



Information & Communication Technologies Authority (ICTA)

**ICTA**

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**INFORMATION AND COMMUNICATION TECHNOLOGIES AUTHORITY**

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**DECISION OF 15 NOVEMBER 2018 ON THE IMPORTATION AND COMMERCIALISATION OF  
TOYS WITH WIRELESS FUNCTIONALITIES, INCLUDING RADIO CONTROLLED TOYS, IN  
MAURITIUS**

**Date of Release: 16 JANUARY 2019**

## 1. Introduction

This decision covers toys with wireless functionalities, including radio controlled toys, falling under the scope of the Toys (Safety) Regulations 1994 and the Toys (Safety) (Amendment) Regulations 2018, made under the Consumer Protection Act 1991.

### Considering that –

- (a) the ICT Authority is the regulator responsible for the management of the radio spectrum in Mauritius;
- (b) there are regulations made under the Consumer Protection Act 1991 pertaining to the safety of toys, namely the Toys (Safety) Regulations 1994 and the Toys (Safety) (Amendment) Regulations 2018;
- (c) the Toys (Safety) Regulations 1994 defines a “toy” as, inter alia, any product or material designed or clearly intended for use in play by children under 14 years of age;
- (d) there is an increasing number of toys that are either radio controlled or incorporated with radiocommunication modules;
- (e) toys with wireless functionalities, including radio controlled toys, generally operate in shared frequency bands on no interference and non-protection basis, transmit low power, are intended for short range applications and therefore generally represent a low risk of harmful interference to other legitimate spectrum users;
- (f) the commercialisation of radiocommunication devices generally requires the seller to hold a Dealers’ licence from the Authority;
- (g) the importation and use of radiocommunication devices generally require the importer or user to obtain prior authorisation from the Authority;
- (h) the processes stated in paragraphs (d) and (e) have been put in place with respect to consumer electronics or professional devices not intended for play by children;
- (i) it would be unreasonable to impose the same conditions on toys specially given that these toys are generally not intended primarily for communication purposes and the lifetime of toys is generally short and no warranty is normally provided at the time of sale of most toys.

**Further considering that –**

- (a) the requirements that the ICT Authority is the regulator responsible for the management of the radio spectrum in Mauritius are outside the scope of the Toys (Safety) Regulations 1994 and the Toys (Safety) (Amendment) Regulations 2018;
- (b) the European Radio Equipment Directive 2014/53/EU defines the essential requirements for devices with wireless capabilities, including toys;
- (c) radiocommunication devices authorised to operate in Mauritius are required to comply to those essential requirements;
- (d) in view of reducing the risk of harmful interference to legitimate spectrum users, it is highly advisable that toys with wireless functionalities, including remote controlled toys, comply with the same essential requirements;
- (e) the CE marking indicates the conformity of products with the European Union legislation including the European Radio Equipment Directive 2014/53/EU for products with wireless functionalities;

**2. Decision of Authority**

The ICT Authority has therefore decided that the importation and commercialisation of toys (as defined in the Toys (Safety) Regulations 1994) with wireless functionalities, including remote controlled toys, shall fall outside the scope of the Dealers' licence issued by the ICT Authority and shall not require type approval from the Authority.

**3. Recommendation of Authority**

The ICT Authority highly recommends that –

- (a) toys with wireless functionalities, including radio controlled toys, intended to be imported or commercialised in Mauritius shall comply with European Radio Equipment Directive 2014/53/EU; and
- (b) importers of toys with wireless functionalities, including radio controlled toys, verify that same comply with European Radio Equipment Directive 2014/53/EU or has a CE marking prior to importation.