



**Asia-Pacific  
Economic Cooperation**

---

**2009/SOM2/SCSC/WKSP3/006**

## **Recent Regulations of Toy Safety in Chinese Taipei**

Submitted by: Chinese Taipei



**APEC Regulator Dialogue on Toy Safety  
Singapore  
1-2 August 2009**



**Recent Regulations of  
Toy Safety in Chinese  
Taipei**

Mei-Tsu Lin  
Technical Specialist  
Bureau of Standards, Metrology and  
Inspection (BSMI)  
Ministry of Economic Affairs  
Chinese Taipei

APEC TOY SAFETY INITIATIVE  
REGULATOR TO REGULATOR DIALOGUE

1

# 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

APEC TOY SAFETY INITIATIVE  
REGULATOR TO REGULATOR DIALOGUE

經濟部標準檢驗局

## 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

# Commodity Inspection Mark

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

# Commodity Inspection Mark

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

|   |   |
|---|---|
| Roman letter 'C'  | Roman letter<br>M, Q, T, R or D   |
|  | <br>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 BSMI, 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.
- Promulgation of allowed quantities of formaldehyde release for fabric parts of toys on July 25, 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

| Roman letter<br>'C'   | Roman letter<br>'M'   | Roman letter<br>'R'   |
|---|---|---|
|  |  <p>M + designated no.<br/>Batch no. 0901025</p> |  <p>R + designated no.<br/>Batch no. 0901023</p> |

Thanks  
for  
Your Attention

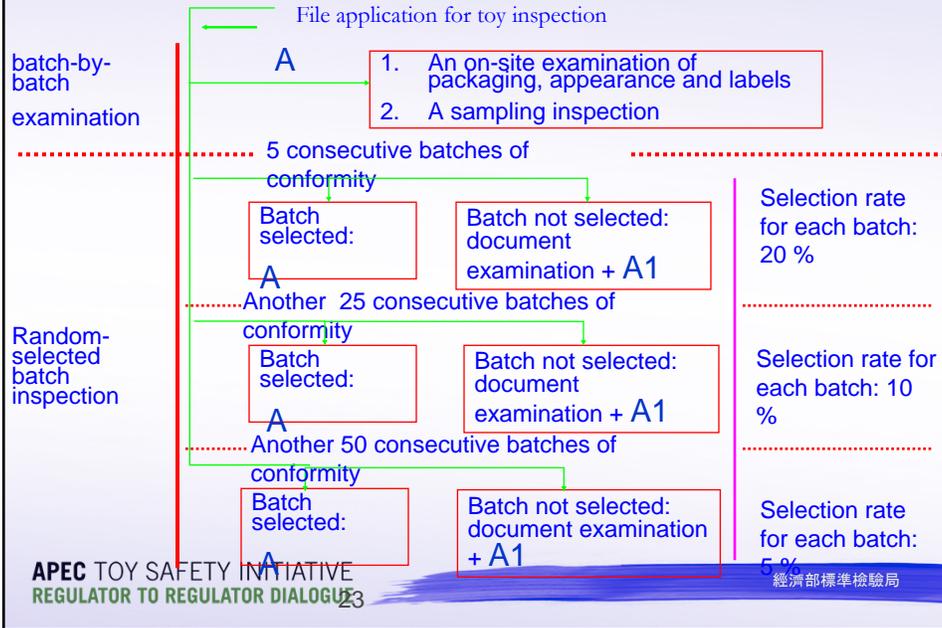
# Content

- ❑ **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



# Registration of Product Certification (RPC)

| Steps   | Related Materials/Documents  | Location of implementation                           |
|---|--|--|
| Application for and obtainment of type test reports   | 3 pieces of each of the main type and serial types   | Toy laboratories recognized by the BMSI              |
| Application for registration of product certification | <ol style="list-style-type: none"> <li>1. Basic information</li> <li>2. Conformity assessment documents:               <ol style="list-style-type: none"> <li>(1) Type test report</li> <li>(2) Declaration of Conformity to Type</li> </ol> </li> <li>3. Technical documents</li> <li>4. Colorful pictures of toys</li> </ol> | Bureau of Standards, Metrology and Inspection (BMSI) |
| Issuance of Product Registration Certificate          | Product Registration Certificate <ol style="list-style-type: none"> <li>(1) Designated no. of applicant</li> <li>(2) Term of validity: 3 years</li> <li>(3) One extension allowed</li> </ol>   | BMSI   |
| Production and marketing                              | Labels: Commodity labeling in Chinese + Commodity Inspection Mark  | Usually at manufacturer's warehouse                  |

**APEC TOY SAFETY INITIATIVE  
REGULATOR TO REGULATOR DIALOGUE 24**  
經濟部標準檢驗局

# Statistical Data of Implementation

Inspection Results in fiscal years 2006, 2007 and 2008 (pre-market)

-- Toys for children under 14 years --

| fiscal year | Batches      | batches of non-conformity | non-conformity |             |                |
|-------------|--------------|---------------------------|----------------|-------------|----------------|
|             |              |                           | Small parts    | Heavy metal | Other failures |
| 2008        | 7631         | 70                        | 1              | 57          | 12             |
| 2007        | 9055         | 179                       | 4              | 90          | 85             |
| 2006        | 10101        | 55                        | 3              | 17          | 25             |
| <b>Σ</b>    | <b>26787</b> | <b>304</b>                | <b>8</b>       | <b>164</b>  | <b>132</b>     |

A REGULATOR TO REGULATOR DIALOGUE 25

## 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

## Implementation and Statistics

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

## Implementation and Statistics

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

## Incident Reporting in 2008

By product category

| Category                            | Reports   | Percentage (%) |
|-------------------------------------|-----------|----------------|
| Electrical/<br>Electronic           | 48        | 81.3           |
| Machinery                           | 4         | 6.8            |
| Chemical<br>engineering<br>products | 5         | 8.5            |
| <b>Toys</b>                         | <b>2</b>  | <b>3.4</b>     |
| <b>Total</b>                        | <b>59</b> | <b>100</b>     |

Top 5 products

| Products         | Reports |
|------------------|---------|
| Dehumidifiers    | 14      |
| Televisions      | 8       |
| Air conditioners | 5       |
| Refrigerators    | 5       |
| Toys             | 2       |

## Case 1

|  |   |
|--|---|
| <p><b>Case description</b></p>  | <p>A kid bit the toy and paints fell off the toy. The parents were concerned on heavy metals of falling paint.</p>  |
| <p><b>Treatments</b></p>   | <ol style="list-style-type: none"> <li>1. Investigation</li> <li>2. sampling test : conformance with the safety standard.</li> <li>3. Ask the enterprise to be careful about the safety of their toys .</li> <li>4. Ask the parents not to allow kids bite toys.</li> </ol> |

## Case 2

|  |   |
|--|---|
| <p><b>Case description</b></p>  | <p>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.</p>   |
| <p><b>Treatments</b></p>   | <ol style="list-style-type: none"> <li>1. Investigation: a warning label on the package: Not to allow kids play by themselves.</li> <li>2. Sampling test : conformance with the safety standards.</li> <li>3. Ask the enterprise to be careful about the safety of their toys .</li> <li>4. Ask the parents not to let their kid play alone.</li> </ol> |

# 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.**

APEC TOY SAFETY INITIATIVE  
REGULATOR TO REGULATOR DIALOGUE 83  
Promotion of public awareness on toy safety is also important.

# Product Safety Information Network

經濟部標準檢驗局 商品安全資訊網 商品事故通報 - Microsoft Internet Explorer

網站導覽 | 關於我們 | 聯絡我們

字級大小設定 請輸入關鍵字

商品事故通報

商品召回

商品訊息

知識區

消費者 Q&A

法規及相關網站連結

最新消息

我要通報: 消費者 業者 消費者

查詢通報資料

一、注意事項:

(一) 消費者若因消費商品事故而遭受死亡或嚴重傷害案例, 請直接留下姓名及聯絡方式, 本局將主動派員聯繫進行必要之處置。

(二) 消費者若通報非屬經濟部主管商品, 本局將代為轉致該商品主管機關, 後續處理情形請逕洽該主管機關。

二、通報範圍:

BSMI

APEC TOY SAFETY INITIATIVE  
REGULATOR TO REGULATOR DIALOGUE 84

Thank You  
for  
Your Attention

APEC TOY SAFETY INITIATIVE  
REGULATOR TO REGULATOR DIALOGUE

經濟部標準檢驗局