



Brazil eases conformity assessment procedures for toys

Since August 2007, Brazil has imposed a variety of restrictions on imports of toys.

In October 2007, following its adoption, Brazil notified Decree No. 326/2007, laying down conformity assessment procedures for toys, to the WTO Committee on Technical Barriers to Trade (TBT). Decree 326, issued by INMETRO (National Institute of Metrology, Standardisation and Industrial Quality) provided two alternative systems for toy certification. The first (so-called "System 5") was based on an evaluation of the manufacturer's quality management system and the testing of samples taken from the production line. The second – more burdensome – system (so-called "System 7") provided for testing and certification of each lot of toys placed on the market. While Brazilian toy producers were free to choose between the two systems, imports had to be assessed according to the more burdensome "System 7".

The EU repeatedly expressed its concerns with regard to the discriminatory nature of the Decree, including in the WTO TBT Committee in Geneva.

In November 2008, Brazil notified a draft amendment to Decree 326 to the WTO TBT Committee. While the new text reinstated the possibility for importers to choose System 5, it also introduced certain additional conditions for imports only, such as acceptance of foreign test results only if supplementary tests were performed in Brazil and overly strict marking and labelling requirements.

Following a series of consultations organised by INMETRO and strong concerns expressed by the EU and other trade partners, a further revised amendment to Decree 326 was notified to the WTO TBT Committee in July 2009.

On 29 October 2009, INMETRO issued Decree No 321/2009 amending and repealing Decree 326. Based on a preliminary assessment, Decree 321 appears to address the most important EU requests, inter alia, foreign operators will be able to choose between Systems 5 and 7; under System 5, the results of tests carried out by ILAC (International Laboratory Accreditation Cooperation)-accredited foreign laboratories will be accepted, thus eliminating any duplicative in-country testing, there will be no obligation to use a sealing system based on sequential numbering and it will be possible to affix the seals in the country of origin; under certain conditions, manufacturers holding quality management system certificates pursuant to ISO 9001:2008 will be exempted from the factory audit under System 5 and penalties for non-compliance will be more proportionate.

Certain issues related to the practical implementation of the new Decree remain nevertheless of potential concern for the EU toy industry, in particular the risk of delays in time-to-market in the initial phase, due to the requirement that foreign bodies undertaking the certification of the manufacturers' quality management system be accredited by INMETRO, even when they already hold accreditation certificates issued by IAF (International Accreditation Forum) members.

In addition, further clarification is needed regarding the procedures for manufacturers being authorised to rely on alternative methods to animal testing for the purpose of their toxicological evaluations.



The progress achieved constitutes an important success for the joint efforts of the European Commission, Member States and Business. The European Commission services together with the EU Delegation in Brasilia will continue to work closely with INMETRO to ensure these new measures are applied in a manner which is not more trade restrictive than necessary. EU business is invited to continue to inform the European Commission of any developments in this matter.

For further information: DG Trade G.1 and G.3, DG Enterprise I.2 in cooperation with EU Delegation in Brazil

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