

On Safety of Toys

Unofficial translation

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

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The Law regulates social relations on determination, establishment, application, execution and control of the requirements on safety of toys.

Chapter 1. GENERAL PROVISIONS Article 1. Basic definitions shall be used in the Law

The following basic definitions are used in the Law:

- 1) risk assessment - a set of measures, aimed at identifying the possible impact of toys to life and health of human, the environment, including the degree of danger;
- 2) toys – goods, intended for use by children solely for the purpose of the game;
- 3) a person, placing the toys on the market of the Republic of Kazakhstan – an individual or a legal entity that sales or free distributes the toys on the territory of the Republic of Kazakhstan;
- 4) improper handling of the toy –the use of toy in conditions or for purposes, not intended by the manufacturer;
- 5) material of toys – components of toys available for contact and used in its manufacture;
- 6) a user - a person, directly using a toy;
- 7) **is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012);**
- 8) a consumer – an individual or a legal entity that acquires the toy;
- 9) **is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication);**
- 10) functional toy – a toy that is a scaled-down model of goods or devices used by adults, imitating the same purpose and the same functions;
- 11) chemical toy – a toy, the game process of which is associated with the implementation of chemical reactions;
- 12) electric toy - a toy that has at least one function dependent on electricity.

Footnote. Article 1, as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 2. Legislation of the Republic of Kazakhstan in the field of safety of toy

1. Legislation of the Republic of Kazakhstan in the field of safety of toys is based on the Constitution of the Republic of Kazakhstan and consists of the Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes the rules other than those provided by the Law, the rules of the international treaty shall be applied.

Article 3. Scope of the Law

The Law is valid on the territory of the Republic of Kazakhstan and applies to all types of toys produced in the Republic of Kazakhstan and imported into the territory of the Republic of Kazakhstan, except for:

1) holiday toys, including new year's decorations, (artificial Christmas trees, its accessories, electric garlands);

2) equipment and devices intended for collective use in playgrounds;

3) toys, installed in public places to generate income;

4) toy steam engines, machinery with internal combustion engines;

5) puzzles with components more than five hundred or puzzles without images intended for professionals;

6) airguns, exact copies of firearms;

7) slingshots, slings and catapults;

8) arrows to shoot at a target with metal tips;

9) fashion jewelry goods intended for children;

10) fireworks, including percussion caps, except percussion caps, designed specifically for use in toys;

11) electric ovens and other products that imitate household items, operating at a nominal voltage of more than twenty-four volts;

12) goods, containing heating elements used in the learning process under the supervision of an adult;

13) video toys, connected to a video monitor, operating at a nominal voltage of more than twenty-four volts;

14) children's nipples and pacifiers;

15) scaled-down models, elaborated and intended for adult collectors;

16) sports equipment, sports and travel (walking) bicycles, navigation equipment, intended for use in deep water;

17) folk dolls and decorative nature dolls and other similar goods for adult collectors.

Chapter 2. STATE REGULATION IN THE FIELD OF SAFETY OF TOYS Article 4. Competence of the Government of the Republic of Kazakhstan

The competence of the Government of the Republic of Kazakhstan shall be:

- 1) development of the main directions of the state policy in the field of safety of toys;
- 2) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);
- 3) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).
- 4) perform other functions, assigned to it by the Constitution and laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

Footnote. Article 4, as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 5. Competence of state bodies

1. The competence of the authorized body in the sphere of sanitary and epidemiological welfare of the population shall include:

- 1) implementation of the state policy in the field of safety of toys;
- 2) representation of the Republic of Kazakhstan in the international organizations in the field of safety of toys;
- 3) approval of technical regulations in the field of toy safety;
- 4) development of a program of risk assessment;
- 5) development of sanitary and epidemiological rules and hygienic standards for the safety of toys;
- 6) controlling and monitoring of the consumer market in order to identify and develop measures to prevent the sale of toys that are dangerous to human life and health, the environment;
- 7) agreement of regulatory legal acts in the field of safety of toys;
- 8) other powers, provided by the Law, other laws of the Republic of Kazakhstan, the acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. The competence of the authorized body in the field of technical regulations shall be:

- 1) agreement of technical regulations;
- 2) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);
- 3) excluded by the Law of the Republic of Kazakhstan dated 30.12. 2020 № 397-VI (effective six months after the date of its first official publication);
- 4) other powers, provided by the Law, other laws of the Republic of Kazakhstan, the acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

3. Is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

4. The competence of the authorized body in the field of protection of children's rights shall include the approval of the psychological and pedagogical expertise of toys, agreement of regulatory legal acts in the field of safety of toys and other powers, provided by the Law, other laws of the Republic of Kazakhstan, the acts of the President of the Republic of Kazakhstan and the Government of the Republic Kazakhstan.

5. The competence of the authorized body in the field of consumer protection shall concern the control of the conformity of toys to the requirements of technical regulations within the competence established by the laws of the Republic of Kazakhstan.

Footnote. Article 5, as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 30.12. 2020 № 397-VI (effective six months after the date of its first official publication).

Article 6. State control and supervision in the field of safety of toys

Footnote. Title, as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. State control in the field of toy safety is carried out in the form of unscheduled inspections and preventive control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

State control in the field of toy safety is carried out by the state body in the field of sanitary and epidemiological welfare of the population and the authorized body in the field of technical regulation in accordance with the legislation of the Republic of Kazakhstan.

2. Excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

3. State control in the field of toy safety is carried out by monitoring:

1) compliance of the reliability of information for the consumer with the requirements of this Law and technical regulations;

2) compliance with the information contained in the document confirming the toy's compliance with the requirements in the field of toy safety.

4. When carrying out a risk assessment, the state authorities in the field of toy safety, within their competence, send selected samples of toys to accredited laboratories (centers) for testing (research).

5. The authorized bodies in the field of safety of toys shall issue instructions to stop the production, sale and circulation of toys in the market.

If toys are in sale, the authorized body in the field of safety of toys shall announce through the media the availability of dangerous factors, affecting the life and health of humans or the environment.

Footnote. Article 6 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 № 188 (the order of enforcement see Art. 2); as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Chapter 3. REQUIREMENTS FOR THE SAFETY OF TOYS Article 7. General requirements for the safety of toys in circulation in the market of the Republic of Kazakhstan

1. Toys for which the Law applies shall meet the requirements for ensuring the safety of life and health of human and environmental protection, provided by the Law and technical regulations.

2. Toys may be placed on the market of the Republic of Kazakhstan only if in their intended use, they:

- 1) shall not threaten the life and health of human, as well as the environment;
- 2) shall retain the moral and emotional well-being of a child;
- 3) shall not mislead consumers about the purpose of toys.

3. Prior to introduction of toys into circulation in the market, a person that received a certificate of conformity and placing the products on the market of the Republic of Kazakhstan, shall put on toys (packing) the mark of conformity.

4. All toys must be marked in the state and Russian languages, with the following information:

- 1) the manufacturer's name and (or) its trademark;
- 2) the name of the product;
- 3) the main indicators of purposes and conditions for use;
- 4) the date of manufacture;
- 5) the country of origin.

The text of the marking must comply with the requirements of the Law of the Republic of Kazakhstan "On Languages in the Republic of Kazakhstan".

5. All labels and markings should be explained in the instruction manual.

6. Person, placing the toys on the market of the Republic of Kazakhstan, shall:

1) when selling toys or distributing them for free, provide the consumer with operational documentation and other necessary information in the state and Russian languages in accordance with the requirements of the Law of the Republic of Kazakhstan "On Languages in the Republic of Kazakhstan", necessary for the consumer to assess possible risks and take appropriate security measures;

2) in the sale of toys or in the free distribution conduct random checks, verify the complaints, inform merchants about the order of steps in the sale of these commodities;

3) in case of a potential threat to the safety of users of toys, provide timely warning of users, and if necessary take measures to eliminate security threats up to their withdrawal from consumers (users) and carrying out examination;

4) immediately inform the relevant bodies of the state control of violations of safety requirements of already widespread toys and measures taken to address them;

5) stop the sale of toys, their free distribution, if there is the information about the discrepancy of toys with the established safety requirements or with the requirements of the authorized bodies in the field of safety of toys;

6) is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012).

7. Failure to take measures, imposed by paragraph 6 of this Article entails the liability in accordance with the laws of the Republic of Kazakhstan.

8. Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012).

Footnote. Article 7, as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2021 № 94-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 8. General safety requirements for toys

1. Users of toys must be protected from the risk of injury or personal injury as a result of structural and other deficiencies of toys. Design and fabrication technique of toys must ensure their safe use in accordance with the purpose.

2. To prevent the risks, associated with the use of toys that cannot be completely eliminated through design changes without changing its function and key features and properties, it is necessary to specify the minimum age for users of toys and the necessity to use toys only under the adult supervision.

3. Toys and their parts, as well as their packaging in which they kept for retail sale, must contain the minimum possible risk of suffocation.

4. Toys must not provoke the child to:

1) aggressive actions;

- 2) cruelty;
- 3) immoral acts and violence;
- 4) an unhealthy interest in sexual issues that go beyond the competence of the age of the child;
- 5) dismissive and negative attitudes towards racial features and physical disabilities of children and adults.

Article 9. Requirements to ensure mechanical safety of toys

In order to ensure the mechanical safety of toys the following requirements shall be established:

1) toys and their parts, as well as in the case of fixed toys their support must have mechanical reliability and durability, that without deformation may withstand the stresses to which they will be exposed during the use;

2) edges, protrusions, cords, wires and fittings to connect the parts of toys must be designed and constructed so that the risks of injury from contact with them has been reduced to a minimum;

3) toys must be so designed as to minimize the risk of injury that may occur due to the moving parts of the toy;

4) toys and their components, as well as other detachable parts of toys intended for use by children under three years of age, must have dimensions that prevent swallowing them;

5) toys, intended to maintain the child in the water, must be designed and constructed so as to reduce the risk of possible child drowning due to mechanical damage of toy or its tipping;

6) toys, representing a closed volume, into which the user can enter, must not be tight and allow unhindered withdrawal from the toy;

7) toy, intended to mechanical movement must have a braking system corresponding to the developing kinetic energy, the use of which is not accompanied by the risk of loss or injury of the user;

8) the form and composition of toys, as well as the kinetic energy must not expose the user or third parties to the risk of bodily injury;

9) liquid and gases, contained within the toy shall not have to reach the temperature and (or) the pressure at which, in case of leakage the user or a third party may receive injuries.

Article 10. Requirements to ensure fire safety for toys

In order to ensure the fire safety of toys the following requirements shall be established:

1) toys must not contain dangerous flammable elements;

2) toys, containing the dangerous substances or preparations (materials for assembling models, production of plastic or ceramic castings, equipment for enamelling, photography or

similar training sessions) necessary for their actions must not contain substances or preparations that can be ignited due to leakage of volatile non-flammable components;

3) toys, except percussion caps, specified in subparagraph 10) of Article 3 of the Law must not be explosive or contain elements or substances that become explosive when using toys for other purposes;

4) toys must not contain substances or preparations that are capable of forming explosive mixtures due to chemical reactions, heating or mixing with oxidizing substances, as well as volatile components that are flammable in air, and capable of forming a flammable or explosive mixture of vapor and air.

Article 11. Requirements to ensure chemical safety of toys

In order to ensure the chemical safety of toys the following requirements shall be established:

1) toys must be designed and constructed in such a way that in its use there is no risk of damage to human life and health due to exposure of chemicals on his (her) body;

2) the allocation from toys and accumulation in contact with a toy the harmful chemicals in the human body must not exceed the permissible levels set in the technical regulations in the field of safety of toys.

Article 12. Requirements to ensure electrical safety of toys

In order to ensure the electrical safety of toys the following requirements shall be established:

1) rated voltage of power supplies for children's toys, as well as for parts of toys must not exceed twenty-four volts;

2) parts of toys that can cause electric shock in contact with a source of electricity, as well as cables, wires or conductors, installing electricity to the parts of toys must be insulated and mechanically protected;

3) electric toys must be designed and constructed so as to ensure the protection against burns in contact with all the most hot parts.

Article 13. Requirements to ensure biological safety of toys

In order to ensure the biological safety for the production of toys, the clean and uninfected raw and other materials shall be used and they do not contain the substances prohibited for use in any pure form or in the form of compounds or mixtures. Raw and other materials used must have a positive sanitary-epidemiological conclusion of the state bodies, exercising sanitary and epidemiological supervision.

Footnote. Article 13, as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 №378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 14. Requirements to ensure radiation safety of toys

In order to ensure the radiation safety, the toys must not contain radioactive elements or substances, exceeding the permissible radiation safety standards established by the legislation of the Republic of Kazakhstan.

Article 15. Requirements for consumer information

1. Information for consumer of toys shall necessarily contain the following information:

1) the name of the product;

2) the full name of the manufacturer and (or) the person, placing the products on the market of the Republic of Kazakhstan, indicating the legal address;

3) the functional purpose of the toy or its scope;

4) the basic consumer properties and (or) characteristics;

5) the mark of conformity;

6) the instruction manual;

7) the warning of the possible risks when using a toy and the age limits.

2. Information to toys, except the information clearly not intended for children under three years must contain explanations on the need to introduce an age limit.

3. Sledge, suspended swings, rings, trapezes, ropes and similar appliances, reinforced on the frame for suspension of gymnastic equipment, must be accompanied by instructions for installation of the complex, indicating the elements that can be dangerous if not properly assembled, for the periodic inspection and maintenance of the most critical parts of shells (suspensions, fixings to the floor, harnesses, fasteners).

4. The functional toys or their packaging shall contain the warning label that contains the information about the possibility to use the toy only under the adult supervision, with an indication of risks, similar to risks of using the device or product, a scaled-down model or imitation of which is a toy, as well as about the condition of storage of toys out of the reach of children.

5. Chemical toys must be accompanied by the information on the contained hazardous substances, the potential risks and the necessary safety precautions, the conditions for storage of toys out of the reach of children, as well as measures for first aid in case of injury caused by the use of toys.

6. Roller skates and skateboards are accompanied by the information, indicating the need to use such toys with protective equipment, as well as precautions when using toys to avoid accidents due to falls or collisions.

7. Toys for games on the water must be provided with the information on the use of toys in a shallow pond under the adult supervision.

8. Consumer information may be provided as a text document (passport, label, insert, instructions for use), accompanied by a specific toy or applied in the form of marking directly on the toy or its packaging (consumer packaging).

9. Information for the consumer must be provided in the state and Russian languages in accordance with the requirements of the Law of the Republic of Kazakhstan "On Languages in the Republic of Kazakhstan". Some information can be reduced if the abbreviation allows the identification of the manufacturer or the person placing the product on the market.

10. Conformity of products with the notified information shall be a mandatory requirement for the manufacturer or the person, placing the products on the market.

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 29.12.2021 № 94-VII (shall be enforced ten calendar days after the day of its first official publication).

Article 16. Confirmation of compliance

1. Confirmation of compliance of toy safety shall be carried out in accordance with the legislation of the Republic of Kazakhstan in the field of technical regulation.

2. Documents in the field of confirmation of compliance, issued by a foreign state shall be valid in the Republic of Kazakhstan under the condition of their recognition in the state system of technical regulation in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016).

Chapter 4. FINAL AND TRANSITIONAL PROVISIONS Article 17. Responsibility for violation of the legislation of the Republic of Kazakhstan in the field of safety of toys

Violation of the legislation of the Republic of Kazakhstan in the field of safety of toys entails the liability under the laws of the Republic of Kazakhstan.

Article 18. Transitional provisions

1. Prior to enactment of the regulatory legal acts, approving the technical regulations in the field of safety of toys, the state regulation shall be carried out in accordance with the legislation of the Republic of Kazakhstan to the extent, not contrary to the Law.

2. For toys, placed on the market of the Republic of Kazakhstan to the enactment of the Law, the documents confirming their compliance shall remain in force for a period specified in them.

3. For toys put into operation before the enactment of this Law and subject to mandatory confirmation of compliance, upon their repeated admission to free circulation on the territory of the Republic of Kazakhstan after the enactment of this Law, a mandatory confirmation of compliance shall be made in accordance with the requirements of the legislation of the Republic of Kazakhstan in the field technical regulation.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016).

Article 19. Procedure for entering into force of the Law

The Law enters into force from 1 January 2008.

The President of the Republic of Kazakhstan