

TIE POSITION: EU RULES FOR DRONES

TIE's views on Draft Commission Delegated Regulation on unmanned aircraft intended for use in the 'open' category, and on third-country operators of unmanned aircraft systems

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TIE - Toy Industries of Europe - welcomes the intention to create uniform EU-wide rules to enable the safe use of Unmanned Aircrafts (UAs).

Toy safety is the toy industry's number one priority. TIE supports the Delegated Regulation's risk-based approach. Requirements should be proportionate to the nature and risk posed by the specific UAs.

These rules would also impact a range of flying toys. As such, TIE believes several improvements are required to adequately reflect the risks and hazards associated with flying toys and to avoid legislative requirements on issues already addressed through the EU Toy Safety Directive (2009/48/EC).

TIE Recommendations:

- **No height limit and speed limit for toy UAs in class C0.**
- **Include a clear exclusion of flying toys intended for indoor use only.**

Why should toys fly?

Playing with flying toys is associated with a wide range of benefits for children. Apart from being a fun activity, it leads to improved coordination of eyes, hands and brain, the development of spatial imagination, curiosity, and intellectual capabilities. It is therefore important that the new rules would continue to enable our sector to develop safe flying toys for European children to play with.

There is a big difference between toys and other consumer UAs

Most toy drones are very light weight and the several small components are embedded generally in a plastic and/or foam body. The risks associated with them, e.g. the impact of a collision of such small toy drones cannot be compared to much heavier drones or other drones that do not follow the existing requirements for toys. We therefore welcome the creation of separate categories including category C0 which could cover toy drones up till 250 g.

In general, toy drones do not incorporate the level of automation or sophistication of current consumer non-toy drones. They are also available in a much lower price range than most non-toy drones. However, they are subject to the Toy Safety Directive 2009/48/EC (TSD). Therefore, a wide range of risks need to be addressed before they can be placed on the market. This includes making sure that they do not jeopardise the safety or health of users or third parties when they are used as intended or in a foreseeable way, bearing in mind the behaviour of children. Manufacturers have to be able to demonstrate that the toy complies with this requirement through their safety assessment.

Height & speed limitations are already addressed in the Toy Safety Directive

The latest draft of the Delegated Regulation includes a maximum attainable height of 120 m and a speed in level flight of 19 m/s for toys in the A0 category. However, these requirements are already addressed in relation to toys through the EU Toy Safety Directive (2009/48 EC) (TSD). Adding additional requirements for height and speed in the Delegated Regulation will be an unnecessary burden for the sector without any safety benefit.

According to the TSD, toys are already required to be safe for users and others involved. An assessment of hazards that the toy may present as well as an assessment of the potential exposure to them is required. In cases when possible hazards are not addressed by harmonized standards, the manufacturer needs to apply at a notified body for an EC-type examination. If in such case the speed (or Kinetic Energy Density) or attainable height is considered to form a non-reasonable hazard for users or third parties, the toy does not comply with the TSD and is not allowed to be placed on the market.

For example, it would be disproportionate to expect manufacturers to limit the maximum attainable height by using a barometric altimeter in the drone or a sophisticated flight controller that overrides operator's instructions when the drone reaches a certain height. These technologies would be cost prohibitive for the toy category. Technology currently used for larger drones is at the moment unaffordable for toy manufacturers. Existing (GPS) technology that could be applied would be unreliable. Low cost GPS or other technology systems are not that accurate when measuring altitude.

With this in mind, we urge that the delegated regulation does not introduce an additional speed and height testing limits for flying toys.

Flying toys intended for indoor use only should be excluded

There is a wide range of flying toys for indoor use only. It is implied that these products would not fall under the Delegated Regulation, since it addresses UAs to be used within the single European sky airspace. To avoid confusion on the market, e.g. for manufacturers, retailers and market surveillance authorities, a clear exemption for such products is necessary in the text.

About Toy Industries of Europe

Toy Industries of Europe (TIE) is the voice of reputable toy manufacturers in the EU. TIE was founded in 1991 and today represents 12 international companies, 9 national toy associations and 6 affiliate members. TIE provides its expertise and knowledge about toys and the sector to members, stakeholders, and policymakers and provides a neutral platform for discussion and exchange. TIE's main focus is ensuring that toys are safe for children, other issues covered by TIE include responsible communications, ethical manufacturing, environmental sustainability, intellectual property rights and market access and promote the value of play and the importance of toys in helping children develop and grow.

Contact: lars.vogt@toyindustries.eu