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(20-3634)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>AUSTRALIA</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Australian Competition and Consumer Commission (ACCC) Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Department of Foreign Affairs and Trade Email: tbt.enquiry@dfat.gov.au
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Children's toys containing magnets – being children's toys that are products designed or clearly intended for use in play by children under the age of 14 years. This review addresses the risk of children ingesting small high-powered magnets which may be present in a range of children's toys, including magnetic building sets, scientific sets and toy train sets, for the purpose of functionality. Note: This review applies only to children's toys containing magnets and applies to toys that contain magnets as a component of the product. There is also a separate ban on small high-powered magnets in Australia, this ban applies to products that are entirely and only small high-powered magnets.
5. Title, number of pages and language(s) of the notified document: Review of the mandatory safety standards for children's toys – Consultation paper (29 page(s), in English)
6. Description of content: The ACCC is proposing to update the mandatory safety standard for children's toys containing magnets to allow suppliers to comply with any of the following widely-adopted voluntary standards: <ul style="list-style-type: none">• International Standard (ISO 8124-1:2018 - <i>Safety of toys – Part 1: Safety aspects related to mechanical and physical properties</i>)• European Standard (EN 71-1:2014+A1:2018 - <i>Safety of toys – Part 1: Mechanical and physical properties</i>)• American Standard (ASTM F963 – 17 - <i>Standard consumer safety specification for toy safety</i>)• Australian/New Zealand Standard (AS/NZS ISO 8124.1:2019 – <i>Safety of toys Part 1: Safety aspects related to mechanical and physical properties</i>, which is a domestic adoption of the International Standard). <p>The proposed safety standard would not impose any requirements other than those contained in these standards. Allowing compliance with these standards would reduce the current regulatory complexity and duplication for suppliers, thereby reducing technical</p>

	<p>barriers to trade.</p> <p>While these standards have comparable requirements to the current mandatory safety standard, they intend to reduce the consumer hazard by limiting the scope of toys that are permitted to be supplied with 'loose as-received' small high-powered magnets.</p> <p>The attached consultation paper outlines our preliminary consideration of the hazards and policy approaches for five children's toys standards, including the mandatory safety standard for children's toys containing magnets.</p>
7.	<p>Objective and rationale, including the nature of urgent problems where applicable: The objective of the mandatory safety standard is to reduce the risk of serious injury or death to children under 14 years of age from swallowing small high-powered magnets in toys. The current mandatory safety standard was introduced in response to incidents of serious injuries to children in Australia and the death of a child in the United States after swallowing several small high-powered magnets released from a toy. When swallowed, small high-powered magnets attract to one another in a child's intestine and can cause enough damage that the weakened intestines can burst open. If the bowel bursts, it becomes a life-threatening surgical emergency. In most cases, removal of the magnets will require surgery even if they haven't yet caused a perforation; Protection of human health or safety</p>
8.	<p>Relevant documents:</p> <ul style="list-style-type: none"> • Consultation paper – Review of the mandatory safety standard for children's toys • Current safety standard – Consumer Protection Notice No. 5 of 2010 • Product Safety Australia page – Children's toys containing magnets • Product Safety Australia page – Permanent ban on small high-powered magnets • The International, European and Australian/New Zealand standards are available for purchase from SAI Global. The American Standard is available for purchase from ASTM International.
9.	<p>Proposed date of adoption: Any proposed amendment to the safety standard would be adopted the day after it is registered.</p> <p>Proposed date of entry into force: The proposed safety standard would provide a transitional period (usually 12 months) to allow suppliers to move to the new requirements. During the transitional period suppliers may choose to comply with the new standard or the requirements set out in the current safety standard.</p>
10.	<p>Final date for comments: 60 days from notification</p>
11.	<p>Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>Department of Foreign Affairs and Trade Email: tbt.enquiry@dfat.gov.au</p>