

## Registration Department

Our Ref: Registration/Guidelines RG: 04

Date 20 08 2019

### **Sub: Guidelines for Suspension (SUS) and Revocation of Suspension (ROS) of Licence – For Scheme - II of Schedule - II of BIS (Conformity Assessment) Regulations, 2018**

These guidelines stipulate the procedure for imposition of Suspension on account of:

- i) Difficulty in maintaining the conformity of the product to the relevant Indian Standard
- ii) Relocation of manufacturing unit to a new address
- iii) Non-payment of requisite fee

The Guidelines for Suspension (SUS) and Revocation of Suspension (ROS) of Licence are to be read in conjunction with BIS Act 2016, BIS Rules 2018 and BIS (Conformity Assessment) Regulations 2018. In particular, the provisions for Suspension and Revocation of Suspension of a licence are addressed in Regulation 10 and Paragraph 11 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 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>Difficulty in maintaining the conformity of the product to the relevant Indian standard</i></b>	1.	<p>Licensee, on his own shall suspend the use of Standard Mark under intimation to the Bureau, if, at any time, there is difficulty in maintaining the conformity of the product to the relevant Indian Standard. Bureau shall host the information online portal immediately after same is received from the manufacturer.</p> <p>The marking may be resumed as soon as the deficiencies are removed and information of such resumption of marking shall be sent to the Bureau immediately but not later than seven days from the resumption. Bureau shall change the status online immediately after same is received from the manufacturer.</p>
<b><i>Relocation of Manufacturing unit to a new address</i></b>	2.	<p>Licensee, on his own shall suspend the use of Standard Mark under intimation to the Bureau, due to relocation of manufacturing unit to new address.</p> <p>After completion of relocation of plant, the Bureau shall be informed by manufacturer along with requisite declarations, documents and fee. The revocation of suspension would be done on verification of the declarations, documents and receipt of fee.</p>

		<p>The following documents are required to be submitted:</p> <ul style="list-style-type: none"> <li>i) Filled application for intimation of change as per Form –VIII B</li> <li>ii) Declaration about completion of shifting at new address</li> <li>iii) Documentary evidence for authentication of the address of new address of manufacturer</li> <li>iv) Revised nomination of AIR(Authorized Indian Representative) in case of foreign manufacturer as per FORM IV</li> <li>v) Revised affidavit as per Form III A/ Form III B/ Form III C as applicable.</li> <li>vi) Documentary evidence for any other change occurred on account of shifting.</li> <li>vii) Documentary evidence of submission of applicable fee.</li> </ul> <p>Intimation regarding revocation of suspension along with effect of change of address will be sent through letter as per Form- IX B.</p>
<p><b><i>Suspension and revocation of suspension in case of Non-payment of requisite fee</i></b></p>	<p>3.</p>	<p>The Bureau may suspend the licence after issuing a notice of 21 days in the format at Indicative Annexure- I and direct the licensee not to use Standard Mark on its product when requisite fee is not paid by the applicant. If requisite fee is not received within stipulated time, the licence shall be suspended and manufacturer will be communicated accordingly as per Indicative Annexure-II.</p> <p>The Bureau may revoke suspension of licence on receipt of dues and will be communicated as per Indicative Annexure-III.</p>

If the licence has been under suspension for more than one year, the bureau may cancel the licence without giving any further notice.

## **Annexure I**

Our Ref: BO/R-

Dated:

Subject: Notice for Suspension 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 requisite fee is not paid by you which is violation of the 5 of Scheme-II of Schedule-II of BIS (Conformity Assessment) Regulations, 2018:

3. In view of the above, it is proposed to suspend the licence R .....held by you in accordance with the provisions under 11(6) of Scheme-II of Schedule-II of BIS (Conformity Assessment) Regulations, 2018.

4. In view of the above you are advised to stop the supply and sale of the 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 do not submit the requisite fee to the Bureau within 21 days from the date of issue of this notice, the licence will be processed for suspension without any further reference to you.

6. 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: BO/R-

Dated:

Subject: Suspension 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. Kindly also refer to our notice for Suspension of licence. Ref. .... Dated .....

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3. The Competent Authority, vide order dated ..... has decided to suspend your Licence with effect from ..... as per the provision of Regulation ..... of BIS (Conformity Assessment) Regulations, 2018 since you have not submitted requisite fee.

4.. As your above mentioned licence stands suspended w.e.f.....you are therefore, NOT entitled to mark/ dispatch your product (product name ) of brand .....as 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 .....

5. 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.

6. 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.

7. 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: BO/R-

Dated:

Subject: Resumption of suspended 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 revoke suspension of your Licence with effect from ..... as per the provision of 11(7) of Scheme-II of Schedule-II of BIS (Conformity Assessment) Regulations, 2018 due to the following reasons:

(Reasons)

3. Please acknowledge receipt of this letter

Yours sincerely,

(Name & designation of officer)

Copy to:

Authorized Indian Representative (In case of Foreign Manufacturer)