

**OPERATION MANUAL FOR THE IMPLEMENTATION
OF PNS 65:1993 ON IMPORTED UNPLASTICIZED POLYVINYL CHLORIDE (uPVC)
PIPES FOR POTABLE WATER SUPPLY**

Pursuant to Republic Act 4109; Republic Act 7394; Executive Order No. 913, Series of 1983; Executive Order No. 101, series of 1967; Department Administrative Order (DAO) No. 5, series of 2001 and its future revision and amendment; Department Administrative Order (DAO) No. 9, series of 1990 and its future revision and amendment; and Philippine National Standard (PNS) No. 65:1993, Specification for Unplasticized Polyvinyl Chloride (uPVC) Pipes for Potable Water Supply, the following guidelines are hereby issued for the information and guidance of all concerned and for compliance of all importers, wholesalers/distributors and dealers/retailers.

1.0 SCOPE

This operation manual specifies the guidelines in the implementation of PNS No. 65:1993 for imported Unplasticized Polyvinyl Chloride (uPVC) Pipes for Potable Water Supply. Likewise, the three options (testing upon arrival; testing from the country of origin; application for PS license by exporting company) necessary for importers to comply with the requirements are considered in the preparation of these guidelines.

2.0 DEFINITION OF TERMS

For the purpose of these guidelines, the following definitions shall apply:

- 2.1 BPS** - Bureau of Product Standards
- 2.2 DTI** - Department of Trade and Industry
- 2.3 Import Commodity Clearance** - Referred to as the **ICC**. A document issued to an importer attesting that its imported product conforms to the requirements of the specific standard.
- 2.4 Importer** - An entity engaged in the importation of the product.
- 2.5 Wholesaler/Distributor/Dealer/Retailer** - An entity engaged in the sale/distribution of the product.
- 2.6 ICC Holder** - An importer authorized/granted by BPS to use the ICC mark on its imported product.
- 2.7 PNS 65:1993**- Referred to as the **specific standard**. It is the Philippine National Standard No. 65:1993, Specification for Unplasticized Polyvinyl Chloride (uPVC) Pipes for Potable Water Supply.
- 2.8 Unplasticized Polyvinyl Chloride (uPVC) Pipes for Potable Water** - Referred to as the **product**. A pipe made from an extrusion grade of high molecular weight resin which does not contain plasticizer.

2.9 Test Sample - A product picked out at random from a batch.

2.10 Test Certificate – A document issued by a third party certifying/testing organization to a particular import shipment/commodity attesting that the sampling, testing and results thereof are in accordance with a specific Philippine National Standard.

2.11 Conditional Release – Document issued to the importer allowing the temporary release of goods from Custom's custody while awaiting issuance of Import Commodity Clearance.

3.0 APPLICATION FOR ICC

3.1 Importers of Unplasticized Polyvinyl Chloride (uPVC) Pipes for Potable Water Supply shall apply to BPS or to the nearest DTI Regional or Provincial offices for the ICC, immediately upon arrival of their import shipments.

3.2 Application for an Import Commodity Clearance shall be made in forms obtainable from the nearest BPS or DTI Regional/Provincial Offices. It shall be filed in triplicate with the nearest BPS or DTI Regional/Provincial Office together with the following documents:

3.2.1 Packing List

3.2.2 Certified true copy of Import Entry

3.2.3 Commercial Invoice

3.2.4 Bill of Lading/Airway Bill

3.2.5 Certified true copy of Custom's Examiner's Findings

3.2.6 DTI business Registration Certificate/SEC Registration Certificate

3.2.7 Summary of Batch Numbers of the product covered by the mandatory standard

3.2.8 Power of Attorney (In cases where the ICC application is filed by persons with managerial/supervisory capability connected with the company authorizing them to process said ICC application).

3.2.9 Board resolution (in cases where the application is filed by persons with managerial or supervisory capability connected with the corporation authorizing them to process said ICC application.)

3.3 Importers of Unplasticized Polyvinyl Chloride (uPVC) Pipes for Potable Water Supply manufactured by foreign companies issued by BPS a license to use the PS Quality and/or Safety Mark need not apply for ICC.

4.0 EVALUATION OF APPLICATION

4.1 The DTI Regional/Provincial Office or BPS shall evaluate the submitted ICC application. For products covered by PNS 65:1993, the DTI Regional/Provincial Office or BPS shall issue a Conditional Release within 48 hours upon submission of the application for ICC with complete required documents. This is on the condition that upon the temporary release of the imported goods from Custom's custody, the said goods shall be stored at the declared warehouse as stipulated in the conditional release. The goods shall not be sold, distributed, used and/or transferred in whole or in part by the importer prior to the issuance of ICC.

4.2 Importers are required to confirm/sign the Conditional Release as a legal commitment that they will comply with the terms and conditions of the Conditional Release.

4.3 A Certificate of Exemption shall be issued to products not covered by the specific standard and/or by BPS-ICC scheme.

4.4 Applications for the ICC shall be processed through any of the following three (3) options:

4.4.1 Import Shipment without Foreign Test Certificate/Report.

The shipment shall be subjected to inspection, sampling, testing and evaluation as per the requirements of PNS 65:1993.

4.4.2 Import Shipment with Foreign Test Certificate/Report.

4.4.2.1 Local testing may not be conducted for imported Unplasticized Polyvinyl Chloride (uPVC) Pipes for Potable Water Supply accompanied by Test Certificate from the country of origin, as issued by the BPS recognized/accredited testing centers and/or accredited by accreditation body accepted by APLAC in that same country establishing conformity of the import shipment to the requirements of PNS 65:1993.

4.4.2.2 When necessary, the said import shipment may be randomly subjected to resampling and testing by BPS or DTI Regional/Provincial Offices. In that case, results of local testing shall prevail over the foreign test results.

4.4.3 Import Shipment with Philippine Standard (PS) Quality and/or Safety Certification Mark.

Imports of products manufactured by foreign companies with PS Certification Mark shall be issued a Certificate of Exemption. The processing of application for the issuance of PS Certification Mark License is covered by DAO 1 series of 1997.

5.0 SAMPLING, TESTING AND EVALUATION OF THE PRODUCT

5.1 The product must conform to the requirements of PNS 65:1993 and the required product identification and traceability as stipulated in DAO 5:2001.

5.2 Number of samples shall be three (3) pieces by one meter length per type/model to be subjected to testing and to be sent to BPS Testing Center or to BPS accredited or recognized testing laboratories for independent test.

5.3 Inventory, inspection shall be conducted and drawing of test sample/s shall be taken either in the port area or warehouse.

5.4 Test samples shall be taken at random directly from the importers warehouse on per shipment per Bill of Lading basis.

- 5.5 Test samples shall be labeled accordingly and shall be packed in the presence of DTI Regional/Provincial Offices/BPS personnel and shall be sent within five (5) working days to the BPS Testing Center or BPS recognized/accredited testing laboratory by the importer. Request For Test / Acknowledgement of test samples shall be issued accordingly.
- 5.6 Test shall be done by BPS Testing Center or BPS accredited or recognized testing laboratory in accordance with the requirements of PNS 65:1993.
- 5.7 Evaluation of test results/test certificates shall be conducted by BPS Product Certification Group. Results of evaluation shall be endorsed to the respective Regional/Provincial Offices for their appropriate actions.
- 5.8 For failed test results, resampling and retesting should be conducted for further verification. See section 9.0
- 5.9 All test results shall be held strictly confidential by the BPS and/or BPS accredited testing laboratory.
- 5.10 Prior to BPS independent testing, there shall be no product modification or adjustment in any manner on a test sample or any part thereof.

6.0 LABELS AND MARKINGS

- 6.1 The ICC holders must see to it that all the products to be distributed in commerce bear the ICC mark.
- 6.2 Importers shall label/mark its products as required by the specific standard, memoranda and as mandated by R.A. 7394 also known as "The Consumer Act of the Philippines."

7.0 PRODUCT IDENTIFICATION AND TRACEABILITY

- 7.1 Each Unplasticized Polyvinyl Chloride (uPVC) Pipes for Potable Water Supply shall have product identification and traceability as basis for issuance of Import Commodity Clearance so as to reconcile the shipment with the corresponding clearance.
- 7.2 Importers shall ensure that the imported products are properly marked with identification and traceability of the production lot/batch.

8.0 COMPLIANCE AND ISSUANCE OF ICC

- 8.1 When the results of the warehouse inspection/inventory and test result/s showed compliance with the requirements specified in these guidelines, the Import Commodity Clearance (ICC) is issued to the importer for the type/s tested and evaluated.
- 8.2 An Import Commodity Clearance (ICC) shall be issued to importers whose imported products conform to the requirements of the specific standard and terms and conditions of the ICC provided in by Department Administrative Order No. 5, series

of 2001, "Revised Rules and Regulations Concerning the Issuance of Import Commodity Clearance," and its future revision and amendment.

9.0 NON-COMPLIANCE

- 9.1** If in the conduct of inspection and inventory by DTI Regional/Provincial Office or BPS representative/s resulted that the imported product/s were sold, distributed, used and/or transferred in whole or in part pending the issuance of the ICC, the BPS or DTI Regional/Provincial Office shall take appropriate legal action against the applicant/importer.
- 9.2** Two separate tests with two (2) failing results should have been conducted by BPS through the BPS Testing Center or BPS accredited or recognized testing laboratory before a declaration can be made that the product did not conform to the specific standard.
- 9.3** If in the determination of DTI Regional/Provincial Office or BPS the first sample failed, another set/s of sample/s from the same lot/batch shall be sampled and tested, and if upon testing, the sample complied with the standard, the lot is declared as complying with the requirements of the standard.
- 9.4** If in the determination of DTI Regional/Provincial office concerned or BPS both tests showed that the product failed to comply with the requirements of the specific standard, the importers will be advised by the concerned DTI Regional/Provincial Office or BPS to re-export the products to the country of origin or be destroyed.

10.0 DISPOSAL OF TEST SAMPLE

- 10.1** After the product samples have been tested, it will be returned to the importer. BPS shall not be liable for whatever damage the test samples might cause. The importer, upon receipt of notice of disposal of test samples, arranges within one (1) month time to pick up the samples at BPS Testing Center. Otherwise, BPS shall dispose the samples in a manner deemed appropriate.
- 10.2** Returned tested samples to the importers shall not be distributed in any manner in the local market.

11.0 AUTHORITIES AND RESPONSIBILITIES OF BPS

In addition to the duties specified in DAO 5, Series of 2001, BPS shall:

- 11.1** Inform the ICC holders or importers of any changes in the standard.
- 11.2** Maintain and disseminate a registry of the product's ICC holders.
- 11.3** Coordinate with the DTI Regional/Provincial Offices in the implementation of these operation guidelines, especially in the conduct of inspection, inventory, drawing of samples and verification of imported products at the warehouse relative to Import Commodity Clearance Scheme as well as market monitoring for purposes of ascertaining the products' conformance to the specific standard.

11.4 Conduct final evaluation of all ICC applications, test reports and other relevant recommendation of the DTI Regional/Provincial Offices.

11.5 Issue or deny ICC based on findings under sub-clause 11.4.

11.6 Coordinate with the DTI Regional or Provincial Offices and the DTI Office of Legal Affairs in identifying, taking and implementing appropriate legal action against importer, wholesaler, dealer and retailer found to be violating any provision of the above-stated laws, rules and regulation, department administrative orders, these operations manual, the requirements of the specific standard and its implementing memoranda and circulars.

12.0 AUTHORITIES AND RESPONSIBILITIES OF DTI REGIONAL/PROVINCIAL OFFICES

12.1 Facilitate the processing of ICC applications of importers i.e. evaluate application, conduct inventory and draw samples for test and issue Import Commodity Clearance or deny the application thereafter based on the recommendation of BPS.

12.2 Conduct market monitoring and enforcement; and

12.3 Take legal action against and impose appropriate sanction/s and penalties to erring ICC holders and violators.

13.0 RESPONSIBILITIES OF THE ICC HOLDERS

13.1 The ICC holder shall observe and abide by the provisions of R.A. 4109, E.O. 913, Series of 1983, E.O. 133, Series of 1987, R.A. 7394, DAO 5:2001 and their implementing rules and regulations and shall comply with any and all other directives and orders which the BPS may issue in pursuance with its authority under the law.

13.2 The ICC holder shall ensure that its certified product conforms at all times to the specific standard.

13.3 The ICC holder shall affix the Import Commodity Clearance (ICC) Mark only on certified products covered by a valid license.

13.4 The ICC holder/applicant shall give the duly authorized representative(s) of the BPS or DTI Regional/Provincial Offices access during working hours to the premises where product is being stored, for the purpose of evaluating the product and to conduct inventory relative to the issuance of the Import Commodity Clearance (ICC).

13.5 As part of the market monitoring/enforcement and wherever possible, samples of the certified product shall be drawn from the market in coordination with the company representative. The company/ICC holder shall shoulder samples drawn from the market. Upon the option of the BPS, samples may be drawn at the warehouse site when appropriate.

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13.6 The ICC holder/applicant shall pay the applicable fees and charges as billed or stipulated by BPS or DTI Regional/Provincial Offices.

13.7 The ICC is non-transferable.

13.8 The ICC holder shall provide his customers, whether wholesalers or retailers, with a copy of the ICC and the ICC marks to be affixed on the products, if applicable, and/or on the packaging.

13.9 The ICC holder may determine the most appropriate manner of meeting the ICC marking requirements (through stickers, rubber stamping etc.) provided marking are legible and reasonably conspicuous.

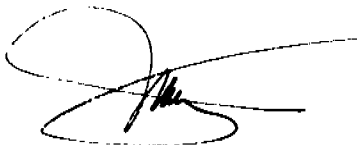
13.10 Any infraction of these operations manual shall constitute sufficient grounds for the institution of administrative sanctions/fines against a licensee, which will include suspension, withdrawal, cancellation of the license, without prejudice to the penal provisions of R.A. 4109, DAO 9:1990 and its future amendments, E.O. 913, Series of 1983, and R.A. 7394.

14.0 MONITORING

DTI Regional/Provincial offices or BPS shall at any time monitor and inspect the product in the market for conformance to the requirements of the specific standard. If the products are found not conforming to the specific standard, the DTI Regional/Provincial offices or BPS, together with the complainant, shall take the necessary legal actions and impose sanction/s and penalties in accordance with the relevant laws, rules and regulations.

15.0 EFFECTIVITY

These guidelines shall take effect immediately.



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Director



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