

BUREAU OF INDIAN STANDARDS
(CENTRAL MARKS DEPARTMENT - I)

Our Ref: CMD-I/2:12:3

29 October 2018

Subject: Guidelines for Renewal of Licence (RoL) as per the conformity assessment Scheme – I of Schedule – II of BIS (Conformity Assessment) Regulations, 2018

These guidelines stipulate the procedure for renewal of licence (RoL). These are to be read in conjunction with BIS Act 2016, BIS Rules 2018 and BIS (Conformity Assessment) Regulations 2018. In particular, the provision for RoL are addressed in Regulation 8 and Paragraph 9 of Scheme - I of Schedule - II of BIS (Conformity Assessment) Regulations, 2018. Any situation, in general, not covered in these guidelines are to be dealt as per the provisions of Act, Rules and Regulations by the Regional Offices (ROs) and Branch Offices (BOs). All the forms mentioned herein corresponds to those given in Scheme - I of Schedule - II of BIS (Conformity Assessment) Regulations, 2018

General principles for RoL

1. Licence may be considered for renewal for a period of minimum one year and upto five years on the request of the licensee, depending upon whether the application fee, licence fee, advance minimum marking fee and dues, if any, has been paid for requested duration along with the renewal application. For example, if the renewal has been requested for five years, licensee is required to submit licence fee and advance minimum marking fee for five years. The renewal of licence shall be endorsed as per Form - XIII.

Renewal application

2. The renewal application shall be made through BIS portal in Form - XII along with relevant documents, preferably two months prior to the validity date. For calculation of marking fee, production statement duly authenticated by chartered accountant/cost accountant (CA) shall be submitted as per the provisions of clause 5 of these guidelines.

Deferment of decision to renew the licence (for all cases)

3. (a) When renewal application along with the requisite fee (Renewal application fee, annual licence fee and applicable marking fee) and dues, if any, is not received within the validity period of the licence, the decision to renew the licence may be deferred for not more than 90 days from the date of validity of the licence.

(b) A communication shall be sent to the licensee by the BO (Template enclosed as Annexure - I) in this regard.

(c) The licence shall stand expired after 90 days from the date of validity if renewal application and requisite fee (including late fee) is not received from the licensee within this period.

- Deferment of renewal of licence (Where licence is under suspension)*
4. (a) If the licence is under suspension at the end of validity period and the licensee has applied for renewal of licence, licence shall not be renewed till suspension is revoked.
- (b) In such cases, the decision to renew the licence may be deferred for not more than 180 days from the date of validity. (see sub-regulation (6), (7) and (9) of regulation 8 of BIS (Conformity Assessment) Regulations, 2018)
- (c) In such a case, a communication shall be sent (Template enclosed as Annexure - II) to the licensee. If there is no response from the licensee or the response is not adequate within stipulated period, a communication shall be sent (Template enclosed as Annexure - III), preferably, two months prior to the last date till which decision of renewing the licence may be deferred.
- (d) During this period, if all the actions for revocation of suspension are completed, the licence shall be renewed. However, if the revocation of suspension of licence is not done within the period of 180 days, the licence shall stand expired.
- Calculation of actual marking fee*
5. (a) For the payment of marking fee on actual basis before the end of the each operative year, firm shall submit the production statement of goods bearing standard mark for the period of last three months of previous operative year and first nine months of current year.
- (b) Where volume of production is high, licensee may be directed to pay actual marking fee on quarterly basis.
- (c) Production statement(s) of the licensee shall be obtained on the letter head of the chartered accountant/cost accountant (CA) indicating its membership number along with name of the unit, address and actual quantity produced for the said period.
- Expiry of licence*
6. (a) In case of expiry of licence, applicable communication in the format (Template enclosed as Annexure - IV and Annexure - V) shall be sent by the BO.
- (b) **The competent authority shall pass speaking orders for the decision taken, as required.**
- Provision for appeal*
7. **For the cases, in which manufacturer submits appeal to Director General, the brief history of the case shall be communicated by RO/BO to concerned CMD (template as per Annexure - IX of grant of licence guidelines).**

Annexure-I

Our Ref: BO/CML-

Dated:

Subject: Provision of submission of renewal application with late fee within 90 days of validity - reg.

M/s

(Kind Attn. Name of CEO/MD)

Dear Madam(s)/Sir(s),

This has reference to BIS certification mark licence No. granted to you for use of Standard Mark on your product under Scheme-I of Schedule-II of BIS (Conformity Assessment) Regulations, 2018 as per IS which was valid upto

2. Please refer to our communication dated about validity of your licence and requesting you to apply for renewal of your licence. Since, you have not submitted the renewal application with requisite fee till the validity date, the decision to renew your licence can be deferred for a maximum duration of ninety days from the date of its validity as per sub-regulation(4) of regulation 8 of BIS (Conformity Assessment) Regulations, 2018,.

3. In view of the above, you have no right to mark and dispatch (including stock in hand) the above mentioned product with standard mark after the date of validity. You are, therefore, instructed to ensure stoppage of use of standard mark on the product with immediate effect and confirm the same giving the following details as on the date of issuance of this communication:

a) Quantity of material with Standard Mark held in stock:

b) (i) Batch/C.U./Lot no. and date of manufacture;

(ii) Brand(s);

(iii) size/type/ grade/variety;

c) Packing details; and

d) Pending orders for material with Standard Mark, if any with purchasers' names and addresses

4. Your reply with above stated details must reach us within 21 days of the issuance of this letter failing which it shall be presumed that you do not have such material in stock. In case it is subsequently found that you have sold the material with Standard Mark after receipt of these instructions, it will be construed that the material so sold has been marked subsequently contravening the provisions of the BIS Act, 2016. In such an eventuality, the Bureau reserves the

right to take such action against you as envisaged in the BIS Act, 2016, Rules & Regulations framed thereunder.

5. Please note that after the last date of validity, you shall not claim by any means that you would supply the material with the Standard Mark.

6. As per sub-regulation (5) of regulation 8 of BIS (Conformity Assessment) Regulations, 2018, you may submit the renewal application form along with requisite fee, accompanied with late fee of rupees five thousand, within ninety days from the last date of validity, i.e. upto It may be noted that, the marking fee as indicated in the schedule of the licence is payable by you for the complete period, including the period for which you have no right to use Standard Mark on your product.

7. It may be noted that, in case the renewal application along with requisite fee including late fee is not received within ninety days, then as per sub-regulation (4) of regulation 4 of BIS (Conformity Assessment) Regulations, 2018 your licence shall stand expired after the last date of its validity.

Thanking you.

Signature of designated authority
(Name of designated authority)

Annexure-II

Our Ref: BO/CML-

Dated:

Subject : Deferment of decision to renew licence in view of licence under suspension - reg.

M/s

(Kind Attn. Name of CEO/MD)

Dear Madam(s)/Sir(s),

This has reference to BIS certification mark licence No. granted to you for use of Standard Mark on your product under Scheme-I of Schedule-II of BIS (Conformity Assessment) Regulations, 2018 as per IS which was valid upto

2. As per sub-regulation (7) of regulation 8 of BIS (Conformity Assessment) Regulations, 2018 the decision to the renew the above mentioned licence has been deferred as the licence is under suspension w.e.f., which has been communicated to you vide our letter ref: dated

3. Please note that from the date of suspension, i.e., you are not authorized to claim by any means that you would supply the material with the Standard Mark as already advised.

4. You may also note that, if your licence gets renewed then the marking fee as indicated in the schedule of the licence is payable by you even for the complete period including the period for which you have no right to use Standard Mark on your product.

5. #You are required to take necessary action in the context of the reasons to defer the decision to renew the licence as mentioned at para 2 within

6. It may be noted that, in case necessary actions are not taken by you within the stipulated period, i.e. upto or suspension is not revoked within one hundred and eighty days from the date of validity (whichever is earlier), then as per sub-regulation (7) and (9) of regulation 8 of BIS (Conformity Assessment) Regulations, 2018 your licence shall stand expired after the last date of its validity.

Thanking you.

Signature of designated authority
(Name of designated authority)

BO to specify the applicable time period

Annexure-III

Our Ref: BO/CML-

Dated:

Subject : Notice for Expiry of licence due to licence under suspension

M/s

(Kind Attn. Name of CEO/MD)

Dear Madam(s)/Sir(s),

This has reference to BIS certification mark licence No. granted to you for use of Standard Mark on your product under Scheme-I of Schedule-II of BIS (Conformity Assessment) Regulations, 2018 as per IS which was valid upto

2. As per sub-regulation (7) of regulation 8 of BIS (Conformity Assessment) Regulations, 2018 the decision to the renew the above mentioned licence was deferred as the licence is under suspension as communicated to you vide our letter ref: dated You were advised to take necessary action under intimation to BIS to enable revocation of suspension on or before

3. No response has been received from your side or the response has not been found adequate

(BO to specify the reasons)

4. In view of above, as your licence continue to be under suspension, decision to renew your licence cannot be taken as per sub-regulation (6) of regulation 8 of BIS (Conformity Assessment) Regulations, 2018.

5. It may be again noted that, in case necessary actions are not taken by you within the stipulated period, i.e. upto or suspension is not revoked upto one hundred and eighty days from the date of validity, then as per sub-regulation (7) and (9) of regulation 8 of BIS (Conformity Assessment) Regulations, 2018 your licence shall stand expired after the last date of its validity.

6. In case, you have anything to say in the matter or you would like to be heard either in person or through a representative authorized by you in this behalf, kindly do so within 21 days of issue of this letter.

Thanking you.

Signature of designated authority
(Name of designated authority)

Annexure-IV

Our Ref: BO/CML-

Dated:

Subject : Expiry of BIS Certification Marks Licence No. CM/L- as per : IS

M/s

(Kind Attn. Name of CEO/MD)

Dear Madam(s)/Sir(s),

Please refer to our communication Ref dated regarding provision of submission of renewal application with late fee within 90 days of validity for the renewal of BIS Certification Marks Licence No. held by you for your product under Scheme-I of Schedule-II of BIS (Conformity Assessment) Regulations, 2018 as per ISafter

2. Since, renewal application along with requisite fee (including late fee) has not been submitted within ninety days from the last date of validity of licence, then as per sub-regulation (4) of regulation 8 of BIS (Conformity Assessment) Regulations, 2018 your above mentioned licence stands expired.

3. As informed earlier also, you are NOT entitled to mark/dispatch your productas per IS with BIS Standard Mark or to claim in your advertisements or in any other publicity material that you are a licensee to use the Standard Mark on your product after Any publicity material such as handbills, pamphlets, letterheads, etc. claiming that you hold BIS Certification Marks Licence for your above mentioned product should be destroyed or such markings obliterated/defaced immediately. This should be confirmed by you at the earliest, positively within 21 days.

4. Please note that any material found marked with BIS Standard Mark after, will be deemed to be marked illegally violating the provisions of BIS Act, 2016 and Rules & Regulations framed thereunder and action will be taken as per applicable provisions.

5. Please acknowledge receipt of this letter and confirm compliance within the stipulated period.

Signature of designated authority
(Name of designated authority)

Annexure-V

Our Ref: BO/CML-

Dated:

Subject : Expiry of BIS Certification Marks Licence No. CM/L- as per IS

M/s

(Kind Attn. Name of CEO/MD)

Dear Madam(s)/Sir(s),

Please refer to our communication Ref: dated regarding deferment of decision to renew BIS Certification Marks Licence No. held by you for your product under Scheme-I of Schedule-II of BIS (Conformity Assessment) Regulations, 2018 as per ISafter

2. Also, refer to the expiry notice Ref: dated
(Reasons for licence under suspension even after one hundred and eighty days, reply from firm, its examination and consideration and also if any personal hearing is held, reference to the same needs to be indicated)

3. As the necessary actions were not taken by you within the stipulated period, i.e. upto or suspension is not revoked upto one hundred and eighty days from the date of validity, then as per sub-regulation (7) and (9) of regulation 8 of BIS (Conformity Assessment) Regulations, 2018 your licence stands expired after

4. As informed earlier also, you are NOT entitled to mark/dispatch your product as per IS with BIS Standard Mark or to claim in your advertisements or in any other publicity material that you are a licensee to use the Standard Mark on your product after Any publicity material such as handbills, pamphlets, letterheads, etc. claiming that you hold BIS Certification Marks Licence for your above mentioned product should be destroyed or such markings obliterated/defaced immediately. This should be confirmed by you at the earliest, positively within 21 days.

5. Please note that any material found marked with BIS Standard Mark after, will be deemed to be marked illegally violating the provisions of BIS Act, 2016 and Rules & Regulations framed thereunder and action will be taken as per applicable provisions.

6. If you are aggrieved by the above order, you may prefer an appeal to the Director General, Bureau of Indian Standards within ninety days from the date of the order with a fee of two thousand rupees as per provisions of section 34 of the BIS Act 2016 read along with Rule 37 of the BIS Rules 2017.

7. Please acknowledge receipt of this letter and confirm compliance within the stipulated period.

Signature of designated authority
(Name of designated authority)