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REGULATION N° DGO/REG/007 OF 25/08/2022

GOVERNING CHILDREN TOYS

 REPUBLIC OF RWANDA	 <b>RICA</b> Rwanda Inspectorate, Competition and Consumer Protection Authority	
<b>TITLE: TECHNICAL REGULATION GOVERNING CHILDREN TOYS</b>		ID: DGO/REG/007

<b>TITLE</b>	<b>TECHNICAL REGULATION GOVERNING CHILDREN TOYS</b>		
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<b>TITLE/POSITION:</b>	Ag. Director General of RICA		
<b>SIGNATURE:</b>			
<b>DATE:</b>	August 25, 2022		
<b>DOCUMENT CONTROL</b>			
<b>APPROVAL DATE</b>	<b>ISSUED TO</b>	<b>REVISION PERIOD</b>	<b>REVISION N°</b>
August 25, 2022	Business operators & RICA stakeholders	Five years	00
<b>CONTROL STATUS</b>	<del>Draft</del>	Controlled	<del>Obsolete</del>
<b>STAMP HERE</b>			
<b>PROTECTION</b>	Read only		

# REGULATION N° DGO/REG/007 OF 25/08/2022 GOVERNING CHILDREN TOYS

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## **Preamble**

The Rwanda Inspectorate, Competition and Consumer Protection Authority (RICA),

Pursuant to the law No 31/2017 of 25/07/2017 establishing Rwanda Inspectorate, Competition and Consumer Protection Authority (RICA) more especially on Article 6 and Article 7.

Pursuant to the law N° 36/2012 of 21/09/2012 relating to competition and consumer protection

Hereby issues the following Technical Regulation:

## Chapter 1: GENERAL PROVISIONS

### Article 1: Purpose of this technical regulation

This technical regulation is to establish a regulatory framework on Rwandan territory for compliance of children toys with intention to assure their quality and safety and to prevent any hazards that could result in injuries or harm to humans or animals or cause any environmental effect.

### Article 2: Definitions

In this technical regulation, the following terms mean:

1. **Activity toy:** A toy for domestic use in which the support structure remains stationary while the activity is taking place and which is intended for the performance by a child of any of the following activities: climbing, jumping, swinging, sliding, rocking, spinning, crawling and creeping, or any combination thereof;
2. **Business operator:** any person who is in business of manufacturing, importation, assembling, packaging, distributing, or sale any children toy;
3. **Competent Laboratory:** an accredited or designated laboratory or any laboratory from a recognized institution;
4. **Conformity assessment:** The process demonstrating whether specified requirements relating to a toy have been fulfilled;
5. **Distributor:** a person appointed by a brand owner and engaged in the business of purchase and sale of children toys to consumers;
6. **Harm:** Physical injury or any other damage to health, including long-term health effects;
7. **Hazard:** a potential source of harm;
8. **Importer:** Any natural or legal person established in Rwanda who supplies a toy from abroad on the domestic market;
9. **Inspection:** Examination of a product, process, service, or installation or their design and determination of its conformity with specific requirements or, on the basis of professional judgment, with general requirements; **License:** an official document granted by regulatory authority providing the permission to operate and stating that a business operator has complied with minimum requirements;
10. **Manufacturer:** Any natural or legal person who manufactures a toy or has a toy designed or manufactured, and markets that toy under his name or trademark;
11. **Registration certificate:** a certificate issued to a registered product meeting minimum requirements to be commercialized at local market or for export;
12. **Registration holder:** a legal or natural person to whom regulatory authority has issued a registration number either for a product or service;
13. **Regulatory Authority:** State organ in charge of inspection, competition and consumer protection

14. **Risk:** The probable rate of occurrence of a hazard causing harm and the degree of severity of the harm;
15. **Substandard product:** a product which doesn't comply with requirements prescribed in relevant standard;
16. **Supply:** make products or services available to consumers;
17. **Toy Material:** all accessible materials present in a toy;
18. **Toy:** any product, article or material in any form; solid, liquids or gaseous, designed or intended, whether or not exclusively, for use in play by children under 14 years of age;

### **Article 3: Scope of this technical regulation**

This technical Regulation applies to business operations and toys designed or intended (whether or not exclusively) for use in play by children under fourteen (14) years old.

### **Article 4: Supply of safe goods**

In the course of any business operation, no business operator shall distribute, supply or advertise for the purpose of putting on the market any children toy unless:

- 1° Such children toy is registered;
- 2° Such children toy has an import license;
- 3° Such children toy is exempted from being registered by the Regulatory Authority.

### **Article 5: Exemption**

The Regulatory Authority may, in its discretion and for such period and on such conditions as it thinks fit, exempt any individual or company or any children toy from all or any of the provisions of this technical regulation.

The list of exempted children toys is published on the website of the Regulatory Authority.

### **Article 6: Applicable language**

All documents related to registration of products or licensing of business operators must be written in any official languages that are used in Rwanda.

## **Chapter 2: LICENSING PROVISIONS**

### **Article 7: Licensing of business operations**

Any person who intends to carry out the business operation regulated by this technical regulation must apply for license to the Regulatory Authority.

A license is not transferable.

### **Article 8: General Minimum requirements for a business operator to be licensed**

The business operator to be licensed must comply with the following:

- 1° To be registered by the Competent Authority and have a traceable address in Rwanda;
- 2° To have well-equipped facilities that are designed and installed in a way that ensures health and environmental safety to the employees and neighborhood as well as protection of toy safety;
- 3° To present the copy of existing license issued by the Regulatory Authority (if it is for renewal);
- 4° To present the proof of Tax Clearance;
- 5° To present the proof of Social Security Clearance;
- 6° To present a proof of payment of an application/ registration fee;
- 7° To send application file to [application@rica.gov.rw](mailto:application@rica.gov.rw).

### **Article 9: Specific requirements for Manufacturer licensing**

The manufacturer applying for license must comply with the following:

- 1° To have a well-equipped factory as per relevant laws and regulations;
- 2° To have required skills in the sector or must have an employee with required competences or skills to design, manufacture, operate, use, maintain or explain the use of any children toy. This must be expressed in terms of certificates or other official documents;

### **Article 10: Specific requirements for new establishment**

In addition to requirements provided in article 8 and 9, new establishment must present the structural design of their working facilities prior construction or installation for approval of its compliance with rules and regulations in force and issuance of provisional authorization.

## **Chapter 3: SAFETY REQUIREMENTS**

### **Section one: safety requirements**

#### **Article 11: General safety requirements**

The following must be considered as the general safety requirements:

- 1<sup>o</sup> Children toys must comply with the requirements provided under the following standards:
  - a. RS 233-1 Safety of children's toys – Requirements – Part 1: Chemical safety;
  - b. RS ISO 8124-1 Safety of toys – Part 1: Safety aspects related to mechanical and physical properties;
  - c. RS ISO 8124-2 Safety of toys – Part 2: Flammability;
  - d. RS ISO 8124-3 Safety of toys – Part 3: Migration of certain elements;
  - e. RS ISO 8124-4 Safety of toys – Part 4: Swings, slides and similar activity toys for indoor and outdoor family domestic use;
  - f. RS ISO 8124-6 Safety of toys – Part 6: Certain phthalate esters in toys and children's products;
  - g. RS ISO 8124-7 Safety of toys – Part 7: Requirements and test methods for finger paints;
  - h. RS ISO/TR 8124-8 Safety of toys – Part 8: Age determination guidelines.

#### **Article 12: Labelling of toy**

Any information including warnings related to the toy and its use must be labelled and fixed on the toy or its packaging and must be clearly visible, legible, understandable.

The toy must be labelled in at least one or more official languages used in Rwanda.

### **Section two: Particular safety requirements**

#### **Article 13: Electrical properties of Children toys**

In addition to the requirement of RS IEC 62115 Electric toys – safety, children toys must comply with the following requirements:

1. Toys must not be powered by electricity of a nominal voltage exceeding 24 Volts direct current (DC) or the equivalent alternating current (AC) voltage, and their accessible parts shall not exceed 24 volts DC or the equivalent AC voltage. Internal voltages shall not exceed 24 volts DC or the equivalent AC voltage unless it is ensured that the voltage and the current combination generated do not lead to any risk or harmful electric shock, even when the toy is broken.

2. Electric toys must be designed and manufactured in such a way that electric, magnetic and electromagnetic fields and other radiations generated by the equipment are limited to the extent necessary for the operation of the toy.
3. Toys which have an electronic control system must be designed and manufactured in such a way that the toy operates safely even when the electronic system starts malfunctioning or fails due to failure of the system itself or an outside factor.
4. Toys must be designed and manufactured in such a way that they do not present any health hazards or risk of injury to eyes or skin from lasers, light-emitting diodes (LEDs) or any other type of non-ionizing radiation.

**Article 14: Hygiene**

- 1° Toys must be designed and manufactured in such a way as to meet hygiene and cleanliness requirements in order to avoid any risk of contamination or cause infection or sickness.
- 2° A toy intended for use by children under thirty-six (36) months must be designed and manufactured in such a way that it can be cleaned.

A textile toy must be washable, except if it contains a mechanism that may be damaged if soak washed.

The toy must fulfil the safety requirements also after having been cleaned in accordance with this point and the manufacturer's instructions.

## **Chapter 4: REGISTRATION OF CHILDREN TOYS**

### **Article 15: General requirements for issuance of a registration certificate**

Any person who wishes to carry out the business operations regulated by this technical regulation must consider the following during application:

- 1° Submission of a duly filled and signed application form for every type of toys;
- 2° Presentation of the technical file of the toy;
- 3° Presentation of an evidence of payment of an application fee prescribed by the Regulatory Authority;

All application documents shall be sent to [application@rica.gov.rw](mailto:application@rica.gov.rw). Submission of hard copies may be done upon request.

In case of International, regional and national agreements on quality marks recognition the Regulatory Authority may consider the quality mark documents during product registration.

### **Article 16: Specific requirements for registration of children toys**

In addition to the requirements in Articles 7 to 14, the following documents must also be submitted:

- 1° Laboratory test report issued by a competent laboratory;
- 2° Certificate of Conformity issued by a designated Conformity Assessment Body if deemed necessary by the Regulatory Authority;
- 3° User's instructional or user manual where applicable.

### **Article 17: Transfer of registration**

Application for transfer of registration of a product must be done within two months before the agreed transfer date. After registration of a toy to another applicant, the original registration holder loses ownership on the registered toy.

### **Article 18: Importation of unregistered toys**

Importation of unregistered children toys shall be allowed and issued import license under the following conditions with justifications from the competent authority:

- 1° humanitarian aid;
- 2° education purpose;
- 3° trial purposes;
- 4° temporal use;
- 5° laboratory analysis.

**Article 19: Validity of Import license for unregistered toys**

This license is valid for only one consignment per toy type and expires in six months. For the case of trials or laboratory analysis, the importer has to share the report of the findings or analysis with the Regulatory Authority.

Any person found using the same license on different consignments shall be liable to administrative measures.

**Article 20: Export certificate**

Any exporter must have a valid toy registration certificate. The export certificate shall be issued basing on the import requirements of the importing country.

Toys manufactured purposely for export must have a label "*for export only*" and most not be put on Rwanda market.

**Article 21: Importation of used children toys**

Importation of used children's toys for use is prohibited.

**Article 22: Technical file of the toy**

The manufacturer must draw up technical documentation which contains all relevant information about the means used by the manufacturer to ensure that a toy shall comply with the essential safety requirements during its foreseeable and normal period of use.

The technical file documented must contain, in particular, the following documents so far as relevant for assessment:

- 1° a list of components and materials used in the toy as well as the safety data sheets on chemicals used;
- 2° the safety assessments carried out;
- 3° laboratory test report(s) issued by the competent laboratory;

## **Chapter 5: COMMON PROVISIONS ON REGISTRATION AND LICENSING**

### **Article 23: Decision on Licensing and Registration application**

The Regulatory Authority notifies in writing the decision on application for a license and/or registration certificate to the applicant within sixty (60) calendar days from the date of submission of full application dossier.

### **Article 24: Decision appeal**

If the application for registration of a product or licensing of business operation is rejected or has been approved with conditions that the applicant is not satisfied with, the applicant shall address his/her complaint as stipulated in the appeal / complaint procedure published on the website of the Regulatory Authority.

### **Article 25: Validity and renewal of registration certificate and license**

The registration certificate and license are valid for three (3) years that are renewable.

A business operator who wants to renew the registration certificate and license submits the application for renewal at least three (3) months before expiration of the existing license.

The procedures for renewal registration certificate and license shall be the same as initial registration procedures.

### **Article 26: Loss of registration certificate or license**

The registration certificate or license holder must notify the regulatory authority in writing about the loss of a registration certificate or license within 7 calendar days following the day the certificate or license has been lost.

The applicant requests for registration certificate or license duplicate within thirty (30) calendar days. The application must include the application letter addressed to the Regulatory Authority and it must be accompanied by the certificate of loss provided by the Competent Authority.

The request for duplicate of the certificate or license is subjected to the payment of the license or registration certificate fee.

The conditions for use of the duplicate of the license or registration certificate remain the same as the original certificate or license.

**Article 27: Surrendering the license**

A business operator who wishes to stop supplying, distributing, manufacturing or importing any of the registered children toy must notify the Regulatory Authority in writing within three (3) months before ceasing the activities.

Notifications that are done after expiration of the issued license has to pay a late renewal penalty in accordance with relevant laws and/or regulations.

**Article 28: Registration certificate or license revocation**

The Regulatory Authority may revoke the registration certificate or license if the business operator:

- 1° Submits false or deliberate misleading data or information to the Regulatory Authority during registration/licensing or in response to field verifications or in response to Regulatory Authority's inspection or audit requirements;
- 2° fails to provide timely access to his/her facilities and corporate records;
- 3° Fails to renew the registration;
- 4° Fails to comply with minimum requirements.

**Article 29: Refunding**

In case registration and/or license application process is cancelled due to any reasons, no refunds shall be made.

## **Chapter 6: OBLIGATIONS OF LICENSED OPERATORS**

### **Article 30: Maintenance of registration certificate or license requirements**

The business operator must commit to the Regulatory Authority to comply with and maintain the requirements of the issued certificate or license.

### **Article 31: Notification of change of particulars to the Regulatory Authority**

The business operator has to notify the Regulatory Authority of changes of the physical address, trade name or any other change of information previously given to the Regulatory Authority at least twenty-one (21) calendar days before such changes are effected

Any changes made to the toy is identified as a new product and shall be subject to registration requirements.

### **Article 32: Product traceability**

In case of toy quality suspicion, the business operator is bound to declare to the Regulatory Authority:

- 1° any other business operators who have supplied them with a toy; and
- 2° any other business operators to whom they have supplied a toy.

### **Article 33: Operators' authorized representative**

A business operator may, by a written mandate, appoint a person established as the authorized representative to act on his/her behalf in relation to specified tasks concerned with this technical regulation.

The tasks assigned to manufacturer's representative shall not include design, manufacture, packaging and labelling of products.

### **Article 34: Storage and transportation of children toys**

The business operator must comply with storage and transportation standard requirements relevant to the Toy.

### **Article 35: Samples collected for children toy registration**

For the purpose of registration, the Regulatory Authority shall require the Registrant of the concerned toy, the samples free of charge for conformity assessment.

## **Chapter 7: PROHIBITIONS AGAINST SUPPLY AND INQUIRY PROCEEDINGS**

### **Article 36: Prohibitions on placing children's toys on the market**

It is prohibited to put on the market any of the children toy if:

- 1° the business operator is not licensed;
- 2° the toy is not registered in Rwanda;
- 3° the toy no longer conforms to the requirements;
- 4° it is found that registration of the product contravened, is contravening or is likely to contravene this technical regulation..

### **Article 37: Inquiry to incident involving registered toys**

The Regulatory Authority investigates into a complaint or information received from any source of incident involving registered toys supplied which results or may result into any hazard.

The complaint shall be dismissed by the Regulatory Authority if the incident was due to misuse of the product.

### **Article 38: Follow-up of Suspension of or prohibition against supply**

When the business operator is suspended from manufacturing, importing or distributing of the registered toy; he/she is prohibited from putting on the market and/or advertise his/her toy until suspension is lifted.

When the supply of any of the registered toys is prohibited, the registration is immediately cancelled and the business operator shall be requested to recall the prohibited toys.

Failure to comply with the recall instructions, the business operator shall be liable in accordance with relevant laws.

## **Chapter 8: ENFORCEMENT**

### **Article 39: Market Surveillance**

The Regulatory Authority shall conduct inspection on the market to all regulated children toys in accordance to the respective procedure for the purpose of enforcement to ensure compliance with minimum requirements and verification of authenticity of issued registration certificates and licenses.

### **Article 40: Import inspection at the entry points**

At the entry points, importer must present the original copy of the registration certificate(s) of the toy(s) or the import license(s) during customs declaration without any objections. The quality inspector at the entry point following procedures for inspection of general cargo, shall carry out quality inspection including document inspection for compliance verification.

### **Article 41: Industry inspection**

Industry inspections following their procedure shall be carried out to monitor the use of license or registration certificates and/ or compliance with the requirements set by the Regulatory Authority.

### **Article 42: Non-compliance of the children toys**

Any person holding a children toy registration certificate must comply with all relevant laws, orders, regulations or guidelines in force in Rwanda.

In case it is found that the toy put on the market doesn't comply with minimum requirements, the certificate holder shall be accountable and is liable to one or more of the following measures in addition to those highlighted in Article 49 of the Law No 36/2012 of 21/09/2012 relating to competition and consumer protection:

- 1° Written warning;
- 2° Product seizure and/ or destruction;
- 3° Cancellation of registration.

When a registered toy is to be withdrawn from the market, the business operator must withdraw them in not more than fourteen (14) calendar days and give a report of supplied children toys and a daily report of the withdrawn children toys to the Regulatory Authority until toys are fully withdrawn. Any cost that can be incurred during toy withdraw and/ or destruction shall be paid by the business operator.

**Article 43: Disposal**

End-of-life disposal of any of the regulated children toys is done in accordance with the Regulations on Management and Handling of Hazardous Waste (MHW Regulations). The toy owner is liable to any charges related to the handling of these wastes.

**Article 44: Faults and administrative sanctions**

Any person who manufactures, imports or attempts to import, supplies or distributes any of the regulated children toys and puts them on the market without a registration certificate/license or does anything that contravenes this technical regulation commits a fault and is liable to a fine provided in relevant laws and regulations

## **Chapter 9: FINAL PROVISIONS**

### **Article 45: Repealing Provision**

All prior provisions contrary to this technical regulation are hereby repealed.

### **Article 46: Disclaimer**

The Regulatory Authority shall not be held liable for any accidents, damage or loss resulting from the storage, transportation and/or use of noncompliant or compliant children toys.

### **Article 47: Transition**

Within a period of six (6) months from the date of coming into force of this technical regulation, all existing local manufacturers of children's toys must have to be licensed.

### **Article 48: Commencement**

This technical regulation shall come into force on the date of its approval by the Regulatory Authority.

**Done on 25 / 08 / 2022**