

Republic of South Sudan

Laws of South Sudan

National Bureau of Standards,
the Use of Quality Mark
Regulations, 2021.



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LAWS OF SOUTH SUDAN

**National Bureau of Standards, the Use of Quality Mark Regulations,
2021.**

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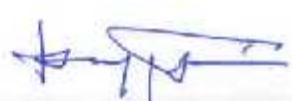
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LAWS OF SOUTH SUDAN

National Bureau of Standards, the Use of Quality Mark Regulations, 2021.

In exercise of powers conferred upon me under Section 34 of the National Bureau of Standards Act, 2012, I hereby issue the following Regulations:

CHAPTER I

PRELIMINARY PROVISIONS

1. Title and Commencement

These Regulations may be cited as "the National Bureau of Standards, the Use of Quality Mark Regulations, 2021" and shall come into force on the date of its signature by the Minister.

2. Interpretation

In these Regulations, unless the context otherwise requires:

"Act"	means the National Bureau of Standards Act 2012;
"Applicant"	means an importer or manufacturer applying for use of a Quality Mark;
"Assessment"	means a systematic and independent examination to determine whether compulsory standard specifications requirements have been met;
"Bureau"	means the National Bureau of Standards established under section 5 of the Act;
"Consignment"	means an aggregation of commodities made under a common system of causes and presented for inspection;
"Quality Mark"	means a mark declared as such under section 18, and 22 of the Act;
"Domestic Manufacturer"	means a person manufacturing a commodity within South Sudan;
"Distributor"	means a person in the supply chain other than the manufacturer or importer, who makes a commodity covered by a compulsory standard specification declared under Section 18 of the Act;



"Importer"	means a person who brings into South Sudan a commodity covered by a compulsory standard specification declared under Section 20 of the Act;
"Inspection"	means the examination of commodity design, commodity, and process or its installation and determination of its conformity with specific requirements;
"Inspection Report"	means a report compiled by an inspector detailing the findings of the inspection;
"Manufacturer"	means any natural or legal person who manufactures a commodity covered under compulsory standard specifications using their own or outsourced manufacturing facilities; and
"Surveillance Audits"	means periodic evaluation of a quality control system or commodity of a permit holder to determine conformity with a relevant standard and the terms and conditions of the permit.

CHAPTER II

APPLICATION FOR A QUALITY MARK

3. Application for a Permit to Use a Quality Mark

- (1) An importer or manufacturer who intends to bring into South Sudan or manufacture a commodity for which a compulsory standard specification declared under section 20 of the Act shall apply to the Bureau or a person acting under the authority of the bureau for a permit to use a Quality Mark.
- (2) The Bureau or a person acting under the authority of the Bureau shall issue a permit to use a Quality Mark on a commodity for which a compulsory standard specification has been declared to a manufacturer or importer where all the requirements of these Regulations have been met.
- (3) The permit to use a Quality Mark shall be valid for a period of twelve months from the date on which it is issued.
- (4) The Bureau may, at any time, vary the conditions of a permit granted under these Regulations.



(5) The Bureau shall maintain and publish a register of manufacturers and importers permitted to use a Quality Mark.

4. Application Procedure for a Domestic Manufacturer

- (1) A domestic manufacturer of a commodity for which a compulsory standard specification is declared shall apply to the bureau or a person acting under the authority of the Bureau for a permit to use a Quality mark before commencement of production of the commodity or within Sixty (60) working days of the coming into force of these Regulations.
- (2) An application by a domestic manufacturer for a permit to use a Quality Mark shall be made in **Form A**, specified in Schedule 1
- (3) The application for a permit to use a Quality Mark shall be accompanied by the fee specified in Schedule 3.
- (4) An inspector shall inspect and assess the manufacturing facility of a domestic manufacturer who has applied for a permit to use a Quality Mark and all commodities covered by the compulsory standard specification to verify that the production, quality assurance processes and commodities conform to the requirements of the compulsory standard specification.
- (5) Subject to sub regulation (4) of this Regulation, the applicant shall provide all reasonable facilities to the inspector to assess the commodity, the manufacturing facility or other premises of the applicant for the purposes of verifying documents submitted by the applicant and obtaining any other information relevant to the application.
- (6) The bureau or a person acting under the authority of the Bureau on application for a permit to use the Quality Mark under this regulation, shall grant a permit where it is satisfied that:
 - (a) the commodity in respect of which an application is being made conforms to the compulsory standard specification;
 - (b) the applicant has a functional system of commodity recall; and
 - (c) the applicant has an up-to-date record of the quality control system, including inspection and testing which adequately ensures that the commodity conforms to the relevant standard.

5. Application Procedure for an Importer

- (1) An importer of a commodity for which a compulsory standard specification is declared shall, in respect of each consignment, apply to the Bureau or a person acting under the authority of the Bureau for a permit to use a Quality Mark before importing the commodity into South Sudan.
- (2) An application by an importer for a permit to use a Quality Mark shall be made in Form B, specified in Schedule 2.
- (3) The application for a permit to use a Quality Mark shall be accompanied by the fee specified in Schedule 3.
- (4) The Bureau or a person acting under the authority of the Bureau may, on application for a permit to use the Quality Mark under this regulation, grant a permit that shall be valid for a period of twelve months on being satisfied that:
 - (a) the commodity in respect of which an application is being made conforms to the compulsory standard specification; and
 - (b) the applicant has an up-to-date record of the quality control system, including inspection and testing which adequately ensures that the commodity conforms to the relevant standard.
- (5) The Bureau or a person acting under the authority of the Bureau shall in accordance with Section 9, 2 of the Act, require the importer to whom a permit has been issued to submit for examination or testing, a sample of the commodity in respect of which the permit has been granted to ensure that the commodity meets the declared compulsory standard specification, before issuing the Quality Mark stickers.

6. Refusal to Grant Permit

- (1) The Bureau or a person acting under the authority of the Bureau may refuse to issue a permit to use a Quality Mark if:
 - (a) the commodity in respect of which an application has been made does not conform to the compulsory standard specification;
 - (b) the commodity in respect of which an application has been made banned by the Bureau or concern authority under section 8(j) of the Act;



- (c) the commodity in respect of which an application has been made is expired; and
- (d) any other requirement under these Regulations has not been complied with.

(2) In case the Bureau or a person acting under the authority of the bureau refuses to grant a permit to use a Quality Mark, the Bureau or a person acting under the authority of the bureau shall state the reasons for the refusal in writing and notify the applicant of the refusal within fifteen (15) working days after making the decision.

7. Renewal of Permit

A manufacturer or importer shall apply to the Bureau or a person acting under the authority of the bureau for the renewal of permit to use a Quality Mark at least three months before the expiry of the permit.

8. Sample Testing

- (1) Where a sample is required to make an assessment under these Regulations, an applicant shall provide all reasonable facilities and assistance to the inspectors to draw and get samples of the commodity for testing by the Bureau or other testing laboratory designated by the Bureau in writing as a testing laboratory.
- (2) The cost of transporting a sample, instrument, equipment, apparatus, material or any other expense incurred in connection with the assessment under these Regulations shall be incurred by the applicant.

CHAPTER III

QUALITY MARK ON A COMMODITY

9. Commodity Conforms and Bears Quality Mark

- (1) A person shall not import, distribute, manufacture, sell or have in his or her possession, or control for sale or distribution any commodity for which a compulsory standard specification has been declared, unless the commodity conforms to the compulsory standard specification.
- (2) A person shall not import, distribute, sell or have in his or her possession or control for sale or distribution any commodity for which a compulsory standard specification has been declared unless the commodity bears the Quality mark specified in Schedule 1.

(3) In case difficulties arise in having a commodity or products marked with the Quality Mark prior to importation as required under subsection (2) of this section, the director may authorise in writing any intending importer of the commodity to have the commodity marked immediately on arrival in South Sudan.

10. Permit for Quality Mark to Complying Commodities

- (1) A person shall not apply a Quality Mark to any commodity except under a permit issued by the Bureau or a person acting under the authority of the Bureau, unless the commodity complies with or has been manufactured in accordance with the relevant standard specification.
- (2) An application for a permit under subsection (1) of this section shall be made to the Bureau or a person acting under the authority of the Bureau as prescribed in these Regulations.

CHAPTER IV

TERMS OF USE OF A QUALITY MARK

11. Use of a Quality Mark on a Commodity

- (1) A Quality Mark shall be applied in a visible, legible and indelible manner before a commodity is placed in the market, and shall be in the form specified in Schedule 2.
- (2) The Quality Mark may be enlarged or reduced to an appropriate size depending on the size of the commodity on which it is intended to be used.

12. Terms of Use of a Permit to Use a Quality Mark

- (1) A manufacturer or importer shall:
 - (a) ensure that the commodity in respect of which a permit to use a Quality Mark has been granted conforms to the compulsory standard specification;
 - (b) use a Quality Mark in accordance with the terms and conditions of the permit;
 - (c) apply the Quality Mark on a commodity covered by a valid permit; and



- (d) in case of suspension, withdrawal or cancellation of a permit to use the Quality Mark, discontinue its use and immediately withdraw all promotional and advertising material containing any reference to that permit.
- (2) A domestic manufacturer shall in addition to the terms for the use of a permit to use a Quality Mark in Schedule 1.
 - (a) ensure that any record maintained in relation to the manufacturing process is made available for inspection by an inspector and shall, at the request of the inspector, allow the removal of the record to the premises of the Bureau for further scrutiny;
 - (b) allow an inspector access to the premises where the commodity specified in the permit is manufactured for the purpose of evaluating materials, production processes, finished commodities, quality assurance facilities and records;
 - (c) in the case of transfer of plant site, give notice of the transfer to the Bureau, at least twenty-one (21) working days before the transfer; and
 - (d) In case of any modification in the commodity or manufacturing process, shall reapply to the Bureau or a person acting under the authority of the Bureau for a permit.

13. Withdrawal, Suspension or Revocation of Permit to Use a Quality Mark

The Bureau may, at any time, withdraw, suspend or revoke a permit to use a Quality Mark if the:

- (a) commodity does not conform to the compulsory standard specifications;
- (b) importer or manufacturer does not take corrective action as required by the Bureau;
- (c) importer or manufacturer uses the Quality Mark or registration number in violation of the permit;
- (d) commodity has caused damage to a consumer;
- (e) importer or manufacturer applies for temporary withdrawal.

14. Cancellation of Permit to Use a Quality Mark

The bureau may cancel a permit to use a Quality Mark where:

- (a) the importer or manufacturer does not comply with the conditions of the permit;
- (b) the commodity is non-compliant with compulsory standard specifications;
- (c) the production of the commodity has been terminated by the manufacturer or any lawful authority;
- (d) the importer or manufacturer applies to cancel the permit;
- (e) the commodity is not identical to the sample commodity provided by the applicant;
- (f) the importer or manufacturer does not abide by the rules of suspension in the case of a suspension; or
- (g) the bureau finds that the importer or manufacturer obtained the permit through an improper manner such as bribery or fraud.

CHAPTER V

MISCELLANEOUS

15. Surveillance Audits

- (1) The grant of permit to use a Quality Mark shall be followed by surveillance audits.
- (2) The surveillance audits may be conducted without notice.
- (3) The Bureau or a person acting under the authority of the bureau may make a special surveillance audit where the permit holder fails to observe the conditions of the permit or where there have been significant changes in the organisation of the importer or manufacturer.

16. Offences

A person who:

- (a) uses a Quality Mark without a permit from the bureau or a person acting under the authority of the Bureau;



- (b) falsely represents a commodity to be a commodity that complies with the provisions of these Regulations;
- (c) having been granted a permit for a Quality Mark applies that mark after the permit has expired or has been withdrawn, suspended, revoked or cancelled;
- (d) applies a Quality Mark otherwise than in accordance with the conditions of his or her permit;
- (e) refuses to produce before an inspector any document, commodity, material, ingredient, component or substance which is required under these Regulations;
- (f) obstructs, assaults or insults an inspector or person assisting the inspector in the performance of his or her duty;
- (g) fails to comply with any reasonable requirement ordered by an inspector to enable the inspector to perform his or her duties under these Regulations;
- (h) fails to give an inspector any information or assistance under these Regulations; or
- (i) wilfully removes, destroys or renders illegible or undecipherable or incapable of identification any document, mark or writing with a view to preventing it from being used as evidence in any investigations under these Regulations, commits an offence and upon conviction shall be sentenced to imprisonment for term not exceeding five years or a fine or both.

17. Appeal

- (1) A person aggrieved by:
 - (a) refusal to issue a permit;
 - (b) conditions to a permit;
 - (c) withdrawal, suspension, revocation or cancellation of a permit; or
 - (d) variation of any conditions on a permit, may within fourteen days of his or her being informed of that action, appeal in writing to the Minister through the Executive Director.
- (2) The Executive Director shall within fourteen days forward the appeal to the Minister



Issued under my hand in Juba on this 2ND Day of Month NOVEMBER, 2021.



Hon. Kuol Athian Mowein

Minister

Ministry of Trade and Industry

Republic of South Sudan

Juba

SCHEDULE 1
QUALITY MARK.



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Republic of South Sudan



South Sudan National Bureau of standards
· Certification Department

SCHEDULE 2

FORMS

Form A

**APPLICATION FOR PERMIT TO USE A QUALITY MARK BY A
DOMESTIC MANUFACTURER**

New Applicant Renewal

A. APPLICANT'S INFORMATION (MANUFACTURER)

I. NAME AND ADDRESS OF APPLICANT

Company Name		
Company Tax Identification Number (TIN)		
Business Registration	Please attach certificate of registration of business	
COMPANY ADDRESS	Office Address	Factory/Manufacturing facility Address
		Name of production facility (if different)
State		

Physical address		
Postal address		
Email address		
Tel.		
contact(s)/fax		

Website		
Personnel details	More information in Annex 5	
	Chief Executive	Quality Control In-charge
Name		
Designation		
Mobile number		
Email address		
Number of staff		
production capacity		
Installed capacity	Actual capacity	Annual Turnover
B: COMMODITY INFORMATION		



<p>Information on commodity intended for certification is mandatory.</p> <p>Where applicable, name of commodity, its type(s) + and/or mode(s) shall follow as specified in the standard.</p> <p>The applicant is required to declare proof of ownership of the trademark / brand name or provide a letter of consent from the owner of the trademark/ brand name.</p>	Commodity Name	
	Trademark/ Brand Name(s)	
	Commodity Description	
	Commodity Standard	
	For Equipment/ Electric/ Electronic products	Type(s) Model(s) Rating(s) Size(s)

FOR OFFICIAL USE ONLY

Sector Code:		SSNBS RECEIVED STAMP
Lead Auditor Allocation:		



C: TECHNICAL & ADDITIONAL INFORMATION	
Raw materials	List all components and/or raw materials used to assemble or manufacture the commodity.
Process flow & Description	Draw the process flow chart and identify the quality check points; provide a brief process description.
Quality control	Prepare a quality control checkpoints schedule.
Test equipment	Prepare test and inspection equipment list and calibration/ verification schedule.
Additional information	<ul style="list-style-type: none"> • Company organization chart& names and qualifications of production & QC personnel. • Documented procedures describing how non-conforming purchased raw materials and finished products are identified, recorded and handled. • Documented procedure describing how customer complaints are recorded and handled. • Production flow/process layout. • Commodity analysis reports. • Commodity Labels and Markings. • Any other sector specific requirements.

D: DECLARATION AND UNDERTAKING



In connection with this application, I/We-

- (a) undertake to ensure the commodity manufactured and the manufacturing processes comply with the relevant standard and the commodity certification requirements respectively;
- (b) undertake to supply all information required by SSNBS for the purpose of evaluation of the commodity(ies) to be certified;
- (c) undertake to make samples of commodity(ies) and materials available to SSNBS for evaluation and testing;
- (d) agree to give the auditors reasonable access during normal working hours to the premises where the commodity specified in the application is manufactured for the purpose of evaluating materials, production processes, finished commodity, quality assurance facilities, records;
- (e) undertake to pay SSNBS all fees of processing this application and maintenance of certification;
- (f) agree that SSNBS may release information obtained in the course of processing the application to the public or government so far as is prudent in the opinion of SSNBS. The client shall be informed accordingly prior to release of any information; and
- (g) Undertake to sign the SSNBS Commodity Certification Agreement before grant/renewal of the certification permit.

I, hereby, declare that all information given in this application form is correct to my knowledge.

An authorized representative of the applicant shall put his signature in this section	Signature		Applicant's stamp
	Name		
	Designation		
	Date		

Please return form duly completed to:

Certification Department,
South Sudan National Bureau of Standards,

P. O. Box 72 Juba, South Sudan

Phone number

Email:





South Sudan National Bureau of standards
Certification Department

Form B

New Applicant Renewal

CUSTOMS ENTRY NUMBER (Not applicable to licensed goods)			
IDF NUMBER (Not applicable for licensed goods)			
LICENCE CERTIFICATE NO. (For licensed commodities route C of the PVOC program)			
APPLICANT'S TINNUMBER.			
S/No	Description of the commodity upon and in respect of which the Quality Mark is to be Used	Trade mark or brand which is in use in respect of the commodity	Quantity

Name of Importer:

Email address:

Physical address:

Tel:

DECLARATION AND UNDERTAKING

In connection with this application, I/ We:

- (a) undertake to ensure the commodity manufactured and the manufacturing processes comply with the relevant standard and the commodity certification requirements respectively.
- (b) undertake to supply all information required by UNBS for the purpose of evaluation of the commodity(ies) to be certified.
- (c) undertake to make samples of commodity(ies) and materials available to SSNBS for evaluation and testing.
- (d) agree to give the auditors reasonable access during normal working hours to the premises wherein the commodity specified in the application is manufactured for the purpose of evaluating materials, production processes, finished commodity, quality assurance facilities, records.
- (e) undertake to pay SSNBS all fees of processing this application and maintenance of certification.
- (f) agree that SSNBS may release information obtained in the course of processing the application to the public or government authorities so far as is prudent to



warn in the opinion of SSNBS. The client shall be informed accordingly prior to release of any information.

(g) undertake to sign the SSNBS Commodity Certification Agreement before grant/renewal of the permit.

Signature

Date

NOTE:

- Payment shall be made at the time of filing the application.
- Fill each consignment on a separate form.

TERMS AND CONDITIONS

- (1) The importer shall establish and maintain a system of commodity recall, and addressing complaints filed by its clients or consumers concerning its certified commodities and shall maintain records thereof.
- (2) The importer shall ensure that its certified commodity conforms at all times to a specified standard and shall be liable for any damage caused by the said commodity to its consumers.
- (3) The importer shall pay the applicable fees and charges as billed by SSNBS.

Please return form duly completed to:

Certification Department,

South Sudan National Bureau of Standards,

P. O. Box 72 Juba, South Sudan

Phone number

Email:



A handwritten signature in blue ink, appearing to be "J. D. S." or a similar initials.