



Age Classification of Toys

24 June 2016

In order to ensure that toy safety requirements will be properly applied, it is crucial for manufacturers to make an accurate assessment of the age group for which a toy is intended.

Intended for children over three years?

The manufacturer's age classification is normally the starting point. However, one should be aware that the authorities have the right to question the manufacturer's classification and to decide on a different classification if warranted. The Toy Safety Directive (TSD) indicates that age classification shall take into account the child's ability, but the ability of the child's caregiver should also be taken into account when appropriate. The Directive specifies in the definition of "intended use" that a parent or caregiver should be able to determine whether a toy is intended for a specific age group, based on the toy's functions, dimensions and characteristics. In other words, it is not only the manufacturer's intention that determines the correct age classification. The classification should also be reasonably based on how the toy is perceived by users and caregivers.

The manufacturer of a toy is thus, responsible for deciding the age group for which a toy is intended. It is especially important to make an accurate assessment of whether the toy is intended for children under three years of age since there is a wide range of additional safety requirements applicable to such toys. For example, the standard EN 71-1 (mechanical and physical properties) contains a separate chapter (No. 5) with specific requirements for toys for children under three years. In addition, such toys are required to be able to be cleaned; some of them must meet specific requirements for the migration of nitrosamines/nitrosatable substances; they must meet certain thresholds for chemicals that apply specifically to these toys, etc.

In addition to being responsible for making the correct age classification, the manufacturer must of course ensure that the toy complies with the applicable requirements of the relevant age group.

Help from guides and technical reports

The EU Commission and the EU's market surveillance authorities are working together to develop guidance on classification issues. The guidance documents are published on the European Commission's [website](#). One of the guides (No. 11), has the title "Toys intended for children under 36 months" and several other guidance documents, presently 17 in total, give examples of toys (in various categories) that should be considered as intended for children under or over three years. The European Commission and Member States work continuously to provide further guidance documents as well as updated guides, which they published on the website. While the guides will never be fully complete and accurate, they provide useful guidance.

The European standardisation body (CEN) publishes not only standards but also "Technical Reports". CEN CR 14379, entitled "Classification of toys", is a technical report, intended to be used together with EN 71 standards to determine which toys should be considered intended for children under and over three years (age classification). This report has recently been withdrawn by CEN (no longer for sale) but is still useful from many aspects.

Recently, CEN also published the report "CEN / ISO TR 8124-8", which provides guidance on the minimum age, given the child's developmental stages, at which a child can play with a particular toy. This is referred to as an age recommendation.

Importers and distributors' obligations

Although it is the manufacturer's responsibility to determine the correct age classification, importers and to some extent, distributors, have a responsibility to ensure that age classifications are appropriate.

The TSD indicates that importers, before placing a toy on the market, should ensure that the manufacturer has carried out a suitable "conformity assessment" e.g. to determine which applicable standards the toy has to comply with. In some cases this can mean that the importer should check that the manufacturer has ensured that the toy complies with the appropriate requirements. If the toy is intended for children under three, the manufacturer must have documentation proving that the toy meets the applicable requirements e.g. from Chapter 5 of EN 71-1.

Distributors shall, according to the TSD, act with "due care" to ensure that the applicable requirements are met. This does not mean that they need to examine the manufacturer's documentation. However, a distributor must take action if something is clearly incorrect.

An example might be if a soft-filled toy animal has the age warning "not intended for children under three years"; Since soft-filled toys are always classified as intended for children under three years, such a warning shall not be present on a soft-filled toy.

Warnings and age classification

It is prohibited for a manufacturer to use the age warning as a way to "escape" from implementing the requirements for toys intended for children under three years. If the correct age classification shows that the toy is intended for children under three years, the toy may never carry the warning "not suitable for children under three years".

If a toy is appropriately classified as intended for children over three years, there is a need to consider whether an age warning is needed. It is quite common that toys intended for children over three years, which do not have dangers in the form of small parts, small balls, long cords, etc., carry an age warning. Age warnings should normally be used only if there is a hazard that justifies the warning.

Recommended age

A manufacturer has the ability to specify a recommended user age, i.e. the age at which the manufacturer believes that the child should have reached the appropriate stage of development, in order to use the toy as intended. Specifying a recommended user age is not a requirement of the

TSD but is a good way for the manufacturer to provide information. A voluntary age recommendation must not contradict any warnings on the toy. For example, a manufacturer cannot specify a recommended age "2 years" or "2 +" and simultaneously use the warning "Not suitable for children under three years".

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