

Annex 10

ON TOYS SAFETY

The Law of the Republic of Kazakhstan No.306 of 21 July 2007

This Law regulates public relations with regard to identification, establishing, application, execution and control of the requirements in the area of toys safety.

Chapter 1. GENERAL PROVISIONS

Article 1. Main Terms used in this Law

This Law operates the following main terms:

- 1) risk assessment - a complex of measures aimed to identify any possible effect of toys on human life and health and environment including the determination of the extent of the hazard;
- 2) toys - articles intended for use by children for playing only;
- 3) a person who places products in the market of the Republic of Kazakhstan - a natural or juridical person who sell toys or distribute them free of charge within the Republic of Kazakhstan;
- 4) misuse of a toy - use of a toy under such conditions or for such purpose that is not intended by the manufacturer;
- 5) material of a toy - component parts of a toy used at its manufacturing which are accessible for contact;
- 6) user - any person to directly make use of a toy;
- 7) psychological and pedagogical expertise of toys - examination and analysis of toys with the object to determine whether they preserve moral and emotional wellbeing of children;
- 8) customer - any natural or juridical person who purchase toys;
- 9) authorized body - a state body that implements, within its determined authority, the state policy in the area of toys safety;
- 10) functional toy - a toy that represents miniaturized model of items or devices used by adults and imitates the same destination and functions;
- 11) chemical toy - toy playing with which involves chemical reactions;
- 12) electrical toy - toy that has at least one electricity-dependant function.

Article 2. The legislation of the Republic of Kazakhstan in the area of toys safety

1. The legislation of the Republic of Kazakhstan in the area of toys safety is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other normative legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes other rules than those stipulated in this Law, the provisions of the international treaty prevail.

Article 3. Scope of the Law

The present Law is effective within the Republic of Kazakhstan and shall cover all kinds of toys both manufactured in the Republic of Kazakhstan and imported into the Republic of Kazakhstan, except for the following:

- 1) festive toys including new-year tree decorations (artificial Christmas-trees, accessories, electrical garland);
- 2) equipment and ammunition designated for collective use on playing grounds);
- 3) toys to be installed in public places for income deriving;
- 4) toy steamers and devices with internal combustion engines;
- 5) puzzles having more than 500 items or puzzles without pictures designated for experts;
- 6) pneumatic guns, exact copies of fire-guns;
- 7) slingshots, slings and catapults;
- 8) arrows with metal heads for target casting;
- 9) jewelry items designated for children;
- 10) fireworks including percussion caps apart from percussion caps designed specially to be used in toys;
- 11) electrical ovens and other items imitating household goods which function at rated voltage higher than 24 V;
- 12) items containing heating elements which can be used in training process under the supervision of an adult person;
- 13) videotoy connected to videomonitors which function at rated voltage higher than 24 V;
- 14) baby's dummies and nipples;
- 15) miniaturized models developed in details for adult-collectors;
- 16) sports ammunition, sports and traveling bicycles, navigation equipment intended for use at great depths;
- 17) dolls of folklore and decorative nature and other such items for adult-collectors.

Chapter 2. State regulation in the area of toys safety

Article 4. Authority of the Government of the Republic of Kazakhstan in the area of toys safety

The Government of the Republic of Kazakhstan shall:

- 1) develop main directions of the state policy in the area of toys safety;
- 2) ratify technical regulations in the area of toys safety;
- 3) designate an authorized body in the area of toys safety.

Article 5. Authority of state bodies

1. The authorized body shall:

- 1) implement state policy in the area of toys safety;
- 2) represent the Republic of Kazakhstan in international organizations in the area of toys safety;
- 3) develop technical regulations in the area of toys safety;
- 4) develop a program of risk assessment.

2. The authorized body in the area of technical regulation shall:

- 1) coordinate technical regulations;
- 2) control the compliance of toys with the requirements of technical regulations, within its authority established by the laws of the Republic of Kazakhstan;
- 3) elaborate and approve design of the conformity mark, technical requirements to it and the marking procedure.

3. The authorized body in the area of healthcare shall:

- 1) develop sanitary and epidemiological rules and norms, as well as hygienic norms for toys safety;
- 2) supervise and monitor consumers market with the purpose of identification and elaboration of measures to prevent sale of toys which are dangerous for human life and health;
- 3) coordinate normative legal acts in the area of toys safety.

4. The authorized body in the area of protection of children's rights shall ratify the procedures to conduct psychological and pedagogical expertise of toys as well as coordinate normative legal acts in the area of toys safety.

Article 6. State control in the area of toys safety

1. State control in the area of toys safety shall be carried out in a form of scheduled and unscheduled inspections.

2. Scheduled inspections can be conducted not more than once a year.

3. Unscheduled inspections can be conducted according to the grounds determined by the laws of the Republic of Kazakhstan, as well as with the object to eliminate previous violations.

4. Any toys safety inspection shall be conducted in two steps:

- 1) documentary inspection;
- 2) risk assessment inspection.

5. A documentary inspection shall be conducted by means of:

- 1) examination of the compliance of information meant for consumers with the requirements of this Law and technical regulations;
- 2) examination of the compliance of information contained in a document which confirms conformity of a toy with requirements in the area of toys safety.

6. When inspecting risk assessment, the state bodies shall, within their authority, send the selected samples of toys to the accredited laboratories (centers) to be tested (examined).

7. The authorized bodies in the area of toys safety shall issue instructions on suspension of production, sale and market circulation of toys.

If toys have already been put on the market the authorized body shall inform through mass media about the hazard factors that may effect human life, health and environment.

Chapter 3. TOYS SAFETY REQUIREMENTS

Article 7. General requirements for ensuring safety of toys under circulation in the market of the Republic of Kazakhstan

1. The toys this Law covers must comply with requirements ensuring safety of human life and health as well as the environment protection which are established by this Law and technical regulations.

2. Toys shall be allowed to be placed in the market of the Republic of Kazakhstan only in case if they, when used for intended purpose:

- 1) make no harm to human life and health and environment;
- 2) preserve moral and emotional wellbeing of children;
- 3) do not mislead consumers with regard to toys' designation.

3. Prior to introducing toys to the market, a person who has obtained a certificate of conformity and is placing the products in the market of the Republic of Kazakhstan shall mark the toys (packages) with a conformity mark.

4. Each toy shall have a marking containing the following information both in the Kazakh and Russian languages;

- 1) full name of the producer and/or his trade mark;
- 2) name of the item;
- 3) main features of its function and application;
- 4) manufacturing date;
- 5) country of origin.

5. All markings shall be elucidated in the manual.

6. A person placing toys in the market of the Republic of Kazakhstan is obliged to:

1) when selling or free distributing toys, provide consumers with maintenance documents and any other relevant information both in the Kazakh and Russian languages, which consumers may need to have to identify possible risks and take appropriate safety measures;

2) when selling or free distributing toys, conduct spot inspections, investigate complaints, inform sellers of selling procedures for this commodities;

3) having identified a potential hazard to the safety of toys' users, guarantee timely and effective notification of users, and if necessary, arrange measures needed to remove the hazard to the extent of recall and conduct of expertise;

4) immediately inform the corresponding bodies of state supervision about any breach of safety requirements in respect of toys having been sold as well as about the measures taken to remove it;

5) suspend sale of toys and/or free distribution of them in case there is information that the toys do not comply with the established safety requirements or on the basis of prescription of the authorized body;

6) have the decision of the psychological and pedagogical expertise.

7. Failure to undertake the measures which have been envisaged by paragraph 6 of this Article shall entail liability according to the laws of the Republic of Kazakhstan.

8. Toys must meet psychological and pedagogical requirements. Toys can be recognized as non-complying with the abovementioned requirements on the basis of the decision of the psychological and pedagogical expertise.

Article 8. General safety requirements for toys

1. There must be guaranteed protection of toys' users from any risk of damaging their health or injuring due to design defects and/or other defects of toys. Both the design and production technologies of toys shall ensure their safe utilization according to the intended use.

2. To prevent risks related to a toy's utilization that cannot be completely removed by means of design change without changes in a toy's function and main features and properties, the minimal age of a toy's user needs to be indicated as well as whether adults should supervise a toy's utilization.

3. Toys and their components as well as their packages in which they are kept for retail sale, must contain as little asphyxiation risk as possible.

4. Toys should not provoke children to:

1) aggressive actions;

2) cruelty demonstrations;

3) immoral actions and violence;

4) morbid interest for sexual issues beyond children's age;

5) scornful and negative attitude towards race differences and disfigurements of children and adults.

Article 9. Requirements for ensuring mechanical safety of toys

For the purpose of ensuring mechanical safety of toys, the requirements shall be established as follows:

1) toys and their components, as well as, for motionless toys, their bearings, should be mechanically reliable, durable, and sufficient enough not to change their form and take loads put on them during their utilization;

2) edges, lugs, cords, wires and accessories connecting the components of toys should be designed and manufactured so as to minimize risks of physical injury at contacting;

3) toys should have such a construction as to minimize physical injury risks which may arise due to the movements of toys;

4) toys and their components, as well as other detachable parts, intended to be used by children under the age of 3, should be of a size so as to prevent being swallowed;

5) toys intended to support children on water should be designed and manufactured in such a way that reduces, when possible, risk of drowning of children as a result of mechanical damage of toys and/or their turnover;

6) toys representing closed space inside of which users can get, should be non-hermetic and allow free exit out of them;

7) toys intended for mechanical moving should have breaking systems, corresponding to the kinetic energy outputs, which are accompanied with no risk of slipping out or physical injury of users;

8) the shape and composition of a toy as well as the kinetic energy should not put users or third persons under the risk of physical damage;

9) liquids and gases contained within toys should not reach such temperature and/or pressure under which users or third persons may have physical damage in case of leakage.

Article 10. Requirements for ensuring fire safety of toys

For the purpose of ensuring fire safety of toys, the requirements shall be established as follows:

1) toys should contain no hazardous flammable elements;

2) toys that contain hazardous flammable substances or preparations needed for their functioning (such as materials for modeling and preparation of plastic and ceramic casts, equipment for enameling and photography or other such occupations) should not contain substances or preparations which may inflame as a result of the leakage of volatile non-flammable components;

3) apart from percussion caps specified in subparagraph 10) in Article 3 of this Law, toys should not be explosive or contain elements and substances that become explosive if toys are misused;

4) toys should not contain substances or preparations capable of forming explosive mixtures as a consequence of chemical reactions, heating or combining with oxidizing substances; they should not contain volatile components becoming flammable in air and capable of forming flammable or explosive combinations of fumes and air, either.

Article 11. Requirements for ensuring chemical safety of toys

For the purpose of ensuring chemical safety of toys, the requirements shall be established as follows:

1) toys should be designed and manufactured in such a way as to exclude any risk of harming human life and health due to the influence of chemical substances on human body;

2) emission of chemical substances from toys and their accumulation in human body, when toys are being contacted, should stay within the acceptable levels of technical regulations in the area of toys safety.

Article 12. Requirements for ensuring electrical safety of toys

For the purpose of ensuring electrical safety of toys, the requirements shall be established as follows:

1) rated voltage of power supplies for children toys as well as of specific parts of toys should be not higher than 24 V;

2) components of toys which may cause electric shock when contacting with electric power sources, as well as cables, wires and conductors conducting electricity to the components of toys should be isolated and mechanically secured;

3) electrical toys should be designed and manufactured in such a way as to guarantee protection from burns when contacting completely heated units.

Article 13. Requirements for ensuring biological safety of toys

For the purpose of ensuring biological safety of toys, clean and uninfected raw materials and stuff should be used at manufacturing toys which do not contain substances forbidden for usage either in pure form or in the form of compound or mixture. Raw materials and stuff at use should have favorable sanitary and epidemiological decision of state bodies conducting sanitary and epidemiological supervision.

Article 14. Requirements for ensuring radiation safety of toys

For the purpose of ensuring radiation safety, toys should not contain radioactive elements or substances exceeding the acceptable levels of radiation safety established by the legislation of the Republic of Kazakhstan.

Article 15. Requirements for consumers' communication

1. Information for a toy's consumer shall obligatory include the following data:

- 1) name of the product;
- 2) full name of the producer and/or a person who is placing the product in the market of the Republic of Kazakhstan including legal addresses;
- 3) functional purpose of the toy or area of its application;
- 4) main consumer properties and/or features;
- 5) conformity mark;
- 6) instruction manual;
- 7) warnings of potential risks when using the toy and age limits.

2. Information to toys apart from those evidently not intended for children under the age of 3, should include explanations on age limits.

3. Assemblage instructions should be given for sledges, suspension swings, rings, trapezes, ropes and other such devices fixed on frames to hang gymnastic apparatus. The instructions should specify elements than can become dangerous in case of their improper assembling, and establish cyclic inspections and maintenance rules for the most important parts of the apparatus (brackets, floor mountings, ties, fasteners, etc.).

4. Functional toys or their packages should have warnings where information is given about the necessity of adults' supervision for the application of the toys, potential risks which are the same as those arising when using devices and items miniaturized model or imitation of which the toys are, as well as about the condition to store the toys out of the reach of children.

5. Chemical toys should be supplied with information about hazardous substances contained therein, potential risks and appropriate prevention measures, storage conditions, and first-aid measures in case of injuring when the toys are being used.

6. Roller skates and skates should be supplied with information indicating the necessity to use such toys with protective equipment and with precautions to avoid accidents due to collapse and/or collision.

7. Toys for playing on water should be supplied with information about using them in shallow pools under adults' supervision.

8. Information for consumers may have a form of a text document (passport, label, loose leaf, instructions manual, etc.) to accompany specific toys or it may be marked directly onto toys or packages.

9. Information for consumers should be both in the Kazakh and Russian languages. Information may partially be abbreviated if it does not prevent to

identify producers or persons placing the products in the market.

10. Compliance of products with information declared is an obligatory requirement for producers or persons placing the products in the market.

Article 16. Conformity assessment

1. Conformity assessment of toys' safety shall be carried out according to the legislation of the Republic of Kazakhstan in the area of technical regulation.

2. Conformity assessment documents issued by foreign countries shall be valid within the Republic of Kazakhstan provided that they are recognized in the state system of technical regulation in accordance to the legislation of the Republic of Kazakhstan in the area of technical regulation.

Chapter 4. Final and transitional provisions

Article 17. Liability of infringements of the legislation of the Republic of Kazakhstan in the area of toys' safety

Infringement of the legislation of the Republic of Kazakhstan in the area of toys safety shall entail liability according to the laws of the Republic of Kazakhstan.

Article 18. Transitional provisions

1. Until appropriate normative legal acts of the Republic of Kazakhstan which approved technical regulations in the area of toys safety are enforced, state regulation shall be accomplished according to the legislation of the Republic of Kazakhstan with regard to provisions congruous to this Law.

2. With respect to toys having been placed in the market of the Republic of Kazakhstan before enactment of this Law, their conformity assessment documents shall stay valid within the period of time specified therein.

3. With respect to toys having been placed into operation before enactment of this Law and which are subject to obligatory conformity assessment, their conformity shall obligatory be assessed according to the requirements of the legislation of the Republic of Kazakhstan in the area of technical regulation if they repeatedly come to free circulation within the Republic of Kazakhstan after the implementation of this Law.

Article 19. Implementation procedure for this Law

This Law shall come to force from 1 January 2008.

The President of the Republic of Kazakhstan