

**BỘ KHOA HỌC VÀ CÔNG NGHỆ
TỔNG CỤC TIÊU CHUẨN
ĐO LƯỜNG CHẤT LƯỢNG**

**CỘNG HOÀ XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc**

Số: *1271* /TĐC-TBT

Hà Nội, ngày *04* tháng *5* năm 2021

V/v cảnh báo về Thông tư sửa đổi, bổ sung hướng dẫn thực thi DAO 20-09 của Philippines về gạch men

Kính gửi:

- Bộ Xây dựng;
- Bộ Công Thương;
- Phòng Thương mại và Công nghiệp Việt Nam (VCCI);
- Hiệp hội Xây dựng Việt Nam;
- Hiệp hội Xây dựng và vật liệu xây dựng Thành phố HCM;
- Công ty CP kinh doanh gạch ốp lát Viglacera;
- Công ty gạch ốp lát Đồng Tâm;
- Công ty gạch ốp lát CMC.

Thực hiện nghĩa vụ minh bạch hoá theo Hiệp định về hàng rào kỹ thuật trong thương mại (TBT) của Tổ chức thương mại thế giới WTO ngày 27/4/2021 Philippines đã gửi thông báo mã G/TBT/N/PHL/225/Add.2 về việc ngày 16/4/2021 nước này vừa ban hành Thông tư quy định hướng dẫn sửa đổi, bổ sung thực thi Quy chuẩn kỹ thuật DAO 20-09 – Quy chuẩn kỹ thuật mới về chứng nhận bắt buộc đối với gạch men. Quy chuẩn kỹ thuật DAO 20-09 của Philippines được ban hành ngày 28/12/2020 và có hiệu lực từ ngày 13/01/2021.

Thông tư sửa đổi, bổ sung này quy định phạm vi áp dụng, hồ sơ thông quan hàng hóa nhập khẩu có thử nghiệm và giám định trước khi xếp hàng; thử nghiệm sản phẩm cho Hồ sơ thông quan hàng hóa nhập khẩu (ICC)... cho cả nhà sản xuất trong nước và nhập khẩu sản phẩm gạch men đang chịu sự điều chỉnh của Quy chuẩn kỹ thuật DAO 20-09 nêu trên (xem Phụ lục gửi kèm công văn). Thông tư sẽ có hiệu lực ngay khi được phát hành trên Công báo của Philippines.

Tổng cục Tiêu chuẩn Đo lường Chất lượng (TCĐLCL) gửi thông tin và kính đề nghị:

1. Đối với Bộ Xây dựng, Bộ Công Thương:

- Xem xét phòng chống ảnh hưởng của Thông tư này tới doanh nghiệp sản xuất và xuất khẩu của Việt Nam sang Philippines.

- Thông tin cho Tổng cục TCĐLCL nếu nhận được các thông tin về khó khăn, vướng mắc của doanh nghiệp khi áp dụng quy định này của Philippines để phối hợp phản ánh tại diễn đàn của WTO và các diễn đàn khu vực, quốc tế khác.

2. Đối với VCCI, Hiệp hội doanh nghiệp có liên quan:

Phản hồi thông tin cho Tổng cục TCĐLCL trong trường hợp doanh nghiệp có khó khăn khi áp dụng quy định này trong quá trình xuất khẩu hàng hóa sang thị trường Philippines. Ý kiến góp ý của doanh nghiệp sẽ được Tổng cục TCĐLCL tổng hợp gửi cho cơ quan liên quan của Philippines để xem xét, tiếp thu.

Mọi thông tin và ý kiến góp ý đề nghị gửi cho Tổng cục Tiêu chuẩn Đo lường Chất lượng, số 8 Hoàng Quốc Việt, Cầu Giấy, Hà Nội thông qua Văn phòng TBT Việt Nam, điện thoại: 0243.7912.145, email: tbtvn@tcvn.gov.vn hoặc tbtvn@tbt.gov.vn.

Nơi nhận:

- Như trên;
- Thứ trưởng Lê Xuân Định (để b/c);
- Lưu: VT, TBT.

**KT. TỔNG CỤC TRƯỞNG
PHÓ TỔNG CỤC TRƯỞNG**



Nguyễn Hoàng Linh



Phụ lục

THÔNG TƯ QUY ĐỊNH HƯỚNG DẪN SỬA ĐỔI, BỔ SUNG THỰC THI QUY CHUẨN KỸ THUẬT DAO 20-09 VỀ CHỨNG NHẬN BẮT BUỘC ĐỐI VỚI GẠCH MEN CỦA PHILIPPINES

(gửi kèm Công văn số 1271 /TĐC-TBT ngày 04 tháng 5 năm 2021 của Tổng cục Tiêu chuẩn Đo lường Chất lượng)



DEPARTMENT OF TRADE AND INDUSTRY
REPUBLIC OF THE PHILIPPINES

MEMORANDUM CIRCULAR NO. 21-12

Series of 2021

TO : All Manufacturers and Importers of Ceramic Tiles Covered by DAO 20-09, Series of 2020 and Others Concerned

SUBJECT : Amendatory and Supplemental Guidelines for the Implementation of DAO 20-09, Series of 2020

WHEREAS, the Department Administrative Order (DAO) 20-09, Series of 2020 shall take effect on 12 January 2021, the objective of which is to strictly ensure that ceramic tiles comply with the specified quality requirements as prescribed therein;

WHEREAS, on 11 January 2021, the department received an appeal from the Philippine Ceramic Products Importer's Association, Inc. to provide ample time for all stakeholders to adjust and conform to the new requirements pending resolution of multiple issues raised by the industry as well as dispose the remaining inventory of ceramic tiles;

WHEREAS, considering the request from the ceramic tile industry and the impact of the ongoing COVID-19 pandemic and the recent calamities to the local industry and consumers, the department issued the Memorandum Circular 21-02, Series of 2021 on 14 January 2021 providing additional transitory provisions for shipments of ceramic tiles arriving on or before 12 April 2021;

WHEREAS, after the issuance of MC 21-02, Series of 2021, meeting with Philippine Ceramic Products Importer's Association, Inc. was conducted to discuss issues concerning some of the provisions and implementation of DAO 20-09, Series of 2020 particularly on the delay in setting up additional testing facilities caused by the COVID-19 pandemic;

WHEREAS, pursuant to Rule 23 of DAO 20-09, Series of 2020 BPS may issue such procedural guidelines as may be necessary in the implementation of this Order;

WHEREAS, consistent with Good Regulatory Practice, the Department is committed to continuously review its Technical Regulations in order to balance the interest of the stakeholders without compromising the safety of the consumers;

WHEREFORE, foregoing premises considered, this Memorandum Circular is hereby issued for the guidance of all concerned;


1. Scope

- 1.1. For ceramic tiles with nominal length of one side greater than 600mm, the documentary and process requirements excluding sampling and testing consistent with the applicable provisions of Rule 6 of DAO 20-09, Series of 2020 and the provisions stated hereunder shall apply:

CERTIFIED TRUE PHOTOCOPY

ANGELICA ISABEL P. ISANAN
Head, Records Section
Department of Trade & Industry



- 
- 1.1.1. Submission of independent test reports issued by a testing laboratory accredited by an accreditation body signatory to ILAC/APAC MRA issued within one (1) year before the application date;
 - 1.1.2. The submitted test reports shall be size, type, brand, and manufacturer specific; and,
 - 1.1.3. The products shall comply with the marking requirements prescribed in Rule 10 of DAO 20-09, Series of 2020.

Upon compliance with the aforementioned conditions, Import Commodity Clearance (ICC) Certificate and corresponding stickers shall be issued.

2. Application for Import Commodity Clearance with Pre-shipment Inspection and Testing

- 2.1. Importers without a valid PS License and whose shipments of ceramic tiles shall arrive on 12 July 2021 onwards may apply for Pre-shipment Inspection and Testing pursuant to the following process:
 - 2.1.1. The applicant shall submit the duly accomplished application form and requirements to the BPS. The application shall be filed together with the request to utilize the services of a BPS-recognized inspection body and testing laboratory;
 - 2.1.2. Upon receipt of the complete application and request, the BPS shall issue the notice to conduct inspection and sampling to the identified BPS-recognized inspection body and testing laboratory, copy furnished the applicant;
 - 2.1.3. Product inspection and sampling shall be conducted by the BPS or the identified BPS-recognized inspection body within two (2) working days upon receipt of the notice to conduct inspection;
 - 2.1.4. Inspection and sampling shall be conducted at the manufacturer's plant site, exporter's warehouse, or port of loading, in accordance with the applicable provisions hereof. The original inspection report shall be sent directly to the BPS by the BPS-recognized inspection body within two (2) working days from the date of inspection.
 - 2.1.5. If inspection and sampling cannot be conducted within the prescribed period, the concerned BPS-recognized inspection body shall inform the BPS in writing of the reason/s thereof within two (2) working days upon receipt of the notice to conduct inspection;
 - 2.1.6. Product testing shall be conducted by the BPS Testing Laboratory or the identified BPS-recognized testing laboratory in accordance with the applicable provisions hereof. The BPS Testing Laboratory or BPS-recognized testing laboratory is required to submit the original copies of the test reports within two (2) working days upon issuance directly to the BPS;
 - 2.1.7. If the result of the pre-shipment testing showed conformance, BPS shall notify the importer that the provisions of Clause 2.1.9 stated herein shall apply;



ANGELICA M. ISNANI
Head, Records Section

- 2.1.8. If the result of the pre-shipment testing showed non-conformance, BPS shall notify the importer that the provisions of Rule 6.2.2 of DAO 20-09, Series of 2020 shall apply;
- 2.1.9. Upon satisfactory results of the evaluation of the submitted application and documentary requirements, Certificate of Conditional Release shall be issued. Upon arrival of the shipment at the port of entry, the following shall apply:
- 2.1.9.1. The importer shall nominate the BPS, DTI RO/PO or any of the BPS-recognized inspection bodies for the conduct of the post-shipment inspection;
- 2.1.9.2. Product inspection shall be conducted within two (2) working days from receipt of the written notice at the port of entry, vessel, or the importer's warehouse, whichever is applicable, subject to the Tariffs and Customs Code and applicable issuances by the Bureau of Customs.
- 2.1.9.3. If inspection showed that the product shipped is consistent with the importation documents and the pre-shipment inspection report submitted showed conformance, ICC shall be issued by the BPS within sixteen (16) working hours from BPS' receipt of the inspection report. Otherwise, a Show Cause Order shall be issued;
- 2.1.9.4. After the release of the ICC Certificate and corresponding stickers, product distribution, retail, or use may commence.

3. Product Testing for Import Commodity Clearance (ICC) Application

- 3.1. For all shipments of ceramic tiles arriving on 12 July 2021 onwards mandatory product testing shall be conducted and all provisions of DAO 20-09, Series of 2020 shall apply;
- 3.2. For all shipments of ceramic tiles arriving on or before 11 July 2021, all provisions of MC 21-02, Series of 2021 shall apply.

4. Certification of Existing Ceramic Tile Inventories

- 4.1. For uncertified imported ceramic tiles in the possession of importers, traders, distributors, and retailers prior to the effectivity of DAO 20-09, Series of 2020, the documentary and process requirements consistent with the applicable provisions of Rule 6 of DAO 20-09, Series of 2020 and the provisions stated hereunder shall apply:
- 4.1.1. Inventory report consistent with the format in Annex 1 shall be included in the application;
- 4.1.2. Submission of independent test reports issued by a testing laboratory accredited by an accreditation body signatory to ILAC/APAC MRA issued within one (1) year before the date of application;



TRUE PHOTOCOPI
ANGELICA BEL P. ISNANI
Head, Records Section
Department of Trade & Industry



- 4.1.3. The submitted test reports shall be size, type, brand, and manufacturer specific. In the absence of such test report, sampling and testing consistent with the applicable provisions of DAO 20-09, Series of 2020 shall apply;

Upon compliance with the aforementioned conditions, Import Commodity Clearance (ICC) Certificate and corresponding stickers shall be issued.

5. Repealing Clause

All other orders or parts thereof which are inconsistent with the provisions of this Circular are hereby repealed or amended accordingly.

This Memorandum Circular shall be effective immediately after its publication in a newspaper of general circulation, a copy of which shall be submitted to the UP Office of National Administrative Register.

For the information and guidance of all concerned.

Done in the City of Makati this 16 day of April in the year 2021.

Recommended by

Digitally signed by
Catajay Neil
Pinuela
Date: 2021.04.17
08:41:33 +08'00'

NEIL P. CATAJAY
Director, BPS

ATTY. RUTH B. CASTELO
Undersecretary, CPG

Approved by:

RAMON M. LOPEZ
Secretary

CONFIRMED TRUE PHOTOCOPY

ANGELICA LABEL P. ISNANI
Head, Records Section
Department of Trade & Industry