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HKCAS Supplementary Criteria No. 14

Requirements for Hong Kong Certification Bodies Sending Staff to the Mainland to Provide Certification Service

1 INTRODUCTION

- 1.1 Supplement X to the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA) was signed between the Mainland China and the HKSAR on 29 August 2013. In the area of certification and accreditation, the Annex of Supplement X to CEPA includes contents relating to the movement of natural persons, i.e. “To allow contractual service providers employed by Hong Kong service suppliers, in the mode of movement of natural persons, to provide services under this sector or sub-sector on the Mainland”.
- 1.2 This Supplementary Criteria document explains the requirements stated in the Implementation Guide for the Article on the Movement of Natural Persons in the Area of Certification and Accreditation in Supplement X to CEPA by the Certification and Accreditation Administration of the People’s Republic of China (CNCA) for Hong Kong certification bodies.

2 PROCEDURES AND REQUIREMENTS

- 2.1 Hong Kong certification bodies (or certification bodies in short) who intend to undertake certification activities on the Mainland using the mode of movement of natural persons shall have the relevant certification activities accredited by Hong Kong Accreditation Service (HKAS) under the Hong Kong Certification Body Accreditation Scheme (HKCAS).
- 2.2 Accredited certification bodies can express to HKAS to send staff to the Mainland to provide certification service to export enterprises according to the contents of the Annex of Supplement X to CEPA relating to the movement of natural persons in the area of certification and accreditation for the needs of export only and the certification results are only for use outside the Mainland. The certification bodies shall establish procedure to ensure that their Mainland clients are export enterprises. Furthermore, the certification bodies shall agree to comply with the relevant requirements for Hong Kong certification bodies in the Implementation Guide for the Article on the Movement of Natural Persons in the Area of Certification and Accreditation in Supplement X to CEPA (see Appendix) and specify the part of their scope of accreditation to be reported to CNCA.
- 2.3 For the qualified certification bodies, HKAS will include their name, Authorised

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Representative, enquiry contact information and the applicable scope of accreditation as agreed by CNCA into the 'list of certification bodies in Hong Kong' and communicate the list to CNCA. HKAS will inform CNCA should there be any change of the list.

- 2.4 Under any circumstance, should HKAS receive notification from CNCA informing that a violation of the requirements by an accredited certification body is found, or an accredited certification body proposes to voluntarily withdraw from the list, HKAS will remove the certification body from the 'list of certification bodies in Hong Kong' and inform CNCA.

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Appendix

Implementation Guide for the Article on the Movement of Natural Persons in the Area of Certification and Accreditation in Supplement X to the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)

In the area of certification and accreditation, Supplement X to CEPA and its Annex includes contents relating to the movement of natural persons, i.e. “To allow contractual service providers employed by Hong Kong service suppliers, in the mode of movement of natural persons, to provide services under this sector or sub-sector on the Mainland”. The implementation guide is as follows:

- I. The accreditation body (Hong Kong Accreditation Service, HKAS) in Hong Kong shall provide the Certification and Accreditation Administration of the People’s Republic of China (CNCA) with the list of certification bodies in Hong Kong. Changes to the list shall be communicated to CNCA in a timely manner. Hong Kong certification bodies in the list are allowed to send staff to the Mainland to provide certification service to Mainland export enterprises. The certification is for the needs of export only, and its results are only for use outside Mainland.
- II. Before conducting the certification activities, accredited certification bodies shall provide the Mainland Authorities the following materials for record: (1) name, address and contact method of the export enterprise on the Mainland applying for certification, as well as the planned time of audit; (2) information of staff conducting audit on the Mainland, as well as documents showing the appointment or assignment of the staff by the certification body.
- III. The Mainland authorities for administration of certification administer activities conducted within the purview of this implementation guide. If it is found that a Hong Kong certification body has sent staff for certification activities without prior reporting, CNCA should be notified. CNCA will then notify the responsible department of the HKSAR Government (HKAS).