

MEMORANDUM CIRCULAR NO. 21-20

Series of 2021

To : All Manufacturers, Importers, Distributors, and Retailers of Child Restraint Systems Covered by DAO 20-03, Series of 2020 and Others Concerned

SUBJECT : Supplemental Guidelines for the Implementation of DAO 20-03, Series of 2020

WHEREAS, the implementation of Republic Act (R.A.) 11229 entitled “An Act Providing for the Special Protection of Child Passengers in Motor Vehicles and Appropriating Funds Therefor” otherwise known as the “Child Safety in Motor Vehicles Act” took effect on 02 February 2021;

WHEREAS, R.A. 11229 mandates the Department of Trade and Industry (DTI) to use standards for child restraint systems (CRS) set forth in United Nations Regulation 44 and United Nations Regulation 129 including its evolving standards and other acceptable international standards in the approval or disapproval of CRS that will be manufactured, sold, distributed, and used in the Philippines;

WHEREAS, pursuant to R.A. 11229, the DTI Department Administrative Order (DAO) 20-03, Series of 2020 or “The New Technical Regulation Concerning the Mandatory Product Certification of Child Restraint Systems” was approved on 15 July 2020 and took effect on 08 August 2020, the objective of which is to strictly ensure that CRS comply with the specified safety and/or quality requirement/s as prescribed therein;

WHEREAS, Rule 26 of DAO 20-03, Series of 2020 provides the transition for BPS certification for all brand new CRS imported into the Philippines prior to its effectivity and are currently in the possession of the importers, distributors, or retailers within twelve (12) months from the effectivity of the Order or until 07 August 2021;

WHEREAS, several CRS importers, distributors, retailers or manufacturers raised issues concerning available international standards other than those specified in DAO 20-03, Series of 2020;

WHEREAS, Rule 23 of DAO 20-03, Series of 2020 states that BPS may issue such procedural guidelines as may be necessary in the implementation of the said Order;

WHEREFORE, foregoing premises considered and to ensure that only certified CRS products are circulating in the Philippine market, these supplemental guidelines are hereby issued for the guidance of all concerned:

1. Reference Standards for CRS

R.A. 11229 mandates the Department of Trade and Industry (DTI) to use standards for child restraint systems (CRS) set forth in United Nations Regulation 44 and United Nations Regulation 129 including its evolving standards and other acceptable international standards in the approval or disapproval of CRS that will be manufactured, sold, distributed, and used in the Philippines.

To verify conformance of the testing requirements prescribed in Section 8.2 of DAO 20-03, Series of 2020 namely Corrosion Test, Overturning Test and Dynamic Test, the following standards shall be used:

- 1.1 PNS UNR 44 – *Uniform provisions concerning the approval of restraining devices for child occupants of power-driven vehicles “Child Restraint Systems”*;
- 1.2 PNS UNR 129 - *Uniform provisions concerning the approval of Enhanced Child Restraint Systems used on board of motor vehicles, and their future amendments*;
- 1.3 FMVSS 213 - *Federal Motor Vehicle Safety Standard – Child Restraint System*; or
- 1.4 Other related international standards that have tests equivalent to dynamic tests, overturning test and corrosion tests, as prescribed in Section 8.2 of DAO 20-03, Series of 2020.

2. Certification of CRS

2.1 All incoming shipments of CRS upon effectivity of DAO 20-03, Series of 2020 on **08 August 2020**, shall comply with the relevant provisions thereof. In the absence of a BPS-recognized testing laboratory, the importers, distributors, or retailers shall warrant that the child restraint systems conform to the standard through the submission of the following:

- 2.1.1 Supplier's/maker's declaration of product conformity;
- 2.1.2 Copy of valid test report for each type/model per brand of imported child restraint systems issued within two (2) years from the date of filing of the application by a testing laboratory accredited by an accreditation body signatory to ILAC/APAC MRA; and,
- 2.1.3 Copy of valid ISO 9001 Certificate of the manufacturer issued by a certification body accredited by an accreditation body signatory to ILAC/APAC MRA.

2.2 All brand new child restraint systems imported into the Philippines prior to the effectivity of DAO 20-03, Series of 2020 on **08 August 2020** and are currently in the possession of the importers, distributors, or retailers shall be certified in accordance with Section 26.1 of DAO 20-03, Series of 2020 until **07 August 2021**.

2.3 For all uncertified CRS covered by DAO 20-03, Series of 2020 which are currently in the possession of the consumers (CRS owner), clearance shall be secured from the Land Transportation Office (LTO) or its nearest Regional Office in accordance with Section 13 of the Implementing Rules and Regulations of R.A. 11229.

3. Market Monitoring and Enforcement

Market monitoring and enforcement shall commence on **08 August 2021** to ensure that all child restraint systems covered by DAO 20-03, Series of 2020 in the local market bear the Philippine Standard (PS) License Mark or Import Commodity Clearance (ICC) Sticker. All non-compliant products by this time shall be subject to the following:

- a. First Offense – Notice of Violation shall be issued but retailers/distributors shall only be advised to pull-out the items from the selling area.
- b. Second Offense onwards – Notice of Violation shall be issued subject to the regular adjudication process.

4. Repealing Clause

All other orders or parts thereof which are inconsistent with the provisions of this Circular are hereby repealed or amended accordingly.

This Memorandum Circular shall be effective immediately after its publication in a newspaper of general circulation, a copy of which shall be submitted to the UP Office of National Administrative Register (UP ONAR).

For the information and guidance of those concerned.

Done in the City of Makati this 21st day of May in the year 2021.

Digitally signed
by Catajay Neil
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Approved by:

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Secretary

MAY 21 2021