

# Proposal for Amendments to Regulations Governing the Use of Commodity Inspection Mark<sup>\*</sup>

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

## Article 1

These Regulations have been established in accordance with Paragraph Two Article 12 of the Commodity Inspection Act (the Act).

## Article 2

An obligatory inspection applicant (applicant) shall employ the Commodity Inspection Mark (the Mark) in accordance with these Regulations, except for those approved by the Bureau of Standards, Metrology, and Inspection (BSMI) to be exempt from this requirement.

## Article 3

The Mark is comprised of a graphic symbol with an identification number. Unless otherwise specified, the identification number shall be placed to the right of or below the graphic symbol.

The graphic symbol for the Mark, named Product Safety Mark, is illustrated in Appendix 1.

The Mark, depending on the following different inspection methods, is comprised of a Roman letter, a sequence of numbers or a designated code:

1. For batch-by-batch inspection and monitoring inspection: the Roman letter 'C' followed by a number sequence, except the following situations:
  - (1) Type-approved products designated by the BSMI permitting the applicant to print the Mark: the Roman letter 'T' followed by a designated code;
  - (2) Commodities manufactured by organizations with management systems certified by the BSMI permitting the applicant to print the Mark: the Roman letter 'Q' with a designated code; and
  - (3) Commodities designated by the BSMI permitting the applicant to print the Mark: a Roman letter 'M' with a designated code.
2. Registration of product certification: the Roman letter 'R' followed by a designated code. For products designated by the BSMI: the Roman letter "R", a number sequence and a designated code.
3. Declaration of conformity: the Roman letter 'D' followed by a designated code.

The BSMI shall assign the designated codes upon the issuance of certificates, except for those mentioned in subparagraph 3 of the preceding paragraph, as these shall be assigned by the BSMI based on applications made by manufacturers.

For the designated codes mentioned in subparagraphs 1 and 2 of the third paragraph, where the product is announced by the BSMI to include a QR code, an application for QR code shall be made to the BSMI before a certificate is issued. For those which have been granted product registration certificates, the application for QR code shall be made before the products are imported or transported out of the manufacturing premises.

## Article 4

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<sup>\*</sup> Proposed amendments are underlined.

The Mark shall be printed in accordance with the following rules:

1. Under batch-by-batch inspection and monitoring inspection: The BSMI shall print the Mark labels. For situations mentioned in items (1)-(3), subparagraph 1, paragraph 3, Article 3, an applicant is permitted to print the inspection mark in accordance with the applicable requirements.
2. Under registration of product certification: An applicant is permitted to print the inspection mark in accordance with the applicable requirements. For products designated by BSMI: the graphic symbol for the Mark, Roman letter and the number sequence shall be printed by the BSMI, and the designated code shall be printed by the applicant.
3. Under declaration of conformity: An applicant is permitted to print the inspection mark in accordance with the applicable requirements.

#### **Article 5**

The inspection mark printed by manufacturers shall use materials that are not easily altered, and the content shall be in a clearly identifiable and indelible form affixed permanently to the commodity.

#### **Article 6**

The Roman letter "C" Mark labels printed by the BSMI shall be issued upon approval of the application for inspection by the applicant. The applicant shall apply the Mark labels onto commodities before they are sampled for inspection. However, commodities that have been granted prior release by the BSMI may be labeled after sampling.

If the Mark labels have not been applied in accordance with requirements, the BSMI or its subsidiary branches (hereinafter referred to as the inspection authority) may send its personnel to supervise the method by which the Mark labels are applied.

The Roman letter "R" Mark labels printed by the BSMI shall be issued by the inspection authority upon filling application forms and attaching related proof documents by the applicant before the delivery of the commodities.

#### **Article 7**

The applicant shall record on the inspection application form the identification numbers of products undergone batch-by-batch inspection and monitoring inspection.

#### **Article 8**

The Mark should be applied in a prominent place on a commodity. Other marks applied to a commodity that are likely to be confused with the Mark shall be prohibited.

The prominent place mentioned in the previous paragraph shall mean a position next to the plate, brand or trademark of a commodity and easily to be identified.

#### **Article 9**

An applicant shall apply the Mark on the body of a commodity; however, if the commodity is too small or for other specific causes to accommodate the Mark, it shall be affixed in accordance with the following methods:

1. If the commodity is packaged, the Mark shall be applied to its smallest package;
2. If the commodity is not packaged, or if it is not appropriate to apply the Mark to the packaging, the mark may be attached to the commodity by hang tags;
3. If applying the Mark to the packaging or by hang tags is not appropriate, the Mark shall be put inside the packaging;

4. The Mark may be applied to a commodity by other methods approved by the BSMI.

For products announced by the BSMI to include a QR code in the designated code, the methods mentioned in subparagraphs 1 to 4 of the above paragraph shall apply.

#### **Article 10**

An applicant with commodities that have complied with inspection requirements for three consecutive applications may fill application forms and attach related proof documents to apply for pre-purchasing an appropriate amount of Roman letter "C" Mark labels. These pre-purchased Mark labels shall be fully used, cancelled by, or returned to the inspection authority within 6 months. The applicant may apply for a single extension of no more than six months if the Mark labels are not fully used within the specified period.

Where the pre-chased Mark labels are not fully used, cancelled or returned in accordance with the preceding paragraph the right to pre-purchase the Mark labels will be suspended. The inspection authority shall check the status of those pre-purchased Mark labels and not approve any further pre-purchasing until they are fully used, cancelled or returned.

The inspection authority shall prepare individual record books to record the issued pre-purchased Mark labels.

The applicant shall be responsible for custody of the pre-purchased Mark labels. If the Mark labels are lost or damaged, the applicant shall immediately report the identification numbers of the lost or damaged Mark labels to the inspection authority where they were pre-purchased.

#### **Article 11**

If the applicant fails to use the pre-purchased Mark labels in accordance with paragraph 4 of the preceding Article, lose the Mark labels for twice or more, or the commodities do not comply with requirements after inspection, its right to pre-purchase Mark labels shall be immediately revoked.

The revoked right of pre-purchasing Mark labels of the preceding paragraph may be restored if there are three consecutive legit qualification to 3 batches of the commodities at 5 times of the amount of the specified one sent by the applicant for inspection, respectively.

If the applicant obtains permission from the BSMI to print the Mark labels on the commodities in accordance with item 3, subparagraph 1, paragraph 3, Article 3 and have any of the following situations, the BSMI may rescind the permission it granted to the applicant for printing the Mark labels on commodities:

1. Where its business is closed or unknown, or no application for inspection had been made for more than 2 years;
2. Where the Mark is found to be printed on products not approved by the BSMI; or
3. Where the products have been found to be not bearing the Mark for two times or more.

The applicants of whom the permission for printing the Mark labels on commodities is rescinded, as mentioned in the preceding paragraph, shall be able to make a new application for permission 3 months after the date of rescission and after compliance with the inspection requirements for a consecutive 3 batches of commodities.

#### **Article 12**

If the Mark labels issued by the BSMI during the application of inspection are not used, the applicant shall apply for cancellation or return these Mark labels in accordance with the

following requirements:

1. If the inspection application is withdrawn by the applicant due to an insufficient quantity of commodities or incomplete packaging, the unused Mark labels must be returned;
2. If during on-site sampling or inspection it is found that the quantity of commodities does not reach the quantity specified in the inspection application, the quantity specified in the application should be corrected. The surplus Mark labels are allowed to be returned if there are more than one hundred well preserved Mark labels in sequence, or cancelled directly if there are less than one hundred ones or there are more than one hundred ones but not in sequence or not well preserved.

Where the pre-purchased Mark labels are not able to be fully used within the specified time limit stated in Paragraph 1, Article 10 due to certain reasons, the unused Mark labels can still be returned if the amount is more than one hundred and the labels are intact with serial numbers in sequence. The unused Mark labels shall be directly cancelled by the inspection authority if the amount is less than one hundred, or if the amount is more than one hundred but the labels are not well preserved or the serial numbers are not in sequence.

The applicant who returns Mark labels in accordance with the preceding two paragraphs shall be issued the certificate of return of commodities Mark labels after appropriate review by the inspection authority that accepts the inspection application. The certificate may be cashed or used to deduct the amount from related inspection fees within 1 year.

#### **Article 13**

The quantity of commodities that the sampling personnel checks to verify the use of Mark labels shall be two to three times of the quantity of sampled commodities for inspection or boxes opened for inspection. Commodities sampled to check the Mark labels shall have the Mark label identification numbers recorded in the sampling report. If there are discrepancies between the results of the check and those specified in the application form, the case shall be dealt with in accordance with related regulations.

#### **Article 14**

If commodities do not comply with the requirements under batch-by-batch inspection or monitoring inspection, the inspection authority shall send its personnel to the storage place of the commodities and cancel the Mark labels with receipt issued to the applicant within 15 days after the next day of issuance of the non-conformity notice. If the application for re-inspection or a new application for inspection is filed and the applicant ensures the integrity of the Mark labels by signing written declaration, these Mark labels may not be cancelled after gaining approval from the inspection authority.

The applicant shall file a new application for inspection within 6 months for commodities of which the inspection Mark labels are not cancelled in accordance with the preceding paragraph. The inspection authority shall immediately send its personnel to cancel the Mark labels if the applicant is not able to file such application within the specified period.

#### **Article 15**

A new application for Mark labels shall be submitted if commodities have any of the following problems:

1. The packaging has been changed;
2. A new application for inspection has been made in accordance with Article 27 of the Act;
3. The Mark labels have been damaged;
4. The Mark labels have been lost.

**Article 16**

These Regulations shall take effect from the date of promulgation.

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