

Registration Department

Our Ref: Registration/Guidelines RG: 05

Date 20 08 2019

Sub: Guidelines for cancellation of licence as per Scheme II of Schedule II of BIS (Conformity Assessment) Regulations 2018

These guidelines stipulate the procedure for cancellation of licence on account of:

- i) Non-compliance to any conditions of the licence,
- ii) Non-implementation of revised Indian Standard and any amendment to Indian Standard,
- iii) Using Standard Mark on unregistered goods,
- iv) Establishment of Complaint, etc. ,
- v) The product bearing the standard mark does not conform to relevant Indian Standard. Non-conformity of product in following cases to be considered:-
 - (a) When licence has only one model or only one series,
 - (b) When there has been change in scope of licence by BIS in the past based on non-conformity of sample(s) and the dates of two consecutive non-conforming test reports are falling within a period of 5 years,
- vi) Licence has been issued in error,
- vii) Licence is under suspension for more than one year(In such case no further notice is required),
- viii) A request from licensee to cancel the licence.

These Guidelines are to be read in conjunction with BIS Act 2016, BIS Rules 2018 and 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.

<i>Proceedings for cancellation</i>	1.a)	The cancellation of a licence shall be done as per the Regulation 11 of BIS (Conformity Assessment) Regulations, 2018.
	b)	Before cancelling a licence, a cancellation notice of not less than twenty one days shall be given to the licensee [template attached Indicative Annexure-I (In case validity of licence is not over) and Indicative Annexure-III (In case validity of licence is over)], providing opportunity for submitting their reply in writing.
	c)	The decision of Competent Authority shall be communicated to the licensee (template of the letter attached as Indicative Annexure-II).
<i>Provision for appeal</i>	2.	For the cases, in which manufacturer submits appeal to Director General, the brief history of the case shall be prepared.

Annexure I

Our Ref: Registration/R-

Dated:

Subject: Notice for Cancellation of licence No. R- as per Scheme-II of Schedule-II of BIS (CA) Regulations, 2018 (Registration based on Self Declaration of Conformity) for.....(Product Name) as per(IS No.)

M/s

(Name and address of licensee)

Kind Attn: (Name of the CEO/MD)

Dear Sir/Madam,

This has reference to the licence No. R- as per Scheme-II of Schedule-II of BIS (CA) Regulations, 2018 (Licence based on Self Declaration of Conformity) for(Product Name) as per(IS No.) held by you to use the Standard Mark on your product..... of brand.....which is valid up to.....

2. The following non-conformity were observed with regard to the operation of the above licence which is violation of the Regulation..... of BIS (Conformity Assessment) Regulations, 2018:

(Reasons for proposed cancellation)

3. In view of the above, it is proposed to cancel the licence Rheld by you in accordance with the provisions under Section 13 of the BIS Act, 2016 read in conjunction with the provisions of Regulation 11 of BIS (Conformity Assessment) Regulations, 2018.

(relevant provisions)

4. In view of the above you are advised to stop the supply and sale of the non-conforming goods or articles under the said licence and withdraw it from the warehouse/ market/ distributor/ in-transit etc. or any such place from where they are likely to be offered for sale.

5. You are also advised to submit us the following details for articles covered under this licence, as on the date of receipt of this communication through speed post/email/portal:

- (a) Quantity of goods or articles with Standard Mark held in stock;
- (b) Batch No(s) and date(s) of manufacture (model-wise);
- (c) Packaging material details affixed with BIS Standard Mark
- (d) Pending Orders for material with Standard Mark, if any with purchasers' name and address

- (e) Quantity of goods or articles with Standard Mark available with warehouse/ market/ dealer/ distributor/in-transit

5. In case you have anything to say in this matter, you may submit your explanation to the Bureau within 21 days from the date of issue of this notice, failing which, it will be presumed that you are no longer interested in continuing the said licence and as such the licence will be processed for cancellation without any further reference to you.

This notice is being issued without any prejudice to the right of this Bureau to take any legal action under section 29 of the BIS Act, 2016.

6. If you desire to be heard in person or through a representative authorized by you on your behalf, you may seek an appointment for such a hearing with the undersigned, after submitting your written explanation within the stipulated period either by post or by email to

7. Kindly note that the authorized signatory of the manufacturing unit with proper authorization letter, should positively be present for the hearing, if sought. In case, if it is not possible for the foreign manufacturer to present for the hearing, they may depute their Indian representative with prior intimation in this regard. The person attending the hearing should establish his identity through Company ID card along with Aadhaar Card/ Passport or any other valid identification. The hearing can also be held through Video Conferencing if such a request is made.

8. Kindly acknowledge the receipt of this letter and ensure compliance.

Thanking You,

(Name & designation of officer)

Copy to:

Authorized Indian Representative (In case of Foreign Manufacturer)

Annexure - II

Our Ref: Registration/R-

Dated:

Subject: Cancellation of licence No. R- as per Scheme-II of Schedule-II of BIS (CA) Regulations, 2018 (Registration based on Self Declaration of Conformity) for.....(Product Name) as per(IS No.)

M/s

(Name and address of licensee)

Kind Attn: (Name of the CEO/MD)

Dear Sir/Madam,

This has reference to the licence No. R- as per Scheme-II of Schedule-II of BIS (CA) Regulations, 2018 (Registration based on Self Declaration of Conformity) for.....(Product Name) as per(IS No.) held by you to use the Standard Mark on your product..... of brand which was valid upto....

2. The Competent Authority, vide order dated has decided to cancel your Licence with effect from as per the provision of Regulation of BIS (Conformity Assessment) Regulations, 2018 due to the following reasons:

(Reasons)

3. As your above mentioned licence stands cancelled w.e.f.....you are therefore, NOT entitled to mark/ dispatch your product (product name) of brandas per IS with BIS Standard Mark after 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

4. Any publicity material such as handbills, pamphlets, letterheads, etc. claiming that you hold BIS 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 15 days.

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

6. You are advised to submit an undertaking to the effect that you shall not use your licence documents anywhere under any circumstances without prior permission from BIS in this regard.

7. In case you apply within three months of decision of Competent Authority with applicable fee, the models under the scope of cancelled licence can be considered for new licence based on proof of corrective actions, to avoid failure in future, supported by complete testing of the model failed in surveillance. In case the failure model is end of life/ discontinued, then fresh test report of any lead model from any other series within the scope of cancelled licence can be submitted instead.

8. If you are aggrieved by the above order, you may 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 2018.

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

Yours sincerely,

(Name & designation of officer)

Copy to:

Authorized Indian Representative (In case of Foreign Manufacturer)

Annexure III

Our Ref: Registration/R-

Dated:

Subject: Notice for Cancellation of deferred licence No. R- (Validity date.....) as per Scheme-II of Schedule-II of BIS (CA) Regulations, 2018 (Registration based on Self Declaration of Conformity) for.....(Product Name) as per(IS No.)

M/s

(Name and address of licensee)

Kind Attn: (Name of the CEO/MD)

Dear Sir/Madam,

This has reference to the licence No. R- as per Scheme-II of Schedule-II of BIS (CA) Regulations, 2018 (Licence based on Self Declaration of Conformity) for(Product Name) as per(IS No.) held by you to use the Standard Mark on your product..... of brand..... which was valid up to..... You have not replied to our..... dated..... vide which it was informed that decision on renewal of licence stands deferred for 90 days from date of validity. (#) Please also refer communication sent to you vide MEITY's letter dated..... about non-conformity of sample drawn during surveillance.(#)

2. The following non-conformity(s) were observed with regard to the operation of the above licence which is violation of the Regulation..... of BIS (Conformity Assessment) Regulations, 2018:

(Reason(s) for proposed cancellation)

3. In view of the above, it is proposed to cancel the licence Rheld by you in accordance with the provisions under Section 13 of the BIS Act, 2016 read in conjunction with the provisions of Regulation 11 of BIS (Conformity Assessment) Regulations, 2018.

(relevant provisions)

4. In case you wish to renew your licence, you advised to:-

(a) Submit renewal application and fees at the earliest.

(b) Submit your explanation to the Bureau (after complying to para 4(a) of this letter) within 21 days from the date of issue of this notice failing which, it will be presumed that you are no longer interested in continuing the said licence and as such the licence will be processed for cancellation without any further reference to you.

This notice is being issued without any prejudice to the right of this Bureau to take any legal action under section 29 of the BIS Act, 2016.

5. If you desire to be heard in person or through a representative authorized by you on your behalf, you may seek an appointment for such a hearing with the undersigned, after submitting your written explanation within the stipulated period either by post or by email to

6. Kindly note that the authorized signatory of the manufacturing unit with proper authorization letter, should positively be present for the hearing, if sought. In case, if it is not possible for the foreign manufacturer to present for the hearing, they may depute their Indian representative with prior intimation in this regard. The person attending the hearing should establish his identity through Company ID card along with Aadhaar Card/ Passport or any other valid identification. The hearing can also be held through Video Conferencing if such a request is made.

7. Kindly acknowledge the receipt of this letter and ensure compliance.

Thanking You,

(Name & designation of officer)

Copy to:

Authorized Indian Representative (In case of Foreign Manufacturer)

Strike out if not applicable