Recent Regulations of Toy Safety in Chinese Taipei

Submitted by: Chinese Taipei
Recent Regulations of Toy Safety in Chinese Taipei

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Bureau of Standards, Metrology and Inspection (BSMI)
Ministry of Economic Affairs
Chinese Taipei

Content

- General Regulations
  - Commodity Inspection Act
- Toy-specific Regulations
  - Revision promulgation of toy inspection provision on September 17, 2008.
  - Directions Governing the Inspection of Toy Commodities
General Regulations

• Commodity Inspection Act
  – Regulations Governing Monitoring Inspection
  – Regulations Governing Registration of Product Certification
  – Regulations Governing the Use of Commodity Inspection Mark
  – Regulations Governing Market Surveillance of Commodity
  – Regulations for Reporting Incidents Caused by Commodities Subject to Inspection

General Provisions

• Commodity Inspection Act (§6)
  – No commodities subject to inspection shall be released from the production premises, nor be imported, if it does not conform to the inspection requirements.
  – Sellers shall not display or sell commodities subject to inspection that do not comply with the inspection requirements.
General Provisions

- **Commodity Inspection Act (§8)**
  - obligatory inspection applicants: persons obligated to file applications for commodities inspection
    - Importers
    - Domestic manufacturers
    - Sellers with unknown obligatory inspection applicants
    - Assemblers
    - Modifiers

Inspection schemes

- **Commodity Inspection Act (§5)**
  - batch-by-batch inspection
  - monitoring inspection (with Simplified Procedure)
    - Batch-by-batch examination
    - Batch-by-batch verification
    - Random-selected batch inspection
    - Release after document examination
    - Specific monitoring programs
  - registration of product certification (RPC)
    - Internal Control Module - Module I
    - Type Test Module - Module II
    - Declaration of Conformity to Type Module - Module III
    - Full Quality Management System Module - Module IV
    - Production Quality Management Module - Module V
    - Product Quality Management Module - Module VI
    - Factory Inspection Module - Module VII
    - declaration of conformity (DoC)
Commodity Inspection Mark

• **Commodity Inspection Act (§12)**
  – The obligatory inspection applicant shall place *commodity inspection mark* on the commodity’s body.

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Commodity Inspection Mark

• **Regulations Governing the Use of Commodity Inspection Mark (§3)**
  – A graphic symbol + Roman letter + sequence number or designated code

<table>
<thead>
<tr>
<th>Roman letter ‘C’</th>
<th>Roman letter M, Q, T, R or D</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Image" /></td>
<td><img src="image2.png" alt="Image" /></td>
</tr>
</tbody>
</table>

M, Q, T, R or D+ designated no.
Market Surveillance

- **Commodity Inspection Act**
  - conduct a check at
    - the place of display and sale
    - the production premises or storage places where the commodities are produced or stored
    - places of business, work place, or other places where the commodities are installed or being used (§49)
  - proceed to an investigation of the likelihood of any violation of the provisions of the Act discovered (§50)

How to treat Commodities Failing Inspection

- **Pre-marketing inspection:**
  - Regulations Governing Disposition of Commodities Failing Inspection
    - Commodities: stored at customs, or sealed after sampling by the inspection authority (§4)
    - Obligatory inspection applicant:
      - apply for a re-inspection at no cost (§5)
      - apply for a new inspection application by submitting an improvement plan. (§3)
      - return the shipment, destroy or disassemble the commodities, or adopt other necessary measures within six months after receiving a notice of unsatisfactory inspection results (§10)
How to treat Commodities Failing Inspection

• During market surveillance
  – The obligatory inspection applicant:
    • Shall withdraw commodities from the market; correct commodities within a given time period or destroy commodities under the monitoring of the BSMI; discontinue import, production, manufacture, display or sale.
  – Sellers:
    • Shall not display or sell commodities; shall complete correction within a given time after receipt of a notice.

Incident Reporting

• Commodity Inspection Act (§49)
  – Obligatory inspection applicant shall notify the BMSI, when incidents with commodities subject to inspection
    • have caused damage to the life, body, health or property of consumers, or
    • have damage concerns.
**Incident Reporting**

- **Regulations for Reporting Incidents caused by Commodities Subject to Inspection (§3)**
  - The obligatory inspection applicant shall make a report to the BSMI within 3 DAYS
    - if their commodity burns, explodes or melts and, as a result, causes incidents, or
    - a person dies or requires hospitalization for treatment.

**Penalty**

- **Commodity Inspection Act**
  - The obligatory inspection applicant shall be imposed with a fine (ranging from ten thousand to 2.5 million new Chinese Taipei dollars), when
    - not marking correct commodity labeling or commodity inspection mark and failing to correct the violation; (§59)
    - making false labeling; (§59)
    - placing any commodity on the market that does not conform to the inspection requirements; (§60)
    - failing to make incident reports (§63).
Penalty

**Commodity Inspection Act**

- Sellers shall be imposed with a fine (ranging from ten thousand to one hundred thousand new Chinese Taipei dollars), when displaying or selling commodities that do not comply with the inspection requirements (§ 60-2)
- Any person shall be imposed with a fine (ranging from 150 thousand to 1.5 million new Chinese Taipei dollars), when evading, impeding or rejecting the sealing-up, check, investigation or inspection of commodities of nonconformity (§ 62)

Toy-specific Regulation

**Revision promulgation of toy inspection provision on September 17, 2008.**

- **Scope:** 56 HS code
- **Inspection schemes:**
  - monitoring inspection
  - registration of product certification [type test (Module 2) + declaration of conformity to type (Module 3)] (RPC)
- **Safety standards**
Safety standards

- Safety of toys (General Requirement) CNS 4797
- Safety of toys (Flammability) CNS 4797-1
- Safety of toys (Migration of certain elements) CNS 4797-2
- Safety of toys (Safety aspects related to mechanical and physical properties) CNS 4797-3
- Toy Safety (Experimental Sets for Chemistry and Related Activities) CNS 4797-4
- Toy Safety (Chemical Toys (Sets) Other Than Experimental Sets) CNS 4797-5
- Safety of electric toys CNS 14276
- Method of test for determination of plasticizers from plastic toys CNS15138
- Promulgation of allowed quantities of formaldehyde release for wooden parts of toys on April 3, 2008.

Toy-specific Regulation

- Directions Governing the Inspection of Toy Commodities
  - Monitoring Inspection
  - Registration of Product Certification
  - Commodity Inspection Mark
### Toy-specific Regulation

- **Directions Governing the Inspection of Toy Commodities**

<table>
<thead>
<tr>
<th>Roman letter ‘C’</th>
<th>Roman letter ‘M’</th>
<th>Roman letter ‘R’</th>
</tr>
</thead>
<tbody>
<tr>
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<td><img src="image2" alt="Symbol" /></td>
<td><img src="image3" alt="Symbol" /></td>
</tr>
<tr>
<td>M + designated no. Batch no. 0901025</td>
<td>R + designated no. Batch no. 0901023</td>
<td></td>
</tr>
</tbody>
</table>

**APEC TOY SAFETY INITIATIVE**

**REGULATOR TO REGULATOR DIALOGUE**

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**Thanks for Your Attention**

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**APEC TOY SAFETY INITIATIVE**

**REGULATOR TO REGULATOR DIALOGUE**
Content

- Pre-market Inspection
  - Inspection Scheme
  - Monitoring Inspection
  - Registration of Product Certification
  - Statistical data of Implementation

- Market surveillance
  - Market surveillance activities and their results
  - Incidents Reporting
  - Product Safety Information Network

Inspection Scheme

- Directions Governing the Inspection of Toys
  - pre-market inspection
    - Monitoring Inspection
    - Registration of Product Certification (RPC)
Monitoring Inspection

File application for toy inspection

- Batch-by-batch examination
  - Selection rate for each batch: 20%

- Random-selected batch inspection
  - Selection rate for each batch: 10%

Registration of Product Certification (RPC)

<table>
<thead>
<tr>
<th>Steps</th>
<th>Related Materials/Documents</th>
<th>Location of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for and obtainment</td>
<td>3 pieces of each of the main type and serial types</td>
<td>Toy laboratories recognized by the BMSI</td>
</tr>
<tr>
<td>of type test reports</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for registration of</td>
<td>1. Basic information&lt;br&gt;2. Conformity assessment documents:&lt;br&gt;(1) Type test report&lt;br&gt;(2) Declaration of Conformity to Type&lt;br&gt;3. Technical documents&lt;br&gt;4. Colorful pictures of toys</td>
<td>Bureau of Standards, Metrology and Inspection (BMSI)</td>
</tr>
<tr>
<td>product certification</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issuance of Product Registration</td>
<td>Product Registration Certificate&lt;br&gt;(1) Designated no. of applicant &lt;br&gt;(2) Term of validity: 3 years &lt;br&gt;(3) One extension allowed</td>
<td>RMSI</td>
</tr>
<tr>
<td>Certificate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Production and marketing</td>
<td>Labels: Commodity labeling in Chinese + Commodity Inspection Mark</td>
<td>Usually at manufacturer’s warehouse</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Inspection Results in fiscal years 2006, 2007 and 2008 (pre-market)
-- Toys for children under 14 years --

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Batches</th>
<th>Non-conformity</th>
<th>Small Parts</th>
<th>Heavy Metal</th>
<th>Other Failures</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>7631</td>
<td>70</td>
<td>1</td>
<td>57</td>
<td>12</td>
</tr>
<tr>
<td>2007</td>
<td>9055</td>
<td>179</td>
<td>4</td>
<td>90</td>
<td>85</td>
</tr>
<tr>
<td>2006</td>
<td>10101</td>
<td>55</td>
<td>3</td>
<td>17</td>
<td>25</td>
</tr>
<tr>
<td>Σ</td>
<td>26787</td>
<td>304</td>
<td>8</td>
<td>164</td>
<td>132</td>
</tr>
</tbody>
</table>

Content

- Pre-market Inspection
  - Inspection Scheme
  - Monitoring Inspection
  - Registration of Product Certification
  - Statistical data of Implementation

- Market surveillance
  - Market surveillance activities and their results
  - Incidents Reporting
  - Product Safety Information Network
Market surveillance activities

- Market surveillance plan conducted annually
  - based on the characteristics of different areas and commodity risk assessments
    - Commodity checks
    - Market sampling tests
    - Factory sampling tests
    - Raising public awareness of commodity inspection regulations and commodity inspection mark
    - Guiding obligatory inspection applicants to observe inspection regulations

- Market surveillance projects
  - based on information provided by volunteers that are selected to help monitor consumer goods, informants, consumers, consumer protection groups or other sources
    - Commodity checks
    - Market sampling tests

Implementation and Statistics

<table>
<thead>
<tr>
<th>Activities</th>
<th>Performance in 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market checks and sampling tests</td>
<td>market surveillance plans:</td>
</tr>
<tr>
<td></td>
<td>7 annual plans, all including toys.</td>
</tr>
<tr>
<td></td>
<td>market surveillance projects:</td>
</tr>
<tr>
<td></td>
<td>63 projects, including 6 toy projects</td>
</tr>
<tr>
<td>Reinforcement of border control</td>
<td>A batch-by-batch examination of 177 items of toys for 6 months after they were determined to be unsafe. (Normally: monitoring inspection scheme)</td>
</tr>
<tr>
<td>Collection of unsafe product information</td>
<td>CPSC websites: 232; RAPEX websites: 352; AQSIQ websites: 238; our missions abroad: 297; our incidents reporting system: 59</td>
</tr>
<tr>
<td>Promotion of public awareness</td>
<td>campaigns and seminars on commodities inspection:</td>
</tr>
<tr>
<td></td>
<td>161 campaigns and 11 seminars to consumers</td>
</tr>
<tr>
<td></td>
<td>seminars on report incidents: 10 to the enterprise</td>
</tr>
<tr>
<td></td>
<td>information disclosures: 47 press conferences; 266 press</td>
</tr>
</tbody>
</table>
Implementation and Statistics

<table>
<thead>
<tr>
<th>Year</th>
<th>Market check (items)</th>
<th>Sampling test (items)</th>
<th>Fine (items)</th>
<th>Correction within a given time limit (items)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Toy</td>
<td>Toy</td>
<td>Toy</td>
<td>Toy</td>
</tr>
<tr>
<td>2006</td>
<td>35,233</td>
<td>1,194</td>
<td>31</td>
<td>439</td>
</tr>
<tr>
<td></td>
<td>5,767</td>
<td>207</td>
<td>0</td>
<td>218</td>
</tr>
<tr>
<td>2007</td>
<td>30,752</td>
<td>1,306</td>
<td>39</td>
<td>378</td>
</tr>
<tr>
<td></td>
<td>7,282</td>
<td>384</td>
<td>5</td>
<td>224</td>
</tr>
<tr>
<td>2008</td>
<td>30,673</td>
<td>1,092</td>
<td>149</td>
<td>401</td>
</tr>
<tr>
<td></td>
<td>8,169</td>
<td>260</td>
<td>50</td>
<td>248</td>
</tr>
<tr>
<td>Σ</td>
<td>96,658</td>
<td>3,592</td>
<td>219</td>
<td>1,218</td>
</tr>
<tr>
<td></td>
<td>21,218</td>
<td>851</td>
<td>55</td>
<td>690</td>
</tr>
</tbody>
</table>

Incident Reporting in 2008

By product category

<table>
<thead>
<tr>
<th>Category</th>
<th>Reports</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical/Electronic</td>
<td>48</td>
<td>81.3</td>
</tr>
<tr>
<td>Machinery</td>
<td>4</td>
<td>6.8</td>
</tr>
<tr>
<td>Chemical engineering products</td>
<td>5</td>
<td>8.5</td>
</tr>
<tr>
<td>Toys</td>
<td>2</td>
<td>3.4</td>
</tr>
<tr>
<td>Total</td>
<td>59</td>
<td>100</td>
</tr>
</tbody>
</table>

Top 5 products

<table>
<thead>
<tr>
<th>Products</th>
<th>Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dehumidifiers</td>
<td>14</td>
</tr>
<tr>
<td>Televisions</td>
<td>8</td>
</tr>
<tr>
<td>Air conditioners</td>
<td>5</td>
</tr>
<tr>
<td>Refrigerators</td>
<td>5</td>
</tr>
<tr>
<td>Toys</td>
<td>2</td>
</tr>
</tbody>
</table>
### Case 1

**Case description**
A kid bit the toy and paints fell off the toy. The parents were concerned on heavy metals of falling paint.

**Treatments**
1. Investigation
2. Sampling test: conformance with the safety standard.
3. Ask the enterprise to be careful about the safety of their toys.
4. Ask the parents not to allow kids bite toys.

### Case 2

**Case description**
A kid fell down, collided with the toy and had a little cut near his eyebrow. His parents had doubt about the safety of the toy.

**Treatments**
1. **Investigation:** a warning label on the package: Not to allow kids play by themselves.
2. Sampling test: conformance with the safety standards.
3. Ask the enterprise to be careful about the safety of their toys.
4. Ask the parents not to let their kid play alone.
A Brief Summary

- Premarket inspection
  - Over the past 3 years, around 1% batches of toys did not pass inspection.
  - Most of them due to excessive heavy metal.
- Market surveillance
  - Over the past 3 years, 2~3% of toys did not pass market checks and sampling tests.
  - Most of them due to commodity labeling
- Incident Reporting
  - There were still 2 cases of incident reports in the past year, although the toys passed inspection.
- Conclusion
  - Pre-market inspection can reduce, but not eliminate, the risk of unsafe toys displayed on the market.
  - Market surveillance is needed to be strengthened.
  - Promotion of public awareness on toy safety is also important.
Thank You for Your Attention