

[TRANSLATION]

Implementation Guide for the Articles Relating to Certification and Accreditation in the Agreement between the Mainland and Hong Kong on Achieving Basic Liberalization of Trade in Services in Guangdong under the framework of the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)

Implementation guide for the contents relating to certification and accreditation in the Agreement between the Mainland and Hong Kong on Achieving Basic Liberalization of Trade in Services in Guangdong (Guangdong Agreement) and its Annexes is as follows:

- I. Implementation guide relating to the commitment “in the area of voluntary certification, to allow testing organizations in Hong Kong to cooperate with Mainland certification bodies to undertake testing of products manufactured or processed in Hong Kong or in the Mainland. These testing organizations have to be accredited by the accreditation body of the Government of the Hong Kong Special Administrative Region (i.e. the Hong Kong Accreditation Service) to be competent in performing testing for the relevant products”

- (1) Coverage

1. Place of Origin of Products: Applicable to certification of products produced or processed in Hong Kong and/or in the Mainland and associated business activities.

2. Types of Certification: Applicable to all types of Mainland's voluntary certification.

(2) Qualification Requirements for a Testing Organisation

Any testing organisation in Hong Kong engaging in testing activities for a certification scheme within the above scope of implementation shall be competent in performing the relevant testing activities and be accredited by the accreditation body (Hong Kong Accreditation Service, HKAS) of the Government of the Hong Kong Special Administrative Region (HKSAR) for the relevant test area. Competence of the testing organisation shall be continuously monitored through surveillance visits or reassessments by HKAS. As part of the accreditation requirements, the testing organisation's compliance with any special requirements specified in the certification schemes shall be assessed by HKAS prior to the granting of accreditation.

If any testing organisation fails to comply with the qualification requirements or voluntarily terminates its accreditation for the relevant testing activity, HKAS shall notify the Certification and Accreditation Administration of the People's Republic of China (CNCA).

(3) Procedures

1. A Hong Kong testing organisation who is accredited by HKAS and wishes to undertake testing activities for a certification scheme may seek collaboration with a qualified Mainland certification body. Contact information of Mainland certification bodies and their scope of services are available at the website of CNCA (www.cnca.gov.cn).

2. In accordance with the relevant certification scheme and implementation rules, the testing organisation is required to establish an agreement with the qualified Mainland certification body to undertake testing activities within the agreed scope of work. The certification body shall submit the collaboration agreement to CNCA for record. CNCA will then announce at its website the testing organisation in the directory of Hong Kong testing organisations in collaboration with Mainland certification bodies.

3. Upon receiving notification from HKAS that a Hong Kong testing organisation has no longer fulfilled the relevant requirements, CNCA will inform the concerned certification body. The certification body shall revise its collaboration agreement with the testing organisation and report the revision to CNCA. CNCA will announce the revised directory of testing organisations on its website.

4. If it is found by a Mainland authority for administration of certification that a Hong Kong testing organisation undertaking testing activities for a certification scheme has breached any laws and regulations on certification and accreditation, or implementation rules of the certification scheme, CNCA should be notified. CNCA will then notify the responsible department of the HKSAR Government (HKAS).

II. Implementation guide relating to the specific commitment “to allow testing organizations in Hong Kong to cooperate with designated Mainland organizations to undertake testing of products for the China Compulsory Certification (CCC) System. The products are under the "audio and visual apparatus" category of the CCC System, and have to be designed and prototyped in Hong Kong, as well as processed or manufactured in Guangdong Province. These testing organizations have to be accredited by the accreditation body of the Government of the Hong Kong Special Administrative Region (i.e. the Hong Kong Accreditation Service) to be competent in performing testing for the relevant products under the CCC System”

(1) Coverage

1. Scope of Products: On a pilot basis, applicable to products within the "audio and visual apparatus" category of the CCC System.

2. Place of Origin of Products: Applicable to products designed and prototyped in Hong Kong, as well as processed or manufactured in Guangdong Province.

(2) Qualification Requirements for a Testing Organisation

Any testing organisation in Hong Kong engaging in testing activities for products within the "audio and visual apparatus" category of the CCC System shall be accredited by the accreditation body (HKAS) of the Government of the HKSAR that the organisation is competent in performing testing activities for products within the "audio and visual apparatus" category of the CCC System.

The accreditation body (HKAS) of the Government of the HKSAR shall refer to the relevant requirements in Article 11 of the “Measures for the Administration of Certification Bodies, Inspection Bodies and Laboratories under the China Compulsory Certification System” (the General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China Decree No. 65), Implementation Rules for "audio and visual apparatus" products under the CCC System (CNCA-C08-01:2014) and “Guidance on the Application of Laboratory Accreditation Criteria in the Field of Electrical Testing” (CNAS-CL11:2006) to assess the competency of the Hong Kong testing organisation in performing testing for products within the "audio and visual apparatus" category of the CCC System,

and shall issue a notification letter for a laboratory fulfilling the requirements. For the laboratory having confirmed to have fulfilled the requirements, HKAS will conduct surveillance visits or reassessments in each year, so as to confirm its continuing conformity with the requirements.

If, through surveillance visits or reassessments, HKAS finds that any Hong Kong laboratory fails to comply with the qualification requirements, HKAS shall notify CNCA as appropriate.

(3) Procedures

1. A qualified testing organisation in Hong Kong who wishes to undertake testing activities of products within the "audio and visual apparatus" category of the CCC System may seek collaboration with a designated Mainland certification body on "audio and visual apparatus" category of the CCC System. Contact information of designated Mainland certification bodies and their scope of services are available on the website of CNCA (www.cnca.gov.cn).

2. In accordance with the implementation rules, the testing organisation is required to achieve collaboration, and to undertake testing activities within the agreed scope of work through establishing an agreement with a qualified Mainland certification body. The designated certification body shall submit the collaboration agreement to CNCA for approval, and the agreement will not be effective until

CNCA grants its approval (Note: the approval does not include the verification of qualification of the laboratory concerned). The designated CCC certification body shall submit the signed collaboration agreement to CNCA for record. CNCA will then announce on its website a directory of Hong Kong testing organisations that have entered into collaboration agreement with designated Mainland certification bodies on “audio and visual apparatus” category of the CCC System, and notify the Administration of Quality and Technology Supervision of Guangdong Province (AQTSGD) and Guangdong Entry-Exit Inspection and Quarantine Bureau (GDCIQ).

3. Upon receiving notification from HKAS that a Hong Kong testing organisation has no longer fulfilled the relevant requirements, CNCA will inform the concerned designated CCC certification body. The designated CCC certification body shall review its collaboration with the concerned testing organisation and report the result to CNCA. CNCA will announce the revised directory of testing organisations on its website and notify AQTSGD and GDCIQ accordingly.

4. If it is found by a Mainland authority for administration of certification that a Hong Kong testing organisation undertaking CCC testing activities has breached any laws and regulations on certification and accreditation, or implementation rules of the certification scheme, CNCA should be notified. CNCA will then notify the responsible

department of the HKSAR Government (HKAS).

III. The Mainland authorities for administration of certification administers activities conducted within the purview of this implementation guide

According to the Guangdong Agreement and this implementation guide, the Mainland authorities for administration of certification administers activities conducted by relevant certification and testing organisations on the Mainland.

Appendices:

1. Contents relating to certification and accreditation in the Guangdong Agreement and its Annexes
2. Contact information of relevant units

Appendix 1

Contents relating to certification and accreditation in the Guangdong Agreement and its Annexes

1. In the area of voluntary certification, to allow testing organizations in Hong Kong to cooperate with Mainland certification bodies to undertake testing of products manufactured or processed in Hong Kong or in the Mainland. These testing organizations have to be accredited by the accreditation body of the Government of the Hong Kong Special Administrative Region (i.e. the Hong Kong Accreditation Service) to be competent in performing testing for the relevant products.

2. To allow testing organizations in Hong Kong to cooperate with designated Mainland organizations to undertake testing of products for the China Compulsory Certification (CCC) System. The products are under the “audio and visual apparatus” category of the CCC System, and have to be designed and prototyped in Hong Kong, as well as processed or manufactured in Guangdong Province. These testing organizations have to be accredited by the accreditation body of the Government of the Hong Kong Special Administrative Region (i.e. the Hong Kong Accreditation Service) to be competent in performing

testing for the relevant products under the CCC System.

Appendix 2

Contact information of relevant units

CNCA

Department for International Cooperation

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Innovation and Technology Commission

Hong Kong Accreditation Service

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AQTSGD

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GDCIQ

Division of Certification Supervision

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