

1995年3月23日
丹麥消費者保護委員會
第三百二十九號命令
安全玩具法及誤食形似食物之玩具法

依據 1994 年 5 月 18 日第三百六十四號安全產品法案，第十五、十六條及第二十五條第三項、第二十七條第四項條之規定，以下之條文係依照住宅部、環境能源部、衛生部之協商而訂定：

第一章

範圍

1.
 - (1)本法適用於專為十四歲以下之兒童設計玩具，但第七章所規定之情形不在此限。
 - (2)第七章所規定之條文適用於，因其外觀會被誤認為食品，並且因此危及使用者之安全與健康之產品。
2. 附件一所示之商品並不屬本法所欲規範之玩具。
3. 本法中所稱之「商品上市於市場上」係指第一線製造業者或第一線銷售商，以付費或免費之方式提供、販賣、銷售

ORDER ON SAFETY REQUIREMENT FOR
TOYS AND PRODUCTS WHICH DUE TO
THEIR OUTWARD APPEARANCE MAY BE
MISTAKEN FOR FOOD

Pursuant to Sections 15, 16, 25-(3) and 27-(-4) of Act no. 364 on Product Safety of May 18, 1994, the following is stipulated by agreement with the Ministry of Housing, the Ministry for the Environment and Energy, and the Ministry of Health:

Chapter 1

Scope

1.
 - (1)With the exception of Chapter 7, this Order shall apply to products clearly designed or intended for use in play by children of less than 14 years of age.
 - (2)The provisions of Chapter 7 shall apply to products which due to their outward appearance may be mistaken for food and therefore jeopardize the safety or health of users.
2. The products listed in Annex 1 shall not be regarded as toys for the purposes of this Order.
3. In this Order, >>placing a product on the market<< refers to the offering, sale or distribution of the product in the EU for payment

係爭產品於歐洲市場上。

第二章

對於玩具之安全要求

4.
 - (1)依據正常孩童遵守之行為標準判斷，在預設或不可預見使用玩具方式中，所有可能危及使用者或第三人之安全或健康之玩具，不得於市場中銷售。即使係爭玩具係依據第五條規定所設計製造，亦適用本條之規定。
 - (2)所有玩具於預定之使用年限中，必須符合附件二所規定安全與健康之要求。
5.
 - (1)所有於市場上銷售之玩具，必須符合以下之規定：
 - (a)所有設計、製造必須以一致規格，符合指導委員會依據相關會員國中有關法律中認定之安全玩具標準，所發表 88/378/EEC 規定，或者
 - (b)所有設計、製造，必須與經歐體會會員國授權單位所允許樣式相一致。
 - (2)為執行本法，於附件三中列出，所有與本條有關及丹麥國法令中所謂「一致規格」之規定。
 - (3)附件三之內容如有修正，將於丹麥官方公報及丹麥標準

or free of charge by the first production or sales link in the EU.

Chapter 2

Safety requirements for toys

4.
 - (1)Toys may not be placed on the market if they jeopardize the safety or health of the users or other parties when used as intended or in a foreseeable way, bearing in mind the normal behaviour of children. This applies even where the toys are designed and manufactured in accordance with Section 5.
 - (2)Toys must comply with the safety and health requirements laid down in Annex 2 for their normal foreseeable lifetime.
5.
 - (1)Toys may be placed on the market only where they
 - (a)are designed and manufactured in accordance with the harmonized standards issued pursuant to Council Directive 88/378/EEC on the approximation of the laws of the Member States concerning the safety of toys, or
 - (b)are designed and manufactured in accordance with a prototype which has been granted type approval by a body approved for the purpose by the authorities of an EU Member State.
 - (2)Annex 3 sets out the references for the harmonized standards referred to in Section 5.1 and the Danish standards, etc. issued for the implementation thereof.
 - (3)Annex 3 will be amended by notices published in the Danish

協會之刊物上加以刊載該修正公告。

第三章

樣式許可

6.

(1)工商管理部門應授權一家以上之研究機構，作為依本法之規定核發樣式之許可機關。

(2)前開授權須基於：該研究機構資格符合歐洲EU45001標準（DANAK）或係具有相同資格之國外機構。

7. 此樣式許可程序，應先提出書面聲請書，其上必須記載附件四所列資訊。

8.

(1)樣式許可之核發，必須係爭玩具符合第四條及附件二所列之項目要求。於審核原型是否符合附件二要件之程序中，審核之機關應遵循附件四所列之程序。

(2)樣式之許可，將因於生產時變更而失效。

(3)樣式之許可，將因並未符合附件二所示安全要求之要點，由權責機關加以撤銷。

Official Gazette, (Statstidende) and the Danish Standards Association's publication >>DS-Sandardnyt<<.

Chapter 3

Type approval

6.

(1)The Minister for Business and Industry shall authorize one or more laboratories as approving bodies to grant type approval of toys according to the provisions of this Chapter.

(2)Authorization is conditional upon the laboratory being certified as meeting European Standard EN 45001 by Dansk Akkreditering (DANAK) or an equivalent foreign certification body.

7. The type approval procedure is initiated by the lodging of a written application for type approval which is contain the information laid down in Annex 4.

8.

(1)Type approval will be granted provided that the toy meets the requirements laid down in Section 4, cf. Annex 2. In assessing whether a prototype meets the requirements laid down in Annex 2, the approving body is to follow the procedure laid down in Annex 4.

(2)Type approval will lapse should the product be altered.

(3)Type approval may be withdrawn by the authorities responsible for inspection should it subsequently become evident that the prototype does not after all meet the essential safety

9. 為進行聲請及許可程序將收取一定之費用。該費用之計算，係以許可機關因該案件所生之全部費用為準。
- 10.
- (1) 為進行審核程序，審核機關得安排或要求聲請人進行必須之測試，或亦可由聲請人自行安排適當的測試。
 - (2) 前項測試無論於國內何處舉行，必須經由DANAKBP認定合格實驗機關來認定係為合格之科技性檢測。
 - (3) 如於國外進行檢測，則需此機構符合（歐洲標準第EN45001號或ISO/IEC國際指導原則第二十五條所要求之情形，且經由具備EN45003或ISO/IEC第五十八條之其他機關，依據EN45002或ISO/IEC第五十八條規定認定合格）標準之機關進行。
 - (4) 亦可由其他會員國所經授權機關，進行此為核發許可所需之實驗。
- 11.
- (1) 當審核機關拒絕樣式許可之聲請時，應立即通知本國之消費者保護及委員會。
 - (2) 當會員國或經授權之機關核發其他會員國之樣式許可時，本委員會可請求，該核發機關呈送樣式許可證書影本一

- requirements laid down in Annex 2.
9. For processing an application for type approval a fee is charged. This fee is set by the approving body such that it covers all costs incurred in relation to the application.
- 10.
- (1) The approving body may arrange or may require the applicant to arrange the tests necessary for processing the application, or the appropriate tests may be arranged by the applicant.
 - (2) Where testing takes place in Denmark, it is to be carried out and reported as certified technical testing by a laboratory certified by Dansk Akkreditering (DANAK).
 - (3) Where testing takes place abroad, it is to be carried out by a laboratory which meets the requirements of European Standard En 45001 or the international guidelines ISO/IEC Guide 25 and is certified according to the provisions of EN 45002 or ISO/IEC Guide 58 by a body which meets the conditions of EN 45003 or ISO/IEC Guide 58.
 - (4) Type approval may be granted on the basis of testing carried out by authorities in another Member State.
- 11.
- (1) Should the approving body reject an application for type approval, the National Consumer Agency of Denmark and the Commission shall be informed immediately.
 - (2) Should the Commission, a Member State or a body authorized to grant type approval in another Member State so request, the

份。本委員會如有進一步合理請求時，有關產品技術性設計及檢驗測試之結果，亦應一併寄達。

12. 樣式許可證明書之持有人，必須自係爭產品於上市前最後一次檢測起算，十年內仍須保有彌封之前開許可玩具設計模型。

第四章

文件提出及保持

13.

- (1) 任何人欲上市玩具於市場時，必須以一致之規格生產，當權責機關於審查是否符合本條之規定時，業者必須提出載有附件五所列事項資訊之文件。
- (2) 任何人欲上市玩具於市場上時，必須依據許可之樣式加以生產，當權責機關於審查是否符合本條之規定時，業者必須提出載有附件六所列事項資訊之文件。
- (3) 上述相關之文件，必須自最後一次測試之商品上市後，十年內加以保存。

第五章

標示

approving body shall forward a copy of the type approval certificate. Following a reasonable request, a copy of the technical design data and the results of examinations and tests shall also be sent.

12. The holder of a type approval certificate must retain a sealed model of the approved toy design for 10 years after the last example of the product is placed on the market.

Chapter 4

Submission and retention of documentation


13.

- (1) Any party placing a toy on the market manufactured in accordance with the harmonized standards must possess and, when so ordered by the authorities responsible for inspection, submit documentation in the form of the information laid down in Annex 5.
- (2) Any party placing a toy on the market manufactured in accordance with a type approved prototype must possess and, when so ordered by the authorities responsible for inspection, submit documentation in the form of the information laid down in Annex 6.
- (3) Documentation is to be retained for 10 years after the last example of the product is placed on the market.

Chapter 5

Labelling

14.

- (1)依據第五條設計生產之玩具，於上市前必須貼上「CE」之標示。
- (2)所謂「CE」標示，是依據附件七所示之圖樣「」所組成。就其組合字母高度至少需有五公釐高，圖樣中相關比例不得加以變更。
- (3)前開上市之玩具，必須履行「CE」標示之責任。
- (4)「CE」標示是由權責機關擔保，係爭玩具之係依安全標準或經許可規格而加以生產。
- (5)當玩具係符合第五條規定製造，且具有本章所述之情形時，即可貼上「CE」標示。

15.

- (1)上市之玩具產品，其上不得標有或印有，於意涵或圖樣設計上，會造成誤認或誤導係為「CE」之標示之標貼。其他任何標記皆可使用於玩具包裝、標籤上，但不得致使「CE」之標示有不清楚或難以辨識。
- (2)當玩具產品上有「CE」標示時，該標示應載明該商品可被認為係符合，所有相關規範「CE」標示之法令

14.

- (1)The CE marking is to be affixed to toys designed and manufactured in accordance with Section 5 before they are placed on the market.
- (2)The CE marking consists of the >>CE<< symbol in accordance with the model shown in Annex 7. The height of its constituent parts shall be at least 5 mm and the relative proportions of the model may not be altered.
- (3)The placer of the toy on the market shall be responsible for the CE marking.
- (4)The CE marking is the guarantee of the responsible party that the toy is manufactured in accordance with the harmonized standards or is type approved.
- (5)The CE marking may be affixed only where the toy is manufactured in accordance with Section 5 and bears the information stated in this Chapter.

15.

- (1)Toys may not contain labels or inscriptions which may be mistaken for the CE marking or mislead with regard to its meaning and graphic design. Any other label may be placed on the toy, its packaging or a tag, provided that this does not reduce the visibility or legibility of the CE marking.
- (2)Where provisions have been laid down by or pursuant to legislation to implement EU regulations which regulate other aspects and which prescribe the CE marking, this marking shall indicate that the toy can also be assumed to meet the

- (3)於移轉期間，負責CE標示之權責機關，可依照第十五條第二項之規定，於數個規範中選定適用之準據法，而該CE標示亦需載明，僅符合該權責機關所選定之準據法。前開適用任何種準據法之說明，應於該玩具產品上之必要文件或任何使用說明書、包裝上記載清楚。

16.

- (1)上市之玩具必須於其上標示名稱、商標或地址。

- (2)就第十六條第一項及第十四條第二項規定之要點，必須以清楚明確且不可被塗毀的方式標示於其產品或包裝上，如係體積較小或由細小零件組成產品，則前開標示必須與前述相同方式，另外需附加標籤或說明書。

- (3)依據本條第一項所規定之要點，可以加以簡寫，但必須能使製造者、代表人或進口商之名稱得以辨識。

- (4)就本條第二項規定，並未於產品上本體上標示之情形時，但仍須提醒使用者注意，最好保存附加之標籤或說明書。

requirements of such provisions.

- (3)Where, during a transitional period, the party responsible for the CE marking may pursuant to the provisions stated in Section 15-(2) choose between several schemes, the CE marking indicates only that the toy meets the requirements of the scheme chosen by the party responsible. In such cases reference shall be made to the provisions governing the chosen scheme either in the required documents, guidelines or instructions which accompany the toy in question, or on its packaging.

16.

- (1)The name and/or tradename and address of the placer of the toy on the market must be affixed to such products.
- (2)The particulars stated in Section 16-(1) and Section 14-(2) shall be affixed either to the toy or its packaging such that they are visible, legible and cannot be removed. In the case of small toys and toys consisting of small parts, these particulars may be affixed in the same way on a label or instructions for use.
- (3)The particulars referred to in 16-(1) may be abbreviated provided that the abbreviation enables the manufacturer, the manufacturer's representative or the importer to the EU to be identified.
- (4)Where the particulars stated in 16-(2) are not affixed to the toy itself, the user's attention must be drawn to the advisability or retaining them.

17.

- (1)使用玩具時所可能產生之風險，及可能防止發生之說明方法，必須於玩具包裝或附隨之說明書上，對於使用者加以說明。
- (2)依據附件八規定，符合該規定之玩具，必須提供有關使用時安全預防之適當指示及警語。
- (3)有關第十七條第一項及第二項之資訊，必須以丹麥文為之。

第六章

市售產品檢驗

18.

- (1)本國之消費者保護委員會，應確保所有經其檢驗而於市場上銷售之玩具，皆係符合本法規定。
- (2)於檢測玩具上所具有之化學或電子性質時，應由各別由環境能源部及房屋部來進行。
- (3)權責機關可將依據本法規定所進行檢測，委託其他政府、地方或私人機構為之。
- (4)本國之消費者保護委員會與相關檢驗權責機關，具有同等地位。
- (5)當依據本法第十八條第三項規定，委託私人實驗機關進

17.

- (1)The hazards associated with use of a toy and how they may be prevented shall be stated on the toy, its packaging or accompanying instructions for use.
- (2)Toys referred to in Annex 8 shall furthermore be furnished with the warnings and indications of safety precautions to be taken during use stated in that Annex.
- (3)The information stated in Sections 17-(1) and 17-(2) must be in Danish.

Chapter 6

Market inspections

18.

- (1)The National Consumer Agency of Denmark shall undertake inspection of the toys on the market for conformance with the regulations of this Order, cf. Section 18-(2), however.
- (2)Inspection of the chemical and electrical properties of toys is to be carried out by the Ministry for the Environment and Energy and the Ministry of Housing respectively.
- (3)The ministers responsible may delegate the task of inspection pursuant to this Order to government agencies, other state institutions or local government authorities and institutions, or private enterprises.
- (4)The National Consumer Agency of Denmark shall coordinate the role of the authorities responsible for inspection.
- (5)Where private laboratories are authorized pursuant to Section

行檢測之時，該實驗機關資格必須盡可能符合第十條第二項之規定。

19.

- (1)就檢驗之權責機關及其他依據第十八條第三項被授權之機構，需進行樣品測試以確保市售產品，符合本法之規定。
- (2)依據前項規定負責檢測之機關或團體，可向生產、零售或行銷玩具之廠商，索取為進行檢測所需之免費樣品。
- (3)依據本條第一項規定負責檢測之權責機關或團體，無需經由法院程序，即可向所有生產、零售、行銷玩具之商家，索取所有有關生產、零售、行銷、運送及其他必要資訊，並包含第四章中規範之資訊在內。
- (4)負責檢測之權責之機關，為進行檢測所需，可獲有警方援助。
- (5)負責檢測之權責之機關，可要求於一定時間內提出第四章中規範資訊。此項請求係由依據第十四條所規範之權責機關所為。
- (6)當負責提出文書之一方，未於一定時間之內，提出有關第四章所要求之文件時，或所提出文件十分明顯並未符合要求時，負責檢測之機關，可由有關之一方付擔所需

18-(3) to carry out inspections, laboratories certified under Section 10-(2) should be used as far as possible.

19.

- (1)The authorities responsible for inspection and those authorities and enterprises authorized under Section 18-(3) will conduct sample checks to verify that the toys on the market conform with the regulations of this Order.
- (2)The authorities and enterprises stated in Section 19-(1) shall be granted access to all producers, distributors or marketers of toys, for the purpose of taking samples free of charge of the product or parts thereof for examination and testing.
- (3)The authorities and enterprises stated in Section 19-(1) shall without requirement of a court order be given access by all manufacturers, distributors or marketers of toys to places of manufacture, sale, storage, etc., to means of transport and to all information considered necessary, including the information referred to in Chapter 4.
- (4)The authorities responsible for inspection shall be assisted by the police.
- (5)The authorities responsible for inspection may request the submission of the information referred to in Chapter 4 within a stipulated time limit. The request is to be made of the party responsible pursuant to Section 14.
- (6)Should the party responsible for documentation not submit the information referred to in Chapter 4 within the given time limit or should the requirements for documentation clearly

費用，進行檢測確認係爭玩具符合附件二中安全、健康之標準。

(7)任何提供販賣銷售玩具者必須配合一切之檢驗。

20.

(1)任何提供販賣銷售玩具業者，並未符合第四條所規定之安全標準時，將馬上或於一定時間內，命其為以下之行為：

(a)提供更多其他有關係爭產品所伴隨之風險及如何防止之方法。

(b)對於增加之風險，提供治療補救之方法。

(c)停止販賣係爭產品。

(d)回收，或以超過一般相同合法產品之價格，購回係爭產品。

(e)以負責態度銷毀係爭產品。

(2)當必要之時，可以為禁止提供、販賣或銷售此不具安全產品之命令。

(3)為銷售而提供係爭商品過程中之任何人，自該商品危險增加之日起，將被要求配合，依據本條第一項規範之對他人所發出命令之執行。

(4)對於依據第五條規定所製造之產品，亦有第二十條第一項第三項之適用。

not have been met, the authorities responsible for inspection may, at the expense of the party concerned, check whether the toy conforms with the harmonized standards and the safety and health requirements laid down in Annex 2.

(7)Any party offering, selling or distributing toys may be required to cooperate in the inspection.

20.

(1)Any party offering, selling or distributing a product which does not conform with the safety requirements in Section 4 may be ordered, immediately or within a given time limit, to

(a)provide additional information on the hazards associated with the product and how they can be avoided

(b)remedy conditions giving rise to the hazards

(c)stop the sale of the product

(d)withdraw the product or re-purchase the product at a price which may not normally exceed the purchase price of an equivalent, safe product

(e)destroy the product in a responsible manner.

(2)Where considered necessary, an order may be issued to prohibit the offering, sale and distribution of unsafe products.

(3)Any party who has played a part in placing the product for sale from the date on which the hazard arose may be ordered to cooperate in executing an order concerning a product issued to another party under Section 20-(1).

(4)The provisions of Sections 20-(1)-20-(3) shall apply even where the product is designed and manufactured in accordance

(5)當係爭玩具並未依據第十四條第十六條及第十七規定而為產品之標示時，或者不當為「CE」之標示時，負責檢測之權責機關可以命令於一定之時間內，業者將此標示更正。如未更正，則負責檢測之機關可以命令所有提供販賣銷售之業者，立即或於一定之時間內：

- (a) 停止販賣係爭產品
- (b) 回收係爭產品

(6)依據第二十條第一項第三項及第五項發佈之命令，及依據第二十條第二項發佈之禁止命令，應由本國之消費者委員會為之，或可授權第十八條第二項之負責檢測之權責機構為之。當有此情形時，消費者保護委員會應被立即通知，該權責機關依據第二十條第一項、第三項、第五項規定所採取之方法。

(7)當依據第二十條第一項第四項之規定，為回收產品之命令時，或依據第二十條第一項第五項之規定，為銷毀產品之命令時，就本國銷售產品法中第五十四條及八十三條，有關時間之限制之規定，並不適用。

(8)依據本條規定所發佈之相關命令，可以決定係爭產品之所有人應輔以特殊之方式修復或回收係爭產品。

with Section 5.

(5)Should the toy not be labelled in accordance with Section 14 or labelled in accordance with Sections 16 and 17, or should it wrongfully bear the CE marking, the authorities responsible for inspection may order the party responsible to rectify the matter within a given time limit. Should this not be done, the authority responsible for inspection may order all those offering, selling or distributing the product, immediately or within a given time limit, to

- (a) stop the sale of the product
- (b) withdraw the product.

(6)Orders under Sections 20-(1), 20-(3) and 20-(5) and prohibition orders under Section 20-(2) shall be issued by the National Consumer Agency of Denmark. The National Consumer Agency of Denmark may, however, delegate its powers to the authorities responsible for inspection under Section 18-(2). In such cases, the National Consumer Agency of Denmark is to be informed immediately of the measures taken by these authorities pursuant to Sections 20-(1)-20-(3) and 20-(5).

(7)In cases where orders are issued to withdraw a product pursuant to 20-(1)(4), or destroy in pursuant to 20-(1)(5), the time limits in Sections 54 and 83 of the Danish Sale of Goods Act shall not apply.

(8)In connection with orders pursuant to this provision, it may be decided that the owner of a product shall assist in a particular way in repairing or withdrawing the product.

(9)丹麥之消費者保護委員會，應立即通知本會，其依據第二十條第一項及第二項規定所採取之方式。

21.負責檢測之權責機關，當有需要時，可以告知消費大眾係爭產品所伴隨之風險。

22.負責檢測之機關，檢驗後發現產品並未符合附件二中所列安全之要求時，或者並未以一致或以相同許可樣式之規格生產時，對於將產品上市之業者，可要求其負擔因檢測所生之有關費用。

23.當負責檢測之機關，基於會員國之要求，而進行相同之檢測時，可以取得第十三條之資訊。

24.對於依據本法規定，負責檢測之機關所做出之決定，不得在像其他有權執行之機構提出不服。

25.每三年丹麥之消費者保護委員會，必須像本會提出有關聲請安全玩具規範指導之報告。

第七章

形似食物之玩具

26.

(1)當產品外觀可被誤認為食物，並進而危及使用者安全與健康時，係爭產品，並非真正食物，但因其外觀、味道

(9)The National Consumer Agency of Denmark shall inform the Commission of measures taken under Sections 20-(1) and 20-(2).

21. The authorities responsible for inspection may, where necessary, notify the public of the hazards associated with a product.

22. The authorities responsible for inspection may demand payment from the parties placing the product on the market for the costs incurred in connection with inspection, should the inspection find that the toy does not meet the essential safety requirements set out in Annex 2 or is not manufactured in accordance with the standards or an approved prototype.

23. Where an authority responsible for inspection carrying out equivalent checks on behalf of another Member State so requests, it is to be sent the information stated in Section 13.

24. Appeal may not be made to another administrative authority against decisions made by an authority responsible for inspection pursuant to this Order.

25. Every three years, the National Consumer Agency of Denmark shall submit a report to the Commission on the application of the Directive on the safety requirements for toys.

Chapter 7

Food imitations

26.

(1) Products may not be imported, manufactured or placed on the market which due to their outward appearance may be mistaken

顏色、型態、外表、標示、重量或體積，可能誤導消費者，特別是兒童，誤以為是食物，並進而放置於口中吸允、吞嚥，以致產生窒息、中毒、穿孔、阻塞消化系統時，不得加以進口、生產或上市。

(2)第十八條十九條第一項第三項第七項、及第二十條第一項第三項及第二十四條第三十條和第三十二條至第三十四條之規定，對於前項之產品亦有適用。

(3)負責檢測之機關，可以要求將商品上市之業者，提供製造產品之資料，此項資訊必須能夠評估係爭產品之安全性。必須於一定時間內取得前項資訊，通常係十四天內。

27. 負責檢測之機關，檢驗後發現上市產品，其外觀可能被誤認為食物並進而危及使用者之健康安全時，對於將產品上市之業者，可要求其負擔因檢測所生之有關費用。

第八章

法律程序

28.

for food and thereby jeopardize the safety or health of the user, such that the products, although not food, by their shape, smell, colour, appearance, presentation, labelling, volume or dimensions may lead to the consumer, especially a child, mistaking them for food and therefore placing them in his or her mouth, sucking or swallowing them, thereby inviting choking, poisoning, perforation or blockage of the digestive tract.

(2)The rules in Sections 18, 19-(1)-19-(3), 19-(7), 20-(1)-20-(3), 20-(6)-20-(9), 24 30 and 32-34 shall equivalently apply to the products in Section 26-(1).

(3)The authorities responsible for inspection may order a party placing the product not he market to provide information on the manufacture of the product. The information must enable an assessment of the product's safety. The information must be submitted within a given time limit, normally 14 days.

27. The authorities responsible for inspection may demand payment from a party placing the product on the market for the costs incurred in connection with inspection, should the inspection find that products have been placed on the market which due to their outward appearance may be mistaken for food and thereby jeopardize the safety or health of the user, cf. Section 26.

Chapter 8

Legal proceedings

28.

(1)由負責檢測之機關，依據第二十條並未有任何不當之遲延，所發之命令或禁止命令，被處分人可對於處分機關向法院提出不服。

(2)法院可以決定，遲延依據第二十八條第一項所發之命令之效力。

29.

(1)有關係爭命令之案件，將由地方法院進行審理。但當該案件有更多，有關產品安全狀況之各種細節上知識，將需要考量並影響本案時，應將本案移轉給位於哥本哈根之海商法院處理。

(2)當被告被控違反本法之規定，由海商法院進行審理時，(參照第二十九條之規定)，可由本國之消費者保護委員會起訴(參照丹麥司法執行法第一百零五條第三項之規定)。

第九章

罰則及強制執行

30.當違反第四條、第五條、第十四條第一項、第五項、第十五條、第十六條及第二十六條第一項時，應科以罰鍰。

31.

(1)當權責機關依據第十三條第一項第二項及第二十六條規定命其改正而未改正時，應科以罰鍰。

(1)An order or prohibition order issued pursuant to Section 20 is to be brought before a court by the authorities responsible for inspection without undue delay, should it be appealed by a party against whom it is issued.

(2)The court may decide that the summons brought in Section 28-(1) is to have delaying effect.

29.

(1)Cases covered by this Order will be heard by the City Court. However, where more detailed knowledge of the safety conditions of the product is considered essential to the ruling on the case, the case may be heard by the Maritime and Commercial Court in Copenhagen.

(2)Should the defendant be charged with violation of this Order before the Maritime and Commercial Court, cf. Section 29-(1), the charge may be prosecuted by the National Consumer Agency of Denmark, cf. the Danish Administration of Justice Act, Section 105-(3).

Chapter 9

Penalties and entry into force

30. Violation of Sections 4, 5, 14-(1), 14-(5), 15, 16 and 26-(1) shall be subject to the penalty of a fine.

31.

(1)Failure to comply with the orders of the authorities pursuant to Sections 13-(1), 13-(2) and 26-(3) shall be subject to the penalty of a fine.

(2)未能於一定時間內提出第十三條第三項文件時應科以罰鍰作為處罰。

32.未能遵守依據第十三條第一項第二項及第二十六條規定所發佈之命令時，應科以罰鍰。對於負責檢驗之權責機關，依據第十九條第一項第三項所發佈，命其配合檢驗之命令，而疏於配合之時，亦同樣應科以罰鍰。

33.如係公司、團體、獨立機構、基金會或相類似性質之團體違反本法規定時，則所科處罰鍰應向該法人徵收。如係聯邦、地方政府主管機關或有關單位違反本法之規定時，則所科處之罰鍰，應向聯邦、地方政府主管機關或有關單位徵收。

34.

(1)本法將於1995年六月一日生效。

(2)1991年三月六日第一百二十五號，對於玩具及產品要求安全設計，避免因其外觀而誤認為食品之法令應加以廢止，但其中對於商品標示規範仍然有效，係由於依據1993年所訂版本第14.2條，其中就對於上市產品標示規範，定明於1995年1月前仍有效。

(2)Failure to provide documentation within the period stated in Section 13-(3) shall be subject to the penalty of a fine.

32.Failure to observe orders issued pursuant to Sections 19-(5), 20-(1), 20-(3) and 20-(5) shall be subject to the penalty of a fine. A similar penalty will be imposed on those who neglect to comply with the orders of the authorities responsible for inspection on cooperating in inspections pursuant to Sections 19-(1)-19-(3), cf. 19-(6).

33.Should this Order be violated by a company, association, independent institution, foundation or similar, the fine may be imposed on the legal entity in question. Should this Order be violated by the State, a local government authority or a local government association, cf. Section 60 of the Local Government Act, the fine may be imposed on the State, the local government authority or the local government association.

34.

(1)This Order will enter into force on June 1, 1995.

(2)Order no. 125 of March 6, 1991 on safety requirements for toys and products which due to their outward appearance may be mistaken for food shall be repealed, with the exception of the regulations on labelling, since pursuant to Article 14.21) of Directive no. 93/68 of July 22, 1993, products may be placed on the market which conform with the labelling regulations valid prior to January 1, 1995.

The National Consumer Agency of Denmark, May 23, 1995

NIELS ERIK D. JENSEN

/Lars Okjaer Jorgensen

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- 1) Council Directive no. 93/68/EEC, Article 14.2 reads: >>The member States permit the marketing and taking into use of products conforming with the regulations on labelling valid prior to January 1, 1995, until January 1, 1997<<.P

附件

根據本法不被視為玩具之產品

1. 聖誕節裝飾品
2. 成人蒐集之精細模型
3. 遊藝場指定之器材
4. 運動器材
5. 潛水使用之水上器材
6. 供成人蒐集之民俗娃娃、裝飾娃娃以及其他相似性產品
7. 安裝用於公共場所之專業器材（如購物中心、車站等）
8. 五百片以上沒有圖樣之拼圖（供專家使用）
9. 空氣槍
10. 煙火，包括雷管，但若雷管之設計係供玩樂用則不包括在內。
11. 彈弓及石弩
12. 含有金屬頭之飛鏢
13. 電烤箱電熨斗以及其他功能性產品（電壓超過 24 伏特）
14. 需成人監督使用之供熱產品
15. 氧化引擎之汽機車

ANNEX 1

Products not regarded as toys pursuant to this Order

1. Christmas decorations
2. Detailed scale models for adult collectors
3. Equipment intended to be used collectively in playgrounds
4. Sports equipment
5. Aquatic equipment intended to be used in deep water
6. Folk dools and decorative dolls and other similar articles for adult collectors
7. >>Professional<< toys installed in public places (shopping centres, stations, etc.)
8. Puzzles with more than 500 pieces or without pictures, intended for specialists
9. Air guns and air pistols
10. Fireworks including percussion caps, with the exception of percussion caps specifically designed for use in toys
11. Slings and catapults
12. Sets of darts with metallic points
13. Electric ovens, irons or other functional products operated at a nominal voltage exceeding 24 volts
14. Products containing heating elements intended for use under the supervision of an adult in a teaching context
15. Vehicles with combustion engines

16. 玩具蒸汽引擎
17. 腳踏車 (除被視為玩具之腳踏車之外譬如座墊高度 635 釐米)
18. 需連接至電視螢幕之電視玩具 (運轉時用電超過 24 伏特)
19. 嬰兒玩具
20. 仿真實槍枝之複製品
21. 供兒童遊玩之流行珠寶

16. Toy steam engines
17. Bicycles, with the exception of bicycles regarded as toys, i.e. bicycles with a maximum saddle height of 635 mm
18. Video toys that must be connected to a video screen, operated at a nominal voltage exceeding 24 volts
19. Babies' dummies
20. Faithful reproductions of real firearms
21. Fashion jewellery for children

附件二

玩具安全基本須知

基本原則

1. 依據本法第四條第二項規定，依據正常孩童遵守之行為標準判斷，在預設或不可預見使用玩具過程中所產生之風險，可能危及使用者或第三人之安全或健康，此種風險包括以下數種：
 - (1)與玩具之設計，結構或組合有關方面
 - (2)無法完全靠修正其設計，結構或組合，來消除玩具使用上固有特性，除非改變玩具的功能及一些基本的屬性。
2.
 - (1)使用玩具之風險必須與使用者之能力相稱，或是其監督者有適當能力應付。特別對於在玩具之功能，尺寸以及特性上，係專為三歲以下兒童所設計。
 - (2)如欲遵守此原則，需對於玩具使用者的最低年齡或是否需在成人監督指導下使用等情節，必須於適當處詳加敘述。
3. 在產品或包裝、使用說明書上，必須有效地提醒玩具使用

ANNEX 2

Essential safety requirements for toys

General principles

1. In compliance with Section 4-(2) of this Order, the users of toys as well as third parties must be protected against the health and safety hazards arising when toys are used as intended or in a foreseeable way, bearing in mind the normal behaviour of children. Such risk are those:
 - (1)which are connected with the design, construction or composition of the toy
 - (2)which are inherent in the use of the toy and which cannot be completely eliminated by modifying the toy's construction and composition without altering its function or depriving it of its essential properties.
2.
 - (1)The degree of risk present in the use of a toy must be commensurate with the ability of the users and, where appropriate, their supervisors, to cope with it. This applies in particular to toys which, by virtue of their functions, dimensions and characteristics, are intended for use by children of under 36 months.
 - (2)To observe this principle, a minimum age for users of toys and/or the need to ensure that they are used only under adult supervision must be specified where appropriate.
3. Labels on toys and/or their packaging and the instructions for use

者或其監督者，使用玩具時可能發生的危險以及如何避免之道。

特殊風險

1. 關於物理和力學上的特性

- (1) 玩具和零件部份，如組合玩具接駁處必須有一定強度和穩定性在使用時承受壓力，不至於斷裂或扭曲造成身體傷害。
- (2) 接近尖銳或突出部份，繩索等玩具之繫結物，在設計構造時必須將接觸時可能造成的身體傷害減到最低。
- (3) 對於玩具之設計製造時，就可能拆裝之玩具零件，所造成的身體傷害，應降到最低。
- (4) 對於專為三歲以下兒童設計之玩具，就玩具本身以及任何可附著部份的大小尺寸要避免兒童吞食或吸入。
- (5) 供零售之玩具及其零件和包裝要避免箝制或造成窒息。
- (6) 就設計於供淺水區使用，可供承載或支撐兒童於水上的玩具，在設計構造時必須考慮玩具的建議使用方法，失去

which accompany them must draw the attention of users or their supervisors fully and effectively to the risks involved in using them and to the ways of avoiding such risks.

Particular risks

1. Physical and mechanical properties

- (1) Toys and their parts and, in the case of fixed toys, their anchorages, must have the requisite mechanical strength and, where appropriate, stability to withstand the stresses to which they are subjected during use without breaking or becoming liable to distortion at the risk of causing physical injury.
- (2) Accessible edges, protrusions, cords, cables and fastenings on toys must be so designed and constructed that the risks of physical injury from contact with them are reduced as far as possible.
- (3) Toys must be so designed and constructed as to minimize the risk of physical injury which could be caused by the movement of their parts.
- (4) Toys, their component parts and any detachable parts of toys which are clearly intended for use by children under 36 months must be of such dimensions as to prevent their being swallowed and/or inhaled.
- (5) Toys and their parts and the packaging in which they are contained for retail sale must not present risk of strangulation or suffocation.
- (6) Toys intended for use in shallow water which are capable of carrying or supporting a child on the water must be designed

浮力時的危險和兒童失去支撐力時的危險。

- (7)就可進入其內部之玩具，且該玩具結構上有一封閉空間可佔據時，在玩具內部必須有一個從內部容易向外面打開出去之方法。
- (8)可由使用者操縱之機動型玩具，須有與該玩具類型相配及其動力相抗衡之煞車系統。使用者能輕易操作此煞車系統，不會對使用者或任何第三人造成身體傷害。
- (9)玩具上具有可發射出之發射體或動力之本體、組件部份，設計時必須考量玩具本身特性，沒有任何不當的風險會對使用者或任何第三人造成身體傷害。
- (10)如玩具具有持續發熱之性質，於製造時必須確保以下安全：
 - (a)就任何可接觸表面之最高溫度，於接觸時不可對人體造成燒傷。
 - (b)玩具必須控制在一定溫度及壓力下防止所含液體及氣體漏出，造成燒燙傷或是其他身體傷害。

- and constructed so as to reduce as far as possible, taking into account the recommended use of the toy; any risk of loss of buoyancy of the toy and loss of support afforded to the child.
- (7)Toys which it is possible to get inside and which thereby constitute an enclosed space for occupants must have a means of exit which the latter can open easily from the inside.
 - (8)Toys conferring mobility on their users must, as far as possible, incorporate a braking system which is suited to the type of toy and is commensurate with the kinetic energy developed by it. Such a system must be easy for the user to operate without risk of ejection or physical injury for the user or for third parties.
 - (9)The form and composition of projectiles and the kinetic energy they may develop when fired from a toy designed for that purpose must be such that, taking into account the nature of the toy, there is no unreasonable risk of physical injury to the user or to third parties.
 - (10)Toys containing heating elements must be so constructed as to ensure that:
 - (a)the maximum temperature of any accessible surfaces does not cause burns when touched
 - (b)liquids and gases contained within toys do not reach temperatures or pressures which are such that their escape from a toy, other than for reasons essential to the proper functioning of the toy, might cause burns, scalds or other physical injury.

2. 易燃性

(1)兒童玩具不能存在易燃物質，因此兒童玩具材料必須：

- (a)直接暴露於火焰火花或其它潛在易燃物質時不會引起燃燒。
- (b)不易燃燒（當火焰撲滅時即停止燃燒）。
- (c)著火時，燃燒速度慢，火焰擴散速度亦緩慢。
- (d)處理時除考慮化學成分之外盡量延緩氧化過程。而這樣的氧化物不能造成玩具中別種材料的易燃危險。

(2)基本維持玩具運作成分，包含一些危險物質或 COUNCIL DIRECTIVE 67/548/EEC 定義之藥劑，特別是為化學實驗，模型組合，塑膠或陶瓷之鑄造，上釉，照相或相似玩具之特殊原料或裝置，這些物質及配方必須不易揮發易燃。

(3)玩具必須不易爆，不能含有如第二章第一款所述之易爆元素或物質。但本條之規定對於玩具之雷管並不適用，請參照附件十第十點及相關附註說明。

2. Flammability

(1)Toys must not constitute a dangerous flammable element in the child's environment. They must therefore be composed of materials which.

- (a) do not burn if directly exposed to a flame or spark or other potential source of fire, or
- (b) are not readily flammable (the flame goes out as soon as the fire cause disappears), or
- (c) if they do ignite, burn slowly and present a low rate of spread of the fire cause disappears), or
- (d) irrespective of the toy's chemical composition, are treated so as to delay the combustion process. Such combustible materials must not constitute a risk of ignition for other materials used in the toy.

(2)Toys which, for reasons essential to their functioning, contain dangerous substances or preparations as defined in Council Directive 67/548/EEC, in particular materials and equipment for chemistry experiments, model assembly, plastic or ceramic moulding, enamelling, photography or similar toys, must not contain substances or preparations which may become flammable due to the loss of non-flammable volatile components.

(3)Toys must not be explosive or contain elements or substances likely to explode when used as specified in Article 2(1) of the Toys Directive. This provision does not apply to toy percussion caps, for which reference should be made to point 10 of Annex

(4)玩具，特別是化學遊戲玩具，不能含有下列物質或配方：

- (a)當混合時可能會爆炸
 - 經由化學反應或加熱方式
 - 經與氧化物質混合時
- (b)含有揮發性物質容易在空氣中燃燒，或是容易在蒸氣或空氣混合中燃燒或引爆。

3. 化學屬性

(1)就玩具之設計製造必須注意，特別是玩具指導規則第二條第一項之規定所述，當吞食、吸入、肌膚接觸、皮膚或眼睛沾黏時，並不會馬上造成健康之風險及身體之傷害。

不論在何種情形之下，必須符合community legislation對於特定商品總類之規定，或者可禁止、限制其使用，或者需將特定危險成分、藥劑加以標示。

(2)為特別保護兒童使用玩具之際仍保有健康之能力，每天不得超過以下標準：

0.2	毫克銻
0.1	毫克砷
25.0	毫克鋇
0.6	毫克鎘
0.3	毫克鉻

1 and the related footnote.

(4)Toys and, in particular, chemical games and toys, must not contain, as such, substances or preparations:

- (a)which, when mixed, may explode:
 - through chemical reaction or through heating
 - when mixed with oxidizing substances
- (b)which contain volatile components which are flammable in air and liable to form a flammable or explosive vapour/air mixture.

3. Chemical properties

(1)Toys must be so designed and constructed that, when used as specified in Article 2(1) of the Toys Directive, they do not present health hazards or risks of physical injury by ingestion, inhalation or contact with the skin, mucous tissues or eyes.

They must in all cases comply with the relevant Community legislation relating to certain categories of products or the prohibition, restriction of use or labelling of certain dangerous substances and preparations.

(2)In particular, for the protection of children's health, bioavailability resulting from the use of toys must not exceed the following levels per day:

0.2	µg for antimony
0.1	µg for arsenic
25.0	µg for barium
0.6	µg for cadmium
0.3	µg for chromium

0.7 毫克鉛

0.5 毫克汞

5.0 毫克硒

或其他於community legislation基於科學證明所規定之數量或成分標準。

- (3)玩具不得含有危險之成分或藥劑，其定義參見 67/548/EEC、88/379/EEC 法令，當使用之時其含量可能危及兒童之健康。在所有情形下，都嚴格禁止，如果使用於設計之目的時，會含有危險成分及藥劑之玩具。

但，如一定數量內之成分或藥劑，係屬維持玩具運作成分，特別是為化學實驗，模型組合，塑膠或陶瓷之鑄造，上釉，照相或相似玩具之特殊原料或裝置，即可允許於最高濃縮記量內使用。（此項對於成分及藥劑之界定，係授權歐體標準委員會，依據委員會於83/189/EEC中所建立程序，提供認可成分及藥劑已符合委員會規定證明之標示，附件四第四點請參照。）

4. 電的屬性

- (1)用電發動的玩具與其任何部份電量不得超過二十四伏

0.7 μg for lead

0.5 μg for mercury

5.0 μg for selenium

or such other values as may be laid down for these or other substances in Community legislation based on scientific evidence.

- (3)Toys must not contain dangerous substances or preparations within the meaning of Directives 67/548/EEC and 88/379/EEC in amounts which may harm the health of children using them. At all events, it is strictly forbidden to include, in a toy, dangerous substances or preparations if they are intended to be used as such while the toy is being used.

However, where a limited number of substances or preparations are essential to the functioning of certain toys, in particular materials and equipment for chemistry experiments, model assembly, plastic or ceramic moulding, enamelling, photography or similar toys, they are permitted up to a certain maximum concentration level. This is to be defined for each substance or preparation by mandate to the European Committee for Standardization (CEN) according to the procedure of the committee set up by Directive 83/189/EEC, provided the permitted substances and preparations comply with the Community classification rules in respect of labelling, cf. Appendix 4 point 4, however.

4. Electrical properties

- (1)Electric toys must not be powered by electricity of a nominal

特。

(2)玩具任何連接或可能接觸到電源，造成電擊之一些電纜導體必須完全絕緣，以避免電擊之風險。

(3)電動玩具表面之溫度必須保證在觸碰之下不會造成燒傷。

5. 衛生學

設計製造之玩具必須符合衛生學的要求及清潔以避免傳染疾病和污染。

6. 放射性物質

在作法及製劑上玩具/能含有可能危害兒童健康之放射性物質或元素。關於這方面歐洲原子能組織指導會議於 80/836 中有所規範。

voltage exceeding 24 volts and no part of the toy may exceed 24 volts.

(2)Parts of toys which are connected to or liable to come into contact with a source of electricity capable of causing electric shock, together with the cables or other conductors through which electricity is conveyed to such parts, must be properly insulated and mechanically protected so as to prevent the risk of such shock.

(3)Electric toys must be so designed and constructed as to ensure that the maximum temperatures reached by all directly accessible surfaces are not such as to cause burns when touched.

5. Hygiene

Toys must be so designed and manufactured as to meet the requirements of hygiene and cleanliness in order to avoid any risk of infection, sickness and contamination.

6. Radioactivity

Toys must not contain radioactive elements or substances in forms or proportions likely to be detrimental to a child's health. Council directive 80/836/Euratom shall apply.

附件三

官方有關標準之法令

(於1995年二月一日)

CEN no EN71-1 DS/EN71-1 玩具安全要求，第一部：機械及物理性質

CEN no EN71-2 DS/EN71-2 玩具安全要求，第二部：可燃性

CEN no EN71-3 DS/EN71-3 玩具安全要求，第三部：特殊移動材質

CEN no EN71-4 DS/EN71-4 玩具安全要求，第四部：化學實驗設備及相等之行動。

CEN no EN71-5 DS/EN71-5 玩具安全要求，第五部：化學實驗設備以外其他化學玩具組。

CEN no EN71-6 DS/EN71-6 玩具安全要求，第六部：對於最小年齡圖畫警告圖案。

CENELEC HD 271 SI 電流過量之規範，c 部份第 134-2-22 章，第二段對於具有安全伏特電量之玩具的特殊規定。

ANNEX 3

References for official standards as

of February 1, 1995

CEN no. EN71-1 DS/EN71-1 Toys, Safety requirements, Part 1: Mechanical and physical properties

CEN no. EN71-2 DS/EN71-2 Toys, Safety requirements, Part 2: Flammability

CEN no. EN71-3 DS/EN71-3 Toys, Safety requirements, Part 3: Migration of particular materials

CEN no. EN71-4 DS/EN71-4 Toys, Safety requirements, Part 4: Experimental sets for chemistry experiments and equivalent activities

CEN no. EN71-5 DS/EN71-5 Toys, Safety requirements, Part 5: Chemical toys (sets) other than sets for chemistry experiments

CEN no. EN71-6 DS/EN71-6 Toys, Safety requirements, Part 6: Graphic warning symbols concerning minimum ages

CENELEC HD 271 SI Heavy current regulations, Part C, Section 134-2-22, Subsection 2: Special regulations for electric toys with safety voltages

Amendment 1: HD 271 SI, 1986

Amendment 2: HD 271 SI, 1989

Amendment 3: HD 271 SI, 1989

附件四

玩具樣式之批准程序

樣式檢測之聲請，係由將玩具在市場上流通之人（參考第三節），提出書面為之。聲請人必須向工商業部指定核准機關，提出申請並且附下列資料：

1. 製造商、製造商代理人或將產品進口到歐體之進口商之名稱地址。
2. 聲明未對 EU 其它指定機關提出申請
3. 技術文件。
於必要時可提供檢查之技術文件，需包括：
 - (1) 此類型玩具的普遍特徵
 - (2) 構造及生產圖表，及成分清單、零件裝配表、電路圖表等
 - (3) 有助於瞭解相關圖示，成分清單及產品功能之敘述及解釋
 - (4) 使用於產品全部或部份規格清單，如未符合規格時，必須說明其解決方式已符合法令要求。
 - (5) 設計之所有計算結果和控制方法等
 - (6) 所有測試報告申請人必須提供一個或多個，經核准機關許可代表產品類

ANNEX 4

Procedure for type approval of toys

Applications for type examination shall be lodged in writing by those placing the toy on the market, cf. Section 3. Applications shall be lodged with an approving body appointed by the Ministry of Business and Industry and shall include:

1. the name and address of the manufacturer, the manufacturer's representative or the importer into the EU
2. a declaration that the applicant has not applied to other appointed bodies in the EU
3. technical documentation.
The technical documentation must where necessary for the examination contain:
 - (1) a general description of the type
 - (2) construction and production drawings as well as lists of components, partial assemblies, circuits etc.
 - (3) the descriptions and explanations necessary for the understanding of the function of the product
 - (4) a list of the standards applied either in their entirety or in part and, where the standards have not been applied, a description of the solutions chosen to comply with the requirements of the directive
 - (5) results of design calculations, controls, etc.
 - (6) any test reports.

The applicant shall provide one or more samples called type(s)

型之樣品，而核准機關必須：

1. 檢驗技術文件證明產品類型是否合乎文件內容，及判斷產品元素是否合乎標準。
2. 進行測試證明產品是否合乎標準，製造商是否遵循指示進行。
3. 進行測試證明產品，是否如製造商所說明之產品相關標準而生產。
4. 測試證實無誤後，應同意申請人之聲請。
5. 決定在其它實驗室進行測試時，要先取得申請人同意。

除非絕對必要核准機關必須限制類似測試

which are representative of the planned production as agreed with the approving body.

The approving body

1. shall examine the technical documentation and check that the type is manufactured in accordance with the documentation, and shall determine which elements are designed in accordance with the standards and which are not
2. shall carry out or have carried out tests to ascertain, where the standards have not been applied, whether the manufacturer's solutions comply with the essential requirements of the Order.
3. shall carry out or have carried out tests to ascertain whether the relevant standards have actually been applied by the manufacturer where the manufacturer states such to be the case
4. shall agree with the applicant as necessary where the required tests are to be carried out
5. may decide to have the tests carried out in another laboratory, in which case the permission of the applicants is required in advance.

The approving body must restrict conformity tests to those which are absolutely necessary.

附件五

依據標準建造及製造時所需文件

(依據本法第五條第一項第一款規定標準)

對於市場上流通之玩具，產品上必須附加 CE 標記，證明此產品符合本法及玩具指導規範之規定。

所有上市玩具製造商必須持有技術文件，可供瞭解產品結構、製造、功能等情，並可供評估該產品是否符合本法與玩具指導規範規定。

當負責檢驗之權責機關要求時，需隨時可提出前開文件。應包含以下各項：

1. 生產者之地址或倉庫
2. 產品說明書
3. 結構及生產圖表，材質、成分清單，零件裝配表、電路圖表等
4. 有助於瞭解上述圖表及產品功能之敘述及解釋
5. 適用之規格清單
6. 保證所有過程接符合規定標準之文書，其內容包含設計上

ANNEX 5

Requirements for documentation of construction and manufacture in accordance

with the standards referred to in Section 5-(1)(1) of the Order

Any party who places toys on the market, cf. Section 3, shall affix the CE marking to the product as a guarantee that the product meets the requirements of the Order and thereby of the Toys Directive.

As confirmation the party who places toys on the market must hold technical documentation enabling the construction, manufacture and function of the product to be understood, and for its conformity with the requirements of the Order, and thereby the Toys Directive, to be assessed.

The documentation, which must be available at the request of the authorities responsible for inspection, shall include:

1. addresses of the places of manufacture and of storage
2. a general description of the product
3. construction and production drawings and lists of the materials, components, partial assemblies, circuits, etc. used.
4. the descriptions and explanations necessary for the understanding of the aforementioned drawings and lists and of the function of the product
5. a list of the standards applied
6. a description of the means by which conformity with the standards

種種考量及檢驗控制等狀況

7. 所有測試之報告

is ensured, including the results of design calculations, control checks, etc

7.any test reports.

附件六

符合許可樣式來建造及製造時所需文件

(參照本法第五條第一項第二款之規定)

任何欲將玩具上市之業者，必須於產品上標記CE標示，作為保證係爭產品係依據許可之樣式生產，並符合本法及玩具指導規範之規定。

當負責檢驗之權責機關要求時，必需提出以下文件：

- (1)生產者之地址或倉庫。
- (2)就樣式許可之證明書中，有關技術部份之文件。
- (3)向許可機關提出之聲請文件影本。
- (4)保證所有過程皆係依據許可之樣式生產包括設計時估算及檢驗之控制等。

ANNEX 6

Requirements for documentation of
construction and manufacture in accordance

(with an approved prototype, cf. Section 5-(1)(2) of the Order)

Any party who places toys on the market shall affix the CE marking to the product as a guarantee that the product concerned conforms to the prototype described on the type approval certificate and meets the requirements of the Order and thereby of the Toys Directive.

The following documentation must be available at the request of the authorities responsible for inspection:

- (1)addresses of the places of manufacture and of storage
- (2)the type approval certificate with the relevant parts of the technical documentation
- (3)copies of the documents submitted to the approving body
- (4)a description of the means by which conformity with the approved prototype is ensured, including the results of design calculations, control checks etc.

附件八：

玩具之警語及預防方法之標示規則

(參照第十七條第二項)

1. 當玩具可能對於三歲以下之幼童產生危險時，對此應為警語之標示，並對此應指明隨可能伴隨之風險。但本條規定對於因產品之功能、尺寸、特質、成分或其他強烈理由可被認為不適合三歲以下幼童使用之情形時，並不適用。
2. 對於滑梯、懸吊式鞦韆、搖鈴、吊環、繩索或其他類似玩具係附著於主要樑柱上，並附有組裝之說明書，其上標示如果組合錯誤，將造成立即危險之玩具，必須於說明書上明顯標明，必須經常檢測及維持主要部份之功能，否則將導致掉落或翻覆之危險。
3. 就功能性玩具，當其設備及裝置亦適於成人時，係爭玩具必須於產品或包裝上標示警語，標明必須於成人之監視下使用。並應附上說明書，明確記載使用者預防之方法極可能遇到之風險。並且標明避免幼童可隨手取得。

ANNEX 8

Special regulations on warnings and indications of precautions to be taken

when using toys, cf. Section 17-(2)

1. Toys which might be dangerous to children under 36 months of age are to bear a warning to that effect, together with an indication of the specific risks calling for this restriction. This provision does not apply to toys which, on account of their function, dimensions, characteristics, properties or other cogent grounds, are manifestly unsuitable for children under 36 months.
2. Slides, suspended swings, rings, trapezes, ropes and similar toys attached to a crossbeam are to be accompanied by instructions on correct assembly, including indication of those parts which can present dangers if incorrectly assembled. They must also be accompanied by instructions drawing attention to the need to carry out checks and maintenance of their main parts and to the risk of falls or overturning if this is not carried out.
3. Functional toys, which means toys having the same function as appliances and installations intended for adults, must bear a warning, either on the toy itself or on the packaging, stating that they are to be used under the supervision of an adult. In addition, these toys are to be accompanied by directions giving the precautions to be taken by the user and the risks the user would

4. 玩具含有危險之成分或為化學玩具時，除另依規定於產品說明書上加以說明外，應於產品包裝上加以標示，並標明事前預防之方法及可能之風險，當意外事件發生時最可能之幫助法。並且應標明避免幼童可隨手取得。另外如是化學玩具，必須標明係爭玩具係供一定年紀以上之兒童，且需於成人之監督下使用。

以下可被認為係屬化學玩具：化學器材、塑膠合成器材、陶器、琺瑯及照相器材

5. 對於兒童使用之滑板及輪鞋，須標有必須穿著保護裝備之警語。並指示使用者使用時必須小心，及建議應具備哪些保護裝備。
6. 玩水時使用之玩具，參照附件二II-(1)(f)，必須符合DS/EN71-1規定，必須標明，對於孩童於水中使用時，需有適當監督之警語及資訊。

be exposed to, should these not be observed. It must also be indicated that functional toys are to be kept out of the reach of very young children.

4. Toys containing dangerous substances or preparations and chemical toys shall, unless otherwise laid down in Community directives on the classification, packaging and labelling of dangerous substances and preparations, bear an indication of the precautions and the specific risks as well as the first aid to be given in the event of accidents. It shall also be stated that such toys must be kept out of the reach of very young children. In addition, the packaging of chemical toys must bear a warning stating that the toy is intended for use only by children over the age laid down in the relevant standards and that it should be used under adult supervision.

In particular the following toys are regarded as chemical toys: chemistry sets, plastic embedding sets, ceramic, enamelling and photography sets and similar toys.

5. Skateboards and roller skates for children shall bear a warning stating that protective equipment must be worn. The instructions for use must draw attention to the fact that the toy must be used with care and directions are to be given concerning the recommended protective equipment.
6. Toys for use in water, cf. Annex 2, II-(1) (f), must, in accordance with DS/EN71-1, bear a warning and information stating that they may be used only under supervision and in water in which the child is withing its depth.