

BUREAU OF INDIAN STANDARDS
(CENTRAL MARKS DEPARTMENT - I)

Our Ref: CMD-I/2:16:3

18 January 2022

Subject: Guidelines for renewal of Certificate of Conformity as per the conformity assessment Scheme – IV of Schedule – II of the BIS (Conformity Assessment) Regulations, 2018

This document stipulates the guidelines for renewal of Certificate of Conformity (CoC). These are to be read in conjunction with the BIS Act 2016 and Rules, Regulations framed thereunder. In particular, the provisions for renewal of CoC are addressed in Regulation 16 and Paragraph 9 of Scheme - IV of Schedule - II of the BIS (Conformity Assessment) Regulations, 2018. 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 - IV of Schedule - II of the BIS (Conformity Assessment) Regulations, 2018.

General principles for renewal

1. The CoC may be considered for renewal for a period of minimum one year and upto five years on the request of the manufacturer, depending upon whether the application fee, renewal fee, advance certification 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 manufacturer is required to submit application fee, renewal fee and advance certification fee for five years. The renewal of CoC shall be endorsed as per Form - X.

Renewal application

2. The renewal application shall be made in Form - IX along with relevant documents, preferably two months prior to the validity date.

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

3. (i) When renewal application along with the requisite fee (application fee, renewal fee and advance certification fee) and dues, if any, is not received within the validity period of the CoC, the decision to renew the CoC may be deferred for not more than 90 days from the date of validity of the CoC.

(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 manufacturer by the BO (Template enclosed as ***Annexure - I***) in this regard.

(iv) The CoC 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 Holder of certificate within this period.

- Deferment of renewal of CoC (Where CoC is under suspension)**
4. (i) If the CoC is under suspension at the end of validity period and the manufacturer has applied for renewal of CoC, CoC shall not be renewed till suspension is revoked.
- (ii) In such cases, the decision to renew the CoC may be deferred for not more than 180 days from the date of validity. (see sub-regulation (6), (7) and (9) of regulation 16 of BIS (Conformity Assessment) Regulations, 2018)
- (iii) In such a case, a communication shall be sent (Template enclosed as *Annexure - II*) to the manufacturer. If there is no response or the response is not adequate within stipulated period, a communication shall be sent (Template enclosed as *Annexure - III*), preferably, two months prior to the last date till which decision of renewing the CoC may be deferred.
- (iv) During this period, if all the actions for revocation of suspension are completed, the CoC shall be renewed. However, if the revocation of suspension of CoC is not done within the period of 180 days, the CoC shall stand expired.
- Expiry of CoC**
5. (i) In case of expiry of CoC, applicable communication in the format (Template enclosed as *Annexure - IV* and *Annexure - V*) shall be sent by the BO.
- (ii) The competent authority shall pass speaking orders for the decision taken, as required.
- Provision for appeal**
6. 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 - XII* of grant of CoC guidelines).

Annexure-I

Our Ref: BO/CoC-

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 Certificate of Conformity No. granted to you for your product under Scheme-IV of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018 as per specified requirement(s) which was valid upto
- 2) Please refer to our communication dated about validity of your CoC and requesting you to apply for renewal of your CoC. Since, you have not submitted the renewal application with requisite fee till the validity date, the decision to renew your CoC can be deferred for a maximum duration of ninety days from the date of its validity as per sub-regulation(4) of regulation 16 of the BIS (Conformity Assessment) Regulations, 2018.
- 3) In view of the above, you have no right to use CoC and dispatch (including stock in hand) the above mentioned product after the date of validity. You are, therefore, instructed to ensure stoppage of use of CoC for your 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 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, 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 BIS CoC after receipt of these instructions, it will be construed that the material so sold contravenes 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 BIS CoC.
- 6) As per sub-regulation (5) of regulation 16 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 certification fee as indicated in the Scheme-IV of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018 is payable by you for the complete period, including the period for which you have no right to use CoC for 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 16 of the BIS (Conformity Assessment) Regulations, 2018 your CoC shall stand expired after the last date of its validity.

Thanking you.

Signature of designated authority
(Name of designated authority)

Annexure-II

Our Ref: BO/CoC-

Date:

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

M/s

(Kind Attn. Name of CEO/MD)

Dear Madam/Sir(s),

- 1) This has reference to BIS Certificate of Conformity (CoC) No. granted to you for your product under Scheme-IV of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018 as per specified requirement(s) which was valid upto
- 2) As per sub-regulation (7) of regulation 16 of the BIS (Conformity Assessment) Regulations, 2018 the decision to the renew the above mentioned CoC has been deferred as the CoC 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 CoC as already advised.
- 4) You may also note that, if your CoC gets renewed then the certification fee as indicated in the Scheme-IV of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018 is payable by you even for the complete period including the period for which you have no right to use CoC for your product.
- 5) #You are required to take necessary action in the context of the reasons to defer the decision to renew the CoC 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 16 of the BIS (Conformity Assessment) Regulations, 2018 your CoC shall stand expired after the last date of its validity.

Thanking you.

Signature of designated authority
(Name of designated authority)

BO to specify the applicable time period

Annexure-III

Our Ref: BO/CoC-

Date:

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

M/s

(Kind Attn. Name of CEO/MD)

Dear Madam/Sir(s),

- 1) This has reference to BIS Certificate of Conformity (CoC) No. granted to you for your product under Scheme-IV of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018 as per specified requirement(s) which was valid upto
- 2) As per sub-regulation (7) of regulation 16 of the BIS (Conformity Assessment) Regulations, 2018 the decision to the renew the above mentioned CoC was deferred as the CoC 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 CoC continues to be under suspension, decision to renew your CoC cannot be taken as per sub-regulation (6) of regulation 16 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 16 of the BIS (Conformity Assessment) Regulations, 2018 your CoC shall stand expired after the last date of its validity.
- 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.

Thanking you.

Signature of designated authority
(Name of designated authority)

Annexure-IV

Our Ref: BO/CoC-

Date:

Subject : Expiry of BIS Certificate of Conformity No. as per specified requirement(s) - reg.

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 Certificate of Conformity (CoC) No. held by you for your product under Scheme-IV of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018 as per specified requirement(s) after
- 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 CoC, then as per sub-regulation (4) of regulation 16 of the BIS (Conformity Assessment) Regulations, 2018 your above mentioned CoC stands expired.
- 3) As informed earlier also, you are NOT entitled to use CoC in relation to your product as per specified requirement(s) or to claim in your advertisements or in any other publicity material that you are a Holder of certificate for your product after Any publicity material such as handbills, pamphlets, letterheads, etc. claiming that you hold BIS CoC 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 with this BIS CoC after, will be deemed to be illegal and violating the provisions of the BIS Act, 2016 and Rules & Regulations framed thereunder and action will be taken as per applicable provisions.
- 5) Please acknowledge the receipt and ensure compliance.

Signature of designated authority
(Name of designated authority)

Annexure-V

Our Ref: BO/CoC-

Date:

Subject : Expiry of BIS Certificate of Conformity No. as per specified requirement(s) - reg.

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 Certificate of Conformity (CoC) No. held by you for your product under Scheme-IV of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018 as per specified requirement(s) after
- 2) Also, refer to the expiry notice Ref: dated
(Reasons for CoC 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 16 of the BIS (Conformity Assessment) Regulations, 2018 your CoC stands expired after
- 4) As informed earlier also, you are NOT entitled to use CoC in relation to your product as per specified requirement(s) or to claim in your advertisements or in any other publicity material that you are a Holder of certificate for your product after Any publicity material such as handbills, pamphlets, letterheads, etc. claiming that you hold BIS CoC 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 with this BIS CoC after, will be deemed to be illegal and 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)