

Annex E - Draft amendments for Standards, Productivity and Innovation Board (Conformity Assessment) Regulations

No. S 000

STANDARDS, PRODUCTIVITY AND INNOVATION BOARD ACT (CHAPTER 303A)

STANDARDS, PRODUCTIVITY AND INNOVATION BOARD (CONFORMITY ASSESSMENT) (AMENDMENT) REGULATIONS 2017

In exercise of the powers conferred by section 43(1) of the Standards, Productivity and Innovation Board Act, the Standards, Productivity and Innovation Board, with the approval of the Minister for Trade and Industry (Industry), makes the following Regulations:

Citation and commencement

1. These Regulations are the Standards, Productivity and Innovation Board (Conformity Assessment) (Amendment) Regulations 2017 and come into operation on 2017.

Amendment of regulation 2

2. Regulation 2 of the Standards, Productivity and Innovation Board (Conformity Assessment) Regulations (Rg 2) (called in these Regulations the principal Regulations) is amended —

(a) by deleting the definition of “CAB” and substituting the following definitions:

“ “alternate testing laboratory” means —

- (a) a testing laboratory or manufacturer’s testing laboratory that is recognised under the IECEE CB Scheme;
- (b) a testing laboratory that is recognised by a Foreign Recognition Body; or
- (c) a testing laboratory the test reports of which are agreed to be accepted by one or more CAB (Certification) or CAB (Testing) under an approved testing agreement;

“approved testing agreement” means an agreement, approved by the Designating Authority, under which one or more CAB (Certification) or CAB (Testing) agree with the proprietor of a testing laboratory to accept test reports issued by that testing laboratory;

“CAB” or “conformity assessment body” means a person that performs conformity assessment or any test relating to conformity assessment;

“CAB (Certification)” means a person designated as such by the Designating Authority under regulation 7;

“CAB (Certification — MRA)” means a person designated by a country other than Singapore to carry out any certification of any product for the purposes of an MRA to which both Singapore and that country are parties;

“CAB (Testing)” means a person designated as such by the Designating Authority under regulation 7;

“CAB (Testing — MRA)” means a person designated by a country other than Singapore to carry out any testing of any product for the purposes of an MRA to which both Singapore and that country are parties;

“certificate of conformity” has the same meaning as in regulation 7(1) of the Consumer Protection (Safety Requirements) Regulations (Cap. 53, Rg 1);”;

(b) by inserting, immediately after the definition of “Designating Authority”, the following definition:

“ “Foreign Recognition Body” means an entity in a country other than Singapore that is authorised under any of the following to recognise CABs, testing laboratories, or both on behalf of that country:

(a) the Asia Pacific Laboratory Accreditation Cooperation Mutual Recognition Agreement;

(b) the International Laboratory Accreditation Cooperation Mutual Recognition Agreement;

(c) an MRA to which both Singapore and that country are parties;”;

(c) by inserting, immediately after the definition of “IECEE”, the following definition:

“ “IECEE CB Scheme” means the scheme known as the International Electrotechnical Commission System of Conformity Assessment Schemes for Electrotechnical Equipment and Components Certification Bodies Scheme, administered by the IEC;”;

(d) by deleting the definitions of “MRA” and “RTL” and substituting the following definition:

“ “MRA” means —

(a) a mutual recognition agreement or arrangement between Singapore and any other country; or

(b) a multilateral recognition agreement or arrangement between Singapore and two or more other countries;”.

Deletion and substitution of regulation 3

3. Regulation 3 of the principal Regulations is deleted and the following regulation substituted therefor:

“Application for designation as CAB (Testing) or CAB (Certification)

3.—(1) An application by a person to the Designating Authority to be designated as a CAB (Testing) or a CAB (Certification) must be made in accordance with the provisions of this Part.

(2) A person may apply to the Designating Authority to be designated as a CAB (Testing) to carry out either or both of the following:

- (a) test any product to be supplied in Singapore that is specified in the First Schedule to the Consumer Protection (Safety Requirements) Regulations for conformity to the applicable safety requirements in regulation 7(1) or (2) of those Regulations;
- (b) test any product to be supplied in a country other than Singapore for conformity to the applicable requirements specified in an MRA to which both Singapore and that country are parties.

(3) A person may apply to the Designating Authority to be designated as a CAB (Certification) to carry out either or both of the following:

- (a) certify whether any product to be supplied in Singapore that is specified in the First Schedule to the Consumer Protection (Safety Requirements) Regulations conforms to the applicable safety requirements in regulation 7(1) of those Regulations; or
- (b) certify whether any product to be supplied in a country other than Singapore conforms to the applicable requirements specified in an MRA to which both Singapore and that country are parties.

(4) A person who, not being —

- (a) a CAB (Certification) designated to carry out the certification mentioned in paragraph (3)(a); or
- (b) a CAB (Certification — MRA),

issues a certificate of conformity for the purposes of the registration of any product under regulation 7(1) of the Consumer Protection (Safety Requirements) Regulations, shall be guilty of an offence.

(5) A person who, not being —

- (a) a CAB (Certification) designated to carry out the certification mentioned in paragraph (3)(b); or
- (b) a CAB (Certification — MRA),

certifies that any product to be supplied in a country other than Singapore conforms to the applicable requirements specified in an MRA to which both Singapore and that country are parties, shall be guilty of an offence.”.

Amendment of regulation 4

4. Regulation 4 of the principal Regulations is amended —

- (a) by deleting the words “designated as a CAB (Local) or a CAB (Local — MRA)” and substituting the words “a CAB (Testing) or a CAB (Certification)”;
- (b) by deleting paragraph (a) and substituting the following paragraph:

“(a) carries on —

- (i) in the case of an application for designation as a CAB (Certification), a business of conformity assessment in Singapore or in a country specified in the First Schedule; and
 - (ii) in the case of an application for designation as a CAB (Testing), a business of testing of products relating to conformity assessment in Singapore or in a country other than Singapore;”;
- (c) by deleting paragraph (c) and substituting the following paragraph:
- “(c) is accredited for compliance with an ISO or IEC standard relevant to the designation applied for by an accreditation body that is —
- (i) a party to one or more of the following arrangements:
 - (A) the International Accreditation Forum Multilateral Recognition Arrangement;
 - (B) the Pacific Accreditation Cooperation Multilateral Recognition Arrangement;
 - (C) the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement;
 - (D) the Asia Pacific Laboratory Accreditation Cooperation Mutual Recognition Arrangement; or
 - (ii) a member of the IECEE CB Scheme, if the designation applied for is in respect of an electrical or electronic product;”;
- (d) by deleting the words “his designation” in paragraph (d) and substituting the words “the designation applied for”;
- (e) by deleting the words “for which he is designated” in paragraph (e) and substituting the words “in respect of which the application is made”; and
- (f) by deleting paragraph (f) and substituting the following paragraph:
- “(f) in the case of —
- (i) an application for designation as a CAB (Testing) to carry out testing of any product to be supplied in a country other than Singapore for conformity to the applicable requirements specified in an MRA to which both Singapore and that country are parties; or
 - (ii) an application for designation as a CAB (Certification) to carry out certification of any product to be supplied in a country other than Singapore for conformity to the applicable requirements specified in an MRA to which both Singapore and that country are parties,
- also satisfies all criteria required for the designation applied for under the relevant MRA.”.

Amendment of regulation 6

5. Regulation 6(1) of the principal Regulations is amended by deleting the words “the Schedule” and substituting the words “the Second Schedule”.

Amendment of regulation 10

6. Regulation 10(2) of the principal Regulations is amended by deleting the words “the Schedule” and substituting the words “the Second Schedule”.

Amendment of regulation 11

7. Regulation 11 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “conformity assessment” in paragraph (1), the words “or testing of products relating to conformity assessment”;
- (b) by deleting the words “CAB (Local)” wherever they appear in paragraph (2) and substituting in each case the words “CAB (Certification)”;
- (c) by inserting, immediately after the words “conformity assessment” in paragraph (3)(a), the words “or testing of products relating to conformity assessment”.

Amendment of regulation 12

8. Regulation 12 of the principal Regulations is amended by inserting, immediately after the words “conformity assessment” in the regulation heading, the words “or testing of products relating to conformity assessment”.

Deletion and substitution of regulation 13

9. Regulation 13 of the principal Regulations is deleted and the following regulation substituted therefor:

“CAB (Certification) to accept test conducted by CAB (Testing), etc.

13.—(1) Subject to paragraph (2), where a CAB (Certification) is requested to certify that a product conforms to the applicable safety requirements in regulation 7(1) of the Consumer Protection (Safety Requirements) Regulations, the CAB (Certification) must accept as correct a test report on that product issued by any CAB (Testing), CAB (Testing — MRA) or alternate testing laboratory.

(2) A CAB (Certification) must not cause another test to be conducted unless it has reason to believe that any test that was used to produce a test report mentioned in paragraph (1) was —

- (a) improperly or incorrectly conducted; or
- (b) conducted at a time when —
 - (i) the designation of the CAB (Testing) has been suspended or withdrawn under these Regulations;
 - (ii) the designation of the CAB (Testing — MRA) has been suspended or withdrawn by the country that designated it; or
 - (iii) the testing laboratory is no longer an alternate testing laboratory.”.

Amendment of regulation 14

10. Regulation 14 of the principal Regulations is amended —

- (a) by deleting the words “CAB designated by the Designating Authority” in paragraphs (1), (4) and (5) and substituting in each case the words “CAB (Certification)”;

- (b) by deleting the words “tests or” in paragraph (1);
- (c) by deleting the words “CAB (Local)” wherever they appear in paragraph (2) and substituting in each case the words “CAB (Certification)”; and
- (d) by deleting the words “CAB (Local — MRA)” in paragraph (3) and substituting the words “CAB (Certification) that carries out certification of any product to be supplied in a country other than Singapore for conformity to the applicable requirements specified in an MRA to which both Singapore and that country are parties,”.

Amendment of regulation 15

11. Regulation 15(2) of the principal Regulations is amended by deleting the words “and certification of products” in sub-paragraph (a) and substituting the words “or certification of products, as the case may be,”.

Amendment of regulation 17

12. Regulation 17 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “conformity assessment” in paragraph (1)(a), the words “or testing of products relating to conformity assessment”;
- (b) by deleting sub-paragraph (i) of paragraph (1) and substituting the following sub-paragraph:
 - “(i) in the case of —
 - (i) a CAB (Testing) designated to carry out any testing of any product to be supplied in a country other than Singapore for conformity to the applicable requirements specified in an MRA to which both Singapore and that country are parties; or
 - (ii) a CAB (Certification) designated to carry out any certification of any product to be supplied in a country other than Singapore for conformity to the applicable requirements specified in an MRA to which both Singapore and that country are parties,
 the relevant MRA so requires.”;
- (c) by deleting paragraph (4) and substituting the following paragraph:

“(4) A person whose designation as a CAB (Certification) has been suspended or withdrawn must not, during the period of such suspension or starting from the date of such withdrawal (as the case may be) —

 - (a) issue any certificate of conformity for the purposes of the registration of any product under regulation 7(1) of the Consumer Protection (Safety Requirements) Regulations; or
 - (b) certify that any product to be supplied in a country other than Singapore conforms to the applicable requirements specified in an MRA to which both Singapore and that country are parties.”;
- (d) by deleting the word “CAB” in paragraph (5) and substituting the words “CAB (Certification)”; and
- (e) by deleting paragraph (10) and substituting the following paragraph:

“(10) Where the provisions of an MRA require the suspension or withdrawal of the designation of a CAB (Certification) or CAB (Testing) to carry out certification or testing of any product to be supplied in a country that is a party to the MRA for conformity to the applicable requirements specified in the MRA, then this regulation applies with such modifications as may be necessary to enable those provisions to be complied with.”.

Deletion of Parts V, VI and VII

13. Parts V, VI and VII of the principal Regulations are deleted.

New First Schedule

14. The principal Regulations are amended by inserting, immediately after paragraph 29, the following Schedule:

“FIRST SCHEDULE

Regulation 4(a)

PRESCRIBED COUNTRIES

(1) Countries that are parties to the European Union-Singapore Free Trade Agreement.”.

Amendment of Schedule

15. The Schedule to the principal Regulations is amended —

- (a) by renaming the existing Schedule as the Second Schedule;
- (b) by deleting the Schedule reference and substituting the following Schedule reference:
“Regulations 6(1) and 10(2)”; and
- (c) by deleting paragraph 1 and substituting the following paragraph:

“1.—(1) Application for or renewal of designation —

(a) as a CAB (Testing)	\$500
(b) as a CAB (Certification)	\$500
(2) Duplicate of Certificate of Designation	\$30
(3) Certified copy of extract from register	\$5 per page.”.

Savings and transitional provisions

16.—(1) A person who, immediately before 2017, was an RTL, is treated as a CAB (Testing) for the remaining period of the person’s recognition as an RTL, subject to the conditions imposed for such recognition (if any) which for the purpose of this paragraph are treated as if they were imposed under regulation 7 of the principal Regulations.

(2) Regulation 11(1) of the principal Regulations as amended by these Regulations applies to a person mentioned in paragraph (1) in relation to any document or information mentioned in regulation 11(1) of the principal Regulations in connection with its business of testing carried on before [the commencement date of these Amendment Regulations], as it applies to any such

document or information in connection with that business carried on by that person on or after that date.

(3) A person who, immediately before _____ 2017, was a CAB (Local) or a CAB (Local — MRA) under Part II of the principal Regulations to carry out any testing of any product, is treated as a CAB (Testing) for the remaining period of the person's designation as such, subject to any condition to which that designation was subject immediately before that date.

(4) A person who, immediately before _____ 2017, was a CAB (Local) or a CAB (Local — MRA) under Part II of the principal Regulations to carry out any certification of any product, is treated as a CAB (Certification) for the remaining period of the person's designation as such, subject to any condition to which that designation was subject immediately before that date.

(5) Regulation 11(1) of the principal Regulations as amended by these Regulations applies to a person mentioned in paragraph (4) in relation to any document or information mentioned in regulation 11(1) of the principal Regulations in connection with its business of conformity assessment carried on before [the commencement date of these Amendment Regulations], as it applies to any such document or information in connection with that business carried on by that person on or after that date.

(6) Regulation 14 of the principal Regulations as amended by these Regulations applies to a person mentioned in paragraph (4) in relation to a product that it certified before [the commencement date of these Amendment Regulations] as it applies to that person in relation to a product that it certifies on or after that date, except that the period for which the technical file for the product is to be maintained under regulation 14(2) or (3) (as the case may be) of the principal Regulations is substituted with the unexpired period for which the file is to be maintained under that provision in force immediately before that date.