

# Directions Governing the Inspection Procedure for Textiles

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Clauses 2, 4, 7 and 12 amended and promulgated by Ministerial Order No. 10320002120, BSMI, MOEA on 10 April 2014, entering into force on 1 July 2014.

Clauses 3-5, 7, 9 and 10 amended and promulgated by Ministerial Order No. 10420002360, BSMI, MOEA on 9 July 2015, entering into force on 15 September 2015.

Clauses 4, 5 and 10 amended and promulgated by Ministerial Order No. 100520000640, BSMI, MOEA on 20 April 2016.

Clauses 4 and 5 amended and promulgated by Ministerial Order No. 10720004570, BSMI, MOEA on 6 December 2018.

Clauses 2, 5-7 and 12 amended and promulgated by Ministerial Order No. 11020000040, BSMI, MOEA on 28 January 2021, entering into force on 1 February 2021.

## Chapter I General Principles

1. These Directions are stipulated for implementing the inspection of textiles.
2. Definitions of terms used in these Directions:
  - (1) Textiles of the same category: Textiles are classified into 8 categories, including babies' garments and clothing accessories, garments, sweaters, underwear, swimwear, towels (including bath towels), hosiery and bedding (including bedspread sets, one-piece bedding).
  - (2) Products of the same kind: the same item in the same import declaration.
  - (3) All inspection items: free formaldehyde, prohibited azo colorants, cadmium, lead, organic tin, nonylphenol (NP), nonylphenolethoxylates (NPEO), perfluorooctane sulphonate (PFOS) and labeling; an additional item of physical safety requirements for baby or children's clothing with cords and drawstrings.

## Chapter II Requirements for Babies' Garments and Clothing Accessories, Underwear, Towels, and Bedding

3. The inspection procedures shall be monitoring inspection, random inspection of premises sampling and monitoring inspection with registered management system.
4. Relevant requirements for monitoring inspection:
  - (1) In addition to the documents to be submitted in accordance with the Regulation Governing Monitoring Inspection, the obligatory inspection applicant shall also provide a photo showing labeling in traditional Chinese on the body of at least one product covered in the application or a draft sample or diagram of labeling in traditional Chinese to be affixed to the product along with the application for review.
  - (2) Applications for the same batch of textiles shall be of the same applicant, same brand (or production premise), same country of origin and same CCCN code.
  - (3) The Bureau of Standards, Metrology and Inspection or its branches (hereinafter referred to as the inspection authority) upon receipt of inspection applications, shall randomly sample batches from the same applicant that are of same brand (or production premise), same country of origin and same CCCN code at a rate of 5% for inspection. Those not sampled shall be released after document examination. The sampling rate will be reduced to 2% if a consecutive of five batches pass inspection (not including batches subject to document examination).

- (4) Products of the same kind shall be released after document examination if the quantity is not more than 5.
- (5) Where the quantity of products of the same kind is more than 5 and the CIF of each single piece is over NTD 10,0000, the procedure of release after document examination shall apply if one of the following document is presented.
- a. Test report or quality performance statement from the brand owner.
  - b. Quality performance statement issued by the brand owner's agent in Taiwan and the letter of authorization from the brand owner indicating such authorization.
- (6) The test report mentioned in the preceding subparagraph shall include the name of the product and results of all inspection items. The quality performance statement shall include the product name and the statement declaring the quality of all inspection items comply with the inspection standards. The letter of authorization shall specify that the agent is authorized to make the quality performance statement. If the documents were photocopied, the obligatory inspection applicant shall stamp the text "this copy is as same as the original" and have the Taiwan agent sign on the documents.
- (7) For products that are released after document examination, products of each application shall be randomly sampled for appearance and labeling checks at a rate of 5% and, if necessary, samples will be taken for inspection. The sampling rate will be reduced to 2% if a consecutive of five batches pass checks. For those that are not sampled for appearance and labeling checks, the photo showing the labeling in traditional Chinese on the body of the product covered in the application or a draft sample or diagram of labeling in traditional Chinese to be affixed to the product shall be reviewed and, where it is deemed necessary, a request for the physical labeling or appearance and labeling checks may be made to the applicant.
- (8) For products that are sampled for appearance and labeling checks, the principle of sampling is based on the number of kinds of products in each application: 2 kinds being selected out of every 10 kinds and a maximum of 6 kinds. For each selected kind of products, at least 4 pieces of products of the same kind will be checked for their appearance, labeling and Commodity Inspection Mark.
- (9) Products sampled for inspection are done based on the number of the kinds of products in each application: 1 kind selected out of ever 10 kinds and a maximum of 3 kinds. For each selected kind of products, 2 pieces of products of the same kind will be inspected. If non-compliance is determined after the inspection and an application for re-inspection is made, products may be sampled again when the products originally sampled are all used or the inspection of which can no longer be performed.
- (10) Where non-compliance is found in the inspection items of quality and fiber content, a consecutive of three batches that are of the same brand (or production premise), same country of origin and same CCCN code from the same applicant in subsequent applications shall be subject to batch inspection. Where non-compliance is found in labeling checks, each of a consecutive three batches shall be subject to labeling check and samples will be taken for inspection where necessary. The sampling rate of 5% for inspection or checks shall resume after compliance of the three consecutive batches, and the sampling rate of 2% shall be applied for inspection or checks after compliance of additional five consecutive batches.

5. For domestically-manufactured products, the obligatory inspection applicant is entitled to random inspection of premises sampling after an approval of random inspection is obtained by following this clause.

(1) Application procedure:

a. Applicant:

(a) Domestic production premises.

(b) The entrusting person, who entrusts domestic production premises to manufacture and sold under its name, and who has a domicile or business place in the Republic of China (Taiwan).

b. The applicant shall fill out the application form and submit the following documents to the inspection authority for random inspection of premises sampling.

(a) Registration certificate of monitoring inspection.

(b) The quantity of all products covered in the inspection scope and manufactured by individual production premise in the previous calendar year or an estimated quantity of production of the year if there is no production in the previous year. The quantity may be filled out in the "Registration Form of Placing Domestically-manufactured Products on the Market" specified in the Directions Governing the Operation of Random Inspection of Sampling Premises.

(c) Other documents designated by the BSMI.

(2) Processing and Review Procedure:

a. After the application is accepted, the inspection authority will review documents and, where it is deemed necessary, carry out on-site factory checks. If on-site factory check is performed, the inspection authority will appoint appropriate personnel to carry out the checks based on the categories of the products, the jurisdiction area over the applicant and the specialties of the technology involved. For factories that are granted the certificate to use the Taiwan-Made Product MIT Smile Logo, the specific categories of textiles may be exempted from on-site factory checks.

b. The "Factory On-site Check Record" shall be filled out by the personnel when performing the on-site factory checks.

c. Where the factory is not located within the jurisdiction of the inspection authority which accepts the application, the on-site factory checks may be commissioned to the responsible inspection authority of the factory.

d. The relevant documents of on-site factory checks shall be kept by the inspection authority that accepts the application for three years.

e. The inspection authority shall issue an approval for random inspection after review of the documents and confirmation of the fact of production.

(3) For products under random inspection of premises sampling, the obligatory inspection applicant shall fill out the "Registration Form of Placing Domestically-manufactured Products on the Market," which requires among other things the information on the quantity and value of products shipped out of factory in the previous calendar year, submit it to the inspection authority by the end of January of each calendar year and pay the inspection fees in accordance with the schedule

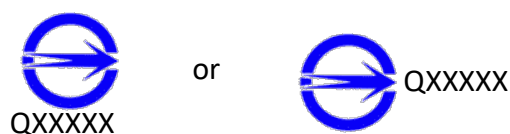
specified in the Form.

- (4) The principles of spot-check frequency: the inspection authority shall plan the number of spot-checks at the rate of 5% of the total batches of products calculated based on the quantity of production in previous calendar year or the estimated quantity of production of the year. Samples will be taken for inspection at a time and location provided by the obligatory inspection applicant at most once a month and at least once a year. Textiles that are granted to use the Taiwan-Made Product MIT Smile Logo will be subject to one time spot-check a year in principle. The calculation of converting the quantity of production to the number of batches is done in the following manner.
- a. Babies' garments and clothing accessories: 500 dozen as one batch.
  - b. Towels and underwear: 1,500 dozen as one batch.
  - c. Bath towels: 3,000 pieces as one batch.
  - d. Bedspread sets: 3,000 sets as one batch.
  - e. One-piece bedding: 5,000 pieces as on batch.
- (5) The inspection authority shall inform the obligatory inspection applicant to provide the required samples at a given time limit if the intended products to be sampled are not acquired after performing spot-checks twice. The quantity of samples shall be 2 pieces of any products of the same category. Where the factory has a need to renew its certificate of Taiwan-Made Product MIT Smile Logo, other items of the products of the same category may be sampled and the inspection items are limited to those stated in Clause 2(3). The "Sampling Inspection Results of Random Inspection" and "Certificate of Random Inspection of Premises Sampling" shall be issued if the sampled products comply with the requirements.
- (6) Processing of Non-compliant cases:
- a. The obligatory inspection applicant will be notified to recall products of the same batch with the non-compliant products and take corrective actions in accordance with Article 63-1 of the Commodity Inspection Act 5.
  - b. Other than the measure mentioned in the preceding subparagraph, where non-compliance is found in the inspection items of quality and fiber content, the frequency of sampling for inspection shall be increased to once a week for textiles of the same category at a location provided by the obligatory inspection applicant. Where non-compliance is found in labeling, the checks will be carried out of textiles of the same category in principle. The original sampling frequency shall resume after compliance of subsequent three consecutive times of sampled inspection or checks. Sampling or checks of products manufactured under entrusted arrangements shall be done on products of the same entrusted person.
- (7) For products under random inspection by premises sampling, the obligatory inspection applicant shall apply to the inspection authority accepting his/her application for random inspection for update the information for any changes relating to addition or deletion of production premises.
- (8) Under any of the following circumstances, the inspection authority may inform the obligatory inspection applicant entitled to random inspection by premises sampling that the procedure of batch-by-batch examination will be adopted until the circumstances no longer exist.

- a. The “Registration Form of Placing Domestically-Manufactured Products on the Market” is not submitted by the end of January, or the information filled out in the Registration Form is misstated.
  - b. The inspection fee is not paid by the fifteenth of March.
  - c. The performance of sampling products for inspection by the inspection authority is denied.
  - d. Samples are not provided for inspection within the time limit specified by the inspection authority.
  - e. An application is made to cancel the use of random inspection by premises sampling.
  - f. The business is shut down, its whereabouts is unknown or no production is reported for a consecutive two years.
- (9) Under any of the circumstances mentioned in subparagraphs (8)a-d and when the circumstances persist after the procedure of batch-by-batch examination has been applied for a month, the procedure of random inspection by premises sampling shall not apply until four months after the circumstances no longer exist.
6. The procedure of monitory inspection with registered management system shall apply when the factory is equipped with basic inspection equipment, including ultraviolet-visible spectrophotometer (UV-Vis), gas chromatography mass spectrophotometer (GC-MS), atomic absorption spectrometer (AA) or inductively coupled plasma atomic emission spectrometer (ICP), reverse phase high performance liquid chromatography (RP-HPLC) and liquid chromatography-tandem mass spectrometry (LC-MS/MS).
  7. Inspection items and units:
    - (1) The inspection items for samples taken from the procedures of batch-by-batch examination and randomly selected batch inspection are described below:
      - a. Labeling check: samples may be taken for inspection if the labeling of fiber content is with obvious errors.
      - b. At least one items to be selected for testing, on a rotational basis, from the six inspection items: “free formaldehyde,” “prohibited azocolorants,” “cadmium and lead,” “organic tin,” “nonylphenol (NP) and nonylphenoethoxylates (NPEO)” and perfluorooctane sulphonate (PFOS).
      - c. For baby or children’s clothing with cords and drawstrings, the inspection of “physical safety requirement” is required.
    - (2) The items to be tested for samples under the procedure of random inspection by premises sampling are the same as those listed in the preceding paragraph, and more than 2 items stated in subparagraph b of the preceding paragraph may be tested at the request of the obligatory inspection applicant.
    - (3) Factories that are entitled to the procedure of monitoring inspection with registered management system shall perform all inspection items by themselves.
    - (4) Inspection unit: The BSMI and its branches.
  8. Time for inspection: six working days after sampling; ten working days if all items are inspected.

9. The Commodity Inspection Mark:

- (1) The obligatory inspection applicant shall apply the Commodity Inspection Mark on the body of the product, its smallest package or by hang tags.
- (2) The obligatory inspection applicants may use the Mark printed by the BSMI or print the Mark by themselves, while those entitled to the procedure of random inspection by premises sampling shall print the Mark by themselves.
- (3) For self-printed Mark, the identification number, a part of the Commodity Inspection Mark, of factories entitled to the procedure of monitoring inspection with registered management system is comprised of a letter "Q" and a designated code; and the identification number of factories under other procedures is comprised of a letter "M" and a designated code. The designated code is also the registration number of monitoring inspection.
- (4) When printing the Mark by themselves, the obligatory inspection applicant shall place the letter "M" or "Q" and the designated code closely to the right or below of the graphic symbol of the Commodity Inspection Mark. The obligatory inspection applicant is encouraged to label the batch number of the product for purpose of market surveillance and traceability. In addition, the obligatory inspection applicant shall record or report the following information:
  - a. For the procedure of random inspection by premises sampling, the obligatory inspection applicant shall record the information on the manufacturing date, quantity, ex-factory date, etc. and keep the record for checks by the inspection authority.
  - b. For the procedure of monitoring inspection with registered management system, the production premise shall put the identification number QXXXXX (XXXXXX being the registration number of monitoring inspection) in the column of Commodity Inspection Mark on the certificate it is authorized to issue.
  - c. For procedures other than those mentioned in the preceding two subparagraphs, the obligatory inspection applicant shall fill out the identification number MXXXXX or QXXXXXX of self-printed Mark in the column of Commodity Inspection Mark on the form of inspection application.
- (5) Illustration of the self-printed Commodity Inspection Mark
  - a. For production premises entitled to the procedure of monitoring inspection with registered management system



b. For others:



10. Products purchased from the market or sampled for inspection do not comply with the inspection requirements shall be handled in accordance with relevant provisions of the

Directions Governing Market Surveillance of Commodities and the following requirements:

- (1) Clause 5(6), in terms of products under the procedure of random inspection by premises sampling.
- (2) Subparagraph 7, Paragraph 1, Article 10 of the Regulations Governing Monitoring Inspection of Products from Premises with Registered Management Systems, in terms of products under the procedure of monitoring inspection with registered management system.
- (3) Clause 4(10), in terms of products under procedures other than those mentioned in the preceding two subparagraphs. The inspection authority shall add the conditions of control to the control measures of chemical products in BSMI's Commodity Inspection Automatic System.
- (4) Scope of recall or corrective action taken for products subject to such measures: products of the same batch number, same type, same country of origin and same obligatory inspection applicant if the batch number is labeled; products of the same type, same country of origin and same obligatory inspection applicant if the batch number is not labeled. Products of the same type mean products of the same size, same pattern, same color and same material.

### **Chapter III Inspection Requirements for Garments, Sweaters, Swimwear and Hosiery**

11. The inspection procedures of garments, sweaters, swimwear and hosiery are random inspection by market sampling.
12. Random inspection of market sampling is performed by the BSMI in accordance with the annual monitoring plan. Relevant requirements are described below.
  - (1) Inspection unit: the BSMI and its branches.
  - (2) Source of samples: Samples are mainly purchased from the marketplace. Where the results indicate that the quality does not comply with the requirements, samples shall be taken from production premises, the Customs-controlled areas, points of display or places of storage.
  - (3) Inspection items: Same as Clause (1)a and (1)c.
  - (4) The Commodity Inspection Mark: Labeling not required.
  - (5) Processing of inspection results:
    - a. The BSMI will publish the results in a timely manner.
    - b. Where non-compliance is found in the quality item:
      - (a) The obligatory inspection applicant shall be notified in accordance with Article 63-1 of the Commodity Inspection Act to recall the products or take corrective actions within a certain time limit. Clause 10(4) shall also apply.
      - (b) For imported products, samples shall be taken for inspection in the Customs-controlled area. Monitoring by market sampling will not resume until the inspection results show compliance for a consecutive three times or no record of importing textiles of the same category in the past three months. Samples shall be taken from points of display or sale or places of storage provided by the obligatory inspection applicant at least once a month if it is not possible to take samples in the Customs-controlled area for specific

reasons.

- (c) For domestically-produced products, samples shall be taken from the production premises at least once a month. Monitoring by market sampling will not resume until the inspection results show compliance for a consecutive three times or no record of producing textiles of the same category in the past three months.