

Statutory Instrument No. 78 of 2008

STANDARDS ACT
(Cap. 43:07)

STANDARDS (IMPORT INSPECTION) REGULATIONS, 2008
(Published on 12th September, 2008)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Application
4. Testing
5. Testing after release of commodity
6. Certification
7. Lost certificates
8. Conditional release certificate
9. Power to revoke certificate
10. Substandard products
11. Disposition of samples
12. Appeals

SCHEDULES

SCHEDULE I

SCHEDULE II

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, 2008.
- Interpretation **2.** In these Regulations, unless the context requires —
- “bill of lading” means a document issued by a carrier acknowledging that specified goods have been received on board a vessel as cargo for conveyance to a named place for delivery to a known or identifiable consignee;
- “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;
- “compliance certificate” means a certificate issued by a recognised body, verifying compliance of a batch or product in respect of which it has been issued to a recognised prescribed standard;
- “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 compliance certificate by the Bureau;
- “Director” means the Managing Director of the Bureau;

“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 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;

“prescribed standard” means a national, regional or international standard specified by the Bureau in relation to a particular commodity;

“recognised body” means a body recognised by the Bureau as competent for checking and verifying that a commodity conforms to the requirements of the prescribed standard set in relation to that commodity;

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

“test report” means a document issued by an accredited testing facility and conforming to the requirements of ISO/IEC 17025.2005.

Application

3. (1) A person shall not import any commodity prescribed under Schedule I unless the person has applied for and has been issued with a compliance certificate in respect of that commodity.

(2) An application for a compliance 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 Schedule II 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 —
 - (i) attending at the place where the inspection is to be carried out and returning from that place,
 - (ii) accommodation while attending at the place where the inspection will be carried out,
 - (iii) carrying out the inspection,
 - (iv) carrying out any tests, and
 - (v) any other costs relating to the inspection.

(3) The applicant shall, where the Bureau so requests, 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 is to be imported;
- (c) an invoice or proforma invoice relating to the commodity in respect of which a compliance certificate is sought;
- (d) the bill of lading or airway bill;
- (e) the compliance certificate from the country of origin of the commodity; 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 compliance 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 compliance certificate has been issued from the exporting country, whether the quality as revealed by the compliance 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 compliance 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 compliance 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 the relevant prescribed standard.

(2) Where a bilateral agreement has been entered into between the Bureau and the exporting country's recognised certifying body to do inspection on behalf of the Bureau, the Bureau shall issue a note of recognition in respect of the commodity tested by the said body 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 report

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 revealing consistencies 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 compliance 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 prescribed 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 P100, 00 or 0.1 per cent of the value of the imported commodity, issue a compliance certificate for each consignment as may be reflected on the bill of lading or airway bill.

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

(4) A compliance 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.

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

Lost
certificates

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

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

Conditional
release
certificate

- (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 compliance 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.

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

Power to
revoke
certificate

- (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 prescribed standard 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 compliance 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 prescribed standard 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.

(3) 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.

(4) 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.

C.562

Substandard products

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

(2) The Bureau may direct that any commodity which does not meet the relevant prescribed 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 compliance certificate or notifying an applicant of the Bureau's decision not to issue a compliance 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 Minister.

(4) The Minister shall, within 14 days of receipt of an appeal made in terms of subregulation (3), decide on the matter and inform the appellant of the Minister's decision.

SCHEDULE I
(Reg. 3 (1))

LIST OF PRESCRIBED PRODUCTS AND APPLICABLE STANDARDS

PRODUCT	REFERENCE STANDARD
FOOD AND AGRICULTURE	
1. Cattle Feeds	BOS 25:2000 Animal Feeding Stuff- Cattle Feeds Specification
2. Chicken Feeds (Layers, Broilers and Breeders)	BOS:8 1999 Poultry Feeds – Part 1: Chicken Feeds:-Specification
3. Raw Cow's Milk	BOS 64:2003 Raw Cow's Milk (Intended for Further Processing) Specification
4. Pasteurized Cow's Milk	BOS 72:2003 Pasteurized Cow's Milk Specification
5. Yoghurt from Cow's Milk	BOS 92:2004 Fermented Cow's Milk Products- Yoghurt, Sour Milk (Madila) and Buttermilk-Specification
6. Sour Cow's Milk	BOS 92:2004 Fermented Cow's Milk Products-Yoghurt, Sour Milk (Madila) and Buttermilk Specification
7. Buttermilk from Cow's Milk	BOS 92:2004 Fermented Cow's Milk Product-Yoghurt, Sour Milk (Madila) and Buttermilk-Specification
8. Sorghum	BOS 26:2000 Cereals -Sorghum Grains for Human Consumption – Specification
9. Pulses (Beans)	BOS 201:2006 Cereal and Pulses-Certain Pulses-Specification
10. Peanut Butter	CKS 339:1977 Specification for Peanut Butter
11. Canned Fish, Canned Marine Molluscs and Canned Crustaceans	SANS 587:2005 Canned Fish, Canned Marines Molluscs and Canned Crustaceans and Products Derived there from

C.564

ELECTRICAL	
1. 13 AMPS Fused Plugs	BOS 41 - 1:2001 13 A Plugs, Socket-Outlets, Adaptors and Connection Units-Part 1: Rewirable and Non-Rewirable 13 A Fused Plugs-Specification
2. 13 AMPS Switched and Un-Switched Socket – Outlets-Specification	BOS 41 - 2:2001 13 A Plugs, Socket-Outlets, Adaptors and Connection Units-Part 2: Switched and Unswitched Socket – Outlets–Specification
3. 13 AMPS Adaptors	BOS 41 - 3:2001 13 A Plugs, Socket-Outlets, Adaptors and Un-Switched Socket-Connection Units-Part 3-Adaptors Specification
4. Electric Iron	BOS IEC 60335-2-3 ED5.0:2002 Household and Similar Electrical Appliances-Safety - Part 2-3: Particulars Requirements for Electric Irons
MECHANICAL	
1. LPG Regulator	SANS 1237:2007 Single-Stage Regulators for Liquified Petroleum Gas (LPG)
CHEMICALS AND CONSTRUCTION	
1. Plastic Bags	BOS 186:2006 Plastic Carrier Bags and Flat Bags -Specification
2. Cement	BOS ENV 197:1992 Cement:Composition, Specification and Conformity Criteria - Part 1:Common Cements
GENERAL	
1. Pre-Packages	BOS 9:2000 Prepackaged Goods for the Ultimate Consumer: Labelling, Presentation and Advertising - General Requirement

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

BOTSWANA BUREAU OF STANDARDS
Member of International Organization for Standardization (ISO)

Plot No. 55745, Main Airport Road, Block 8, Gaborone, Private Bag BO 48, Gaborone, Botswana

Tel: (+267) 3903200, Fax: (+267) 3903120, E-mail: infoc@hq.bobstandards.bw

All correspondence to be addressed to the Managing Director

FORM A

Please complete and return to the Managing Director, BOBS

APPLICATION FOR A COMPLIANCE CERTIFICATE

We hereby apply for a compliance 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

3. Value and Quantity of the consignment

Quantity:

Total Value:

Our company undertakes to pay the prescribed fees and to abide by the terms and conditions of the Standards Import Inspection Regulations.

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)

C.566

BOTSWANA BUREAU OF STANDARDS

Member of International Organization for Standardization (ISO)

Plot No. 55745, Main Airport Road, Block 8, Gaborone, Private Bag BO 48, Gaborone, Botswana
Tel: (+267) 3903200, Fax: (+267) 3903120, E-mail: infoc@hq.bobstandards.bw

All correspondence to be addressed to the Managing Director

FORM B

Please complete and return to the Managing Director, BOBS

**APPLICATION FOR A DUPLICATE COMPLIANCE CERTIFICATE/ DUPLICATE
CONDITIONAL RELEASE CERTIFICATE**

We hereby apply for a duplicate compliance 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:

Certificate number

3. Value and Quantity of the consignment

Quantity:

Total Value:

We understand the conditions for import inspections as stated in the Standards (Import Inspection) Regulations.
*Our company undertakes to pay the prescribed fees and to abide by the terms and conditions of
the Standards (Import Inspection) Regulations.*

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)

DATED this 5th day of August, 2008

N. MOROKA

Minister of Trade and Industry.