

DEPARTMENT ADMINISTRATIVE ORDER NO. _____

Series of _____

SUBJECT: THE NEW TECHNICAL REGULATION CONCERNING THE MANDATORY PRODUCT CERTIFICATION OF MERCURY ADDED 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, 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;

WHEREAS, on October 2013, the Philippines signed the global-legally binding treaty on Mercury – the Minamata Convention on Mercury provides controls and reductions across a range of products, process and industries where mercury is used, released, and emitted.

WHEREAS, pursuant to the provisions of the Department of Environment and Natural Resources (DENR) Department Administrative Order No. 2019-20 or the Revised Chemical Control Order (CCO) For Mercury and mercury Compounds (Revising DAO 1997-38) was prescribed and promulgated on 20 December 2019;

WHEREAS, the objectives of the aforementioned DAO are to regulate, restrict or prohibit the importation, manufacture, processing, sale, handling, storage, distribution, use and disposal of Mercury, Mercury compounds, and Mercury-added products that present risk and danger to human health and environment;

WHEREAS, Section 8.1b of DENR DAO 2019-20 clearly states that any person or entity importing Mercury added products such as lamps, batteries, relays, and switches must secure clearance from DTI-BPS. The phased-out schedule of the products with the amount of mercury above the specified limits shall commence on the year 2022.

NOW THEREFORE, pursuant to RA 4109; RA 7394; EO 101, Series of 1967; EO 913, Series of 1983; EO 292, Series of 1987, and DENR DAO 2019-20 the following Technical Regulation governing the BPS Mandatory Product Certification Schemes for Mercury Added Products are hereby prescribed and promulgated for the compliance, information, and guidance of all concerned.

Rule 1. OBJECTIVE

This DAO strictly aims to ensure that mercury added products to be imported, manufactured, distributed or sold in the Philippines meet the specified safety requirements prescribed by this Technical Regulation.

Rule 2. SCOPE

2.1 This Technical Regulation prescribes the mandatory product certification of the following mercury added products whether locally manufactured or imported:

2.1.1 Batteries

2.1.1.1 Button zinc silver oxide batteries

2.1.1.2 Button zinc air batteries

2.1.2 Switches and relays with very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments such as:

2.1.2.1 Tilt Switch

2.1.2.2 Inclination Switch

2.1.2.3 Flame Sensor Switch

2.1.2.4 Float Switch

2.1.2.5 Mercury Seismic Switch

2.1.2.6 Pressure Switch

2.1.2.7 Temperature Switch

2.1.2.8 Mercury Displacement Relays

2.1.2.9 Mercury Reed Relays

2.1.2.10 Mercury Overcurrent Relay

2.1.2.11 Mercury Wetted Reed Relay

2.1.2.12 Mercury Contact Relay

2.1.2.13 High Frequency Radio Frequency Switches (3MHz to 30 MHz)

2.1.2.14 High Frequency Radio Frequency Relays (3MHz to 30 MHz)

2.1.3 Compact Fluorescent Lamps (CFLs) for general lighting purposes that are \leq 30 watts

2.1.4 Linear Fluorescent Lamps (LFLs) for general lighting purposes:

2.1.4.1 Triband phosphor < 60 watts

2.1.4.2 Halophosphate phosphor \leq 40 watts

2.1.5 Cold Cathode Fluorescent Lamps (CCFL) and External Electrode Fluorescent Lamps (EEFL):

2.1.5.1 short length (\leq 500 mm)

2.1.5.2 medium length ($>$ 500 mm and \leq 1 500 mm)

2.1.5.3 long length ($>$ 1 500 mm)

2.2 This Order does not cover mercury added products that are incorporated on the manufactured or imported equipment, appliances, or finished products. However, manufacture and importation of the same with mercury levels more than the allowable limit is prohibited.

Rule 3. DEFINITION OF TERMS

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

- 3.1 **Audit** – a systematic, independent and documented process for obtaining audit evidence, and evaluating it objectively to determine the extent to which the audit criteria are fulfilled. ¹
- 3.2 **Audit criteria** – set of policies, procedures or requirements used as a reference against which audit evidence is compared. ²
- 3.3 **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)].
- 3.4 **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
- 3.5 **Base Type/Model** – one that represents a set of generic characteristics of a group of products.
- 3.6 **BPS** – Bureau of Philippine Standards of the DTI
- 3.7 **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.

¹ ISO 19011:2011

² *Ibid.*

³ ISO/IEC 17000

- 3.8 **Certification Body** – third party conformity assessment body operating a certification scheme.
- 3.9 **Claim** – information declared by client.
- 3.10 **Confirmation** – an action, declaration, document, or statement that corroborates, ratifies, verifies, gives formal approval, or assures the validity of something.⁴
- 3.11 **Conformity Assessment Body (CAB)** – a third party inspection body, testing laboratory and certification body operating within its scope of competence.
- 3.12 **Conformity** – fulfillment of a requirement.⁵
- 3.13 **DENR** – Department of Environment and Natural Resources
- 3.14 **Determination** – include assessment activities such as testing, measuring, inspection, design appraisal, assessment of services, and auditing to provide information regarding the product requirements as input to the review and attestation functions.
- 3.15 **DTI** – Department of Trade and Industry
- 3.16 **Evaluation** – systematic examination of the extent to which a product, process, or service fulfills specified requirements.⁶
- 3.17 **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.
- 3.18 **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.
- 3.19 **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.⁶ This includes inventory and sampling.
- 3.20 **Inspection body** – a body that performs inspection.
- 3.21 **ISO/IEC 17029** – Conformity assessment – General principles and requirements for validation and verification bodies.
- 3.22 **Lot No./Batch No./Serial No.** – an identification number used to identify production/lot batch of the product for quality control purposes.
- 3.23 **Mercury** – means elemental Mercury, (Hg (0)), CAS No. 7439-97-6⁷

⁴ *Webster's New World Law Dictionary*

⁵ *ISO/IEC 17000*

⁶ *Ibid*

⁷ *DENR DAO 2019-20*

- 3.24 **Mercury Added Products** – means a product or product components that contain Mercury or a Mercury compound that was intentionally added. ⁸
- 3.25 **PAB** – Philippine Accreditation Bureau of the DTI.
- 3.26 **Philippine National Standards (PNS)** – Standards promulgated by the BPS.
- 3.27 **PNS ISO 9000** – Quality Management System - Fundamentals and Vocabulary
- 3.28 **PNS ISO 9001** – Quality Management Systems – Requirements
- 3.29 **PNS ISO 19011** – Guidelines for Auditing.
- 3.30 **PNS ISO/IEC 17020** – Conformity assessment – Requirements for the operation of various types of bodies performing inspection.
- 3.31 **PNS ISO/IEC 17021** – Conformity assessment – Requirements for bodies providing audits and certification of management systems.
- 3.32 **PNS ISO/IEC 17025** – General requirements for the competence of testing and calibration laboratories.
- 3.33 **PNS ISO/IEC 17065** – Conformity assessment – Requirements for bodies certifying products, processes and services
- 3.34 **Product Certification** – the provision of impartial third-party attestation that fulfillment of specified requirements has been demonstrated. ⁹
- 3.35 **PS License** – authority given by BPS to a local/foreign manufacturer, authorizing the use of the PS Certification Mark on its product.
- 3.36 **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. ¹⁰
- 3.37 **Sampling** – a method of getting a representative sample of a product according to a specified procedure.
- 3.38 **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
- 3.39 **Surveillance** – a systematic iteration of conformity assessment activities as a basis for maintaining the validity of the statement of conformity. ¹¹
- 3.40 **Test Report** – a document that presents test results and other information relevant to a test.
- 3.41 **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.

⁸ DENR DAO 2019-20

⁹ ISO/IEC 17065

¹⁰ ISO/IEC 17000

¹¹ *Ibid*

- 3.42 **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).¹²
- 3.43 **Trade name** – any registered name or designation identifying or distinguishing an enterprise.
- 3.44 **Verification** – confirmation of a claim, through the provision of objective evidence, that specified requirements have been fulfilled.¹³ This may include product testing.
- 3.45 **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 Certification Mark Licensing Scheme

- 4.1.1 All manufacturers of products covered by this technical regulation, shall apply for the Philippine Standard (PS) Certification Mark License in accordance with the requirements of DAO 04:2008, its implementing rules and regulations, and their future amendments.

4.2 Import Commodity Clearance (ICC) Certification Mark Scheme

- 4.2.1 All importers of products covered by this technical regulation, shall apply for the Import Commodity Clearance (ICC) in accordance with the requirements of DAO 05:2008, its implementing rules and regulations, and their future amendments.

Rule 5. DOCUMENTARY REQUIREMENTS

All documentary requirements required under DAO 04:2008 for PS and DAO 05:2008 for ICC.

Rule 6. MARKING REQUIREMENTS

- 6.1. For traceability and verification purposes, the required markings for manufactured or imported products stated in Rule 2 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.
- 6.1.1. Marking/labels by relevant PNS;
 - 6.1.2. PS or ICC Mark, as applicable
 - 6.1.3. Markings/labels prescribed by the Consumer Act of the Philippines (Republic Act No. 7394);
 - 6.1.4. Mercury content in milligrams (mg).

¹² ISO/IEC 17000

¹³ ISO/IEC 17029

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

Rule 7. INSPECTION/AUDIT AND SAMPLING

- 7.1. Audit, inspection and sampling shall be conducted by the BPS, DTI RO/PO or the BPS-recognized inspection/auditing body in accordance with the existing BPS Audit, Inspection and Sampling Procedure and with the requirements of DAO 4:2008 or DAO 5:2008, their implementing rules and regulations, and their future amendments.

7.2. Sampling Size

- 7.2.1 For PS initial, surveillance, recertification, or inclusion audits, two (2) sets of five (5) pieces per type/model/brand for safety testing shall be randomly drawn from the manufacturer's production line. The first set shall be tested in-plant as witnessed by the authorized DTI-BPS representative. The remaining set shall be sent to the BPSTL or BPS recognized testing laboratory for independent testing upon satisfactory results of the in-plant test.
- 7.2.2 For ICC application, two (2) sets of five (5) pieces per type/model/brand for safety testing shall be randomly drawn at the importer's warehouse. The first set shall be sent to the BPSTL or BPS recognized testing laboratory for independent testing. The remaining set shall be kept by the importer as reserved samples.
- 7.2.3 For generic type/model, three (3) pieces per type/model/brand for safety testing shall be drawn and shall be sent together with its base type/model to the BPSTL or BPS-recognized testing laboratory for actual verification purposes.

7.3. Sampling Procedure

- 7.3.1 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.
- 7.3.2 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.
- 7.3.3 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.

- 7.3.4 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:
- 7.3.4.1 Request for Test;
 - 7.3.4.2 Packaging of the sealed and signed samples and as submitted and received
- 7.3.5 Pending the promulgation of relevant PNS for button zinc silver oxide batteries and button zinc air batteries, drawing of samples and conduct of independent product testing shall be waived. The PS license or ICC stickers shall only be issued upon satisfactory results of inspection or factory audit, respectively. The conduct of inspection or factory audit shall validate the mercury content marked on button zinc silver oxide batteries and button zinc air batteries which is prescribed in Rule 9 of this Order.
- 7.3.6 BPS shall issue a supplemental guideline once the PNS for button zinc silver oxide batteries and button zinc air batteries are available and promulgated.

Rule 8. PRODUCT TESTING

- 8.1. The drawn samples shall be tested by the BPS Testing Laboratory or other BPS-recognized testing laboratory.
- 8.2. 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.
- 8.3. All manufacturers of products listed in Rule 2 of this technical regulation, shall have the capability to determine the mercury content as prescribed by Rule 9 using their relevant PNS.
- 8.4. 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:
- 8.4.1 Fluorescent Lamps:
 - 8.4.1.1 Cold spotting method
 - 8.4.1.2 Non-cold spotting method (section and crushing)
 - 8.4.1.3 Nitric acid rinse method
 - 8.4.1.4 Direct mercury measurement
- 8.5. In order to determine the mercury content of the products fluorescent lamps, switches and relays, all manufacturers shall have their own X-ray Fluorescent Spectrometer (XRF).
- 8.6. All manufacturers shall establish a system and procedure of ensuring the full compliance of their products to the requirements of the relevant PNS as part of its quality control.

8.7. 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.

8.8. Full product testing shall be conducted in accordance with the requirements of the relevant PNS as follows:

Product	Reference Standards
Button zinc silver oxide batteries	IEC 62321-4
Button zinc air batteries	
Tilt Switch	PNS IEC 62321-3-1:2021
Inclination Switch	
Flame sensor Switch	
Float Switch	
Mercury Seismic Switch	
Pressure Switch	
Temperature Switch	
Mercury Displacement Relays	
Mercury Reed Relays	
Mercury Overcurrent Relay	
Mercury Wetted Reed Relay	
Mercury Contact Relay	
High Frequency Switches (3MHz to 30 MHz)	
High Frequency Relays (3MHz to 30 MHz)	
Compact fluorescent lamps (CFLs) for general lighting purposes	PNS IEC 62554:2021 & PNS IEC 62321-3-1:2021
Linear fluorescent lamps (LFLs) for general lighting purposes	
Cold Cathode Fluorescent Lamps (CCFL) and External Electrode Fluorescent Lamps (EEFL)	

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

Rule 9. EVALUATION OF RESULTS

9.1. The PS License and ICC Certificate shall only be issued if results of tests are within the allowable mercury content prescribed below:

Product	Allowable Mercury Content
Button zinc silver oxide batteries	Mercury content less than 2% of the unit mass
Button zinc air batteries	
Tilt Switch	Mercury content less than 20 mg per bridge
Inclination Switch	
Flame sensor Switch	
Float Switch	
Mercury Seismic Switch	
Pressure Switch	
Temperature Switch	
Mercury Displacement Relays	
Mercury Reed Relays	

Mercury Overcurrent Relay	Mercury content less than 20 mg per bridge
Mercury Wetted Reed Relay	
Mercury Contact Relay	
High Frequency Switches (3MHz to 30 MHz)	
High Frequency Relays (3MHz to 30 MHz)	
Compact fluorescent lamps (CFLs) for general lighting purposes \leq 30 watts	Mercury content less than 5 mg per lamp
Linear fluorescent lamps (LFLs) for general lighting purposes: Triband phosphor $<$ 60 watts	
Linear fluorescent lamps (LFLs) for general lighting purposes: Halophosphate phosphor \leq 40 watts	Mercury content less than 10 mg per lamp
Cold Cathode Fluorescent Lamps (CCFL) and External Electrode Fluorescent Lamps (EEFL): short length (\leq 500 mm)	Mercury content less than 3.5 mg per lamp
Cold Cathode Fluorescent Lamps (CCFL) and External Electrode Fluorescent Lamps (EEFL): medium length ($>$ 500 mm and \leq 1 500 mm)	Mercury content less than 5 mg per lamp
Cold Cathode Fluorescent Lamps (CCFL) and External Electrode Fluorescent Lamps (EEFL): long length ($>$ 1 500 mm)	Mercury content less than 13 mg per lamp

9.2. The issuance of ICC stickers for the products button zinc silver oxide and button zinc air batteries shall be per set. One (1) set of button zinc batteries shall consist of up to ten (10) pieces.

9.3. If the drawn samples did not meet the allowable mercury content, the BPS shall:

9.3.1 For PS application:

9.3.1.1 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.

9.3.1.2 For PS surveillance/recertification, inform the applicant of the result and suspension/cancellation order in accordance with DAO 04:2008. 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 DAO 04:2008.

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 DAO 04:2008.

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.

9.3.2 For ICC application:

9.3.2.1 Inform the applicant of the result and present the following options;

9.3.2.1.1 Submit the reserved samples for testing;

9.3.2.1.2 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;

9.3.2.1.3 Export the shipment back to the country of origin in accordance with the existing rules and regulations of DENR, 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

9.3.2.1.4 Destroy the non-conforming products in accordance with the existing rules and regulations of DENR, 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.

Rule 10. MONITORING AND MARKET SURVEILLANCE

The BPS/FTEB/DTI-Regional and Provincial Offices shall at any time monitor and inspect products in the market for conformance to the requirements of DAO 04:2008, DAO 05:2008, and their future amendments. If the products are found not conformity, the BPS/FTEB/DTI-Regional and Provincial Offices shall make appropriate legal actions or impose necessary sanctions, in accordance with the relevant laws, rules and regulations.

Rule 11. FEES, CHARGES, BOND REQUIREMENT AND OTHER EXPENSES

All corresponding fees, charges, costs, and other related expenses shall be for the account of manufacturer/importer as per DAO 04:2008 for PS and DAO 05:2008 for ICC.

Rule 12. NON-CONFORMANCE

Products that do not conform to the requirements of the PNS, factory audit and/or BPS rules and regulations/guidelines, the following provisions on the Product Recall, issuance for Show Cause Order and/or Bond Forfeiture under DAO 04:2008 for PS and DAO 05:2008 for ICC shall apply.

Rule 13. ISSUANCE OF GUIDELINES/PROCEDURES

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

Rule 14. 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 15. 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 16. TRANSITORY PROVISIONS

- 16.1. Upon effectivity of this Technical Regulation, importation and manufacture of High-Pressure Mercury Vapour Lamps (HPMV) for general lighting purposes shall not be allowed.
- 16.2. All new PS and ICC applications for products listed in Rule 2 shall comply with the procedures and requirements of this Order upon effectivity.
- 16.3. All manufacturers with existing valid PS License shall comply with the procedures and requirements of this Order after six (6) months upon effectivity of this Order. All pending PS applications for Compact Fluorescent Lamps (CFL) and Linear Fluorescent Lamps (LFL) received prior to the effectivity of this Order shall be processed in accordance with the existing requirements and after the issuance of their PS License, manufacturers shall comply with the procedures and requirements of this Order on the subsequent surveillance audit.
- 16.4. 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 8 of this Order.
- 16.5. Meanwhile, in lieu of product testing, the importers shall warrant that the mercury added products they import into the country conform to the allowable limit as prescribed in Rule 9 through the following:

- 16.5.1 Importers shall submit supplier's/manufacture's declaration of conformity on a per shipment per Bill of Lading/Airway Bill basis;
 - 16.5.2 Copy of valid test report for each type/model per brand of products covered by this technical regulation issued within one (1) year from the date of issuance by a testing laboratory accredited by an accreditation body signatory to ILAC/APAC – MRA; and
 - 16.5.3 Copy of valid ISO 9001 Certificate of the manufacturer;
 - 16.5.4 Importers shall submit supplier's/manufacture's declaration of conformity on a per shipment per Bill of Lading/Airway Bill basis;
- 16.6. To ensure strict compliance of products covered by this technical regulation, market monitoring and enforcement shall be conducted twelve (12) months after the effectivity of this Order. After this period, only products bearing the PS Mark or ICC stickers shall be allowed for distribution in the local market. All non-compliant products shall be subjected to the following:
- 16.6.1 First Offense – Notice of Violation shall be issued but retailers/distributors shall only be advised to pull-out the items from the selling area.
 - 16.6.2 Second Offense onwards – Notice of Violation shall be issued subject to the regular adjudication process.
- 16.7 All uncertified products pulled-out from the local market and/or remaining inventories after the effectivity of the market monitoring and enforcement activity may undergo the BPS product certification process within six (6) months in accordance with the requirements of the relevant technical regulations. The application shall be supported by the following documents:
- 16.7.1 For PS application:
 - 16.7.1.1 List of batch/lot/serial numbers of the products being applied for certification;
 - 16.7.1.2 Production record/s of the products being applied for certification or any documentary proof showing the manufacturing date/s of the products;
 - 16.7.2 For ICC application:
 - 16.7.2.1 The application for ICC shall be filed by the importer on a per product and per manufacturer basis;
 - 16.7.2.2 The importers shall submit summary of products being applied for certification listed in accordance to the format provided in Annex A;

Rule 17. 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

Application for ICC Certification of Household Appliances
Manufactured and Distributed in the Market
Prior to the Effectivity of DAO _____

Name of Company: _____ Date: _____

Importer's Office Address: _____

Product: _____

Product Details:

Model	Date of Arrival in the Philippines	Manufacturer	Country of Origin	Value of Product (in PhP)	Warehouse Address	Batch/Serial Nos.	Quantity

Declared by:

Total = _____

Name and Signature of Company Representative