

LAWS OF SOUTH SUDAN

Inspection, Conformity and Promotion of Export, Import, Services, Products and Installations Regulations, 2016

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Directorate of Legislation and Constitutional Affairs
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Laws of South Sudan

Inspection, Conformity and Promotion of Export, Import, Services, Products and Installations Regulations, 2016

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Laws of South Sudan

National Bureau of Standards Services Fees for Standards and Measures Regulations, 2016

In exercise of powers conferred upon by Provisions of sections 34 (2) (c), read together with provisions of sections 8 (k), (l) and 9 (2) (f) (g) of the National Bureau of Standards Act, 2012, the Minister, upon recommendation of National Bureau of Standards Council, hereby issues the following:

Chapter I Preliminary Provisions

1. Title and Commencement

These regulations may be cited as the “**National Bureau of Standards Services Fees for Standards and Measures Regulations, 2016**” and shall come into force on the date of its signature by the Minister;

2. Interpretation

In these regulations:

- (1) All words and phrases defined and envisaged under provisions of the National Bureau of Standards Act, 2012, and shall have the same meanings hereunder;
- (2) Unless the context otherwise requires;

“Act”	means the National Bureau of Standards Act, 2012;
“Bureau”	means the National Bureau of Standards, established under provisions of section 5 (1) of the National Bureau of Standards Act, 2012;
“Broker”	means any person or body who, extends the product to consumer or promotes it by any permitted means;
“Commodity”	means any substance used by the consumer;
“Competent Official”	means any qualified person appointed or authorized by the National Bureau of Standards to examine and conform advertisements for promotion of commodities and services;
“Consumer”	means the person provided with the product, from the principal or secondary producer;

“Council	means the National Bureau of Standards Council, established under provisions of section 10 of the Act;
“Crops”	means agricultural farm, garden and forest crops;
“Directorate”	means the Directorate responsible for technical affairs in the National Bureau of Standards;
“Director”	means the Director responsible for the technical Directorate in the Bureau;
“Export”	means any product produced, manufactured or prepared inside South Sudan and intended to be marketed outside South Sudan;
“Fees Regulations”	means fees regulations for services of the National Bureau of Standards;
“Inspection”	means the process of conduct of examination, test and withdrawal of samples and conduct of analyses and conformity, in accordance with specified Standards, on any imported or exported commodity, service, installation, conformity of product or promotion of commodity and service;
“Installation”	means any Institution that works in the field of production, services or both and includes sale, distribution, storage, transportation and promotion or performance of any effective role, with respect to quality and safety of the product;
“Local and Imported Products”	means commodities produced inside South Sudan and imported commodities by South Sudan ports and border points;
“Market”	means any place for sale, exhibition and circulation of food, engineering and Agricultural products and any other products;
“Owner of Product”	means the institution or principal productive institutions;
“Periodical Inspection”	means the inspection conducted within specified period, to be determined by the National Bureau of Standards;
“Relevant Institutions”	means all Institutions connected with joint technical or procedural work, in specified field with the National Bureau of Standards, in accordance with provisions of applicable Laws;

“Services”	means benefits and other facilitations rendered to the consumer, in accordance with measured standards;
“Secondary Producer”	means the broker between the principal producer and consumer;
“Sudden Inspection”	means the inspection conducted without prior notice;

Chapter II

Evaluation of Conformity of Local and Imported Products Procedures

3. Conditions Required on Local and Imported Products

Local and imported products shall, satisfy the following conditions:

- (a) requirements of safety and health;
- (b) maintenance of measured standards;
- (c) indication of Country of origin and producing institution;
- (d) possession of identity;
- (e) consistence with religion, tradition and belief; and
- (f) methods of production followed;

4. Appointment Eligibility Requirements of Technician and Assistant Technician

No person shall, be appointed Technician or Assistant Technician, to conduct examination, inspection and field and laboratory monitoring, unless he or she fulfills the following:

- (a) holder of University qualification in technical field, as minimum requirement for the Technician;
- (b) holder of South Sudan secondary school certificate, for the Assistant Technician;
- (c) undergone training period in the field of inspection and field monitoring, in the field of his or her specialization; and
- (d) knowledgeable of the Bureau applicable laws and regulations issued thereunder;

5. Functions and Duties of the Technician and Assistant Technician

(1) The Technician shall, perform the following functions and duties:

- (a) inspect and examine local and imported products, in accordance with provisions of the Act and regulations;
- (b) conduct field conformity of product and determine the degree of conformity with measured standards;
- (c) collect samples from the product where necessary, in accordance with guidelines and its transfer to laboratories for examination;

- (d) render detailed technical report on the degree of conformity of local or imported product with measured standards and technical rules to his or her immediate head;
- (e) issue conformity certificate after positive result of physics and laboratory examinations;
- (f) follow up registration and maintain all documents and parcels of local and imported products, that have been examined and inspected;
- (g) render detailed written report, where the result of physics and laboratory is negative, to the Director of the site, to take appropriate decision; and
- (h) non-delivery of the conformity certificate or technical report, unless after payment of prescribed fees by owner of product, in accordance with the fees regulations;

(2) The Assistant Technician shall, perform the following functions and duties:-

- (a) examination and inspection of local and imported products, in accordance with provisions of the Act and regulations;
- (b) collection of samples from the product where necessary, in accordance with guidelines and its transfer to laboratories for examination;
- (c) render detailed technical report on the degree of conformity of local or imported product with measured standards and technical rules to his or her immediate head;
- (d) issue conformity certificate after positive result of physics and laboratory examinations;
- (e) follow up registration and maintain all documents and parcels of local and imported products, that have been examined and inspected; and
- (f) render detailed written report, where the result of physics laboratory is negative, to the Director of the site to take appropriate decision;

(3) The Technician and Assistant Technician shall, in exercise of his or her functions, duties and powers, present employment identity card, to assist him or her in discharge of the specified responsibilities, wherever required;

6. Duties of Owner of Products

The owner of the product shall, perform the following duties:

- (a) avail all documents related with local and imported product;
- (b) provide access to the technician to conduct inspection and examination of the product and collect samples therefrom;
- (c) comply with all technical remarks, with respect to the product; and
- (d) pay the prescribed fees, in accordance with fees regulations;

7. Samples

- (1) Samples shall, be withdrawn from any local or imported product, in accordance with applicable guidelines, standards or approved technical rules;
- (2) All samples shall, be sent to the inspection section, unit or any other institution to be determined by the Directorate, to prepare the sample and maintain part of it as reference;

- (3) The sample shall, be protected from contamination and environmental effects, during its transportation, circulation and keeping, subject to the manner of keeping each product;
- (4) The prepared sample shall, be forwarded to the laboratory, in accordance with applicable criteria and guidelines;
- (5) The Bureau may, send the sample to any other laboratory within or outside South Sudan and the owner of the product shall bear all expenses;
- (6) The Bureau may, withdraw the sample and re-examine the sample or part of it, for such technical reasons;
- (7) Consumable samples or such other samples that may be exposed to contamination and reference samples, shall be owned by the Bureau; and
- (8) The Executive Director, Director or branch Director may, dispose off the remaining and reference samples, after expiration of period of three months, from the date on which they were receipt;

8. Conformity Certificate of Product

- (1) The Bureau shall, keep in its stores ledgers of conformity certificates of products with serial numbers;
- (2) The Bureau shall, provide its management and branches, with ledgers and models of handing and taking over;
- (3) The Director or branch Director shall keep the ledgers;
- (4) The Director or branch Director shall, handover to the inspectors the ledgers and specify the numbers for each inspector;
- (5) The inspector may, issue conformity certificate of the product, after conduct of examination, inspection and test processes and the company shall determine the degree of product quality, origin, type and name of the product, operational number and any other detail and shall specify the period for validity of the certificate, on basis of each type of commodity;
- (6) The certificate issued shall be considered effective, after signature of the immediate head and seal of the Bureau;
- (7) The Bureau shall, keep copy of conformity certificate of product issued by any of its branches or units and be considered part of the undertaking;
- (8) The owner of the product may, produce the certificate to other institutions and adherence in respect of conformity of the product with the standards;
- (9) The certificate shall, be considered invalid after expiration of period of its validity and shall not be renewed, unless after conduct of necessary analyses and examinations; and
- (10) Any certificate that, the operational number is not conformed, shall not be considered defence of innocence;

9. Certificate of Non - Conformity of Product

- (1) The inspector shall, render detailed report after conduct of examination, inspection and test of processes to the Director or branch Director, in the case of non-conformity of product with measured standards or technical rules and shall indicate the reasons for non-conformity and its degree, in accordance with the specialization and competence of the inspector;
- (2) The Director or branch Director may, direct conduct of some of simple improvement on the product, to satisfy conditions of the measured standard;
- (3) The Director or branch Director may, constitute technical committee to conduct the test or examination and provide technical opinion;
- (4) The Director or branch Director may, issue written decision of non-conformity and seizure of the local or imported product and notify the Executive Director;
- (5) The owner of product may, request re-examination and test within period of three days from the date of receipt of the analysis result;
- (6) The owner of product shall, be entitled to submit an application to the Executive Director for review and redress;
- (7) The owner of product may, appeal the decision of Director or branch Director to the Executive Director, within one week from date of seizure of the product;
- (8) The Bureau shall, provide the owner of imported product with option of destruction or return of the export to the producer, in the event of non-conformity; and
- (9) Products seized in market and commercial premises, for non-conformity with standards shall be destroyed;

10. Destruction

- (1) The Executive Director may, constitute committee that comprises of relevant institutions, for destruction of any commodity not conforming with measured standards and approved technical rules;
- (2) The committee referred to under sub-regulation (1) of these regulations, shall determine the manner, venue and time of the destruction and notify the owner of product with the processes;
- (3) The owner of the product shall, bear all necessary costs and expenses of the destruction, as specified under the fees regulations;
- (4) Members of the committee shall, render written report, detailing quantities and weights of destroyed product;
- (5) The Director, branch Director or authorized person, shall issue the certificate of destruction authenticated by his or her signature;

11. Inspection of Markets and Commercial Premises

- (1) The Bureau shall, organize periodical inspection campaigns in markets and commercial premises, in coordination with relevant institutions with objective of:
 - (a) review of exhibited and circulated products in markets and commercial premises and conduct their conformity with measured standards and technical rules;
 - (b) collection of samples from exhibited and circulated products in markets and commercial premises and their transfer to laboratories, whenever necessity required;
 - (c) expropriation and receipt of all products that are not conforming with measured standards and render written notification to owner of the product of the receipt;
 - (d) expropriation and receipt of any product that its safety is not ascertained, with respect to the manner of its exhibition, storage or circulation, in accordance with measured standards or approved technical rules; and
 - (e) institution of criminal proceedings, in accordance with provisions of sections 27, 28 and 29 of the Act;
- (2) The Executive Director may, constitute committee comprising of relevant institutions, for coordination in the process of campaigns in markets and commercial premises;

12. Duties of Traders and Owners of Premises

Traders and owners of premises during inspection shall, comply with the following:

- (a) non-obstruction of technicians or committees, during discharge of their functions;
- (b) non-closure of premises during the process of campaigns;
- (c) provision of assistance and services, for enhancement of work of the committee or technician;
- (d) response and implementation of directives of the technician or committee; and
- (e) perusal of measured standards and technical rules in each field and comply with requirements;

13. Inspection of Factories

- (1) The Executive Director may, in coordination with other relevant institutions, constitute committee to inspect factories and ascertain the extent of their comply with measured standards;
- (2) The technician or assistant technician may, collect samples from inputs of the industry or final product and transfer them to the Directorate of laboratories for analysis;
- (3) The committee constituted by provisions of sub-regulation (1) of these regulations or technician or assistant technician may, enter production sites, storage places, materials storage, offices and any site within the factories, as necessity may required;

- (4) The committee constituted by provisions of sub-regulation (1) of these regulations or technician may, direct owners of factories to comply with measured standards, technical rules or any other applicable law, in respect of production methods, product or storage and circulation methods or other remarks;
- (5) The committee constituted by provisions of sub-regulation (1) of these regulations or technician shall, render detailed written report, in accordance with endorsed guidelines and models, to the Executive Director, Director or branch Director, after each inspection visit to any factory;
- (6) The Executive Director may, in coordination with relevant institutions, order closure of any factory that produces commodity not conforming with measured standards or technical rules, to institute legal proceedings;

14. Functions and Duties of Owners of Factories

Owners of factories shall, comply with the following functions and duties:

- (a) measured standards, technical rules, production methods, production inputs, product storage and circulation methods or other activities that may affect the quality and safety of the final product;
- (b) submission of comprehensive profile of the factory to the Bureau, containing approvals and feasibility study, maps and formats of definitive identity (descriptive identity), containers and other data that may be required by the Bureau;
- (c) render assistance to the technician, assistant technician and the committee constituted under provisions of regulation 13 (1) of these regulations, in discharge of their responsibilities; and
- (d) payment of fees and other charges, as may be prescribed under the fees regulations;

15. Re - Examination or Seizure

- (1) Owners of local and imported products may, request the Directorate or branch to re - analyze the product for the second time in laboratories of the Bureau, with payment of the analysis fees;
- (2) The Executive Director may, direct seizure of specific product or prohibit its entrance into South Sudan, whenever scientific information existed from approved scientific institutions of its dangerous circulation and recommend to the Minister to issue decision in that respect;

Chapter III

Inspection of Export

16. Conditions Required on Exports

The following conditions shall be satisfied on exports:

- (a) conformity with measured standards and approved technical rules;
- (b) satisfaction of conditions of the contract between exporter and importer;
- (c) indication on any exported commodity its country of origin and the weight that may not exceed fifty (50) Kgs in case of crops;
- (d) containment of any exported commodity of definitive identity, in accordance with measured standards and approved technical rules;

17. Competence of the Inspector

Subject to provisions of section 14 of the Act, the technician for inspection and quality monitor shall, in respect of exported goods, perform the following competences:

- (a) field inspection, examination and test of exports in specified sites;
- (b) collection of samples from exports for laboratory examination;
- (c) monitor of exports preparation sites;
- (d) direction, after approval of the Director or branch Director of the followings:
 - (i) refilling of any export or part thereof;
 - (ii) riddling, re-cleaning or re-peeling of any crop or part thereof;
- (e) maintenance of register of parcels that have been daily examined and inspected, in the manner to be specified by the Executive Director and number of collected samples;
- (f) render detailed report, after conduct of examination and test on exports, to the Director or branch Director and upon which the export may be issued with certificate of conformity or non-conformity;
- (g) the technician may not, conduct any process of preparation and arrangement of the export, except upon request of owner of the export; and
- (h) the technician shall not, hand the certificate of quality of the export, unless after payment of fees, as specified under the fees regulations;

18. Duties of Owners of Exports and Preparation Sites

The owner of export and preparation site shall, perform the following duties:

- (a) provision of all documents related with the export;
- (b) grant the inspector access to conduct test, examination and arrangement of export and collection of necessary samples;

- (c) response to all directives made by the inspector, with respect to improvement of the export; and
- (d) payment of prescribed fees, as specified under the fees regulations;

19. Inspection of Exports

- (1) The Executive Director or any authorized person by him or her may, in coordination with relevant institutions, specify sites, markets and inspection of export points, for conduct of conformity processes;
- (2) The Executive Director or any authorized person by him or her may, in coordination with relevant institutions, open markets for crops or villages for export, for conduct of conformity of the exports;
- (3) The inspector shall, examine and arrange the export and collect samples, in presence of owner of the parcel or his or her representative;
- (4) The owner of parcel may, request re-inspection of his or her export and re-collection of samples, after payment of prescribed fees provided under the fees regulations;
- (5) No crop shall, be transferred from preparation site, crop market or inspection point, unless after obtainment of conformity certificate from the Bureau;
- (6) No crop shall, be exhibited in the auction hall, with objective of determination of its price, unless after obtainment of test certificate from the Bureau;
- (7) The Executive Director or any person authorized by him or her may, in coordination with relevant institutions, direct awareness campaigns and inspection of production and storage sites, to ascertain fungal and insect infections and manner of harvest, filling and storage of crops;

20. Monitor of Riddles

- (1) The Bureau shall, be notified prior to operation of any riddle for clearance and inspection of crops;
- (2) The process of riddling, arranging or sorting shall not be conducted, except in the presence of responsible inspector of the Bureau;
- (3) The inspector shall, be present throughout the period of operation of riddles, for clearance and arrangement of crops;
- (4) The inspector shall, collect periodical samples from the crops, to confirm cleanliness and arrangement during operation of the riddle;
- (5) The management of the riddle shall, obtain riddling certificate for each parcel indicating quantities, weights, crops season, storage place and percentage of imperfection;

- (6) The inspector shall, maintain report of procedures undertaken, in respect to the crop in the riddle or storage and copy of approved riddling certificate, arrangement and weights;
- (7) The owner of the parcel shall, pay the prescribed fees, in accordance with fees regulations;

21. Inspection of Stores and Premises for Preparation of Export

- (1) All companies and traders shall, notify the Bureau with storage sites and preparation premises of the export;
- (2) The inspector shall, inspect storage sites once every year and re - inspect corps every two (2) months and conduct conformity on the export
- (3) All companies and traders shall, comply with conditions of stores, storage and preparation sites, as provided under approved measured standard
- (4) The inspector may, after approval of Director or branch Director, direct the following:
 - (a) conduct of alterations or addition on the storage premises, to be consistent with measured standards
 - (b) amend the method of storage of exports
 - (c) refill the exports
 - (d) smoke the corps wherever fungal, insect or pest infections appears; and
 - (e) separate some of the exports, for removal from the store,

Chapter IV Conformity of Services

22. Provision of Service Conditions

The service provider shall, comply with the following conditions:

- (a) provide the consumer with all information, that may enable him or her to appropriately utilize the service and avoid risks; and
- (b) provide complete components of the service, with respect to quality and safety;

23. Competences and Duties of the Technician

The technician shall, have the following competences and duties:

- (a) Examine the service, in accordance with provisions of the Act and Regulations;
- (b) Conduct conformity of the service and determine its degree;
- (c) Hold the identity card issued by the Bureau and its presentation whenever required
- (d) Render detailed report on the extent of conformity of the service, with measured standards and technical rules and submission to immediate head;
- (e) Register particulars and keep documents related with the conformity procedures; and

- (f) Conduct examination and inspection of any service, upon the directive of his or her immediate head;

24. Directives and Orders of Director or Branch Director

- (1) The Director, Branch Director or person authorized by him or her may, direct conduct of some improvement on the service, to satisfy conditions of measured standards for the services;
- (2) The Director, Branch Director or person authorized by him or her may, constitute technical committee for re - inspection and re - examination.

25. Duties of Service Provider

The service provider shall, have the following duties:

- (a) To maintain all documents related with activities of the service and submit them whenever required
- (b) To grant access to the technician to conduct inspection and examination
- (c) To comply with technical remarks and directives, with respect to the service; and
- (d) To pay the prescribed fees, in accordance with fees regulations.

26. Conformity Certificate for Services

- (1) The service provider may, be granted conformity certificate of service, after conduct of inspection and examination and the certificate shall period of validity of the certificate.
- (2) The service provider may, be recognized with conformity certificate for service, before other institutions
- (3) The Bureau shall, maintain copy of the certificate for period not exceeding two (2) years;
- (4) The certificate shall not, be renewed after expiration of its validity period, unless after conduct of new examination and inspection;
- (5) The Bureau may, conduct examination and inspection during validity period of the certificate, whenever necessity required; and
- (6) The Bureau may, cancel the certificate where existence of contravention is proved;

27. Report of Non - Conformity

- (1) The technician shall, submit to the Director or branch Director detailed report, with respect to non - conformity sand specify places or reasons for the non - conformity and its degree;
- (2) The Director, branch Director or person authorized by him or her shall, issue written decision of non - conformity, base on report of the technician, with notification of the Executive Director in that respect;
- (3) The service provider may, submit application to the Executive Director, after removal of the contravention, to re - examine and inspect the service;
- (4) The service provider may, appeal against decision of the Director or Branch Director to the Executive Director, within period of two (2) weeks from date of its issuance,

- (5) The re - examination and re - inspection may, be conducted in case where the appeal is accepted by the committee established by the Bureau and payment of prescribed fees, in accordance with the fees regulations.

28. Contraventions and Arrangements

- (1) The Executive Director or person authorized by him or her may, after coordination with relevant institutions, undertakes any arrangement that may be deemed appropriate or closure of the installation in case where contravention existed.
- (2) The service provider may, appeal against decision of the Executive Director, related to closure of the installation or any other arrangement to the Council, within period of one (1) week from date of its issuance and its decision shall be final;

Chapter V Promotion of Commodities

29. Conditions of Promotion Material

No promotion for any commodity or service shall be conducted, unless conditions of measured standards for the commodity or service are satisfied;

30. Order of Examination and accuracy

The Director or person authorized by him or her may, issue order for conduct of examination and accuracy of the promotion materials for commodities and services, intended to be promoted through different media means;

31. Qualification of Examiner

No person shall be eligible and qualified to conduct processes of examination and accuracy, for promotion materials of commodities and services, unless he or she holds appropriate scientific qualification and undergone training, in accordance with formulated or approved criteria and rules of the Bureau;

32. Conformity Certificate for Promotion of Commodities

- (1) The Bureau shall, grant conformity certificate for promotion of commodities and services, after conduct of examination and accuracy process, on the promotion material and valid for period of six (6) months, with effect from date of its issuance;
- (2) The Bureau may, re-examine and accurate the promotion material, for commodities and services throughout the period of promotion;

33. Conditions to be Complied with by Designer and Promoter

The designer or promoter of promotion materials shall, comply with the following conditions:-

- (a) abide with conditions of measured standards, for the promoted commodity or service;
- (b) provide assistance for the competent official whenever required; and
- (c) pay the prescribed fees provided under fees regulations;

Chapter VI Procedures of Inspection and Conformity of Installation

34. Conditions of Installation

The installation shall, satisfy conditions of measured standards, issued or approved by the Bureau;

35. Order for Conduct of Inspection and Conformity

- (1) The Director or person authorized by him or her shall, order conduct of examination and inspection of the installation, in accordance with technical procedures and approved measured standards;
- (2) The inspection shall be conducted by team, comprising of reasonable number of persons to be constituted by the Bureau;

36. Qualifications of Inspector and Conformer

No person shall, be eligible and qualified to conduct inspection, conformity and render of written reports, unless he or she holds satisfactory scientific qualification in the relevant specialization and undergone satisfactory training in conduct of the inspection;

37. Conformity Certificate for Installation

- (1) The Bureau shall, grant the installation that has satisfied conditions and technical specifications provided under approved measured standards and after conduct of inspection, test or both, conformity certificate for the installation, which shall be valid for period of one (1) year, with effect from date of its issuance;
- (2) The Bureau may, during the period provided under sub-regulation (1) of these regulations, conduct sudden inspection of the installation;

38. Inspection Conditions

- (1) The inspection shall, be based on measured standards for the particular installation;
- (2) The inspection shall, include site, size and suitability of the installation, for intended purpose;

- (3) The inspection shall, include health components of the building, in relation to wash room, mean of transport, drainage, cleanliness and technical preparations for the production and employees health;

39. General Conditions

The installation shall comply with the following general conditions:

- (a) abide with rules provided under measured standards for specific installation;
- (b) pay the prescribed fees provided under fees regulations; and
- (c) provide assistance for competent official of the Bureau, in discharge of his or her duties whenever required;

Issue under my hand in Juba this day month of..... in the year 2016;

Signed:

Hon. Stephen Dhieu Dau
Ag/Minister,
National Ministry of Trade and Industry
Republic of South Sudan
Juba