

**[DTI DEPARTMENT ADMINISTRATIVE ORDER NO.
04, S. 2008, February 07, 2008]**

**THE NEW RULES AND REGULATIONS CONCERNING THE
PHILIPPINE STANDARD (PS) QUALITY AND/OR SAFETY
CERTIFICATION MARK SCHEME OF THE BUREAU OF PRODUCT
STANDARDS (BPS)**

Pursuant to Section 7 (3), Chapter 2, Book IV of the 1987 Administrative Code; Republic Act 4109; Republic Act 7394; Executive Order No. 133:1987; Executive Order No. 101:1976; and Executive Order No. 913: 1983; the following rules and regulations governing the licensing of local and foreign companies to use the Philippine Standard (PS) Quality and/or Safety Certification Mark are hereby promulgated for the guidance of all concerned.

1. SCOPE

This Department Administrative Order prescribes the rules and regulations on the licensing of local and foreign companies to use the Philippine Standard (PS) Quality and/ Safety Certification Mark.

2. DEFINITIONS

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

2.1 Accreditation - The procedure by which an authoritative body gives formal recognition, under duly established guidelines and rules, that a body or person is competent to carry out specific tasks.

2.2 Accredited Laboratory - A testing laboratory formally recognized under established procedures for its competence to carry out specific tasks.

2.3 Audit-A systematic and independent examination to determine whether quality activities and related results conform to planned arrangements effectively and are suitable for a company to achieve its quality objectives.

2.4 Auditor - A person who is qualified and authorized to perform all or any portion of a factory and product audit for purposes of product certification and is registered with BPS or with an international registration body.

2.5 Applicant - A company that seeks a license to use the PS Quality and/or Safety Certification Mark.

2.6 BPS - Bureau of Product Standards

2.7 Certification Body-An organization that conducts certification of conformity.

2.8 Certification of Conformity - An independent system establishing after satisfactory, factory and product audits, that adequate confidence is provided by a manufacturer that its identified product meets the requirements of a standard.

2.9 Conformity - Fulfillment of requirements of a standard

2.10 2-10 Advisory Committee - A committee composed of persons from sectors which are considered of significant interests in the field of Product Quality and/or Safety Standards.

2-11 Appeal Committee -A committee which may be formed by the advisory committee when an appeal of the decision of the Bureau Director or its duly designated representative (s) filed.

2.12 Certificate - a document awarded by BPS to a licensee, evidencing its authority to use the PS Quality and/or Safety Certification Mark License on its product.

2.13 Bureau Director- Director of the BPS

2.14 DTI -Department of Trade and Industry

2.15 Inspection - Evaluation of conformity by measuring, observing or testing the relevant characteristics of a product.

2.16 Inspection Body -An organization that performs inspection services on its own or on behalf of BPS conformity audit purposes.

2.17 International/Foreign Standard - A standard developed under the WTO principles for international standards development such as those developed by international bodies like International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), International Telecommunication Union (ITU) and those developed by foreign standards bodies under these principles.

2.18 License Authority given by BPS to a company, allowing the use of the PS Quality and/or Safety Certification Mark on its products.

2.19 Licensee -A company granted by BPS a license to use the PS Quality and/or Safety Certification Mark.

2.20 Non-Conformity - The non-fulfillment of requirements of a standard.

2.21 Philippine National Standard - The standard promulgated by the BPS relating to product specifications, test methods, terminologies and standardization procedures, guide lines or practices.

2.22 Philippine Standard (PS) Quality and/or Safety Certification Mark Scheme - A system using the PS Quality and/or Safety Mark as proof of certification of conformity to quality and safety standards.

2.23 PS Quality and/or Safety Certification Mark - A mark of conformity appearing

on a product.

2.24 Product Recall - An established system of retrieving unsafe, sub-standard, uncertified or non-conforming products from the market by an entity.

2-25 Registration - A procedure by which the BPS recognizes and indicates the relevant qualifications of a company or person for a specific task in publicly available list, after an evaluation of such qualifications under duly established guidelines.

2.26 Standard - A Philippine National Standard, international or foreign standard which is used as a basis for evaluating an applicant's quality control system and product for purposes of the PS Quality and/or Safety Certification Mark Scheme.

2.27 Surveillance Audit - Periodic evaluation of a licensee's quality control system to determine the conformity of its products to a specific standard and terms and conditions of the license,

2.28 Testing Laboratory-A laboratory which measures, examines, or determines the characteristics or performance of materials or products, it may also be a laboratory that calibrates inspection, measuring and test equipment.

2 29 Test Method - A defined technical procedure to determine one or more specified characteristics of materials or products.

3. AUTHORITIES AND RESPONSIBILITIES OF THE BPS

3 1 Formulate Philippine National Standards or adopt as Philippine National Standards relevant International or foreign standards/guides for purposes of licensing of local and foreign companies to use the PS Quality and/or Safety Certification mark, recognition of testing, inspection and/or certification bodies, and registration of auditors.

3 2 Promote, through publications, seminars and trainings, the wide adoption in the Philippines of Philippine National Standards.

3.3 promulgate, consistent with this Order, programs, guidelines and procedures for the implementation of PS Quality and/or Safety Certification Mark Scheme. The Director of the Bureau of Product Standards is authorized to issue said guidelines and procedures, and their amendments

3.4 Conduct conformity audit and surveillance audits of applicants-companies and licensees, whether local or foreign, relative to the PS Quality and/or Safety Certification Mark Scheme.

3.5 Designate officially recognized National Standards Bodies, inspection bodies, certification bodies and/or qualified individuals.

3.6 Undertake Memorandum of Understanding (MOU) and/or Mutual Recognition Arrangement (MRA) with counterpart National Standards Bodies, inspection and/or certification bodies to facilitate the conduct of conformity audit of foreign companies relative to PS Quality and/or Safety Certification Mark Scheme.

3.7 Shall form an Advisory Committee which shall:

3.7.1 Recommend policies to ensure impartiality in the operation of the BPS: Product Certification Scheme.

3.7.2 Act as the adviser of the Product Certification Division on the formulation of policies;

3.7.3 Give impartial advice before the decision on changes in the certification requirements will be taken.

3.7.4 Form an Appeal Committee when necessary.

3.8 Enter into a contract when necessary, with any entity or individuals in order to facilitate sampling, testing and/or inspection activities.

3.9 Conduct, through or in coordination with DTI Regional Provincial Offices conformity and surveillance audits.

3.10 Conduct, through or in coordination with DTI Regional/Provincial Offices market monitoring of mandatory products relative to the PS Quality and/or Safety Certification Mark Scheme.

3.11 Grant a company, which meets the requirements of a specific standard and of this Order, the License to use the PS Quality and/or Safety Certification Mark.

3.12 Collect fees for audit, testing and certification services, and charges to be paid by applicant or licensed companies to cover traveling, board and lodging of auditors performing official assignments under this Order, freight charges for the transport of product samples to laboratories for testing and purchase of market samples.

3.13 Specify the rules governing the design and use of the PS Quality and/or Safety Certification Mark

3.14 Suspend, withdraw or cancel for cause the license to use the PS Quality and/or Safety Certification Mark.

3.15 Require the preparation and submission of relevant documents to determine compliance by the licensee with the rules and regulations relative to the production, sale and disposition of goods, covered by the license.

3.16 Recognize, using international (ISO/IEC) guides, testing, inspection and/or certification bodies to conduct conformity audit of companies relative to the PS Quality and/or Safety Certification Mark Scheme.

3.17 Maintain a list of auditors who are qualified to conduct conformity assessment activities.

3.18 Maintain and publish a registry of the following:

3.18.1 Companies licensed to use the PS Quality and/or Safety Certification Mark.

3.18.2 Recognized and/or accredited testing, inspection and/or certification bodies.

3.19 Maintain and make available for public information a registry of qualified auditors.

3.20 Ensure confidentiality of all information received and gathered relative to the PS Quality and/or Safety Certification Mark Scheme, except upon orders of a court of competent jurisdiction.

3.21 Participate in regional and international activities for the continuous upgrading of the competence of auditors and of the PS Quality and/or Safety Certification Mark Scheme.

3.22 Negotiate, consistent with Philippine laws and international agreements, for the recognition of the PS Quality and/or Safety Certification Mark by foreign/international certification or accreditation bodies.

3.23 Recognize MRAs/MOUs entered into by the BPS with ASEAN MRA, JPEPA MRA and other agreements such as but not limited to harmonization of technical regulatory regime, and other conformity assessment activities. 4

4. THE PHILIPPINES STANDARD (PS) QUALITY AND/OR SAFETY CERTIFICATION MARK

4.1 The design of the PS Quality and/or Safety Certification Mark shall be in accordance with the illustration in Annex 1*.

4.2 The PS Quality and/or Safety Certification Mark shall be affixed on the product covered by the license. In case marking or stamping of the PS Quality and/or Safety Certification Mark on the product is not possible, the Mark shall appear on the package of the product.

4.3 The PS Quality and/or Safety Certification Mark affixed on a product or its package may be enlarged or reduced to an appropriate size, provided that its dimensions conform to the specifications in Annex 1.

5. APPLICATION FOR PS CERTIFICATION MARK LICENSE

5.1 The application for the license to use the PS Quality and/or Safety Certification mark shall be made in triplicate on BPS Form PS/SF01, obtainable from BPS or DTI Regional/ Provincial Offices or BPS officially recognized counterpart National Standards Bodies, inspection and/or certification bodies.

5.2 The application shall include an undertaking by the applicant to abide by the terms and conditions of the license.

5.3 The application shall be duly subscribed and sworn to by the applicant, or his duly authorized management representatives, and shall be filed with BPS.

5.4 An application, and the eventual license and certificates, shall be standard-