

Directions Governing Border Checks on Commodities under the Registration of Product Certification Scheme

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 Standards, 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 of 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 C.C.C. 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; or

- (5) Products are deemed as having high hazard risk by the BSMI.
5. Batch-by-batch checks shall be carried out to the following products under any of the following circumstances:
- (1) Products of the same C.C.C. Code where the inspection applicant had the same products not complying with inspection standards under border checks, except for cases where noncompliance is due to incorrect labeling;
 - (2) Products of the same C.C.C. 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 C.C.C. 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 preceding 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.

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 to 3, and 5 of Clause 4, may become subject to randomly selected batch checks if their products of three consecutive import customs declarations pass checks, or the check period expires. This is not applicable to the circumstance mentioned in Paragraph 4 of Clause 4.

Inspection applicants that are subject to batch-by-batch checks mentioned in Clause 5 may become subject to randomly selected batch checks if their products of five consecutive import customs declarations pass checks.

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, accompanied by the inspection applicant or his/her authorized representative 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 are 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.