

The Gazette of Pakistan



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PART II

**Statutory Notification containing Rules and Orders leaned by all Ministries
and Division off the Government of Pakistan and their Attached and
Subordinate Offices and the Supreme Court of Pakistan**

GOVERNMENT OF PAKBTMN

MINISTRY OF SCIENCE & TECHNOLOGY

NOTIFICATION

Islamabad, the 14th May. 2008

S.R.O .47(KE)/2008:

In exercise of the powers conferred by section 26 of the Pakistan Standards and Quality Control Authority Act 1906 (VI of 1996), the Federal Government is pleased to make the following rules, namely:-

1. Short Tide and commencement—(1) These rules may be called the Pakistan Standards Conformity Assessment Rides, 2008.

(2) They shall come into face at once.

2. Definitions,----(1) in these rules, unless there is anything repugnant In the subject or context,-

(a) "Act" means the Pakistan Standards and Quality Control Authority Act 1996 (VI of 1996).

(b) "applicant" means a person who has applied to the Authority for a license;

- (c) "Form" means a Form annexed to these rules: and
- (d) "verification" means confirmation through the provision of objective evidence that specified requirement have been fulfilled.

(2) The words and expression used but not defined herein shall have the same meanings as are assigned to them under the Act or general terms for standardization or procedures for assessment of conformity given in the international standardizing bodies or system.

3. Application for a license. -(1) Every application, for the license along with the prescribed fee, shall be made to the Authority on the Form annexed as Form I.

- (2) Every application for a license shall be accompanied by a statement furnishing in detail the scheme of inspection and test which the applicant maintains or has in use or purposes to maintain or put into use and which is designed to regulate, during the course of manufacturing or product, the quality of the articles or process for which the license is sought.
- (3) Every application shall be signed, in the case of an individual, by the applicant and in the case of a firm by the duly authorized person.
- (4) On the receipt of an application for license and its enclosures by the Authority, the same shall be numbered in the order of its receipt and be acknowledged to the applicant.
- (5) After initial examination of the application for license, the Authority may require any further information or data from the applicant for substantiating the information contained in the application within the specified time. In case of non submission of the requisite information or data within specified time the application may be summarily rejected.

4. **Preliminary Inquiry.**—After initial examination of the application for license as prescribed in sub-rule(1) of rule 3 the Authority keeping in view the international standard and requirement may,-

- (a) require evidence that the article or process in respect of which a license has been applied for, conform to the related Pakistan standard:
- (b) require evidence to be produced that the applicant has in operation a scheme or routine inspection and testing, which will adequately ensure that all marked products shall conform to the Pakistan standard;

- (c) direct that all reasonable facilities are provided to an inspector to inspect all the concerned premises of the applicant for verifying the statement and contents made in the application, so as to enable the inspector to submit a report to the Authority;
- (d) for the purpose of clause (a) direct the applicant to submit samples, at his own cost, to such testing authority as the Authority may consider appropriate: and
- (e) on the basis of any report received under clauses(c) or (d) or both, require the applicant to carry out such alterations, or additions, in the scheme of inspection and testing or the process of manufacturing a product in use by the applicant within the specified time after which again preliminary inquiry shall be conducted.

5. **Verification visit.** After the submission of report of the preliminary inquiry by the Inspector, the Authority may authorize any senior officer having relevant expertise to verify the report of the Inspector.

6. **Final scrutiny process.**—(1) After the report of the preliminary inquiry or the verification visit as the case may be, the application with all the documents shall be sent to the Authority for further processing.

- (2) After examining the case, if the Authority is satisfied it may grant the license to the applicant or may require further scrutiny and analysis of the case.
- (3) In case the Authority requires further scrutiny and analysis it will refer the case to the concerned officer who will re-examine the case or further conduct verification in the light of the observation of the Authority and will submit its report to the Authority.
- (4) If after the report under sub-rule (3) of the Authority considers that the case is not fit for the grant of license, it may give the applicant a reasonable opportunity of being heard either in person or through a duly authorized representative and may either grant the license or reject the application within the three months of the date of same.

7. **Grant of license.** —(1) If the authority is satisfied, that the applicant is a fit person to use a Pakistan standard mark, the Authority may grant the license authorizing the use of Pakistan standard mark in respect of the article or process subject to such terms and conditions, as the Authority may deem fit to impose.

- (2) A licence shall be granted in the Form annexed as Form II for a period not exceeding three years and the Authority, may, on an application made by the licensee at least one month before the

expiry of the aforesaid period may renew the same for a period not exceeding three years at a time after observing the same process as provided for in rules 3,4,5 and 6 as fit is an application for the grant of licence.

- (3) The Authority may during the period of validity of the licence, on thirty days notice to a licensee, alter any terms and conditions subject to which the licence has been granted.
- (4) The licence shall be non-transferable.
- (5) The Authority may refuse to grant a licence, if in its opinion the licence applied for is liable to be abused.
- (6) The Authority may cancel or withdrawn or suspend the licence for reasons to be recorded in writing.

8. Condition of a licence.-- (1) The licensee shall apply the Pakistan standard mark in a prominent manner and the same shall be easily visible as a distinct mark in the article or the covering or on the test certificates relating to articles which cannot be labelled or covered. The Pakistan standard mark of conformity shall be applied to such articles or process for which the licence has been granted.

- (2) When a Pakistan standard mark has been specified in respect of an article or process, no person other than the licensee shall make any public claim, through any advertisement, sales promotion, leaflets, price lists or the like, that his product conforms to the relevant Pakistan standard or carries the Pakistan standard mark:

Explanation :-For the purpose of this sub-rule, a claim as to conformity of one's product to a Pakistan standard mark in reply to specific query or in a tender addressed to any Individual customer shall not be deemed to be public claim.

- (3) So long as a Pakistan standard mark is not granted for an article or process, a person may publicly claim that this article or process conforms to the Pakistan standard mark provided that such product or process actually conforms to the Pakistan standard mark.
- (4) Grant of licence does not empower the licensee to use the Pakistan standard mark as his logo or on his correspondence.

9. Annexure and conditionalities to a licence.—The licence granted by the Authority is a comprehensive documents and its annexure and conditions are an integral part of it. A licensee shall be bound to follow the terms and conditions stipulated in the Annexure.

10. **Suspension of a licence.**—(1) The licence may be suspended for a limited period, in the following cases, namely:

- (a) if the surveillance shows non-conformity with the requirements of such a nature that immediate withdrawal is not necessary;
 - (b) non-payment of any fees specified by the Authority;
 - (c) if a case of improper use of the licence or the Pakistan standard mark (e.g. misleading publications or advertisement) is not solved by suitable retractions and appropriate corrective actions by the licensee; or
 - (d) if there has been contravention of the product certification scheme or the procedures of the Authority.
- (2) A licence may be suspended by the Authority on request from the licensee, if the operations in his premises can no longer be carried on due to,-
- (a) natural calamities such as floods, fire, earthquake etc:
 - (b) a lock out declared by the licensee's management, or
 - (c) closure of operations directed by the court or competent authority.
- (3) The suspension of a licence shall be communicated to the licensee and the Authority shall confirm that the same is received and acknowledged. Along with the letter of suspension the Authority will indicate under which conditions and corrective measures the suspension may be removed.
- (4) When the period of suspension is over or the conditions to be fulfilled by the suspend licensee are fulfilled the Authority shall, prior to the re-instituting of the license, satisfy itself by verification or otherwise that the conditions and requirement stipulated in the suspension are complied with.
- (5) The licensee may be prohibited from identifying as conforming article or process the article or process that has been produced during the period of suspension of the licence.

11. **Cancellation of a licence.**-- (I) The Authority may cancel the licence on the following grounds, namely: -

- (a) non-conformance of article or process established after factory or independent testing;

- (b) non-implementation of article or process established after factory or independent testing and inspection;
 - (c) non-availability of testing personnel and no alternate arrangements made;
 - (d) significant modifications in the manufacturing process, plant, machinery etc., without prior evaluation and approval of the Authority;
 - (e) relocation of plant and machinery;
 - (f) non-payment of any fee specified by the Authority;
 - (g) prolonged closure of factory; or
 - (h) marking non-conforming products.
- (2) Before the Authority cancels any licence, it shall give the licensee a notice of its intention to cancel the licence, along with a statement of the reasons for doing so.
- (3) On the receipt of such notice, the licensee may submit an explanation on his behalf to the Authority within fourteen days from the receipt thereof. If an explanation is submitted, the Authority may consider the explanation and give hearing to the licensee within fourteen days from the date of receipt of such explanation.
- (4) If no explanation is submitted, the Authority may, on the expiry of fourteen days of the receipt of the notice by the licensee cancel the licence.
- (5) If the licensee submit an explanation and the Authority is satisfied with the contention of licensee during the personal hearing under sub-rule (3) it will withdraw the notice otherwise the Authority will cancel the licence.
- (6) Where a licence has been cancelled or the term therefore has not been renewed after the expiry of the period of its validity, the licensee shall discontinue forthwith the use of the Pakistan standard mark notwithstanding the pendency of any appeal under section 18 of the Act and if there be with the licensee or his agents, any articles in stock which have been improperly marked, the licensee or his agents, as the case may be, shall take necessary steps to get the Pakistan standard mark on such articles either removed, cancelled, defaced or raised.

12. Withdrawal of licence.—(1) A licence may be withdrawn on the following grounds, namely :—

- (a) by the Authority, -
 - (i) if the surveillance shows that the non-conformity is of a serious nature; (ii) if the licensee fails to comply with the due settlement of financial obligations;
 - (iii) non-payment of any fees specified by the Authority;
 - (iv) if there are any other contravention of the licensing agreement; or
 - (v) if inadequate measures are taken by the licensee in the case suspensions; and
 - (b) on the request of the licensee, -
 - (i) if the licensee does not wish to continue the licence;
 - (ii) if the standard or rules are changed and the licensee either will not or cannot ensure conformity with the new requirement;
 - (iii) if the product is no longer made or the licensee goes out of business: or
 - (iv) if on any ground he is constrained to abide by in the licence.
- (2) If the Authority decides to withdraw the licence of a licensee the procedure prescribed in rule 11 will be followed.
- (3) While considering the withdrawal of a licence the Authority shall take into account the consequences in relation to products certified under the licence, which include that whether the Pakistan standard mark may be removed from all products in stock and perhaps even, if practicable, from products already sold, or whether a clearance of the stock of marked products may be allowed within a short period time, and any action which is appropriate under the circumstances.

13. Consequence of deferment of renewal of licence etc.—Where a decision has been taken to defer the renewal of a licence or its suspension or withdrawal, the licensee shall further stop marking his articles or process with the Pakistan standard mark.

14. Non-payment of fees.—The Authority may, after serving a notice of not less than fourteen days, direct the licensee to stop marking the articles or process with the Pakistan standard mark if at any time, the licensee has not paid the fees including marking fee, inspection or test charges payable by him. The resumption of marking shall be permitted after the dues have been paid in full or in part as agreed by the Authority.

15. Consequence of withdrawal of Pakistan standards.—When Pakistan standard is withdrawn and not superseded by any other Pakistan standard, any licence issued in respect thereof shall be deemed to have been cancelled from the date of withdrawal of such Pakistan standard and any such licence shall be surrendered to the Authority by the licensee. The part of the marking fee, if paid in advance, proportionate to the un-expired period of the licence may be refunded to the licensee.

16. Consequence of modification of Pakistan standard.—(1) There are a number of factor that should be considered while determining the date on which product requirements in a revised Pakistan standard will come into force (effective date), in a case where the previous edition of the Pakistan standard has formed the basis of the licensing.

- (2) The effective date of changes to a Pakistan standard should be communicated by the Authority to all valid licensees to allow them adequate time for confirming with the modification. The factors to be considered while deciding effective date may include, but are not necessarily restricted to, the following namely .—
- (a) the urgency of complying with revised health, safety, or environmental requirements;
 - (b) the length of time and financial costs for retooling and manufacturing an article complying with the revised requirements;
 - (c) the extent of stock on and whether it can be reworked to meet the revised requirements;
 - (d) avoidance of uninternational commercial advantage given to a particular manufacturer or design; or
 - (e) operational problems of the Authority.

17. Procedure for inspection in case of a valid or renewal of licence or a new licence.—(1) The following procedure shall be adopted while conducting an inspection for the grant, renewal or a valid licence with regard to conformity of an article or process with the Pakistan standards, namely :—

- (a) when an Inspector propose to inspect the premises of a the licensee or applicant, he shall whenever possible, give reasonable notice of his visit to the licensee or applicant;

- (b) if during an inspection the inspector wishes to take one or more samples of any articles, material or substance, he shall do so in the presence of the licensee, or the applicant or a responsible person belonging to the establishment of the licensee or the applicant;
 - (c) the Inspector shall take the samples in triplicate, affix them with official seal and transmit one sample for conformity assessment purpose the other sample to the licensee and third one to the Authority as reference;
 - (d) in case the licensee objects to the sampling by the Inspector or demands a joint sampling the joint samples in triplicate will be taken and affixed with official seal along with the identification of the person taking samples with the Inspector and the process by which sample is taken;
 - (e) impressions of the seals and details of identification shall be given in the Inspector's report. The label of the sample shall have complete details; and
 - (f) the Inspector shall given a receipt for a sample taken and retain a duplicate copy of the receipt duly signed by the person in whose presence the sample is taken.
- (2) The Inspector may take samples of articles marked with the Pakistan standard mark from the godowns or any such premises of any agent of the licensee or from the articles put up for sale in the open market by the licensee or his agent.
 - (3) The Inspector shall submit to the Authority a detailed report of every inspection made by him.
 - (4) The Authority shall arrange at least two inspections in respect of each licensee in a year.

18. Procedure for inspection in case of unauthorized use of Pakistan standard mark. -Where the Authority has reasons to believe that a Pakistan standard mark has been or is being used unlawfully, it may direct its Inspector to make an inspection in accordance with rule 17 and the procedure laid down in the aforesaid rule is applicable to the inspection carried out under this rule.

19. Inspection of the article or process when Pakistan standard mark or conformity to Pakistan standard is required by the Act under any other law.—(1) The Authority may, carry out inspection through its Inspector or agent, of articles or processes where Pakistan standard mark or

conformity to Pakistan standard is required or claimed under the Act or under any other law for the time being in force.

- (2) Such inspections may be carried out in Pakistan at place of manufacture before dispatch or at the place of its entry into Pakistan or at place of sale or use in Pakistan.
- (3) Such inspections may include inspection of quality control system or verification of records of testing or testing of a sample or any other related matter.
- (4) The Authority shall be paid fees in advance for such inspection and expenses of travelling allowances, daily allowances and the like as may be mutually agreed.

20. Certificate.—(1) The Authority may grant a certificate on the receipt of an application for the purpose.

- (2) On receipt of the aforesaid application, the Authority shall depute an Inspector for carrying out inspection of the article or product for which application is made. The inspector shall follow the procedure laid down in sub-rule (1) to (3) of rule 17.
- (3) If the Authority is satisfied with the report it will grant the certificate in the Form annexed as Form-III. The certificate shall be non-transferable.

21. Inspectors.—(1) Every Inspector appointed under section 15 of the Act shall be furnished by the Authority with a certificate of appointment as an Inspector in the Form annexed as Form IV. The certificate shall be carried by the Inspector at all times while he is on duty and shall, on demand, be produced by him.

- (2) While appointing an Inspector the Authority shall consider the competence of the Inspector with relation to the assignment and the criteria specified by International Standardization Organizations.
- (3) The Authority may, on the request of the Inspector or otherwise associate with him any person who has adequate technical qualification, experience and knowledge in that field or task assigned to the Inspector.
- (4) Every applicant for a licence or every licensee shall afford to the Inspector such reasonable facilities as the Inspector may require for carrying out the duties imposed on him under the Act.

22. Publication in official Gazette.—When a licence has been suspended or cancelled or withdrawn the Authority shall, publish the particulars of the license so suspended or cancelled or withdrawn in the official Gazette.

23. Registers.—The Authority shall maintain a register of licences which shall record the following information, namely >

- (a) name, address and business of each licensee;
 - (b) the number of licences held by each licensee;
 - (c) the article or process covered by the licence;
 - (d) the number and title of relevant Pakistan standard;
 - (e) information regarding, renewal suspension, withdrawal or cancellation;
- and
- (f) fees to be paid or received.

24. Report of seizure and detention— (1) Where any Inspector makes any seizure or detention of the article or process, as the case may be, he shall within forty-eight hours of seizure or detention make full report of all the particulars of such seizure and detention to the Authority.

- (2) The Authority on such report may confirm or otherwise the seizure or detention. If the same is not confirmed the Inspector shall forthwith comply with the direction of the Authority.
- (3) On the confirmation of seizure or detention the Authority shall give directions with regard to the custody of articles seized or detained.

FORM I*[see sub-rule (4) of rule 3]***Application for License**

The Pakistan Standards and Quality Control Authority

Pakistan

Information regarding the applicant :

The applicant's name and address of registered office :	Phone and fax numbers :
Name and title of person responsible for the quality system : Business address : Phone and fax numbers : E-mail address :	Place of manufacture of production of the product.

Designation of product for which Conformity Assessment License is requested

Description of products, including catalogue number, type designation or other descriptive identifies	Relevant standard(s) Number : Title : Date of issue :	Relevant specific rules Number : Title : Date of issue
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Statement : We herewith declare that we will settle the costs related to this application.

Statement: We herewith declare to be willing, on a positive result of the initial testing and assessment, to conclude within a specified time an agreement related to the CA License of the products mentioned above.

Date of application

Name and title of person authorized to sign on behalf of the applicant

.....
(In block letters)

Signature

F O R M II*[see sub-rules (2) of rule 7]***Licence for the use of the Certificate for PS Mark**

Licence No. **to Agreement No.**

issued by the Pakistan Standards and Quality Control Authority to
M/S. (licencee)

.....

.....

.....

Seal of Authority

Signed for the Authority :

.....

.....

Director

Date 20

THE FIRST SCHEDULE

STANDARD MARK (1)	ARTICLE/PROCESS (2)	PAKISTAN STANDARD(S) (3)

THE SECOND SCHEDULE**SCHEDULE OF MARKING FEE FOR LICENCE NO. CM/L**

ARTICLE/PROCESS (1)	UNIT (2)	MARKING FEE PER UNIT (3)	NAME OF PAYMENT (4)

F O R M III

*[see sub-rule (3) of rule 20]***CERTIFICATE FOR THE USE OF MARK OF CONFORMITY**

Ref No :

Certificate No.

Issue by

To

.....

.....

Articles / Products	Descriptive Identifiers	Reference Standards	Remarks

Date of issue 20

Seal of the Authority

Signed for Pakistan Standards & Quality Control Authority

Title

Date 20

Signed for the firm

..... Date

F O R M I V

[see sub-rule (1) of rule 21]

**PAKISTAN STANDARDS AND QUALITY CONTROL
AUTHORITY**

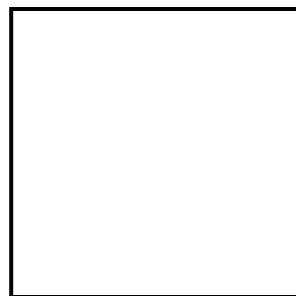
Certificate of Appointment of Inspector

It is hereby declared that Mr.
(name and designation) whose photograph is attached and whose signature appears below has for the assignment herein after stated been appointed by the Authority as an Inspector for the purpose of Pakistan Standards and Quality Control Authority Act, 1996 to hold Office from this..... day of 2008.

Assignment

.....

.....



Seal of Authority

<p>Signature of the Inspector</p>	<p>For Pakistan Standards and Quality Control Authority</p>
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ANNEXURE

[see rule 9]

Licensing agreement for the use of a Certification or PS Mark of Quality

Agreement No.....

The Pakistan Standards & Quality Control Authority, having its Head Office at Karachi, hereinafter referred to as the Authority and represented in this matter by (name), (title) hereby grants to *M/S.....*

having -its registered offices at..... hereinafter referred to as the licensee, licence to certify the products covered by the appended licence, as approved by the Authority for such products specified in the first column of the. valid licence which are controlled by the licensee in cordance with the standards referred to In the second column and the specific rules referred to in the third column of the valid licence and on the conditions of the following general agreement.

Article 1 : Regulations for conformity assessment

The stipulations of the general rules for the certification system (In question) apply to this agreement as well as the standard(s) and the specific rules specified in the attached licence.

Article 2 : Rights and obligations

2.1 The licensee agrees that the certified products manufactured and supplied by It as specified in the licence based on and attached to this agreement will comply with the requirements stated in the standards and general and specific rules specified In the licence. Accordingly, the Authority authorizes the licensee to mark the products covered by the licence, as stated in the Conformity Assessment licence.

2.2 The licensee agrees that the persons representing the certification body wBI have unobstructed access without prior notification to the premises of the facility covered by the license during the normal working hours of the facility involved.

2.3 The licensee agrees that the products for which the licence is granted will be produced to the same specifications as the sample that the certification body found by the initial testing to be In conformity with the standard.

Article 3: Surveillance

3.1 The Authority carries out continuing surveillance of the licensee's conformity with the licensee's obligations, in accordance with the conditions stated in the general rules for the certification system and the specific rules for the scheme as specified in the licence.

3.2 This surveillance is carried out by the assigned Inspector on behalf of the Authority.

Article 4: Information on modifications in production

The licensee shall inform the Authority of any Intended modification in the product, the production process or the quality system.

Articles: Complaints

The licensee shall upon request of the Authority keep records and report to the Authority any complaints regarding those aspects of the products covered by the licence.

Article 6: Publicity

6.1 The licensee has the right to publish the fact that It has been authorized to certify the products to which the license applies.

6.2 Among other methods the Authority gives publicity to the authorization of certifying conformity with a standard in the public journal and to cancellation of this agreement with the licensee, as appropriate.

Article 7: Confidentiality

The Authority is responsible for ensuring that confidentiality is maintained by Its employees concerning all confidential information with which they become acquainted as a result of their contracts with the licensee.

Article 8: Payment

The licensee shall pay to the Authority all dues In relation to the marking, license, special inspection, surveillance, including sampling, test, assessment and administration costs etc.

Article 9: Agreement period

This agreement comes into force on and remains in force until unless withdrawn for justified reasons or withdrawn by either party upon due notice given to the other party.

Article 10: Withdrawal of licence

If withdrawal of the licence comes into question, the necessary time of notice prior to the withdrawal will differ due to the situation that causes it

Depending on the reason for the withdrawal, the following schedule of notice will be followed :

Situation requiring the dispatch of notice that can lead to withdrawal	Days of notice prior to withdrawal
Manufacturer's wish to withdraw :	To be specified by the Authority
The certification body determines that the product is hazardous :	None
Violation of an existing standard, for reasons other than safety :	max, 60 days
Non-payment of charges to Authority :	max, 30 days
Failure to meet other provisions of the licensing agreement :	max, 60 days
Mandatory conformity with new requirements in relation to revision of a standard :	As determined by the Authority

Advice of cancellation shall be sent by registered letter (or equivalent means) to the other party, stating the reasons and the date of termination of the agreement.

Article 11 : Modification of product requirements

11.1 If the requirements applying to the products covered by this agreement are modified, the Authority shall immediately inform the licensee by registered letter (or equivalent means), stating at what date the modified requirements will become effective, and advising the licensee of any need for a supplementary examination of the products which are subject to this agreement.

11.2 Within a specified period of time after receipt of the advice described in paragraph 11.1, the licensee shall inform the certification body by registered letter (or equivalent means) whether it is prepared to accept the modifications. If the licensee gives confirmation within the specified period of acceptance of the modification and provided the result of any supplementary examination is favourable, a supplementary licence will be issued or other modifications of the certification body's records will be made.

11.3 If the licensee advises the Authority that it is not prepared to accept the modification within the time specified in accordance with 11.2. or if the licensee allows the terms for acceptance to lapse, or if the result of any supplementary examination is

not favourable, the licence covering the particular product shall cease to be valid on the date on which the modified specifications become effective to the certification body, unless otherwise decided by the certification body.

Article 12 : Appeal or dispute

All disputes that may arise in connection with this agreement are to be settled in accordance with the appeal procedures of the Authority under the Act.

Issued in duplicate and signed by authorized representatives of the Authority and the applicant.

For the Authority :

Date

.....
(Signature) (title)

[No. F. 2(46)/2007-PSQCA(IL)]
