

## Registration Department

**Our Ref: Registration/Guidelines RG: 03**

**Date 20 08 2019**

**Subject: Guidelines for Renewal of Licence (RoL) as per the conformity assessment Scheme – II 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 of BIS (Conformity Assessment) Regulations, 2018 and Paragraph 9 of Scheme - II 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 BIS Act, Rules and Regulations. All the forms mentioned herein correspond to those given in Scheme - II of Schedule - II of BIS (Conformity Assessment) Regulations, 2018.

<b><i>General principles for RoL</i></b>	1.	Licence may be considered for renewal if there is no adverse surveillance feedback, for a period of minimum two years and upto five years on the request of the licensee, depending upon whether the Renewal Application fee, Annual licence fee, Processing fee and any other 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 Renewal Application fee, Annual licence fee and advance processing fee for five years.
<b><i>Renewal application</i></b>	2.	<p>The renewal application shall be made through BIS portal in Form - VI along with attachment to Form VI (Production Report) preferably three months prior to the validity date.</p> <p>In case of change in name/management/authorized Indian representative etc., such changes shall be applied under the Change in Scope of Licence as and when such changes occur.</p> <p>If renewal is applied after the last date of validity, late fee as per the provisions of sub regulation 5 of Regulation 8 of BIS (Conformity Assessment) Regulations, 2018 is applicable.</p>
<b><i>Deferment of decision to renew the licence (for all cases)</i></b>	3.	<p>(a) When renewal application along with the requisite fee and other 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.</p> <p>(b) A communication shall be sent to the licensee in the template enclosed at Indicative Annexure-I.</p>
<b><i>Deferment of renewal of licence (Where licence is</i></b>	4.	<p>(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.</p> <p>(b) 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</p>

<b><i>under suspension)</i></b>		<p>(Conformity Assessment) Regulations, 2018). A communication shall be sent to the licensee in the template enclosed at Indicative Annexure-III.</p> <p>(c) If there is no response from the licensee or the response is not adequate within stipulated period, a communication shall be sent to the licensee in the template enclosed at Indicative Annexure-IV, preferably two months prior to the last date till which decision of renewing the licence has been deferred.</p> <p>(d) During this period, if all the actions for revocation of suspension are completed, the licence shall be renewed.</p>
<b><i>Expiry of licence</i></b>	5.	<p>(a) 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 deferment period. Communication shall be sent to the licensee in the template enclosed at Indicative Annexure-II.</p> <p>(b) Where licence has been suspended and the revocation of suspension of licence is not done within the period of 180 days, the licence shall stand expired.</p> <p>(c) On expiry of licence, a communication shall be sent to the licensee in the template enclosed at Indicative Annexure - V by the BO/Department.</p>
<b><i>Fee</i></b>	6.	Fee as notified in the regulation will be charged.
<b><i>Provision for appeal</i></b>	7.	For the cases, in which manufacturer submits appeal to Director General, the brief history of the case shall be communicated by RO/BO/department to concern prepared as per (template as per Indicative Annexure - III of grant of licence guidelines).

## Annexure-I

Our Ref: Registration/R -

Date:

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

2. Since, you have not submitted the renewal application with requisite fee till the validity date, the decision to renew your licence has been 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, please note that you are not authorized to mark and dispatch (including stock in hand) the above mentioned product with standard mark after the date of validity. You are, therefore, advised to confirm compliance to the above along with the following information as on the date of issuance this communication:

- 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

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 .....

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.

(Name & designation of officer)

**Annexure-II**

Our Ref: Registration/R -

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 licence No R-. ..... granted to you for use of Standard Mark on your product ..... under Scheme-II 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 applicable 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.

(Name & designation of officer)

**Annexure-III**

Our Ref: Registration/R -

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 licence No.R- ..... granted to you for use of Standard Mark on your product ..... under Scheme-II 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.

(Name & designation of officer)

**Annexure-IV**

Our Ref: Registration/R -

Dated:

Subject : Expiry of BIS Licence No. R- ..... 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 Licence No. .... held by you for your product under Scheme-II of Schedule-II of BIS (Conformity Assessment) Regulations, 2018 as per IS .....after .....

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 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 Licence as per Scheme-II of Schedule-II 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.

(Name & designation of officer)

**Annexure-V**

Our Ref: Registration/R -

Dated:

Subject : Expiry of BIS Licence No. R- ..... 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 Licence No. .... held by you for your product under Scheme-II of Schedule-II of BIS (Conformity Assessment) Regulations, 2018 as per IS .....after .....

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 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.

(Name & designation of officer)