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**S T A T U T O R Y I N S T R U M E N T S**

**2013 No. 45.**

**THE UGANDA NATIONAL BUREAU OF STANDARDS (IMPORT  
INSPECTION AND CLEARANCE) REGULATIONS, 2013.**

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# S T A T U T O R Y I N S T R U M E N T S

2013 No. 45.

## **The Uganda National Bureau of Standards (Import Inspection and Clearance) Regulations, 2013.**

IN EXERCISE of the powers conferred upon the Minister by section 43 of the Uganda National Bureau of Standards Act, Cap 327, these Regulations are made this 15th day of August, 2013.

### **1. Title.**

These Regulations may be cited as the Uganda National Bureau of Standards (Import Inspection and Clearance) Regulations, 2013.

### **2. Interpretation.**

In these Regulations, unless the context otherwise requires—

“**accreditation**” means a procedure by which an authoritative body gives formal recognition that a body or person is competent to carry out specific tasks;

“**accredited laboratory**” means a testing laboratory recognised by the Bureau under established procedures for competence to carry out specific tasks on behalf of the Bureau;

“**Act**” means the Uganda National Bureau of Standards Act;

“**authorised officer**” means an employee of the Bureau or other government agency designated as such by the Director to conduct inspection, sampling, testing or evaluation of the product to determine its conformity with the relevant standard;

“**Bureau**” means the Uganda National Bureau of Standards established under section 2 of the Act;

“**certification**” means a system that has its own rules of procedure and management for carrying out certification of conformity;

“**certification body**” means an organization that conducts certification of conformity;

**“certification of conformity”** means an action by a third party demonstrating that adequate confidence is provided by the producer or manufacturer that a duly identified product, is in conformity with a relevant standard or other normative document;

**“certification of road worthiness”** means an action by a third party demonstrating that adequate confidence is provided by the producer or manufacturer ‘that the motor vehicle, is in conformity with a relevant standard ;

**“certified product”** means a product which bears the Uganda standards mark granted in accordance with section 16 of the Act;

**“compulsory standard specification”** means the standard specification declared as such under section 16 of the Act;

**“conformity assessment”** means any activity concerned with determining directly or indirectly that relevant requirements are fulfilled;

**“Council”** means the National Standards Council established under section 4 of the Act;

**“Director”** means the Executive Director of the Bureau;

**“EAC”** means East African Community;

**“import clearance certificate”** means a document issued by the Bureau attesting that the quality of an imported product conforms with a relevant Uganda Standard;

**“inspection”** means evaluation for conformity by measuring, observing, testing or gauging the relevant characteristics of a product;

**“inspection body”** means an organization that performs inspection services on its own or on behalf of the Bureau;

**“international or foreign standard”** means a standard developed’ by International Organization for Standardization (ISO), International Electro Technical Commission, (IEC) Codex

Alimentarius, International Telecommunication Union (ITU) or other body accepted by the Bureau for the purpose of certification;

**“licensed”** means a product which has been continuously assessed by the service provider and deemed compliant with the relevant International or foreign standards using a known process;

**“Minister”** means the Minister responsible for trade;

**“product”** means any article, commodity or anything which is covered by a compulsory standard specification;

**“PVOC”** means Pre-export Verification of Conformity to Standards and approved specifications;

**“raw materials”** means materials which form part of the manufacturing process and are transformed during the process;

**“recognised laboratory”** means a testing laboratory recognised by the Bureau under established procedures for its competence to carry out specific tasks;

**“registered product”** means goods with a reasonable consistent level of compliance and where may be exempted from mandatory testing;

**“route”** means a method used to carry out conformity assessment of goods such as inspection, testing, registration, licensing, and certification under the PVoC Programme;

**“relevant standard”** means the national standard or international standard that has been approved by the Bureau;

**“standard”** means a document, established by consensus and approved by a recognised body, that provides, for common and repeated use, rules, guidelines, characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context;

**“standard specification”** means a specification declared as such under section 15 of the Act;

**“testing laboratory”** means a laboratory which measures, examines, calibrates or otherwise determines the characteristics or performance of materials or products;

**“test method”** means a defined technical procedure to determine one or more specified characteristics of a material or product;

**“unregistered product”** means a product without prior information regarding its conformance and which must be tested to assess compliance.

### **3. Goods to be accompanied by a certificate of conformity or a certificate of road worthiness.**

(1) The Bureau shall carry out conformity assessment of all goods covered by mandatory standards destined for the Ugandan market.

(2) The Bureau may appoint an inspection agency or agencies to carry out conformity assessment of goods covered by mandatory standards destined for the Ugandan market.

(3) An importer of a product covered by a mandatory standard listed in Schedule II to these Regulations shall ensure that the supplier of the imported goods subjects them to inspection for conformity to standards in the country of origin and a certificate of conformity is issued, before the goods are shipped to Uganda.

(4) An importer of a used motor vehicle into Uganda shall ensure that the motor vehicle is subjected to PVOC to ensure conformity to the prescribed Uganda standard and that a certificate of road worthiness is issued in respect of the motor vehicle.

(5) Upon receipt of an application from the exporter or importer, the authorised officer of the inspection agency shall carry out conformity assessment of the goods or motor vehicle to assess its compliance to the relevant standards.

(6) The application for a certificate of conformity or certificate of road worthiness shall be made in the prescribed form and shall be accompanied by the relevant documents.

(7) Any person who applies for a certificate of conformity or a certificate of road worthiness shall pay the inspection fees and charges prescribed in Schedule 1 to these Regulations.

(8) There shall be paid in respect of goods specified in Schedule II which are imported without a certificate of conformity or a certificate of road worthiness, a surcharge of 15% and the goods shall be subjected to destination inspection.

(9) Where the product complies with the requirements of the relevant standards the designated agency shall issue the applicant with a certificate of conformity or a certificate of road worthiness.

(10) Where the product does not conform to the requirements of the relevant standard, the designated agency shall issue a non-conformity report for the goods or motor vehicles and notify the Bureau.

(11) The goods or motor vehicles which do not meet the requirements of the relevant standard shall not be shipped into Uganda.

#### **4. Application for import clearance certificate.**

(1) Upon the arrival of the goods or motor vehicle at the port of entry, the importer of goods covered by a mandatory standard listed in Schedule II or motor vehicle shall apply to the Bureau for an import clearance certificate.

(2) The application shall be made prior to or upon arrival of the goods or motor vehicle at the point of entry but prior to release of the good or motor vehicle to the importer by the Uganda Revenue Authority.

(3) The application for an import clearance certificate shall be made in the prescribed form and shall be accompanied by a certificate of conformity or a certificate of road worthiness together with the relevant customs documents.

## **5. Handling of an application**

(1) Upon receipt of an application, the authorised officer shall verify the documents to ensure that the application is duly filled and accompanied by all the necessary attachments.

(2) The authorised officer shall verify goods or motor vehicle to ensure that the goods or motor vehicle match with the declaration in the application and in the certificate of conformity or certificate of roadworthiness.

(3) Goods or motor vehicles that are not accompanied by a certificate of conformity or certificate of road worthiness shall be subjected to destination inspection.

(4) Goods or motor vehicles that do not match with the certificate of conformity or certificate of road worthiness shall be subjected to destination inspection.

(5) Where goods or motor vehicles have been verified and found to have been duly inspected from the country of origin and issued with a certificate of conformity or a certificate of roadworthiness and where the authorised officer finds no reason to doubt compliance with the relevant Uganda standards, the authorised officer shall issue an import clearance certificate in respect of those goods or motor vehicles.

(6) Where goods or motor vehicles are accompanied by a certificate of conformity or a certificate of roadworthiness and where the authorised officer finds reason to doubt compliance with the relevant Uganda standards, the authorised officer may subject the goods or motor vehicle to destination inspection.

(7) Where goods or motor vehicles have been subjected to destination inspection and have been determined to conform to the relevant Uganda standards, the authorised officer shall issue an import clearance certificate in respect of the goods or motor vehicles.

## **6. No release of goods without issue of certificate.**

An authorised officer shall not release goods from a point of entry, other than to a bonded warehouse, unless the importer of the goods has been issued with an import clearance certificate.

**7. Products with Uganda standard certification mark.**

An importer of a product manufactured outside the EAC region in respect of which has been issued a permit to use the Uganda standard (US) certification mark shall be subjected to PVOC.

**8. Products manufactured within the EAC Region.**

Products manufactured within the EAC Common Market and which bear the certification marks of the respective Partner States shall be subjected to import clearance but shall be exempted from PVOC.

**9. Dissatisfaction with the quality of goods bearing a certification mark.**

Where the Bureau is not satisfied with the quality of goods referred to in regulation 7 or 8, the Bureau may subject the goods to inspection, sampling, testing and evaluation.

**10. Handling of non-conforming goods or motor vehicle.**

(1) Goods or motor vehicles in respect of which has been issued a seizure notice shall be handled in accordance with the best practices and as recommended by the authorised officer at the expense of the importer.

(2) Goods or motor vehicles in respect of which has been issued a seizure notice shall either be destroyed or re-exported.

(3) Goods or motor vehicles in respect of which has been issued a seizure notice and determined by authorised officer not to pose a significant risk to the environment may be destroyed without re-exportation.

(4) Goods or motor vehicles in respect of which has been issued a seizure notice and determined by authorised officer to pose a significant risk to the environment shall be re-exported to the country of origin.

(5) No goods or motor vehicles in respect of which has been issued a seizure notice shall be re-exported to another country other than the country of origin.

(6) The destruction of the goods or motor vehicles in respect of which has been issued a seizure notice shall be done in accordance to the relevant regulations and guidelines.



## **11. Destination Inspection.**

(1) Goods or motor vehicles specified in Schedule II which arrive at a port of entry without a certificate of conformity or certificate of roadworthiness shall be subjected to a surcharge of 15% of CIF in addition to the payment of the prescribed inspection fees.

(2) All goods or motor vehicles subjected to destination inspection shall be subject to payment of the prescribed inspection fees.

(3) The importer of the goods or motor vehicles shall be responsible for the costs of storage, analysis and any other incidental charges incurred during destination inspection.

(4) The goods or motor vehicles subject to destination inspection shall be inspected and evaluated by the authorised officer or designated agency to determine conformance with relevant Uganda standards.

(5) During the destination inspection, the authorised officer or designated agency may take a sample for laboratory analysis to determine conformity with relevant Uganda standards.

(6) Where goods or motor vehicles have been determined to conform to relevant Uganda standards during destination inspection, the authorised officer shall issue an import clearance certificate in respect of the goods or motor vehicles.

(7) Where goods or motor vehicles have been subjected to destination inspection and have been determined not to conform to the relevant Uganda standards, the authorised officer shall issue a seizure notice and notify the relevant authorities including the designated agency and where applicable, the Uganda Revenue Authority and the goods or motor vehicles shall not be permitted entry in the domestic market.

## **12. Exemptions.**

All goods specified in Schedule III to these regulations shall be exempted from the PVOC programme.

### **13. Offences and penalties.**

A person, who releases, distributes sales or markets a product that does not conform to the requirements of the relevant Uganda standard, commits an offence and is liable on conviction to such a penalty as is prescribed in the Act.

### **14. Appeals.**

An importer may appeal as provided for under section 25 of the Act, where he or she is not satisfied with the decision taken under these Regulations.

### **15. Revocation of S.I No. 72 of 2002.**

The Uganda National Bureau of Standards (Import Inspection and Clearance) Regulations, 2002 are revoked.

## SCHEDULE I

*Regulation 3(7)*

### **FEES AND CHARGES FOR IMPORT INSPECTION AND CLEARANCE**

1. Where a sample is subjected to laboratory analysis, the importer shall be required to pay for the test charges as billed by the relevant laboratory.

2. The fees and charges referred to in regulation 3 (7) shall be as follows and shall be based on the FOB value of import shipment.

- (a) The applicable verification fees depend on the route, subject to the minimum and maximum detailed below.

The fees are payable by the exporter or manufacturer and payable in advance:

**Route A (Unregistered products)**

0.500% of FOB value subject to a minimum of **USD 220** and Maximum of USD 2,375

**Route B (Registered products)**

0.45% of FOB value subject to a minimum of **USD 220** and Maximum of USD 2,375

**Route C (Licensed Products)**

**Licensed Products** (0.25% of FOB value subject to a minimum of USD 220 and Maximum of USD 2375).

- (b) **Used Vehicles**

**Inspection Fees**

Fees payable upon inspection will vary depending on country of origin as elaborated below:

Japan (USD 145)

Singapore (USD 180),

United Kingdom (BGP 125),

South Africa (R 1685) and

United Arab Emirates (Dubai)(USD 125).

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**Testing Fees**

Determined on a case by case basis

## **SCHEDULE II**

*Regulations 3(3), 3(8) and 4(1)*

### **CATEGORIES OF GOODS SUBJECTED TO PVoC.**


1. Group I - Toys
2. Group II - Electrical and electronics
3. Group III - Automotive products and inputs
4. Group IV - Chemical products
5. Group V - Mechanical materials and gas appliances
6. Group VI - Textile, leather plastic and rubber
7. Group VII - Furniture (Wood and Metal Articles)
8. Group VIII - Paper and stationery
9. Group IX - Protective safety equipment
10. Group X - Food and food products
11. Group XI - Used products including used motor vehicles

## SCHEDULE III

*Regulation 12.*

### EXEMPTIONS

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|  | General goods whose FOB value does not exceed USD 2000   |
|  | Prohibited Goods according to the East African Customs Management Act 2006 and the East African Standards Quality Assurance and Testing Act (SQMT) 2006 and any other Laws of the Community. |
|  | Government project specific goods  |
|  | Raw Materials which are brought in for the manufacturing process and not for sale)   |
|  | Diplomatic cargo   |
|  | Personal Effects   |
|  | Goods that are not covered by compulsory standards.  |
|  | Certified goods including those from the EAC Partner States.   |

  
Minister of Trade, Industry and Cooperatives  
5 August 2013