

LAW OF THE REPUBLIC OF KAZAKHSTAN ON TOYS SAFETY

This Law belongs to statutory legal acts in the field of technical regulating and shall establish basic requirements to safety of toys to be placed on the market of the Republic of Kazakhstan.

Article 1. Basic concepts

The following basic concepts shall be used in the present Law:

1) *conformity mark* – marking, serving for informing customers on products passing through the procedure of assessment of conformity to the requirements established by statutory legal acts in the field of technical regulating, standards and other documents. Image of the conformance mark and its technical requirements shall be established by the authorized body;

2) *playing set including chemical substances and not belonging to sets for carrying out chemical experiments* – set for production of plaster casts; ceramic materials and enamels for vitrifying supplied in sets for the equipping of artistic mini-workshops; sets including forming masses on the basis of plasticized polyvinylchloride (with further hardening in furnace); sets for art castings; sets for storage of certain products in transparent material; sets for development of photos; bonding agents, paints, varnishes, thinners and purifiers (diluent) supplied in design sets;

3) *toys* – any products or materials designed or clearly intended for use in play by children of less than 14 years of age, excluding those products specified in paragraph 4 of article 2 of the present Law;

4) *design set* – set of mechanical or electric, (electronic) parts intended for assembling of different toys;

5) *person, placing products on the market of the Republic of Kazakhstan* – natural or legal person placing products on the market of the Republic of Kazakhstan (manufacturer, seller, person performing functions of foreign manufacturer);

6) *toy material* – all materials in the toy which are accessible for the contact;

7) *soft toy* (soft toy-doll, animals figures, etc.) – toy exterior of which is made of textile materials or fur with different pile length, with internal cavity filled with elastic materials (porous polystyrene granules, polyester fibers, cellular polyurethane and other materials permitted for toys filling), easily squeezed by hand;

8) *reasonably assumed incorrect toy handling* – use of a toy in conditions or for purposes not intended by a manufacturer, but which may take place under the influence of such toy's capacities as a result of usual behavior of a child;

9) *basic material* – material with coating;

10) *coating* – all layers of the material applied on basic material including varnishes, paints, glaze, printer's ink, polymers and other similar substances regardless method of application, which may be removed by scraping by sharp device;

11) *placing on the market* – sale and/or free distribution of toys on the territory of the Republic of Kazakhstan;

12) *authorized body* – state body authorized to govern, carry out control and supervision over works in the field of technical regulating and represent the Republic of Kazakhstan in international and regional organizations on standardization, conformity assessment and accreditation, in accordance with the legislation of the Republic of Kazakhstan.

13) *functional toy* – a toy which is a diminished model of products or devices used by adults, imitating the same designation and execution of the same functions;

14) *chemical toy* – sets for chemical experiments, sets for work with plastics, mini-workshops of young chemist, painter, photographer and similar playing sets;

15) *electric toy* – a toy having, at least one function which depends on electricity (non-electric parts are considered as toy parts);

Article 2. Scope of present Law and objects of technical regulating

1. Requirements of present Law apply to toys of domestic and foreign manufacture placed on the market of the Republic of Kazakhstan.

Minimum required (essential) criteria of toys safety established by present Law, are determined not only in respect of use of products as intended to be used, but also any foreseeable ways of use are assumed bearing in mind the normal behavior of children who are not as careful as adult consumers.

The present Law does not apply to toys being products of entertainment industry for adults.

2. Present Law does not include requirements of general character and constituting contents of general statutory legal acts in the field of technical regulating. Requirements in relation of process of toys manufacture, storage, transportation, selling and utilization not stipulated by present Law, are regulated by general and other special statutory legal acts in the field of technical regulating. If the other general statutory legal acts in the field of technical regulating shall be applied to toys, such toys should comply with their requirements.

3. Confirmation of toys compliance with the requirements of present Law is carried out in the form of a mandatory certification.

4. The following products shall not be considered as toys within the framework of the present Law:

1) festive toys including Christmas-tree decorations (artificial Christmas-trees, their accessories, electric garlands);

2) vehicles with internal combustion engines;

3) equipment and munitions intended for use in playgrounds;

4) “professional” toys installed in public places (supermarkets, stations, etc.);

5) sports equipment;

6) toy steam engines;

7) sports and road bicycles;

8) precise scale models for adult collectors;

9) deep-water munitions;

10) folklore and decorative dolls and other similar products for adult collectors;

11) puzzles with number of components over 500 pieces or puzzles without pictures intended for specialists;

12) pneumatic weapons;

13) slingshots, slings and catapults;

14) arrows for throwing to targets, with metal heads;

15) precise copies of fire-arms;

16) infant dummies and pacifiers;

17) bijouterie for children;

18) fireworks including impact caps with the exception of impact caps designed specially for application in toys;

19) electric stoves and other products imitating household articles, functioning under nominal voltage over 24 volt;

20) products containing heating elements and intended for application in training process under adults supervision;

21) video games connected to video display operating under nominal voltage over 24 volt.

Article 3. General provisions for placing products on the market of the Republic of Kazakhstan

1. Toys may be placed on the market only if they have no threat to safety and/or health of consumers or third parties during their use as intended to be used or in a foreseeable way bearing in mind the normal behavior of children.

The person placing toys on the market of the Republic of Kazakhstan, shall be obliged to take all necessary measures for confirmation of compliance (in the form of a mandatory certification) with the requirements of present Law so that upon proper use as intended toys will not create danger to the health and safety of children, surrounding persons, domestic animals and property.

2. If toys have been placed on the market bearing in mind foreseeable and normal use period, such toy shall satisfy safety and health requirements determined in present Law.

3. Manufacturer or his authorized representative shall put the conformity mark on the toy (package) prior to toys introduction into circulation in the market. Availability of the conformity mark will certify that the toys comply with the requirements of present Law and other statutory legal acts in the field of technical regulating.

4. Conformity mark shall be put on the toy or, if it is impossible, on its packaging and/or accompanying documentation in the way to provide its visibility, legibility and indelibility. For toys composed of several parts, the mark of conformity shall be put on those parts, which may be used separately, or on main parts of a toy. Marking with the mark of conformity of a small toy or a toy consisting of small parts, is carried out on the packaging, label or leaflet.

5. Markings which may mislead the public by their form or content in respect of the conformity mark, shall be prohibited. Any other markings may be put on the product in the way to avoid disturbance of legibility and visibility of the conformity mark.

6. Products which compliance with the requirements of present Law has not been confirmed, may not be marked with the conformity mark.

7. Certificates of conformity of foreign states, their products testing reports and conformity marks shall be recognized in accordance with international agreements. Procedure for recognition of foreign certificates of conformity, testing reports and conformity marks shall be determined by the authorized body.

8. At public demonstrations (at fairs, exhibitions, etc.), officials of authorized body and other state bodies shall not impede demonstration of toys which do not comply with the provisions of present Law, if there is information clearly indicating that such toys do not meet the provisions of present Law and are not intended for selling till their conformity is confirmed by the established procedure. Appropriate safety measures shall be taken during demonstrations to ensure protection of participants.

9. Government of the Republic of Kazakhstan and state executive bodies shall not prohibit, restrict or impede supply of toys that meet the requirements of the present Law.

10. Any decision, made in execution of the present Law, which restricts or prohibits supply or requires withdrawal of toys from the market, shall be based on clear reasons determined such decision-making according to the requirements of the Law of the Republic of Kazakhstan "On Technical Regulating". Such decision is brought to notice to interested parties.

11. Toys passed through the mandatory certification and marked with the conformity mark shall be considered as complying with the requirements of the present Law.

Article 4. Essential requirements to the products

1. Toys may be placed on the market of the Republic of Kazakhstan only if upon their use as intended to be used bearing in mind the normal behavior of children, they provide safety and do not threaten to health of consumers or the third party.

2. Toys placed on the market of the Republic of Kazakhstan shall meet safety and health requirements stipulated by present Law, during application period determined by a manufacturer. Toy's life period is established by manufacturer upon necessity.

3. Toys, when they are used as intended to be used, must satisfy safety requirements determined in article 5 of present Law.

Article 5. Basic safety requirements made on toys

1. In accordance with the requirements of article 4 of present Law, toys users shall be protected against risk of health damaging or injuring upon use of toys as intended to be used or in a foreseeable way bearing in mind the normal behavior of children. Such risks are:

1) risks connected with design, construction or composition of toys;

2) risks connected with use of toys, which can not be fully eliminated by the construction modification without changing of its functions and basic characteristics and properties.

2. Degree of risk listed in subparagraph 1) of paragraph 1 of present article existing upon toys use, should be commensurate with child's capabilities. This concerns, in particular, toys that, due to their functions, sizes and characteristics, are intended for use by children under 36 months. It is necessary to indicate minimum age of toys users and/or the necessity to use toys only under adults supervision, in order to avoid risks listed in subparagraph 2) of paragraph 1 of present article.

3. Labels attached to toys and/or their packaging, as well as labels accompanying leaflets shall contain exhaustive indications for consumers or for tutors concerning the risk connected with toys use and possibility of its prevention.

4. Specific types of risks:

1) physical and mechanical properties of toys:

toys and their parts as well as in case of immobile toys, their support, should have required mechanical force, and, if necessary, strength to resist blows to which they may be exposed in play and should not be broken or distorted upon occasions bringing to bodily injury;

accessible edges, lugs, cords, wires and devices for connecting toys parts should be developed and designed in the way to minimize risks of bodily injury in the result of contact with them;

toys shall be developed and designed in the way to minimize the risk of bodily injury which may arise in the result of toys parts movement;

toys and their components as well as other removable toys parts intended only for toys used by children under 36 months, shall be of size preventing their swallowing;

toys and their parts as well as their packaging for retail sale shall not contain the risk of suffocation;

toys intended for use in shallow water, which can hold the child on the water surface, shall be developed and designed in the way, to minimize as much as possible the risk of loss of toy's capacity to be held on the water surface and loss of capacity to hold the child on water surface, bearing in mind recommended use of a toy;

toys in which it is possible to get into, and which thereby constitute closed space for those, who entered it, shall have the way of exit to allow incomer to open the toy from inside;

toys giving the users a possibility to move shall have brake system suitable to such type of a toy and corresponding to kinetic energy developed by this toy. Such system shall be easy for use, without risk of catapulting or bodily injury of a user or third parties;

form and composition of a shell as well as kinetic energy which may be developed during shooting from toy designed for such purposes, bearing in mind a toy's character, shall not expose the user or third party to risk of bodily injury;

toys that contain heating elements shall be designed in such a way to guarantee that:

maximum temperature of accessible surfaces does not cause burns upon its touching;

liquids and gases contained inside toys do not reach a temperature or pressure which upon leakage, if only not for reason necessary for toy's functioning, may be the cause of burns, scald or other bodily injury.

2) inflammability and explosion hazard:

toys shall not contain dangerous inflammable element and shall be manufactured of materials which:

1) do not burn under influence of flame, sparkle or other potential source of inflammation;

2) hardly inflame (flame extinguishes as soon as the cause of inflammation is eliminated);

3) inflame, but burn slowly and flame spreads with minor speed;

4) retard burning process due to previous special treatment;

combustible materials shall exclude risk of fire spread to other materials used in toy;

toys that contain substances or preparations (materials and equipment for chemical experiments, model assembly, manufacture of plastic or ceramic moldings, equipment for enameling, photography or similar occupations) necessary for their functioning shall not contain substances or preparations which may become inflammable in the result of leakage of volatile non-inflammable components;

toys shall not be explosive or contain elements or substances becoming explosive upon use of a toy as intended to be used. This provision does not apply to blow caps indicated in subparagraph 18) of paragraph 4 of article 2 of present Law;

toys (in particular, chemical games and toys) shall not contain substances or preparations which:

- may form explosive mixtures in the result of reaction or upon heating as well as upon mixture with oxidizing agents;

- contain volatile components inflaming in the air and able to form mixtures of vapor with air inflaming or explosive.

3) chemical properties:

toys shall be designed and manufactured in such a way to exclude risk of health damage upon their application in the result of chemical substances penetration to stomach, respiratory tract, skin, mucous membrane or eyes. At that all sanitary requirements on application of such substances prohibiting or restricting their use shall be observed as well as requirements to labeling of some hazardous substances and preparations;

in the purpose of children health protection, rates of hazardous substances accumulation in the child's organism arising upon contact with toys and having toxicological importance shall not exceed the following levels (microgram/per day):

0,2 – antimony;

0,1 – arsenic;

25,0 – barium;

0,6 – cadmium;

0,3 – chromium;

- 0,7 – lead;
- 0,5 – mercury;
- 5,0 – selenium;

or other substances determined on the basis of scientific researches, values for these or other substances in accordance with the legislation of the Republic of Kazakhstan;

4) electrical properties:

nominal voltage of power sources for infantile toys shall not exceed 24 volt. Voltage at some parts of toy shall also not exceed 24 volt;

toy parts contacting or able to contact with electricity source, able to cause an electric shock as well as cables, wires or conductors that conduct electricity to toy parts shall be thoroughly insulated and mechanically protected to avoid risk of an electric shock;

electric toys shall be designed and manufactured in such way to guarantee protection from burns when contacting with all maximum heating parts.

5) hygienic requirements;

toys shall be designed, manufactured and stored in such way to meet sanitary-hygienic requirements in order to avoid risk of infection, disease or infection spreading. Clean and uninfected raw materials and materials not containing substances neither in pure form nor in the form of compounds and mixtures prohibited to application, shall be used for toys manufacture.

6) radioactivity;

toys shall not contain radioactive elements or substances in the form or in the proportion which may be harmful for child's health.

Article 6. Requirements to consumer information

1. Consumer information shall be comprehensive, complete and reliable.

2. Toys consumer information shall contain following data:

- 1) name of a product;
- 2) name of a manufacturer, organization or person placing products on the market of the Republic of Kazakhstan and its legal address;
- 3) standard applied in toys manufacture;
- 4) basic (or functional) assignment of products or its application field;
- 5) basic consumer properties or characteristics;
- 6) information on the conformity mark;
- 7) age designation;
- 8) indications on precautions to be taken during toys use or instruction leaflet (for certain categories of especially dangerous or intended for children of early age (under one year) or crechery age children (from one year to three years)).

3. With the purpose to take precautionary measures, toys shall be accompanied with clear and exhaustive warnings and indications on observation of precautionary measures:

1) toys not intended for children under three years shall have special warning, shall be supplied, for instance, with an inscription "Not intended for children under 3 years of age" or "Not intended for children under 36 months", supplemented with brief indication on a risk explaining the necessity of such measure (it might be a fragment of an instruction leaflet).

Said provision does not apply to toys not intended for children under 3 years of age, according to their functions, sizes, characteristics, properties and other essential elements;

2) sports equipment for children (sledges, hanging swings, rings, trapezes, ropes and similar devices fixed on the frame for gymnastic apparatus hanger) shall be supplied with an instruction leaflet where it is necessary to draw attention to the necessity of check-up and periodic care of the most important parts of apparatus (hangers, fastenings to the floor,

leashes, fasteners) and specify that in the absence of proper supervisor, a child risks to injure in the result of sport complex fall or turnover.

It is necessary to include an equipment assembly instruction into technical specification, with indication of elements which may represent danger upon incorrect assembly of sports equipment;

3) the following inscription shall be put on functional toys or their packaging: "Attention! Use only under adults supervision!" It is necessary to attach to toys an instruction leaflet containing handling indications with precautions measures, having informed that if the indicated measures are not observed, the toys users run the risk similar to the risk of use of a device or product diminished model or imitation of which is the toy, as well as indicate that the toy shall be stored in places beyond the reach of children of early age.

4) chemical toys shall have an instruction leaflet where hazardous substances and preparations contained in the toy, indications concerning danger of their use and clearly indicated necessity of precautions to be taken during use to avoid risk, shall be listed in accordance with the type of a toy. It is necessary to specify also what kind of first aid should be rendered in case of severe injuries when using this type of a toy, as well as to indicate that such toys shall be stored in places beyond the reach of children of early age.

In addition to the above mentioned indications, chemical toys shall have the following inscription on their packaging "Attention! Only for children elder than.... years! Use only under adults supervision!" The age shall be specified by a manufacturer;

5) roller skates for children in the case of their sale as infant toys shall be supplied with the inscription "Attention! It is necessary to use with protective equipping!"

It is necessary to specify in an instruction leaflet that a toy should be used with caution as this requires certain skills for avoiding accidents in the result of fall or clashes. Indications concerning protective equipping (protective helmets, gloves, knee caps, shields for elbow protection, etc) should be given as well.

6) toys for plays on water shall be supplied with label "Attention! Use only in shallow water reservoir under adults supervision!"

4. Consumer information (warnings and indications on precautionary measures depending on type and technical complexity of a toy) shall be presented as a text paper (passport, label, packaging insert, instruction leaflet, etc.) accompanying specific toy or shall be put as marking directly on the toy or its packaging (consumer packing). Marking shall be clear, visible, and indelible. Life period of a toy is indicated in the same place.

5. Products conformity with the declared information is mandatory requirement for manufacturer or person placing products in the market.

6. Consumer information shall be presented in official and Russian languages. Part of information may be shortened if abbreviation allows identifying manufacturer or person placing products in the market.

Article 7. Conformity assessment

1. Manufacturer or his authorized representative established in the Republic of Kazakhstan should confirm that toys meet fundamental requirements of present Law, prior to placing toys on the market of the Republic of Kazakhstan.

2. In case if neither manufacture nor its authorized representative established in the Republic of Kazakhstan have not fulfilled above mentioned requirements, such a commitment is imposed on any person placing toys on the market of the Republic of Kazakhstan.

3. Toys conformity assessment is carried out by a legal person accredited for performance of conformity assessment in accordance with the procedure established by the Government of the Republic of Kazakhstan.

4. Toys conformity with the requirements of present Law is documentary confirmed with certificate of conformity issued to the applicant by the conformity assessment body.

5. Validity of a conformity certificate is determined depending on certification scheme but no more than three years.

6. If toys shall be subject to other statutory legal acts in the field of technical regulating which contain mandatory requirements not specified in present Law, their confirmation procedures shall be additionally carried out in accordance with provisions of those statutory legal acts.

Article 8. Identification of products

1. Toys, subject to conformity assessment, shall be identified. Identification is carried out by determination of basic structural characteristics, materials of which toys and their parts have been made as well as of completeness peculiarities.

2. Age designation of a toy, its conformity with marking shall be determined upon identification, and availability of required warning inscriptions, packaging type and material are noted.

3. Information allowing to identify a specific toy, shall be indicated in technical documentation, instruction leaflet and certificate of conformity.

4. Identification of toys is carried out by conformity assessment bodies .

Article 9. Responsibility for execution of present Law

1. Responsibility for execution of present Law is imposed on authorized body.

2. Authorized body shall regularly publish in its printed publication the actual list of accredited toys conformity assessment bodies which are authorized to perform procedures specified in article 7 of present Law with indication of their identification numbers and problems that they are authorized to resolve.

Article 10. State control (supervision)

1. State control (supervision) over the observance of present Law provisions is carried out in accordance with the procedure established by current legislation of the Republic of Kazakhstan.

2. If it is found out that toys marked with conformity mark and used as intended to use, may be dangerous for children, surrounding persons, domestic animals, property or environment, as well as if information specified on marking or in accompanying documentation misleads the customer, then the authorized body takes all necessary measures for withdrawal of such goods from the market and prohibition of their deliveries to the market.

Authorized body immediately informs manufacturer or person placing products in the market of the Republic of Kazakhstan, on revealing of products non-conformity to the requirements of present Law.

3. In case of non-fulfillment of instructions and decisions of authorized body, manufacturer or person placing products in the market of the Republic of Kazakhstan shall bear the responsibility in accordance with the legislation of the Republic of Kazakhstan.

Article 11. Responsibility for violation of present Law requirements

Manufacturer or person placing products in the market of the Republic of Kazakhstan shall bear responsibility for violation of present Law requirements in accordance with the legislation of the Republic of Kazakhstan.

Article 12. Entry into force of present Law

1. This Law shall enter into force in 6 month after its official publication.

**President
Republic of Kazakhstan**