

駐菲律賓臺北經濟文化辦事處
與
馬尼拉經濟文化辦事處
工業產品符合性評鑑相互承認協議

本相互承認協議係由下列機構簽訂：

駐菲律賓臺北經濟文化辦事處，以下稱為「TECO」，

- 以及 -

馬尼拉經濟文化辦事處，以下稱為「MECO」。

鑒於，TECO 與 MECO 已於 2009 年 2 月 12 日簽署標準化及符合性評估領域合作瞭解備忘錄，該瞭解備忘錄中敘明在該內容下的任何安排將由臺灣經濟部標準檢驗局（BSMI）及菲律賓貿易與工業部菲律賓標準局（BPS）執行；

鑒於，與上述瞭解備忘錄相關之意向書（LOI）亦已簽署，反映雙方期盼就建立一個適當且有效率合作架構之可行性作成決定，以協商相互承認協議；

鑒於，為符合上述瞭解備忘錄及意向書，進一步鼓勵就標準及技術性法規作出更高度的國際調和；

因此，本工業產品符合性評鑑相互承認協議，在體認雙方針對保護環境，以及人類、動物與植物之生命、健康及安全之共同承諾下，完成並簽訂，且應由 TECO 之標準檢驗局與 MECO 之菲律賓標準局執行。

第 1 條
一般條款

第 1 節 目的—本協議之整體目的如下：

- 1.1 藉由資訊交換加強雙方合作，以確保本協議涵蓋產品之安全與品質；
- 1.2 透過符合性評鑑活動結果的相互承認，促進雙方間的貿易，而該結果係由指定符合性評鑑機構核發且進入彼此市場所需；
- 1.3 確認雙方於世界貿易組織技術性貿易障礙協定之承諾。

第 2 節 定義—除非另外要求，本協議所使用有關標準與符合性評鑑之所有一般性詞彙，應採用國際標準化組織及國際電工委員會所發行 ISO/IEC Guide 2:2004（標準化與相關活動—一般詞彙）及 ISO/IEC 17000:2004（符合性評鑑—詞彙與一般原則）所定義之意涵。

此外，為本協議之目的，下列語彙定義如下：

- 2.1 **接受**(Accept)—使用符合性評鑑結果作為法定行為之基礎，例如核准 (approval)、許可、登錄及後市場符合性評鑑；

- 2.2 **符合性評鑑(Conformity Assessment)**—有關直接或間接用於判定符合相關強制性規定之任何活動；
- 2.3 **符合性評鑑機構(Conformity Assessment Body)**—執行符合性評鑑活動之機構，包含測試實驗室與檢驗機構；
- 2.4 **指定權責機關(Designating Authority)**—本協議所指稱之機關，設立於一方領土內，具有指定、監督、暫停、解除暫停或撤銷其管轄領域內符合性評鑑機構所需的權限；
- 2.5 **指定(Designation)**—由指定權責機關授權符合性評鑑機構執行規定的符合性評鑑活動；
- 2.6 **檢驗機構(Inspection Body)**—依據本協議指定依相關強制性規定執行檢查及取樣的機構；
- 2.7 **強制性規定(Mandatory Requirements)**—供應至一方的產品所須符合之法律、法規及行政要求，該產品為本協議涵蓋的主體；
- 2.8 **法規權責機關(Regulatory Authority)**—行使法定權利以控制一方管轄領域內產品之進口、使用或供應，且得採取執行措施以確保在其管轄領域內上市之產品符合其強制性規定之實體；
- 2.9 **明定要求(Stipulated Requirements)**—針對符合性評鑑機構之指定作業所訂定之基準；
- 2.10 **測試實驗室(Testing Laboratories)**—由一方之指定權責機關依據本協議所指定，依另一方強制性規定執行測試工作之獨立實驗室或官方測試機構。

第3節 本相互承認協議之範圍—本相互承認協議應涵蓋下列範圍：

- 3.1 雙方領土內製造之工業產品由法規權責機關同意明定於附件 I，任一方於附件 II 所列之適用法律、法規及行政規定中訂有適用該等產品進口之強制性規定。本協議不涵蓋下列產品：
 - 3.1.1 電信設備；及
 - 3.1.2 醫療器材。
- 3.2 經適當指定之測試實驗室及檢驗機構。
- 3.3 第三方符合性評鑑活動，特別是由取得認證之測試實驗室執行之測試，以及由取得認證之檢驗機構執行之檢查及取樣。

第 2 條

義務、指定及資格

第1節 雙方之義務—TECO 與 MECO 有下列義務：

- 1.1 交換有關本協議所涵蓋之各自強制性規定、符合性評鑑程序及制度之資訊；
- 1.2 除非考量健康、安全及環境保護之正當理由而為之較緊急措施，將擬變更之強制性規定於變更生效前至少 60 個日曆天通知另一方；

- 1.3 確保其指定權責機關擁有必要之權限及能力以在其各自管轄範圍內執行本協議所述之義務；
- 1.4 確保其指定及被認可之符合性評鑑機構皆可接受對其技術能力及符合相關明定要求之查驗；
- 1.5 接受本協議訂定證明符合各自強制性規定的符合性評鑑活動之結果，該符合性評鑑活動由菲律賓標準局及標準檢驗局分別依據本協議第 2 條及第 3 條予以指定及認可之符合性評鑑機構執行，反之亦然。當接獲前述結果時，菲律賓標準局或標準檢驗局應於 10 個工作天內完成相關產品核准程序；
- 1.6 當被要求時，提供其強制性規定及擬進行變更之英文內容；
- 1.7 考慮任何有關本協議解釋及執行議題之諮商要求，此等諮商應於接獲要求後之 60 個日曆天內召開，以尋求相互可接受之解決辦法。可召開一次或多次諮商會議，並得以任何經雙方同意之方式進行。

第2節 指定權責機關—標準檢驗局及菲律賓標準局作為指定權責機關，於必要時應與另一方之對應機關進行諮商，以確保維持符合性評鑑過程及程序上之信心。此等諮商得包括聯合參與符合性評鑑活動之稽核，或指定符合性評鑑機構之評鑑，前提為此等參與為適當、技術上可行且於合理之成本範圍內。

第3節 指定符合性評鑑機構之基礎—指定權責機關於指定符合性評鑑機構時應考慮下列事項：

- 3.1 執行指定符合性評鑑活動之技術能力及相關經驗，考量基礎為：
 - 3.1.1 相關產品、製程或服務之技術知識；
 - 3.1.2 針對所尋求指定之技術性標準與一般風險保護規定的瞭解；
 - 3.1.3 適用之強制性規定的相關經驗；
 - 3.1.4 執行相關符合性評鑑活動的實體能力；
 - 3.1.5 與符合性評鑑活動有關之適當管理；及
 - 3.1.6 任何其他可以保證符合性評鑑活動會在一致性之基礎上被妥適執行所需的情形；
- 3.2 在各自管轄領域內具有法人身分；
- 3.3 符合性評鑑活動之範圍；及
- 3.4 不受到附件 I 所明定之工業產品製造廠商或貿易商等人士之不利影響，秉持公正，且服務以不使符合性評鑑活動及決定之客觀性產生妥協的方式提供。

第4節 指定測試實驗室之基礎—下列應為指定測試實驗室之基礎：

- 4.1 經認證機構認證符合 ISO/ IEC 17025 「測試與校正實驗室能力一般要求」，該認證機構為亞太實驗室認證聯盟(APLAC)相互承認協議之簽署方。
 - 4.1.1 認證範圍應包括另一方法規權責機關之強制性規定。

4.2 符合適用之法律、法規及行政規定之特定要求，並符合附件 IV 所列之指定作業所依據的明定基準。

4.2.1 製造商所屬測試實驗室得被一方指定權責機關所指定，惟僅能執行另一方強制性規定中之電磁相容性測試工作。

第5節 指定檢驗機構之基礎—下列應為指定檢驗機構之基礎：

5.1 經認證機構認證符合 ISO/ IEC 17020 「符合性評鑑—各類型檢驗機構運作之要求事項」，該認證機構為亞太實驗室認證聯盟(APLAC)相互承認協議之簽署方；

5.1.1 認證範圍應包括另一方法規權責機關之強制性規定；及

5.1.2 符合適用之法律、法規及行政規定之特定要求，並符合附件 IV 所列之指定作業依據的明定基準。

第3條

符合性評鑑機構之認可及暫停

第1節 詳細要求—當指定符合性評鑑機構時，指定權責機關應就其指定的每一家符合性評鑑機構提供下列細節資訊予另一方：

1.1 機構名稱；

1.2 郵遞地址；

1.3 傳真號碼；

1.4 電子郵件信箱(如可得)；

1.5 聯絡人之姓名及電話號碼；

1.6 指定範圍，詳列產品範圍、參考標準、能力及其他相關細節；

1.7 所使用之指定程序；及

1.8 指定日期。

第2節 認可程序—以下程序應適用於符合性評鑑機構之認可：

2.1 各一方應以書面方式向另一方推薦其指定之符合性評鑑機構於本協議下獲得認可，並輔以必要之文件。

2.2 另一方應決定被推薦之符合性評鑑機構是否符合該方於附件所列之適用法律、法規及行政規定之指定作業基準，並應於收到前述推薦案的90個工作天內說明其立場。在進行考量時，另一方須假定被推薦之符合性評鑑機構符合前述基準。

2.3 當另一方無法於本條第 2.2 節規定之時限內決定是否認可被推薦之符合性評鑑機構時，推薦方得要求另一方針對該被推薦機構執行聯合查驗。雙方於完成查驗後應就被推薦機構之認可作出決定，且在完成聯合查驗後的15個工作天內以書面提供彼此。

第3節 任何變更之程序—任何變更應適用下列程序，即：

3.1 各一方之指定符合性評鑑機構清單有任何變更時，包括中止資格，應至少於7個工作天前通知另一方。

- 3.2 各一方應於 15 個工作天內通知另一方任何有關影響指定符合性評鑑機構技術能力，或該機構符合相關明定要求的任何變更。

第 4 條 **雙方之權利及補救措施**

第1節 雙方的權利—雙方應具有下列權利：

- 1.1 於例外狀況下，一方保有權利質疑指定符合性評鑑機構之技術能力及是否符合相關明定要求，但須有相關之專家分析及/或證據支持。雙方可進一步同意執行此權利的其他準則。
- 1.2 指定符合性評鑑機構遭質疑之一方有權利收到該質疑之書面通知，及支持之專家分析及/或證據資料。
- 1.3 除非緊急狀況，雙方在提出質疑前，應進行諮商以期獲得彼此滿意之解決方法。諮商應迅速舉行，以期於協商啟動的 90 個工作天內解決所有議題，並尋求彼此滿意之解決方法。

在緊急狀況時，諮商應於行使質疑權利之後即刻舉行。

第2節 指定之暫停、撤銷或廢止—除非雙方依據以下任一原因而另有決定，自指定符合性評鑑機構之技術能力或符合性被提出質疑之時間開始，相關指定權責機關可暫停或廢止其相關指定範圍：

- 2.1 質疑方對該符合性評鑑機構之能力與符合性表示滿意；或
- 2.2 該符合性評鑑機構之指定已於暫停或廢止前撤銷。

第3節 暫停、撤銷或廢止之效力—被暫停、撤銷或廢止的符合性評鑑機構在暫停、撤銷或廢止日期之前執行之符合性評鑑活動結果，應維持有效並被接受，以履行一方在本相互承認協議下之義務。

- 3.1 雙方應比較用來查驗指定符合性評鑑機構是否符合明定要求之方法。

第 5 條 **機密**

第1節 不公開—一方不應被要求揭露具有機密性的專有權資訊予另一方，除非該項揭露為一方證明其指定符合性評鑑機構之能力及符合另一方相關明定要求所必要。

一方應依據適用的法律保護任何向其揭露之符合性評鑑活動及/或指定程序相關專有權資訊之機密。

第 6 條 **最終條款**

第1節 法規權責機關之保留—任一方保留在其法律及執行規則下解釋及執行其強制性規定的所有權利。

第2節 協議之約束力

- 2.1 除非雙方間有書面協議，任一方與第三方達成之協議不應強加義務給另一方，要求其接受第三方所執行之符合性評鑑結果。

- 2.2 本協議並不要求雙方相互接受彼此的強制性規定，或相互承認該等強制性規定為對等。但雙方應考慮提高各自強制性規定之調和程度或對等性。當雙方同意標準或技術性法規已調和或具備對等性時，一方應能夠依其強制性規定評鑑符合性，且視為被另一方所接受。
- 2.3 本協議所適用針對第 1 條第 3.1 節所述產品之強制性規定，應為第三者符合性評鑑活動，排除產品驗證。適用之法律、法規及行政規定列於附件 III。

第3節 協議之修訂及/或修正—本協議之任何修訂及/或修正應經雙方書面同意。

第4節 強制性規定之修訂及/或修正—當一方變更本協議所涵蓋產品之強制性規定時，如變更後之強制性規定仍在本協議指定之相關符合性評鑑機構的活動範圍內，其適用之第 2 條義務應擴及於強制性規定變更後符合性評鑑結果之接受。

第5節 相互承認協議之生效與效期—本協議應於簽署後生效。本協議之有效期限為 5 年，且除非任一方於協議終止前 6 個月提出重新談判，應自動展期 5 年。

第6節 相互承認協議之終止—任一方得於本協議有效期限內終止本協議，應提前 6 個月向另一方提出書面通知。

本協議終止後，一方應停止接受由指定符合性評鑑機構所完成之符合性評鑑活動結果。

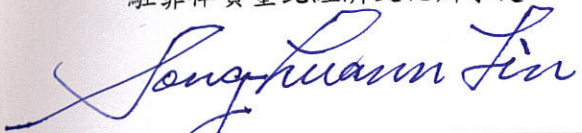
第7節 聯絡點—各自法規權責機關之聯絡點如下：

7.1 菲律賓：貿易與工業部菲律賓標準局；

7.2 臺灣：經濟部標準檢驗局。

本協議以中文及英文各簽署一式二份，兩種文本同一作準。倘對本協議解釋有歧異時，以英文本為準。

駐菲律賓臺北經濟文化辦事處

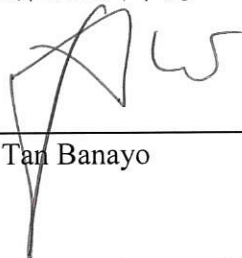


林松煥
代表

日期：2017年12月7日

簽署地點：馬尼拉

馬尼拉經濟文化辦事處




Angelito Tan Banayo
代表

日期：2017年12月7日

簽署地點：馬尼拉

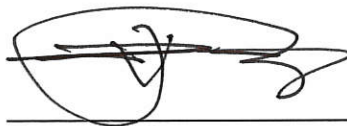
見證人

經濟部標準檢驗局

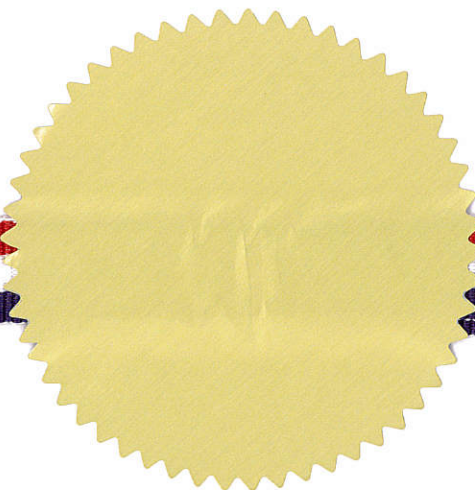


劉明忠 博士
局長

貿易與工業部菲律賓標準局



Ernesto V. Perez
助理部長



附件 I

特定產品清單：

1. 全新的充氣輪胎
2. 電機產品

附件 II

本協議所涵蓋產品適用之法律、法規及行政規定

菲律賓	臺灣
<ol style="list-style-type: none"> 1. 1964 年 6 月 20 日共和國法 4109，及後續修正， 2. 1982 年 3 月 9 日指令書 1208，及後續修正， 3. 部行政命令 5：2008 -關於菲律賓產品驗證標章制度下核發進口商品通關（ICC）證明之新法規，及後續修正， 4. 菲律賓標準局 2015 備忘通知第 15-03 號系列：強制性驗證之產品清單，及後續修正，及 5. 部行政命令 2015 第 15-01 號系列：促進核發進口商品通關（ICC）證明措施，及後續修正。 	<ol style="list-style-type: none"> 1. 1932 年制定之商品檢驗法(最近一次修正為 2007 年 7 月 11 日)，及後續修正，及 2. 1968 年發布之商品檢驗法施行細則 (最近一次修正為 2007 年 12 月 31 日)，及後續修正。

附件 III

明定要求與符合性評鑑程序適用之法律、法規及行政規定

菲律賓	臺灣
<ol style="list-style-type: none"> 1. 部行政命令 5:2008 之實施細則及法規，及後續修正， 2. 部行政命令 2015 年第 15-01 號系列：促進核發進口商品通關 (ICC) 證明之措施，及後續修正，及 3. 宣告菲律賓國家標準強制實施之相關部行政命令 (DAO)，及後續修正。 	<ol style="list-style-type: none"> 1. 1932 年制定之商品檢驗法 (最近一次修正為 2007 年 7 月 11 日)，及後續修正， 2. 1968 年發布之商品檢驗法施行細則 (最近一次修正為 2007 年 12 月 31 日)，及後續修正， 3. 1999 年發布之商品驗證登錄辦法 (最近一次修正為 2010 年 2 月 3 日)，及後續修正，及 4. 2011 年發布之應施檢驗輪胎商品檢驗作業規定 (最近一次修正為 2014 年 10 月 13 日)，及後續修正。

附件 IV

明定指定作業基準適用之法律、法規及行政規定

菲律賓	臺灣
<ol style="list-style-type: none"> 1. 認可測試實驗室之指定，及後續修正，及 2. 認可檢驗機構之指定，及後續修正。 	<ol style="list-style-type: none"> 1. 2002 年發布之商品檢驗指定試驗室認可管理辦法(最近一次修正為 2008 年 1 月 11 日)，及後續修正， 2. 2000 年發布之電磁相容指定試驗室特定規範(最近一次修正為 2002 年 5 月 17 日)，及後續修正， 3. 2000 年發布之電機電子類商品指定試驗室特定規範(最近一次修正為 2002 年 5 月 17 日)，及後續修正， 4. 2004 年發布之資訊類商品指定試驗室特定規範(最近一次修正為 2004 年 9 月 2 日)，及後續修正，及 5. 2001 年發布之化工類商品指定試驗室特定規範(最近一次修正為 2011 年 3 月 28 日)，及後續修正。

**MUTUAL RECOGNITION ARRANGEMENT
ON
CONFORMITY ASSESSMENT FOR INDUSTRIAL PRODUCTS BETWEEN
THE TAIPEI ECONOMIC AND CULTURAL OFFICE IN THE PHILIPPINES
AND THE MANILA ECONOMIC AND CULTURAL OFFICE**

This Mutual Recognition Arrangement (MRA) is entered into by and between:

The TAIPEI ECONOMIC AND CULTURAL OFFICE
IN THE PHILIPPINES (TECO), hereinafter referred
to as "**TECO**,"

- and -

The MANILA ECONOMIC AND CULTURAL
OFFICE (MECO), hereinafter referred to as
"**MECO**,"

WHEREAS, on 12 February 2009, the TECO and MECO signed a Memorandum of Understanding on cooperation in the field of Standardization and Conformity Assessment stating that any arrangements therein will be implemented by the Bureau of Standards, Metrology and Inspection (BSMI) of the Ministry of Economic Affairs of Taiwan and the Bureau of Philippine Standards (BPS) of the Department of Trade and Industry of the Philippines;

WHEREAS, relative to the MOU, a Letter of Intent (LOI) was likewise issued reflecting both Parties' desire to determine the feasibility of establishing an appropriate and effective cooperation framework for negotiating MRA;

WHEREAS, in line with the said MOU and LOI, greater international harmonization of standards and technical regulations is further encouraged;

NOW, THEREFORE, this Mutual Recognition Arrangement on Conformity Assessment for Industrial Products is hereby executed and entered into in recognition of the Parties' shared commitments to protect *inter alia* the environment and the life, health and safety of humans, animals and plants and shall be implemented by BSMI for TECO and BPS for MECO.

ARTICLE I
GENERAL PROVISIONS

Section 1. Objectives – The general objectives of this Arrangement are as follows:

- 1.1 To enhance cooperation through information exchange between the Parties to ensure safety and quality of products covered by this Arrangement;
- 1.2 To facilitate trade between the Parties through the mutual recognition of the results of conformity assessment activities issued by the designated Conformity Assessment Bodies required for access into their respective markets;
- 1.3 To affirm the Parties' commitments to the Agreement on Technical Barriers to Trade (TBT) of the World Trade Organization (WTO).

Section 2. Definitions – All general terms concerning standards and conformity assessment used in this Arrangement shall adopt the definitions provided in the ISO/IEC Guide 2:2004 "Standardization and Related Activities – General Vocabulary" and ISO/IEC 17000:2004 "Conformity Assessment – Vocabulary and General Principles" published by the International Organization for Standardization and International Electrotechnical Commission (ISO/IEC), unless the contrary requires otherwise.

In addition, for purposes of this Arrangement, the following shall mean –

- 2.1 **Accept** - The use of the results of conformity assessment as a basis for regulatory actions such as approval, licences, registrations and post market assessments of conformity;
- 2.2 **Conformity Assessment** - Any activity which involves determining directly or indirectly that relevant Mandatory Requirements are fulfilled;
- 2.3 **Conformity Assessment Body** - A body that conducts conformity assessment activities including testing laboratories, and inspection bodies;
- 2.4 **Designating Authority** - A body as specified in this Arrangement established in the territory of a Party with the necessary authority to

designate, monitor, suspend, lift suspension or withdraw designation of Conformity Assessment Bodies within its jurisdiction;

- 2.5 **Designation** - The authorization issued by a Designating Authority to a Conformity Assessment Body to undertake specified conformity assessment activities;
- 2.6 **Inspection Body** - A body that may be designated in accordance with this Arrangement to conduct inspection and sampling pursuant to the relevant Mandatory Requirements;
- 2.7 **Mandatory Requirements** – Legislative, regulatory and administrative requirements of the Party into which the product is being supplied that are subject of this Arrangement;
- 2.8 **Regulatory Authority** - An entity that exercises a legal right to control the import, use or supply of products within a Party's jurisdiction and may take enforcement action to ensure that products marketed within its jurisdiction comply with that Party's Mandatory Requirements;
- 2.9 **Stipulated Requirements** - The criteria set out for the designation of Conformity Assessment Bodies;
- 2.10 **Testing Laboratories** - Independent laboratories or government testing bodies that may be designated by one Party's Designating Authority in accordance with this Arrangement to undertake tests to the other Party's Mandatory Requirements.

Section 3. Scope of the MRA – The MRA shall cover the following:

- 3.1 Industrial products manufactured in the Parties' territories that are specified, by agreement of the Regulatory Authorities, under Annex I on which either Party has prescribed Mandatory Requirements applicable to imports as set out in the applicable laws, regulations and administrative provisions listed in Annex II except for the following:
- 3.1.1 Telecommunication equipment; and
- 3.1.2 Medical devices.
- 3.2 Duly designated Testing Laboratories and Inspection Bodies.

- 3.3 Third party conformity assessment activities particularly testing by accredited testing laboratories and inspection and sampling by accredited inspection bodies.

ARTICLE II OBLIGATIONS, DESIGNATIONS AND QUALIFICATIONS

Section 1. Obligations of the Parties – TECO and MECO are obliged as follows:

- 1.1 To exchange information concerning their Mandatory Requirements, conformity assessment procedures and regimes covered in this Arrangement;
- 1.2 To inform the other Party of any proposed changes to its Mandatory Requirements at least sixty (60) calendar days before the changes enter into force, except where considerations of health, safety and environmental protection warrant more urgent action;
- 1.3 To ensure that their Designating Authorities have the necessary authority and competence to carry out their obligations within their respective jurisdictions as stated in this Arrangement;
- 1.4 To ensure that their designated and recognized Conformity Assessment Bodies are available for verification of their technical competence and compliance with the relevant Stipulated Requirements;
- 1.5 To accept results of conformity assessment activities stipulated herein that demonstrate compliance with their respective Mandatory Requirements when the conformity assessment activities are undertaken by Conformity Assessment Bodies designated by BPS and recognized by BSMI and vice versa in accordance with Articles II and III of this Arrangement. Upon receipt of the results, BPS or BSMI, shall complete the relevant product approval processes within ten (10) working days;
- 1.6 When requested, to make copies of their Mandatory Requirements, and intended changes thereto, available in English;
- 1.7 To give consideration to any request for consultations on issues relating to the interpretation and implementation of this Arrangement. Such

consultations shall take place within sixty (60) calendar days after the date of the receipt of the request with the objective of finding mutually acceptable solutions. One or more consultation/s may be convened and conducted through a method as may be agreed upon.

Section 2. Designating Authorities – The BSMI and BPS, in their capacity as designating authorities shall consult, as necessary, with their counterparts to ensure the maintenance of confidence in conformity assessment processes and procedures. This consultation may include joint participation in audits related to conformity assessment activities or assessments of designated Conformity Assessment Bodies, where such participation is appropriate, technically possible and within reasonable cost.

Section 3. Basis for Designating Conformity Assessment Bodies (CABs) – The Designating Authorities shall consider the following in designating a CAB:

3.1 Technical competence and relevant experience to undertake the conformity assessment activities for which they are designated based on:

- 3.1.1 Technological knowledge of the relevant products, processes or services;
- 3.1.2 Understanding of the technical standards and the general risk protection requirements for which designation is sought;
- 3.1.3 Experience relevant to the applicable Mandatory Requirements;
- 3.1.4 Physical capability to perform the relevant conformity assessment activities;
- 3.1.5 Adequate management of the conformity assessment activities concerned; and
- 3.1.6 Any other circumstance necessary to give assurance that the conformity assessment activities shall be adequately performed on a consistent basis;

3.2 With legal personality in the relevant jurisdiction;

3.3 Scope of conformity assessment activities; and

3.4 Not adversely influenced by a body that manufactures or trades in industrial products specified under Annex I, impartial and provision of services in a manner that does not compromise the objectivity of their conformity assessment activities and decisions.

Section 4. Basis for Designating Testing Laboratories – The following shall be the basis for designating a Testing Laboratory:

4.1 Accredited to ISO/IEC 17025 (“General requirements for the competence of testing and calibration laboratories”) by an accreditation body that is a signatory to the Asia-Pacific Laboratory Accreditation Cooperation (APLAC) Mutual Recognition Arrangement.

4.1.1 The scope of accreditation shall cover the Mandatory Requirements of Regulatory Authority of the other Party;

4.2 Compliant with the particular requirements set out in the applicable laws, regulations and administrative provisions, and with the stipulated criteria for designation as set out in Annex IV.

4.2.1 The manufacturers’ own testing laboratories may be designated by one Party’s Designating Authority to undertake electromagnetic compatibility tests to the other Party’s Mandatory Requirements only.

Section 5. Basis for Designating Inspection Bodies - The following shall be the basis for designating an Inspection Body:

5.1 Accredited to ISO/IEC 17020 (“Conformity assessment - Requirement for the operation of various types of bodies performing inspection”) by an accreditation body that is a signatory to the Asia-Pacific Laboratory Accreditation Cooperation (APLAC) Mutual Recognition Arrangement;

5.1.1 The scope of accreditation shall cover the Mandatory Requirements of Regulatory Authority of the other Party; and

5.1.2 Compliant with the particular requirements set out in the applicable laws, regulations and administrative provisions, and with the stipulated criteria for designation as set out in Annex IV.

ARTICLE III

RECOGNITION AND SUSPENSION OF CONFORMITY ASSESSMENT BODIES

Section 1. Required Details - When designating a Conformity Assessment Body, the Designating Authority shall provide the other Party with the following

details in respect of each Conformity Assessment Body it designates:

- 1.1 registered name;
- 1.2 postal address;
- 1.3 facsimile (fax) number;
- 1.4 email address (if available);
- 1.5 name and telephone number of declared contact person;
- 1.6 scope of designation detailing range of products, reference standards, capability and other relevant details;
- 1.7 designating procedure used; and
- 1.8 date of designation.

Section 2. Recognition Procedure - The following procedure shall apply the recognition of a conformity assessment body:

- 2.1 Each Party shall make a proposal to the other Party that a CAB duly designated in accordance herewith be recognized under this Arrangement, by presenting to the latter such proposal in writing, supported by necessary documents.
- 2.2 The other Party shall determine whether the proposed CAB complies with the criteria for designation set out in its applicable laws, regulations and administrative provisions as specified in the Annexes after which shall indicate its position thereon within ninety (90) working days from the receipt of the proposal referred to above. In such consideration, such other Party should assume that the proposed conformity assessment body complies with the aforementioned criteria.
- 2.3 In the event that the other Party is unable to make a decision on the recognition of the proposed conformity assessment body within the prescribed period under Section 2.2 of this Article, the proposing Party may request the other Party that a joint verification of the CAB under consideration be conducted. After the completion of such verification, both Parties shall make the decision regarding the recognition of the CAB under consideration, furnishing each other a copy of the written decision within fifteen (15) working days from the completion of the joint verification.

Section 3. Procedure for any Changes- The following procedure shall apply to any changes made, viz:

3.1 Each Party shall give the other Party an advance notice of any changes in the list of duly designated CABs, including suspensions, at least seven (7) working days prior to said change.

3.2 Each Party shall inform the other Party within fifteen (15) working days of any changes that affect a designated CAB's technical competence or compliance with the relevant Stipulated Requirements.

ARTICLE IV RIGHTS AND REMEDIES OF PARTIES

Section 1. Rights of the Parties – The Parties shall have the following rights:

1.1 In exceptional circumstances, a Party retains the right to challenge a designated CAB's technical competence and compliance with the relevant Stipulated Requirements, provided that it is supported by relevant expert analysis and/or evidence. The Parties may further agree on additional guidelines for the exercise of this right.

1.2 A Party whose designated CAB is being challenged has the right to be notified of the challenge in writing and be provided with copies of supporting expert analysis and/or evidence.

1.3 Except in urgent circumstances, the Parties shall, prior to a challenge, enter into consultations with a view to seeking a mutually satisfactory solution. Consultation shall be conducted expeditiously with a view to resolving all issues and seeking a mutually satisfactory solution within ninety (90) working days from commencement thereof.

In urgent circumstances, consultations shall take place immediately after the right to challenge has been exercised.

Section 2. Suspension, Withdrawal or Revocation of Designation - The designation of the challenged designated CAB may be suspended, or revoked by the relevant Designating Authority for the relevant scope of designation from the time its technical competence or compliance was challenged, unless the Parties decide otherwise based on any of the following grounds:

2.1 The challenging Party is satisfied with the competence and compliance of the Conformity Assessment Body; or

2.2 The designation of the Conformity Assessment Body has been withdrawn prior to suspension or revocation.

Section 3. Effect of Suspension, Withdrawal or Revocation – The results of conformity assessment activities undertaken by a suspended, withdrawn or revoked CAB before the date of its suspension, withdrawal or revocation shall remain valid for acceptance for purposes of performing a Party's obligations under this MRA.

3.1 The Parties shall compare methods used to verify that the designated Conformity Assessment Bodies complied with the Stipulated Requirements.

ARTICLE V CONFIDENTIALITY

Section 1. Non-Disclosure - A Party shall not be required to disclose confidential proprietary information to the other Party except where such disclosure would be necessary for the Party to demonstrate the competence of its designated CAB and the latter's conformity to the relevant Stipulated Requirements.

A Party shall, in accordance with its applicable laws, protect the confidentiality of any proprietary information disclosed to it in connection with conformity assessment activities and/or designation procedures.

ARTICLE VI FINAL PROVISIONS

Section 1. Preservation of Regulatory Authority - Each Party retains all authority under its laws and implementing rules to interpret and enforce its Mandatory Requirements.

Section 2. Binding Effect of the Arrangement

2.1 Arrangements concluded by either Party with a third party shall not impose any obligation on the other Party to accept the results of conformity assessment undertaken in the third party except when there is written agreement between the Parties to do so.

2.2 This Arrangement does not require mutual acceptance of the Mandatory Requirements of each Party, or mutual recognition of the equivalence of such Mandatory Requirements. The Parties shall, however, give consideration to increasing the degree of harmonization or equivalence of their respective Mandatory Requirements. Where both Parties agree that the standards or technical regulations are harmonized or established as equivalent, a Party shall be able to assess compliance with its own Mandatory Requirements and this shall be deemed acceptable by the other Party.

2.3 The Mandatory Requirements to which this Arrangement applies shall be third party conformity assessment activities except product certification for the product referred to in Section 3.1 of Article I of this Arrangement. The applicable laws, regulations and administrative provisions are set out in Annex III.

Section 3. Amendments/Revisions to this Arrangement- Any amendments and/or revisions to this Arrangement shall be mutually agreed upon by the Parties in writing.

Section 4. Amendments/Revisions to Mandatory Requirements - Where a Party changes its Mandatory Requirements for products covered by this Arrangement, its obligations under Article II hereof as applicable, shall extend to accepting the results of conformity assessment activities in relation to the changed Mandatory Requirements if these fall within the scope of activities for which relevant Conformity Assessment Bodies have been designated in accordance with this Arrangement.

Section 5. Effectivity and Duration of the MRA - This Arrangement shall take effect upon signing, which shall be valid for a period of five (5) years and shall be automatically renewed for another five (5) years unless either Party proposes to re-negotiate not earlier than six (6) months before its termination.

Section 6. Termination of MRA - Either Party may terminate this Arrangement within the validity of the Arrangement by giving the other Party six months' advance notice in writing.

Following termination of this Arrangement, a Party shall cease to accept the results of conformity assessment activities performed by designated Conformity Assessment Bodies.

Section 7. Contact Points - The contact points for the respective Regulatory Authorities shall be as follows:

- 7.1 For the Philippines: The Bureau of Philippine Standards of the Department of Trade and Industry;
- 7.2 For Taiwan: The Bureau of Standards, Metrology and Inspection of the Ministry of Economic Affairs.

Done in duplicate in the Chinese and English languages, both texts having equal validity. In case of divergence in interpretation of this Arrangement, the English text will prevail.

The Taipei Economic and Cultural Office in the Philippines



Song-Huann Lin
Representative

The Manila Economic and Cultural Office



Angelito Tan Banayo
Representative

Date:

7 December 2017

Date:

7 December 2017

Place:

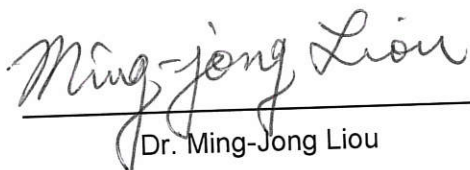
Manila

Place:

Manila

Witnessed by:

Bureau of Standards, Metrology and Inspection, Ministry of Economic Affairs



Dr. Ming-Jong Liou
Director General

Bureau of Philippine Standards, Department of Trade and Industry



Ernesto V. Perez
Assistant Secretary

ANNEX I

LIST OF THE SPECIFIED PRODUCTS:

1. Brand new pneumatic tyres
2. Electrical products

ANNEX II

THE APPLICABLE LAWS, REGULATIONS AND ADMINISTRATIVE PROVISIONS STIPULATING PRODUCTS COVERED BY THIS ARRANGEMENT

The Philippines	Taiwan
<ol style="list-style-type: none"> 1. Republic Act 4109 of June 20, 1964, and amendments thereto, 2. Letter of Instruction (LOI) 1208 of March 09, 1982, and amendments thereto, 3. Department Administrative Order (DAO) 5: 2008 –The New Rules and Regulations Concerning the Issuance of the Import Commodity Clearance (ICC) under the Product Certification Mark Scheme of the Bureau of Product Standards, and amendments thereto, 4. BPS Memorandum Circular 15-03 Series of 2015 -List of Products Under Mandatory Certification, and amendments thereto, and 5. Department Administrative Order No. 15-01 Series of 2015 -Measures to Facilitate the Issuance of the Import Commodity Clearance, and amendments thereto. 	<ol style="list-style-type: none"> 1. The Commodity Inspection Act of 1932 (most recently amended on July 11, 2007), and amendments thereto, and 2. Enforcement Rules of the Commodity Inspection Act announced in 1968 (most recently amended on December 31, 2007), and amendments thereto.

ANNEX III

THE APPLICABLE LAWS, REGULATIONS AND ADMINISTRATIVE PROVISIONS STIPULATING THE REQUIREMENTS AND THE CONFORMITY ASSESSMENT PROCEDURES

The Philippines	Taiwan
<ol style="list-style-type: none"> 1. Implementing Rules and Regulations on DAO 5:2008, and amendments thereto, 2. Department Administrative Order No. 15-01 Series of 2015 -Measures to Facilitate the Issuance of the Import Commodity Clearance, and amendments thereto, and 3. Relevant Department Administrative Orders (DAOs) Declaring the Mandatory Implementation of PNS, and amendments thereto. 	<ol style="list-style-type: none"> 1. The Commodity Inspection Act of 1932 (most recently amended on July 11, 2007), and amendments thereto, 2. Enforcement Rules of the Commodity Inspection Act announced in 1968 (most recently amended on December 31, 2007), and amendments thereto, 3. Regulations Governing Registration of Product Certification announced in 1999 (most recently amended on February 3, 2010), and amendments thereto, and 4. Directions Governing the Inspection of Tyre Commodity announced in 2011 (most recently amended on October 13, 2014), and amendments thereto.

ANNEX IV

THE APPLICABLE LAWS, REGULATIONS AND ADMINISTRATIVE PROVISIONS STIPULATING THE CRITERIA FOR DESIGNATION

The Philippines	Taiwan
<ol style="list-style-type: none"> 1. Designation of Recognized Testing Laboratories and amendments thereto, and 2. Designation of Recognized Inspection Bodies and amendments thereto. 	<ol style="list-style-type: none"> 1. Regulations Governing Recognition of Designated Testing Laboratory for Commodity Inspection announced in 2002 (most recently amended on January 11, 2008), and amendments thereto, 2. Particular Criteria Governing Designated Testing Laboratories for Electromagnetic Compatibility announced in 2000 (most recently amended on May 17, 2002), and amendments thereto, 3. Particular Criteria Governing Designated Testing Laboratories for Electrical and Electronic Commodities announced in 2000 (most recently amended on May 17, 2002), and amendments thereto, 4. Particular Criteria Governing Designated Testing Laboratories for Information Technology Equipment announced in 2004 (most recently amended on September 2, 2004), and amendments thereto, and 5. Particular Criteria Governing Designated Testing Laboratories for Chemical Commodities announced in 2001 (most recently amended on March 28, 2011), and amendments thereto.