooth inner seam  
 24 Ea., Asst., 10.3 Lb (4.7kg)

NEW ITEM



#58249

NEW!  
**PREMIUM**  
 #58249   
**Happy Sun Ring**  
 • 32" (81cm) diameter  
 • 8 ga. (0.20mm) vinyl  
 • 2 air chambers for safer play  
 • Pegable box  
 24 Ea., 15.2 Lb. (6.9kg)



#59212



#59220   
**Animal Split Rings**  
 • 24" x 22" (61cm x 56cm)  
 • 8 ga. (0.20mm) vinyl  
 • Butterfly, Duck and Frog styles  
 36 Ea., Asst., 13.1 Lb. (6.0kg)

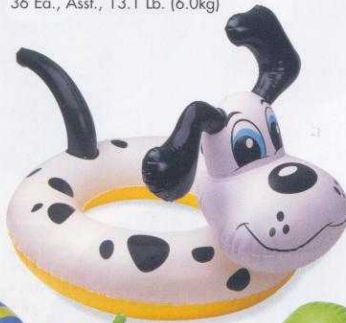


#59220

NEW STYLE



#58221



NEW STYLE




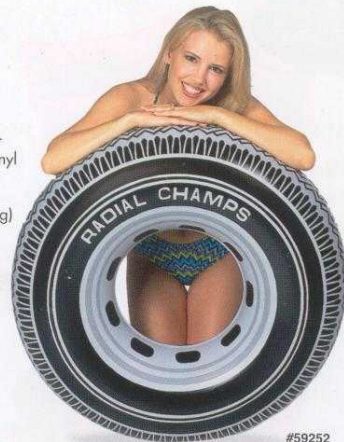
NEW STYLES!  
**PREMIUM**  
 #58221   
**Big Animal Rings**  
 • 30" x 22" (76cm x 56cm)  
 • 10 ga. (0.25mm) vinyl  
 • New Crab, Puppy and new Turtle styles  
 • Smooth inner seam  
 • Pegable box  
 36 Ea., Asst., 23.7 Lb. (10.8kg)

**PHOTO 7**

Colorful tubes for kids, teens and adults. From traditional tire tubes to fashionable transparents, neons and pearlescents, Intex has your choice for summer fun.




**#59252**  
**Giant Tire Tube**   
 • 36" (91cm) diameter  
 • 8.8 ga. (0.22mm) vinyl  
 • "Radial" tread and sidewall  
 24 Ea., 19.2 Lb. (8.7kg)



#59252

**NEW ITEM**

**NEW!**  
**PREMIUM**  
**#58263**  
**Transparent Tubes**   
 • 38" (97cm) diameter  
 • 10 ga. (0.25mm) vinyl  
 • Clear tops with printed bottoms  
 • Heavy duty handles  
 • Smooth inner seam  
 • Shelf box  
 12 Ea., Asst., 17.0 Lb. (7.7kg)

**PREMIUM**  
**#58202**  
**Color Whirl Tube**   
 • 48" (122cm) diameter  
 • 12 ga. (0.30mm) vinyl  
 • 2 air chambers  
 • Heavy duty handles  
 • Smooth inner seam  
 • Repair patch • Shelf box  
 6 Ea., 17.1 Lb. (7.8kg)



#58202



**PREMIUM**  
**#68209**  
**River Rat™**  
 • 48" (122cm) diameter  
 • SUPER-TOUGH™\* vinyl construction  
 • Top 14 ga. (0.36mm); bottom 16 ga. (0.41mm) vinyl  
 • 2 air chambers with double valves  
 • All-around rope • Smooth inner seam  
 • Repair patch • Shelf box  
 6 Ea., 18.6 Lb. (8.5kg)

\* SUPER-TOUGH™ is a high molecular PVC formulation that is highly resistant to damage from abrasion, impact and sunlight. It also permits more air pressure for firmness.



#68209

PHOTO 8



**PHOTO 9**

**NEW COLORS!**

**PREMIUM**  
#56643  
Roll-Up Arm Bands  
Pool School™ Step 3  
• Easy to use - inflate first & roll-up the arm  
• 8" x 6" (20cm x 15cm)  
• 10 ga. (0.25mm) vinyl  
• 2 air chambers each • Pegable box  
36 Prs., 13.8 Lb. (6.3kg)

**NEW COLORS!**  
**PREMIUM**  
#56641  
Neon Frost Roll-Up Arm Bands  
• Easy to use - inflate first & roll-up the arm  
• 8" x 6" (20cm x 15cm)  
• 9 ga. (0.23mm) vinyl  
• 2 air chambers each  
• Pegable box  
36 Prs., 13.2 Lb. (6.0kg)

**NEW COLORS!**  
**PREMIUM**  
#56642  
Neon Frost Large Roll-Up Arm Bands  
• Easy to use - inflate first & roll-up the arm  
• 10" x 6" (25cm x 15cm)  
• 9 ga. (0.23mm) vinyl  
• 2 air chambers each  
36 Prs., 14.9 Lb. (6.8kg)

**PREMIUM**  
#58654  
Frog Arm Bands  
• 11" x 7½" (28cm x 19cm)  
• 8 ga. (0.20mm) vinyl  
• 2 air chambers each  
• Pegable box  
36 Prs., 14.2 Lb. (6.5kg)

#58654

**PHOTO 10**

#59661

#58671

#59662