



Today's News

∴ 103.12.22 Regulations Governing the Surveillance of Machinery, Equipment and Appliances [\[Chinese\]](#)

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Chapter 1 General Provisions

Article 1

These Regulations are established in accordance with Paragraph 4, Article 7 and Paragraph 5, Article 8 of the Occupational Safety and Health Act (the Act).

Article 2

The terms and vocabulary used in these Regulations shall be defined as follows:

1. Product surveillance: for products specified in Paragraph 1 or 3, Article 7 or Paragraph 1, Article 8 of the Act, to perform inspection of sampled products, check completeness of production and distribution records and ensure consistency of safety specifications at the manufacturing stage at the production premises or warehouses.
2. Market checks: for products specified in Paragraph 1 or 3, Article 7 or Paragraph 1, Article 8 of the Act, to perform product inspection or investigation at places of distribution, production premises, warehouses, working areas, business sites or other places.

Article 3

Manufacturers, importers, suppliers and the responsible persons of places mentioned in subparagraph 2 of the preceding Article (hereinafter referred to as the person subject to inspection) shall not evade, impede or refuse the checks, investigation, inspection or seal of products without justified reasons.

Article 4

The central competent authority, labor inspection bodies and type certification bodies mentioned in Paragraph 1, Article 8 of the Act may inspect or investigate purchased or sampled products, if it is so required in order to carry out their activities.

The central competent authority may commission, in accordance with Article 52 of the Act, professional groups to purchase or sample products from the market required for market checks.

Chapter 2 Product Surveillance

Article 5

The type certification body shall have an annual implementation plan based on the risk level of the products it certifies.

The implementation plan mentioned in the preceding paragraph shall cover the factory's production processes of type-certified products, checks of production and distribution records and sampling inspection.

The risk level of products mentioned in the first paragraph may be determined by factors such as the violation records of the manufacturer or type-certified products, occurrences of incidents, noncompliance records of purchased or sampled products, quality assurance of factories, or place of origin.

Article 6

To monitor type-certified products, the type certification body shall assign professionals to perform the

following tasks at the production premises or warehouses of the products, whereas surveillance of production processes shall only be carried out at the production premises:

1. Surveillance on products: including sampling inspection and checking of the production and distribution records.
2. Surveillance on production processes: including the management of raw materials and components,

inspection and testing of semi-finished and final products, verification of consistency in safety specifications of products at the production premises with type-certified products.

The type certification body shall make product surveillance records of the surveillance mentioned in the preceding paragraph and maintain them properly.

Article 7

The type certification body shall sample products from the most recent batch of type-certified products, including the main type and series of type, and compare on site with the information listed in the type test reports and technical files.

Where the type certification body considers it necessary, it may perform testing on site or take back the sampled products for further testing based on the findings of the on-site comparison, and make records.

Article 8

Under any of the following circumstances, the type certification body shall sample products on site and take them back for testing when it performs surveillance on production processes, except where it is not easy to take back the products:

1. Where there are no testing facilities at the surveillance place;
2. Where there are discrepancies as a result of the on-site comparison or testing; or
3. Where there are doubts requiring further clarifications.

Article 9

Where the type certification body determines noncompliance of the production and distribution records during the surveillance on type-certified products, it shall notify the person subject to inspection to take corrective actions within a certain time limit and put it on the list of prioritized surveillance.

Article 10

Where the type certification body confirms that the purchased or sampled type-certified products do not comply with the safety standards, it shall report to the central competent authority for rescinding the certificate of type-certification of the products and notify relevant parties to recall the products within a certain time limit.

The type certification body shall conduct market checks to follow up the status of recall after the time limit expires.

Article 11

For products registered at the Safety Information Reporting Website or granted certificates of type certification, manufacturers or importers shall have production and distribution documents concerning such products, such as dates of manufacture, types, specifications, quantities, dates of shipment, clients, complaints records and service records, and maintain related technical files for non-periodic checks by the central competent authority or labor inspection bodies.

Chapter 3 Market Checks

Article 12

The central competent authority or labor inspection body may conduct market checks as a result of any of the following reasons:

1. Accusations made by informants, workers or labor groups,
2. Disasters or incidents caused by products that are likely to damage the life, body, health or properties of workers, or
3. Other information resources indicating that the conduction of market checks is considered necessary.

Article 13

The following items shall be included in market checks:

1. Compliance of the product with the requirements of Paragraphs 1 and 3, Article 7,
2. Compliance of the product with the requirements of Paragraph 1, Article 8,
3. Compliance of the safety labels or certification labels, in terms of their patterns and manners of posting, with the requirements specified in the regulations,
4. Completion of corrective actions within the specified time limit for violating products,
5. Recall of violating products within the specified time limit, and
6. Violations of laws by manufacturing and shipping out of the production premises, importing, renting, supplying or installing products of which the registered information or type-certified qualification is cancelled, rescinded or withdrawn.

The central competent authority or labor inspection body may notify the person subject to inspection to provide certificate of type certification, test reports, technical files, testing samples or other supporting documents during market checks.

Article 14

The inspector performing market checks shall present identification documents to the person subject to inspection and explain the basis and reasons of the checks.

The person subject to inspection shall be present or assign representative to accompany the inspector during market checks.

The inspector shall make inspection records after completing market checks and have the person subject to inspection sign or seal stamps on the inspection records.

Article 15

The central competent authority or the labor inspection body shall investigate on products that are likely to violate related regulations when it performs market checks.

The means of investigation shall be:

1. To make inquiry to the person subject to inspection or related persons and request for supply of relevant supporting documents,
2. To investigate at the site mentioned in subparagraph 2, Article 2 and sample products that are likely to violate related regulations for inspection, or ask the person subject to inspection to provide products that are of the same type with suspect products for testing, and
3. To seal products that are likely to violate regulations, where necessary, and put the products in the custody of the person subject to inspection or deliver the products to designated places after the person subject to inspection draws up proof documents or affidavit concerning the status of these sealed products.

Article 16

The inspector when performing the investigation mentioned in the preceding Article shall make interview records on the site of investigation or designated places where the products are stored. Comments or explanations made by the person subject to inspection shall be noted in the records.

The person subject to inspection shall keep shipment-return documents for later checks when delivering products likely to violate regulations to designated places for storage.

The central competent authority, labor inspection body and type certification body mentioned in Paragraph 1, Article 8 of the Act may request assistance from the police on a case-by-case basis when situations such as evasion, impediment or refusal of investigation occur.

Article 17

The person subject to inspection or the designated representative shall not evade, impede or refuse market checks without justified reasons.

Article 18

The inspector shall make records on market checks if the person subject to inspection evade, impede or refuse checks without justified reasons.

The records mentioned in the preceding paragraph shall include the following items:

1. Name, office or business place of the person subject to inspection, and the name, date of birth, gender, personal identification number and address of domicile of the responsible person or representative,
2. Reasons of evasion, impediment or refusal of checks and the whole course of the situation,
3. The body and person performing checks, and the time and place of checks,
4. Other items for collecting evidence.

Where the information on the person subject to inspection is not available, the inspector may make inquiry to related government agencies and record it at a later time.

Article 19

The central competent authority or labor inspection body finding noncompliant products during market checks of type-certified products shall inform the type certification body that issue the certificate to investigate reasons of noncompliance, make interview reports and process the case in accordance with related requirements.

Chapter 4 Processing of Noncompliant Products

Article 20

The central competent authority, labor inspection body and type certification body mentioned in Paragraph 1, Article 8 of the Act shall follow up products not in compliance with safety standards, and carry out investigations to the manufacturer, importer or supplier and make interview reports.

For products mentioned in the preceding paragraph that are considered not safe, the organization or body mentioned in the preceding paragraph shall prepare a notification document stating the basis of regulations, reasons of notification, name of products, type, date of manufacture/import and name of manufacturer/importer, with supporting photos.

The labor inspection body or type certification body shall send the investigation documents, interview reports and notifications of unsafe products mentioned in the preceding two paragraphs to the central competent authority.

The central competent authority shall process and keep the investigation documents, interview reports and notifications of unsafe products mentioned in the preceding paragraph in accordance with related regulations.

Article 21

Where the person subject to inspection evade, impede or refuse investigation without justified reasons, the inspector shall make a record and send it to the central competent authority, labor inspection body or type certification body mentioned in Paragraph 1, Article 8 of the Act to process in accordance with related regulations.

The provisions of Paragraphs 2 and 3 of Article 18 shall apply mutandis mutatis to the content of the record mentioned in the preceding paragraph.

Article 22

The central competent authority may request assistance from the Customs to perform border inspection of products that do not comply with safety standards during purchased or sampled inspection and are likely to pose hazards to the safety of workers.

Article 23

If the products that fail inspection cannot be further modified to meet the safety standards, the obligatory applicant shall return the shipment, destroy or disassemble the products, or adopt other necessary measures within six months after receiving an a notice of noncompliance.

When actions mentioned in the preceding paragraph are taken to dispose of products, the obligatory applicant shall apply to the central competent authority for opening the seal, or may open the seal themselves, after obtaining an approval from, and under the supervision of, the central competent authority, labor inspection body and type certification body mentioned in Paragraph 1, Article 8 of the Act.

For products that are to be returned as mentioned in the first paragraph, the obligatory applicant shall report to the central competent authority to close the case by providing documents related to export or crosschecking the information on returned shipment with the Customs within three months after the products are returned.

Article 24

Sampled products that fail inspection shall be taken back by the obligatory applicant within three months after receiving the notice of noncompliance. Where the sampled products are not taken back by the obligatory applicant after three months, the central competent authority, labor inspection body and type certification body mentioned in Paragraph 1, Article 8 of the Act may destroy the products, disassemble the products to unusable status or take necessary actions.

The fees evolved from actions taken by the central competent authority, labor inspection body and type certification body mentioned in Paragraph 1, Article 8 of the Act to destroy the products, disassemble the products to unusable status or other necessary dispositions shall be borne by the obligatory applicant.

Chapter 5 Return Shipment and Destruction

Article 25

The obligatory applicant shall observe the following requirements for imported or manufactured products that need to be returned or destroyed because they fail inspection:

1. Return shipment: to provide the central competent authority with copies of export related documents to close the case or crosscheck information on return shipment with the Customs to close the case within three months after the products are returned.
2. Destruction: to apply to the central competent authority by presenting a destruction plan, destroy products and request for closing the case.

Article 26

Article 26

When accepting applications for destroying products as mentioned in subparagraph 2 of the preceding Article, the central competent authority shall review the content of destruction plan, including serial number of the application, name of products, specifications, quantities, place of destruction, means of destruction and subsequent disposition of wastes, etc.

The central competent authority approves the destruction plan mentioned in the preceding paragraph may dispatch personnel or commission other organizations/bodies to witness the destruction and take photos or video recording the critical processes for documentation. Where the process of destruction does not comply with that stated in the destruction plan, destruction shall be stopped and carried out at a later time after correction is made by the obligatory applicant upon receipt of notice from the central competent authority.

Article 27

The personnel witnesses the destruction shall confirm that the products are destroyed to unusable status after completion of the destruction and note down the checks and date of destruction on the destruction report, which shall be sent to the central competent authority for closing the case. A copy of the destruction report and related documents shall be kept for subsequent checks.

Chapter 6 Others

Article 28

These Regulations shall take effect on January 1, 2015.

