

DEPARTMENT ADMINISTRATIVE ORDER NO. _____
Series of _____

SUBJECT: UPDATING OF THE REFERENCE STANDARDS USED IN THE BPS MANDATORY PRODUCT CERTIFICATION SCHEMES

WHEREAS, the Department of Trade and Industry (DTI) is the economic catalyst that enables innovative, competitive, job generating, inclusive business, and empowers consumers;

WHEREAS, pursuant to such mandate, the DTI is empowered under Executive Order (EO) 292, Series of 1987 otherwise known as the “Administrative Code of 1987” to protect consumers from trade malpractices and from substandard or hazardous products;

WHEREAS, the DTI Bureau of Philippine Standards (BPS) [formerly known as Bureau of Product Standards] is mandated by Republic Act (RA) 4109 to perform standards development, certification, testing, policy formulation, and monitoring functions;

WHEREAS, EO 101, Series of 1967 empowers the BPS to promulgate, subject to the approval of the DTI Secretary, such rules and regulations for the marking of goods standardized by the BPS and for other purposes;

WHEREAS, such BPS mandates are reiterated in RA 7394 or the “Consumer Act of the Philippines” wherein it states that, *“it shall be the duty of the State to develop and provide safety and quality standards for consumer products, including performance or use-oriented standards, codes of practice and methods of tests; to assist the consumer in evaluating the quality, including safety, performance and comparative utility of consumer products; to protect the public against unreasonable risks of injury associated with consumer products; to undertake research on quality improvement of products and investigation into causes and prevention of product related deaths, illness and injuries; and to assure the public of the consistency of standardized products”*;

WHEREAS, EO 913, Series of 1983, vests with the DTI the adjudicatory powers such as to conduct arbitration, conciliation, mediation, formal investigation; imposition of administrative penalties; and issue cease-and-desist orders, seizures, preventive measures and other similar orders in case of violation of trade and industry laws including those relating to the BPS’ Certification Schemes;

NOW THEREFORE, pursuant to RA 4109; RA 7394; EO 101, Series of 1967; EO 913, Series of 1983; and EO 292, Series of 1987, the following Technical Regulation governing the BPS Mandatory Product Certification Schemes is hereby prescribed and promulgated for the compliance, information, and guidance of all concerned.

Rule 1. OBJECTIVE

This DAO aims to provide seamless transition of the reference standards used in the BPS Mandatory Product Certification Schemes.

Rule 2. SCOPE

This Technical Regulation prescribes the adoption of the latest versions of the reference standards used or entirely new standards to be used in the BPS Mandatory Product Certification Schemes, as follows:

- 2.1. All standards related to the BPS Mandatory Product Certification Schemes such as but not limited to PNS ISO 9001, PNS ISO/IEC 17020, PNS ISO/IEC 17021-1, PNS ISO/IEC 17025, and PNS ISO/IEC 17065; and
- 2.2. All relevant and specific standards of the products covered under the BPS Mandatory Product Certification Schemes.

Rule 3. IMPLEMENTING GUIDELINES

- 3.1 All manufactured and imported products shall conform to the requirements of the newly implemented reference standards.
- 3.2 The implementation of the latest version or new reference standards shall be in accordance with the existing Department Administrative Orders or Implementing Guidelines of the relevant products unless otherwise stated.
- 3.3 The latest version or new reference standards used in the BPS Mandatory Product Certification Schemes shall be implemented twelve (12) months after its promulgation to provide ample time to all stakeholders to adjust and conform to the new requirements, if any.
- 3.4 BPS shall issue a Department Administrative Order or Memorandum Circular informing its stakeholders of the adoption of the latest version or new reference standard. Any changes, including but not limited to, marking requirements, product sampling, and product testing shall be stated therein, if any.
- 3.5 A new applicant or an existing license holder may voluntarily apply using the latest version or new reference standard earlier than the twelve (12) months mandatory implementation subject to the existing certification procedures.
- 3.6 BPS shall assess its recognized testing laboratories based on the newest/latest/updated reference standards within one year after its promulgation to prepare for implementation. In case when the BPS Recognized Testing Laboratory failed to comply with the requirements of the newest/latest/updated reference standard, its recognition shall be revoked for that particular reference standard.
- 3.7 In the absence of a BPS-recognized testing laboratory, the PS License or ICC applicants shall nominate a third party testing laboratory in the country of origin or other locations accredited by an accreditation body signatory to ILAC/APAC – MRA.

Rule 4. REPEALING CLAUSE

All provisions of existing Department Administrative Orders, circulars, and guidelines inconsistent with this Administrative Order are hereby repealed.

Rule 5. SEPARABILITY CLAUSE

If any term or provision of this Order should be declared illegal or invalid by a court of competent jurisdiction, the remaining terms and provisions thereof shall remain unimpaired and in full force.

Rule 6. EFFECTIVITY

This Order shall take effect fifteen (15) days after its publication in a national newspaper of general circulation, a copy of which shall be submitted to the UP Office of National Administrative Register.

Done in the City of Makati this _____ day of _____ in the year 2021.

Recommended by:

NEIL P. CATAJAY
Director, Bureau of Philippine Standards

ATTY. RUTH B. CASTELO
Undersecretary, CPG

Approved:

RAMON M. LOPEZ
Secretary