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GUIDANCE DOCUMENT No 22

ON THE APPLICATION OF DIRECTIVE 2009/48/EC ON THE SAFETY OF TOYS

Drones that are toys vs drones that are not toys

This Guidance document is a **non-binding** document intended to provide guidelines to help Member States and stakeholders on the classification of drones as drones that are toys vs drones that are not toys. The proposals in this document are not necessarily supported by all the experts in the Expert Group on Toy Safety. However, on the whole the document reflects the general approach of the Expert Group regarding the classification of drones for children. The images appearing in the annex of the document constitute examples intended to facilitate the decision-making. They do not presuppose the conformity of the represented products.¹

This Guidance document does not relieve national authorities from their obligation to determine for any individual product, on a case-by-case basis, whether it falls within the scope of application of the Directive 2009/48/EC on the Safety of Toys (Toy Safety Directive; TSD). The Court of Justice of the European Union has repeatedly held that the national authorities, acting under the supervision of the courts, must proceed on a case-by-case basis, taking account of all the characteristics of the product. Therefore, this document shall not “prescribe” if the Toy Safety Directive 2009/48/EC applies. Rather, it shall serve as one out of many elements supporting the national competent authorities in their case-by-case decision on individual products. In particular, this Guidance document does not prevent a national authority from consulting with colleagues from other regulated sectors concerned in order to reach a complete view on all aspects related to a given product.

¹ The views expressed in this document are not legally binding; only the Court of Justice of the European Union can give an authoritative interpretation of Union law.

This Guidance document (including its classification criteria) is not meant to affect products already placed on the market before the document has been published on the Europa website.

Following the recent adoption and publication of Regulation (EU) 2025/2509 of the European Parliament and of the Council of 26 November 2025 on the safety of toys² (TSR) repealing Directive 2009/48/EC, this guidance document will be updated once the TSR will be applicable in mid 2030.

² Regulation (EU) 2025/2509 of the European Parliament and of the Council of 26 November 2025 on the safety of toys and repealing Directive 2009/48/EC, *OJ L*, 2025/2509, 12.12.2025

TABLE OF CONTENTS

1. INTRODUCTION	3
2. LEGAL BACKGROUND	4
3. CRITERIA FOR CLASSIFICATION	6
3.1. Criteria for classification of a drone as a toy	6
3.1.1. Drones restricted by the manufacturer to indoor use	6
3.1.2. Drones not restricted to indoor use (Outdoor drones).....	6
3.2. Criteria for not classifying a drone as a toy	8
4. PRODUCT CATEGORIES	10
4.1. Indoor Drones	10
4.1.1. Drones that are toys.....	10
4.1.2. Drones that are not toys.....	12
4.2. Drones that are not restricted to indoor use (Outdoor drones).....	13
4.2.1. Drones that are toys.....	13
4.2.2. Drones that are not toys.....	25

Drones

1. INTRODUCTION

The European market offers a wide range of consumer aerial drones (helicopters, multicopter, fixed-wing aircraft, etc), from light and simple products to heavier and more sophisticated ones.

The term “Drone” is used in this Guidance Document instead of the term Unmanned Aircraft Systems (UAS)³. UAS means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board and its control and monitoring unit. International civil aviation organisation (ICAO) defines an “aircraft” as any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface.

When those drones are not restricted by the manufacturer to indoor operations⁴ only, they qualify as Unmanned Aircraft Systems (UAS) and fall under - the scope of the aviation regulatory framework made of Delegated Regulation (EU) 2019/945 on UAS and Implementing Regulation (EU) 2019/947 on UAS operations. This framework ensures the safe operations of UAS in the airspace, addressing the risks of collision in the air and on the ground.

Implementing Regulation (EU) 2019/947 foresees three main categories of operations according to the level of risks involved: ‘open’, ‘specific’ and ‘certified’. Operations in the lower risk category (‘open’ category) are exempted from obtaining a prior authorisation from the national civil aviation authority. Toy drones will therefore belong to the category of drones authorised to operate in the ‘open’ category. These drones must bear a Class Identification Label (CIL) and comply to the requirements set by the product harmonisation legislation set by Chapter II of Delegated Regulation (EU) 2019/945.

According to Implementing Regulation (EU) 2019/947 the minimum age for remote pilots is 16 years. Only UAS of class C0 that are toys within the meaning of the TSD are exempted from this minimum age requirement across Europe⁵. Therefore, toy drones are restricted in practice to class C0 UAS (drones < 250 gr). In other words, **all drones that are toys and that are not restricted to indoor use must bear a class C0 label**⁶. It should also be noted that only pilots of C0 UAS that are toys are exempted from the obligations to register and to pass an online exam.

Class C0 UAS, including toys, must comply to a series of requirements set by Part 1 of the Annex of Delegated Regulation (EU) 2019/945 addressing the specific risks related to their operations as

3 Kites (tether < 50 m) and balloons (< 40m³) are not considered as UAS and do not fall in the scope of Regulation (EU) 2019/945.

4 Indoor operations are operations that occur in or into a house or a building (dictionary definition) or, more generally, in or into a closed space such as a fuel tank, a silo, a cave or a mine where the likelihood of a UA escaping into the outside airspace is very low (EASA GM1 to Article 1 of Implementing Regulation (EU) 2019/947).

5 Article 9.2 of Implementing Regulation (EU) 2019/947 allows MS to lower the minimum age of the pilot by up to 4 years. However, since the TSD provides a definition of a toy across the entire Europe, it must legally be allowed to use toys everywhere in Europe. Therefore, national exemptions to the minimum age of 16 years do not open the possibility for drones of a class other than C0 to be toys.

6 This would not be applicable to drones of a type that has been placed on the market before the 1 January 2024. According to Art. 20 of Implementing Regulation 2019/947, UAS which do not comply with Delegated Regulation (EU) 2019/945 and which are not privately-built are allowed to continue to be operated under the certain conditions, when they have been placed on the market before the 1 January 2024.

defined by Implementing Regulation (EU) 2019/947. UAS that are toys in the meaning of the TSD are however exempted from some of those requirements (safe controllability, exclusively powered by electricity and minimisation of injuries) because the legislator considered that those requirements would be better addressed by the TSD when the pilot of the UAS is a child. It is therefore of particular importance to identify those drones that are toys and those drones which are not toys.

Considering the fact that the classification of an UAS as a toy opens the market to pilots below 16 years, there is a risk that manufacturers seek compliance of their drone to the TSD while the drone is too complex to be safely operated by children. It would therefore also be important to develop criteria to identify UAS that should a priori not be considered as a toy.

Therefore, this guidance document does not only aim at identifying which drones should be considered as toys and are within the scope of the TSD but also at identifying when a drone should not be considered as a toy and is not within the scope of the TSD.

The Commission and Member State Authorities agreed at the ADCO Toys meeting in October 2023 to draw up a Guidance document on “drones”.

On the basis of the draft document made by the ADCO Working group “WG drones” and the contributions from the Member State experts, the Expert Group on Toy Safety adopted the new Guidance document in 2026.

2. LEGAL BACKGROUND

Article 2 of Directive 2009/48/EC on the safety of toys (Toy Safety Directive; TSD) defines toys as products "designed or intended, whether or not exclusively, for use in play by children under 14 years of age". The same definition is given in Article 2 of Regulation (EU) 2025/2509 on the safety of toys (Toy Safety Regulation, TSR), which shall apply from 1 August 2030.

The main difficulty of this definition is the concept of “use in play” or “play value”. Virtually everything has play value for a child, but this does not make every object fall into the definition of toy. To be considered as a toy for the purpose of the Directive, the play value has to be introduced in an intended way by the manufacturer. The declaration by the manufacturer of the intended use is a criterion to be considered since it figures in the wording itself. The reasonably foreseeable use is considered to prevail over the declaration of intended use by the manufacturer. If the manufacturer labels the drones as not being toys, he has to be able to support this claim (see also Explanatory guidance document).

Drones not restricted to indoor use only are UAS and therefore subject to the aviation regulatory framework, in particular:

- Commission Delegated Regulation (EU) 2019/945 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems that “lays down the requirements for the design and manufacture of unmanned aircraft systems (‘UAS’),”⁷ and
- Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft that “lays down detailed provisions for the operation of unmanned

⁷ Chapter II of Commission Delegated Regulation (EU) 2019/945 defines a union harmonisation legislation applicable to drones placed on the market with a CIL and Part 1 of the Annex sets the requirements applicable to class C0 UAS.

aircraft systems as well as for personnel, including remote pilots and organisations involved in those operations.”

Regulations 2019/945 and 2019/947 define the following important terms

- ‘unmanned aircraft’ (‘UA’) means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board;
- ‘unmanned aircraft system’ (‘UAS’) means an unmanned aircraft and its control and monitoring unit.
- ‘remote pilot’ means a natural person responsible for safely conducting the flight of a UA by operating its flight controls, either manually or, when the UA flies automatically, by monitoring its course and remaining able to intervene and change its course at any time
- ‘autonomous operation’ means an operation during which an unmanned aircraft operates without the remote pilot being able to intervene

This aviation framework addresses the risks related to air and ground collisions of the UAS while in flight in the Single European Sky Airspace, at the exclusion of the protection of persons involved in the operation of the UAS.

Drones that are toys and not restricted for indoor use only, must comply with the TSD and the Delegated Regulation 2019/945.

Figure 1 shows an overview of the applicability of the TSD and Delegated Regulation (EU) 2019/945 to drones bearing a CIL and the applicable category of operations (open category or standard scenarios) as defined by Implementing Regulation (EU) 2019/947.

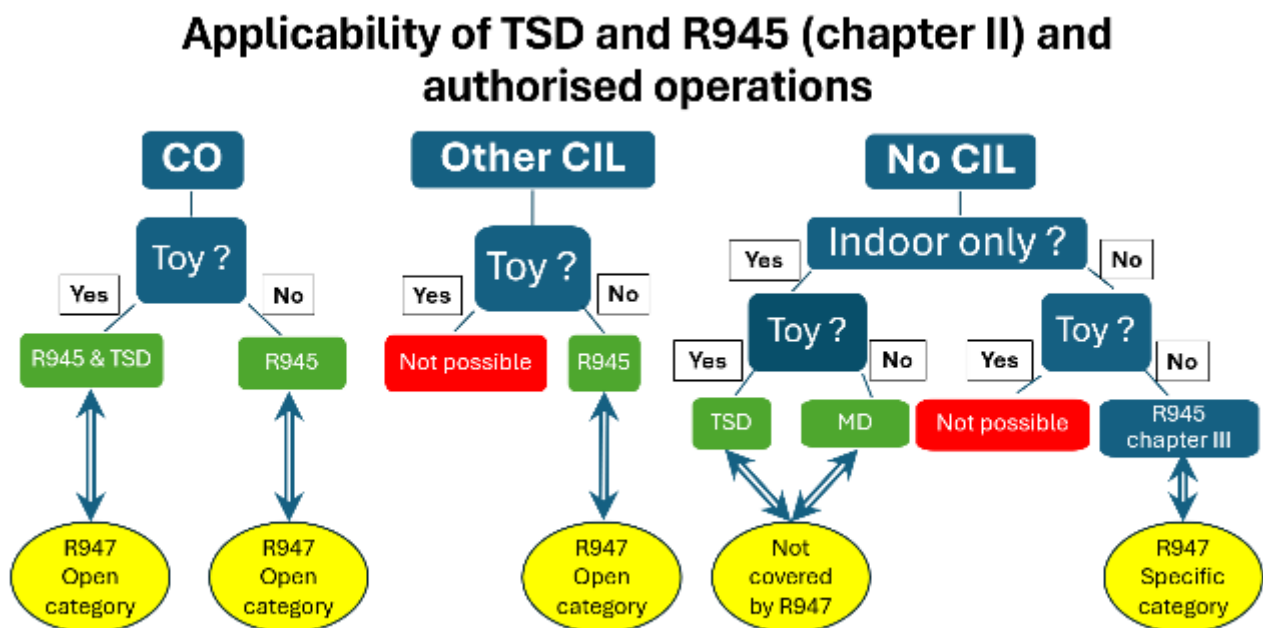


Figure 1: Applicability of the Directive 2009/48/EC on the safety of toys (TSD) and Commission Delegated Regulation (EU) 2019/945 (R945)

Further abbreviations: Commission Implementing Regulation (EU) 2019/947 (R947); Machinery Directive 2006/42/EC (MD).; Standard scenarios under R 947 (STS)

Note: Machinery regulation excludes means of transport by air (Art. 2e) and aeronautical products (Art. 2f).

3. CRITERIA FOR CLASSIFICATION

In the case of drones, the criteria for classification as a toy should not only consider those derived from the TSD but also the fact, that Regulation (EU) 2019/947 limits for safety reasons the use of drones by persons below 16 years to class C0 drones.

The applicability of the drone regulatory framework and the presence and nature of a Class Identification Label (CIL) on the drone will therefore be taken into consideration in the sections below and in Figure 2.

3.1. Criteria for classification of a drone as a toy

3.1.1. Drones restricted by the manufacturer to indoor use

Drones should be considered restricted to ‘indoor use’ when such restriction is clearly indicated on the manufacturer’s instructions and/or on the packaging. Any other indication (e.g. description on the online sales platform) is not sufficient.

Delegated Regulation (EU) 2019/945 and Implementing Regulation (EU) 2019/947 are not applicable for these drones and therefore these drones don’t have to comply with these regulations.

Indoor use of drones is in practice limited to toys, racing drones and specialised professional applications (like nuclear power plant inspection). Therefore, unless a drone is clearly meant for a professional application or racing, these drones are expected to be toys. Drones intended for professional use or racing can be distinguished from toys by application of one or more of the following criteria:

- Place of selling
- Product presentation and way of advertising/target audience
- Price
- Description of the intended use
- Performances and complexity
- Speed

3.1.2. Drones not restricted to indoor use (Outdoor drones)

It must be kept in mind that the need for UAS that are toys to comply with the TSD does not exempt them from the need to comply with the drone aviation regulatory framework.

The approach and procedure to follow in case of doubt concerning the classification of a product as a toy drone should consider the following Guidance documents:

- a) Guidance document No. 4 on grey zone problem: “Is a specific product covered by the Toy Safety Directive 2009/48/EC or not?”

- b) Guidance document No. 16 on the application of the Directive on the safety of toys: Electronic equipment
- c) Toy Safety Directive 2009/48/EC – An explanatory guidance document

In the case of borderline products, the classification of a drone as a toy should consider – based on the general definition of a toy provided by Article 2 of the Toy Safety Directive 2009/48/EC - criteria such as:

Attractiveness of the product as a toy

- Pictures on the packaging: for example, children playing with the drone, etc.
- Way of selling and advertising / target audience (targeting children under 14 years)
- Place of selling: Toy stores, toy departments, etc.
- Packaging and product: Child appealing colours (including presence of lights) or character / figure / animal, etc.
- The product has automatic ‘play features’ (looping function, etc.) or other ‘play features’ (guide by hand etc.)

Design appropriate for use by a child (technical criteria):

- Declared max. flight time (no wind) not significantly exceeding 10 minutes for multirotor and 15 min for fixed wing (on one battery)
- Declared max. range up to acceptable VLOS (ALOS)⁸
- The product is ready for flight or only simple assembly is required
- The piloting skills required to safely command/control the drone are low (in line with the capability of the child in the corresponding age range), in particular:
 - the product provides functions easing the control of the drone (headless mode, altitude hold, one key take-off and landing, etc. -the headless mode simplifies the control mechanism of a drone. In normal mode the front of the drone is not in line with the pilot’s point of view, which can be confusing. For example, if the front of the drone is pointing to the left side from the pilot’s view and the pilot is pushing the control stick forward, the drone is flying to the left. With the headless mode active, the drone will always fly forward, when pushing the control stick forward. It does not matter in which direction the front of the drone is pointing.).
 - If equipped with a remote control, it is very simple to use and does not have an excessive number of controllers.
 - The drone has limited number of different functions and possible actions (direction of flight, take-off/landing, flip, stationary mode, etc) and does not offer complex flight modes ((e.g. programming flight trajectory).
 - Lights are not used to control the product safely.
- The mandatory manufacturer’s operational instructions are adapted to the age of the child authorised to pilot the drone.
- Presence of fixed design features (e.g. cages, propeller guards, etc) aiming at reducing injuries

Additional criteria

8 See EASA Guidelines applicable to operations in both open and specific category, Issue 01, 31/1/2024: for rotorcraft and multirotor UA: $ALOS [m] = 327 \times CD [m] + 20m$ and for fixed-wing UA: $ALOS [m] = 490 \times CD [m] + 30m$, this could be approximated by 100m; abbreviations: VLOS Visual Line of Sight), (ALOS (Attitude Line of Sight)

- Low Price (usually limit around 100 EUR, some toy drones up to 200-300 EUR)
- The product bears a C0 as CIL (criterion applicable only for new types of products placed on the market as from 1 January 2024)
- Age recommendation (under 14 years)

Note: When using those criteria to classify a product as a toy, it is important to consider the combination of the criteria ("the whole picture"). In other words, not all criteria must be fulfilled to classify a drone as a toy drone (for instance, a drone toy could be equipped with a camera). Sometimes information is not even available to assess all of those criteria.

3.2. Criteria for not classifying a drone as a toy

A product that does not fit into the "whole picture" of a toy according to the criteria list given in section 3.1 should not be classified as toy. Depending on which criteria are not met, they could pose safety risks when operated by a child.

Therefore, a first category of drones that should not be classified as toys are those bearing a CIL different from C0 or bearing no CIL at all (in the last case attention must be paid to the fact that the absence of CIL may result from a non-compliance to R945 in which case the drone may still classify a toy on the basis of the criteria 3.1.2; it must also be taken into account that the drone may have been placed on the market before 1/1/2024 – see Figure 2).

In addition, C0 drones fulfilling the following criteria should not be classified as a toy as they might present safety risks when operated by a child:

Design NOT appropriate for use by a child (technical criteria):

- The range exceeds acceptable VLOS (> 100m; see footnote 8)
- High speed (> 10 m/s)
- Higher complexity of the command/control interface
- Higher number and complexity of the flight modes
- Capability of defining an automatic flight pattern
- Controllable only using an APP
- The product requires that the pilot use the embedded lights to control the product safely (to control the drone safely, embedded lights are needed. The position of the different lights are indicating in which direction the front of the drone is aligned. Also the status indication of the drone is communicated through the lights, for example a loss of communication link (C2-link) or a low battery warning.)
- Additional criteria: The product bears no CIL or a CIL different from C0 (criterion only applicable for new types of products placed on the market as from 1 January 2024)
- Price (more than 200-300 EUR)
- 'Professional' mounting of the camera (adjustment of the camera; Gimbal; etc.)

Note: When using those criteria to classify a product as a non-toy drone it is important to consider the combination of the criteria ("the whole picture"). Not all of these criteria must be fulfilled. Sometimes information is even not available to assess all those criteria. Only the range and the speed are clear decision criteria. As soon as one of them is fulfilled, the drone cannot be classified as a toy and must therefore be classified as a non-toy drone.

Figure 2 shows a decision tree when a drone has to be considered a toy and when it cannot be considered a toy.

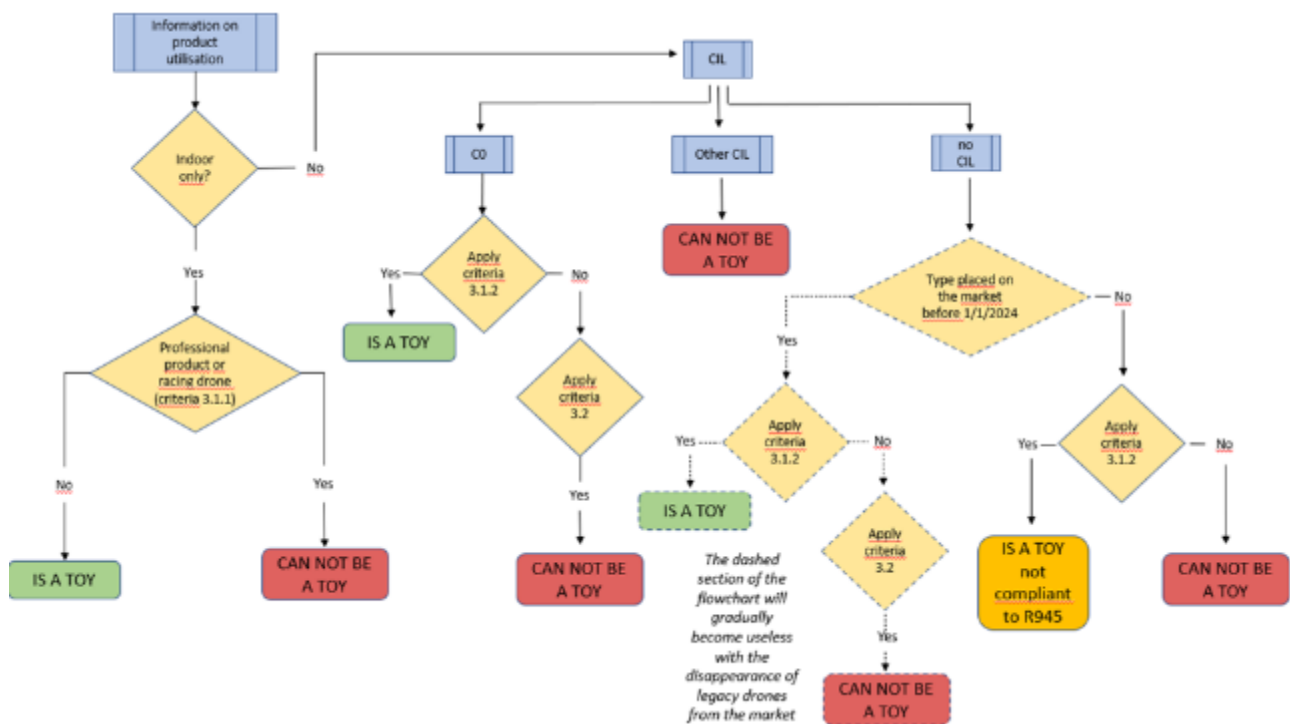


Figure 2: Decision tree “Identifying when a drone has to be considered a toy and when it cannot be considered a toy”.

4. PRODUCT CATEGORIES

4.1. Indoor Drones

The table below provide an illustration on how criteria in section 3.1.1 have been used to assess whether the product should be considered a toy or not.

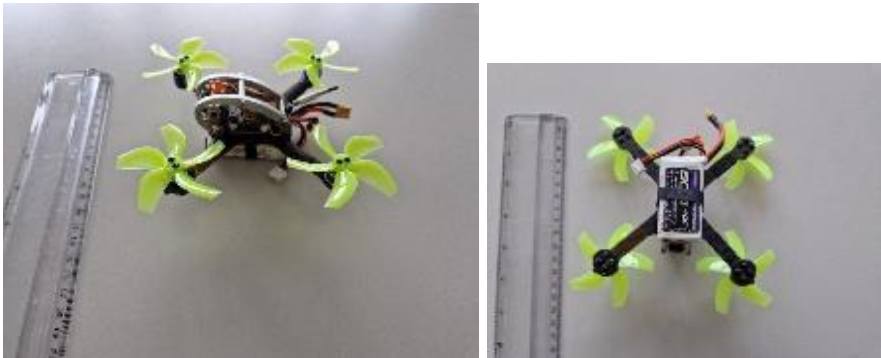
4.1.1. Drones that are toys

Drones with child appealing appearance			
Examples	Description	criteria (3.1.1)	Comments
 No 1	Interactive Mini Remote Controlled Helicopter Toy for Children Ages 6+ Hand guided “controll it with the palm of your hand” Age: 6+ Cost: 15 EUR Indoor use Bought in a book/toy shop (toy department) Labelling “INDOOR”	Sold in a toy shop/toy department Age recommendation 6+ Child appealing Easy to use Low price	This drone should be considered a toy, because most of the toy criteria are applicable

Drones with child appealing appearance

Examples	Description	criteria (3.1.1)	Comments
 	SkyTumbler - RTF - Indoor Cage Drone Plastic material Weight 17 g diameter: 8 cm Range 30 m Remote control According to labelling -> indoor Age recommendation: 8+ Price: 22 EUR	Indoor use only Not professional Age recommendation 8+ place of selling (toy shop/department) easy to use	This drone should be considered a toy, because most of the toy criteria are applicable
 	No 2		

4.1.2. Drones that are not toys

Drones with no child appealing appearance			
Examples	Description	criteria (3.1.1)	Comments
 No 3	<u>Flyability Elios 3</u> <i>Flyability's indoor & confined space inspection drone</i> Ca. 4500 EUR Dim: 48x38 cm Weight: 1,9 kg Flight Time > 12 min	professional application, high complexity very expensive	This drone should not be considered a toy, because it's for professional use and very expensive
 No 4	<u>Kingkong FPV Egg</u> Weight 85 g Max speed: 28 m/s (100 km/h) Flight time 4 min Price: 150 EUR	Racing drone, very high speed	This drone should not be considered a toy, because it's a racing drone, high speed and difficult to pilot

4.2. Drones that are not restricted to indoor use (Outdoor drones)

The tables below provide an illustration on how criteria in section 3.1.2 have been used to assess whether the product should be considered a toy or not.

- “yes” means that the criterion is fulfilled
- “no” means that the criterion is not fulfilled
- “n.a.” means that this criterion is not applicable for the example
- “info n.a.” means information not available

4.2.1. Drones that are toys

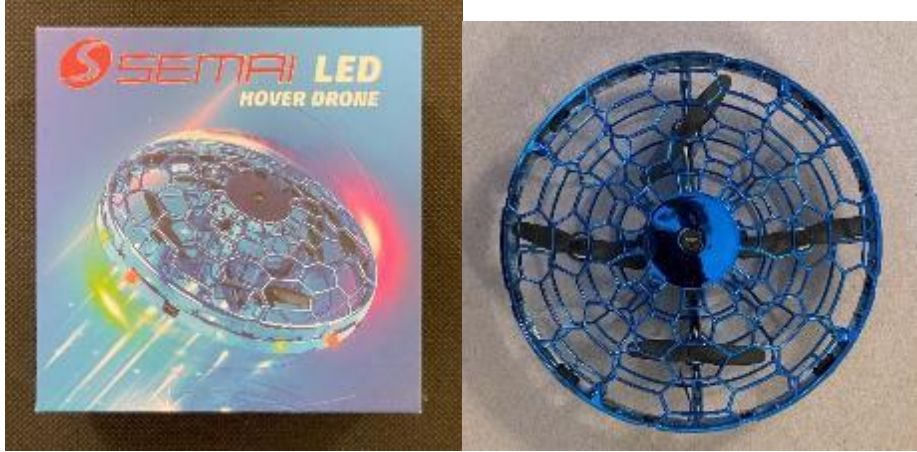
Drones with child appealing appearance and with clear play purpose			
Examples	Description	Criteria (3.1.2 and 3.2)	Comments
 No 5	Pterosaur Dinosaur Toys Drone for Children - On the website it's advertised as “Indoor Quadcopter with Altitude Hold, Headless Mode, LED Light One Key Start Speed Adjustment, for 8 9 10 11 12 Year Old Boys&Girls” They write “easy for kids and beginners”, you see a young child playing with the drone; found under “toy drones” Price: 35€ Labelling on the packaging: 14 + Light & Sound (Dinosaur sounds) “Easy to fly”	Toy criteria (3.1.2) Child appealing product and packaging, way of advertising, place of selling, low price, no camera, short flight time, ready for flight, easy to pilot, manufacturer's operational instructions are adapted to children Non-Toy criteria (3.2): Age classification (14+)	This drone should be considered a toy despite the age recommendation “14+”, because most of the toy criteria are applicable and none of the non-toy criteria (except the age recommendation) is applicable

Drones with child appealing appearance and with clear play purpose

Examples	Description	Criteria (3.1.2 and 3.2)	Comments
 Angry Bug 2.0 - Material: Plastic - Weight: 44 g - Dimension: 17x17 cm - Range: 80 m - Max speed: 7 m/s (25 km/h) - Automatic TO/L - Headless - Looping - Indoor/outdoor - Age recommendation: 8+ - Price: 27 EUR - No "C0" label - Fly time: 9 min - Range: 80 m - DoC: TSD Toy criteria (3.1.2) Child appealing product and packaging, way of advertising, place of selling, low price, no camera, short flight time, ready for flight, easy to pilot, low speed, manufacturer's operational instructions are adapted to children; propeller guards, age classification (8+) Non-Toy criteria (3.2): No non-toy criterion identified This drone should be considered a toy, because almost all of the toy criteria are applicable			

No 6

Drones with child appealing appearance and with clear play purpose

Examples	Description	Criteria (3.1.2 and 3.2)	Comments
 No 7	Hover Drone with LED Hand guided “Guide the flight with your hands” Amazon description: Mini UFO Drone Flying Ball, Flying Toy, Hand Controlled 360° Rotating Hover Flying Ball with LED Light, Indoor Outdoor Gifts for Children, Boys, Girls, 6, 7, 8, 9, 10+ Years Online: children playing indoor; Packaging: no age recommendation; Manual: “6+” Easy to use, Colourful (LEDs)	Toy criteria (3.1.2) colourful, child appealing product, way of advertising, place of selling, low price, no camera, short flight time, ready for flight, easy to pilot, low speed, manufacturer’s operational instructions are adapted to children; propeller inside a cage. age classification (6+) Non-Toy criteria (3.2): No non-toy criterion identified	This drone should be considered a toy, because most of the toy criteria are applicable and none of the non-toy criteria is applicable

Drones with child appealing appearance and with clear play purpose

Examples	Description	Criteria (3.1.2 and 3.2)	Comments
  No 8	Flying Light Ball It can fly in different directions and can create a light show. Flight time max. 12 minutes It has a portable battery Weight: 27 g Dimensions: 95mmx95mmx95mm 'warning: not suitable for children under 6' Picture of children on the package, Price (cheap, EUR 29,-) Easy to use Ready to flight No complexity Colourful Attractive to children	Toy criteria (3.1.2) Picture on the packaging, colourful, child appealing product, way of advertising, place of selling, low price, no camera, short flight time, ready for flight, easy to pilot, low speed, manufacturer's operational instructions are adapted to children, propeller inside a cage. age classification (not for children under 6) Non-Toy criteria (3.2): No non-toy criterion identified	This drone should be considered a toy, because most of the toy criteria are applicable and none of the non-toy criteria is applicable



No 9

AIROZ

Paper aircraft
Pre-folded paper planes
Easy Clip system
Manual (flying instruction)
based on pictures/images
Using « this toy... », « do
not play whe it is
raining,... »
Flight time : 5 minutes
Transmission range : 25
meters
Only a few functions
(up/down/left/right)
8+
Price: 30 euros

Labeling “C0”

Toy criteria (3.1.2)

Picture on the
packaging, colourful,
child appealing product,
way of advertising,
place of selling, low
price, no camera, short
flight time, short
distance, simple
assembly, easy to pilot,
low speed,
manufacturer’s
operational instructions
are adapted to children,
C0 label, age
classification (8+)

Non-Toy criteria (3.2):

No non-toy criterion
identified

This drone should be
considered a toy, because
most of the toy criteria
are applicable and none
of the non-toy criteria is
applicable

Drones with “professional” appearance

Examples	Description	Criteria (3.1.2 and 3.2)	Comments
 	Silverlit FLYBOTIC Drone Foldable Toy for children and adults Size : 33 cm LED Automatic TO/L Looping Flight time : 4/5 min Range : 30m Age 14 years Price : 65€ DoC: TSD Internet: appearance children are playing with the drone	Toy criteria (3.1.2) way of advertising online, low price, short flight time, short distance, ready to flight/simple assembly, easy to pilot, automatic TO/L, play features (looping), C0 label Non-Toy criteria (3.2): classification (14+)	This drone is a borderline product. On one hand it present ‘play features’ and is very simple to pilot despite its “professional” look. On the other hand it is marketed also for adults and is labelled “14+” Taking into account all criteria this drone should be considered a toy despite the age recommendation “14+”, because most of the toy criteria are applicable and none of the non-toy criteria (except the age recommendation) is applicable.

No 10

Drones with “professional” appearance

Examples	Description	Criteria (3.1.2 and 3.2)	Comments
 No 11	« Holy Stone HS210E » price: 32€ Throw-to-Go 360° Flips Headless mode Weight 35 gr Age recommendation : 12+ Internet: appearance children are playing with the drone	Toy criteria (3.1.2) low price, no camera, simple assembly, easy to pilot, Throw-to-Go headless mode, play features (360° Flips), C0 label, age classification (12+) Non-Toy criteria (3.2): No non-toy criterion identified	This drone present ‘play features’ and is very simple. The product is considered as a toy despite its “professional” look, because most of the toy criteria are met.

Drones with “professional” appearance

Examples	Description	Criteria (3.1.2 and 3.2)	Comments
 	Revell Quadrocopter Funtic 2.0 4-channel quadcopter with GHz remote control. Easy to fly with altitude sensor and start/landing function Auto height control Three speeds, flip function, and headless mode With LED lighting Size : 27 cm Weight: 70g Flight time : 5-7 min Min. age: 8 Ans Price : 46€ No “C0” label (2019) DoC: TSD Sold in toy departement of big store	Toy criteria (3.1.2) Place of selling, low price, no camera, simple assembly, easy to pilot, start/land function, headless mode, play features (flip function), age classification (8+) Non-Toy criteria (3.2): No non-toy criterion identified	This drone present ‘play features’, and is very simple.. The product is considered as a toy despite its “professional” look, because most of the toy criteria are met

No 12

Drones with “professional” appearance

Examples	Description	Criteria (3.1.2 and 3.2)	Comments
   No 13	Dickie Toys DT-Q2 Quadcopter With gyroscope for balanced flying characteristics Flips to all directions Size : 29,5x17,5 cm Weight: no info Range: 30 m Flight time : 8 min Min. age 8 Ans Price : 29,99€ No “C0” label (2019) DoC: TSD Sold in toy departement of big store	Toy criteria (3.1.2) Place of selling, low price, no camera, ready to flight/simple assembly, easy to pilot, play features (flip function), Propeller guards, age classification (8+) Non-Toy criteria (3.2): No non-toy criterion identified	This drone should be considered a toy, because most of the toy criteria are applicable

Drones with “professional” appearance

Examples	Description	Criteria (3.1.2 and 3.2)	Comments
   No 14	HYTOBP M° Camera Drone Indoor/outdoor Obstacle Avoidance One-button Return, Take-off and Landing, Headless Mode, Altitude Hold Mode, 3D rotation and gesture control, Flashing lights Dual Camera Programmable flight path Flight Time: 8-10 min Range: 100m 3 speed modes (2 m/s, 4 m/s, 7 m/s) Price : 65£ Internet: appearance children are playing with the drone	Toy criteria (3.1.2) low price, short flight time, ready to flight/simple assembly, easy to pilot, TO/L, headless mode, etc. Non-Toy criteria (3.2): Dual camera, classification (14+)	This drone is a borderline product. On one hand it present ‘play features’ and is simple to pilot despite its “professional” look. On the other hand it is marketed also for adults, is equipped with a dual camera and is labelled “14+” Taking into account all criteria this drone should still be considered a toy despite the age recommendation “14+” and the dual camera, because most of the toy criteria are applicable and fewer -non-toy criteria are applicable: only the age recommendation and the use of a dual camera)

Helicopters and fixed-wing aircraft

Examples	Description	Criteria (3.1.2 and 3.2)	Comments
    	“RC Helicopter GLOWEE 2.0” Plastic and metal (aluminium) material Weight 45 g Length: 25 cm lighting effects Gyro Range: 30 m Remote control Indoor/outdoor Flight time: 6-8- minutes Age: 8+ Labelling” This <u>toy</u> produces flashes....” “Only intended for you at home (house and garden)” Price: 40 EUR “C0” labelling	Toy criteria (3.1.2) Labelling on the packaging (“toy”), colourful, child appealing product, way of advertising, place of selling, low price, no camera, short flight time, short distance, simple assembly, easy to pilot, low speed, manufacturer’s operational instructions are adapted to children, C0 label, age classification (8+) Non-Toy criteria (3.2): No non-toy criterion identified	This drone should be considered a toy, because most of the toy criteria are applicable and none of the non-toy criteria is applicable

No 15

Helicopters and fixed-wing aircraft

Examples	Description	Criteria (3.1.2 and 3.2)	Comments
  No 16	The Minator FX 620 Airplane made of foam (expanded polystyrene) Online offer: Offered under “toy planes with remote control” “.. for kids” Picture of a small child playing with this plane Length: 340 mm Wing span: 250 mm Weight: 24 g Flight time: 10 minutes Maximum 120 m “Easy to Fly! Easy Control Compensation function to automatically restore the balanced flight state. For beginners and children, you can easily control the flight of the plane. Possibility to glide and land with the wind. “ages 14+” Price: 50 EUR	Toy criteria (3.1.2) colourful, child appealing product, way of advertising “Toy plane”, young child is playing with it), low price, no camera, short flight time, simple assembly, easy to pilot, low speed, manufacturer’s operational instructions are adapted to children, Non-Toy criteria (3.2): age classification (14+)	This drone should be considered a toy despite the age recommendation “14+”, because most of the toy criteria are applicable and none of the non-toy criteria (except the age recommendation) is applicable

4.2.2. Drones that are not toys

Drones that are not toys				
Examples		Description	Criteria (3.1.2 and 3.2)	Comments
  		DJI mini 4 Pro (class C0) Weight: 249 gr Flight time: 34 min Speed: 16 m/s Range: 18 km Price: 799€	Toy criteria (3.1.2) No toy criteria Non-Toy criteria (3.2): High speed Great range (> VLOS) Long flight time Complex flight modes High price	This product is not considered as a toy. It provides complex flight modes and has a professional intended usage with focus on making professional videos and pictures.
No 17				



No 18

DRL NIKKO Air "Racing drone"

Size : 31 x 30,5 cm

Weight: ?

Range: 50 m

Flight time: 6 minutes

Flight speed: "25 MPH +" -
> more than 40 km/h (more
than 11 m/s)

3 speeds : low, medium,
high

3 modes: beginner,
advanced, racer

One touch stunts

Advanced controller: flying
for every experience

130° wide angle camera

FPV goggles

Variable flight modes

Min. age: 14

Price : 129€

No "C0" label (2017)

Sold in toy store

Toy criteria (3.1.2)

Place of selling,
short flight time,
short distance, ready
to flight/simple
assembly, easy to
pilot in "beginners
mode", automatic
TO/L, play features
(looping), C0 label

Non-Toy criteria (3.2):

High speed
Complex flight
modes
130° wide angle
camera
FPV goggles
classification (14+)

This product provides rather
high video performances,
however it includes many
functionalities making the
flight easier and safer.

This drone represent a real
borderline product.

In the "beginner mode" it
would to be classified as a
toy,
but taking into account all
known aspects it should be
considered as a non-toy
although also many of the
"toy criteria" are met.

But at least one of both
decision criteria (range and
speed) is fulfilled (high
speed).

Drones that are not toys

Examples	Description	Criteria (3.1.2 and 3.2)	Comments
 No 19	“Ultra RC Katana Xtreme” aeromodel Length: about 170 cm Wing span: about 190 cm Ready-to-flight Weight: about 4,5 kg Range: > 100 m Flight time: > 10 minutes Flight speed: > 10m/s Sold without motor; normally powered by internal combustion engine Price: info not available (its an old model; follow-up modell ca. 400.- EUR; (combustion engine, remote control and necessary accessories not included)	Toy criteria (3.1.2) No toy criteria Non-Toy criteria (3.2): very big model high speed wide range, long flight time not electrically powered (combustion engine) complex flight modes high price	Need additional mounting Complex operation (aeromodel) Aeromodels (only used in aero clubs) are not considered as toys <i>Note: Model aircraft are mostly operated in aeroclub as a hobby. They may be sophisticated aircraft requiring piloting skills. They are often privately built, but when they are commercial products they are expected to fall into class C4</i>