

Draft  
M.S.S.  
28/07/2006

Statutory Instrument No. of 2006

STANDARDS ACT  
(Cap. 43:07)

STANDARDS (IMPORT INSPECTION) REGULATIONS, 2006  
(Published on , 2006)

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SCHEDULE

IN EXERCISE of the powers conferred by section 16 of the Standards Act on the Minister of Trade and Industry, and after consultation with the Standards Council, the following Regulations are hereby made -

*Citation*

1. These Regulations may be cited as the Standards (Import Inspection) Regulations, 2006.

*Interpretation*

2. In these Regulations, unless the context requires -

“batch certificate” means a certificate issued by the Bureau certifying or attesting that a particular import consignment of a commodity as sampled and tested, conforms to the specified national standard or international standard recognised by the Bureau;

*Regional?  
Std*

“Bureau” means the Botswana Bureau of Standards established under section 3 of the Act;

“client contact officer” means an officer appointed by the Bureau to serve as the primary contact between the Bureau and an applicant or holder of a certificate;

“conditional release certificate” means a certificate issued by the Bureau to an importer allowing the release of an imported commodity from the custody of customs officials after compliance with customs requirements while awaiting the issuance of a batch certificate by the Bureau;

“Director” means the Managing Director of the Bureau;

*This may be misleading*

“inspector” means a person who has been appointed as such by the Minister in terms of section 13 of the Act;

“note of recognition” means a letter issued by the Bureau recognising a product certification issued by a recognised certifying body to -

- (a) an importer;
- (b) an agent; or
- (c) a representative of a foreign company which has been certified as compliant with quality standards set in relation to commodities;

“quality certificate” means a certificate issued by a recognised certifying body, verifying compliance of the batch in respect of which it has been issued to recognised quality standards;

“recognised certifying body” means a body recognised by the Bureau as competent for checking and certifying that a commodity conforms to the requirements of national quality standards set in relation to that commodity;

“standard mark” has the same meaning assigned to it under section 2 of the Act; and

“test certificate” means a certificate issued by the national standards body of the country of origin of an imported commodity, confirming that the commodity has been tested by the national standards body.

#### *Application*

3.(1) A person shall not import any commodity in respect of which a standard has been issued for the manufacture, production, processing or treatment of the commodity, unless the person has applied for and has been issued with a batch certificate in respect of that commodity.

(2) An application for a batch certificate shall be made to the Bureau at least two weeks prior to the arrival of the commodity, in the form set out in Form A of the Schedule and shall be accompanied by -

- (a) such number of samples of the commodity as the Bureau or other testing authority appointed by the Bureau may require for testing;
- (b) identification details of the batch;
- (c) an application fee of P50.00; and
- (d) an inspection fee which shall be the equivalent of the expenses incurred by an inspector for the purposes of attending at the place where the inspection is to be carried out, carrying out the inspection, and returning from that place.

(3) The applicant shall submit the following documents together with the application to the Bureau -

- (a) the packing list;
- (b) the document reflecting the port of entry through which the commodity was imported;
- (c) an invoice relating to the commodity in respect of which a batch certificate is sought;
- (d) the bill of lading or airway bill;
- (e) the batch test certificate from the country of origin of the commodity as issued by the national standards body of that country or its recognised testing authority, or an agent of the Bureau, establishing conformity of the import consignment to the requirements of the Bureau or foreign standard; and
- (f) such other documents as the Bureau may require.

(4) On receipt of an application made in terms of subregulation (2), the Bureau may require that the whole batch of the commodity in respect of which a batch certificate is sought, be availed to an inspector for the purpose of -

- (a) selecting samples for testing; or
- (b) obtaining any other related information that may be considered relevant to the application.

(5) In processing an application made in terms of this regulation, the Bureau shall consider -

- (a) in the case of a commodity in respect of which a quality certificate has been issued from the exporting country, whether the

quality as revealed by the quality certificate conforms to standard specifications relating to the commodity or a foreign standard recognised by the Bureau;

- (b) in the case of a commodity in respect of which no quality certificate has been issued from the exporting country, the results from the sampling and testing of the commodity carried out by the Bureau.

(6) The Bureau shall consider an application made to it in terms of this regulation, within 14 days.

(7) Where the manufacturer of a commodity being imported into Botswana is licensed to use the standards mark by the Bureau, the importer shall not be required to apply for a batch certificate in respect of that commodity.

*Testing*

4.(1) An import consignment shall be sampled by an inspector and evaluated by a duly authorised officer of the Bureau, to determine the consignment's compliance with the requirements of -

- (a) the applicable national standards set by the Bureau; or
- (b) international standards.

(2) Where a bilateral agreement has been entered into between the Bureau and the exporting country's national standards' body or recognised accredited laboratory abroad to do the inspection on behalf of the Bureau, the Bureau shall issue a note of recognition in respect of the commodity tested by the said standards body or accredited laboratory without collecting samples for evaluation.

(3) Where it is impractical or difficult to obtain at the port of entry, samples of an imported commodity, or it is unlikely that the results of testing will be obtained within 20 days, the importer may support his or her application with a test certificate.

*Testing after release of commodity*

5.(1) The Bureau may take random samples for testing from a consignment before or after the release of the consignment.

(2) Where the randomly picked samples reveal inconsistencies of the actual quality of the commodity with the quality as reflected in the test certificates issued in the country of origin of the commodity -

(a) the Bureau may direct that the consignment of the commodity be dealt with in terms of regulation 10; or

(b) any subsequent consignments of the said commodity from that country may be subjected to individual consignment sampling and testing by the Bureau regardless of the certification abroad.

(3) Testing and sampling referred to under subregulation(1) shall continue until such time that consistent quality of the test certificates issued by the country of origin is re-established to the satisfaction of the Bureau.

*Certification*

6.(1) The Bureau shall not issue a batch certificate to an applicant where the applicant does not satisfy the requirements of regulation 3, and shall within 14 days of its decision, notify the applicant of that decision.

(2) Where the imported commodity complies with the compulsory standard set by the Bureau or an international or foreign standard recognised by the Bureau, the Bureau shall, upon payment by the applicant, of a certification fee of the greater of P2 000 or 0.1 per cent of the value of the imported commodity, issue a batch certificate for each consignment as may be reflected on the bill of lading or airway bill.

(3) A batch certificate issued in respect of any consignment shall be valid only in respect of a sample obtained from that particular consignment.

(4) A batch certificate issued in terms of subregulation (2) shall be signed by the Director or client contact officer or any officer of the Bureau authorised in writing, by the Director.

*Lost certificates*

7.(1) A person whose batch certificate or conditional release certificate is lost, destroyed or defaced, may apply to the Bureau for a duplicate batch certificate or duplicate conditional release certificate as the case may be.

(2) An application for a duplicate batch certificate or duplicate conditional release certificate shall be in the form set out in Form B of the Schedule, and shall be accompanied by a fee of P50.00.

*Conditional release certificate*

8.(1) Where an applicant has complied with customs requirements but the Bureau considers that -

- (a) it is necessary to carry out extensive inspection and testing of the consignment; and
- (b) the testing referred to under paragraph (a) may take more than twenty working days due to the nature of testing specifications and procedure,

the Bureau may issue the applicant with a conditional release certificate for the release of the consignment to an address specified in the conditional release certificate.

(2) No person shall, pending issuance of a batch certificate, distribute, sell, use or transfer a consignment of any commodity either in part or in whole to any person or place other than the person or place specified in the conditional release certificate.

(3) A person who contravenes the provisions of subregulation (2) commits an offence and is liable to a fine not exceeding P5, 000.00 or to imprisonment for a term not exceeding 3 years or to both.

*Power to revoke certificate*

9.(1) The Bureau may revoke a certificate issued under these Regulations where -

- (a) subsequent testing of a commodity which has already been released into the market reveals that the quality of the commodity does not meet the compulsory standard set by the Bureau in respect of the said commodity; or
- (b) the certificate holder has contravened the provisions of these Regulations.

(2) Where the Bureau decides to revoke a batch certificate or conditional release certificate, the Director shall issue written notice to the certificate holder -

- (a) stating that the commodity in respect of which the certificate has been issued, does not meet the compulsory standard set by the Bureau in respect of the commodity; or
- (b) stating the manner in which the certificate holder has contravened the provisions of the regulations; and
- (c) in a case where the certificate holder has contravened the provisions of the regulations, allowing the certificate holder 14 days within which to comply with the requirements of the regulations.

(2) Where the certificate holder does not, within 14 days of the written notice, comply with the requirement which led to the notice to revoke being issued, the Bureau shall revoke the certificate.

(3) Where the Bureau revokes a certificate in terms of subregulation (2), the certificate holder shall forthwith discontinue use of the certificate and shall return the certificate to the Bureau.

*Substandard products*

10.(1) A person shall not unload for the Botswana market, any commodity which does not meet the relevant compulsory standard set by the Bureau.

(2) The Bureau may direct that any commodity which does not meet the relevant compulsory standards referred to under subregulation (1), be re-exported to the country of origin or retained and disposed of within Botswana.

(3) The applicant shall, in disposing of a commodity in terms of subregulation (2), take measures that guard against the disposal having a negative impact on the environment, and shall carry out such disposal under the supervision of the Bureau or authority responsible for the protection of the environment.

(4) The cost of re-exportation or disposal in terms of this regulation, shall be borne by the importer.

(5) A person who contravenes the provisions of this regulation commits an offence and is liable to a fine not exceeding P5, 000.00 or to imprisonment for a term not exceeding 3 years or to both.

*Disposition of samples*

11.(1) The Bureau shall retain all samples of any commodity drawn from a consignment for testing, for at least two weeks from the date of issuance of a batch certificate or notifying an applicant of the Bureau's decision not to issue a batch certificate, as the case may be.

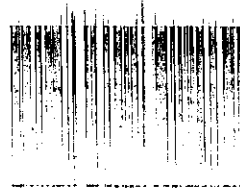
(2) The importer of the samples shall collect the samples from the Bureau at the end of two weeks, failing which, the Bureau may dispose of the samples as it considers appropriate.

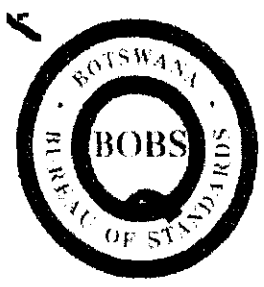
*Appeals*

12.(1) A person who is aggrieved by a decision of the Bureau may, within 14 days of notification of that decision, appeal to the Council in writing.

(2) The Council shall, within 14 days of receipt of an appeal made in terms of subregulation (1) make a decision on the matter and inform the appellant, in writing, of the Council's decision.

(3) A person aggrieved by a decision of the Council may, within 30 days of notification of that decision, appeal to the High Court.





# BOTSWANA BUREAU OF STANDARDS

Member of International Organization for Standardization (ISO)

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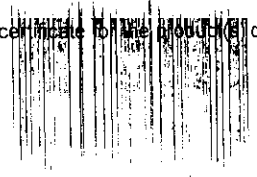
*All correspondence to be addressed to the Managing Director*

**FORM B**

Please complete and return to the Managing Director, BOBS

## APPLICATION FOR A DUPLICATE BATCH CERTIFICATE/ DUPLICATE CONDITIONAL RELEASE CERTIFICATE

We hereby apply for a duplicate batch certificate/ duplicate conditional release certificate for the product(s) described below.



**1. Details of the Applicant**

Registered Name of the Business: .....

Name of your contact person: .....

Postal Address of the Business: .....

Telephone (    ) ..... Facsimile (    ) ..... Email .....

Physical address .....

**2. Details of the Product**

Product:.....

Type:.....

Size(s):.....

Grade:.....

Trademark: .....

Number and title of the relevant standard: .....

3. Figures of the product to be inspected

Description	Amount	Unit	Market Price/unit

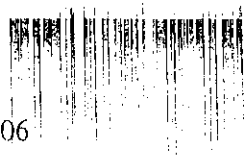
We understand the conditions for import inspections as in BOBS' import inspection regulations of 2006.  
 Our company undertakes to pay the prescribed fees and to abide by the terms and conditions of the import inspection regulations of 2006.

Applicant's name:..... Designation:.....  
 (Full name of a person authorised to make declarations on behalf of the company)

.....  
 (Signature of the applicant) (Date: year / month / day)

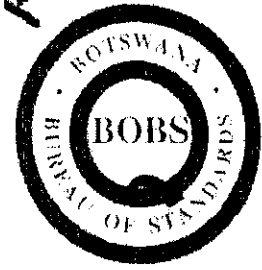
MADE this      day of

, 2006



.....  
 Minister of Trade and Industry

SCHEDULE  
(reg. 3(2) and 7(2))



**BOTSWANA BUREAU OF STANDARDS**

Member of International Organization for Standardization (ISO)

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*All correspondence to be addressed to the Managing Director*

**FORM A**

Please complete and return to the Managing Director, BOBS

**APPLICATION FOR A BATCH CERTIFICATE**

We hereby apply for a batch certificate in respect of the type of product(s) described below.

**1. Details of the Applicant**

Registered Name of the Business: .....

Name of your contact person: .....

Postal Address of the Business: .....

Telephone ( ) ..... Facsimile ( ) ..... Email .....

Physical address .....

**2.**

**Details of the Product**

Product: .....

Type: .....

Size(s): .....

Grade: .....

Trademark: .....

Number and title of the relevant standard: .....

Certificate number .....

*Our company undertakes to pay the prescribed fees and to abide by the terms and conditions of the import inspection regulations of 2006.*

Applicant's name:..... Designation:.....

(Full name of person authorised to make declarations on behalf of the company)

.....  
(Signature of the applicant)

.....  
(Date: year / month / day)