
First published in the *Government Gazette*, Electronic Edition, on 2 April 2019 at 5 pm.

No. S 282

**SINGAPORE FOOD AGENCY ACT 2019
(ACT 11 OF 2019)**

**SINGAPORE FOOD AGENCY
(CERTIFICATION MARKS)
REGULATIONS 2019**

ARRANGEMENT OF REGULATIONS

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In exercise of the powers conferred by section 48 of the Singapore Food Agency Act 2019, the Singapore Food Agency, with the approval of the Minister for the Environment and Water Resources, makes the following Regulations:

Citation and commencement

1. These Regulations are the Singapore Food Agency (Certification Marks) Regulations 2019 and come into operation on 2 April 2019.

Definitions

2. In these Regulations, unless the context otherwise requires —

“advertisement” includes any notice, circular, pamphlet, brochure, sign, label, wrapper, invoice or other document, and any public announcement or notice made orally, in writing or by means of producing or transmitting light or sound;

“approved standard” means the standard for a system, scheme or product accepted by the Agency for the purpose of issuing a certificate for that system, scheme or product, as the case may be;

“authorised officer” means —

- (a) the Chief Executive; or
- (b) an employee of the Agency to whom the Agency has delegated in accordance with section 29(1) of the Act the performance or exercise of any of its functions or powers under these Regulations;

“certificate” means a document issued by an authorised officer under these Regulations —

- (a) attesting to the conformity of a system, scheme or product with an approved standard; and
- (b) authorising the use of a certification mark;

“certificate holder” means a person who holds a valid certificate;

“certification mark” means a certification mark specified by the Agency under section 6(2)(r) of the Act.

Application for or renewal of certificate

3.—(1) Every application for the issue or renewal of a certificate must be —

- (a) made to the Agency in the form and manner required by an authorised officer; and
- (b) accompanied by the information and documents required by the authorised officer.

(2) In determining whether to issue or renew a certificate, an authorised officer may inspect the system, scheme or product in respect of which the application has been made and, if necessary, take any sample of any article, material, substance or thing for further examination.

(3) The costs of any inspection or examination under paragraph (2) must be borne by the applicant for the certificate.

Issue of certificate

4.—(1) An authorised officer may, subject to such conditions as the authorised officer thinks fit, issue a certificate to an applicant if the authorised officer is satisfied that —

- (a) the system, scheme or product in respect of which the application is made conforms to the approved standard; and
- (b) the applicant has in operation procedures for inspection, monitoring and testing to ensure that the system, scheme or product in respect of which the applicant has applied for a certificate continues to meet the approved standard for the duration of the certificate.

(2) In determining whether to issue a certificate, an authorised officer may consider —

- (a) the character and fitness of the applicant to be issued with a certificate, or where the applicant is a body corporate, the character and fitness of the members of its board of directors or management committee;
- (b) the ability of the applicant to comply with the requirements of the Agency for certification of the system, scheme or product in respect of which the application is made; and
- (c) the suitability of the applicant's business premises, including the facilities and equipment in those premises, for the system, scheme or product in respect of which the application is made.

(3) Every certificate must be in such form as the Agency determines.

(4) An authorised officer may at any time add to, vary or revoke any of the conditions subject to which a certificate has been issued.

Authorised officer may refuse to issue certificate

5.—(1) An authorised officer may, in the authorised officer's discretion, refuse to issue a certificate to an applicant if —

- (a) the applicant has failed to satisfy the authorised officer of any of the matters specified in regulation 3(1) or (3);
- (b) the applicant has failed to satisfy the authorised officer of any of the matters specified in regulation 4(1); or
- (c) for any other reason, the authorised officer is of the opinion that it is undesirable to issue a certificate to the applicant.

(2) Where the authorised officer is of the opinion that an application for the issue of a certificate must not be granted, the authorised officer may give to the applicant an opportunity of showing cause why the application should not be refused.

(3) Where the authorised officer refuses to issue a certificate, the authorised officer must, if requested to do so by the applicant, state in writing the reasons for the refusal.

Duration of certificate

6. Every certificate is valid for a period of 12 months, or such other period as may be specified in the certificate, and may be renewed upon its expiry.

Certificate not transferable or assignable

7. A certificate holder or a person who is authorised under these Regulations to use a certification mark must not transfer, assign or otherwise dispose of the certificate or authorisation, as the case may be.

Suspension or cancellation of or refusal to renew certificate

8.—(1) An authorised officer may suspend, cancel or refuse to renew a certificate if the authorised officer is satisfied that —

- (a) the certificate was obtained by fraud or misrepresentation;

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- (b) the system, scheme or product to which the certificate holder applies or has applied the certification mark no longer conforms to the approved standard;
 - (c) the certificate holder has contravened —
 - (i) any provision of the Act or these Regulations; or
 - (ii) any condition subject to which the certificate was issued;
 - (d) the certificate holder has ceased to carry on business in relation to the system, scheme or product in respect of which the certificate holder was issued a certificate; or
 - (e) the certificate holder is for any other reason not fit to continue to hold the certificate.
- (2) The authorised officer must, before suspending, cancelling or refusing to renew any certificate under paragraph (1) —
- (a) give to the certificate holder notice in writing of the authorised officer's intention to do so and the grounds for doing so; and
 - (b) in the notice mentioned in sub-paragraph (a), call upon that person to show cause within such time as may be specified in the notice as to why that person's certificate should not be suspended or cancelled or should be renewed.
- (3) If the person to whom a notice has been given under paragraph (2) —
- (a) fails to show cause within the period of time given to the person to do so or such extended period of time as the authorised officer may allow; or
 - (b) fails to show sufficient cause,
- the authorised officer may give notice in writing to that person —
- (c) of the date from which the suspension or cancellation of the person's certificate is to take effect; or
 - (d) that the person's certificate is not or is not being renewed.

(4) While any certificate is suspended under this regulation, the certificate holder must not, for the purposes of these Regulations, be regarded as having in force a valid certificate, but immediately on the lifting or expiry of the period of suspension, the person's certificate is revived as from the date of such lifting or expiry, as the case may be.

Certificate holder to remove certification mark, etc., when certificate has been suspended or cancelled or has not been renewed

9. Any certificate holder whose certificate has been suspended, cancelled or has not been renewed by an authorised officer under regulation 8 must —

- (a) unless an authorised officer otherwise directs, immediately take such steps as are reasonable and necessary —
 - (i) to remove the certification mark from every product or advertisement in the certificate holder's possession or under the certificate holder's control to which the certificate holder has applied the certification mark; or
 - (ii) to discontinue the sale or supply of every such product; and
- (b) where the certificate is cancelled, return the certificate to the Agency within such time as the Agency may specify.

Lifting of suspension of certificate

10. An authorised officer may lift the suspension of a certificate after the authorised officer is satisfied that corrective actions have been duly performed by the certificate holder within the permitted time.

Duty of certificate holder

11.—(1) Every certificate holder must comply with the Act, these Regulations and any condition subject to which the certificate was issued.

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- (2) It is the duty of every certificate holder to —
- (a) ensure that the system, scheme or product to which the certificate holder applies the certification mark conforms at all times to the approved standard;
 - (b) establish and maintain a system of control and monitoring, including keeping such complete and up-to-date records as specified by an authorised officer, to allow verification that the approved standard is met;
 - (c) keep such complete and up-to-date records, as specified by an authorised officer, to allow for product traceability; and
 - (d) allow an authorised officer to conduct inspections from time to time, for the purpose of ascertaining whether —
 - (i) the system, scheme or product in respect of which the certificate was issued continues to meet the approved standard; and
 - (ii) the certification mark is being applied by the certificate holder in accordance with these Regulations and the terms and conditions of the certificate.

Certificate holder to notify Agency of change

12.—(1) Where a certificate holder makes any change to the system, scheme or product in respect of which a certificate has been issued to the certificate holder, being a change that the Agency specifies as a change to which this regulation applies, the certificate holder must, within such time as the Agency may specify, notify the Agency in writing of that change.

(2) Upon notification by the certificate holder in accordance with paragraph (1), an authorised officer may conduct an inspection and re-certification as the authorised officer considers necessary.

Penalty

13. A person who contravenes regulation 7, 9, 11 or 12(1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

Made on 2 April 2019.

LIM CHUAN POH
Chairperson,
Singapore Food Agency,
Singapore.

[MEWR C030/01/131; AG/LEGIS/SL/299C/2015/3 Vol. 1]