

भारतीय मानक ब्यूरो
(केन्द्रीय मुहर विभाग - I)

हमारा सन्दर्भ: सीएमडी-I/2:12:3

18 जनवरी 2022

विषय: उत्पाद प्रमाणन योजना (IS) के अंतर्गत लाइसेंस के नवीनीकरण दिशानिर्देश - हेतु।

उपर्युक्त विषय पर सक्षम प्राधिकारी द्वारा अनुमोदित परिपत्र एवं दिशानिर्देश सभी संबंधित पक्षों के कार्यान्वयन के लिए सलग्न है।

(मोहित जनोहिया)
वैज्ञ-सी/सीएमडी-I

प्रमुख, सीएमडी-I

उपमहानिदेशक (प्रमाणन एवं सीएसएम)

Bureau of Indian Standards
(Central Marks Department - I)

Our Ref: CMD-I/2:12:3

18 January 2022

Subject: Guidelines for renewal of licence under product certification scheme (IS) - reg.

The circular and guidelines on the above subject as approved by the Competent Authority are attached herewith for implementation by all concerned.

(Mohit Janoiya)
Sc.C/CMD-I

Head, CMD-I

DDG (Certification & CSM)

परिचालित/circulated to:

सभी क्षेत्रीय कार्यालयों/ शाखा कार्यालयों
All ROs/BOs

सभी उपमहानिदेशक (क्षेत्रीय) एवं उपमहानिदेशक (एमएससी, सीआरएस और एफएमसी)
All DDGRs and DDG (MSC, CRS & FMC)

प्रमुख, आई०टी०एस० विभाग
Head, ITSD

अन्य सभी संबंधित पक्ष - बीआईएस वेबसाइट और इंटरनेट के माध्यम से
All other concerned - through BIS website and intranet

Bureau of Indian Standards
(Central Marks Department - I)

Our Ref: CMD-I/2:12:3 (Circular)

18 January 2022

Subject: Guidelines for renewal of licence under product certification scheme (S) - reg.

This has reference to the subject mentioned above and guidelines Ref: CMD-I/2:12:3 dated 29 October 2018.

- 2) In this regard, various changes in the licence renewal process have been incorporated in the system over time. These aspects have been consolidated in the revised guidelines and changes are as highlighted below:
- i) Provision for renewal of licence deferred due to suspension - if revocation of suspension of the licence is not done within the period of 180 days, the licence may be ~~shall stand~~ expired.
 - ii) Communication to the manufacturer about easier re-entry in cases of expiry due to administrative reasons like non-submission of application fee with requisite fee or voluntary surrender of licence. (applicable only for domestic manufacturers)
 - iii) Provision for submission of request by licensee to keep expiry of licence in deferment beyond ninety days (i.e. upto one year) - Advance request by licensee to categorise licence as 'Dormant'.
 - iv) Automation of renewal of licence and post-review activities.
 - v) Verification of compliance of deferment orders and discreet visits
- 3) The aforesaid revised guidelines are attached herewith as *Annexure - A* and supersede the earlier guidelines/circular Ref: CMD-I/2:12:3 dated 29 October 2018 and 07 April 2021.
- 4) The revised guidelines shall come into force with immediate effect.
- 5) This issues with the approval of DG-BIS.

(Mohit Janoiya)
Sc.C/CMD-I

Head, CMD-I

DDG (Certification & CSM)

circulated to:

- i) **All ROs/BOs**
 - ii) **All DDGRs and DDG (MSC, CRS & FMC)**
 - iii) **Head, ITSD**
 - iv) **All other concerned** - through BIS website and intranet
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BUREAU OF INDIAN STANDARDS
(CENTRAL MARKS DEPARTMENT - I)

Our Ref: CMD-I/2:12:3

18 January 2022

Subject: Guidelines for Renewal of Licence (RoL) as per the conformity assessment Scheme – I of Schedule – II of BIS (Conformity Assessment) Regulations, 2018

This document stipulates the guidelines for renewal of licence (RoL). These are to be read in conjunction with the BIS Act, 2016 and Rules, Regulations framed thereunder. In particular, the provisions for RoL are addressed in Regulation 8 and Paragraph 9 of Scheme - I of Schedule - II of BIS (Conformity Assessment) Regulations, 2018, as amended from time to time. Any situation, in general, not covered in these guidelines are to be dealt as per the provisions of the Act, Rules and Regulations by the Regional Offices (ROs) and Branch Offices (BOs). All the forms mentioned herein corresponds to those given in Scheme - I of Schedule - II of BIS (Conformity Assessment) Regulations, 2018.

General principles for RoL

1. Licence may be considered for renewal for a period of minimum one year and upto five years on the request of the licensee, depending upon whether the application fee, licence fee, advance minimum marking fee and 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, the licensee is required to submit licence fee and advance minimum marking fee for five years.

Renewal application

2. (i) The renewal application shall be made through BIS portal in Form - XII along with relevant documents, preferably two months prior to the validity date.

Calculation of actual marking fee

(ii) For the calculation of marking fee on actual basis before the end of each operative year, the licensee shall submit production statement of goods bearing standard mark for the period as follows:

(a) For first operative year of licence - First nine months

(b) For subsequent years of operation of licence - Last three months of previous operative year and first nine months of current year

(iii) The production statement(s) shall be duly authenticated by chartered accountant/cost accountant on their letter head indicating the membership number along with name of the unit, address and actual quantity produced for the said period.

(iv) Where volume of production is high, licensee may opt for or be directed to pay marking fee on quarterly basis.

***Automatic
renewal***

(v) After submission of application, the licence shall be automatically renewed through online portal except in the following cases (or any combination thereof):

- (a) Licence is under suspension
- (b) Licence is currently under deferment and just prior to that was under suspension
- (c) Cancellation process has started
- (d) Expiration process has started
- (e) Self-suspension or shifting has manufacturing premises has started

(vi) In the exception cases listed above, the renewals shall be processed with prior review and approval by Head (BO).

(vii) The renewal of licence shall be endorsed as per Form - XIII.

***Review of
renewals***

3. (i) All the cases where licences are automatically renewed shall be reviewed by the BOs for completeness. Any shortfall in terms of documents and fees should be ascertained and communicated to licensee within seven working days of automatic renewal. The review shall comprise following aspects:

- (a) Submission of production details with due authentication (Regulation 6(10))
- (b) Completeness of marking fees paid (Regulation 10(2))
- (c) Updation of consignee details on the portal by the licensee (Regulation 6(11))
- (d) Any other fees or dues to be paid by the licensee (Regulation 10(2))
- (e) Implementation of amendment or revision in Standard, if applicable (Regulation 6(7) and paragraph 11(5)(a) of Scheme-I)
- (f) Any other pending actions (applicable provision)

(ii) As regards clause (a) to (d) above, the licensee shall be advised to comply with the directions issued by the Bureau in this regard and submit shortfall documents/fees, if any, within seven days. For other cases, action towards non-compliance as per prevailing guidelines dealing with unsatisfactory performance, non-conformity of product shall be taken.

(iii) Any non-compliance on part of licensee in submission of requisite fee or production details shall be treated as violation of the BIS (Conformity Assessment) Regulations, 2018 and case shall be processed for suspension/cancellation accordingly, as per the prevailing guidelines.

(iv) After the renewal or reinstatement (post-deferment), necessary actions on pending matters arising from the review process shall be taken up by the ROs/BOs with the licensee. However for the cases, where renewal is not automatically processed, actions on following matters shall be completed prior to renewal or reinstatement (post-deferment):

- (a) Completeness of marking fees paid and submission of production details
- (b) Any other fees or dues to be paid by the licensee
- (c) Revocation of suspension of licence
- (d) Completion of cancellation proceedings, if results in nullification

Deferment of decision to renew the licence (for all cases)

4. (i) When renewal application along with the requisite fee (Renewal application fee, annual licence fee and applicable marking fee) and 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.

(ii) The manufacturer may also apply for renewal of CoC within 90 days after the date of its validity. In such cases, an additional late fee ₹ 5,000 shall be paid by the manufacturer while applying for renewal.

(iii) A communication shall be sent to the licensee by the BO. (Template enclosed as ***Annexure - I***)

(iv) 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 this period.

Deferment of renewal of licence (Where licence is under suspension)

5. (i) 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.

(ii) In such cases, the decision to renew the licence may be deferred for 180 days from the date of validity. (see sub-regulation (6), (7) and (9) of regulation 8 of the BIS (Conformity Assessment) Regulations, 2018)

(iii) In such a case, a communication shall be sent (Template enclosed as ***Annexure - II***) to the licensee. If there is no response from the licensee within stipulated period or the response is not adequate, a communication shall be sent (Template enclosed as ***Annexure - III***), preferably, two months prior to the last date till which decision to renew the licence has been deferred.

(iv) During this period, if all the actions for revocation of suspension are completed, the licence shall be renewed. However, if the revocation of suspension of licence is not done within the period of 180 days, the licence may be expired.

Request to keep licence as 'dormant'

6. (i) The licensee may also submit an application request for keeping to defer the renewal of licence upto one year from the date of its validity. Such requests shall be received at least a month (30 days) in advance from the date of validity of licence.

(ii) Such requests, as above, may be accepted by Head (BO) subject to receipt of ten percent of minimum marking fee or ₹ 7,000 whichever is higher. A communication shall be sent to the licensee by the BO. (Template enclosed as *Annexure - IV*)

Expiry of licence

7. (i) The competent authority shall pass speaking orders for the decision taken, as required.

(ii) The applicable communication in the format shall be sent by the BO:

(a) Inline with template letter enclosed as *Annexure - V* for cases due to non-submission of application fee with requisite fee or voluntary surrender of licence (including information about easier re-entry, where applicable).

(b) Inline with template letter enclosed as *Annexure - VI* where licence was under suspension prior to deferment.

Visit to check compliance of deferment orders

8. (i) The ROs/BOs may arrange visit(s) as given below to check compliance with directions of deferment and any possible violation of the BIS Act, 2016 and Rules, Regulations framed thereunder:

(a) Products notified by the Central Government for compulsory BIS certification: No response received from the manufacturer within 15 days - Visit within next 15 days.

(b) Products under voluntary certification: No response received from the manufacturer within 30 days - Visit within next 15 days.

If there is still no response received from the manufacturer, licence may be processed for expiry without waiting for duration of 90/180 (as applicable) days of deferment.

(ii) In case of detection of misuse or any violation of the provisions of the BIS Act, 2016 and Rules, Regulations framed thereunder, further necessary action shall also be taken.

Provision for appeal 9. For cases in which the manufacturer submits an appeal to the Director General, the brief history of the case shall be communicated by RO/BO to concerned CMD (template as per ***Annexure - IX*** of grant of licence guidelines).

Discreet visit 10. To check for compliance towards any instructions issued to the licensee (For example, cancelled/expired/dormant licences), the ROs/BOs may arrange discreet visit(s) to check any possible violation of the BIS Act, 2016 and Rules, Regulations.

Annexure - I

Our Ref: BO/CML-

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/Sir(s),

- 1) This has reference to BIS certification mark licence No. granted to you for use of Standard Mark on your product under Scheme-I of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018 as per IS which was valid upto
- 2) Please refer to our communication dated about validity of your licence and requesting you to apply for renewal of your licence. Since, you have not submitted the renewal application with requisite fee till the validity date, the decision to renew your licence can be deferred for a maximum duration of ninety days from the date of its validity as per sub-regulation(4) of regulation 8 of the BIS (Conformity Assessment) Regulations, 2018.
- 3) In view of the above, you have no right to mark and dispatch (including stock in hand) the above mentioned product with standard mark after the date of validity. You are, therefore, instructed to ensure stoppage of use of standard mark on the product with immediate effect and confirm the same giving the following details as on the date of issuance of this communication:
 - i) Quantity of material with Standard Mark held in stock:
 - ii) (a) Batch/C.U./Lot no. and date of manufacture;
(b) Brand(s);
(c) size/type/ grade/variety;
 - iii) Packing details; and
 - iv) Pending orders for material with Standard Mark, if any with purchasers' names and addresses

- 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 the 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 It may be noted that the marking fee as indicated in the schedule of the licence is payable by you for the complete period, including the period for which you have no right to use Standard Mark on your product.
- 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 the BIS (Conformity Assessment) Regulations, 2018 your licence shall stand expired after the last date of its validity.
- 8) Please acknowledge the receipt and ensure compliance.

Thanking you.

Signature of designated authority
(Name of designated authority)

Annexure - II

Our Ref: BO/CML-

Date:

Subject : Deferment of decision to renew licence in view of licence under suspension - reg.

M/s

(Kind Attn. Name of CEO/MD)

Dear Madam/Sir(s),

- 1) This has reference to BIS certification mark licence No. granted to you for use of Standard Mark on your product under Scheme-I of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018 as per IS which was valid upto
- 2) As per sub-regulation (7) of regulation 8 of the 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 authorised 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 marking 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 the BIS (Conformity Assessment) Regulations, 2018 your licence shall stand expired after the last date of its validity.
- 7) Please acknowledge the receipt and ensure compliance.

Thanking you.

Signature of designated authority
(Name of designated authority)

BO to specify the applicable time period

Annexure - III

Our Ref: BO/CML-

Date:

Subject : Notice for Expiry of licence due to licence under suspension - reg.

M/s

(Kind Attn. Name of CEO/MD)

Dear Madam/Sir(s),

- 1) This has reference to BIS certification mark licence No. granted to you for use of Standard Mark on your product under Scheme-I of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018 as per IS which was valid upto
- 2) As per sub-regulation (7) of regulation 8 of the BIS (Conformity Assessment) Regulations, 2018 the decision to 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 continues to be under suspension, the decision to renew your licence cannot be taken as per sub-regulation (6) of regulation 8 of the 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 the BIS (Conformity Assessment) Regulations, 2018 your licence may be expired after the last date of its validity without further notice.
- 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 authorised by you in this behalf, kindly do so within 21 days of issue of this letter.

7) Please acknowledge the receipt and ensure compliance.

Thanking you.

Signature of designated authority
(Name of designated authority)

Annexure - IV

Our Ref: BO/CML-

Date:

Subject: Provision of submission of renewal application within one year from date of validity and categorisation of licence as ‘dormant’- reg.

M/s

(Kind Attn. Name of CEO/MD)

Dear Madam/Sir(s),

- 1) This has reference to BIS certification mark licence No. granted to you for use of Standard Mark on your product under Scheme-I of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018 as per IS which is valid upto
- 2) Please refer to your communication dated requesting BIS to defer the licence for a period not exceeding one year and fees of amount submitted vide Receipt No. dated
- 3) In accordance with your request, the decision to renew your licence has been deferred for a maximum duration of one year from the date of its validity as per sub-paragraph (6) of paragraph 9 of Scheme - I of Schedule - II of of the BIS (Conformity Assessment) Regulations, 2018.
- 4) Further as per sub-paragraph (6) and (7) of paragraph 9 of Scheme - I of Schedule - II of the BIS (Conformity Assessment) Regulations, 2018, your licence has been categorised as ‘dormant’.
- 5) In view of the above, you have no right to mark and dispatch (including stock in hand) the above mentioned product with standard mark after the date of validity. You are, therefore, instructed to ensure stoppage of use of standard mark on the product with immediate effect and confirm the same giving the following details as on the date of issuance of this communication:
 - i) Quantity of material with Standard Mark held in stock:
 - ii) (a) Batch/C.U./Lot no. and date of manufacture;

- (b) Brand(s);
 - (c) size/type/ grade/variety;
- iii) Packing details; and
- iv) Pending orders for material with Standard Mark, if any with purchasers' names and addresses
- 6) 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.
- 7) 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.
- 8) As per sub-paragraph (7) of paragraph 9 of Scheme - I of Schedule - II of of the 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 one year from the last date of validity, i.e. upto It may be noted that the marking fee of the licence is payable by you for the complete period, including the period for which you have no right to use Standard Mark on your product.
- 9) It may be noted that, in case the renewal application along with requisite fee including late fee is not received within one year from the last date of validity, then as per sub-paragraph (7) of paragraph 9 of Scheme - I of Schedule - II of of the BIS (Conformity Assessment) Regulations, 2018 your licence shall stand expired after the last date of its validity.
- 10) Please acknowledge the receipt and ensure compliance.

Thanking you.

Signature of designated authority
(Name of designated authority)

Annexure - V

Our Ref: BO/CML-

Date:

**Subject : Expiry of BIS Certification Marks Licence No. CM/L- as per
(Indian Standard)**

M/s

(Kind Attn. Name of CEO/MD)

Dear Madam/Sir(s),

- 1) 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 BIS Certification Marks Licence No. held by you for your product under Scheme-I of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018 as per ISafter
- 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 the BIS (Conformity Assessment) Regulations, 2018 your above mentioned licence stands expired.
- 3) As informed earlier also, you are NOT entitled to mark/dispatch your productas 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 Certification Marks 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.
- 4) Please note that any material found marked with BIS Standard Mark after, will be deemed to be marked illegally violating the provisions of the BIS Act, 2016 and Rules & Regulations framed thereunder and action will be taken as per applicable provisions.
- 5) *As your licence has been expired due to non-submission of application for renewal application with requisite fee or voluntary surrender of licence, you have an option to re-apply for fresh grant of licence within one year of expiry with same scope of licence and the licence can be granted based on simpler criteria.

6) Please acknowledge the receipt and ensure compliance.

Signature of designated authority
(Name of designated authority)

* Strike out, if not applicable

Annexure - VI

Our Ref: BO/CML-

Date:

Subject : Expiry of BIS Certification Marks Licence No. CM/L- as per IS

M/s

(Kind Attn. Name of CEO/MD)

Dear Madam/Sir(s),

- 1) Please refer to our communication Ref: dated regarding deferment of decision to renew BIS Certification Marks Licence No. held by you for your product under Scheme-I of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018 as per ISafter
- 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 the BIS (Conformity Assessment) Regulations, 2018 your licence has been 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 Certification Marks 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 the 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 2018.
- 7) Please acknowledge the receipt and ensure compliance.

Signature of designated authority
(Name of designated authority)