भारतीय मानक ब्यूरो
(केन्द्रीय मुहर विभाग - I)

हमारा सन्दर्भ: सीएमडी-I/2:17:1 **02 जून 2023**

विषय: अनुरूपता निर्धारण स्कीम-X के अंतर्गत लाइसेंस अनुदान के दिशानिर्देश - हेतु।

उपर्युक्त विषय पर सक्षम प्राधिकारी द्वारा अनुमोदित दस्तावेज़ सभी संबंधित पक्षों के कार्यान्वयन के लिए सलंग्न है।

(मोहित जनोहिया)
वैज्ञ-'डी'/सीएमडी-I

प्रमुख, सीएमडी-I

उपमहानिदेशक (प्रमाणन एवं सीएसएम)

Bureau of Indian Standards
(Central Marks Department - I)

Our Ref: CMD-I/2:17:1 **02 June 2023**

Subject: Guidelines for grant of licence under conformity assessment Scheme-X - reg.

The document on the above subject as approved by the Competent Authority is attached herewith for implementation by all concerned.

(Mohit Janoiya)
Sc.D/CMD-I

Head, CMD-I

DDG (Certification & CSM)

परिचालित/circulated to:

सभी क्षेत्रीय कार्यालयों/ शाखा कार्यालयों
All ROs/BOs

सभी उपमहानिदेशक (क्षेत्रीय) एवं **उपमहानिदेशक (एचएम, सीआरएस और एफएमसी)**
All DDGRs and **DDG (HM, CRS & FMC)**

प्रमुख, सीएसडी-III
Head, CMD-III

प्रमुख, आई०टी०एस० विभाग
Head, ITSD

अन्य सभी संबंधित पक्ष - बीआईएस इंट्रानेट के माध्यम से
All other concerned - through BIS intranet

BUREAU OF INDIAN STANDARDS

(CENTRAL MARKS DEPARTMENT - I)

Our Ref: CMD-I/2:17:1 **02 June 2023**

Sub: Guidelines for Grant of Licence (GoL) as per the conformity assessment Scheme – X of Schedule – II of BIS (Conformity Assessment) Regulations, 2018

This document stipulates the guidelines for GoL and are to be read in conjunction with BIS Act 2016 and Rules, Regulations framed thereunder. In particular, the provisions for GoL are addressed in Regulation 4 & 5 and Scheme - X of Schedule - II of BIS (Conformity Assessment) Regulations, 2018, as amended from time to time. Any situation, in general, not covered in these guidelines is to be dealt with as per the provisions of Act, Rules and Regulations by the Regional Offices (ROs) and Branch Offices (BOs).

General Principles for GoL

1. **(i)** The Bureau grants a licence based on successful assessment of the technical file submitted by the manufacturer which includes review of product compliance report as per specified requirements supported through evaluation carried out during visit to manufacturing premises and/or any other site, if required.

(ii) Conformity of the product to the specified requirements is established through a product compliance report contained in the technical file. The specified requirements are requirements given in the relevant standard(s) and/or essential requirement(s) applicable for the product.

Application

2. **(i)** The application shall be made in the Form-I (enclosed for ready reference as ***Annexure-I***) as specified in Scheme-X of BIS (Conformity Assessment) Regulations 2018. The applicant shall be required to submit the relevant documents as per the Form-I.

Technical file

3. **(i)** Technical file to be submitted with the application comprise documentation covering design, manufacture and operation of products to the extent applicable and necessary for demonstration of compliance of conformity. The technical file for the product shall contain following details:
   - **(a)** Product description with details of variety or grades or type or size as applicable
   - **(b)** Specified requirements applicable for the product
   - **(c)** Photograph (s) for identification of the product
   - **(d)** Manufacturer's name and complete address
     - Including location plan and plant layout of the factory
     - Plant layout to indicate the manufacturing area, storage area for raw material/components and finished product, testing laboratory
   - **(e)** Detail for identification and traceability of product like brand name, trade mark, date of manufacturing, batch or lot or serial number etc. as applicable

(f) Detail of design of the product including drawing(s) as applicable

(g) Raw material (including components) details as applicable

(h) Description of manufacturing process as relevant, including

- Manufacturing machinery facilities declaration (guidance template attached as ***Annexure-II***)
- For sub-contracted arrangements, copy of agreement or consent letter about the contractual arrangements

(i) Report of compliance of the product to the specified requirement which may include test report from third party laboratory (refer Sr. No. 5 & 6 below) or from manufacturer's own laboratory as applicable

(j) Details of in-house quality assurance measures including inspection, test plan and facilities; as applicable

- The in-house quality assurance measures shall include aspects of quality control of raw materials/components, in-process quality controls, final testing of product, packing and storage.
- Test equipments facilities declaration (guidance template attached as ***Annexure-III***) including calibration status, certificates and plan
- Quality assurance personnel details
- For sub-contracted arrangements, copy of agreement or consent letter about the contractual arrangements

(k) Instructions for use, maintenance, installation, safe operation of the product; as applicable

(l) Any other product specific requirement

Product compliance report (Test reports)

4. **(i)** The test reports submitted as part of the product compliance report shall be in accordance with the specified requirements. The conformity of product shall be established through any of the following:

(a) Test report from any laboratory as specified at Sr. No. 6 below

(b) Test report from manufacturers' in-house laboratory

Sample pre-registration

5. **(i)** If the applicant intends to submit test report issued from the third party laboratory submitted with the application as part of the product-compliance report, the applicant must first register itself on the IT portal software, wherein he will get a unique code. The applicant will have to submit this code to the third party laboratory (refer Sr. No. 6 below) while submitting the sample for testing and get the receipt for the same. The receipt will be required to be uploaded on IT software.

Note: The test report issued by the third party laboratory (prior to issuance of these guidelines) available with the applicant may also be utilised for submission as part of the product-compliance report. Provided such test report shall not be older than 1 year from the date of submission of application. For type tests, test report which are less than 5 years old from the date of submission of application

may also be accepted. In case any product specific guidelines are issued on this matter, the same shall be followed.

(ii) The samples for testing shall be selected based on series/grouping guidelines for the product (if any) made available and the varieties to be covered under the scope of licence.

Third party laboratory

6. **(i)** Following are the third party laboratories

(a) Laboratories established, maintained or recognized by the Bureau for the product (including Group-2 labs as specified under the Laboratory Recognition Scheme of the Bureau)

(b) Government laboratories empanelled by the Bureau

(c) Any other laboratories as decided by the Executive committee of the Bureau

Procedure for GoL

7. **(i)** The applicant may apply for grant of licence to the Bureau along with documents mentioned at Sr. No. 2 above.

(ii) A visit will be paid to the factory of the applicant for evaluation of the technical file including for assessment of the manufacturing infrastructure, production process, quality assurance measures including testing infrastructure.

(iii) In case of submission of product test report as per 4(i)(b), i.e. manufacturers' in-house laboratory, then the requirements stated in such test report shall be subjected to witness testing by BIS certification officer during the factory visit.

Note: In case the manufacturer is utilising the sub-contracted facilities as in-house testing, the witness testing during inspection visit shall involve visit to such sites of sub-contracted facilities as well.

Submission of partial compliance report

8. **(i)** It is the responsibility of the applicant to ensure that the product compliance reports submitted are complete in all respects and conforming to the specified requirements. These test reports may be submitted through any combination of various test reports (third party laboratory or in-house test report). However, the requirements reported in all such test reports shall be as per the specified requirements.

(ii) In the event of submission of partial compliance report, the BO may seek clarification from the applicant and take decision for further processing based on reply from the applicant. The applicant shall furnish the compliance report(s) for remaining requirements. If the requirements are such that they can be witnessed during inspection visit, the applicant may request for witnessing of these remaining tests by the certification officer during inspection visit, subject to:

(a) Facilitating witnessing of remaining tests in the factory premises or any other site including sub-contracted test facilities

(b) Payment of inspection fee for the visit

(c) Availability of sufficient material for carrying out the remaining tests

Conformity of raw material and components

9. **(i)** Where ensuring conformity of raw materials or components is a mandatory requirement being considered for certification, such conformity shall be established through any of the following:

(a) Raw material or component has BIS certification;

(b) Test report from any laboratory as specified at Sr. No. 6 above;

(c) Test report from accredited laboratory;

(d) Raw material or component manufacturer's test certificate or test report from the manufacturer's in-house laboratory.

(ii) Where conformity of raw materials or components are referred to in the technical file submitted by the applicant, the same may also be verified.

Long duration test

10. **(i)** For product characteristics requiring testing time 30 days (one month) and above, evidence of conformity in the form of a third party laboratory or in-house test report should be made available.

(a) In case test report from in-house laboratory is provided as part of compliance report, then the applicant should either

- Produce evidence that the long duration test is under progress at a third party laboratory (Sr. No. 6 above) and submit undertaking that the laboratory should be able to issue the test report within a definite time period (indicating date), which shall be made available by the applicant to the Bureau, OR
- Submit undertaking and facilitate BIS inspection visit to witness such long duration test in the manufacturer premises (or other site, if applicable) .

(b) In case the manufacturer is unable to submit the test report or witnessing of completion of long duration test (Sr. No. 10(i)(a) above), then the BIS reserves the right to process the licence for cancellation based on the undertaking of the applicant. In case of non-conformity of sample is observed in such long duration test, then the licence granted shall be processed for cancellation.

(ii) The provision of third party laboratory or in-house test report for long duration test(s) may be relaxed, in case the applicant firm located in India

(a) is newly established and duration of such test(s) is more than 6 months, or

(b) has recently production of the product and duration of such test(s) is more than 6 months.

The appropriate evidence for establishment or commencement of production shall be taken.

Inspection visit

11. **(i)** Duration of the inspection visit shall normally be two days in case of Indian manufacturers and three days in case of foreign manufacturers. For each additional technical file, an extra man-day may be assigned for inspection visit. Depending upon the nature of product and variations/similarities (in case more than one technical files have been submitted), the Head (BO) may decide the number of mandays required for inspection visit.

(ii) In case the GoL is to be considered involving witness testing of the product in the manufacturers' in-house laboratory (or other site like sub-contracted test facilities), the man-days required for such visits may be assessed and approved by Head (BO).

(iii) During the factory visit, the details submitted by the applicant in its technical file (refer Sr. No. 3) shall be assessed for its adequacy and verified for compliance.

- **(a)** Witness testing of some requirements to access the in-house capability of testing, as available.
- **(b)** The testing of requirements for which test report as part of product compliance report has been submitted from other than from third party laboratory (Refer Sr. No. 4(i)(b)) shall be witnessed.

Report of inspection visit

12. **(i)** During the inspection visit, assessment of the contents of the technical file shall be undertaken. The technical evaluation undertaken and observations for all aspects of the technical file shall be reported.

(ii) Any inadequacy or non-conformity observed (including any issue in product compliance report) shall be communicated in writing to the applicant. (template attached as ***Annexure-V***)

Processing for GoL

13. **(i)** Process of grant of licence is expected to be completed within 60 days from the date of receipt of the application provided the documentation, assessment of the technical file and conformity of the product to specified requirements is established satisfactory at first instance during various stages. A template of the letter to be sent for communication of grant of licence is attached as ***Annexure-VI***.

(ii) For first ever product certification cases, Head (BO) shall ensure expeditious processing of application so that licence may be granted within 90 days of the submission of application. Head (BO) shall review the status of the application once every week, and take it up with the DDGR or CMD for necessary action if the delay is apprehended due to any factor.

(iii) The licence to use Standard Mark shall initially be granted for not less than three years and upto six years.

First ever product application

14. **(i)** If the application is for a product for which no licence has been granted earlier, the application shall be processed by the concerned BO and sent to CMD through concerned DDGR.

Rejection of application

15. **(i)** The application may be processed for rejection as per the sub-regulation (6) of regulation 4 of BIS (Conformity Assessment) Regulations, 2018. It may include one or more of the situations mentioned below:

- **(a)** Application is not complete and applicant is unable to clear the shortfall in documents including deficiencies in technical file even after repeated instances
- **(b)** Assessment of technical file establishes that the product is not conforming to specified requirements
    - In case of multiple technical files, application may be processed for grant of licence for concerned products where evidence of compliance is established
    - In case of an applicant's request for the re-examination of technical file with corrective actions, the request may be allowed
- **(d)** If corrective actions are not taken within the time period stipulated in discrepancy-cum-advisory report
- **(e)** The firm has not been clearing the financial dues to the Bureau
- **(f)** The firm has tampered with documents in connection with the grant of the licence
- **(g)** The firm has indulged in unethical practices in the context of grant or operation of the licence
- **(h)** Major deviation is observed from the technical file during the inspection visit
- **(i)** Failure of firm in providing all assistance to certification officer in connection with carrying out inspection visit

(ii) Before rejecting an application, a rejection notice of not less than 21 days shall be given to the applicant. (template attached as ***Annexure-VII***) The applicant shall be given a reasonable opportunity of being heard either in person or through its representative. In case the facts or the explanation furnished by the applicant or its representative is not satisfactory, the application shall be rejected. The closing of application shall be communicated in writing to the applicant. (template attached as ***Annexure-VIII***)

(iii) The competent authority shall pass speaking orders for decision taken.

Product specific guidelines 16. In addition to these guidelines, any product specific guidelines issued by CMDs shall be followed, as applicable.

Additional features for foreign manufacturers 17. The additional requirements for foreign manufacturers are specified in ***Annexure-IX***.

Surveillance 18. BIS shall have the right to carry out surveillance during the operation of licence at any time with or without prior intimation to verify continued compliance to the specified requirements.

Fees 19. All the fees shall be payable in advance and is available on BIS website under the following path:
https://www.bis.gov.in/ >> Conformity Assessment >> .....*<New mini-tab for Scheme-X certification>*.....

Annexure – I

Form – I

(see sub-clause (ii) clause (a) of sub-paragraph (1) of paragraph 3)

BUREAU OF INDIAN STANDARDS

Product Certification Scheme

Application for Licence to use the Standard Mark or for Certificate of Conformity

Full Name of Firm	

	Address					
Office					Tel	
					Fax	
Village/ City	District	State	Country	Pin Code	E-mail	

	Address					
Factory					Tel	
					Fax	
Village/ City	District	State	Country	Pin Code	E-mail	

	Name	Designation		Name	Design ation
Top Management details	1 2 3 4		Technical Management details	1 2 3 4	

	Name	Tel	E-mail
Contact Person			

Correspondence Address	Office	Scale of Unit	Large	Sector	Public
	Factory		MSME (Mention, whether Micro, Small or Medium)		Private

This application is made to obtain BIS licence for usage of Standard Mark or for certificate of conformity on:

Product			
Specified requirements		Varieties (Grade/Type/Class etc.)	

Units of Production	Present Installed Capacity	Quantity	Value (₹)

Fee Details	Amount (₹)	Invoice No. with date

Seal of Firm		Signature Name Designation Date of application	
PAN or Business licence no. of Firm		DIN no.(in case of director) PAN no. (for other cases)	

Important: Application should be signed by CEO of the firm, or in his absence by authorised representative

Indicate availability of the following documents:
These documents are required to be submitted along with the application

Sr. No.	Document(s)	Yes/ No/ N.A.
1	Establishment of firm	
2	Address proof of the factory	
3	Valid MSME certificate, if applicable	
4	Authorised representative letter, in case application signed by person other than CEO of the firm	
5	Technical files	
6	Brand details	
7	Authorised Indian representative, if applicable	
8	Declarations, as applicable	

Explanation.- For the purpose of this form, the expression micro, small and medium enterprises shall have the meaning assigned to it in the Micro, Small Medium Enterprises Development Act, 2006 (27 of 2006), as amended from time to time.

Whether applying for system certification from Bureau: Yes or No

If yes, submit below mentioned additional documents

Sr. No.	Document(s)	Yes/No/N.A.
1	Mention specified requirements, as applicable	
2	Composition of top management and their designations, including management representative and supporting documents, as applicable	
3	Quality manual, as applicable	

Declaration:

The information given in this application form are true to the best of my/our knowledge and belief. I/We shall be responsible if any misleading information given in this form and the application shall be liable for rejection if wrong information has been given. If the licence or certificate of conformity is granted on the basis of information which is found to be incorrect later, the licence or certificate of conformity shall be liable for cancellation.

The information obtained by a certification officer or the Bureau from any statement made or information supplied or any evidence given or from inspection made shall be treated as confidential by the Bureau as per provisions of sub-section (5) of section 27 of the Bureau of Indian Standards Act, 2016.

Note: For more details, you may please visit our website https://www.bis.gov.in/

Annexure - II

Declaration regarding manufacturing machinery

1) Application/Licence No.

2) Name/Address

Sr. No.	Machinery	Make/ Identification No.	Production capacity per day, if applicable	Number	Remarks

Note: Attach extra sheet, if required

I hereby declare that the machinery details of which given above are available with us.

I also declare that I will send prior intimation to Bureau of Indian Standards whenever any machinery is not available due to any reason.

Signature of firm's representative
.....
Name
Designation
Date

* If any part of the manufacturing activity is outsourced, details of machinery used for outsourced activity shall be indicated in a separate form along with complete address of the outsourced premises.

Annexure - III

Declaration regarding test equipment

1) Application/Licence No.

2) Name/Address

Sr. No.	Test equipment/ chemicals and identification numbers (where applicable)	Least count and range (where applicable)	Valid calibration (where required) Yes/No	Tests used in with clause reference	Remarks (indicate number of equipment)

Note: Attach extra sheet, if required

I hereby declare that the test equipment details of which given above are available with us.

I also declare that I will send prior intimation to Bureau of Indian Standards whenever any machinery is not available due to any reason.

Signature of firm's representative
.....
Name
Designation
Date
* If any part of the test equipments is outsourced, details of outsourcing shall be indicated in a separate form along with complete address of the outsourced premises.

Annexure - IV

Undertaking for long duration test

(To be submitted on the letterhead of the firm)

The Head ……..(Branch Office)
Bureau of Indian Standards

Dear Sir/Madam,

1) I, ... (name of person), ... (designation) have made an application on ..... (date of application) to BIS in accordance with conformity assessment Scheme-X for grant of licence to use standard mark on ..... (name of product) as per specified requirements ..... (Indian Standard No.) being manufactured at our factory at ..... (give address).

2) I understand and agree that in event of failure of the sample in long duration test requirement or inability to witness completion of long duration test or my inability to submit the test report for following tests within 30 days (one month) of the date of completion of the test(s) as confirmed by the laboratory*, the licence if granted to me, shall be processed for cancellation without any notice:

Sl. No.	Test requirement	Duration of the test	Date of completion of the test(s)
1			
2			
3			

3) Further, I duly undertake that I shall abide by all the directions issued by the Bureau in this regard.

Seal of firm

Signature
Name
Designation
Date

Annexure - V

Bureau of Indian Standards
..... Branch Office
(Discrepancy-cum-Advisory Report)

Name of applicant/licensee: .....
Application/licence/certificate No. ..... Nature of inspection
Valid upto ..... (Preliminary/surveillance/others)

Standard / Specified requirements .....
Product ..... Date(s) of visit .....

Sr. No.	Discrepancies/Advices rendered	Clause with reference of Standard or specified requirements

Comments/ agreed action (by manufacturer)

I have fully explained the contents of this report

Signature .....
Name .....
Designation .....
(BIS representative)

i) I have fully understood the contents of this report
ii) Confirmation of the actions on discrepancy-cum-advisory shall be made to Bureau of Indian Standards (BIS) within ..... days.

Signature .....
Name .....
Designation .....
(Manufacturer's representative)

Note: It is advised that a copy of this report be enclosed by the firm in the licence file for necessary follow up actions and future reference.

Annexure - VI

Our Ref: ..... BO (Scheme-X)/A- Date:

Subject: Grant of BIS Product Certification Licence No.- ..... as per IS .....

M/s

Dear Madam(s)/Sir(s),

With reference to your application, we are pleased to inform you that the licence has been granted to you in accordance with conformity assessment Scheme-X of BIS to use the Standard Mark in respect of the followings:

Product:

(i) Grade
(ii) Class
(iii) Type
(iv) Variety

As per specified requirements .....

2. The number assigned to this licence is L- ..... which has been made operative from ..... and is valid up to ..... The licence number shall invariably be referred to in your future correspondence.

3. The licence is granted on the explicit condition that you shall mark entire production under scope of licence with Standard Mark and maintain conformity to the relevant Indian Standards. Accordingly, you shall cover the entire production under scope of licence with Standard Mark and maintain conformity to the relevant Indian Standards. In addition, you shall display the BIS product certification licence held by you prominently at your premises and also mention the BIS product certification licence held by you in your commercial advertisements.

4. According to notification No. ..... dated ..... , the certification fee is payable by you with effect from ..... for the period of validity of the licence in advance. This certification fee is payable by you regardless of the fact whether you actually mark your product or not with the Standard Mark. Our Receipt No. R/ ..... dated ..... is already *issued/enclosed/being sent separately.

5. The in-house quality assurance plan submitted by you will have to be implemented by your organisation strictly and completely. The supervision of the operation of this quality assurance plan shall be done by a person responsible for the quality control function in your organisation. Kindly inform us the name and designation of the person who will be held responsible for the operation and maintenance of the Scheme. Any future change in this respect will have to be communicated by you to us as and when these take place.

6. We are enclosing a sheet giving the preferred dimensions of the Standard Mark to enable you to prepare the designs of the Standard Mark for marking the above product Photographic reduction in any size is permissible. This will ensure the relative proportions of the different dimensions maintained. Preferred dimensions be used as far as possible.

7. On commencement of marking of your product for which you are licensed, you shall advertise your product with Standard Mark in various media only during the validity of your licence. The use of Standard Mark on letterheads and publicity literature is permitted only on receipt of your assurance that in the event of cancellation or lapsing of your licence, the Standard Mark on your letterheads, publicity literatures etc. will be destroyed/obliterated.

8. This licence is granted for your manufacturing premises situated at (Address of factory) ..... Privileges under the licence shall not be exercised by any other firm company/factory etc. This licence is not transferable in the event of shifting the manufacturing and testing equipment from the licensed premises to some other place, use of Standard Mark shall be stopped till the new premises are inspected and found to be satisfactory by BIS in respect of manufacturing and testing facilities available there and the address of the new premises is endorsed in the licence.

9. You are also advised to make yourself and other employees in your organisation aware about the provisions of the BIS Act, 2016 and Rules and Regulations framed thereunder especially the implications in case of any intentional or unintentional non-adherence.

10.* It may be noted that this licence is granted based on undertaking that in the event of non-conformity of the sample in long duration test(s) or your inability to submit the test report immediately but not later than 30 days (one month) from the date of test report confirmed by the laboratory, the licence shall be processed for cancellation. (Applicable for GoL with undertaking for long duration test)

Thanking you,

Signature of designated authority
(Name of designated authority)

Encl: As above.
(*strike out whichever is not applicable)

Annexure - VII

Our Ref: ..... BO (Scheme-X)/A- Date:

Subject: Notice for Rejection of Application No. BO/A –

M/s

Dear Sir/Madam,

1) This is with reference to your application No.CM/A-…….. for grant of licence under conformity assessment Scheme-X of BIS to use the Standard Mark on your product of …… as per IS ……

2) We regret to inform you that it has not been found possible to further process your application because of the following:

(BO to mention the reasons)

3) In view of the above, it is proposed to reject your application. In case, you have anything to say in the matter, you may send your reply within 21 days of issue of this letter. If you desire to be heard by the undersigned in person or through a representative authorised by you on your behalf, you may seek an appointment for such a hearing with the undersigned, after submitting your written explanation.

4) In case no reply is received from your end within the stipulated period, we will process your application for rejection as per the sub-regulation (6) of regulation 4 of BIS (Conformity Assessment) Regulations, 2018 without any further notice to you.

Thanking you,

Signature of designated authority
(Name of designated authority)

Annexure - VIII

Our Ref: ..... BO (Scheme-X)/A- Date:

Subject: Rejection of Application No. BO/A –

M/s

Dear Sir/Madam,

1) This is with reference to your Application No. A- …….. for grant of licence under conformity assessment Scheme-X of BIS to use the Standard Mark on your product of …… as per IS …….

2) Kindly refer to our letter of even number dated ……. In this letter we had informed you of our intention to reject your application for the following reasons:

(BO to mention the reasons for rejection of application, reference to reply from firm, its examination and consideration and also if any personal hearing is held, reference to the same needs to be indicated)

3) It has, therefore, been decided that the case relating to your above mentioned application be rejected. You may please apply afresh with applicable fee as and when you feel interested in the future to get licence to use or apply Standard Mark on your product and are in position to comply with the above mentioned requirements.

4) 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.

Thanking You,

Signature of designated authority
(Name of designated authority)

Annexure – IX

Additional requirements for Foreign Manufacturers Certification Scheme (FMCS)

The foreign manufacturers, who are having their factory location outside India, can apply under FMCS. Features of FMCS different from Indian manufacturers are as follows:

1) Applicant has to submit application form and other requisite documents in duplicate (presently, hard copies to be submitted).

2) All foreign manufacturers are considered as 'Large Scale' as per FMCS norms.

3) Nomination of Authorised Indian Representative (AIR) by foreign manufacturers (Applicants and licensee)

The applicant shall nominate AIR(s) in the Form – II of Scheme – X for its operation of BIS licence for its group companies. For nominating an AIR, the applicant shall ensure the following:

a) AIR shall be an Indian resident.

b) AIR is representative of one manufacturing firm only and doesn't represent other foreign manufacturer(s) as AIR under the BIS Conformity Assessment schemes. However, in case of foreign manufacturers belonging to one group of companies and importers (related to the foreign manufacturer) nominated as AIR, the restriction shall not be applicable.

c) AIR(s) shall not have any conflict of interest with respect to their role as AIR with testing of sample(s) in third party laboratories.

d) AIR(s) shall be preferably at least graduate by qualification and shall understand the provisions of BIS Act, 2016 and rules, regulations framed thereunder and the implications thereof.

e) AIR(s) shall declare his/her consent to be responsible for compliance of the BIS Act, Rules, Regulations and Terms & Conditions as laid down in BIS Licence, Agreement, Undertaking etc. executed by or on behalf of the foreign manufacturer in connection with grant and operation of licence.

f) The name of AIR(s) is endorsed in the licence document.

4) The applicant shall confirm readiness for the inspection and should take all actions, like arrangement of air tickets, issuance of VISA and insurance, arrangement of transport in the foreign country, etc. for the officer, so that visit of the officer could take place at the earliest.

5) Responsibility for safe deposition of sample(s) to the labs and remittance of testing charges (directly to the laboratories), lies with the manufacturer firm.

6) As provided under the provision of sub-regulation (11) of regulation 6 of BIS (Conformity Assessment) Regulations, 2018; the foreign manufacturer, after obtaining the licence, shall submit the details of consignment of goods bearing Standard Mark (giving details of Indian importer, distributor, dealer, retailer, final destination to whom goods or articles with Standard Mark is being supplied with estimated date(s) of entering Indian ports) to BIS online or through email as soon as these are despatched from the manufacturing premises..

7) Fees and charges

a) All the travel expenses related to testing and inspection including stay, accommodation (boarding, lodging), transportation starting from the place of departure in India and return back to the same place in India shall be borne by the manufacturer.

b) All payments are to be made in equivalent USD by applicants/ licensees of Non-SAARC Countries. All payments can be made either in Indian Rupees with GST (as applicable) or in equivalent USD by applicants/ licensees of the South Asian Association for Regional Cooperation (SAARC) Countries, i.e. Afghanistan, Bangladesh, Bhutan, India, Nepal, the Maldives, Pakistan and Sri Lanka.

c) Per-diem charges: Per diem charges for the officers shall be the same as per "Terms and conditions of service of employees Regulations of BIS". The number of days of which per diem charges are to be paid by the applicant should be the number of inspection days plus one day.

d) Visit Charges: Applicant is also required to remit visit charges of INR 20000 per manday. The number of days of which visit charges are to be paid by the applicant should be the number of per diem days plus three days.

e) Contingency funds: Applicant is required to remit Contingency funds of INR 10000 per licence.

f) Agreement as mentioned in Form – V and Indemnity Bond as mentioned in Form – VI of Scheme – X are required to be executed and Performance Bank Guarantee (PBG) of US Dollars ten thousand issued by any bank having Reserve Bank of India approved branch in India or alternatively in equivalent Indian rupees for US Dollars ten thousand. Performance Bank Guarantee shall have a validity of six months more than the validity of the licence.