European Union Aviation Safety Agency

FAQ n.119218

FAQs:

Regulations on UAS (drone) explained, Provisions applicable to both 'open' and 'specific' category, Drones (UAS), Regulations

Question:

When is a drone considered to be a toy?

Answer:

A drone is considered as a toy when it could be attractive to a child. More precisely, products designed or intended whether or not exclusively, for use in play by children under 14 years of age should be considered as a toy and comply with the Directive 2009/48/EC on the safety of toys. The compliance of a drone with that directive is declared in the corresponding EU declaration of conformity. In case of doubts, the fact that a product should be considered as a toy is assessed by market surveillance authorities based on a number of characteristics related to the attractiveness of the product for kids, accessibility, etc.

However, manufacturers may clearly exclude their product from the application of the Directive on the safety of toys (when a confusion is possible) by indicating clearly a minimum age > 13 years on their product (packaging, manual etc.) (e.g; "not for use under 14 years").

Regulatory reference: Article 2 of Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys.

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Link:

https://www.easa.europa.eu/en/faq/119218