

DEPARTMENT ADMINISTRATIVE ORDER NO. \_\_\_\_\_

Series of \_\_\_\_\_

**SUBJECT: THE NEW TECHNICAL REGULATION CONCERNING THE MANDATORY PRODUCT CERTIFICATION OF ELECTRIC VEHICLE CHARGING EQUIPMENT AND STATION**

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

**WHEREAS**, pursuant to such mandate, the DTI is empowered under Executive Order (EO) 292, Series of 1987 otherwise known as the “Administrative Code of 1987” to protect consumers from trade malpractices and from substandard or hazardous products;

**WHEREAS**, the DTI Bureau of Philippine Standards (BPS) [formerly known as Bureau of Product Standards] is mandated by Republic Act (RA) 4109 to perform standards development, certification, testing, policy formulation, and monitoring functions;

**WHEREAS**, EO 101, Series of 1967 empowers the BPS to promulgate, subject to the approval of the DTI Secretary, such rules and regulations for the marking of goods standardized by the BPS and for other purposes;

**WHEREAS**, such BPS mandates are reiterated in RA 7394 or the “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**, the Department Circular No. DC2021-07-0023 of the Department of Energy (DOE) states that, *“consistent with the existing safety standards and regulations of the DTI-BPS, all components of the EVCS such as but not limited to plugs, sockets, cables etc. are to be certified with the Philippine Standard (PS) license and/or by the Import Commodity Clearance (ICC) certificate”*.

**WHEREAS**, Section 4 of the Department Circular No. DC2021-07-0023 of the DOE requires the Product Certificate of Quality and/or Safety issued by the DTI-BPS prior to initial engagement in the activity or prior to the construction of the EVCS facilities, any

person/entity who may own, establish, and operate EVCS and in any similar activities as informed to Energy Utilization Management Bureau (EUMB).

**WHEREAS**, EO 913, Series of 1983, vests with the DTI the adjudicatory powers such as to conduct arbitration, conciliation, mediation, formal investigation; imposition of administrative penalties; and issue cease-and-desist orders, seizures, preventive measures and other similar orders in case of violation of trade and industry laws including those relating to the BPS' Certification Schemes;

**NOW THEREFORE**, pursuant to RA 4109; RA 7394; EO 101, Series of 1967; EO 913, Series of 1983; and EO 292, Series of 1987, the following Technical Regulation governing the BPS Mandatory Product Certification Schemes for electric vehicle charging equipment and stations is hereby prescribed and promulgated for the compliance, information, and guidance of all concerned.

### **Rule 1. OBJECTIVE**

This DAO aims to strictly ensure that electric vehicle charging equipment and stations for charging electric road vehicle to be imported, manufactured, distributed, or sold in the Philippines meet the specified safety requirements prescribed by this Technical Regulation.

### **Rule 2. SCOPE**

This Technical Regulation prescribes the mandatory product certification of electric vehicle charging equipment and stations for charging electric road vehicle covered by the particular Philippine National Standards (PNS), whether locally manufactured or imported, as follows:

- 2.1. AC electric vehicle charging station
- 2.2. Accessories for AC electric vehicle charging station with types as follows:
  - 2.2.1 Type 1 vehicle coupler rated 250V, 32A single phase
  - 2.2.2 Type 2 vehicle coupler, socket-outlet and plug rated:
    - 2.2.2.1 250V, 13A or 20A or 32A or 63A or 70A, single phase
    - 2.2.2.2 480V, 13A or 20A or 32A or 63A, three phase
  - 2.2.3 Type 3 vehicle coupler, socket-outlet and plug rated:
    - 2.2.3.1 250V, 16A or 32A, single phase
    - 2.2.3.2 480V, 32A or 63A, three phase
- 2.3. DC electric vehicle charging station (Isolated and Non-isolated)
- 2.4. Accessories for DC electric vehicle charging station with type/configuration as follows:
  - 2.4.1 Configuration AA with maximum rated voltage of 600V DC and maximum rated current of 200 A

2.4.2 Configuration BB with maximum rated voltage of 750V DC and maximum rated current of 250A

2.4.3 Configuration EE with maximum rated 600V DC and maximum current of 200A

2.4.4 Configuration FF with maximum rated 1000V DC and maximum current of 200A

### Rule 3. DEFINITION OF TERMS

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

- 3.1. **Accessories** – Plugs, socket-outlet, vehicle connectors and vehicle inlets with pins and contact-tubes of standardized configurations.
- 3.2. **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>
- 3.3. **Audit criteria** – set of policies, procedures or requirements used as a reference against which audit evidence is compared. <sup>2</sup>
- 3.4. **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.
- 3.5. **Accredited Conformity Assessment Body (CAB)** – inspection body, testing laboratory or certification body accredited under PNS ISO/IEC 17020, PNS ISO/IEC 17021, PNS ISO/IEC 17025 or PNS 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 Accreditation Cooperation (APAC), International Laboratory Accreditation Cooperation (ILAC), International Accreditation Forum (IAF)].
- 3.6. **Base Type/Model** – one that represents a set of generic characteristics of a group of products.
- 3.7. **BPS** – Bureau of Philippine Standards of the DTI.
- 3.8. **BPS Recognized Conformity Assessment Body (CAB)** – the CAB (inspection body, testing laboratory, or certification body) duly recognized by BPS to have the scope and competence to conduct activities relevant to the requirements set forth by BPS, to include but not limited to, CABs accredited by the PAB, 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 DTI. BPS shall issue Recognition Certificate upon completion of all requirements for application for recognition.

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

<sup>2</sup>Ibid.

- 3.9. **Certification Body** – third party conformity assessment body operating a certification scheme.
- 3.10. **Charging mode** – method of connection of an EV to the supply network to supply energy to the vehicle.
- 3.10.1 **Mode 1** – a method for the connection of an EV to a standard socket-outlet of an AC supply network, utilizing a cable and plug, both of which are not fitted with any supplementary pilot or auxiliary contacts. The rated values shall not exceed 16 A current, and voltage of 250 V AC for single-phase or 480 V AC for three-phase.
- 3.10.2 **Mode 2** – is a method for the connection of an EV to a standard socket-outlet of an AC supply utilizing an AC EV supply equipment with a cable and plug, with a control pilot function and system for personal protection against electric shock placed between the standard plug and the EV. The rated values shall not exceed 32 A current, and voltage of 250 V AC for single-phase or 480 V AC for three-phase.
- 3.10.3 **Mode 3** – is a method for the connection of an EV to an AC EV supply equipment permanently connected to an AC supply network, with a control pilot function that extends from the AC EV supply equipment to the EV.
- 3.10.4 **Mode 4** – is a method for the connection of an EV to an AC or DC supply network utilizing a DC EV supply equipment, with a control pilot function that extends from the DC EV supply equipment to the EV. The equipment may be either permanently connected or connected by a cable and plug to supply network.
- 3.11. **Case A** – connection of an EV to the supply network with a plug and cable permanently attached to the EV.
- 3.12. **Case B** – connection of an EV to a supply network with a cable assembly detachable at both ends
- 3.13. **Case C** – connection of an EV to a supply network utilizing a cable and vehicle connector permanently attached to the EV charging station
- 3.14. **Claim** – information declared by client.
- 3.15. **Confirmation** – an action, declaration, document, or statement that corroborates, ratifies, verifies, gives formal approval, or assures the validity of something.<sup>3</sup>
- 3.16. **Conformity Assessment Body (CAB)** – a third party inspection body, testing laboratory and certification body operating within its scope of competence.
- 3.17. **Conformity** – fulfillment of a requirement.<sup>3</sup>
- 3.18. **DTI** – Department of Trade and Industry
- 3.19. **Determination** – include assessment activities such as testing, measuring, inspection, design appraisal, assessment of services, and auditing to provide

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

information regarding the product requirements as input to the review and attestation functions.

- 3.20. **Evaluation** – systematic examination of the extent to which a product, process, or service fulfills specified requirements.
- 3.21. **Electric Vehicle Charging Levels** – charging levels which require different sets of electrical infrastructures that drastically affect the charging times for electric road vehicle.
- 3.22. **Electric Vehicle Charging Level 1** – uses 240V AC 12A-16A rating connector types
- 3.23. **Electric Vehicle Charging Level 2** – uses 240V AC 16A-32A rating connector types
- 3.24. **Electric Vehicle Charging Level 3** – Rapid charging or DC Fast which uses 400/480 V DC 70A-125A, 3 Phase connector types
- 3.25. **Electric Vehicle Charging Station**– stationary part of EV supply equipment connected to the supply network.
- 3.26. **Electric Vehicle Charging System** – complete system including the EV supply equipment and the EV functions that are required to supply electric energy to an EV for the purpose of charging.
- 3.27. **Electric Vehicle Supply Equipment** – equipment or combination of equipment, providing dedicated functions to supply electric energy from a fixed electrical installation or supply network to an EV for the purpose of charging.
- 3.28. **Electric Vehicle (EV) or Electric road vehicle**– any vehicle propelled by an electric motor drawing current from an RESS, intended primarily for use on public roads.
- 3.29. **Generic Type/Model** – refers to a type/model or series of types/models which critical components and materials together with its mechanical and electrical designs are similar including the capacity, energy source, electrical characteristics, and other physical or functional characteristics with the base type/model.
- 3.30. **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 Electrotechnical Commission (IEC), International Telecommunication Union (ITU) and those developed by foreign standards bodies under these principles.
- 3.31. **ISO** – International Organization for Standardization
- 3.32. **IEC** - International Electrotechnical Commission
- 3.33. **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>4</sup> This includes inventory and sampling.

- 3.34. **Inspection body** – a body that performs inspection. <sup>4</sup>
- 3.35. **Lot No./Batch No./Serial No.** – an identification number used to identify production/lot batch of the product for quality control purposes.
- 3.36. **Plug in Hybrid Electric Road Vehicle (PHEV)** – electrical vehicle that can charge the rechargeable electrical energy storage device from and external electric source and also derives part of its energy from another on-board source.
- 3.37. **PNS ISO 9000** – Quality Management System - Fundamentals and Vocabulary
- 3.38. **PNS ISO 9001** – Quality Management Systems – Requirements
- 3.39. **PNS ISO/IEC 17020** – Conformity assessment – Requirements for the operation of various types of bodies performing inspection.
- 3.40. **PNS ISO/IEC 17021** – Conformity assessment – Requirements for bodies providing audits and certification of management systems.
- 3.41. **PNS ISO/IEC 17025** – General requirements for the competence of testing and calibration laboratories.
- 3.42. **PNS ISO/IEC 17065** – Conformity assessment – Requirements for bodies certifying products, processes and services.
- 3.43. **PNS ISO/IEC 17029 – Conformity assessment** – General principles and requirements for validation and verification bodies.
- 3.44. **PNS ISO 19011** – Guidelines for Auditing.
- 3.45. **PAB** – Philippine Accreditation Bureau of the DTI.
- 3.46. **Philippine National Standards (PNS)** – Standards promulgated by the BPS.
- 3.47. **Product Certification** – the provision of impartial third-party attestation that fulfillment of specified requirements has been demonstrated. <sup>5</sup>
- 3.48. **PS License** – authority given by BPS to a local/foreign manufacturer, authorizing the use of the PS Certification Mark on its product.
- 3.49. **Rechargeable Energy Storage System (RESS)** - system that stores energy for delivery of electric energy and which is rechargeable.
- 3.50. **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>6</sup>

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<sup>4</sup>*Ibid.*

<sup>5</sup> *ISO/IEC 17065*

<sup>6</sup> *ISO/IEC 17000*

- 3.51. **Sampling** – a method of getting a representative sample of a product according to a specified procedure.
- 3.52. **Standard** - 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.
- 3.53. **Statement of Confirmation (SOC)** – a document stating that the imported electric vehicle supply equipment stations were sourced from a manufacturer with a valid PS License and that the imported electric vehicle supply equipment and station from said manufacturer complies with specified requirements after undergoing inspection and verification and should contain the batch/lot/serial number and manufacturing date of the electric vehicle supply equipment and station.
- 3.54. **Surveillance** – a systematic iteration of conformity assessment activities as a basis for maintaining the validity of the statement of conformity.
- 3.55. **Test Report** – a document that presents test results and other information relevant to a test.
- 3.56. **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.
- 3.57. **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>7</sup>
- 3.58. **Trade name** – any registered name or designation identifying or distinguishing an enterprise
- 3.59. **Verification** – confirmation, through the provision of objective evidence, that specified requirements have been fulfilled.<sup>8</sup> This may include product testing.
- 3.60. **Warehouse** – secured premises built purposely for storage of products and to preserve the quality and integrity of the same.

#### **Rule 4. PRODUCT CERTIFICATION SCHEMES**

##### 4.1. Philippine Standard (PS) Safety and/or Quality Certification Mark Licensing Scheme

The PS Safety Certification Mark Licensing Scheme (PS Licensing Scheme for brevity) shall be available to both local and foreign manufacturers selling or distributing electric vehicle supply equipment and station 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:

##### 4.1.1 Local companies holding a valid PS License;

##### 4.1.1.1 Annual system and product audit at the factory; and

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<sup>7</sup> *Ibid.*

<sup>8</sup> *ISO/IEC 9000*

4.1.1.2 Random inspection/verification at the warehouse/market, and product testing, if necessary;

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 inspection/verification per shipment, and product testing, if necessary;

#### 4.2 Import Commodity Clearance (ICC) Certification Mark Scheme

The ICC Certification Mark Scheme shall be available to importers of non-PS certified electric vehicle supply equipment and station on per product per shipment per Bill of Lading/Airway Bill basis. The certification shall only cover the particular batch of products applied for the shipment.

### **Rule 5. DOCUMENTARY REQUIREMENTS**

#### **5.1 Application for PS Licensing Scheme shall be supported by 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 local branch or representative office/agency shall act in behalf of the overseas applicant and accomplish the application form;

5.1.2 For a sole proprietorship: Certificate of Business Name Registration and permit issued by the local government unit having jurisdiction over it; or

For a corporation or partnership: Certificate of SEC Registration and Articles of Incorporation/Partnership and By-Laws, submitted once, unless an amendment has been made;

In case of an overseas applicant, the local branch or representative office/agency shall also provide the equivalent foreign document stated herein, whichever is applicable;

5.1.3 Latest Income Tax Return or latest audited financial statement, and certification of an accountant on the net worth of the business, submitted once unless an amendment has been made within the current year;

5.1.4 Quality Management System (QMS) Manual covering the product being applied for PS License, including the product/s' production process;

5.1.5 Description of the product's production/manufacturing process;

5.1.6 Product Identification Traceability Procedure including process flow, materials and process control and drawings, among others;

5.1.7 List of tests and measuring equipment with nominal capacities and serial numbers at each inspection point and final product testing together with the evidence of ownership, such as but not limited to Official Receipts;



- 5.1.8 Brief description of equipment maintenance and calibration program for all testing and measuring equipment with their corresponding calibration certificates;
- 5.1.9 Copies of proposed labels, markings, and logos as per requirements of specific standard;
- 5.1.10 Vicinity map of the factory; and
- 5.1.11 Oath of undertaking to abide by the Terms and Conditions of the License, respectively signed by the manufacturer/local office or agent;

**5.2 Application for ICC or SOC shall be supported by the following:**

- 5.2.1 The duly accomplished and subscribed application form;
- 5.2.2 For sole proprietorship registered with DTI, the application shall be accomplished and signed by the owner and filed by the owner or by a duly authorized representative 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 filed by any officer or organic employee, duly authorized by virtue of a notarized board/partnership resolution or Secretary's Certificate;
- 5.2.3 Packing List;
- 5.2.4 Commercial Invoice;
- 5.2.5 Bill of Lading
- 5.2.6 Summary of the production batch/lot/serial numbers;
- 5.2.7 List of distributors/retailers with their complete addresses and contact details;
- 5.2.8 Proof of ownership or contract of lease of warehouse;
- 5.2.9 Importer Certificate of Accreditation / BOC Certificate of Registration (Certificate of BOC Registration or its equivalent)
- 5.2.10 Import Entry (may be submitted later prior to release of the certificate);
- 5.2.11 Surety Bond; and
- 5.2.12 Product brochure/specification
- 5.2.13 Copy of PS License (for SOC applications)

**Rule 6. PROCEDURES FOR PRODUCT CERTIFICATION SCHEMES**

**6.1. PS License Application Process**

- 6.1.1 Each PS License application shall be factory, plant or site-specific.
- 6.1.2 In case that a factory, plant or site, manufactures multiple products stated herein, PS License shall be product specific.
- 6.1.3 Only one local importer per license shall be allowed. However, a specific factory or plant may apply for multiple licenses. As such, when another local importer wants to import the same product from the same foreign manufacturer, a separate PS License application shall be filed.
- 6.1.4 Conduct of Factory and Product Audit
- 6.1.4.1 Upon submission and confirmation of the completeness and compliance of the documentary requirements, an assessment of the Quality Management System's conformity to PNS ISO 9001 and product specifications' conformity to specific applicable version of PNS shall be conducted;
- 6.1.4.2 Audit shall be undertaken by either the BPS, DTI Regional/Provincial Office (RO/PO), or BPS-recognized auditing bodies based on established audit procedure. Only recognized auditing bodies in the BPS' official list may be designated as auditors;
- 6.1.4.3 During the audit, samples shall be drawn for all types/models and sizes per brand of the product to be certified for the purpose of in-plant and independent testing. Independent testing shall be conducted only by BPS Testing Laboratory or BPS-recognized testing laboratory.
- 6.1.4.4 If there are non-conformities noted during the audit, the auditors shall inform the company and require them to undertake corrective actions. The auditors shall accomplish the non-conformity report for the non-conformities observed which shall be acknowledged by the company's authorized representative.
- 6.1.4.5 The company shall implement and complete the corrective actions within ninety (90) calendar days for initial audit and thirty (30) calendar days for surveillance and product inclusion audit. If the company fails to implement the corrective actions within the specified period, it should be a cause for denial of PS application or suspension of the PS License.
- 6.1.5 If the applicant is a foreign-based manufacturer, the application shall, for purposes of accountability, be made and filed by its local branch or representative office or representative agency who must be duly registered in accordance with Philippine laws;
- 6.1.6 The PS License shall only be issued upon satisfactory evaluation of the factory audit and determination of product conformance to specific PNS based on pertinent test reports;
- 6.1.7 If the evaluation of the factory audit report showed unsatisfactory results, the PS License shall not be issued. Only after the re-assessment and subsequent product compliance shall the BPS issue the PS License;

- 6.1.8 The PS License shall be effective from the date of issuance and with full force and effect for a period of three (3) years, subject to the surveillance audits prescribed herein. PS License can be suspended, withdrawn or cancelled at any time for cause and after due process;
- 6.1.9 For renewals, the PS License holder shall, through written notice, coordinate with BPS or the DTI RO/PO for a schedule of the re-certification audit at least six (6) months before the expiration date. Otherwise, the PS License shall be considered expired immediately after the end period of its validity.
- 6.1.10 In case of changes materially affecting the PS License and/or license holder's ability to comply with BPS product certification requirements, the license holder shall inform BPS in writing at least thirty (30) calendar days prior to the date the changes will take effect. The notice must include a request for audit.
  - 6.1.10.1 Changes may include, but shall not be limited to, change in management or business name; transfer of plant site; modification of product design and/or specifications.
- 6.1.11 All importers of electric vehicle charging equipment and stations covered by a valid PS License issued to a foreign manufacturer shall apply for a Statement of Confirmation (SOC) on a per shipment, per Bill of Lading/Airway Bill basis to ensure that the imported products came from a valid PS License holder company.

## 6.2. SOC/ICC Application Process

- 6.2.1 Application for SOC shall be as follows:
  - 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 RO/PO;
  - 6.2.1.2 Upon receipt of the application and complete requirements, a Certificate of Conditional Release shall be issued, subject to the conditions stated therein;
  - 6.2.1.3 Product inspection shall be conducted by the BPS, DTI RO/PO, or the identified BPS-recognized inspection body at the declared warehouse in accordance with the applicable provisions hereof. The original 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 If inspection shows that the product shipped is consistent with the importation documents (e.g. quantity, markings, PS license number), SOC shall be issued by the BPS Bureau Director or his duly authorized representative. Otherwise, a Show Cause Order shall be issued and the provisions hereto shall apply; and
  - 6.2.1.5 The BPS shall have the prerogative to require sampling and testing to verify the consistent conformance of the product to the standard as amended/updated as well as the compliance of the manufacturer to the provisions of this Order and other applicable rules and regulations.

6.2.2 Application for ICC shall be as follows:

- 6.2.2.1 Processing of applications under this scheme replaces the ICC Scheme under DAO 05:2008, subject to the requirements and transitory provision stated herein;
- 6.2.2.2 The applicant shall submit the duly accomplished and subscribed application form and requirements to the BPS or to the nearest DTI RO/PO;
- 6.2.2.3 Upon receipt of the application and complete requirements, a Certificate of Conditional Release shall be issued, subject to the conditions stated therein;
- 6.2.2.4 Product inspection and drawing of samples shall be conducted by the BPS or the identified BPS-recognized inspection body at the declared warehouse in accordance with the applicable provisions hereof. The original 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;
- 6.2.2.5 If inspection shows that the product shipped is consistent with the importation documents, product samples shall be drawn in accordance with the prescribed sampling size herein for testing. Otherwise, a Show Cause Order shall be issued and the provisions hereto shall apply;
- 6.2.2.6 The drawn samples shall be submitted by the applicant to the BPS-recognized testing laboratory within three (3) working days from the date of inspection and sampling for the conduct of testing; and
- 6.2.2.7 If the result of the test shows conformance, the ICC shall be issued by the BPS Bureau Director or his duly authorized representative. Otherwise, the provisions under Rule 10.2.3 of this Order shall apply.

6.3. The importer shall inform BPS in writing if there are any revisions in the information provided in the application and seek approval of such prior to the conduct of inspection/verification. Otherwise, appropriate action shall be undertaken by BPS.

## **Rule 7. MARKING REQUIREMENTS**

For traceability and verification purposes, the required markings for manufactured or imported electric vehicle charging equipment and stations shall be available at all times for verification by the BPS, FTEB, and DTI RO/PO, their authorized representatives, and by the duly authorized enforcement teams either at the manufacturer's/importer's warehouse or traders'/distributors'/retailers' warehouse, if applicable.

7.1. The required markings for the electric vehicle charging equipment and stations shall be as follows:

- 7.1.1. Manufacturer's name, initials, trademark or distinctive marking;

- 7.1.2. Duly registered business name and address of the importer (if imported)
- 7.1.3. Type designation or identification number
- 7.1.4. Date of manufacture
- 7.1.5. Type of current (AC or DC)
- 7.1.6. Frequency (in Hz)
- 7.1.7. Rated voltage (in Volts or V)
- 7.1.8. Rated current (in Amperes or A)
- 7.1.9. Power input and output (in Watts, W or kW)
- 7.1.10. No load loss or standby power
- 7.1.11. Degree of protection
- 7.1.12. Total harmonic distortion
- 7.1.13. Efficiency
- 7.1.14. Charging interface
- 7.1.15. "Indoor Use Only", or the equivalent, if intended for indoor use only
- 7.1.16. PS Safety Mark with License Number (if PS certified) or ICC Sticker (if ICC certified)

7.2. The required markings of electric vehicle accessories shall be as follows:

- 7.2.1. Name or trademark of the manufacturer or of the responsible vendor
- 7.2.2. Rated current (in Amperes or A)
- 7.2.3. Rated maximum operating voltage (in Volts or V)
- 7.2.4. Frequency (in Hz)
- 7.2.5. Degree of protection
- 7.2.6. Type reference, which may be a catalogue number

In the absence of any of the required markings or submission of incomplete markings, the application for PS License, SOC, or ICC shall not be processed until such time that the required markings are submitted or corrected.

## **Rule 8. INSPECTION/AUDIT AND SAMPLING**

8.1. Inspection/audit and sampling shall be conducted by the BPS, DTI RO/PO or the BPS-recognized inspection/auditing body in accordance with existing BPS Inspection and Sampling Procedure.

8.2. Sampling Size

8.2.1 The following sampling size shall apply:

8.2.1.1 Electric vehicle charging equipment and stations

8.2.1.1.1 Two (2) pieces of electric vehicle charging station per type/model per brand.

8.2.1.1.2 Ten (10) pieces per model per type per brand of electric vehicle accessory.

8.2.2 For PS initial, surveillance, recertification, or inclusion audits, three (3) sets per type per brand of the above sampling size shall be randomly drawn from the manufacturer's production line or warehouse. The first set shall be tested in-plant. The second set shall be sent to the BPS-

recognized testing laboratory for independent testing upon satisfactory result of the in-plant test. The remaining set shall be kept by the manufacturer as reserved samples.

- 8.2.3 For ICC/SOC application, two (2) sets per type per brand of the above sampling size shall be randomly drawn from the shipment at the importer's warehouse. The first set shall be sent to the BPS-recognized testing laboratory for testing. The remaining set shall be kept by the importer as reserved samples.
- 8.2.4 For generic types/models, sampling size under Rule 8.2.2 and 8.2.3 of this Order shall apply.
- 8.2.5 Sampling sizes of electric vehicle supply equipment and stations that are specified under the latest edition of the PNS upon promulgation shall be used.

### 8.3. Sampling Procedure

- 8.3.1 The BPS, DTI RO/PO, BPS-recognized auditing/inspection body, the PS applicant/license holder, and ICC applicant's authorized representative shall ensure that the drawn samples are traceable to the particular lot/batch or shipment where they were drawn.
- 8.3.2 Test samples drawn shall be packed/sealed and signed, in the presence of importer or manufacturer authorized representatives, by the BPS, DTI RO/PO or BPS-recognized auditing/inspection body who shall ensure that the Request for Test form is properly filled-up and signed by the manufacturer or importer.
- 8.3.3 The auditor or the inspector shall ensure that the Request for Test form together with the drawn samples is directly submitted to the BPS-recognized testing laboratory within three (3) working days from the date of audit/inspection and furnish BPS with a copy thereof within three (3) working days from submission. For foreign-based PS License holders/applicants, the auditor shall ensure that the samples drawn shall be shipped to the BPS-recognized testing laboratory within three (3) working days from the date of audit.
- 8.3.4 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:
  - 8.3.4.1 Request for Test;
  - 8.3.4.2 Packaging of the sealed and signed samples and as submitted and received

## **Rule 9. PRODUCT TESTING**

- 9.1. The drawn samples shall be tested by the BPS Testing Laboratory or other BPS-recognized testing laboratory.

9.2. The following Philippine National Standards (PNS) shall be used as references to determine the conformance of the products covered in this Technical Regulation to the necessary requirements prescribed therein:

9.2.1 PNS IEC 61851-1:2019 - Electric vehicle supply equipment for charging electric road vehicles including plug-in hybrid road vehicles (PHEV).

9.2.2 PNS IEC 61851-21:2012 – Electric vehicle for conductive connection to an AC or DC supply voltage.

9.2.3 PNS IEC 61851-22:2012 – AC electric charging station.

9.2.4 PNS IEC 61851-23:2018 – DC electric vehicle charging station.

9.2.5 PNS 2117:2018 - Plugs and socket-outlets for household and similar purposes – Configurations and dimensions

9.2.6 PNS IEC 62196-1:2019 - Plugs and socket-outlets vehicle connectors and vehicle inlets – conductive charging of electric vehicles

9.2.7 PNS IEC 62196-2:2019 - Dimensional compatibility and interchangeability requirements for AC pin and contact tube accessories.

9.2.8 PNS IEC 62196-3:2019 - Dimensional compatibility and interchangeability requirements for DC and AC/DC pin and contact tube vehicle couplers

9.3. Considering the regular updating of standards, the latest edition of the PNS shall be used as reference. It is understood that future amendments of the PNS indicated in this Order shall be used twelve (12) months after its promulgation to provide ample time to all stakeholders to adjust and conform to the new requirements, if any.

9.4. For PS initial, surveillance, recertification, or inclusion audits, samples drawn shall be tested in-plant. The manufacturer shall have testing capability to conduct the following minimum test methods:

9.4.1 Electric vehicle supply equipment and station

- 9.4.1.1 Durability test for marking
- 9.4.1.2 Dielectric withstand voltage
- 9.4.1.3 Temperature Rise
- 9.4.1.4 Overload and short-circuit protection
- 9.4.1.5 Insulation Resistance
- 9.4.1.6 Touch current
- 9.4.1.7 Mechanical strength
- 9.4.1.8 Fault protection

9.4.2 Electric vehicle accessories

- 9.4.2.1 Durability test for marking
- 9.4.2.2 Protection against electric shock
- 9.4.2.3 Dimensions
- 9.4.2.4 Breaking capacity
- 9.4.2.5 Insulation resistance and dielectric strength
- 9.4.2.6 Temperature rise

- 9.4.2.7 Flexible cables and their connection
- 9.4.2.8 Mechanical strength
- 9.4.2.9 Corrosion and resistance to rusting

9.5. The original test reports shall be sent directly to the BPS by the BPS-recognized testing laboratory together with the pictures of samples as received, pictures of samples showing the required markings, and copy of the Request for Test.

9.6. The BPS reserves the right to be present at any point of the certification process.

## **Rule 10. EVALUATION OF RESULTS**

Results of tests shall be evaluated based on the requirements of the relevant standard.

10.1. If the drawn samples showed conformance to the standard, the PS License or ICC Certificate shall be issued.

10.2. If the drawn samples failed the required tests, the BPS shall:

10.2.1 For PS application:

10.2.1.1 For new and extension of the scope applications, inform the applicant of the result and direct the same to undertake corrective measures otherwise, the application shall be denied.

If corrective measure was undertaken, applicant shall submit proposed corrective measures. If approved, another product audit shall be conducted.

10.2.1.2 For PS surveillance/recertification, inform the applicant of the result and suspension/cancellation order in accordance with Rule 18 of this Order. BPS shall give order to submit the reserved samples for testing otherwise. If the applicant refused to submit the reserved samples and opted to undertake corrective measures, a Product Recall Order shall be required in accordance with Rule 15 of this Order.

If the reserved samples showed conformance with the relevant PNS, the suspension/cancellation order shall be lifted otherwise, the suspension/cancellation order shall be maintained and Product Recall Order shall be required in accordance with Rule 15 of this Order.

The suspension/cancellation order shall only be lifted upon the compliance of the applicant to this Order and the conformance of the product to the relevant Philippine National Standard.

10.2.2 For SOC Application

10.2.2.1 Considered as surveillance activity, the provisions of Rule 10.2.1.2 shall apply.

10.2.3 For ICC application:

10.2.3.1 Inform the applicant of the result and present the following



options;

10.2.3.1.1 Submit the reserved samples for testing;

10.2.3.1.2 Undertake remedial or corrective measures subject to actual inspection, verification, inventory, and re-sampling (if necessary) by the BPS, DTI RO/PO, or the BPS-recognized inspection body;

10.2.3.1.3 Export the shipment back to the country of origin, at its own expense, subject to inventory and inspection by an authorized DTI/BPS representative prior to the exportation. 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

10.2.3.1.4 Destroy the non-conforming products in accordance with existing rules and regulations, at its own expense, and 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.

10.2.4 For rejected shipment, lot or batch:

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

10.2.4.2 The importer or manufacturer at its own expense either export to the country of origin or destroy the non-conforming product in the presence of DTI authorized representative and other relevant government agencies/authorities in accordance with existing rules and regulations.

## **Rule 11. DISPOSAL OF SAMPLES**

11.1. Tested and remaining (if there are any) samples, which were drawn for testing purposes, and complied with the requirements of the standard, shall be retrieved by the importer/ manufacturer within thirty (30) days from the receipt of the notice of retrieval of test samples. If the importer/manufacturer fails to retrieve the samples within the given period or opted not to retrieve the sample at all, the laboratory shall dispose the samples in a manner deemed appropriate in accordance with existing accounting and auditing rules.

11.2. 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 subjects of litigation.

## **Rule 12. RECOGNITION OF CONFORMITY ASSESSMENT BODY**

12.1. Only recognized Conformity Assessment Bodies (CABs) shall be allowed to participate in this mandatory product certification scheme.

- 12.2. Any CAB that intends to be recognized shall accomplish the BPS Recognition Application Form together with the following:
  - 12.2.1 Certificate of Accreditation from an Accreditation Body signatory to the ILAC/APAC, to include the Scope of Accreditation;
  - 12.2.2 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;
  - 12.2.3 List of authorized signatories indicating their company position and the corresponding specimen signature;
  - 12.2.4 An undertaking to abide by the terms and conditions of the recognition.
- 12.3. 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.
- 12.4. 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 DTI.
- 12.5. The BPS may, at any time, conduct full verification of the competence of the CAB to perform the conformity assessment activities.

### **Rule 13. TERMS AND CONDITIONS**

- 13.1 The PS License holders and importers shall abide by the following terms and conditions:
  - 13.1.1 Consistently abide by RA 4109, EO 133: 1987, EO 913: 1983, and RA 7394 and their implementing rules and regulations, orders, and memoranda which the BPS issues in pursuance with its authority under the law.
  - 13.1.2 Ensure that the certified product conforms at all times to the specific standard as amended/updated and its implementing rules and regulations.
  - 13.1.3 Warrant that it has the authority to use the brand name, trade name and trademarks indicated in the application form.
  - 13.1.4 Be held liable for any damages that its product might cause to their consumers.
  - 13.1.5 The design of the PS Certification Mark shall be in accordance with the illustration in Annex B.
  - 13.1.6 The PS Safety Mark shall not be affixed on any products not covered by the license issued by BPS.
  - 13.1.7 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.

- 13.1.8 Give duly-authorized representatives of the BPS or DTI RO/PO or, in the case of foreign companies, BPS or BPS-recognized CABs, full 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;
- 13.1.9 Maintain a record of all complaints made known to it, relating to compliance with certification requirements and make these records available to BPS or its authorized representative/s 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 BPS or its authorized representative/s.
- 13.1.10 Submit itself to surveillance activities to ensure consistent compliance with the BPS requirements of the Product Certification Scheme.
- 13.1.11 In case of subcontracts, shall assume full responsibility for its sub-assemblies', semi-finished and finished products' conformance to the specific requirements.
- 13.1.12 Inform BPS in writing of any changes that will materially affect its PS License and its ability to comply with BPS product certification requirements within thirty (30) calendar days prior to the date the change will be made, such as, but not limited to change in management, business name, addition of brand name, modification of product's designs and specifications and/or transfer of plant site.
- 13.1.12.1 If the change involves addition of brand name and modification in the product's design or specifications, BPS shall facilitate the conduct of appropriate product certification activity;
- 13.1.12.2 In case of transfer of plant site, BPS, DTI RO/PO, or BPS-recognized auditing bodies shall conduct factory and product audit at the new site.
- 13.1.12 Pay the applicable fees and other charges as billed or stipulated by BPS, DTI RO/PO, BPS-recognized inspection/auditing bodies and testing laboratories.
- 13.1.13 Any incorrect references to the certification scheme; misleading use of PS License, 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.
- 13.1.14 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.
- 13.1.15 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.

- 13.1.16 Agrees that all information stated in the application shall be treated as proprietary and regarded as confidential except for those information indicated in the PS License and Certificate which is considered public document. The confidential information shall not be disclosed to any third party without prior consent, unless required by the law.
- 13.1.17 The PS License is non-transferable.
- 13.2 Any infractions of the foregoing shall be a ground for the suspension, withdrawal or cancellation of the license.
- 13.3 The SOC/ICC applicants and holders shall abide by the following terms and conditions:
- 13.3.1 Consistently abide by RA 4109, EO 133: 1987, EO 913: 1983 and RA 7394 and their implementing rules and regulations, and orders which the BPS issues in pursuance with its authority under law.
  - 13.3.2 Give duly-authorized representatives of the BPS or DTI RO/PO or BPS-recognized inspection bodies full access during working hours to the declared warehouse for the purpose of inspection, sampling and inventory.
  - 13.3.3 SOC/ICC Applicant shall abide by the conditions stipulated in the Certificate of Conditional Release issued by BPS.
  - 13.3.4 Ensure that the certified product conforms at all times to applicable standard as amended/updated and its implementing rules and regulations.
  - 13.3.5 Be held liable for any damages that its product might cause to their consumers.
  - 13.3.6 The ICC Sticker shall not be affixed on any products not covered by the ICC Certificate issued by BPS.
  - 13.3.7 The SOC and ICC Certification Mark shall not be used in any misleading manner.
  - 13.3.8 Establish and maintain a system of product recall and of addressing complaints filed by its clients or customers concerning its certified products, and shall maintain records thereof.
  - 13.3.9 Pay the applicable fees and charges as billed or stipulated by BPS, DTI RO/PO, BPS-recognized inspection bodies, and/or testing laboratories.
  - 13.3.10 Agrees that all information stated in the application shall be treated as proprietary and regarded as confidential except for those information indicated in the SOC/ICC Certificate which is considered public document. The confidential information shall not be disclosed to any third party without prior consent, unless required by the law.
- 13.4 Any infractions of the foregoing shall constitute sufficient grounds for the institution of administrative sanctions/fines against the SOC/ICC applicant/holder.

#### **Rule 14. REQUIREMENTS IN CASE OF NON-CONFORMANCE**

For electric vehicle supply equipment and station that do not conform to the requirements of BPS rules and regulations/guidelines, the following provisions, shall apply:

- 14.1. A SHOW CAUSE ORDER shall be issued by BPS or DTI-RO/PO giving the PS License holder or the importer opportunity to explain within fifteen (15) calendar days why its Surety Bond shall not be forfeited in favor of DTI and/or why a formal charge shall not be filed. This may include a CEASE AND DESIST ORDER addressed to the owner/manager or the authorized representative of the company concerned, to refrain from supplying, distributing, selling or displaying for sale the products subject thereof until such time that the Show Cause Order is lifted.
- 14.2. If the explanation to the Show Cause Order is not acceptable, the BPS or DTI-RO/PO shall direct the manufacturer and/or importer concerned to submit a sworn affidavit undertaking to do the following as directed whichever is applicable:
  - 14.2.1. Permanently cease and desist from manufacturing, supplying, distributing, selling or displaying for sale the non-conforming products subject thereof;
  - 14.2.2. Effect a full product recall to account such products that are already in circulation through publication in a newspaper of national circulation, giving the public a period of thirty (30) calendar days from second publication within which to return subject products. 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. Such publication shall include a NOTICE warning the public that the product subject thereof is not compliant with the safety and/or quality requirement; and
  - 14.2.3. Recognize BPS authority to forfeit the Surety Bond.

#### **Rule 15. PROCEDURES AND REQUIREMENTS FOR PRODUCT RECALL**

After the product is declared by the BPS to be non-conforming, the BPS shall immediately notify the manufacturer and/or importer. The manufacturer and/or importer shall within fifteen (15) days from receipt of notice implement product recall in accordance with the following:

- 15.1. The recall order shall be published in a newspaper of general circulation for at least two (2) consecutive Saturdays/Sundays;
- 15.2. The layout, content, font and size of the recall order shall be prescribed by the BPS;
- 15.3. The recall period shall be for a minimum of thirty (30) days from date of the second publication;
- 15.4. Proof of publication of the recall orders shall be submitted to the BPS or the DTI RO/PO;

- 15.5. Inventory of the recalled products shall be submitted to BPS or DTI RO/PO;
- 15.6. Recalled products shall be condemned, destroyed, or otherwise disposed of in accordance with applicable rules on disposal issued by the DTI, Department of Budget and Management, and Commission on Audit.
- 15.7. The manufacturer and/or importer shall compensate parties availing of the recall order.

**Rule 16. FEES, CHARGES, BOND REQUIREMENT AND OTHER EXPENSES**

- 16.1. All corresponding fees, charges, costs, and other related expenses shall be for the account of manufacturer/importer.
- 16.2. Fees and charges to be paid by the applicant in accordance with Annex A shall be as follows:
  - 16.2.1. Application Fee;
  - 16.2.2. Audit/inspection fees;
  - 16.2.3. Testing fees;
  - 16.2.4. Transportation/travelling expenses, and board and lodging costs of auditor/s and inspector/s during audit/inspection, subject to existing rules and regulations or third-party provision;
  - 16.2.5. Processing Fee of Statement of Confirmation/Import Commodity Clearance on imported products (non-refundable, payable upon releasing of the certificate that was filed on a per product, per shipment, per Bill of Lading/Airway Bill basis, assessed by the BPS based on the amount declared in the Invoice);
  - 16.2.6. PS License fee for manufactured product/s;
- 16.3. For imported electric vehicle supply equipment and stations, a Surety Bond amounting to One Hundred Fifty Thousand Pesos (PhP 150,000.00) or ten percent (10%) of the declared value/dutiable value in Philippine Peso, whichever is higher, shall be posted on a per shipment, per Bill of Lading/Airway Bill basis.
- 16.4. Any violation of the terms and conditions of the Product Certification Scheme shall, upon notice, result in the *motu proprio* forfeiture of the bond based on the non-conformity or non-compliance stated herein.

**Rule 17. SHOW CAUSE ORDER AND BOND FORFEITURE**

- 17.1. A Show Cause Order shall be issued against a manufacturer or importer who fails to conform to legal and technical requirements or whose product/s failed to conform to such requirements, unless the manufacturer or importer can justify under oath that the non-conformity is correctible and/or the non-compliance is negligible.

- 17.2. A Cease and Desist Order may be issued simultaneously with the Show Cause Order directing the manufacturer and/or importer to refrain from selling, distributing or disposing the products in any manner.
- 17.3. Any violation of the Terms and Conditions of the Certificate of Conditional Release and/or provisions of this Order shall, upon notice, result in *moto proprio* forfeiture of the Surety Bond.
- 17.4. Pending resolution of the Show Cause Order involving a particular shipment, applications filed after the issuance of the Show Cause Order by the same importer may be processed, provided, a sworn undertaking to abide by the decision on said Show Cause Order shall be submitted prior to the issuance of the necessary Certificate/License for succeeding application/s.

#### **Rule 18. SUSPENSION, WITHDRAWAL, AND CANCELLATION OF PS LICENSE**

- 18.1. A duly issued PS License shall be suspended, recalled, withdrawn, cancelled or revoked based on any of the following grounds:
  - 18.1.1. That the product bearing the PS Mark failed to conform to the requirements of a specific PNS as amended/updated;
  - 18.1.2. That licensee failed to comply with monitoring, surveillance or enforcement notices/directives/orders;
  - 18.1.3. That the licensee failed to comply with the terms and conditions of the license;
  - 18.1.4. That the licensee made false statements or alterations in connection with its application for or re-certification of the license;
  - 18.1.5. That the licensee violated any of the provisions of this Order;
  - 18.1.6. That an Order of Execution vis-à-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;
- 18.2. The license shall be suspended, recalled, withdrawn, cancelled or revoked after the BPS Director has served the licensee a notice of his intention to do so, stating therein the grounds for the contemplated action, granting the licensee the opportunity to be heard within fifteen (15) days from the date of notice.
- 18.3. 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.
- 18.4. Notwithstanding the preceding provisions, the BPS Director may direct that a Formal Charge be filed against the party concerned pursuant to EO 913 Series of 1983, DAO No. 7, Series of 2006 and DAO No. 2, Series of 2007 and /or its future amendments.

#### **Rule 19. COMPLAINTS/APPEALS HANDLING PROCESS**

- 19.1. BPS shall implement a system of handling complaints/appeals related to the product certification process.
- 19.2. Remedies for the action or decision of a BPS personnel/chief/director relative to an application for PS License/SOC/ICC shall be the following:
  - 19.2.1. In case of denial of the PS License/SOC/ICC application, the applicant may file a motion for reconsideration with the BPS Director or its duly authorized representative within ten (10) working days from receipt of the letter of denial. No second motion for reconsideration shall be allowed;
  - 19.2.2. In case of suspension, recall, withdrawal, cancellation or revocation of the PS License, a motion for reconsideration may be filed with the BPS Director or its duly authorized representative by the licensee within ten (10) working days from receipt of the notice. No second motion for reconsideration shall be allowed.
- 19.3. In case the motion for reconsideration is denied, an appeal may be filed with the DTI Secretary within fifteen (15) calendar days from receipt of denial of the motion 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.
- 19.4. The filing of a Motion for Reconsideration shall suspend the period to file an appeal.

#### **Rule 20. PROHIBITED ACTS**

The following acts are hereby declared prohibited, in addition to those listed in DAO No. 2, Series of 2007 and its future amendments, viz:

- 20.1. Use of the PS Safety Mark in any misleading manner;
- 20.2. Sale, offer for sale using over the counter or on-line mode or any form of advertisement of any electric vehicle supply equipment and stations not complying with the particular technical regulation or applicable standard;
- 20.3. Non-compliance, neglect or resistance to effect the product recall as directed by BPS;
- 20.4. 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;
- 20.5. Non-compliance or failure to comply with the provisions hereof.

#### **Rule 21. PENALTIES OR SANCTIONS**

The following shall be imposed upon any manufacturer, importer, BPS-recognized inspection/auditing body, BPS-recognized testing laboratory/facility, or any other person or entity found in violation of any provision hereof after due process, as may be appropriate:

- 21.1. Administrative fine as per existing DTI Rules and Regulations/Department Administrative Orders and EO 913.



- 21.2. Cancellation or revocation of PS License pursuant to a final and executory decision rendered by an administrative agency or the regular courts.
- 21.3. Cancellation or revocation of recognition issued by the BPS.
- 21.4. Watch-listing and/or blacklisting of importers/manufacturers.
- 21.5. Any other sanctions or penalties as provided under existing DTI rules and regulations.

## **Rule 22. ISSUANCE OF GUIDELINES/PROCEDURES**

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

## **Rule 23. ENFORCEMENT AND MARKET SURVEILLANCE**

The DTI-BPS/FTEB/RO/PO and DOE-EUMB shall exchange information on non-conformities with the relevant technical regulations found during enforcement, monitoring, verification and surveillance activities, for the appropriate action of the respective agencies.

## **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. SEPARABILITY CLAUSE**

If any term or provision of this Order should be declared illegal or invalid by a court of competent jurisdiction, the remaining terms and provisions thereof shall remain unimpaired and in full force.

## **Rule 26. TRANSITORY PROVISIONS**

- 26.1. All PS and ICC applications for electric vehicle supply equipment and stations received upon the date of effectivity of the same shall be subject to the provisions stated herein.
- 26.2. In the absence of a BPS-recognized testing laboratory, the PS License applicants/holders shall nominate a testing laboratory accredited by an accreditation body signatory to ILAC/APAC MRA to conduct the product testing as per Rule 9 of this Order.
- 26.3. Meanwhile, in lieu of product testing, the importers shall warrant that the electric vehicle supply equipment and station they import into the country conform to the standard through the following:
  - 26.3.1 Importers shall submit suppliers/manufacturers' declaration of conformity on a per shipment per Bill of Lading/Airway Bill basis;

26.3.2 Copy of valid test report for each type/model per brand of the imported electric vehicle supply equipment and station, conforming to the applicable PNS specified in Rule 9 of this order, issued within two (2) years from the date of issuance by a testing laboratory accredited by an accreditation body signatory to ILAC/APAC MRA:

26.3.3 Copy of valid PNS ISO 9001 Certificate of the manufacturer

26.4. It is understood that the requirements stated in Rules 26.2 and 26.3 of this Order shall cease to be implemented once a BPS-recognized testing laboratory becomes available.

26.5. To ensure strict compliance of electric vehicle supply equipment and stations, monitoring and enforcement shall be conducted twenty-four (24) months after the effectivity of this Order. After this period, only products bearing the PS Safety Mark shall be allowed for distribution in the local market. All non-compliant products shall be subjected to the following:

26.5.1 First Offense – Notice of Violation shall be issued but retailers/distributors shall only be advised to pull-out the items from the selling area.

26.5.2 Second Offense onwards – Notice of Violation shall be issued subject to the regular adjudication process.

## **Rule 27. 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 2021.

### **Recommended by:**

\_\_\_\_\_  
**NEIL P. CATAJAY**  
Director, Bureau of Philippine Standards

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

### **Approved:**

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

**ANNEX "A"**

**TABLE 1: SCHEDULE OF FEES AND CHARGES FOR BPS PS LICENSING**

<b>PARTICULARS</b>		<b>FEE</b>	<b>PAYABLE TO</b>
1	Application Form	Php 300.00	DTI
2	Quality Manual Review	Php 5,000.00	
3	Pre-Audit / Audit / Surveillance Audits per Man-Hour (Payable within 15 days after billing) as per size of establishment based on Table 1A		
3.1	Micro	Php 100.00 or as charged by Designated Auditing Body	DTI / BPS Recognized Auditing Body
3.2	Small	Php 300.00 or as charged by Designated Auditing Body	
3.3	Medium	Php 400.00 or as charged by Designated Auditing Body	
3.4	Large	Php 500.00 or as charged by Designated Auditing Body	
4	Original License Fee* (Payable within 15 days after billing)		
4.1	Micro	Php 5,000.00	DTI
4.2	Small	Php 7,500.00	
4.3	Medium	Php 10,000.00	
4.4	Large	Php 12,500.00	
5	Annual License Fee* (Payable within 15 days after billing)		
5.1	Micro	Php 2,500.00	DTI
5.2	Small	Php 3,750.00	
5.3	Medium	Php 5,000.00	
5.4	Large	Php 6,250.00	
6	Transportation	As per arrangement (if necessary)	DTI / BPS Recognized Auditing Body
7	Hotel Accommodation	As per arrangement (if necessary)	DTI / BPS Recognized Auditing Body
8	Testing Fee	As charged by Designated Testing Laboratory	BPS-Recognized Testing Laboratory
9	Freight Charges of Samples	As charged by Freight Forwarder	Freight Forwarder
10	Market Sample	As per Official Receipts / Sales Invoice	Manufacturer/Importer

**TABLE 1A: SIZE OF ESTABLISHMENT**

<b>SIZE OF ESTABLISHMENT</b>	<b>ASSETS</b>
Micro	Up to Php 3,000,000.00
Small	Php 3,000,001.00 up to Php 15,000,000.00
Medium	Php 15,000,001.00 up to Php 100,000,000.00
Large	Over Php 100,000,000.00

**TABLE 2: SCHEDULE OF FEES AND CHARGES FOR THE IMPORT COMMODITY CLEARANCE (ICC) AND STATEMENT OF CONFIRMATION (SOC)**

<b>PARTICULARS</b>	<b>FEE</b>	<b>PAYABLE TO</b>
Application Fee	Php 300.00	DTI
Processing Fee (depends on the value of the batch being applied for SOC/ICC)		
Invoice/batch value up to <b>Php 500,000.00</b>	Php 5,000.00	DTI
Invoice/batch value from Php 500,001.00 to Php 1,000,000.00	Php 7,500.00	
Invoice/batch value above <b>Php 1,000,000.00</b>	Php 10,000.00	
Inspection Fee	As charged by the DTI / BPS Designated Inspection Body	DTI / BPS Recognized Inspection Body
Transportation	As per arrangement (if necessary)	DTI / BPS Recognized Inspection Body
Testing Fee	As charged by the BPS-Recognized Testing Laboratory	BPS-Recognized Testing Laboratory
Freight charges of samples	As charged by Freight Forwarder	Freight Forwarder
Market sample	As per Official Receipts/Sales Invoice	Manufacturer/Importer

## Notes:

- ❖ *Original and Annual License Fees depend on the size of establishment as stipulated on Table 1A herein.*
- ❖ *The Schedule of Fees and Charges in this DAO were adopted from DAO 4:2008 and DAO 5:2008.*

**PS Certification Mark and License No.**



*Note: The PS Safety Certification Mark affixed on the product or its package may be enlarged or reduced to an appropriate size, provided that its dimensions conform to the specifications.*