



EUROPEAN COMMISSION
ENTERPRISE DIRECTORATE-GENERAL

Environmental aspects of enterprise policy, resource-based and specific industries
Textiles, leather, toys

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GUIDANCE DOCUMENT No. 2

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

Community legislation applicable to “floating seats”

Since 1997, discussions have taken place on the classification of floating seats, and the subsequent legislation applicable. If they were to be considered as toys, then they would be covered by the Safety of Toys Directive. Otherwise, the General Product Safety Directive (92/59/EEC) would cover them. In any case, they are not personal protective equipment, and therefore, they are out of the scope of directive 89/686/EEC.

Floating chairs must be used under constant adult supervision, preferably within arm's reach. Their use is dangerous in all levels of water. In the light of Recital number 5 of Directive 88/378/EEC, products that require special supervision and conditions of use are not to be regarded as toys.

Having examined the different aspects of this issue, the Commissions Services and the Member States Experts Group on Toy Safety arrived at the following common view: **“Floating chairs are learning devices, and not toys. The General Product Safety Directive covers them.** Therefore, they cannot be designed in such a way that would lead parents and children to confuse this “learning device” with a toy. If market surveillance authorities find floating seats sold with the CE mark, or produced to give the appearance that they are toys, they shall proceed to remove them from the market.”

For information, CEN has decided to exclude floating seats from the scope of application of standard EN 71-1:1998 “Safety of toys”. CEN is preparing a separate European standard (prEN 13138-3) on safety requirements for swimming seats. Clause 4.1 of the draft standard request that «design and appearance of swim seats must not evoke the impression of being an aquatic toy». The document was drafted by CEN/TC 162. It will be sent to «CEN Enquiry» from August 2001 to February 2002.

