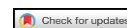




CHILDREN'S TOY SAFETY STANDARDS IN MALAYSIA AND ASEAN: TOWARDS SINGLE REGIONAL REGULATION OF LEAD-BASED PAINTS AND CHILDREN TOYS



Wan Amir Azlan
Wan Haniff¹⁺

¹Ph.D Student, Faculty of Law, Universiti Kebangsaan Malaysia, UKM, Bangi, Selangor, Malaysia.

Rahmah Ismail²

¹Email: ameerazlan@yahoo.com Tel: +60175908409

Suzanna Mohamed
Isa³

^{2,3}Associate Professor, Ph.D, Faculty of Law, Universiti Kebangsaan Malaysia, UKM, Bangi, Selangor, Malaysia.

Rozlinda

²Email: irahmah@ukm.edu.my Tel: +60389118431

Mohamed Fadzil⁴

³Email: zie@ukm.edu.my Tel: +60389118434

Syed Sagoff

⁴Senior Lecturer, Ph.D, Faculty of Law, Universiti Kebangsaan Malaysia, UKM, Bangi, Selangor, Malaysia.

AlSagoff⁵

⁴Email: leenda@ukm.edu.my Tel: +60389218433

Kartini Aboo Talib
@ Khalid⁶

⁵Ph.D, Former Senior Officer, ASEAN Secretariat, Jakarta, Indonesia.

Hakimi Hassan⁷

⁵Email: alsegaff@hotmail.com

Nurina Awanis
Mohamed⁸

⁶Associate Professor, Ph.D, Institute of Ethnic Studies, Universiti Kebangsaan Malaysia, UKM, Bangi, Selangor, Malaysia.

⁶Email: kartinikhalid@gmail.com Tel: +603-89213612

⁷Senior Executive (Investment Division), Lembaga Tabung Angkatan Tentera, Kuala Lumpur, Malaysia.

⁷Email: hakimikassms@gmail.com Tel: +6019-2007284

⁸College of Government, Law and International Studies, Universiti Utara Malaysia.

⁸Email: mnurinawanis@live.com.my Tel: +6019-5454880



(+ Corresponding author)

ABSTRACT

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Children's toys have always been the primary step on the manufacturing ladder for several developing economies like Malaysia and other ASEAN member states (AMS). Apart from an ideal product to chase low cost labor, children's toys were easy to produce with relative low-quality requirements. However, following the 'Year of the Recall' in 2007 which saw the greatest number of recalled products of children's toys from markets due to higher permissible amount of lead, Malaysia and several AMS no longer taken the safety of children's toys product lightly. Despite Malaysia has amended its regulations which requires toys available on the Malaysian markets to be tested for the presence of maximum acceptable levels of lead from toy materials and toy parts, Malaysia and several AMS still has no laws on the regulation on the amount of lead in paint. Even worse, some of AMS still has no national legislations and regulations for safety standard of children's toys product. This qualitative research utilizes the secondary data gained from scientific database analysis and library research including documents and precedents on children toy safety regulations and analyzed this data by legal interpretation. The finding shows that AMS requires proper national and regional legislations and regulations particularly for import, export, manufacturing, adoption and sale of children toys and paints to be ratified and implemented so as to avert the availability of lead-based paints and children toys with high lead content in the market.

Contribution/ Originality: This study analyzed the implication of excessive lead to consumer health and proposes the measures that can be taken at national and ASEAN level to mitigate negative consequences derive from it. The research also recommends for ASEAN member states to promulgate uniform or harmonized standard to protect the consumers at ASEAN level.

1. INTRODUCTION

As one of the fastest growing developing economies in Asia, Malaysia enjoyed a Gross Domestic Product (GDP) worth MYR1,446.9 billion in July 2019, an increase of 5.5% over 2018 (4.7%) (Malaysia Department of Statistic, 2019a). Malaysia's economy performed above expectations in the first quarter of 2019 when registered a growth of 4.5% and this is mainly attributed in services and manufacturing sectors as the anchor to the expansion (Malaysia Department of Statistic., 2019b). On the expenditure side, private and government final consumption expenditure were the key drivers. This can be seen when the former recorded the fastest rate since 2012 at 8.1% (2017: 7.0%), while the latter moderated to 3.3% (2017: 5.4%) (Bank Negara Malaysia Annual Report, 2018). However, the same report has shown that the overall index for Consumer Price Index declined to 1.0% in 2018 (2017: 3.7%). Based on the data shown above, we can conclude by saying that there was a slightly low of confidence among Malaysian consumers in the market and the factors behind it were cost pressures that remained present for some parts of 2018, implementation of Sales and Services tax, elevated global oil prices and relatively weaker ringgit exchange rate (Bank Negara Malaysia Annual Report, 2018).

To add insult to injury, *Bernama* (2018) reported that Malaysia may suffer potential economic loss in the future and this has something to do with the lead exposure among children. There is indeed a significant correlation between former and latter as the study conducted by National Institute of Environmental Health Science, North Carolina, America has found that reduced Intelligence Quotient (IQ) can cause reduction in lifetime economic productivity especially in developing countries. Due to that matter, the Consumers Association of Penang approximates that Malaysia will grieve 2.63% GDP lost or MYR11.8 billions of annual economic losses (*Bernama*, 2018).

Generally, Malaysian consumers perceive that products placed on the shelves are safe and endorsed by the regulators. However, there are still some issues pertaining to safety, while quality remains a critical challenge to the government, industries and consumers. This can be proven when the consumer complaints have shown an increasing trend, which may suggest that consumers in Malaysia especially younger consumers have become more aware of their rights, or that there are more substandard products and services entering the Malaysian market. National Consumer Complaints Centre (NCCC) getting grievances from nearly 49,000 buyers that endured losses amounting to almost MYR256,000,000.00 with e-commerce sector received the highest number of complaints with 7,371 complaints followed closely by General Consumer Products and Telecommunication Sector with 6578 complaints (NCCC Annual Report, 2016). The total complaints have increased by 8.6% compared to the previous year. *Khirzanbadzli, Sharifah, and Laily* (2016) believed that this increase could be due to the access granted for complaining and claims are much easier than it was before. This finding widely applied to all sorts of complaints acquired over twenty number of areas arising from consumer's purchase of goods and/or services.

For children's toys product specifically, even though there is no statistic on toy-associated incident and accident available, the concern on the need to have solid toy safety regulations in Malaysia arises in recent years following the Year of the Recall in 2007 reported by *Kids in Danger* (2008) which saw the greatest number of recalled products of children's toys from markets in United States. It appears that the toys are contaminated with higher permissible amount of lead which is harmful to the consumers' health especially children who are at greater risk of hurting themselves than adults. Lead both in paints and Polyvinyl chloride (PVC) toys becomes a major public health concern which made the global product safety standards that were initially ignored now received attention through numerous studies across the globe.

The research led by Clark et al. (2009) for instance, has revealed nearly half of the paint sold in Malaysia had lead concentrations thirty times higher than the United States Consumer Product Safety Commission permitted standard. To make matter worse, lead-based paints are still in the market especially in developing countries and this could be proven by a test carried by Malaysian Association of Standards Users and Standards Users and Greenfinite Sdn. Bhd. in 2016 which found that half of tested toys marketed in stores were turned out to have high concentrations of heavy metals and chemical elements which includes but not limited to lead (Loh, 2016). The test was also done to one of the eight types of kitchenware and they have discovered 53,003 part per million (ppm) of lead in comparison to the amount of 5 ppm (0.8mg/dm) limit permitted according to Malaysian Food Act 1983 and Food Regulations 1985. Ministry of Health justified by pointing out that, for the purpose of assessing consumer risk, instead of measuring the content of heavy metals found in ceramic kitchen appliances, Malaysian Association of Standard Users should measure the heavy metal content released by ceramic kitchen utensils into foods as it is more appropriate to do so as well it corresponds to subregulation 28(4), Food Regulations 1985. Nonetheless, Ministry of Health did not argued on high amount of chemical elements especially lead found on children's toys (Director General of Health, 2016). In addition, Selangor Domestic Trade and Consumer Affairs has seized 4,137 toys over non-compliance with safety standards in 2018 (FMT News, 2018). The authority has taken this matter seriously and only toy which has been affixed with valid Mark of Conformity (MC) logo can be sold in this country.

With the purpose of analysing the implication of excessive lead to consumer health as well as proposing the measures that can be taken at national and ASEAN level to reduce negative consequences derives from it, the article first provides overview on lead compounds incorporated in children PVC toys and paint, and examine the harm it may bring to the consumers' especially children. The article then will be discussing about the existing toys safety standards in Malaysia and ASEAN. Reference is made by observing the existing International Standard available such as International Organisation for Standardization (ISO), European Standard (EN) and American Society for Testing and Materials (ASTM). This article concludes by offering a way forward in strengthening the toy safety in national and regional level. This qualitative research uses the secondary data gained from scientific database analysis as well as literature comprising documents and precedents on children toy safety regulations and analysed this data by legal interpretation.

2. OVERVIEW: LEAD COMPOUNDS

Lead is a bluish-gray metal and occurs naturally in the ground (Tiwari, Tripathi, & Tiwari, 2013). Due to its valuable chemical and physical properties, lead has been mined, smelted, and been used as components in various products including cosmetics, batteries, medicines and paint (Bawa, Bukar, & Abdullahi, 2015; Johnson, Saikia, & Sahu, 2009a; Juberg, 2000; Landrigan & Todd, 1994). Nonetheless, lead is toxic which contains neurotoxin, carcinogenic (Gidlow, 2004; Ismail et al., 2006; Lanphear, Dietrich, Auinger, & Cox, 2000) and has been classified by the Agency for Toxic Substances and Diseases Registry (ATSDR) as second most toxic heavy metal after arsenic because of its ubiquity (ATSDR, 2015). Usually, the major sources of exposure originate from formerly used leaded-gasoline, residential lead-based paint in disrepair, such as lead-contaminated house dust, water sources and residential soil (Monna et al., 2006; Weitzman, 2019).

It is worth noting that most widely used material in production of soft plastic children toys are polyvinyl chloride (PVC) materials. These materials contain cadmium and lead compounds which able to enhance durability, elasticity and brightness of toys, thus making them more appealing to the consumer especially children (Ghaly, Mohsen, Rashad, & Helal, 2013; Ismail et al., 2006; Kumar & Pastore, 2007; Livingstone, Leticia, & Emmanuel, 2014; Yousif & Hasan, 2015). Nonetheless, the dangers it may pose is imminent as report stated that PVC materials become primary source of lead contamination to children around the world.

Certainly, at high level of lead, it will cause many adverse clinical effects in consumers especially children. It can happen through oral contact when the children put the surface of toys product into their mouth, letting the lead

contained within to be transferred into their biological system. Even if the product contains low dosage of lead, repeated action will put the health of the children at risk, which can pose danger to the cardiovascular & immune system, reproductive organs, liver and kidneys (Bhagwat, Patil, Patil, & Sontakke, 2008; Patil et al., 2007; Pratinidhi et al., 2014; Tong, Schirnding, & Prapamontol, 2000; Wani, Ara, & Usmani, 2015) as well as affects the development of the brain and nervous system when the harmful substance enters the blood stream (Mielke, Laidlaw, & Gonzales, 2010; Shah et al., 2010).

Realising the paramount need to save the children's future, more than 19 million toys from China were recalled by the world's largest toy company, Mattel for violations of applicable safety standards (Story & Barboza, 2007). Following this recall, both the European Union and United States introduced new policies governing children's products which are United States (Consumer Product Safety Improvement Act of, 2008) (CPSIA) and European Union 2009 Toy Safety Directive. Malaysia is no exception.

3. CHILDREN'S TOY SAFETY IN MALAYSIA

Similar to the European Union and United States, toy safety has become a great concern in Malaysia in 2009. Malaysia has introduced its own toy safety regulations, namely, the Consumer Protection (Safety Standards for Toys) Regulations 2009 (Regulation 2009) that came into operation on January, 30 2010. The Regulation 2009 has been revised and the updated Consumer Protection (Safety Standards for Toys) (Amendment) Regulations 2016 has come into force on January, 1 2018. This regulation was enacted pursuant to section 19 (Consumer Protection Act, 1999) and it is harmonized with the several international standards which has been used to assess the safety of toys. It is worth to note that sub-regulation 2(2) of Regulation 2009 has defined children's toys as products arranged or intended (whether or not exclusively) to be used in play by children below the age of fourteen.

The aim of the Regulation 2009 is to ensure the businesses to carry out safety assessments and conformity of their toys product by certifying that their goods are safe. It requires all toy manufacturers to obey strictly to the Regulation 2009. Failure to comply with the Regulation 2009 will result to a criminal liability to both body corporate and an individual (section 25 Consumer Protection Act (1999)). For the former, a fine not more than MYR250,000 for a first offence and not more than MYR500,000 for the following offence will be imposed (Section 25(1)(a) (Consumer Protection Act, 1999). Meanwhile, for the latter, a fine not exceeding MYR100,000 for a first offence and MYR250,000 for the subsequent offence will be imposed. In additions to that, the offender may face imprisonment for a term not exceeding three (3) years for a first offence and six (6) years for the second offence. (section 25(1)(b) (Consumer Protection Act, 1999).

The responsibility of the Ministry of Domestic Trade and Consumer Affairs (MDT&CA) has become more significant to ensure consumer safety through implementation and enforcement of mandatory safety standards for children's toys. Consequently, the Malaysian Department of Standards Annual Report (2017) has stated that by 2017, 510 Malaysian Standards (MS), including children's toys have been made mandatory, instead of being voluntary. The Mark of Conformity (MC) ('MC' mark for toys) scheme was established to cover the toy products, effective from August, 1 2010 and it requires toys to be affixed with 'MC' mark on the toys or affixed to the toys together with the name and address of the manufacturer, importer or distributor of the toys as an indicator that particular toys supplied or sold conformed to the prescribed safety standards. (Regulation 1(2), 6(2) Consumer Protection (Certificate of Conformance and Conformity Mark of Safety Standards) Regulations (2010).

MDT & CA (2018) stated that before the MC certification mark could be granted, the leading conformity assessment body in Malaysia, Standards and Industrial Research Institute of Malaysia (SIRIM) QAS International must critically test all the children's toys first. MDT&CA also approves any comprehensive test report on the standards of toy safety arises from qualified research lab which is certified by authorised body and is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Agreements and Asia Pacific Laboratory Accreditation Cooperation (MDT & CA., 2018). The conformity marks are shown in Figure 1.



Figure-1. Two conformity mark formats with illustrative approval number.

Source: Malaysia Consumer Protection (Certificate of Conformance and Conformity Mark of Safety Standards) Regulations 2010.

4. INTERNATIONAL STANDARD AND CHILDREN'S TOY SAFETY

With the increasing concern on children's toys safety around the world, Malaysia has amended its Regulation 2009 with the inclusion of several international toy safety standards, including the European toy standards, which have taken effect on January 2018 (Regulation 1(2) Consumer Protection (Safety Standards for Toys) (Amendment) Regulations, 2016). For the purpose of children's toys, the international safety standards that have been selected by the Minister of the MDT&CA are EN 71, MS ISO 8124, MS ISO 1774 and ASTM 1963. Hence, toys accessible on Malaysian markets need to be examined for the presence of phthalates and for maximum acceptable levels of migration of elements from toy materials and toy parts including lead, which can be placed in the mouth by children. Apart from these general toy safety standards, Table 1 below reveals different mandatory toy-related standards that currently enforced in Malaysia.

Table-1. Safety standards for toys.

Item	Standard	Scope of Toys/Toy Safety	Effective Date
1	EN 71-1	Mechanical and physical properties	1-Jan-18
2	ISO 8124-1		1-Jan-18
3	MS ISO 8124-1		In force
4	EN 71-2	Flammability	1-Jan-18
5	ISO 8124-2		1-Jan-18
6	MS ISO 8124-2		In force
7	EN 71-3	Migration of certain elements	1-Jan-18
8	ISO 8124-3		1-Jan-18
9	MS ISO 8124-3		In force
10	EN 71-4	Experimental sets for chemistry and related activities	1-Jan-18
11	MS 1774 Part 4		In force
12	ISO 8124-4	Swings, slides and similar activity toys for indoor and outdoor family domestic use	1-Jan-18
13	EN 71-5	Chemical toys (sets) other than experimental sets	1-Jan-18
14	MS 1774 Part 5		In force
15	ISO 8124-6	Certain phthalate esters in toys and children's products	1-Jan-18
16	MS 62115	Electric toys	In force
17	EN 62115		1-Jan-18
18	IEC 62115		
19	ASTM F963	Standard Consumer Safety Specifications for Toy Safety	1-Jan-18

Source: First Schedule Subregulation 2(1) Consumer Protection (Safety Standards for Toys) (Amendment) Regulations, 2016.

4.1. International Organisation for Standardization (ISO)

The ISO is an independent, non-governmental membership organisation and has been recognised as the world's largest developer of voluntary international standards (ISO, 2018). As of August 2019, ISO works in 164 different countries in the world including Malaysia (ISO, 2018). The current ISO standard that deals with the safety

of children's toys in Malaysia is ISO 8124 (1-4&6) and it is fundamentally based on both the American Society for Testing and Materials (ASTM) and EN 71 standards. After the first edition of ISO 8124-1 was published in 2000, Malaysia modified the ISO 8124 series in their own product safety regulations/standards to MS ISO 8124-1. The same are applied to the other standards as stated in the [Table 1](#) above.

[ISO 8124-1 \(2018\)](#) applies to all toys or any product intended for children under 14 years of age. It outlines the adequate criteria for structural features of toys, such as shape, contour, size, spacing like for example rattles, sharp points and edges, as well as criteria regarding properties peculiar to certain categories of toy, for instance, maximum kinetic energy values for non-resilient tipped projectiles and minimum tip angles for certain ride-on toys. It also stipulates the hazards for that age group and requires proper warnings to be displayed ([ISO 8124-6., 2018](#)). Whereas, [ISO 8124-2. \(2014\)](#) identifies the categories of flammable materials that are prohibited in all toys, and requirements concerning flammability of certain toys when they are subjected to a minor source of ignition. Meanwhile, [ISO 8124-3 \(2010\)](#) specifies maximum acceptable levels and methods of sampling and extraction prior to analysis for the migration of the eight (8) trace metals/elements of antimony, arsenic, barium, cadmium, chromium, lead, mercury and selenium from toy materials and from parts of toys. [ISO 8124-4 \(2014\)](#) postulates requirements and test methods for indoor and outdoor family domestic use such as swings, slides and similar activity toys and other products intended to bear the mass of one or more children.

[ISO 8124-1 \(2018\)](#) specifies a method for a determination of six phthalates that could potentially adverse human health if they are produced and used in very large quantities in toys and children's products which are made of plastics, textiles, and coatings, and others. These 6 phthalates are di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), and n-octyl phthalate (DnOP). According to [Harrison \(2010\)](#) phthalates or also known as plasticizers signifies to a group of chemical compounds that are heavily produced and widely used to make the plastics harder to break and more flexible. [Linda and Margaret \(2009\)](#) added that over time, phthalates are released from those products and are dispersed to the water, soil, air and living things. Some of these phthalates are known to cause reproductive damage in rodents ([Swan, 2008](#)). In human studies, exposure to DEHP and DBP metabolites has been accompanied by behavioral issues in children ([Kobrosly et al., 2014](#)) and childhood exposure to DEHP and BBP has been linked with allergic diseases particularly with regard to asthma and eczema ([Braun, Sathyanarayana, & Hauser, 2013; Zota, Calafat, & Woodruff, 2014](#)). However, [Chris and James \(1999\)](#) argue that, based on the scientific evidence, the use of DINP in soft PVC toys and other children's products do not in any way present a material risk of adverse health implications in children.

4.2. European Standard (EN)

European Standards are documents that have been ratified by one of the three European Standardization Organizations (ESOs), namely, CEN, ETSI and CENELEC. EN 71 is a set of European Product Safety Standards that applies to all toys sold in the European Union (EU) ([Cenelec, 2018](#)). All of these bodies have been acknowledged as competent in the area of voluntary technical standardization as for the EU Regulation 1025/2012 ([Cenelec, 2018](#)).

The EU standards used by Malaysia to assess the safety of toys are EN 71 (1-5). This standard deals with toy safety issues with regards to mechanical and physical properties (EN 71-1), flammability (EN 71-2), specification for migration of certain elements (EN 71-3), experimental sets for chemistry and others goods related to it (EN-71-4) as well as chemical toys (sets) other than experimental sets (EN 71-5) (First Schedule Subregulation 2(1) Consumer Protection (Safety Standards for Toys) (Amendment) Regulations, 2016).

4.3. American Society for Testing and Materials (ASTM)

ASTM was formed in 1898 and created the first toys safety standard namely ASTM International's Standard on Consumer Safety Specification for Toy Safety (ASTM F963) in 1979 which covers toys for children under 14 years of age. Prior 2008, ASTM F963 was a voluntary standard for toy manufacturers or importers. However, following the toys recall crisis in 2007, ASTM F963-07 were made a mandatory standard by [Consumer Product Safety Act \(1972\)](#) through the United States CPSIA in February 2009 pursuant to section 106 of the CPSIA.

As a global testing standards organization, the harmonisation exists between ASTM and other testing standards. For example, in October 2016, the ASTM published ASTM F963-16 standard that contains substantial changes to the 2008 version, which is more harmonized to mechanical and physical properties in EN 71-1 and ISO 8124-1. The align between ASTM F963 with both ([ISO 8124-3, 2010](#)) and EN 71-3 specifies maximum acceptable levels and methods of sampling and extraction prior to analysis for the migration of the 8 types of trace metals/elements in children's toys. Further, the updated ASTM F963-17 was published on 24 August 2017 as a revision to the ASTM F963-16 version ([Intertek, 2017](#)). The regular revision of the F963 by ASTM International's committee is to ensure the technical guidance for the same is up to date and as well as to incorporate emerging hazards, new toys, new data, and more ([ASTM International, 2018](#)).

Based on discussion above, Malaysia truly alert with the need to keep for updates with international toy safety standards by expanding its list of acceptable toy safety standards. Nevertheless, until today, there is an absent of laws on the regulation on the amount of lead in paint. Since the [United Nation Environment & World Health Organization \(2019\)](#) has established two-year Action Plan (2019-2020) to give attention and mobilize the efforts to accomplish international objectives to minimize occupational exposures to lead paint and to prevent children's exposure to lead from paints containing lead, Malaysia can take an active part to ensure they are informed about lead and the legal action that need to be taken to protect the health of their populations.

5. ASEAN FRAMEWORK AND CHILDREN'S TOY SAFETY

It is worth mentioning that ASEAN has no uniform and/or harmonised legislation /standard that regulates the safety of toys. There is also an absence of comprehensive product safety legislation within ASEAN Member States (AMS), with the exception of Malaysia, Singapore and Indonesia. However, ASEAN has developed ([AEC Blueprint, 2015](#)) which has agreed upon by the Leaders of each AMS on November 2007 ASEAN Summit ([AEC Blueprint, 2015](#)). The [AEC Blueprint \(2015\)](#) is a binding declaration of obligations to all associate countries, laid out a road map to accomplish the economic integration, and incorporated action plans, targets and timelines to expedite the process ([Soesastro, 2008](#)). One of the four main characteristics of the ([AEC Blueprint, 2015](#)) is to make ASEAN a highly competitive economic region, where the fundamental vision is to strengthen consumer protection ([AEC Blueprint, 2015](#)).

Even though the main purpose of the said 2015 Blueprint focuses on the road mapping in making ASEAN a "more dynamic and stronger segment of the global supply chain" and a "single market and production base," it did not neglect the need to protect consumers ([AEC Blueprint, 2015](#)). The making of an inclusive economic region with a people-centred method has made ASEAN become aware that consumers ought to be included in all actions taken to attain this integration. Moreover, consumer protection efforts are currently being formulated in parallel with the intended economic steps to tackle the already rising consumer protection. The proposed measures taken to protect consumers contained in the ([AEC Blueprint, 2015](#)) are as follows;

1. Enhance consumer safeguard in the region by developing ASEAN Coordinating Committee on Consumer Protection (ACCCP).
2. Set up a system of consumer protection bodies to promote data share & exchange.
3. Arrange regional training sessions for consumer protection authorities as well as consumer heads in preparation for a unified ASEAN market.

The ASEAN Annual Report 2013-2014 (ASEAN Secretariat, 2014) shows that 82.1% of the stipulated targets mentioned in the AEC Blueprint (2015) was successfully achieved by the ASEAN Economic Community (46th Asean Economic Ministers' Meeting, 2014). Nevertheless, there was no specific figure on the accomplishment in regard to consumer protection targets stated in the said Blueprint. However, despite this, the ASEAN Committee on Consumer Protection (ACCP) has been established in August 2007. The ASEAN Economic Ministers established ACCP is to serve as the principal point to monitor and implement mechanisms to foster consumer protection and regional arrangements in the ASEAN Economic Community (ACCP, 2017).

The ACCP members are representatives of consumer protection agencies of AMS and its objective is to provide a facility or channel for ASEAN consumers to claim or complain for any loss incurred (in respect of any services or goods acquired or purchased) at a minimal cost in speedy manner and less burdensome. The primary attentions of ACCP since its inception in 2007 are to secure the availability of consumer protection legislation in all AMS, institutional capacity is strengthened, consumer access to information is enhanced and mechanisms for consumer redress and recalls are in order (ACCP, 2017).

Still, the triumph of the AEC Blueprint 2015 can be acknowledged a connotation beginning for ASEAN. Besides promoting the development of consumer protection, the enforcement of the AEC Blueprint (2015) has been essentially accomplished in, inter alia, eradicating tariffs & simplifying trade; liberalizing & facilitating investment; progressing the services trade liberalization program; easing skilled labor mobility; rationalizing & harmonizing financial market legal frameworks and platforms; supporting the establishment of regional frameworks in competition policy & intellectual property rights; encouraging networking; tapering the development gap; and reinforcing ASEAN's association with its foreign stakeholders (AEC Blueprint, 2015).

The AEC Blueprint 2015 was succeeded by the AEC Blueprint 2025 (AEC Blueprint, 2015). On 22 November 2015, the AEC Blueprint 2025 was ratified by the ASEAN Leaders at the 27th ASEAN Summit in Kuala Lumpur, Malaysia. The AEC Blueprint 2025 states extensive guidelines over strategic actions for the AEC from 2016 to 2025 and emphasises new strategic actions to protect and promote the interests of consumers by inaugurating a joint ASEAN consumer protection framework through higher levels of consumer protection legislation (AEC Blueprint, 2025). It is expected to be able to enhance higher purchaser trust and cross-border business transactions by reinforcing product safety implementation, promotion of sustainable consumption and stronger involvement of consumer representatives (AEC Blueprint, 2025).

Following the ratification of the AEC Blueprint 2025, the ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) was established. It highlights ASEAN's plan for consumer policy over the next decade (2016-2025). The ASAPCP constructs upon the ACCP work on consumer protection since its creation in 2007 and will continue charts the course of ACCP work until 2025. ASAPCP contains one of the strategic measures to foster issues concerning consumer in ASEAN policies through impact evaluation of consumer protection policies & enhancement of knowledge-based policies (ASAPCP, 2016).

The aim to enhance the consumer protection has become one of the strategies in the AEC Blueprint 2015 and AEC Blueprint 2025. What ASEAN should do in enhancing the consumer protection, particularly children safety is to encourage the AMS to develop toy safety legislations and to prescribe safety standards for toys. The ASEAN Communication Master Plan (2014) has recognized the rights of children as a fundamental principle. This includes the right to safety. If the rights of children have been recognized as a fundamental principle, ASEAN should take adequate measures to protect the children. Enforcement of toy safety standards is one of the measures that can be taken to protect the safety of the children. ASEAN could assign the ACCCP with the task to discuss what are the standards, which may be prescribed for toys. In fact, all the AMS can take Malaysia as a model in prescribing safety standards for toys. In this context, Malaysia has kept pace with the international development when Malaysia has prescribed international safety standards for toys that are marketed in Malaysia.

5.1. The Way Forward for AMS

It is clear now that AMS requires proper national and regional legislations and regulations particularly for import, export, manufacturing, adoption and sale of children toys and paints to be ratified and implemented in order to avert the accessibility of lead-based paints and children toys with high lead content in the market. Other AMS that do not have standards for toys can use Malaysia as a model by adopting international standards for their toy safety. By adopting international standards will make AMS keep pace with the international development and this will free movement of toys in international market.

Another approach that could be taken to overcome the lack of safety standards on toys within AMS is by exercising non-treaty harmonisation mechanisms. On this basis, individual AMS with strong political ties and close trade may establish a structure for joint recognition agreements to regulate the safety of children's toys despite there is no other international agreements or formal treaty commitments and implementation through Free Trade Agreements.

This mechanism is not new, as the approach has been done before in 2003 in the area of cosmetics regulation when AMS established a framework for mutual recognition agreements by signing the Agreement on the ASEAN Harmonized Cosmetics Regulatory Scheme ([ASEAN Cosmetic Documents, 2018](#)). This was envisioned as an interim step towards implementing a harmonised 'ASEAN Cosmetics Directive' (ACD) regime by 2008. As stated under Article 4(1) of the ACD, AMS should adopt Cosmetic Ingredient Listings of the EU Cosmetic Directive 76/768/EEC comprising the most recent amendments. Currently, ASEAN has released updated Cosmetic Directives during the 27th ASEAN Cosmetic Committee meeting on November 2017 with new requirements by following the updates of the new Cosmetics Regulation (EC) 1223/2009 in Europe ([Safeguards, 2018](#)). Hence, the 'positive harmonisation' initiatives on toy safety regulation is possible, especially when the EU or other bodies have well developed harmonised schemes.

Apart from that, there is also the need to keep up with the progress and development in children's toys and the best way is by getting involved with stakeholders and trade associations. The establishment of Southeast Asia Toy Association (SEATA) for instance is a worthy initiative to deliver best service in terms of safety, trade, harmonization and educational toys to all children by endorsing sustainable development of toy sector and be part of a global value chain in advocating the importance of learning through playing ([Seata, 2017](#)). Moreover, the fundamental objective is to ensure the maintenance of high safety standards by educating stakeholders including consumers', industry players and policymakers on the importance of toy safety through inculcating best practises. In addition, as a multi-stakeholder coalition of toy industry players in ASEAN countries, SEATA uphold the ISO series as the highest standards of product safety by advocating the recognition and use of global standards in manufacturing toy products.

6. CONCLUSION

Children, especially baby and toddler are unable to self-assess the toys that they play. Thus, it is up to their parent to evaluate every security aspect of such toys before handing it to their child. Nonetheless, it will be trickier when it comes to assess certain aspect, such as, chemical aspect as not everyone has such expertise. That is why the toy safety regulation in Malaysia has continued to evolve so it could keep up with the unexpected threats the children's toys may pose. Besides, the mandatory safety standards for children's toys that have been introduced in 2009 have accomplished a major milestone as today, more and more safety aspects of children's toys are improved according to international standards. In addition, the positive supports and awareness from relevant stakeholders have effectively provided a protected market environment for children.

AMS also should follow Malaysia in developing standards for toys safety. In developing safety standards, AMS can adopt international standards so that the toy safety development in AMS will be in line with international

development. It is important for AMS to have safety standard for toys in order to protect the children. Protecting children should become one of the main concerns of the ASAPCP.

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