
標準檢驗局與標準、生產力暨創新局之

符合性評估作業

相互承認協議

標準檢驗局與標準、生產力暨創新局之符合性評估作業相互承認協議

標準檢驗局與標準、生產力暨創新局以下簡稱為「雙方」

鑒於雙方現存之傳統友誼聯繫；

鑒於雙方所分攤，特別針對保護人類健康及安全、動物與植物生命及健康，及保護環境之承諾；

鑒於雙方所分攤對於貿易便捷化之承諾；

咸欲締結一個協議以提供進入彼此市場所被要求之符合性評估活動的成果互認；

咸欲鼓勵更偉大之標準與法規之國際調合；

咸欲鼓勵及輔助於亞太經合會場合內所進行之合作動力，特別是亞太經合會之電氣與電子設備的符合性評估作業相互承認協議；

銘記雙方身為建立世界貿易組織之馬拉喀什協議締約國之身份，且知曉雙方於技術性貿易障礙協定（以下簡稱 TBT 協定）與其附件架構下之權利與義務。

爰經協議如下：

第 I 部

第 1 條 定義

- 1.1 本協議內所使用之相關於標準與符合性評估作業之所有一般性語彙，除非此處要求以其他方式否則應具有國際標準組織及國際電工技術委員會所發行 1996 年版 ISO/IEC Guide 2 (標準化與相關活動-一般語彙與其定義)內之定義所給定的涵意。另言之，以下之語彙與定義應適用於本協議之目的：

認同(accept)意旨使用符合性評估活動之成果作為法定行為之基礎，例如認可(approvals)、證照、登錄及後市場之符合性評估。

認可(acceptance)具有與「認同」相同之意義。

符合性評估作業(Conformity Assessment)意旨攸關直接或間接判定相關強制性規定是否已被實現之任何活動

符合性評估機構(Conformity Assessment Body)意旨執行符合性評估活動之機構，且該等機構包含測試設施與驗證機構。

驗證機構(Certification Body)意旨得由一簽署方之指定權責機關依據本協議予以指定而可以根據另一簽署方之強制性規定來執行驗證作業之機構，且該等機構包括產品或品質系統驗證機構。

指定權責機關(Designating Authority)意旨一個機關(或單位)，其依據本協議來任命且設立於簽署方之關稅領域內，具有必要之權責予以指定、監測、中止、取消中止或撤銷於其管轄領域內之符合性評估機構的指定資格。

指定作業(designation)意旨由指定權責機關針對符合性評估機構可否執行所指定之符合性評估活動而行使之權限。

指定(designate)具有與「指定作業」相同之意義。

低電壓(low voltage)係與 1979 年第 60449 號國際電工技術委員會標準-建築物內電氣安裝之電壓群組(IEC 60449:1979)所定義之第 II 群組具有相同意義；及

強制性規定(Mandatory Requirements)意旨以本協議為主題，針對供應產品進入任一簽署方所須符合之已立法、強制性且行政管理方面之規定。

法規權責機關(Regulatory Authority)意旨一個實體單位，其行使法定權力以控制於一簽署方之管轄領域內之產品進口、使用或供應，且得採取施行措施以確保在其管轄領域內行銷之產品符合該簽署方之強制性規定。

明訂要求(Stipulated Requirements)意旨針對符合性評估機構之指定作業所設定之基準；及

測試設施(Test Facility)意旨包括獨立實驗室或官方測試機構之設施場所，該設施得依據本協議由一簽署方之指定權責機關予以指定而可以執行測試工作，且該測試工作之執行係依據另一簽署方之強制性規定。此外，製造廠商所擁有之測試設施得由一簽署方之指定權責機關予以指定，而可以執行且僅能執行依據另一簽署方之強制性規定的電磁相容性測試工作。

- 1.2 針對本協議之目的，單數文字須視為包括複數含意，且適當時反之亦同。

第 2 條 本協議之範圍

- 2.1 本協議應適用，一方為台灣、澎湖、金門及馬祖個別關稅領域，而另一方則為新加坡。
- 2.2 任一簽署方與第三者國家達成之協議不應強加義務給另一簽署方，要求其認可於第三者國家所執行之符合性評估結果，以避免於雙方間產生一特別地協議來達成目的。

- 2.3 本協議所適用之產品為意圖直接連結或插上低電壓電源供應，抑或以電池作為電力供應之新製電氣與電子設備，該等產品於任一簽署方內皆有明訂適用於進口品之強制性規定，且於附件 I 所列之適用法律、法規及行政管理規定中制訂。且其為：
- 2.3.1 非為電信設備，且
- 2.3.2 非為醫療設備。
- 2.4 本協議並非要求對任一簽署方之強制性規定進行相互認可，或該等強制性規定之對等性進行相互承認。但於適用時，及與良好法規實作(good regulatory practice)相一致時，雙方應予以考量增加渠等個別強制性規定之調合或對等程度。當雙方同意標準或技術性法規予以調合或制訂為對等性，則任一簽署方應能夠評估與其自身之強制性規定之符合性，且此應被視為由另一簽署方所認同。
- 2.5 本協議所適用之強制性規定應為針對本協議第 2 條所述設備之第三者符合性評估過程或用於產品驗證作業之規定，附件 II 列有已制訂之適用法律、法規及行政管理規定。
- 2.6 得依本協議進行指定之符合性評估機構應為：
- 2.6.1 測試設施，或
- 2.6.2 驗證機構。
- 2.7 符合性評估機構得依本協議被指定來執行之符合性評估活動為：
- 2.7.1 由被指定之測試設施所執行之測試工作；
- 2.7.2 依據相關之強制性規定由被指定之驗證機構所執行之工廠/產品監督活動，其結果為由來自被指定之測試設施所完成之測試結果來補充；及
- 2.7.3 由被指定之驗證機構所執行之驗證作業。

第 3 條 義務

- 3.1 當符合性評估活動以依本協議第 7 條由標準、生產力暨創新局所指定及由標準檢驗局所登錄之符合性評估機構來執行時，標準檢驗局應認同符合性評估活動之結果(包括工廠/產品監督活動之結果與測試結果)的驗證作業以展示與其強制性規定之符合性。該等驗證作業應可藉來自標準、生產力暨創新局所指定及標準檢驗局所登錄之測試設施的測試結果來作補充。當受理該等評估作業時，標準檢驗局應於 4 個日曆天或 2 個工作天(擇一較長者)以內完成相關產品認可過程。

- 3.2 當符合性評估活動以依本協議第 7 條由標準檢驗局所指定及由標準、生產力暨創新局所登錄之符合性評估機構來執行時，標準、生產力暨創新局應認同符合性評估活動之結果(包括工廠/產品監督活動之結果與測試結果)的驗證作業以展示與其強制性規定之符合性。該等驗證作業應可藉來自標準檢驗局所指定及標準、生產力暨創新局所登錄之測試設施的測試結果來作補充。當受理該等評估作業時，標準、生產力暨創新局應於 4 個日曆天或 2 個工作天(擇一較長者)以內完成相關產品登錄過程。
- 3.3 當已有適用之國際標準或該等國際標準即將完成時，任一簽署方應依據 TBT 協定第 2.4 條，使用國際標準或國際標準之相關部分作為強制性規定之依據。但該等國際標準或其相關部分非為有效或適當時則不在此限。

第 4 條 資訊交流

- 4.1 雙方應交換有關其之強制性規定、符合性評估程序及制度之資訊。
- 4.2 任一簽署方應通知另一簽署方有關其強制性規定之任何提案變更，除非考量健康、安全及環境保護之正當理由而為之較緊急措施，否則任一簽署方應於該等變更施行前至少 60 個日曆天，通知另一簽署方該等變更。
- 4.3 當被要求時，雙方將多方努力，且以適時之方式來完成其之強制性規定，及後續所企圖之變更等文件之英文內容。

第 II 部

第 5 條 指定權責

- 5.1 雙方應確保其之指定權責機關擁有必要之權責予以指定、監測、中止、取消中止或撤銷於其管轄領域內之符合性評估機構的指定資格。
- 5.2 必要時，指定權責機關應與另一簽署方之對應機關進行諮商，以確保於符合性評估過程及程序上之信心維持。此等諮商得包括聯合參與相關於符合性評估活動之稽核，或被指定之符合性評估機構之其他評估，前提為當此等參與為適當地，且技術上可行及於合理之成本範圍內。
- 5.3 針對本協議之目的，指定權責機關應為：
- 5.3.1 台灣、澎湖、金門及馬祖個別關稅領域之標準檢驗局，及
- 5.3.2 新加坡之標準、生產力暨創新局。

第 6 條 聯合委員會

- 6.1 應設立一聯合委員會。
- 6.2 聯合委員會應由共同主席主持來代表雙方，及應由雙方之等數量且瞭解本協議、其目標及適用性，以及具有相關專門技術之資深代表來組成，而任一位代表：
 - 6.2.1 得由顧問陪同出席聯合委員會之會議；及
 - 6.2.2 不應擔任可能具有利益衝突之職位。
- 6.3 聯合委員會應：
 - 6.3.1 負責行政管理及促進本協議之有效運作，包括：
 - 6.3.1.1 促進本協議之推展，包括增加本協議之範圍；
 - 6.3.1.2 對於任何有關本協議之適用性之問題或爭端進行決議；及
 - 6.3.1.3 履行於本協議所提供之其他功能；
 - 6.3.1.4 執行一聯合查驗，或要求某簽署方針對所被提報卻令該簽署方無法決定是否登錄之符合性評估機構執行查驗，以及於完成該項查驗後，針對有關該機構之登錄進行決定。
 - 6.3.2 除非於本協議已指定其他方式，否則由本委員會擔任雙方之聯絡窗口；
 - 6.3.3 決定該委員會自身之程序規定；
 - 6.3.4 以共識方式來決定及採用其之建言；及
 - 6.3.5 當被要求時，進行集會以履行其功能，包括任一簽署方之要求時。
- 6.4 聯合委員會，於必要時，得設立委員會小組以執行特定之工作。
- 6.5 聯合委員會所為之相關決議，雙方均應予以實行。

第 7 條 符合性評估機構之指定與登錄

- 7.1 符合性評估機構之指定與登錄應依據適用之法律、法規及行政管理規定，且符合於附件 III 所列之指定作業明訂基準。

- 7.2 指定權責機關應指明已被指定之符合性評估機構所適用之符合性評估活動範圍。當一符合性評估機構被指定可從事相關於特定之強制性規定的符合性評估活動時，有關認可義務應被限制於攸關該特定之強制性規定的評估結果。
- 7.3 以下程序應適用於符合性評估機構之登錄作業：
- 7.3.1 任一簽署方應就該方由其指定權責機關依本協議所指定且被登錄之符合性評估機構擬定推荐案，藉由書面方式展現該推荐案並佐以必要之文件提送給另一簽署方。
- 7.3.2 另一簽署方應考慮被提名之符合性評估機構是否符合該簽署方於附件文件中指明之適用法律、法規及行政管理規定所列之指定基準，且根據上述第 7.3.1 條，於收到推荐案後起算 90 個日曆天以內就該符合性評估機構之登錄作業表明其立場。於此等考量下，該簽署方須假定被提名之符合性評估機構符合前述之基準。
- 7.3.3 當另一簽署方不能夠就被提名之符合性評估機構被登錄與否作出決定時，則該簽署方得要求聯合委員會針對該被提名機構執行一次聯合查驗作業。於完成該次查驗後，聯合委員會應就該被提名機構之登錄作出決定，且應於完成聯合查驗後起算 15 個日曆天以內向雙方提出書面決定。
- 7.4 當任一簽署方之被指定的符合性評估機構清單有任何變更時，包括中止作業，該簽署方應提前至少 7 個日曆天通知另一簽署方。
- 7.5 任一簽署方應將影響被指定之符合性評估機構的技術能力，或該機構與相關明訂要求之符合性的任何變更以快速之方式通知另一簽署方。
- 7.6 指定權責機關應僅指定符合性評估機構，且該等符合性評估機構，或為組織之一部分的符合性評估機構係於相關管轄領域內為合法之法人。
- 7.7 被指定之符合性評估機構不應受到電氣與電子設備製造廠商或貿易商等人士之不利影響，不僅如此，被指定之符合性評估機構應為公正無私的，由符合性評估機構所提之任何其他服務應以不危害到其符合性評估活動與其決定之客觀性的方式來提供。
- 7.8 雙方應確保其轄下被指定之符合性評估機構參與適當之能力試驗計畫及其他比較性審查，亦即以維持渠等從事所規定之符合性評估活動所需技術能力之信心。
- 7.9 指定權責機關應僅指定有能力展現其已瞭解，且具有相關經驗及於技術上勝任之符合性評估機構以執行其被指定之符合性評估活動。
- 7.10 技術能力之展現應以下述項目為基礎：

- 7.10.1 相關產品、製程或服務之技術性知識；
 - 7.10.2 針對所企求之指定資格所需之技術性標準與一般性風險保護規定的瞭解；
 - 7.10.3 有關於適用之強制性規定的經驗；
 - 7.10.4 執行相關之符合性評估活動的具體能力；
 - 7.10.5 一套與符合性評估活動有關之妥適管理作業；及
 - 7.10.6 任何其他有必要提供保證之證據，以保證符合性評估活動應於一致之基礎上被妥適地執行。
- 7.11 依據第 2.6.1 條，執行測試設施之指定基礎應為：
- 7.11.1 依據 ISO/IEC 17025 之認證資格，此應解釋為充份證明其具有技術能力以從事符合性評估活動，且該符合性評估活動係為展現與其被指定之條件下所適用的強制性規定之符合性：
 - 7.11.1.1 以符合 ISO/IEC Guide 58:1993 要求之認證過程，及
 - 7.11.1.2 參與相互承認協議之認證組織，例如亞洲-太平洋實驗室認證聯盟 (APLAC) 相互承認協議，而該等協議亦有針對認證組織之能力而運作之同儕評估作業，且測試設施皆由該等組織所認證。
- 或
- 7.11.2 參加 IECEE CB 計畫之會員資格。
- 7.12 依據第 2.6.2 條，執行驗證機構之指定基礎應為：
- 7.12.1 依據 ISO/IEC Guide 65:1996 之認證資格，此應解釋為充份證明其具有技術能力以從事符合性評估活動，且該符合性評估活動係為展現與其被指定之條件下所適用的強制性規定之符合性：
 - 7.12.1.1 以符合 ISO/IEC Guide 61:1996 要求之認證過程，及
 - 7.12.1.2 由指定權責機關所承認之認證組織。
- 或
- 7.12.2 參加 IECEE CB/FC 計畫之會員資格。
- 或
- 7.12.3 符合性評估機構其為依本協議之任一簽署方的法規權責機關之一部分。

- 7.13 依據第 7.11 與 7.12 條，執行登錄評估機構之指定基礎亦應為：
- 7.13.1 參與另一簽署方之強制性規定與相關法定過程之訓練；及
 - 7.13.2 瞭解另一簽署方之強制性規定與相關法定過程。
- 7.14 當指定一符合性評估機構時，指定權責機關應提供以下有關其指定之每一家符合性評估機構之細節資訊給另一簽署方：
- 7.14.1 機構名稱；
 - 7.14.2 郵遞地址；
 - 7.14.3 傳真號碼；
 - 7.14.4 電子信箱位址(如可用)；
 - 7.14.5 聯絡人之姓名及電話號碼；
 - 7.14.6 指定資格之範圍，詳列產品範圍、參考標準、驗證方法、能力及其他相關細節；
 - 7.14.7 所使用之指定程序；及
 - 7.14.8 指定資格之生效日期。

第 8 條

符合性評估機構之查驗、中止及撤銷

- 8.1 雙方應確保各自轄下被指定之符合性評估機構皆可接受對其技術能力及與相關明訂規定之符合性的查驗作業。
- 8.2 任一簽署方保有權利來對已被指定之符合性評估機構之技術能力及其與相關明訂要求之符合性提出爭議，行使此項權利應僅於異常狀況下，且有相關之專家分析及/或證據之支持。一簽署方行使其權利時應以書面通知另一簽署方，而該等通知應伴隨提供支持之專家分析及/或證據。
- 8.3 除非緊急狀況外，否則雙方應依據第 8.2 條規定，於爭議案之前進行諮商以期獲得相互滿意之答案。當於緊急狀況時，諮商作業應於爭議權利已行使之後即刻舉行。
- 8.4 第 8.3 條所述之諮商作業應快速地於 70 個曆天以內被執行以期解決所有議題，並尋求相互滿意之答案。假如無法達成，則依第 6 條所設立之聯合委員會應被召集以解決這些事務。

- 8.5 本協議得為附帶之作業程序來準備，例如查驗作業與時限，以於爭議案件時被遵循。
- 8.6 除非雙方決定以其他方式，否則被提出爭議之被指定的符合性評估機構之指定資格應由相關之指定權責機關予以中止，中止之範圍為指定資格之相關領域，且從其技術能力或符合性被提出爭議之時間開始，直到：
- 8.6.1 提出爭議之簽署方對該符合性評估機構之能力與符合性已表示滿意；或
- 8.6.2 該符合性評估機構之指定資格已被撤銷。
- 8.7 由被指定之符合性評估機構於其中止或撤銷之日或之前所執行之符合性評估活動的結果，除非有由聯合委員會所同意之其他方式，否則應依據第 3 條之目的維持其被認可之有效性。
- 8.8 雙方應比較所使用之法以查驗受指定之符合性評估機構是否符合明訂之要求。

第 III 部

第 9 條 機密性

- 9.1 任一簽署方不應被要求出示具有專有權之資訊的機密性給另一簽署方，而在該簽署方進行查證被指定之符合性評估機構之能力及與相關明訂要求之符合性所必要者除外。
- 9.2 任一簽署方應依據適用法律來保護任何已顯現與符合性評估程序有相關連且具有專有權之資訊的機密性。

第 10 條 法定權責之保留

- 10.1 任一簽署方保留所有依其法律之權責以解釋及執行其強制性規定。
- 10.2 本協議並不限制任一簽署方進行有關健康、安全及環境之必要考量且進行保護等級之決定權限。
- 10.3 本協議不可侷限任一簽署方於確定產品可能未符合其之強制性規定時而採取所有適當措施之權責，該等措施得包括由市場內撤除該產品、禁止產品進入市場、限制產品自由移動、進行產品召回、進行法定訴訟程序，或其他預防該等問題再發生之方式，例如經由禁止進口之方式。假如一簽署方採取該等措施，則該簽署方應於採取措施後 15 個日曆天內通知另一簽署方，且提出採取之理由。

第 11 條
生效與效期

- 11.1 本協議應於雙方確認雙方實施本協議之個別程序皆已完成，並完成換文之日起算次月之第一日開始實施本協議。
- 11.2 任一簽署方得於六個月前向另一簽署方提出書面通知以終止本協議。
- 11.3 本協議終止之後，除非該簽署方基於健康、安全及環境保護之考量而另有決定，任一簽署方應持續認可由被指定之符合性評估機構或檢驗單位於終止前所完成之符合性評估活動成果。

第 12 條
最終條款

- 12.1 本協議之任何修定應以書面同意並透過聯合委員會來完成。
- 12.2 當一簽署方變更本協議所包括產品之強制性規定，適當時，依第 3 及 7 條之義務要求，假如有關於所變更之強制性規定已於依本協議進行指定之相關符合性評估機構之活動範圍內，則應擴展認可該等變更強制性規定之符合性評估活動成果。
- 12.3 本協議以英文及中文繕製，兩種約文同一作準，倘兩種約文之文義分歧時，以英文約本為準。

為此，下列簽署者爰簽署本協議，以昭信守。

代表: 標準檢驗局

代表: 標準、生產力暨創新局

代表人: 林能中
林能中
局長

代表人: Loh Khum Year
Loh Khum Year
總裁

日期: 2005年11月28日

日期: 2005年11月28日

簽署地點: Singapore

簽署地點: Singapore

附件 I

明訂本協議所包括之產品的適用法律、法規及行政管理規定

新加坡	台灣、澎湖、金門及馬祖個別關稅領域
1. 消費者保護(貿易種類及安全規定)法案(第 53 章)，及由後續公布者再予修正。	1. 1932 年訂定之商品檢驗法，2001 年 10 月 24 日公布之商品檢驗法予以修正，及由後續公布者再予修正。
2. 消費者保護(安全規定)法規 2002，及由後續發布者再予修正。	2. 商品檢驗法施行細則 (1968 年 3 月 15 日發布及 2002 年 5 月 15 日修正)，及由後續發布者再予修正。

附件 II

明訂要求與符合性評估程序之適用法律、法規及行政管理規定

新加坡	台灣、澎湖、金門及馬祖個別關稅領域
<ol style="list-style-type: none">1. 消費者保護(貿易種類及安全規定)法案(第 53 章) , 及由後續發布者再予修正。2. 消費者保護(安全規定)法規 2002 , 及由後續發布者再予修正。3. 消費者保護(安全規定)登錄計畫資訊手冊(2002 年版) , 及由後續發布者再予修正。	<ol style="list-style-type: none">1. 1932 年訂定之商品檢驗法 , 2001 年 10 月 24 日公布之商品檢驗法予以修正 , 及由後續公布者再予修正。2. 商品檢驗法施行細則 (1968 年 3 月 15 日發布及 2002 年 5 月 15 日修正) , 及由後續發布者再予修正。3. 1999 年 7 月 28 日發布之產品驗證登錄辦法 , 2001 年 12 月 5 日修正 , 2005 年 1 月 11 日再修正 , 及由後續發布者再予修正。4. 2002 年 4 月 19 日發布之商品驗證登錄工廠檢查作業要點 , 2003 年 8 月 12 日修正 , 及由後續發布者再予修正。

附件 III

明訂指定作業之基準的適用法律、法規及行政管理規定

新加坡	台灣、澎湖、金門及馬祖個別關稅領域
<ol style="list-style-type: none">1. 標準、生產力暨創新局或 SPRING 法案，及由後續發布者再予修正。2. 標準、生產力暨創新局(符合性評估作業)法規 2002，及由後續發布者再予修正。3. 新加坡生產力暨標準局(符合性評估作業)資訊手冊(2002 年版)，及由後續發布者再予修正。	<ol style="list-style-type: none">1. 商品檢驗指定試驗室認可管理辦法(2002 年 2 月 1 日公布與 2004 年 4 月 21 日修正)，且由後續發布者再予修正。2. 電磁相容指定試驗室特定規範(2000 年 5 月 1 日發布，2000 年 7 月 10 日與 2002 年 5 月 17 日修正，2002 年 5 月 17 日再修正)，且由後續發布者再予修正。3. 電機電子類商品指定試驗室特定規範(2000 年 5 月 1 日公布，2000 年 10 月 17 日修正，2002 年 5 月 17 日再修正)，且由後續發布者再予修正。4. 資訊類商品指定試驗室特定規範(2004 年 6 月 15 日公布)，且由後續發布者再予修正。5. 品質管理系統驗證機構認可作業要點(2000 年 9 月 27 日公布，2002 年 11 月 14 日修正)，且由後續發布者再予修正。6. 工廠檢查機構認可作業要點(2003 年 11 月 26 日公布，2004 年 8 月 2 日修正)，且由後續發布者再予修正。

**Mutual Recognition Arrangement
on Conformity Assessment
between
the Bureau of Standards, Metrology and Inspection
and
the Standards, Productivity and Innovation Board**

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THE BUREAU OF STANDARDS, METROLOGY AND INSPECTION (BSMI), STANDARDS, PRODUCTIVITY AND INNOVATION BOARD (SPRING Singapore), hereinafter referred to as "the Parties"

CONSIDERING the traditional links of friendship that exist between the Parties,

CONSIDERING their shared commitments to protect, *inter alia*, human health and safety, animal and plant life and health and the environment,

CONSIDERING their shared commitment to trade facilitation,

DESIRING to conclude an Arrangement providing for the mutual recognition of the results of conformity assessment activities required for access into their respective markets,

DESIRING to encourage greater international harmonisation of standards and regulations,

DESIRING to encourage and complement the momentum of cooperation undertaken in the Asia Pacific Economic Cooperation fora, particularly the APEC mutual recognition arrangement on conformity assessment of electrical and electronic equipment,

BEARING IN MIND their status as Contracting Parties to the Marrakesh Arrangement Establishing the World Trade Organization, and conscious of their rights and obligations under the Agreement on Technical Barriers to Trade annexed thereto (hereafter the TBT Agreement),

HAVE AGREED as follows:

PART I

**Article 1
Definitions**

- 1.1 All general terms concerning standards and conformity assessment used in this Arrangement shall have the meaning given in the definitions contained in ISO/IEC Guide 2:1996 "General terms and their definitions concerning standardization and related activities" published by the International Organization for Standardization and International Electrotechnical Commission unless the context requires otherwise. In addition, the following terms and definitions shall apply for the purpose of this Arrangement:

accept means the use of the results of conformity assessment activities as a basis for regulatory actions such as approvals, licences, registrations and post-market assessments of conformity;

acceptance has an equivalent meaning to *accept*;

conformity assessment means any activity concerned with determining directly or indirectly that relevant Mandatory Requirements are fulfilled;

Conformity Assessment Body means a body that conducts conformity assessment activities and includes test facilities and certification bodies;

Certification Body means a body, including product or quality systems certification bodies, that may be designated by one Party's Designating Authority in accordance with this Arrangement to conduct certification to the other Party's Mandatory Requirements;

Designating Authority means a body as specified under this Arrangement established in the custom territory of a Party with the necessary authority to designate, monitor, suspend, remove suspension or withdraw designation of Conformity Assessment Bodies within its jurisdiction.

designation means the authorisation by a Designating Authority of a Conformity Assessment Body to undertake specified conformity assessment activities;

designate has an equivalent meaning to *designation*;

low voltage has the same meaning as that defined in Band II of International Electrotechnical Commission Standards 60449:1979 - Voltage bands for electrical installations in buildings (IEC 60449:1979); and

Mandatory Requirements means the legislative, regulatory and administrative requirements, that are the subject of this Arrangement of the Party into which the product is being supplied;

Regulatory Authority means an entity that exercises a legal right to control the import, use or supply of products within a Party's jurisdiction and may take enforcement action to ensure that products marketed within its jurisdiction comply with that Party's Mandatory Requirements.

Stipulated Requirements means the criteria set out for the designation of Conformity Assessment Bodies; and

Test Facility means a facility, including independent laboratories or government testing bodies, that may be designated by one Party's Designating Authority in accordance with this Arrangement to undertake tests to the other Party's Mandatory Requirements. However, the manufacturers' own test facilities may be designated by one Party's Designating Authority only to undertake electromagnetic compatibility tests to the other Party's Mandatory Requirements.

- 1.2 For the purposes of this Arrangement the singular should be read to include the plural and vice versa when appropriate.

Article 2

Scope of this Arrangement

- 2.1 This Arrangement shall apply, on the one hand, to the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu and, on the other hand, to Singapore.
- 2.2 Arrangements concluded by either Party with a third party shall not impose any obligation on the other Party to accept the results of conformity assessment undertaken in the third party, save where there is an express Arrangement between the Parties to do so.

- 2.3 The products to which this Arrangement applies are new electrical and electronic equipment that are intended to be either directly connected or plugged-in to the low voltage supply or are battery powered on which either Party has prescribed Mandatory Requirements applicable to imports as set out in the applicable laws, regulations and administrative provisions listed in Annex I, and which are:
- 2.3.1 not telecommunications equipment; and
 - 2.3.2 not medical equipment.
- 2.4 This Arrangement does not require mutual acceptance of the Mandatory Requirements of each Party, or mutual recognition of the equivalence of such Mandatory Requirements. The Parties shall, however, give consideration to increasing the degree of harmonisation or equivalence of their respective Mandatory Requirements, where appropriate and where consistent with good regulatory practice. Where both Parties agree that the standards or technical regulations are harmonised or established as equivalent, a Party shall be able to assess compliance with its own Mandatory Requirements and this shall be deemed acceptable by the other Party.
- 2.5 The Mandatory Requirements to which this Arrangement applies shall be third party conformity assessment processes or requirements for product certification for the equipment referred to in Article 2 of this Arrangement. The applicable laws, regulations and administrative provisions are set out in Annex II.
- 2.6 The Conformity Assessment Bodies which may be designated under this Arrangement shall be:
- 2.6.1 Test Facilities; or
 - 2.6.2 Certification Bodies.
- 2.7 The conformity assessment activities for which Conformity Assessment Bodies may be designated under this Arrangement are:
- 2.7.1 testing by designated Test Facilities;
 - 2.7.2 factory/product surveillance activities undertaken in accordance with the relevant Mandatory Requirements by designated Certification Bodies, the results of which are supplemented by test results from designated Test Facilities; and
 - 2.7.3 certification by designated Certification Bodies.

Article 3 Obligations

- 3.1 BSMI shall accept certification of the results of conformity assessment activities (including results of factory/product surveillance activities and test results) to demonstrate compliance with its Mandatory Requirements when the conformity assessment activities are undertaken by Conformity Assessment Bodies designated by SPRING Singapore and registered by BSMI in accordance with Article 7 of this Arrangement. Such certification shall be supplemented by test results from Test Facilities designated by SPRING Singapore and registered by BSMI. Upon receipt of such assessments, BSMI shall complete the relevant product approval processes within four (4) calendar days or two (2) working days, whichever is the longer.

- 3.2 SPRING Singapore shall accept certification of the results of conformity assessment activities (including results of factory/product surveillance activities and test results) to demonstrate compliance with its Mandatory Requirements when the conformity assessment activities are undertaken by Conformity Assessment Bodies designated by BSMI and registered by SPRING Singapore in accordance with Article 7 of this Arrangement. Such certification shall be supplemented by test results from Test Facilities designated by BSMI and registered by SPRING Singapore. Upon receipt of such assessments, SPRING Singapore shall complete the relevant product registration processes within four (4) calendar days or two (2) working days, whichever is the longer.
- 3.3 Each Party shall, in accordance with Article 2.4 of the TBT Agreement, use international standards, or the relevant parts of international standards, as the basis for its Mandatory Requirements where applicable international standards exist or when their completion is imminent, except when such international standards or their relevant parts are ineffective or inappropriate.

Article 4

Exchange of information

- 4.1 The Parties shall exchange information concerning their Mandatory Requirements, conformity assessment procedures and regimes.
- 4.2 Each Party shall inform the other Party of any proposed changes to its Mandatory Requirements. Except where considerations of health, safety and environmental protection warrant more urgent action, each Party shall notify the other Party of the changes at least sixty (60) calendar days before the changes enter into force.
- 4.3 When requested, the Parties will make every endeavour to make copies of their Mandatory Requirements, and intended changes thereto, available in English in a timely manner.

PART II

Article 5

Designating Authorities

- 5.1 The Parties shall ensure that their Designating Authorities have the necessary authority to designate, monitor, suspend, remove suspension and withdraw designation of the Conformity Assessment Bodies within their respective jurisdictions.
- 5.2 Designating Authorities shall consult, as necessary, with their counterparts in the other Party to ensure the maintenance of confidence in conformity assessment processes and procedures. This consultation may include joint participation in audits related to conformity assessment activities or other assessments of designated Conformity Assessment Bodies, where such participation is appropriate, technically possible and within reasonable cost.
- 5.3 For the purpose of this Arrangement, Designating Authorities shall be:
- 5.3.1 BSMI for the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; and
- 5.3.2 SPRING Singapore for Singapore.

Article 6
Joint Committee

- 6.1 A Joint Committee shall be established.
- 6.2 The Joint Committee shall be led by co-chairs representing the Parties and shall comprise an equal number of senior representatives from both Parties with an understanding of this Arrangement, its objectives and application and with the relevant expertise. A representative:
- 6.2.1 may be accompanied by advisers at meetings of the Joint Committee; and
- 6.2.2 shall not hold a position which may give rise to a conflict of interest.
- 6.3 The Joint Committee shall:
- 6.3.1 be responsible for administering and facilitating the effective functioning of this Arrangement including:
- 6.3.1.1 facilitating the extension of this Arrangement, including increasing the scope of this Arrangement;
- 6.3.1.2 resolving any questions or disputes relating to the application of this Arrangement; and
- 6.3.1.3 the discharge of such other functions as provided for in this Arrangement;
- 6.3.1.4 conducting a joint verification or requesting the Party to conduct a verification of a proposed conformity assessment body that this Party can not decide to register, and making the decision regarding the registration of this body after the completion of such verification.
- 6.3.2 be the contact point for the Parties unless otherwise specified in this Arrangement;
- 6.3.3 determine its own rules of procedure;
- 6.3.4 make its decisions and adopt its recommendations by consensus; and
- 6.3.5 meet as and when required for the discharge of its functions, including upon the request of either Party.
- 6.4 The Joint Committee may establish *ad hoc* groups to undertake specific tasks, where necessary.
- 6.5 The Parties shall bring into effect the relevant decisions of the Joint Committee.

Article 7
Designation and Registration of Conformity Assessment Bodies

- 7.1 The designating and registration of Conformity Assessment Bodies shall be in accordance with applicable laws, regulations and administrative provisions and meet with the stipulated criteria for designation as set out in Annex III.
- 7.2 Designating Authorities shall specify the scope of the conformity assessment activities for which a Conformity Assessment Body has been designated. When a Conformity Assessment Body is designated to undertake conformity assessment activities with regard to particular

Mandatory Requirements, the relevant obligations of acceptance shall be limited to the results of assessments in relation to those particular Mandatory Requirements.

- 7.3 The following procedures shall apply to the registration of a conformity assessment body:
- 7.3.1 each Party shall make a proposal that a conformity assessment body of that Party designated by its Designating Authority be registered under this Arrangement, by presenting its proposal in writing, supported by necessary documents, to the other Party.
 - 7.3.2 the other Party shall consider whether the proposed conformity assessment body complies with the criteria for designation set out in the applicable laws, regulations and administrative provisions of that other Party specified in the Annexes and indicate its position regarding the registration of that conformity assessment body within ninety (90) calendar days from the receipt of the proposal referred to in Article 7.3.1 above. In such consideration, such other Party should assume that the proposed conformity assessment body complies with the aforementioned criteria.
 - 7.3.3 In the event that the other Party is unable to make a decision on the registration of the proposed conformity assessment body, the other Party may request the Joint Committee to conduct a joint verification of the proposed body. After the completion of such verification, the Joint Committee shall make the decision regarding the registration of the proposed body and give both Parties its decision in writing within fifteen (15) calendar days from the completion of the joint verification.
- 7.4 Each Party shall give the other Party advance notice of at least seven (7) calendar days, of any changes, including suspensions, to their list of designated Conformity Assessment Bodies.
- 7.5 Each Party shall inform the other Party, in an expeditious manner, of any changes that affect a designated Conformity Assessment Body's technical competence or compliance with the relevant Stipulated Requirements.
- 7.6 Designating Authorities shall only designate Conformity Assessment Bodies where the Conformity Assessment Body, or the organisation of which the Conformity Assessment Body is a part, is a legal person in the relevant jurisdiction.
- 7.7 Designated Conformity Assessment Bodies shall not be adversely influenced by a body that manufactures or trades in electrical and electronic equipment. Furthermore, designated Conformity Assessment Bodies shall be impartial. Any other services offered by the Conformity Assessment Bodies shall be provided in a manner that does not compromise the objectivity of their conformity assessment activities and decisions.
- 7.8 The Parties shall ensure that their designated Conformity Assessment Bodies participate in appropriate proficiency testing programs and other comparative reviews, so that confidence in their technical competence to undertake the required conformity assessment activities is maintained.
- 7.9 Designating Authorities shall only designate Conformity Assessment Bodies that are able to demonstrate that they understand, have experience relevant to and are technically competent to undertake the conformity assessment activities for which they are designated.
- 7.10 Demonstration of technical competence shall be based on:

- 7.10.1 technological knowledge of the relevant products, processes or services;
 - 7.10.2 understanding of the technical standards and the general risk protection requirements for which designation is sought;
 - 7.10.3 the experience relevant to the applicable Mandatory Requirements;
 - 7.10.4 the physical capability to perform the relevant conformity assessment activities;
 - 7.10.5 an adequate management of the conformity assessment activities concerned; and
 - 7.10.6 any other circumstance necessary to give assurance that the conformity assessment activities shall be adequately performed on a consistent basis.
- 7.11 In pursuance of Article 2.6.1, the basis for designating Test Facilities shall be:
- 7.11.1 Accreditation to ISO/IEC 17025:1999, which shall constitute sufficient proof of technical competence to undertake conformity assessment activities that demonstrate conformity with the Mandatory Requirements for which they are to be designated provided that:
 - 7.11.1.1 the accreditation process is conducted in compliance with ISO/IEC Guide 58:1993; and
 - 7.11.1.2 the accreditation body participates in mutual recognition arrangements, such as the Asia Pacific Laboratory Accreditation Cooperation (APLAC) Mutual Recognition Arrangement, where they are subject to peer evaluation of the competence of accreditation bodies and the Test Facilities accredited by them.
- OR
- 7.11.2 Membership in the IECEE CB Scheme.
- 7.12 In pursuance to Article 2.6.2, the basis for designating Certification Bodies shall be:
- 7.12.1 Accreditation to ISO/IEC Guide 65:1996, which shall constitute sufficient proof of technical competence to undertake conformity assessment activities that demonstrate conformity with the Mandatory Requirements for which they are to be designated provided that:
 - 7.12.1.1 the accreditation process is conducted in compliance with ISO/IEC Guide 61:1996; and
 - 7.12.1.2 the accreditation body is recognised by the designating authority.
- OR
- 7.12.2 Membership in the IECEE CB/FC Scheme.
- OR
- 7.12.3 The conformity assessment body, which is part of the Regulatory Authority of either Party under this Arrangement.
- 7.13 In addition to Articles 7.11 and 7.12, a basis for designating the registration assessment bodies shall also be:

- 7.13.1 participation in training in the other Party's Mandatory Requirements and relevant regulatory processes; and
- 7.13.2 understanding of the Mandatory Requirements and relevant regulatory processes of the other Party.
- 7.14 When designating a Conformity Assessment Body, the Designating Authority shall provide to the other Party the following details in respect of each Conformity Assessment Body it designates:
 - 7.14.1 the name;
 - 7.14.2 the postal address;
 - 7.14.3 the facsimile (fax) number;
 - 7.14.4 email address (if available);
 - 7.14.5 name and telephone number of the contact person;
 - 7.14.6 scope of designation detailing range of products, reference standards, methods of certification, capability and other relevant details;
 - 7.14.7 designating procedure used; and
 - 7.14.8 date of effect of designation.

Article 8

Verification, suspension and withdrawal of Conformity Assessment Bodies

- 8.1 The Parties shall ensure that their designated Conformity Assessment Bodies are available for verification of their technical competence and compliance with the relevant Stipulated Requirements.
- 8.2 Each Party retains the right to challenge a designated Conformity Assessment Body's technical competence and compliance with the relevant Stipulated Requirements. This right shall be exercised only in exceptional circumstances and where supported by relevant expert analysis and/or evidence. A Party shall exercise this right by notifying the other Party in writing. Such notification shall be accompanied by the supporting expert analysis and/or evidence.
- 8.3 Except in urgent circumstances, the Parties shall, prior to a challenge under Article 8.2, enter into consultations with a view to seeking a mutually satisfactory solution. In urgent circumstances, consultations shall take place immediately after the right to challenge has been exercised.
- 8.4 The consultations referred to in Article 8.3 shall be conducted expeditiously with a view to resolving all issues and seeking a mutually satisfactory solution within seventy (70) calendar days. If this is not achieved, the Joint Committee established under Article 6 shall be convened to resolve the matter.
- 8.5 The Arrangement may provide for additional procedures, such as verification and time limits, to be followed in relation to a challenge.

- 8.6 Unless the Parties decide otherwise, the designation of the challenged designated Conformity Assessment Body shall be suspended by the relevant Designating Authority for the relevant scope of designation from the time its technical competence or compliance was challenged, until either:
- 8.6.1 the challenging Party is satisfied as to the competence and compliance of the Conformity Assessment Body; or
 - 8.6.2 the designation of the Conformity Assessment Body has been withdrawn.
- 8.7 The results of conformity assessment activities, undertaken by a designated Conformity Assessment Body on or before the date of its suspension or withdrawal, shall remain valid for acceptance for the purposes of Article 3 unless otherwise agreed to by the Joint Committee.
- 8.8 The Parties shall compare methods used to verify that the designated Conformity Assessment Bodies comply with the Stipulated Requirements.

PART III

Article 9 Confidentiality

- 9.1 A Party shall not be required to disclose confidential proprietary information to the other Party except where such disclosure would be necessary for the Party to demonstrate the competence of its designated Conformity Assessment Bodies and conformity with the relevant Stipulated Requirements.
- 9.2 A Party shall, in accordance with its applicable laws, protect the confidentiality of any proprietary information disclosed to it in connection with conformity assessment activities and/or designation procedures.

Article 10 Preservation of Regulatory Authority

- 10.1 Each Party retains all authority under its laws to interpret and implement its Mandatory Requirements.
- 10.2 This Arrangement does not limit the authority of a Party to determine the level of protection it considers necessary with regard to health, safety and the environment.
- 10.3 This Arrangement does not limit the authority of a Party to take all appropriate measures whenever it ascertains that products may not conform with its Mandatory Requirements. Such measures may include withdrawing products from the market, prohibiting their placement on the market, restricting their free movement, initiating a product recall, initiating legal proceedings or otherwise preventing the recurrence of such problems, including through a prohibition on imports. If a Party takes such measures, it shall notify the other Party within fifteen (15) calendar days of taking the measures, providing its reasons.

Article 11
Entry into force and duration

- 11.1 This Arrangement shall enter into force on the first day of the next month following the date on which the Parties have exchanged notes confirming the completion of their respective procedures for the entry into force of this Arrangement.
- 11.2 Either Party may terminate this Arrangement by giving the other Party six months' advance notice in writing.
- 11.3 Following termination of this Arrangement, a Party shall continue to accept the results of conformity assessment activities performed by designated Conformity Assessment Bodies or Inspection Services prior to termination, unless that Party decides otherwise based on health, safety and environmental protection considerations.

Article 12
Final provisions

- 12.1 Any amendment to this Arrangement shall be by consensus in writing and through the Joint Committee.
- 12.2 Where a Party changes its Mandatory Requirements for products covered by this Arrangement, its obligations under Articles 3 and 7 as applicable, shall extend to accepting the results of conformity assessment activities in relation to the changed Mandatory Requirements if these fall within the scope of activities for which the relevant Conformity Assessment Bodies have been designated in accordance with this Arrangement.
- 12.3 This Arrangement is drawn up in duplicate in the English and Chinese languages, both texts having equal validity. In the case of any divergence of meaning between the two texts, the English text will prevail.

IN WITNESS WHEREOF, the undersigned, have signed this Arrangement.

For: The Bureau of Standards, Metrology
and Inspection

For: The Standards, Productivity, and
Innovation Board

By: 

Neng-Jong Lin
Director General

By: 

Loh Khum Yean
Chief Executive

Date: November 28, 2005

Date: Nov 28, 2005

Place: Singapore

Place: Singapore

ANNEX I

**THE APPLICABLE LAWS, REGULATIONS AND ADMINISTRATIVE PROVISIONS
STIPULATING PRODUCTS COVERED BY THIS ARRANGEMENT**

Singapore	the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu
1. Consumer Protection (Trade Descriptions and Safety Requirements) Act (Chapter 53) and amendments thereto, 2. Consumer Protection (Safety Requirements) Regulations 2002 and amendments thereto.	1. The Commodity Inspection Act of 1932, as amended by Commodity Inspection Act of October 24, 2001, and amendments thereto, 2. Enforcement Rules of the Commodity Inspection Act (announced on March 15, 1968 and amended on May 15, 2002) and amendments thereto,

ANNEX II

**THE APPLICABLE LAWS, REGULATIONS AND ADMINISTRATIVE PROVISIONS
STIPULATING THE REQUIREMENTS AND THE CONFORMITY ASSESSMENT
PROCEDURES**

Singapore	the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu
<ol style="list-style-type: none">1. Consumer Protection (Trade Descriptions and Safety Requirements) Act (Chapter 53) and amendments thereto,2. Consumer Protection (Safety Requirements) Regulations 2002 and amendments thereto,3. Consumer Protection (Safety Requirements) Registration Scheme Information Booklet (2002 Edition) and amendments thereto.	<ol style="list-style-type: none">1. The Commodity Inspection Act of 1932, as amended on October 24, 2001, and amendments thereto,2. Enforcement Rules of the Commodity Inspection Act (announced on March 15, 1968 and amended on May 15, 2002) and amendments thereto,3. Regulations Governing Registration of Product Certification of July 28, 1999, as amended on December 5, 2001, and amended on January 11, 2005, and amendments thereto,4. Directions Governing Factory Inspection under Registration of Product Certification (announced on April 19, 2002 and amended on August 12, 2003) and amendments thereto,

ANNEX III

**THE APPLICABLE LAWS, REGULATIONS AND ADMINISTRATIVE PROVISIONS
STIPULATING THE CRITERIA FOR DESIGNATION**

Singapore	the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu
<ol style="list-style-type: none">1. Standards, Productivity and Innovation Board or SPRING Act and amendments thereto,2. Standards, Productivity and Innovation Board (Conformity Assessments) Regulations 2002 and amendments thereto,3. Singapore Productivity and Standards Board (Conformity Assessment) Information Booklet (2002 Edition) and amendments thereto.	<ol style="list-style-type: none">1. Regulations Governing Recognition of Designated Testing Laboratory for Commodity Inspection (announced on February 1, 2002 and amended on April 21, 2004) and amendments thereto,2. Particular Criteria Governing Designated Testing Laboratories for Electromagnetic Compatibility (announced on May 1, 2000 and amended on July 10, 2000, and May 17, 2002) and amendments thereto,3. Particular Criteria Governing Designated Testing Laboratories for Electrical and Electronic Commodities (announced on May 1, 2000 and amended on October 17, 2000, and amended on May 17, 2002) and amendments thereto,4. Particular Criteria Governing Designated Testing Laboratories for Information Technology Equipment (announced on June 15, 2004) and amendments thereto,5. Directions for Recognition of Quality Management Systems Certification Bodies (announced on September 27, 2000 and amended on November 14, 2002) and amendments thereto,6. Directions Governing Recognition of Factory Inspection Bodies (announced on November 26, 2003 and amended on August 2, 2004) and amendments thereto,