Print Time：115.11.04 07:54

Content

Title：	Direction Governing Border Checks on Commodities under the Registration of Product Certification Scheme Ch
Date：	2018.12.11
Legislative：	1.10 clauses enacted and promulgated by the Bureau of Standards, Metrology and Inspection, Ministry of Economic Affairs on June 4 2010, and effective on August 1, 2010. 2.Clauses 4, 5, 6 and 8 amended and promulgated by the Bureau of Standards, Metrology and Inspection, Ministry of Economic Affairs on December 11 2018, and effective on amended date.
Content：	1.These Directions are enacted to ensure the compliance of products registered under the Registration of Product Certification (RPC) Scheme with the inspection requirements and to prevent unsafe products from crossing borders. 2.The Bureau of Standard, Metrology and Inspection (BSMI), Ministry of Economic Affairs, and its branches (hereinafter referred to as the inspection authority), based on relevant hazard or risk factors may perform border checks on RPC registered products (hereinafter referred to as the products) in the following manner: (1)Randomly selected batch checks; (2)Intensified randomly selected batch checks; or (3)Batch-by-batch checks; Where doubts arise during border checks performed by the inspection authority, the inspection authority may sample products for testing. 3.Randomly selected batch checks shall be carried out at a rate of 0.3 to 0.5 percent on all kinds of products. An obligatory inspection applicant (the applicant) may be exempted from randomly selected batch checks within the same year, after compliance of the checked products is demonstrated for five consecutive import customs declarations. 4.Intensified randomly selected batch checks shall be carried out at a rate or 3 to 5 percent to the following products under any of the following circumstances: (1)Products of the same CCC Code (based on HS code), where the product is found to be at a higher noncompliance rate as a result of market surveillance activities, comparative tests or other safety-related information; (2)Products of the same CCC Code, where the product is mentioned in unsafe product information to be subject to withdrawal,recall, correction or destruction; (3)The same CCC Code products, where the applicant has violation records involving incorrect labeling or failure to apply for registration of series of types or approval of alterations in accordance with the Commodity Inspection Act; (4)The specific batch of products, where the applicant obtains the RPC certificate or the authorized import release notice after the products are imported; (5)Products of the same CCC Code, where the product is selected in a border check which the obligatory inspection applicant does not accept; or

(6)Products are deemed as having high hazard risk by the BSMI.
Under the circumstance in Subparagraph 5 of the preceding paragraph, checks shall be performed on the products of the same CCC Code at the time of the next import. Where noncompliance is found in the checks, further checks shall be performed on the products of the same CCC Code at the time of the next import.

5.Batch-by-batch checks shall be carried out to the following products under any of the following circumstances:
(1)Products of the same CCC Code where the inspection applicant had the same products not complying with inspection standards under sampling or purchased sample tests, except for cases where noncompliance is due to incorrect labeling;
(2)Products of the same CCC Code where the inspection applicant had the same products violating the Commodity Inspection Act and subsequently been imposed fines or orders concerning prohibition
of display and sale, withdrawal of products or corrective actions within a given time limit, except for cases where the violations involve incorrect labeling, or failing to apply for registration of series of the same type or for approval of alteration;
(3)Products of the same CCC Code where the same product was ordered to be withdrawn or corrected
in accordance with the Consumer Protection Law, after it was reported by the inspection applicant according to Regulations for Reporting Incidents Caused by Commodities Subject to Inspection and was verified to cause the incident due to defectiveness; or
(4)Products subject to intensified randomly selected batch checks set forth in the proceeding clause and the circumstance is deemed to be of seriousness.
For products subject to batch-by-batch checks mentioned in the preceding Paragraph, the inspection
authority shall sample products for testing when conducting the first batch check. One out of every five items in the same import customs declaration is randomly selected for testing, and at least one item shall be sampled. Products of the same model shall not be sampled repeatedly.
Where tests of the sampled products of the first batch are not completed, the subsequent batches shall be sampled for testing again.

6.Inspection applicants that are subject to intensified randomly selected batch checks mentioned in Paragraphs 1 of Clause 4 may become subject to randomly selected batch checks if they obtain three compliance notices consecutively, or the check period expires. This is not applicable to the circumstance mentioned in Subparagraph 4, Paragraph 1 of Clause 4.
Inspection applicants that are subject to batch-by-batch checks mentioned in the preceding clause may become subject to randomly selected batch checks if they obtain five compliance notices consecutively.
Where products that are not actually imported are selected in border checks, the obligatory inspection applicant shall accept checks on the products of the same CCC Code at the time of the next import.

7.For products sampled during border checks, the inspection authority shall inform the inspection applicant or his/her authorized representative to perform checks.

8.When the inspection authority carries out border checks, it shall assign its personnel to sample the products and check whether the appearance,model, commodity inspection mark and Chinese

labeling
of the products are in compliance with the registered data in his/her RPC certificates and to follow the procedures below accordingly:
(1)Where the sampled products are found to be compliant, the inspection authority shall issue a compliance notice and allow the products to clear customs;
(2)Where the sampled products are found to be non-compliant, the inspection authority shall issue a noncompliance notice and import of the products shall be denied. If correction of noncompliance items
is possible, the inspection applicant may apply for prior release of the products, and the inspection authority shall send its personnel to conduct checks, seal the products, and monitoring of correction in accordance with the Regulations Governing Prior Release of Commodities. Only when compliance with
the inspection requirements is confirmed can products be allowed to enter the domestic market and be
sold.
The importer who cannot affix Chinese labels to products manufactured abroad shall submit the sample
of Chinese labels and a recognizance to the BSMI for check. The Chinese labels shall be affixed to the products within 10 days after release. The importer shall then send related photos to the inspection authority for record. The inspection authority may assign its personnel to the storage place of the products to check the labelling. If noncompliance is found, Articles 11 and 12 of the Commodity Inspection Act on penalties for violations shall apply.

9.The inspection authority, when performing sampling tests, shall ask the inspection organization that issues the RPC certificate to provide technical documents and related documents, and shall check
whether the product label, interior structures, and components comply with the original test report. Where necessary, sampled products may be sent to the inspection organization to conduct all or part of the testing items.
In principal, the sampled quantity is limited to 1 piece, except for purpose of inspection.
The inspection authority shall issue to the applicant or its authorized representative a receipt after products are sampled.
The sampled products shall be disposed in accordance with the Rule of Disposal of the Inspected Samples after testing.

10.The applicant may apply for prior release of its products if the products under check comply with the Regulations Governing Prior Release of Commodities.

Data Source：Ministry of Economic Affairs R.O.C.(Taiwan) Laws and Regulations Retrieving System