

**BỘ CÔNG THƯƠNG  
CỤC CÔNG NGHIỆP**

**CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM  
Độc lập - Tự do - Hạnh phúc**

Số: *119* /CN-KSLK

Hà Nội, ngày 22 tháng 3 năm 2021

V/v cảnh báo đối với quy định mới  
của Philippines đối với sản phẩm thép

Kính gửi: Hiệp hội Thép Việt Nam ✓

Ngày 12 tháng 3 năm 2021, Tổng cục Tiêu chuẩn đo lường chất lượng, Bộ Khoa học và Công nghệ có Công văn số 672/TĐC-TBT về cảnh báo đối với quy định mới của Philippines đối với sản phẩm thép (kèm theo toàn văn dự thảo quy định của Philippines đối với thép), Cục Công nghiệp gửi quý Hiệp hội Công văn số 672/TĐC-TBT của Tổng cục Tiêu chuẩn đo lường chất lượng và đề nghị Hiệp hội:

1. Thông báo cho các doanh nghiệp sản xuất thép có sản phẩm xuất khẩu sang Philippines toàn văn dự thảo quy định của Philippines đối với thép để biết nhằm tránh thiệt hại trong quá trình thực hiện xuất khẩu vào thị trường Philippines

2. Nghiên cứu, đề xuất các chính sách thích hợp gửi về Cục Công nghiệp, Bộ Công Thương để tổng hợp báo cáo lãnh đạo Bộ Công Thương xem xét, quyết định./.

**Nơi nhận:**

- Như trên;
- TTr Trần Quốc Khánh (để b/c);
- Cục trưởng (để b/c);
- Cục XNK (để triển khai);
- Lưu: VT, KSLK.

**KT. CỤC TRƯỞNG  
PHÓ CỤC TRƯỞNG**



**Nguyễn Ngọc Thành**

**BỘ KHOA HỌC VÀ CÔNG NGHỆ  
TỔNG CỤC TIÊU CHUẨN  
ĐO LƯỜNG CHẤT LƯỢNG**

**CỘNG HOÀ XÃ HỘI CHỦ NGHĨA VIỆT NAM**  
**Độc lập - Tự do - Hạnh phúc**

Số: 672 /TĐC-TBT

Hà Nội, ngày 12 tháng 3 năm 2021

<b>ĐẾN</b>	V/v cảnh báo đối với quy định	
	của Philippines đối với sản	
	Số: 1685	phẩm thép
	Ngày: 16/3/21	Chuyên: .....
Lưu hồ sơ số: .....		

Kính gửi:

- Bộ Công Thương;
- Phòng Thương mại và Công nghiệp (VCCI);
- Tổng công ty Thép Việt Nam;
- Tập đoàn Hoà Phát;
- Tập đoàn thép Vạn Lợi;
- Hiệp hội Thép Việt Nam (VSA).

Thực hiện nghĩa vụ minh bạch hóa theo Hiệp định về hàng rào kỹ thuật trong thương mại (TBT) của Tổ chức Thương mại thế giới WTO, ngày 02/03/2021, Bộ Công nghiệp và Thương mại Philippines đã gửi thông báo mã G/TBT/N/PHL/195/Rev.2 về các quy định kỹ thuật mới liên quan tới việc chứng nhận sản phẩm bắt buộc đối với thanh cốt thép biến dạng (Deformed Steel Bars), thép thanh cuộn (Rerolled Steel Bars) và thép góc (Equal Leg Angle Steel Bars) cho các nước Thành viên WTO đóng góp ý kiến.

Cụ thể, ngày 18/2/2021 Bộ Công nghiệp và Thương mại Philippines ban hành Bản ghi nhớ Thông tư 21-07 ấn bản 2021 - Hướng dẫn bổ sung để thực hiện DAO 18-18 ấn bản 2018. Bản ghi nhớ này quy định các hướng dẫn bổ sung về thông tin và yêu cầu tuân thủ cho tất cả các bên liên quan, ví dụ như các tiêu chuẩn tham chiếu cho thanh cốt thép biến dạng, ghi dấu, giám sát thị trường và thực thi (xem phụ lục gửi kèm công văn).

Tổng cục Tiêu chuẩn Đo lường Chất lượng kính gửi thông tin và đề nghị:

1. Đối với Bộ Công Thương:
  - Xem xét phòng chống ảnh hưởng của Quy định này tới doanh nghiệp sản xuất và xuất khẩu các sản phẩm thép của Việt Nam sang Philippines.
  - Nghiên cứu quy định để đề xuất chính sách thích hợp.
2. Đối với VCCI, Hiệp hội Thép Việt Nam và các Tập đoàn, Tổng công ty liên quan:

Phản hồi thông tin cho Tổng cục Tiêu chuẩn Đo lường Chất lượng **trước ngày 20/3/2021** trong trường hợp doanh nghiệp có khó khăn khi áp dụng quy định này trong quá trình xuất khẩu hàng hóa sang thị trường Philippines. Ý kiến góp ý của doanh nghiệp sẽ được Tổng cục Tiêu chuẩn Đo lường Chất lượng tổng hợp gửi cho cơ quan liên quan của Philippines để xem xét, tiếp thu.

Mọi thông tin đề nghị liên hệ với Tổng cục Tiêu chuẩn Đo lường Chất lượng, số 8 Hoàng Quốc Việt, Cầu Giấy, Hà Nội thông qua Văn phòng TBT Việt Nam, điện thoại: 024.37912.145, email: [tbtvn@tcvn.gov.vn](mailto:tbtvn@tcvn.gov.vn).

**Nơi nhận:**

- Như trên;
- Thứ trưởng Lê Xuân Định (để b/c);
- Lưu: VT, TBT.

**KT. TỔNG CỤC TRƯỞNG  
PHÓ TỔNG CỤC TRƯỞNG**



**Nguyễn Hoàng Linh**

 **Phân lục**  
**TOÀN VĂN DỰ THẢO QUY ĐỊNH CỦA PHILIPPINES ĐỐI VỚI THÉP**

(gửi kèm công văn số **CTC-TDS-TBT** ngày **12 tháng 3** năm 2021  
của Tổng cục Tiêu chuẩn Đo lường Chất lượng)



DEPARTMENT ADMINISTRATIVE ORDER NO. \_\_\_\_\_  
Series of \_\_\_\_\_

**SUBJECT: THE NEW TECHNICAL REGULATIONS CONCERNING THE MANDATORY PRODUCT CERTIFICATION OF DEFORMED STEEL BARS, REROLLED STEEL BARS AND EQUAL LEG STEEL ANGLE BARS STANDARDS**

WHEREAS, the Department of Trade and Industry (DTI) is the economic catalyst that enables innovative, competitive, job generating, inclusive business, and empowers consumers;

WHEREAS, the Bureau of Philippine Standards (BPS) [formerly known as Bureau of Product Standards] is mandated by Republic Act No. 4109, Series of 1964 to perform standards development, certification, testing, policy formulation and monitoring functions;

WHEREAS, the same mandate is reiterated in Republic Act No. 7394 or Consumer Act of the Philippines wherein it states that, "it shall be the duty of the State to develop and provide safety and quality standards for consumer products, including performance or use-oriented standards, codes of practice and methods of tests; to assist the consumer in evaluating the quality, including safety, performance and comparative utility of consumer products; to protect the public against unreasonable risks of injury associated with consumer products; to undertake research on quality improvement of products and investigation into causes and prevention of product related deaths, illness and injuries; and to assure the public of the consistency of standardized products";

WHEREAS, to implement the above-cited laws and by virtue of the rule-making power of the DTI Secretary under Executive Order 292 or the 1987 Administrative Code, Department Administrative Order (DAO) No. 4, the Rules and Regulations Concerning the Philippine Standard (PS) Quality and/or Safety Certification Mark scheme of the BPS, and DAO No. 5, entitled the New Rules and Regulations Concerning the Issuance of the Import Commodity Clearance Under the Product Certification Scheme of the BPS were issued in 2008;

WHEREAS, consistent with the above-cited mandates, laws and policies, Philippine National Standard (PNS) 49:2002 (Steel bars for concrete reinforcement – Specification), PNS 211:2002 (Rerolled steel bars for concrete reinforcement – Specification) and PNS 657:2008 (Hot-rolled steel sections – Equal-leg angles – Specifications) have been declared mandatory standards in order to inspect, sample, test and certify that the products are compliant with the requirements thereof;

WHEREAS, World Trade Organization (WTO) defined **Standard** as "a document approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory." (emphasis supplied)

THE NEW TECHNICAL REGULATIONS CONCERNING THE MANDATORY  
CERTIFICATION OF DEFORMED STEEL BARS, REROLLED STEEL BARS, AND  
EQUAL LEG STEEL ANGLE BARS

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WHEREAS, WTO defined **Technical Regulation** as "a document which lays down product characteristics for their related processes and production methods, including the applicable administrative provisions, with which **compliance is mandatory.**" (emphasis supplied)

WHEREAS, to ensure the quality, safety, and traceability of steel products which entails high level of protection for safety, all existing policies and procedures regarding the mandatory implementation of the aforementioned standards shall be revised.

NOW, THEREFORE, pursuant to the Philippine Constitution, Section 9, Article XVI, Republic Act (R.A.) No. 4109, R.A. No. 7394, Executive Order (E.O.) No. 101, Series of 1967, EO No. 913, Series of 1983, EO No. 292, Administrative Code of 1987, Sec 10 (4), Title X, Book IV, the following technical regulations governing the BPS Mandatory Product Certification Schemes for steel products are hereby prescribed and promulgated for the compliance, information and guidance of all concerned.

#### **Rule 1. OBJECTIVE**

This DAO aims to strictly ensure that steel products meet the specified safety and/or quality requirement/s prescribed by BPS.

#### **Rule 2. SCOPE**

This Department Administrative Order prescribes the Technical Regulations for Mandatory PS Licensing Scheme covering steel products, whether locally manufactured or imported as follows:

- 2.1 Rerolled Steel Bars covered by PNS 211:2002
- 2.2 Deformed Steel Bars covered by PNS 49:2002
- 2.3 Equal Leg Angle Bars covered by PNS 657:2008

#### **Rule 3. DEFINITION OF TERMS**

For purposes of this Order, the following definitions shall apply:

- 3.1 **Audit** - a systematic, independent and documented process for obtaining audit evidence, and evaluating it objectively to determine the extent to which the audit criteria are fulfilled.<sup>1</sup>
- 3.2 **Audit criteria** – set of policies, procedures or requirements used as a reference against which audit evidence is compared.<sup>2</sup>
- 3.3 **Attestation** – issuance of a statement of conformity based on a decision following review of an audit report, that fulfillment of specified requirements has been demonstrated.<sup>3</sup>

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<sup>1</sup> ISO 19011:2011

<sup>2</sup> Ibid.

- 3.4 **Accredited Conformity Assessment Body (CAB)** – inspection body, testing laboratory or certification body accredited under ISO/IEC 17020, ISO/IEC 17021, ISO/IEC 17025 or ISO/IEC 17065, respectively, in its relevant updated version/edition by the Philippine Accreditation Bureau (PAB) or by an accreditation body that is a signatory to regional/international agreements entered into by the Government of the Republic of the Philippines through DTI [(i.e. Asia-Pacific Laboratory Accreditation Cooperation (APLAC), International Laboratory Accreditation Cooperation (ILAC), International Accreditation Forum (IAF)]
- 3.5 **BPS** – Bureau of Philippine Standards of the Department of Trade and Industry
- 3.6 **BPS Recognized Conformity Assessment Body (CAB)** – the Accredited CAB (inspection body, testing laboratory, or certification body) duly qualified by BPS to have the accredited scope and competence to conduct activities relevant to the requirements set forth by BPS, to include but not limited to, CABs recognized by BPS under the Association of South East Asian Nations Mutual Recognition Arrangement (ASEAN MRA), Asia-Pacific Economic Cooperation (APEC) MRA and other regional and bilateral MRAs entered into by the Government of the Philippines through the Department of Trade and Industry. BPS shall issue Recognition Certificate upon completion of all requirements for application for recognition.
- 3.7 **Certification Body** – third party conformity assessment body operating a certification scheme.
- 3.8 **Confirmation** – an action, declaration, document, or statement that corroborates, ratifies, verifies, gives formal approval, or assures the validity of something.<sup>4</sup>
- 3.9 **Conformity Assessment Body (CAB)** – a third party inspection body, testing laboratory and certification body operating within its scope of competence.
- 3.10 **Conformity** – fulfillment of a requirement.<sup>5</sup>
- 3.11 **Critical Testing** – verification testing of steel product's conformance to the variation in mass, tension test and chemical analysis requirements only.
- 3.12 **DTI** – Department of Trade and Industry
- 3.13 **Determination** – include assessment activities such as testing, measuring, inspection, design appraisal, assessment of services, and auditing to provide information regarding the product requirements as input to the review and attestation functions.
- 3.14 **Evaluation** – systematic examination of the extent to which a product, process, or service fulfills specified requirements.<sup>6</sup>
- 3.15 **International Standard** – a standard developed under the WTO principles for international standards development such as those developed by international bodies like the International Organization for Standardization (ISO), International

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<sup>3</sup> ISO/IEC 17000

<sup>4</sup> Webster's New World Law Dictionary

<sup>5</sup> ISO/IEC 17000

<sup>6</sup> Ibid.

Electrotechnical Commission (IEC), International Telecommunication Union (ITU) and those developed by foreign standards bodies under these principles.

- 3.16 **Inspection** – examination of a product, process, service, or installation or their design and determination of its conformity with specific requirements, or, on the basis of professional judgment, with general requirements.<sup>7</sup> This includes inventory and sampling.
- 3.17 **Inspection body** – a body that performs inspection.<sup>8</sup>
- 3.18 **ISO** – International Organization for Standardization
- 3.19 **ISO/IEC 9000** - Quality Management System - Fundamentals and Vocabulary
- 3.20 **ISO/IEC 9001** – Quality Management Systems – Requirements
- 3.21 **ISO/IEC 17020** – Conformity assessment – Requirements for the operation of various types of bodies performing inspection
- 3.22 **ISO/IEC 17021** – Conformity assessment – Requirements for bodies providing audits and certification of management systems
- 3.23 **ISO/IEC 17025** – General requirements for the competence of testing and calibration laboratories
- 3.24 **ISO/IEC 17065** – Conformity assessment – Requirements for bodies certifying products, processes and services.
- 3.25 **ISO 19011** - Guidelines for Auditing
- 3.26 **Lot No./Batch No.** – an identification number permanently marked on the tags per bundle. This is used to identify production heats of any other product for quality control purposes.
- 3.27 **PAB** – Philippine Accreditation Bureau of the Department of Trade and Industry
- 3.28 **Philippine National Standards (PNS)** – Standards promulgated by the BPS.
- 3.29 **Product Certification** – the provision of impartial third-party attestation that fulfillment of specified requirements have been demonstrated.<sup>9</sup>
- 3.30 **PS License** – authority given by BPS to a local/foreign manufacturer, authorizing the use of the Philippine Standard (PS) Certification Mark on its product.
- 3.31 **Review** – verification of the suitability, adequacy and effectiveness of selection and determination activities, and the results of these activities, with regard to fulfillment of specified requirements.<sup>10</sup>
- 3.32 **Sampling** – a method of getting a representative sample of a product shipment according to a specified procedure.

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<sup>7</sup> ISO/IEC 17020

<sup>8</sup> Ibid.

<sup>9</sup> ISO/IEC 17065

<sup>10</sup> ISO/IEC 17000

- 3.33 **Statement of Confirmation (SOC)** – a document assuring that the imported steel product was sourced from a steel manufacturer with a valid PS License and that the imported steel product complies with specified requirements after undergoing inspection and verification, and which should contain the batch number and manufacturing date of the imported steel.
- 3.34 **Surveillance** – a systematic iteration of conformity assessment activities as a basis for maintaining the validity of the statement of conformity.<sup>11</sup>
- 3.35 **Test Report** – a document that presents test results and other information relevant to a test.
- 3.36 **Testing Laboratory** – a laboratory which measures, examines, or determines the characteristics of performance of material or products. It may also be a laboratory that calibrates inspection, measuring and test equipment.
- 3.37 **Third Party** – a body that is independent of the organization that provides the product/service and is not the user of the product/service (testing, inspection, and sampling).<sup>13</sup>
- 3.38 **Logo** – any registered visible signs or trade mark capable of distinguishing goods or products.
- 3.39 **Trade name** – any registered name or designation identifying or distinguishing an enterprise
- 3.40 **Verification** – confirmation, through the provision of objective evidence, that specified requirements have been fulfilled.<sup>14</sup> This may include product testing.
- 3.41 **Warehouse** – secured premises built purposely for storage of products and to preserve the quality and integrity of the same.

#### **Rule 4. THE PHILIPPINE STANDARD (PS) QUALITY AND/OR SAFETY MARK**

For safety, traceability and accountability purposes, only steel products sourced from steel manufacturing plant(s) holding a valid Philippine Standard (PS) Quality and/or Safety Certification Mark License(s) shall be permitted to be distributed in the Philippines.

- 4.1. **The Philippine Standard (PS) Quality and/or Safety Mark Licensing Scheme** – the Philippine Standard (PS) Quality and/or Safety Mark Licensing Scheme (PS Licensing Scheme for brevity) shall be available to both local and foreign manufacturers selling or distributing steel products in the Philippine market. The License to use the PS Certification Mark shall be granted to a company found to be compliant with the requirements. To ensure compliance of the certified products, regular surveillance activities as per existing DTI rules shall be conducted as follows, as may be applicable:

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<sup>11</sup> ISO/IEC 17000

<sup>13</sup> Ibid.

<sup>14</sup> ISO/IEC 9000

- 4.1.1 Local companies holding a valid PS license
  - 4.1.1.1 Annual system and product audit at the factory; and
  - 4.1.1.2 Regular product audit at the warehouse/market
- 4.1.2 Foreign companies holding a valid PS license
  - 4.1.2.1 Annual system and product audit at the factory; and
  - 4.1.2.2 Regular product audit per shipment

**Rule 5. DOCUMENTARY REQUIREMENTS AND PROCEDURES FOR THE PS LICENSING SCHEME**

**5.1 Application for PS Licensing Scheme shall be supported with the following:**

- 5.1.1 Duly accomplished application form, subscribed and sworn to by the applicant, or his duly authorized management representative. In case of an overseas applicant, the application form shall be duly authenticated by the Philippine Consulate in the country where the manufacturing plant to be audited is located. The requirement of authentication may be waived subject to reciprocity arrangements between the Philippines and the exporting country;
- 5.1.2 For a sole proprietorship: latest Tax Declaration and permit issued by the local government unit having jurisdiction, submitted once a year unless an amendment has been made within the current year; or  
  
For a corporation or partnership: SEC Registration and Articles of Incorporation and By-Laws, submitted once within the validity period of the License, unless an amendment has been made;
- 5.1.3 Quality Management System (QMS) Manual covering the product being applied for PS License, including the product/s' production process; and
- 5.1.4 Oath of undertaking to abide by the Terms and Conditions of the License, respectively signed by the manufacturer/ local office or agent/ importer prior to the approval and release of the PS License.

**5.2 PS License Application Process**

- 5.2.1 Processing of application under this scheme shall replace the PS Scheme under DAO 4:2008 subject to the requirements and transitory provision stated herein.
- 5.2.2 The application shall be site-specific, brand/s-specific, and local office/agent-specific. For foreign manufacturers, only one local importer per license shall be allowed. As such, a separate PS application shall be filed by the local office/agent.
- 5.2.3 Conduct of Factory and Product Audit
  - 5.2.3.1 Assessment on conformity of Quality Management System to PNS ISO 9001 and product specifications to specific applicable version PNS shall be conducted upon submission of complete documentary

requirements and evaluation that an applicant has satisfactorily complied with requirements herein;

5.2.3.2 Audit work shall be undertaken by either the BPS, DTI Regional/Provincial Office, or BPS recognized auditing bodies in accordance with the established procedure on the conduct of the audit. Only those appearing in the BPS official list may be designated as auditors; and

5.2.3.3 During the audit, samples shall be drawn for in-plant and independent testing. Samples for independent testing shall be submitted to the BPS recognized testing laboratory. Samples to be drawn shall cover all types/sizes being applied for certification.

5.2.4 The PS License shall only be issued upon satisfactory results of evaluation of the factory audit report and after determination of product conformance to specific PNS and updated version thereof based on pertinent test reports;

5.2.5 The applicant may outsource some of its production process provided that the plant to which it will be outsourced has a valid PS license, accountability under the PS License's terms and conditions shall remain solely with the former;

5.2.6 If the applicant is a foreign-based manufacturer, the application shall, for purposes of accountability, be filed by its local branch or representative office or representative agency duly registered in accordance with Philippine laws;

5.2.7 The PS License shall take effect from the date of its issuance and shall be in full force and effect for a period of three (3) years, subject to the surveillance audits prescribed herein. License can be suspended, withdrawn or cancelled for cause;

5.2.8 The PS License holder shall coordinate with BPS or the DTI Regional/Provincial Office through a written notice of the schedule of the re-certification audit submitted at least six (6) months before the expiration date to facilitate the renewal of the PS License. Otherwise, the PS License shall be considered expired immediately after the end period of its validity.

#### **Rule 6. FILING / PROCESSING OF APPLICATION FOR STATEMENT OF CONFIRMATION OF IMPORTED STEEL PRODUCTS**

6.1 To ensure that the imported steel was sourced from a manufacturer holding a valid PS License and consistently conforms to the requirements of the Standards, the importer shall apply for Statement of Confirmation (SOC) on a per product, per shipment, per Bill of Lading basis. The duly accomplished and subscribed application form shall be supported with the following:

6.1.1 For sole proprietorship registered with DTI, the application shall be accomplished and signed by the owner/importer, and/or filed by the owner/importer or by a representative with at least a managerial/supervisory position duly authorized by virtue of a notarized Special Power of Attorney (SPA); or

For Corporation/Partnership registered with SEC, the application shall be accomplished and signed, and/or filed by any officer or organic employee with at least a managerial position, duly authorized by virtue of a notarized board/partnership resolution or Secretary's Certificate.

- 6.1.2 Packing List;
- 6.1.3 Commercial Invoice;
- 6.1.4 Bill of Lading;
- 6.1.5 Summary of the production batch/lot and the corresponding manufacturing dates duly certified by the manufacturer's Quality Management Representative or Quality Manager;
- 6.1.6 Production records e.g. mill certificates, etc. reflecting the shipped production batch/lot verifiable during surveillance audits duly certified by the manufacturer's Quality Management Representative or Quality Manager;
- 6.1.7 DTI Business Registration Certificate for sole proprietorship or Latest SEC Registration Certificate and Articles of Incorporation/Partnership for corporation/partnership;
- 6.1.8 For single proprietorship, notarized Special Power of Attorney in cases where the application is filed by a person other than the owner/importer/authorized representative as defined herein clearly setting forth the authority of the representative dealing with the Bureau of Philippine Standards;

For a corporation or partnership, a notarized Board/Partnership Resolution or Secretary's Certificate in cases where the application is filed by a person other than the authorized representative as defined herein clearly setting forth the authority of the representative dealing with the Bureau of Philippine Standards;

- 6.1.9 Latest audited Financial Statement;
- 6.1.10 List of distributors/retailers with their complete addresses and contact details;
- 6.1.11 Proof of ownership or contract of lease of warehouse;
- 6.1.12 Import Entry (may be submitted later prior to release of the certificate);
- 6.1.13 Surety Bond;
- 6.1.14 Copy of pre-shipment test reports duly issued by BPS recognized testing laboratory.

6.2 The application for Statement of Confirmation (SOC) shall be processed as follows:

**6.2.1 Application for Statement of Confirmation with Pre-shipment Inspection and Testing**

- 6.2.1.1 The applicant shall submit the duly accomplished and subscribed application form and requirements to the BPS or to the nearest DTI regional/provincial office. The application shall be filed together with

the request to utilize the services of the BPS recognized inspection body and testing laboratory.

6.2.1.2 Upon receipt of the complete application and request, the BPS shall issue the written authority to conduct inspection and verification to the identified BPS recognized inspection body and testing laboratory, copy furnished the applicant;

6.2.1.3 Product inspection shall be conducted at the declared manufacturer's/exporter's warehouse by the BPS or the identified BPS recognized inspection body in accordance with the applicable provisions hereof. As part of the regular product surveillance activities, product samples shall likewise be drawn. The original copy of the inspection report shall be sent directly to the BPS by the BPS recognized Inspection Body within two (2) working days from the date of inspection.

6.2.1.4 Product testing shall be conducted by the identified BPS recognized testing laboratory in accordance with the applicable provisions hereof. The BPS recognized testing laboratory is required to submit directly to the BPS the original copy of test reports.

6.2.1.5 Upon receipt of compliant pre-shipment test results, Certificate of Conditional Release shall be issued. Upon arrival of shipment at the port of entry, the following shall apply:

6.2.1.5.1 The importer shall notify in writing the BPS or the DTI regional/provincial office that the shipment is ready for inspection and sampling.

6.2.1.5.2 Product inspection and sampling shall be conducted within 16 working hours from receipt of the written notice at the port of entry, vessel, or the importer's warehouse, whichever is applicable.

6.2.1.5.3 If inspection shows that the product shipped is consistent with the importation documents as well as with the pre-shipment inspection report submitted, SOC shall be issued by the BPS within 16 working hours from receipt of the inspection report.

6.2.1.5.4 The drawn samples shall be submitted to the BPS recognized testing laboratory within 16 working hours from the date of inspection and sampling for the conduct of Critical Test.

6.2.1.5.5 After the release of the SOC, product distribution, retail or use may commence.

6.2.1.5.6 If the result of the Critical test shows conformance, the importer shall be informed accordingly. Otherwise, full re-test shall be conducted and the applicable provisions hereof shall apply.

6.2.1.6 If the result of pre-shipment test showed non-compliance, Certificate of Conditional Release shall nevertheless be issued. Upon arrival of shipment at the port of entry, the following shall apply:

6.2.1.6.1 The shipment shall be transferred only to a Customs Bonded warehouse. The importer shall notify in writing the BPS/DTI regional/provincial office that the shipment is now ready for inspection and sampling.

6.2.1.6.2 Product inspection and sampling shall be conducted within 16 working hours from receipt of the written notice either at the port of entry, vessel, or at the Customs Bonded warehouse, whichever is applicable.

6.2.1.6.3 If inspection shows that the product shipped is consistent with the importation documents as well as with the pre-shipment inspection report submitted, the importer shall be informed accordingly. Otherwise, a Show Cause Order shall be issued.

6.2.1.6.4 The drawn samples shall be submitted to the BPS recognized testing laboratories within 16 working hours from the date of inspection and sampling for the conduct of full product testing.

6.2.1.6.5 If the result of full product testing shows conformance, the SOC shall be issued. Otherwise, re-exportation or destruction of the non-conforming product shall be undertaken, at the cost and option of the importer. In addition, the PS License may be suspended, revoked or cancelled upon due notice to the manufacturer.

## **6.2.2 Application for Statement of Confirmation without Pre-shipment Inspection and Testing**

6.2.2.1 The applicant shall submit the duly accomplished and subscribed application form and requirements to the BPS or to the nearest DTI regional/provincial office.

6.2.2.2 Upon receipt of the application complete with all the requirements, Certificate of Conditional Release shall be issued. Upon arrival of shipment at the port of entry, the following shall apply:

6.2.2.2.1 The importer shall notify in writing the BPS/DTI regional/provincial office that the shipment has been transferred and/or is ready for inspection. The shipment shall be transferred only to the warehouse address indicated in the application and shall not be used or offered for sale/retail.

6.2.2.2.2 Product inspection shall be conducted within 16 working hours from receipt of the notice at the port of entry, vessel, or the importer's warehouse, whichever is applicable.

6.2.2.2.3 If inspection shows that the product shipped is consistent with the importation documents, products samples shall be drawn for full verification testing. Otherwise, a Show Cause Order shall be issued and the provisions hereto shall apply.

6.2.2.2.4 The drawn samples shall be submitted by the applicant to the BPS recognized testing laboratory within 16 working hours from the date of inspection and sampling for the conduct of full testing.

6.2.2.2.5 If the result of the full verification test shows conformance, the SOC shall be issued. Otherwise, re-testing, re-exportation or destruction of the non-conforming product shall be undertaken, at the cost and option of the importer. In addition, the PS License may be suspended, revoked or cancelled upon due notice to the manufacturer.

## Rule 7. INSPECTION AND SAMPLING

7.1. Inspection and sampling shall be conducted by the BPS, DTI RO/PO or the BPS recognized Inspection Body within the prescribed time and in accordance with existing BPS Inspection and Sampling Procedure.

7.2. If inspection and sampling cannot be conducted within the prescribed period, the concerned DTI RO/PO or the BPS Recognized Inspection Body shall immediately inform the BPS in writing of the reason/s therefor. Under justifiable reasons, inspection and sampling may be re-scheduled, otherwise, appropriate action shall be undertaken.

### 7.3. Sampling Size

To determine the specific number of samples for rerolled/deformed steel bars and equal leg steel angle bars, the table<sup>16</sup> below shall apply:

Volume/Quantity	Sample	Sample Size	Acceptance Quality Limit (AQL)	
			ACCEPT <sup>17</sup>	REJECT <sup>18</sup>
Up to 1,000 MT	1 <sup>st</sup> set	5	0	2
	2 <sup>nd</sup> set	5	1	2
Up to 2,000 MT	1 <sup>st</sup> set	8	0	2
	2 <sup>nd</sup> set	8	1	2
Up to 5,000 MT	1 <sup>st</sup> set	20	1	3
	2 <sup>nd</sup> set	20	4	5
Up to 10,000 MT	1 <sup>st</sup> set	32	2	5
	2 <sup>nd</sup> set	32	6	7

<sup>16</sup> Sample Size Code Letters and Table 3-A – Double Sampling Plans for Normal Inspections of PNS ISO 2859-1:2012 were used as reference.

<sup>17</sup> ACCEPT : If the number of failed samples is equal to or less than the number indicated

<sup>18</sup> REJECT : If the number of failed samples is equal to or more than the number indicated

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Up to 20,000 MT	1 <sup>st</sup> set	50	3	6
	2 <sup>nd</sup> set	50	9	10
Up to 60,000 MT	1 <sup>st</sup> set	80	5	9
	2 <sup>nd</sup> set	80	12	13
Up to 200,000 MT	1 <sup>st</sup> set	200	11	16
	2 <sup>nd</sup> set	200	26	27
<p>Note:</p> <p>For shipments more than 200,000 MT, the sample size and AQL of the 200,000 MT shall apply plus the sample size and AQL of the excess volume/quantity.</p>				

7.3.1 Sampling lots shall be randomly selected. Likewise, two (2) sets of samples shall be drawn from the selected lots. The lot size of the particular shipment or production shall be equal to fifty (50) tons or a fraction thereof.

#### 7.4. Sampling Procedure

- 7.4.1 The BPS, DTI Regional Office/Provincial Office (ROs/POs), BPS recognized auditing/inspection body and the PS applicant/license holder and/or SOC applicant authorized representative shall ensure that the drawn samples shall be traceable to the particular lot where it was drawn.
- 7.4.2 The BPS, DTI ROs/POs, BPS recognized auditing/inspection body shall facilitate the preparation of two (2) sets of two-meter (2m) long deformed steel bars, rerolled steel bars and equal leg steel angle bars for every sample drawn properly labeled as first set and second set.
- 7.4.3 Test samples drawn shall be packed/sealed and signed in the presence of authorized representatives from BPS, DTI ROs/POs or BPS recognized auditing/inspection body who shall ensure that Request for Test form is properly filled-up, signed and issued to the manufacturer or importer. The subject company shall ensure that it has established traceability of samples to batch/lot.
- 7.4.4 The manufacturer or importer shall submit the request for test form together with the two (2) sets of samples directly to the BPS recognized testing laboratory within three (3) days from the date of inspection/audit and furnish BPS with a copy thereof within three (3) days from submission. For foreign-based PS License Holders/Applicants, samples drawn shall be shipped within five (5) days from the date of inspection/audit.
- 7.4.5 The BPS Recognized Testing Laboratory shall document properly the receipt of the product samples to include but not limited to taking pictures of the following:
- 7.4.5.1 Request for Test;
- 7.4.5.2 Packaging of the samples as submitted/received.
- 7.4.6 The first set of samples shall be tested by the BPS recognized testing laboratory. The second set of samples shall be kept by the testing laboratory for re-testing or future reference. Retesting shall be conducted if the result of test of the first set showed that the acceptance number prescribed in the AQL is not met.

- 7.4.7 Tested samples shall be retrieved by the company upon receipt of notice of retrieval from the testing laboratory. Otherwise, the tested samples upon notice shall be disposed of accordingly.
- 7.4.8 The manufacturer/importer shall have one (1) month from the receipt of the notice of disposal of test samples, within which to arrange for the schedule and pick up of samples from the concerned testing laboratory. After said period, the testing laboratory shall, with due notice to BPS, dispose the samples in a manner deemed appropriate in accordance with existing accounting and auditing rules.
- 7.4.9 Unused samples shall be retrieved by the manufacturer/importer upon receipt of notice of retrieval from the testing laboratory, copy BPS. Otherwise, they shall upon notice be disposed of in accordance with existing and applicable rules.
- 7.4.10 The BPS reserves the right to be present at any point of the certification process.

#### **Rule 8. PRODUCT TESTING**

- 8.1. Product testing shall be conducted by a BPS recognized testing laboratory.
- 8.2. Full Product testing shall be conducted in accordance with the requirements of the relevant Philippine National Standard as amended/updated.
- 8.3. Critical test shall be limited to the following parameters:
- 8.3.1 Variation in Mass
  - 8.3.2 Tension Test
  - 8.3.3 Chemical Analysis
- 8.4. Drawn samples shall be tested as follows:
- 8.4.1 For initial audit, the first set of samples shall be subject to in-plant testing. The second set shall be subject to independent testing.
  - 8.4.2 For surveillance audits, the first set of sample shall be tested. The second shall serve as reserve sample in case the first set fails the product testing and re-testing is conducted.
- 8.5. The original copy of test reports shall be sent directly to the BPS by the BPS recognized testing laboratory.

#### **Rule 9. EVALUATION OF RESULTS**

Product testing shall be conducted by a BPS recognized testing laboratory in accordance with the requirements of the relevant Philippine National Standard.

- 9.1. If the number of failed samples from the first set is equal or less than the acceptance number prescribed in the AQL, PS license or SOC certificate shall be issued.

9.2. If the number of failed samples from the first set is equal or more than the rejection number prescribed in the AQL, PS/SOC application is denied.

9.3. If the number of failed samples from the first set is more than the acceptance number but less than the rejection number prescribed in the AQL, the applicant shall undertake any of the following options:

**9.3.1. For factory audits:**

9.3.1.1. Request for testing of the second set of samples.

Only after re-assessment and subsequent product compliance shall the manufacturer be allowed by BPS to use the Product Certification Mark.

**9.3.2. For statement of confirmation:**

9.3.2.1. Request for testing of the second set of samples at the expense of the applicant;

9.3.2.2. Re-export to the country of origin, at the expense of the applicant, subject to inventory and inspection by an authorized DTI/BPS representative prior to the re-exportation. Re-export documents (i.e. Bill of Lading and Import Entry or any other document that will serve as proof that the non-compliant products arrived at the country of origin) shall be submitted by the importer to the BPS; or

9.3.2.3. Destruction of the non-conforming products in accordance with existing rules and regulations, at the expense of the applicant, to be witnessed by a duly authorized DTI/BPS representative. Inspection and inventory shall be conducted by the DTI/BPS representative prior to the actual destruction.

**9.3.3. For rejected shipment, lot or batch:**

9.3.3.1. Notwithstanding the acceptance of the shipment/batch, any nonconforming lots found during inspection and testing, whether forming part of the sample or not, shall be rejected.

9.3.3.2. The importer or manufacturer at its expense shall have the option to either re-export to the country of origin or destroy the nonconforming product in the presence of DTI authorized representative and other relevant government agencies/authorities in accordance with existing rules and regulations.

9.4. If the cumulative test result of the first and second sets of samples show conformance, PS license or SOC certificate shall be issued. Otherwise, the application shall be denied or the PS license shall be suspended.

**Rule 10. MARKING REQUIREMENTS**

For traceability and verification purposes, the required markings for imported or

manufactured deformed steel bars, rerolled steel bars, and equal leg steel angle bars shall be available at all times for verification by the BPS and DTI RO's/PO's, their authorized representatives, and by the duly authorized enforcement teams either at the manufacturer's/importer's warehouse or traders'/distributors'/retailers' warehouse.

The required markings shall be as follows:

**10.1. For deformed steel bars:**

- 10.1.1. BPS pre-qualified logo and bar size clearly embossed in each deformed steel bar at approximately one (1) meter interval.
- 10.1.2. Steel grade and type shall be embossed either in symbol or the grade itself, or in lieu thereof, use of color coded paints as prescribed by PNS 49 as reference.
- 10.1.3. Tags securely and properly attached to each bundle containing all the following information stamped or printed in a manner that is legible and not easily erased:
  - 10.1.3.1. Name and address of importer and manufacturer(if imported) or Name and address of manufacturer (if locally manufactured)
  - 10.1.3.2. Country of Origin
  - 10.1.3.3. Grade, length
  - 10.1.3.4. Diameter
  - 10.1.3.5. No. of pieces
  - 10.1.3.6. Lot/Batch No.
  - 10.1.3.7. PS License No. or SOC Number

**10.2. For rerolled steel bars**

- 10.2.1. BPS pre-qualified logo clearly embossed in each rerolled steel bar at approximately one (1) meter interval.
- 10.2.2. Bar size using Arabic numbers shall be embossed or filled space as prescribed by PNS 211 as reference.
- 10.2.3. Color codes shall be painted on the surface of both ends of each bar as prescribed by PNS 211 as reference.
- 10.2.4. Tags securely and properly attached to each bundle containing all the following information stamped or printed in a manner that is legible and not easily erased:
  - 10.2.4.1. Name and address of importer and manufacturer(if imported) or Name and address of manufacturer (if locally manufactured)
  - 10.2.4.2. Country of Origin
  - 10.2.4.3. Length
  - 10.2.4.4. Diameter
  - 10.2.4.5. No. of pieces
  - 10.2.4.6. Lot/Batch No.
  - 10.2.4.7. PS License No. or SOC Number

**10.3. For equal leg steel angle bars:**

- 10.3.1. BPS pre-qualified logo, leg size and grade clearly embossed on the inner face of each angle bar at approximately one (1) meter interval.
- 10.3.2. For the thickness, an option shall be allowed for a color marking system to be painted at both ends using PNS 657 as reference.
- 10.3.3. Tags securely and properly attached to products bundled in whatever manner containing all the following information stamped or printed in a manner that is legible and not easily erased:
  - 10.3.3.1. Name and address of importer and manufacturer (if imported) or Name and address of manufacturer (if locally manufactured);
  - 10.3.3.2. Country of Origin
  - 10.3.3.3. Grade, length
  - 10.3.3.4. Thickness and leg length
  - 10.3.3.5. No. of pieces
  - 10.3.3.6. Lot/Batch No.
  - 10.3.3.7. PS License No. or SOC Number, whichever is applicable

**Rule 11. RECOGNITION OF CONFORMITY ASSESSMENT BODY**

- 11.1. Only recognized Conformity Assessment Body (CAB) shall be allowed to participate in this mandatory product certification scheme.
- 11.2. Any CAB that intends to be recognized shall accomplish the BPS Recognition Application Form together with the following:
  - 11.2.1. Certificate of Accreditation from an Accreditation Body signatory to the ILAC/APLAC, to include the Scope of Accreditation;
  - 11.2.2. Certified True Copy of the Articles of Incorporation. For foreign CAB, all incorporation documents shall be authenticated by the Philippine Consulate Office, the authentication requirement may be waived subject to reciprocity agreement;
  - 11.2.3. List of authorized signatories indicating their company position and the corresponding specimen signature;
  - 11.2.4. An undertaking to abide by the terms and conditions of the recognition.
- 11.3. For foreign CABs, the application shall be submitted by the local office/representative agency to ensure accountability. Applications of foreign CABs with no local office/representative agency shall be denied.
- 11.4. The requirement on local office/representative agency may be waived subject to the provisions of any Mutual Recognition Agreement entered into by the Philippine Government through the Department of Trade and Industry.
- 11.5. The BPS may, at any time, conduct full verification of the competence of the CAB to perform the conformity assessment activities.

## **Rule 12. TERMS AND CONDITIONS OF THE PS LICENSE**

The PS License holders and importers shall abide by the following terms and conditions:

- 12.1. Consistently abide by R.A. No. 4109, E.O. No. 133: 1987, E.O. No. 913: 1983 and R.A. No. 7394 and their implementing rules and regulations, and orders which the BPS issues in pursuance with its authority under the law.
- 12.2. Ensure that the certified product conforms at all times to a specific standard as amended/updated and its implementing rules and regulations.
- 12.3. Warrant that it has the authority to use the brand name, trade name, trademarks and logos indicated in the application form.
- 12.4. Liable for any damages that its product might cause to their consumers.
- 12.5. The Product Certification Mark shall not be affixed on any products not covered by the license or certificate issued by BPS.
- 12.6. Establish and maintain systems of product recall and of addressing complaints filed by its clients or customers concerning its certified products, and shall maintain records thereof.
- 12.7. Give duly-authorized representatives of the BPS or DTI Regional/Provincial Offices or, in the case of foreign companies, by BPS or BPS recognized CABs, access to the premises where the certified product is manufactured/assembled/stored; to relevant equipment, records, personnel and subcontractors for purposes of investigating complaints or evaluating consistency of compliance with the requirements of this technical regulation;
- 12.8. Maintain a record of all complaints made known to it, relating to compliance with certification requirements and make these records available to the certification body when requested; take appropriate action with respect to such complaints and any deficiencies found affecting such product's conformance to the requirements for certification; and, document the action taken, subject to verification by the certification body.
- 12.9. Submit itself to surveillance activities to ensure consistent compliance with the BPS requirements of the Product Certification Scheme.
- 12.10. In case of subcontracts, shall assume full responsibility for its sub-assemblies', semi-finished and finished products' conformance to the specific requirements.
- 12.11. Inform BPS in writing of any changes that might affect its ability to comply with BPS product certification requirements within fifteen (15) days from date the change is made, such as, but not limited to change in management, business name, and/or transfer of plant site. If the change involves addition of brand name and modification in the product's designs or specifications, BPS shall be notified to facilitate the conduct of appropriate product certification activity.
- 12.12. In case of transfer of plant site, the validity of the PS License shall be deemed suspended until or after satisfactory result of factory and product audit at the new site by BPS, DTI ROs/POs, or BPS recognized auditing bodies.

- 12.13. Pay the applicable fees and other charges as billed or stipulated by BPS, its duly recognized inspection and/or certification bodies.
- 12.14. Any incorrect references to the certification scheme; misleading use of PS licenses, Statement of Confirmation, marks or any other mechanisms indicating that a product is certified found in documentation or publicity materials or any breach hereof, shall be a ground for the issuance of Show Cause Order.
- 12.15. Traders or retailers in possession of covered products whose PS Licenses have expired or have been suspended, recalled, withdrawn, revoked or cancelled shall be notified in writing of such suspension, recall, withdrawal, revocation or cancellation.
- 12.16. Upon suspension, recall, withdrawal, cancellation or revocation of the PS License, the holder shall discontinue the manufacture and/or use of covered products including advertising materials relevant thereto and shall take action as may be required by the BPS.
- 12.17. The PS License and Statement of Confirmation are non-transferable.

Any infractions of the foregoing shall be a ground for the suspension, withdrawal or cancellation of the license and/or certificate.

#### **Rule 13. REQUIREMENTS IN CASE OF NON-CONFORMANCE**

For covered products that do not conform to the requirements of BPS rules and regulations/guidelines, the following shall apply:

- 13.1. A Show Cause Order shall be issued by BPS or DTI-ROs/POs giving the PS License holder or the importer opportunity to show cause why its surety bond shall not be forfeited in favor of DTI and/or why a formal charge shall not be filed.
- 13.2. A notice warning the public that such product is not compliant with the safety and/or quality requirements shall be issued and published by the manufacturer and/or importer;
- 13.3. An Order directing the owner/manager of the individual or company concerned who is in possession of non-conforming products to undertake the following:
  - 13.3.1. Cease or refrain from further supplying, distributing and selling such product in the Philippine market; and
  - 13.3.2. Issue, publish and implement a product recall in accordance with the provisions hereof, to account for the products that are already in circulation. The product recall shall specify the basis or ground therefor. The manufacturer/importer/distributor shall keep BPS informed in writing on the progress of the recall.

#### **Rule 14. PROCEDURES AND REQUIREMENTS FOR PRODUCT RECALL**

After the product is declared by the BPS to be non-conforming, a product recall shall be implemented by the manufacturer and/or importer in accordance with the following:

- 14.1. The recall order shall be published in a newspaper of general circulation for at least two (2) consecutive Saturdays/Sundays;
- 14.2. The layout, content, font and size of the recall order shall be prescribed by the BPS;
- 14.3. The recall period shall be for a minimum of thirty (30) days from date of the second publication;
- 14.4. Proof of publication of the recall orders shall be submitted to the BPS or the DTI Regional/Provincial Office;
- 14.5. Inventory of the recalled products shall be submitted to BPS or DTI Regional/Provincial Office;

**Rule 15. FEES, CHARGES, BOND REQUIREMENT AND OTHER EXPENSES**

- 15.1. All corresponding fees, charges, costs, and other related expenses shall be for the account of manufacturer/importer.
- 15.2. A Surety Bond shall be posted on a per shipment basis equivalent to Ten percent (10%) of the declared value or dutiable value of the imported product in Philippine Peso, whichever is higher to guarantee that the applicant shall perform its duties and obligations stated herein.

Any violation of the terms and conditions of the Product Certification Scheme shall, upon notice, result in the *motu proprio* forfeiture of the bond.

**Rule 16. SUSPENSION, WITHDRAWAL, AND CANCELLATION OF PS LICENSE**

- 16.1. A duly issued PS License shall be suspended, recalled, withdrawn, cancelled or revoked based on any of the following grounds:
  - 16.1.1 That the product bearing the PS Mark failed to conform to the requirements of a specific PNS as amended/updated;
  - 16.1.2 That licensee failed to comply with monitoring, surveillance or enforcement notices/directives/orders;
  - 16.1.3 That the licensee failed to comply with the terms and conditions of the license;
  - 16.1.4 That the licensee made false statements or alterations in connection with its application for or maintenance of the license;
  - 16.1.5 That the licensee violated any of the provisions of this Order;
  - 16.1.6 That an Order of Execution vis-a-vis a decision finding the licensee liable for violation of a trade and industry law/s or rules and regulations directing BPS to suspend/cancel or revoke the PS License issued in favor of said licensee;

- 16.2. If there is a final finding that a product does not conform to the specified technical requirements, the license shall, upon mere notice be immediately suspended, withdrawn, recalled, cancelled or revoked.
- 16.3. Notwithstanding the preceding provisions, the Director may direct that a Formal Charge be filed against the party concerned pursuant to E.O. 913 Series of 1983, DAO No. 7, Series of 2006 and DAO No. 2, Series of 2007.

**Rule 17. COMPLAINTS/APEAL HANDLING PROCESS**

- 17.1. BPS shall implement a system of handling complaints/appeals related to the product certification process.
- 17.2. Appeal against the action or decision of a BPS personnel/chief/director relative to an Application for PS License may only be made based on the following:
- 17.2.1 If the application for PS License is denied, the applicant may file a motion for reconsideration with the BPS within ten (10) working days from receipt of the letter of denial.
- 17.2.2 If the PS License is suspended, recalled, withdrawn, cancelled, or revoked, a motion for reconsideration may be filed only once with the BPS by the applicant within ten (10) working days from receipt of the notice.
- 17.3. If the BPS Bureau Director or his duly authorized representative sustains his/her decision, an appeal may be filed with the DTI Secretary within fifteen (15) days from receipt of the letter denying the letter for consideration. The appeal shall be based solely on grounds of grave abuse of discretion amounting to lack or excess of jurisdiction committed by the official who rendered the decision.
- 17.4. The filing of a Motion for Reconsideration shall suspend the period within which to file an appeal.

**Rule 18. PROHIBITED ACTS**

- 18.1. Use of the Product Certification Mark in any misleading manner.
- 18.2. Sale, offer for sale using over the counter or on-line mode or any form of advertisement of any steel products not complying with the particular technical regulation or corresponding standards.
- 18.3. Non-compliance, neglect or resistance to effect the product recall as directed by BPS.
- 18.4. Misrepresentations, misleading or unauthorized statements and/or claims made in the application, letters/replies/forms in relation to product certification. Such include unauthorized reproduction of product certification documents, or any part thereof.
- 18.5. Non-compliance or failure to comply with the provisions hereof.

**Rule 19. PENALTIES OR SANCTIONS**

The following shall be imposed upon any Manufacturer, Importer, Foreign Testing Laboratory/ Facility, or any other person or entity found in violation of any provision hereof after due process, as may be appropriate:

- 19.1. Administrative fine as per existing DTI Rules and Regulations/Department Administrative Orders and E.O. 913.
- 19.2. Cancellation or revocation of PS License pursuant to a final and executory decision rendered by an administrative agency or the regular courts.
- 19.3. Watch-listing and/or blacklisting of importers/manufacturers.
- 19.4. In any case of failure in product testing for post shipment verification or surveillance:
  - 19.4.1 The manufacturer or importer concerned shall, in addition to the penalties provided herein including but not limited to product recall and/or forfeiture of surety bond, lose the option for pre- shipment testing in all subsequent shipment or importation which henceforth shall undergo post shipment testing by accredited Philippine testing facilities.
  - 19.4.2 The foreign testing laboratory or facility concerned shall lose the recognition by BPS to conduct pre shipment testing.
- 19.5. Any other sanctions or penalties as provided under existing DTI rules and regulations.

**Rule 20. FEES, CHARGES, BOND REQUIREMENT AND OTHER EXPENSES**

Fees and charges to be paid by the applicant in accordance with Annex A shall be as follows:

- 20.1. Application Fee;
- 20.2. Audit/inspection fees;
- 20.3. Transportation/travelling expenses, and board & lodging costs of auditor/s and inspector/s during audit/inspection, subject to existing rules and regulations or third party provision;
- 20.4. Processing Fee of Statement of Confirmation on imported products (non-refundable, payable upon filing of the application on per product, per shipment, per Bill of Lading/Airway Bill basis, assessed by the BPS based on the amount declared in the Invoice);
- 20.5. PS License fee for manufactured products;
- 20.6. For imported steel, a Surety Bond shall be posted on a per shipment basis equivalent to Ten percent (10%) of the declared value or dutiable value of the imported product in Philippine Peso, whichever is higher to guarantee that the applicant shall perform its duties and obligations stated herein.



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20.7. Any violation of the terms and conditions of the Product Certification Scheme shall, upon notice, result in the *motu proprio* forfeiture of the bond.

**Rule 21. REQUIRED CAPITALIZATION**

All steel importers shall submit to BPS and/or DTI RO/PO proof showing the following:

- 21.1 Minimum paid in capitalization of Twenty Million Pesos (PhP20,000,000.00), for corporation.
- 21.2 Minimum capitalization of Twenty Million Pesos (PhP20,000,000.00), for single proprietorship

**Rule 22. DISPOSAL OF SAMPLES**

- 22.1. All remaining samples, which were drawn for testing purposes, and complied with the requirements of the standard, shall be claimed by the importer/ manufacturer within five (5) days upon receipt of the PS License and Statement of Confirmation. If the importer/manufacturer fails to claim the samples after receipt of PS License and Statement of Confirmation or opted not to retrieve the sample at all, the laboratory shall dispose the samples as it may deem necessary, at the expense of the importer/manufacturer.
- 22.2. Samples which fail to comply with the specified requirements shall be stored for at least six (6) months in the laboratory to ensure their availability in the event the importer/manufacturer contests the result of the test including those subject of litigation.

**Rule 23. ISSUANCE OF GUIDELINES/PROCEDURES**

BPS may issue such procedural guidelines as may be necessary in the implementation of this Order.

**Rule 24. REPEALING CLAUSE**

All provisions of existing Department Administrative Orders, circulars, and guidelines inconsistent with this Administrative Order are hereby repealed subject to the transitory provisions below.

**Rule 25. TRANSITORY PROVISIONS**

- 25.1. All manufacturers with existing valid PS License shall comply with the procedures and requirements of this Order on the subsequent surveillance audit immediately upon effectivity hereof.
- 25.2. All PS License applications received after the effectivity of this Order shall be subject to the procedures and requirements prescribed herein.
- 25.3. All applications received after the effectivity of this Order shall be subject to the procedures and requirements prescribed herein.

**Rule 26. EFFECTIVITY**

This Order shall take effect fifteen (15) days after its publication in a national newspaper of general circulation, a copy of which shall be submitted to the UP Office of National Administrative Register.

Done in the City of Makati this \_\_\_\_\_ day of \_\_\_\_\_ in the year 2018.

**Recommended by:**

\_\_\_\_\_  
**DIRECTOR JAMES E. EMPEÑO**  
Bureau of Philippine Standards

\_\_\_\_\_  
**ATTY. RUTH B. CASTELO**  
Undersecretary, CPG

**Approved:**

\_\_\_\_\_  
**RAMON M. LOPEZ**  
Secretary



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