



A Guide to Brazil's Toy Compliance Requirements



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Toy Compliance Requirements***

July 2012



A Guide to Importing Toys into Brazil

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A Guide to Importing Toys into Brazil

1. Scope

This Guide addresses all types of toys.

2. General Overview of the Brazilian Regulatory Framework

Several agencies at the federal level have the authority to issue technical regulations in the particular areas of their competence. Technical regulations are always published in the [Official Gazette](#) and are generally based on international standards.

All agencies follow similar general procedures to issue technical regulations. They can start the preparation of a technical regulation ex officio or at the request of a third party. If the competent authority deems it necessary, a draft regulation is prepared and published in the *Official Gazette*, after carrying out an impact assessment of the new technical regulation. Technical regulations take the form of laws, decrees or resolutions. Brazil normally allows a six-month period between the publication of a measure and its entry into force.

Public hearings are also a way of promoting the public consultation of the technical regulations. Likewise, when the proposed technical regulation is considered to produce trade effects, this is notified to the WTO in order to allow Members to comment.

The National Institute of Metrology, Quality and Technology ([INMETRO](#)) is responsible for notifying the proposed technical regulations to the World Trade Organization (WTO) and acts as the national enquiry point under the WTO Agreement on Technical Barriers to Trade (TBT). All the projects of technical regulations that impact on international trade, even if those regulations are identical to international standards, are notified to WTO. It is worth noting that the vast majority of Brazil's technical regulations are prepared based on international standards and performance criteria.

In addition to its regulations and conformity assessment procedures, Inmetro notifies to WTO other government agencies' technical requirements, for example, from the National Health Surveillance Agency ([ANVISA](#)), Ministry of Agriculture, Livestock and Supply ([MAPA](#)), the National Petroleum Agency, Natural Gas and Biofuels ([ANP](#)), the Ministry of Mines and Energy ([MME](#)), as well as the National Telecommunications Agency ([ANATEL](#)).

INMETRO is also responsible for receiving international comments concerning the drafts of technical regulations. The private sector, both domestic and foreign, may partake in discussions. After taking all comments and suggestions into account, the responsible body decides whether to adopt a technical regulation, with or without modifications.

With regard to the preparation of technical regulations, in 2007, Brazil adopted the [Guide of Good Regulatory Practices](#), which offers recommendations on how to prepare, revise, revoke and disseminate technical regulations. This encourages transparency and consistency in regulatory practices. The Guide recommends that public bodies focus on safety, health, environment and consumer protection issues. Nevertheless, there are no mandatory rules of general application to prepare technical regulations. Each entity is responsible for the adoption of technical regulations based on its own procedures.

INMETRO and all other regulators may develop and adopt conformity assessment procedures. The steps followed for conformity assessment procedures are similar to those taken for the preparation of technical regulations. There is a public consultation period and the measure is published in the *Official Gazette*. Conformity assessment procedures that differ from international standards or have considerable economic impact are also notified to WTO by INMETRO.

Based on the specific characteristics of the product, conformity assessment can be carried out through certification, labelling, inspection, sampling and/or a conformity declaration by the supplier. Certification is performed by accredited third parties and is usually voluntary. Products and services subject to mandatory certification are those that affect consumer health, safety or the environment. Certification is mandatory for toys, which are the object of this study.

Brazil recognizes products and systems certifications carried out by foreign certification agencies that signed a memorandum of understanding (MOU) with the Brazilian certification body or that have an agreement with Inmetro.

INMETRO is also the national body responsible for the accreditation of certification bodies, inspection, training, calibration and testing.

In Brazil, the [Brazilian Association of Technical Standards \(ABNT\)](#) is a non-governmental agency that receives financial support from the federal government. It is responsible for the development of voluntary standards. ABNT represents Brazil in The International Organization for Standardization ([ISO](#)) and The International Electrotechnical Commission ([IEC](#)) and in regional standardisation fora.

To ensure that the standards' content is updated, standards in effect with more than five years are reviewed. The review process follows international guidelines and includes four months of public consultation through the ABNT website. During the consultation period, interested parties have the opportunity to tell whether the standard should be confirmed, cancelled or updated.

3. Regulatory Authorities for Toys

3.1. INMETRO (National Institute of Metrology, Quality and Technology)

<http://www.inmetro.gov.br/>

Inmetro's Technical Regulations

- I. Ordinance INMETRO / MDIC number 117 from 03/10/2011 – in place.

Determines that the sub 2.3.1.2 and 2.3.1.5. b Procedure for Certification of Toys, attached to Inmetro No 321/2009, shall be in force with new wording.

<http://www.inmetro.gov.br/legislacao/rtac/pdf/RTAC001677.pdf>

- II. Ordinance INMETRO / MDIC number 377 from 09/28/2010 – in place.

Clarifies that the certification of metallic balloons and latex balloons, with manufacturing date from October 1, 2010, is mandatory, as stated in the requirements of the Conformity Assessment Programme on Safety of Toys.

<http://www.inmetro.gov.br/legislacao/rtac/pdf/RTAC001603.pdf>

- III. Ordinance INMETRO / MDIC number 152 from 04/30/2010 – in place.

Sets new deadlines for the ordinance Inmetro No. 321, 29/10/2009, which deals with the procedure for certification of toys.

<http://www.inmetro.gov.br/legislacao/rtac/pdf/RTAC001550.pdf>

- IV. Ordinance INMETRO / MDIC number 321 from 10/29/2009 – reviewed

Approves the Procedure for Certification of Toys.

<http://www.inmetro.gov.br/legislacao/rtac/pdf/RTAC001508.pdf>

- V. Ordinance INMETRO / MDIC number 49 from 02/13/2008 – in place.

Prohibits the certification and marketing, whether free of charge or not, of toys currently marketed in Brazil with the name / brand name "Bindeez," and prohibits the certification and sale of any toy similar to "Bindeez," which may be marketed in the country with other names not yet identified.

<http://www.inmetro.gov.br/legislacao/rtac/pdf/RTAC001265.pdf>

VI. Ordinance INMETRO / MDIC number 369 from 09/27/2007 – in place.

Establishes the additional requirements for toxicological testing in toys, as defined in Annex I of this Ordinance.

<http://www.inmetro.gov.br/legislacao/rtac/pdf/RTAC001208.pdf>

VI. Ordinance INMETRO / MDIC number 108 from 06/13/2005 – in place.

Requires the compulsory certification of toys under the Brazilian System of Conformity Assessment (SBAC) should be made in accordance with the MERCOSUR Technical Regulation on safety of toys, 8 October 2004.

<http://www.inmetro.gov.br/legislacao/rtac/pdf/RTAC000946.pdf>

VII. Ordinance INMETRO / MDIC number 133 from 08/15/2003 – in place.

Prohibits the certification and marketing, whether free of charge or not, of commonly known yo-yo toys that fit the description of this Ordinance.

<http://www.inmetro.gov.br/legislacao/rtac/pdf/RTAC000847.pdf>

VIII. Ordinance INMETRO / MICT number 8 from 01/27/1997 – in place.

Revokes INMETRO Ordinance No. 254 from 24 November 1992, referring to toys.

<http://www.inmetro.gov.br/legislacao/rtac/pdf/RTAC000220.pdf>

4. Standards Developing Organizations

4.1. Brazilian Association of Technical Standards (ABNT)

<http://www.abntcatalogo.com.br/normagrid.aspx>

ABNT's Technical Regulations

I. ABNT NBR 15859:2010 z – in place.

Large inflatable toys. Safety requirements and test methods.

Specifies the safety requirements for inflatable toys in which the main activities are intended for leisure, for example, jumping, playing and sliding.

II. ABNT NBR NM 300-1:2004 Errata 2:2008. Safety of Toys – in place.

Part 1: General properties, mechanical and physical.

Erratum 2 corrects 09/29/2008 ABNT NBR NM 300-1:2004.

III. ABNT NBR NM 300-1:2004 Amendment 1:2007. Safety of Toys – in place.

Part 1: General properties, mechanical and physical.

IV. ABNT NBR NM 300-1:2004 Errata 1:2007. Safety of Toys – in place.

Part 1: General properties, mechanical and physical.

V. ABNT NBR NM 300-3:2004 Errata 1:2007. Safety of Toys – in place.

Part 3: Migration of certain elements.

This Errata 1 corrects 03/19/2007 ABNT NBR NM 300-3:2004

VI. ABNT NBR NM 300-1:2004 corrected version:2011. Safety of Toys – in place.

Part 1: General properties, mechanical and physical.

The requirements of this part of the standard apply to all toys, i.e. any product or material designed or clearly intended for use in toys for children under 14 years of age. These requirements are applied to new toys in the state that will be received by the consumer.

VII. ABNT NBR NM 300-2:2004. Safety of Toys – in place.

Part 2: Flammability.

This part of this standard sets out the categories of flammable materials that are banned in

all toys and requirements concerning flammability of certain toys when subjected to a small heat source.

VIII. ABNT NBR NM 300-3:2004. Corrected version 2011. Safety of Toys – in place.

Part 3: Migration of certain elements.

This part of the standard establishes requirements and test methods for the migration of materials of toys and toy parts, except materials not accessible (see Part 1 of this standard) of the following elements: antimony, arsenic, barium, cadmium, chromium, lead, mercury and selenium.

IX. ABNT NBR NM 300-4:2004. Safety of Toys – in place.

Part 4: Games of chemical experiments and related activities.

This part of the standard establishes the requirements for the maximum amount of certain substances used in games of chemical experiments and related activities.

X. ABNT NBR NM 300-5:2004. Safety of Toys – in place.

Part 5: Chemical games distinct from games of experiments.

This part of the standard establishes the requirements for substances and materials that are used in chemical games that are not games of experiments.

XI. ABNT NBR NM 300-6:2004. Safety of Toys – in place.

Part 6 Safety of electric toys.

This part of standard considers the safety of electric toys. Also applies to toys of electrical construction and to electrical functional toys, and should be applied to Part 1 of this standard.

XII. ABNT NBR 14350-1:1999 corrected version. 1999. Safety of Playground Toys – in place.

Part 1: Requirements and test methods.

This part of ABNT NBR 14350 establishes minimum security requirements designed to avoid the dangers posed by equipment for play, designed for permanent installation outdoors without drive systems.

XIII. ABNT NBR 14350-2:1999. Safety of Playground Toys – in place.

Part 2: Guidelines for drafting a contract for acquisition/supply of playground equipment (In place).

This part of ABNTNBR 14350 establishes guidelines for the preparation of contracts for the acquisition/supply of playground equipment.

5. Certification and Testing Bodies

5.1. Certification

I. IFBQ - Instituto Falcão Bauer da Qualidade

Address: Rua Cenno Sbrighi n° 45, Água Branca. São Paulo, SP. Brazil

Phone: (11) 3611-1729 and Fax (11) 3611-1729

Email: sgqifbq@ifbauer.org.br and facchini@falcaobauer.com.br

Site: <http://www.ifbauer.org.br>

II. TÜV Rheinland do Brasil Ltda Suzete Schipa Suzuki

Address: Avenida Paulista, n.º 302 - 2º, 3º and 4º andar Bela Vista, São Paulo, SP. Brazil

Phone: (11) 3638-5700 and Fax (11) 3638-5844

Email: suzete.suzuki@br.tuv.com

Site: <http://www.tuvbrasil.com.br>

III. IQB - Instituto Brasileiro de Qualificação e Certificação

Address: Av. Santo Amaro, 1.386 - 3º andar, Vila Nova Conceição. São Paulo. SP, Brazil

Phone: (11) 3238-1970 and Fax (11) 3238-1980

Email: iqb@iqb.org.br

Site: <http://www.iqb.org.br>

IV. Instituto Brasileiro de Certificação

Address: Rua André Rocha, 277. Taquara. Rio de Janeiro. RJ. Brazil

Phone: (21) 2423-5515 and Fax (21) 2435-2334

Email: ibcertt@yahoo.com.br

V. MVM Certificadora

Address: Rua do Imperador Pedro II, 307 sala 1101. Santo Antônio. Recife. Pernambuco. Brazil

Phone: (81) 3202-5512 and Fax (81) 3202-5512/ 5514 e 5518

Email: mvm@mvm-certificadora.org.br

Site: <http://www.mvm-certificadora.org.br>

VI. ICEPEX - Instituto de Certificação para Excelência na Conformidade

Address: Rua Oscar Bressane, 520. Jardim Saúde, São Paulo, SP. Brazil

Phone: (11) 5539-5911

Email: icepex@icepex.org.br

Site: www.icepex.org.br

VII. ICBR - Instituto de Certificações Brasileiro S.A.

Address: Rua Maestro Francisco Manoel da Silva, 71, Santa Genebra, Campinas, SP. Brazil

Phone: (19) 3259-1450 and Fax (19) 3295-0012

Email: ismar@icbr-certlab.org.br

Site: <http://www.icbr.org.br>

VIII. INNAC - Instituto Nacional de Avaliação da Conformidade em Produtos

Address: Rua Coriolano, 1.894. Lapa, São Paulo, SP. Brazil

Phone: (11) 3017-8260 and Fax (11) 3315-0021

Email: innac@innac.org.br

5.2 Testing Laboratories Listed by Inmetro

I. Manufatura de Brinquedos Estrela S.A – Laboratório de Segurança do Produto

Address: Rua Roupem Tilkian, 375 Caixa Postal (CP 288), Barão Ataliba Nogueira. Itapira, SP. Brazil

Phone: (19) 3913-9844 and Fax (19) 3913-9892

Email: alago@estrela.com.br

II. L. A. Falcão Bauer- Centro Tecnológico de Controle de Qualidade LTDA – Laboratório de Tecnologia de Materiais e Produtos

Address: Rua Aquino N° 111. Água Branca. São Paulo. SP. Brazil

Phone: (11) 3611-0833 and Fax (11) 3861-0170

Email: qualidade@falcaobauer.com.br

III. SGS do Brasil LTDA – Laboratório de Análises

Address: Av. Vereador Alfredo das Neves, 480. Alemoa, Santos, SP. Brasil

Phone: (13) 2105-9602/ 9576 and Fax (13) 3296 2921

Email: jorgespitti@sgs.com

IV. Fundação Centro de Análise, Pesquisa e Inovação Tecnológica - FUCAPI – Centro de Laboratórios

Address: AV. Gov. Danilo de Mattos Areosa, 381. Distrito Industrial. Manaus. AM. Brasil

Phone: (92) 2127-3167/3112 and Fax (92) 2127-3206

Email: laboratorios@fucapi.br

V. Instituto Lab System de Pesquisas e Ensaio LTDA. – Lab System

Address: Avenida Guinle, 106. Cidade Industrial Satélit. Guarulhos. SP. Brazil

Phone: (11) 2446-0053 and Fax (11) 2446-0041

Email: ilspe@labsystem.com.br

VI. CEBRATEC - Centro Brasileiro de Tecnologia e Segurança de Produtos LTDA – Brasil. Laboratório Centro Brasileiro de Tecnologia e Segurança de Produtos

Address: Rua Marselha, 1240, Jaguaré, São Paulo. Brazil

Phone: (11) 3766-6339 / 3763-5283 and Fax (11) 3766-6339

Email: osvaldo@cebratec.net

VII. Instituto de Pesquisas Tecnológica do Estado de São Paulo. IPT – Centro de Metrologia em Química

Address: Av Professor Almeida Prado, 532. Cidade Universitária. São Paulo. Brazil

Phone: (11) 3767-4569 and Fax (11) 3767-4572

Email: heloisaa@ipt.br

VIII. SGS-CSTC. Standards Technical Services Co Ltda. - SGS - CSTC Shenzhen Branch Toys Laboratory

Address: 4/F, Oastar Building, Zhong kang Road, SHENZHEN. China

Email: julian.kwok@sgs.com

IX. SGS Hong Kong Limited - SGS Hong Kong Ltd.

Address: 2 On Yiu Street. Siu Lek Yuen, Shatin NT. China

Phone: (852) 2334.4481

Email: jonathan.au@sgs.com

X. Intertek do Brasil Ltda. - Intertek Testing Services Shenzhen Ltd.

Address: Dr. Renato Paes de Barros, Itaim Bibi, São Paulo. SP. Brazil

Phone: (11) 3707.0651

Email: cody.wong@intertek.com

XI. Istituto Italiano Sicurezza Dei Giocattoli SRL – Istituto Italiano Sicurezza Dei Giocattoli

Address: Via Europa, Bairro Cabiato (CO), Cidade Cabiato (CO) Italy

Phone: (39) 0317.6840 and Fax (39) 0317.5678

Email: natale.consonni@giocattolisicuri.it

XII. Intertek do Brasil Ltda. - Intertek Testing Services Hong Kong Ltd.

Address: Dr. Renato Paes de Barros, Bairro Itaim Bibi, Cidade São Paulo. SP. BRASIL.

Phone: (11) 3707.0651 and Fax 852 237 02837

Email: tom.hun@intertek.com

5.3 Methods of Testing and Certification

INMETRO / MDIC number 321 of 29/10/2009

The certification of compliance with the minimum safety requirements is associated with the issuance of a Certificate of Compliance by a Product Certification Body (OCP) accredited by Inmetro and shall also be indicated with the Seal of Conformity Identification, which identifies that the toy is certified, in accordance with the Mercosur Standard NM 300:2002, Mercosur Technical Regulation.

The use of the Seal of Conformity Identification in toys is linked to the conformity attestation by OCP accredited by Inmetro and to commitments made by the certification holder, which is responsible for the product through a contract with the OCP.

With regard to conformity assessment procedures, the mechanism used is the Compulsory Certification, whose choice of models used is:

- Model Certified by Lot System (7).

It is understood as the Lot Certification the set of all units of toys presented simultaneously to the assessment for certification, originating from the same manufacturing plant and involving the same family, according to the concept of family described in Annex VI of Mercosur Technical Regulation, with the same encoding NCM (Mercosur Common Nomenclature).

- Certification Model for Evaluation of Quality Management System, associated with product testing system (5).

- Model Type Certification and Testing of Samples Collected in trade and factory or warehouse system (4).

The certifications by the System 4 shall be based on the complete tests of requirements set by MERCOSUR Standard NM 300:2002 and, where applicable, in Inmetro No. 369/2007. The testing shall be performed on toys deemed family's parent to certify. These are considered the toys of higher risk to the safety of their users by OCP. The tests shall include the following properties: - mechanical and physical, - flammability, - Electrical, - migration of certain elements; - content of phthalates (where applicable) - biological requirements (if applicable); - warnings and identification of age. Regardless of the number of toys that constitutes a family, the sample collected for testing shall be made only by a "family man". Plush toys and made of cloth should be sampled considering the following criteria: filler; outer material; clothes of the same material.

- Supplies of the same material.

The tests shall be performed by national or foreign laboratories accredited by Inmetro, the scope of NM 300:2002 standard and, where applicable, the methodologies of Inmetro No. 369 of September 27, 2007. Domestic or foreign laboratories chosen for testing the standard NM 300:2002 should be accredited for this scope. Testing should be coordinated and supervised by the OCP. Only for the methodologies described in Inmetro 369/2007, if there is no laboratory accredited by Inmetro, the OCP can use a non-accredited laboratory for this particular scope so long as it evaluates the laboratory according to criteria established in ISO/IEC 17025 : 2005. Note: This evaluation should be done by a professional.

Reports of tests carried out abroad that are not in Portuguese (Brazil) should be forwarded to OCP with a sworn translation into Portuguese, in the original, signed, with the signer identified and contact information for issuer provided. The laboratory has the responsibility for the information contained in the test report. This report should be evaluated and supervised by the OCP. The OCP has the responsibility for the analysis of test reports.

6. Government Partners

I. National Institute of Metrology, Quality and Technology (INMETRO)

General Coordination of International Affairs (CAINT)

Overcoming Technical Barriers Division (DISBT)

Address: Rua Santa Alexandrina 416, 5º andar. Rio Comprido. Rio de Janeiro, Brazil

Phone: (+ 55 21) 2563-5543 and Fax: (+ 55 21) 2563-5637

Site: <http://www.inmetro.gov.br/barreirastecnicas/>

II. Brazilian Association of Technical Standards (ABNT)

Address: Av. 13 de Maio, 13/27º andar. Centro - Rio de Janeiro, Brasil

Phone: (+55 21) 3974 2337 and Fax (+55 21) 3974-2317

Sites: <http://www.abnt.org.br> and <http://www.abtnet.com.br>

7. Major Market Entities

I. The Brazilian Association of Toy Manufacturers (ABRINQ)

<http://www.abrinq.com.br/Default.aspx?abrId=1>

II. Brazilian Association of Children's Products

<http://www.abrapur.com.br/ws/>