

[TRANSLATION]

Implementation Guide for the Revised Articles Relating to Testing and Certification in the Agreement Concerning Amendment to the Mainland and Hong Kong Closer Economic Partnership Arrangement Agreement on Trade in Services

The Agreement Concerning Amendment to the Mainland and Hong Kong Closer Economic Partnership Arrangement (“CEPA”) Agreement on Trade in Services (hereinafter referred to as the “Agreement Concerning Amendment to the CEPA Agreement on Trade in Services”) and its annexes, signed on 21 November 2019 between the Mainland and Hong Kong, contain a total of seven liberalisation measures relating to certification and accreditation. Item 4 covers the existing liberalisation measures in the Guangdong Agreement of CEPA. Item 5 covers the existing liberalisation measures in the CEPA Agreement on Trade in Services. Items 6 and 7 cover the existing liberalisation measures in Supplement X to CEPA. The implementation rules for these measures remain unchanged. Items 1, 2 and 3 are revised and new liberalisation measures. The implementation guide is as follows:

I. 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 on all products that require CCC. These testing organisations have to be accredited by the accreditation body of the Government of the Hong Kong Special Administrative Region (“HKSAR Government”) to be competent of performing testing of the relevant products under the CCC System. Cooperation arrangements should comply with relevant requirements in the Regulations on Certification and Accreditation of the People’s Republic of China.

(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 any place.

(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. the Hong Kong Accreditation Service (“HKAS”)) (hereinafter referred to as the “HKAS”) that the organisation is competent in performing testing for CCC products.

HKAS 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 confirmed to have fulfilled the requirements, HKAS will conduct surveillance visit or reassessment once a year to confirm the continued compliance with the requirements in terms of their competency in performing testing.

If a Hong Kong testing organisation cannot continually demonstrate its conformity with the competence requirements in any surveillance visit or reassessment of the HKAS, HKAS 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 for CCC products may seek collaboration with a designated Mainland CCC product certification body on the testing activities concerned. Contact

information of designated Mainland CCC product certification bodies and their scope of services are available at the CNCA website (<http://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 CCC product certification body. The designated Mainland CCC product 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 Mainland CCC product certification bodies, and notify the relevant Mainland market regulation authorities.

3. Upon receiving notification from HKAS that a Hong Kong testing organisation has failed to continually demonstrate its conformity with the competence requirements, CNCA will inform the designated Mainland CCC product certification body concerned. Such designated Mainland CCC product 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.

II. To allow certification bodies in Hong Kong to cooperate with Mainland CCC certification bodies on CCC factory inspection through assigning inspectors to carry out such inspection of factories manufacturing CCC products in the whole Mainland. These certification bodies have to be accredited by the accreditation body of the HKSAR Government to be competent of performing certification of relevant products under the CCC System.

(1) Coverage

1. Inspection targets

All factories manufacturing CCC products in the whole Mainland.

2. Scope of inspection

Initial factory audit and follow-up factory inspection for CCC products.

(2) Qualification Requirements for Factory Inspectors

Factory inspectors should meet the relevant requirements as stipulated in the Measures for Administration of CCC Inspectors (CNCA Notice No. 29/2004) and obtain registration as a national CCC product certification inspector.

(3) Procedures

1. A certification body in Hong Kong shall seek collaboration with a designated Mainland CCC product certification body on the factory inspection activities concerned. Contact information of designated Mainland CCC product certification bodies and their scope of services are available at the CNCA website (<http://www.cnca.gov.cn/>).

2. The certification body in Hong Kong is required to achieve collaboration and establish an agreement with a designated Mainland CCC product certification body to undertake CCC product factory inspection activities within the agreed scope of work. The designated Mainland CCC product 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 certification bodies that have entered into collaboration agreement with designated Mainland CCC product certification bodies (including the scope of factory inspection activities that can be carried out), and notify the relevant Mainland market regulation authorities.

3. The certification body in Hong Kong shall recommend CCC factory inspectors to the designated Mainland CCC

product certification body, and submit application for registration of the CCC product certification inspectors to the China Certification and Accreditation Association (“CCAA”) through the designated Mainland CCC product certification body. According to the Measures for Administration of CCC Inspectors and relevant requirements of CCAA, the applicants submit application materials and participate in inspector training and qualification examinations. Those who have met the requirements can obtain registration as CCC product certification inspectors to perform CCC product factory inspection activities. The list of inspectors will be announced to the public at the CCAA website. The registration status of inspectors can be checked via the registration and administration system of certification personnel at the CCAA website.

4. If it is found by a Mainland market regulation authority that a Hong Kong CCC factory inspector undertaking CCC product factory inspection activities has breached relevant laws, regulations or implementation rules of certification and accreditation, CNCA should be notified. CNCA will instruct CCAA to conduct an investigation, after which CNCA will decide whether the registration status of the inspector and the announced directory of Hong Kong certification bodies that have entered into collaboration agreement with designated CCC product certification bodies (including the scope of factory inspection activities that can be carried out) shall be revised, and notify the responsible department of the HKSAR Government.

III. To allow certification bodies in Hong Kong to cooperate with Mainland CCC certification bodies to select post-certification test samples at factories manufacturing CCC products in the whole Mainland. These certification bodies have to be accredited by the accreditation body of the HKSAR Government to be competent of performing certification of relevant products under the CCC System.

(1) Coverage

1. Sampling targets

All factories manufacturing CCC products in the whole Mainland.

2. Sampling scope

Selection of post-certification test samples at factories during surveillance.

(2) Qualification Requirements for Samplers

Samplers should meet the relevant requirements as stipulated in the Measures for Administration of CCC Inspectors (CNCA Notice No. 29/2004) and obtain registration as a national CCC product certification inspector.

(3) Procedures

1. The requirements and procedures on the signing of agreements are same as those stated in Section II (3).

2. Tests on selected samples shall be carried out in accordance with the corresponding implementation rules of

certification and the established agreement on factory inspection (including sampling).

IV. 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 Agreement Concerning Amendment to the CEPA Agreement on Trade in Services and this implementation guide.

V. Contact information of relevant units

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