

[TRANSLATION]

Implementation Guide for the Revised Articles Relating to Testing and Certification in the Agreement on Trade in Services under the Mainland and Hong Kong Closer Economic Partnership Arrangement (“CEPA”)

In December 2018, by way of Exchange of Letters, the Mainland and Hong Kong revised the CEPA Agreement on Trade in Services. Among which, a provision under “e. Technical testing and analysis services (CPC8676) and Product testing services (CPC749)” of “F. Other business services” of “1. Business services” in Table 2 “Liberalisation Measures under Cross-border Services (Positive List)” of Annex 1 in the CEPA Agreement on Trade in Services — “To allow testing organisations in Hong Kong to cooperate with designated Mainland organisations 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 organisations have to be accredited by the accreditation body of the Government of the Hong Kong Special Administrative Region (“HKSAR Government”) (i.e. the Hong Kong Accreditation Service (HKAS)) to be competent in performing testing for the relevant products under the CCC System” — is revised. It has become “To allow testing organisations in Hong Kong to cooperate with designated Mainland organisations to undertake testing of products for the CCC System on all products processed or manufactured in the Mainland that require CCC. These testing organisations have to be accredited by the accreditation body of the HKSAR Government (i.e. HKAS) to be competent in performing testing of the relevant products under the CCC System.” The revised article will take effect from 1 March 2019.

The implementation guide relating to the article concerned is published as follows (the implementation guide for other articles relating to certification and accreditation in the CEPA Agreement on Trade in Services remains unchanged):

(1) Coverage

1. Scope of Products

All products as listed in the CCC Product Catalogue.

2. Place of Origin of Products

Products processed or manufactured in the Mainland.

(2) Qualification and Regulatory Requirements for a Testing Organisation

Any testing organisation in Hong Kong engaging in testing business for CCC products shall be accredited by the accreditation body of the HKSAR Government (i.e. HKAS) that the organisation is competent in performing testing for CCC products.

The accreditation body of the HKSAR Government shall refer to Article 11 of the Measures for the Administration of Certification Bodies, Inspection Bodies and Laboratories under the China Compulsory Certification System (Decree No. 65 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China), relevant implementation rules for the certification of CCC products, and guides on application of the laboratory accreditation criteria of the China National Accreditation Service for Conformity Assessment ("CNAS") in relevant fields

to assess the competency of the Hong Kong testing organisations in performing testing for relevant CCC products, and shall issue confirmation documents to the testing organisations fulfilling the requirements. For testing organisations being confirmed to have fulfilled the requirements, the accreditation body of the HKSAR Government will conduct surveillance visit or reassessment once a year to confirm their continued compliance with the requirements.

If, through surveillance visits or reassessments, the accreditation body of the HKSAR Government finds that any Hong Kong testing organisations fail to sustain compliance with the requirements, the accreditation body of the HKSAR Government shall notify the Certification and Accreditation Administration of the People's Republic of China ("CNCA") as appropriate.

(3) Procedures

1. A qualified testing organisation in Hong Kong wishing to undertake testing activities of CCC products may seek collaboration with a designated Mainland CCC product certification body on the testing activities concerned. Contact information of designated Mainland certification bodies and their scope of services are available at the CNCA website

(www.cnca.gov.cn).

2. According to the implementation rules of certification, the testing organisation is required to achieve collaboration and undertake certification and testing activities within the agreed scope of work through establishing an agreement with a designated 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 confirmation of qualification of the testing organisation concerned). The designated CCC certification body shall submit the signed collaboration agreement to CNCA for record. CNCA will then announce on its official website a directory of Hong Kong testing organisations that have entered into collaboration agreement with designated CCC product certification bodies, and notify the relevant Mainland market regulation authorities.

3. Upon receiving notification from the accreditation body of the HKSAR Government that a Hong Kong testing organisation has failed to sustain compliance with the relevant requirements, CNCA will inform the designated CCC certification body concerned. Such designated CCC certification body shall review its collaboration with the testing

organisation concerned and report the result to CNCA. CNCA will announce the revised directory of testing organisations on its official website and notify the relevant Mainland market regulation authorities.

4. If it is found by a Mainland market regulation authority that a Hong Kong testing organisation undertaking CCC certification and testing activities has breached relevant laws, regulations or implementation rules of certification and accreditation, CNCA shall be notified. CNCA will then notify the responsible department of the HKSAR Government. Upon investigation, the responsible department of the HKSAR Government will inform CNCA of the result and CNCA will decide whether the directory of testing organisations shall be revised.

(4) The Mainland market regulation authorities administer activities conducted within the purview of this implementation guide

The Mainland market regulation authorities shall administer activities conducted by relevant certification and testing organisations in the Mainland according to the CEPA Agreement on Trade in Services, the Exchange of Letters in December 2018 and this implementation guide.

(5) Contact information of relevant units

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Department of Certification

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