

## **BUREAU OF INDIAN STANDARDS (CERTIFICATION) REGULATIONS, 1988**

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8. MANNER, CONDITION AND FEES FOR GRANT AND RENEWAL OF LICENCE FOR ENVIRONMENTAL MANAGEMENT SYSTEM

### **SCHEDULE 1 :- THE FIRST SCHEDULE**

### **SCHEDULE 2 :- THE SECOND SCHEDULE**

## **BUREAU OF INDIAN STANDARDS (CERTIFICATION) REGULATIONS, 1988**

G.S.R. 10(E), dated the 6th January, 1988.1 -In exercise of the powers conferred by Section 38 of the Bureau of Indian Standards Act, 1986 (63 of 1986), the Executive Committee of the Bureau of Indian Standards, with the previous approval of the Central Government, hereby makes the following regulations, namely :

### **1. Short title and commencement :-**

(1) These regulations may be called the Bureau of Indian Standards (Certification) Regulations, 1988.

(2) They shall come into force on the date<sup>1</sup> of their publication in the official Gazette.

1. Enforced w.e.f. 6th January, 1988.

### **2. Definitions :-**

In these regulations, unless the context otherwise requires,-

(a) "Act" means the Bureau of Indian Standards Act, 1986 (63 of 1986);

(b) "Form" means a form annexed to these regulations;

(c) "rules" means the Bureau of Indian Standards Rules, 1987 ;

(d) all other words and expressions used in the regulations and not defined but defined in the Act or the rules shall have the meanings respectively assigned to them in the Act and the rules.

### **3. Manner of applying for licence :-**

(1) Every application for the grant of a licence shall be made to the Bureau in Form I.

(2) Every application for a licence shall be accompanied by a statement furnishing in detail any scheme of inspection and testing, which the applicant maintains or has been in use or proposes to maintain or to put into use and which is designed to regulate, during the course of manufacture or production, the quality of the article or process for which the licence is applied for.

(3) Every application shall be signed in the case of an individual, by the applicant or, in

the case of a firm, by the proprietor, partner or the managing director of the firm or by any other person authorised to sign any declaration on behalf of the Firm. The name and designation of the person signing the application shall be receded legibly in the space set apart for the purpose in the application form.

(4) Every application for a licence shall, on receipt by the Bureau, be numbered in order of priority of the receipt and be acknowledged.

(5) The Bureau may call for any supplementary information or documentary evidence from any applicant in support of or to substantiate any statement made by him in his application, within such time as may be directed by the Bureau, and non-compliance with such direction may have the effect of the application being summarily rejected by the Bureau.

(6) On receipt of an application for a licence and before granting a licence, the Bureau may,-

(a) require evidence to be produced article or process in respect of which a licence has been applied for conforms to the related Indian Standard;

(b) require evidence to be produced that the applicant has in operation a scheme of routine inspection, and testing, which will adequately ensure that all marked products shall conform to the Indian Standard;

(c) require all reasonable facilities to be provided to an Inspecting Officer of the Bureau to inspect the office, workshop, testing laboratories or godowns and any other premises of the applicant and to draw and test sample or samples for the purpose of verifying the evidence produced by the applicant under Cl. (a) or Cl. (b) or both ;

(d) for the purpose of Cl. (a), direct the applicant to submit samples to such testing authority as the Bureau may consider appropriate. The expenses for testing shall be borne by the applicant: and

(e) on the basis of any report received under Cl. (c) or Cl. (d) or both, the Bureau may, as deemed fit, require the applicant to carry out such alterations in, or addition to, the scheme of testing and inspection or the process of manufacture or production in use by the applicant.

#### **4. Grant of licence :-**

(1) If the Bureau, after a preliminary inquiry, is satisfied that the applicant is fit to use the Standard Mark, the Bureau shall grant a licence in Form II authorising the use of the Standard Mark in respect of the article or class of articles manufactured by the applicant or in respect of the process employed in any manufacture or work, subject to such terms and conditions as specified in these regulations. The Bureau shall intimate the applicant about grant of licence.

(2) A licence shall be granted in Form II for a period of one year in the first instance. The Bureau may, on an application made by a licensee at least one month before the expiry of the period for which the licence has been granted, renew the same for a like period. Renewal of the licence for subsequent period may also be done by the Bureau in a similar manner: Provided that if the Bureau so decides, depending, among other things, on the licensee's performance, it may renew the licence for a period longer than one year but not exceeding two years at a time.

(3) The Bureau may, during the period of validity of the licence, alter by giving one month's notice to a licensee any terms and conditions subject to which the licence has been granted.

(4) Where the Bureau, after a preliminary inquiry, is of the opinion that a licence should not be granted, the Bureau shall give a reasonable opportunity to the applicant of being heard, either in person or through a representative authorised by him in this behalf, and may take into consideration any fact or explanation urged on behalf of the applicant before rejecting the application.

(5) Where a licence to use Standard Mark has been granted, it shall be notified in the official Gazette specifying the particulars of the licence.

(6) A licence, unless renewed or its renewal is deferred by the Bureau shall expire at the end of the period for which it is granted.

(7) Particulars of all licences issued by the Bureau under these regulations in connection with the use of Standard Mark shall be entered in a register which the Bureau shall maintain.

#### **5. Conditions of a licence :-**

(1) The Standard Mark shall be applied in such manner as it may be easily visible as a distinct mark on the articles or the covering or on test certificates relating to articles which cannot be labelled or covered. The Standard Mark shall be applied to only such types, grades, classes, varieties, sizes of the article for which the licence has been granted. The licensee shall get the facsimile of the Standard Mark proposed to be used by him, approved from the Bureau.

(2) When a Standard Mark has been specified in respect of an article or process, no person other than the licensee in possession of a valid licence shall make any public claim, through any advertisement, sales promotion leaflets, price-lists or the like, that his product conforms to the relevant Indian Standard or carries the Standard Mark.

Explanation.-For the purpose of this sub-regulation, a claim as to conformity of one's product to an Indian Standard in reply to a specific query or in a tender addressed to any individual customer shall not be deemed to be a public claim.

(3) So long as a Standard Mark is not specified for an article or process, a person may claim that this product or process conforms to the Indian Standard provided that such product or process actually conforms to the Indian Standard.

(4)

(a) Every licensee shall institute and maintain, to the satisfaction of the Bureau, a system of control to keep up the quality of his production or process by means of a scheme of testing and inspection as indicated in the licence, so as to ensure that the article or process, in respect of which the Standard Mark is being used, comply with the relevant Indian Standard.

(b) The licensee shall maintain a complete record of the tests and inspection and such other data as specified in the scheme for testing and inspection, to establish to the satisfaction of the Bureau that the required control of production or process has been and is being satisfactorily maintained. Such records shall, on demand, be made available for inspection to the Inspecting Officer.

<sup>1</sup>(5)

(a) Any licence granted by the Bureau may be cancelled by it, if it is satisfied that the

(i) articles marked with the Standard Mark under a licence do not comply with the related Indian Standard or Standards; or

(ii) licensee had used the mark in respect of a process which does not come up to the

related Indian Standard or Standards: or

(iii) licensee failed to provide reasonable facilities to any Inspecting Officer to enable him to discharge the duties imposed on him; or

(iv) licensee has failed to comply with any of the terms and conditions of the licence.

(b) A licence may be suspended by the Bureau on request from the licensee, if the operation(s) in his premises can no longer be carried due to:

(i) natural calamities such as flood, fire, earthquake etc.;

(ii) a lock out declared by the licensees, management;

(iii) closure of operations directed by a competent court or statutory authority.

(c) Before the Bureau cancels any licence, it shall give the licensee not less than fourteen days' notice of its intention to cancel the licence.

(d) On the receipt of such notice, the licensee may submit an explanation on his behalf to the Bureau within seven days from the receipt of the notice. If an explanation is submitted, the Bureau may consider the explanation and give a hearing to the licensee within fourteen days from the date of receipt of such explanation or before the expiry of the notice whichever is longer.

(e) If no explanation is submitted, the Bureau may, on the expiry of period of the notice, cancel the licence.

(f) Where a licence has been suspended or cancelled, or the term thereof has not been renewed on the expiry of the period of its validity, the licensee shall discontinue forthwith the use of the Standard Mark notwithstanding the pendency of any appeal before the Central Government under Section 16 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 Standard Mark on such articles either removed, cancelled, defaced or erased."

(6) When a licence has been suspended or cancelled, the Bureau shall publish the particulars of the licence so suspended or cancelled in the official Gazette.

(7)

(a) If, at any time, there is some difficulty in maintaining the conformity of the product to the specification or the testing equipment goes out of order, the marking of the product shall be stopped by the licensee, under intimation to the Bureau. The marking may be resumed as soon as the defects are removed and information regarding such resumption of marking be sent to the Bureau, immediately thereafter.

**2"**(b) If, at any time, the Bureau has sufficient evidence that the product carrying the Standard Mark may not be conforming to the Indian Standard, the licensee shall be directed to Stop Marking of such product. Such evidence is not limited to, but may include one or more of the following situations:

(i) non-conformance of products established after factory or independent testing;

(ii) non-implementation of the provision(s) of the Scheme of Testing and Inspection;

(iii) non-availability of testing personnel and no alternate arrangements made;

(iv) significant modifications) in the manufacturing process, plant. machinery etc. without prior evaluation and approval of the Bureau;

(v) relocation of plant and machinery;

(vi) prolonged closure of factory;

(vii) marking non-conforming products;

(viii) marking on products other than those included in the licence.

(c)

(i) The Bureau may, after serving a notice of not less than fourteen days, direct the licensee to Stop Marking the product if at any time the licensee has not paid the fees, 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 Bureau.

(ii) Where a decision has been taken to defer the renewal of a licence, the licensee shall be directed to Stop Marking his product till such time as decision is taken to renew the licence."

(8) The decision of the Bureau under sub-regulation (4) of the regulation 4 or sub-regulation (5) of regulation 5 together with the grounds for arriving at such decision shall be communicated, in writing by registered post, to the applicant or the licensee, as the case may be.

(9) An inspection, specially made at the request of an applicant or a licensee, shall be chargeable to the account of applicant or the licensee. Charges for such special inspection or inspections shall be such as may be decided by the Bureau.

(10) When an Indian Standard is withdrawn and not superseded by any other Indian Standard, any licence issued in respect thereof shall be deemed to have been cancelled from the date of withdrawal of such Indian Standard and any such licence shall be surrendered to the Bureau by the licensee forthwith. In the case of such cancelled licence, a part of the marking fee, if paid in advance, proportionate to the unexpired period of the licence, may be refunded to the licensee.

(11) The following procedure shall apply in the case of inspection in respect of any article or process where for the use of Standard Mark in respect of that article or process has been issued, or an application has been made for a licence:

(a) when an Inspecting Officer proposes to inspect the premises of an applicant, he shall, preferably, give reasonable notice of the visit to the applicant but for inspection of premises of a licensee, such notice is not necessary ;

(b) if during an inspection, an Inspecting Officer wishes to take one or more samples of any article, 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, as the case may be ;

(c) the Inspecting Officer may at his discretion, and shall if the licensee or applicant or the responsible person belonging to the establishment demands it, take duplicate samples and give one sample to the licensee or the applicant or such responsible person;

(d) the Inspecting Officer may at his discretion, and shall if the licensee or applicant or the responsible person belonging to the establishment demands it, place each such sample in a covering and jointly seal each sample. In the case of samples drawn by the Inspecting Officer which cannot be so sealed, such samples shall be marked with certain identification to establish their identity ;

(e) impression of the seals and details of identification shall be given in the Inspecting Officer's report. The samples shall be labelled giving complete details : and

(f) the Inspecting Officer shall give a receipt for sample or samples taken and retain a duplicate copy of the receipt duly signed by the person in whose presence the sample was taken.

(12) The Inspecting Officer may take samples of articles marked with the 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.

(13) The Bureau shall arrange at least two inspections a year in respect of each licence.

(14) An Inspecting Officer shall make to the Bureau a detailed report of every inspection made by him.

**3** (15) The licensee shall, if so required by the Bureau, use the Bureau's prescribed holograms on the specified products in addition to the Standard Mark. The holograms shall be supplied at the prescribed rates by the Bureau or its authorised representatives in this regard. The copyright of the hologram shall vest in the Bureau and the licensee shall not imitate the same nor use the spurious hologram on the products covered by the licence.

1. In Regulation 5, sub-regulation 5 shall be substituted by Bureau of Indian Standards (Certification) Amendment Regulations, 2002., Noti. No. GSR531(E). dated July 30, 2002, published in the Gazette of India. Extra., Part II, Section 3(i), dated 30th July, 2002, pp. 17-30, No. 353

2. In Regulation 5, sub-regulation (7), clause (b), shall be substituted by Bureau of Indian Standards (Certification) Amendment Regulations, 2002., Noti. No. GSR531(E). dated July 30, 2002, published in the Gazette of India. Extra., Part II, Section 3(i), dated 30th July, 2002, pp. 17-30, No. 353

3. Inserted vide " BUREAU OF INDIAN STANDARDS (CERTIFICATION) REGULATIONS, 1988" Dt.11th March, 1999 Published in Ministry of Food and Consumer Affairs (Bureau of Indian Standards), Noti. No. G.S.R. 199(E), dated March 11, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 11th March, 1999, p. 2, No. 125 [File No. BIS/EC/REG/6] [L]

## **6. Fees :-**

(1) Every application for the grant of a licence shall be accompanied by a fee of five hundred rupees and every application for renewal of a licence shall be accompanied by a fee of three hundred rupees. No such fee or part thereof shall, in any circumstance, be refunded.

(2) In addition to the application fee paid by the applicant with his application under sub-regulation (1) there shall be paid by every licensee,-

(i) an annual licence fee of rupees five hundred;

(ii) a marking fee at the rate as may be determined by the Bureau and corresponding to total annual production of the article or process covered by the Standard Mark or a minimum fee whichever is higher.

(3) The marking fee shall from time to time be determined by the Bureau and shall be published in the official Gazette in the form of a schedule showing the marking fees per unit for each class of product or process.

(4) The annual licence fee and the minimum marking fee for the first year shall be paid by the applicant at the time of grant of the licence. Thereafter, at the time of application for renewal of the licence the licensee shall pay the annual licence fee, alongwith marking fee due for the period immediately preceding the renewal, so long as the licence remains effective.

(5) The licensee shall pay the marking fee in the manner stipulated in the Second

Schedule to Form II.

**7. Manner, Condition and Fees for Grant and Renewal of Licence for Management Systems. :-**

<sup>1</sup> Other Services Associated to Certification (1) Management Systems

A. Application for Licence.

(a) Every application for the grant of licence for Management Systems certification shall be made to the Bureau in the Form specified by the Bureau, which shall be signed by the proprietor, partner or the Managing Director of the applicant firm or by any person authorized to sign declaration on behalf of the firm. The name and designation of the person signing the application shall be recorded legibly in the space set apart for the purpose in the application form;

(b) Every application for certification shall be accompanied by supplementary questionnaire duly filled in the Form specified by the Bureau. The application shall also be accompanied by a Manual and Plan as prepared by the applicant firm and the policy declared by the applicant firm for the system for which certification is sought;

(c) The application form along with fee decided by the Bureau and other necessary documents submitted by the applicant shall be acknowledged and numbered by the Bureau in the order of priority according to the date of the receipt. The fee shall be non-refundable;

(d) After acknowledgement, the application shall be verified by the Bureau, and if it is in order, the applicant shall be informed of the intention of the Bureau to proceed with the application:

(e) If required, the Bureau shall provide to the applicant the information about the scheme and also obtain such further information from him, if necessary;

(f) An application may be rejected if the applicant does not comply with one or more of the following requirements

(i) application fee not accompanying the application;

(ii) application form is incomplete;

(iii) annexures to the application are not clear.

(g) The reason for rejection of the application shall be communicated to the applicant by the Bureau;

(h) The application for a licence by a firm which has been convicted under Section 33 of the Bureau of Indian Standards Act, 1986 shall not be entertained for a minimum period of six months from the date of such conviction. The extent of the period of disqualification shall be determined by the Bureau having regard to the facts and circumstances of each case and it shall not exceed a maximum period of one year.

B. Assessment Procedure.

(a) If the application is in order, then the Bureau shall proceed as per clauses (b) to (f);

(b) The Bureau may, if necessary, arrange a visit to the premises of the applicant to acquaint itself about size, nature of operation and readiness for the assessment and the type of expertise required by the assessment team;

(c) The applicant is required to have a documented management system. which conforms to the relevant Indian Standard(s) on management systems. Before an

assessment visit is made, a detailed appraisal of the applicant firm's management system documentation for conformance with the relevant Indian Standard on the management systems shall be undertaken by the Bureau. The applicant shall then be notified about any significant omissions or deviations from the requirements to make suitable amendments prior to the assessment visit;

(d) The applicant shall ensure that

(i) all documentation relating to the management system(s) for which the licence is sought, including the Manual and Plan or its equivalent is made available to the Bureau;

(i) all relevant records relating to implementation of the management system(s) are made available to the Bureau;

(iii) the assessment team is permitted and assisted to undertake assessment of the management system; and

(iv) responsibility to the Bureau for the management system(s) is clearly defined by appointing a designated person to ensure that the required management system procedures are observed.

(e) The assessment team shall comprise lead auditor and one or more auditors as deemed necessary. The assessment team may also include technical expert(s) or experienced assessors in the concerned technology area as member:

(f) The assessment shall involve an in-depth appraisal of the applicant firm's procedures for the conformance to the requirements decided by the Bureau. The applicant shall be required to demonstrate the practical application of the documented procedures. The assessment team shall identify the non-conformance and bring them to the notice of the applicant for rectification;

(g) Date(s) and time of the assessment visit shall be decided on mutual agreement between the parties (assessment team and the applicant).

C. Assessment fees.

(a) Assessment fee depends upon the nature of the activities of the firm. The fee determined shall be intimated to the applicant prior to the visit:

(b) All assessment and reassessment fee determined by the Bureau and cost of travel and stay shall be paid by the applicant firm prior to the visit;

(c) If the application, is in respect of more than one area of technology or for more than one standard, the assessment visit normally covers all aspects.

D. Factors for the grant of licence.

(a) The assessment team after the assessment shall analyse the capability of the applicant to operate the Management Systems Certification Scheme;

(b) The assessment team shall prepare a report against each of the items or clauses given in the relevant Indian Standard(s) on Management Systems against which the assessment has been carried out. The applicant shall be notified in writing the non-conformities, if any, observed during the assessment;

(c) The applicant shall produce evidence that corrective actions have been taken to meet all the relevant requirements within the time limits specified by the Bureau. The Bureau may undertake a full or partial reassessment or accept written declaration that corrective action has been taken, to be confirmed by the Bureau during a surveillance visit:

(d) When the Bureau is satisfied with the recommendations of the assessment team for



grant of licence, the same shall be granted, as per Form III. While making the recommendations, the team shall take into account the assessment made under sub-clauses (a) to (c) of Item D and also the requisite skill, equipment, systems resources, previous performance and antecedents relevant to the issuance of the licence:

(e) If the applicant is not able to produce evidence that corrective actions have been taken to meet all the relevant requirements within the time limits specified by the Bureau, the Bureau may refuse to grant the licence. However, before refusing to grant the licence, the Bureau shall give a reasonable opportunity to the applicant of being heard either in person or through a representative authorized by him in this behalf and may take into consideration any fact or explanation urged on behalf of the applicant before refusing to grant the licence.

E. Undertaking. Prior to grant of licence, the applicant shall sign an undertaking to the effect that he will make no claim direct or implied that the licence to be granted relates to any products, processes or systems other than those that will be set out in the licence and the Schedule.

F. Grant of licence.

(a) The licence shall be granted for a period of three years in the first instance. The Bureau shall inform the applicant about the grant of licence;

(b) The Bureau shall provide a certificate for grant of licence in Form III which shall be used by the licensee subject to the provision of Item L of sub-regulation (1) of Regulation 7. Additional copies of certificate may be provided on payment as determined by the Bureau from time to time;

(c) The licence shall be returned to the Bureau in the event of its being surrendered, not renewed, suspended or cancelled;

(d) The Bureau shall register the licensee as having a management system in accordance with the scheme's assessment requirements for the products or processes involved in manufacturing the product or providing a service;

(e) The Bureau shall authorise the licensee to use, subject to the provisions of Item K, the Standard Mark as decided by the Bureau.

G. Licence fee.

(a) The licence fee shall be determined by the Bureau from time to time;

(b) The licence fee shall be paid by the applicant at the time of grant and renewal of licence. No such fee or part thereof shall be refunded.

H. Renewal of licence. The licence may be renewed for a period of three years. The renewal will be done by reassessing the capabilities of the licensee, the fee of which shall be borne by the licensee. The licence shall expire after the period for which it is granted, if not renewed.

I. Surveillance and regular review.

(a) The grant of licence shall be followed by surveillance visits. The frequency and extent of visits shall be determined by the Bureau;

(b) The surveillance visits may be planned in consultation with the licensee to ensure that the management systems and procedures already assessed are being maintained;

(c) Special assessment visit shall be necessary where a licensee fails to observe the conditions of the licence or where there have been significant changes in the

organization of the licensee. The licensee shall be liable for the costs of all such visits.

J. Changes in the management system.

(a) The licensee shall inform the Bureau promptly about any intended changes in the management system or other changes which may affect conformance to the requirements decided by the Bureau;

(b) The licensee shall accept the decision of the Bureau as to whether the intended changes require reassessment or further investigation.

K. Use of Bureau's Standard Mark. The licensee may use the standard mark only as authorized by the Bureau.

L. Publicity.

(a) The Bureau shall maintain a list of licensees and make it available for public information;

(b) The list shall be updated periodically;

(c) The Bureau may bring out publications containing information regarding licensees;

(d) The licensee shall inform potential customers, purchasers or purchasing authorities, of the full and exact details of the licence;

(e) The licensee shall display the licence in his premises;

(f) The licensee shall make use of the Bureau's Standard Mark as authorized;

(g) The licensee shall state in documentation brochures or through advertising media that the organization or location to which the licence applies have been assessed and approved by the Bureau. In such advertisement the Indian Standard(s) on Management System(s) for which a licence has been granted is/are to be stated and any other level(s) of approval than granted is not to be implied;

(h) A licensee who has been granted a licence for management system certification shall not claim or imply that the product manufactured by him has been certified or approved by the Bureau unless he is holding a valid licence for that product under the recognized product certification scheme of the Bureau.

M. Obligations of the licensee. A licensee on grant of certification for management systems shall,

(a) at all times comply with the requirements of the licence as set out therein and comply with these regulations or any amendments thereto:

(b) only claim that he is holding a licence in respect of the capability which is the subject of the licence and which relates to the products, processes or systems in accordance with the licence requirements;

(c) not use the licence in any manner to which the Bureau may object and shall not make any statement concerning the authority of the licensee's use of the licence which in the opinion of the BIS may be misleading;

(d) submit to the Bureau for approval the form in which he proposes to use his licence or proposes to make references to the licence;

(e) upon expiry of its period of validity, suspension or termination of the licence, however determined, discontinue its use forthwith and withdraw all promotional and advertising matter which contains any reference thereto;

(f) not make any change in the Management System which forms the basis for the grant or renewal of the licence and which prevents his compliance with the Scheme without prior approval of the Bureau;

(g) submit to the Bureau any amendments to the approved documented system;

(h) document all changes made to the Management System and make records of such changes available to Bureau's designated officers on request. A change in key personnel in relation to management of the licenced systems and technological functions or senior management shall be notified to the Bureau by the licensee:

(i) permit access to a team appointed by the Bureau for purposes of assessment, audit or surveillance. The licensee shall give full details of all actions taken in response to field problems arising from allegations of defects in products, processes or systems covered in the licence and allow Bureau's officers access to all relevant records and documents for the purpose of verifying such details;

(j) be required to produce evidence of continuing operations for the products, processes or systems covered by the licence. Licensee shall notify the Bureau in writing of discontinuance in such operations exceeding three months. Discontinuance of a licence in excess of six months or more may lead to cancellation of licence. In such cases, a fresh application shall be submitted to the Bureau and an assessment visit will be necessary prior to grant of a new licence;

(k) pay all financial dues to the Bureau, in the manner specified by it, even for the period of discontinuance or suspension of licence.

N. Surrender of licence. A licence may be surrendered by the licensee at any time in writing to the Bureau. In the case of surrender, the licensee shall return the licence with all the related documents to the Bureau.

O. Powers of the Bureau. The Bureau may at its discretion under the provisions of Section 15 of the Act.

(a) Refuse to grant or renew a licence or extend its scope or cancel or alter so as to reduce the scope of the licence provided that the refusal for grant, renewal, cancellation or alteration is a recommendation of the assessment team to which a decision by the Director General of the Bureau shall be conclusive. The refusal to renew or cancel a licence for failure to discharge the obligations under Item M, shall be based on the report of assessment/audit during surveillance and regular review or reassessment. Such decisions shall be communicated to the applicant or licensee in writing;

(b) Any authorized officer of the Bureau shall be entitled to suspend a licence if there are sufficient grounds of non-compliance of the following,

(i) if surveillance proves non-conformity to the relevant requirements but immediate termination is not considered necessary;

(ii) if improper use of the licence is made;

(iii) if related documents are not corrected to the Bureau's satisfaction;

(iv) if there has been any contravention of procedures set out by the Bureau;

(v) if the licensee fails to meet financial obligations to the Bureau; and

(vi) on any other grounds specifically provided for under the procedures, rules or formally agreed between the licensee and the Bureau;

(c) The Bureau may revoke suspension of a licence after satisfying itself that the

licensee has taken necessary actions to remove the deficiencies within time limits specified by the Bureau;

(d) Before the Bureau suspends or cancels any licence, it shall give the licensee not less than fourteen days notice of its intention to suspend or cancel the licence;

(e) On the receipt of such notice, the licensee may submit an explanation on his behalf to the Bureau within seven days from the receipt of the notice. If an explanation is submitted, the Bureau may consider the explanation and give a hearing to the licensee within fourteen days from the date of receipt of such explanation or before the expiry of the notice whichever is longer;

(f) If no explanation is submitted, the Bureau may on the expiry of period of the notice, suspend or cancel the licence;

(g) Where a licence has been suspended or cancelled or has not been renewed on the expiry of the period of its validity, the licensee shall discontinue forthwith the use of the licence notwithstanding the pendency of any appeal before the Central Government under Section 16 of the Act and shall return the licence and related documents to the Bureau;

(h) Where the licensee is unable in the specified period or reasonable period of time, to rectify any deficiencies which make the licensee unable to comply with the requirements of this scheme, the licence may be cancelled. Cancellation of the licence in such case shall require the licensee to lodge a fresh application followed by the procedure prescribed in these regulations for the grant of a new licence.

P. Misuse of licence. The licensee shall be deemed to have misused the licence, if he tampers with the licence in any manner or does not cease to display or otherwise use the licence and the Bureau's Standard Mark immediately after,

(a) Surrender of licence or its suspension or cancellation; or expiry of period of validity of the licence;

(b) The licensee has made a change to its Management System which has not been accepted by the Bureau and which could reasonably be expected to affect the licensee's qualification for licence:

(c) The licensee has failed to implement changes as advised by the Bureau or failed to take corrective actions on the non-conformities pointed out by the Bureau;

(d) Any other circumstances arising which could reasonably be expected to affect adversely the Management System of the licensee;

(e) When a Standard Mark has been specified in respect of a management system, no person other than the licensee in possession of a valid licence shall make any public claim, through any advertisement, sales promotion leaflets, price lists or the like that his management system conforms to the relevant Indian Standard or use the Standard Mark.

Q. Appeals. Appeals against any decision of the Bureau shall be made under the provisions of Section 16 of the Act, and the rules made thereunder.

1. Regulation 7, shall be substituted by Bureau of Indian Standards (Certification) Amendment Regulations, 2002., Noti. No. GSR531(E). dated July 30, 2002, published in the Gazette of India. Extra., Part II, Section 3(i), dated 30th July, 2002, pp. 17-30, No. 353

**8. MANNER, CONDITION AND FEES FOR GRANT AND RENEWAL OF LICENCE FOR ENVIRONMENTAL MANAGEMENT SYSTEM :-**

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1. Regulation 8, shall be deleted by Bureau of Indian Standards (Certification) Amendment Regulations, 2002., Noti. No. GSR531(E). dated July 30, 2002, published in the Gazette of India. Extra., Part II, Section 3(i), dated 30th July, 2002, pp. 17-30, No. 353

SCHEDULE 1  
THE FIRST SCHEDULE

STANDARD MARK ARTICLE/PROCESS INDIAN STANDARD(S)	(1) \ (2)
(3) _____	

SCHEDULE 2  
THE SECOND SCHEDULE

SCHEDULE OF MARKING FEE FOR LICENCE NO. CM/L				
ARTICLE/PROCESS UNIT \ MARKING FEE PER UNIT \ MANNER OF PAYMENT				
(1)	(2)	(3)	(4)	
1.	2.	3.	4.	5. \ \ \ \ \ \ \ \ \ \ (a) Minimum marking fee for one \ \ \ \ \ \ \ \ \ \ operative year payable in \ \ \ \ \ \ \ \ \ \ advance which will be carried \ \ \ \ \ \ \ \ \ \ over to next renewal(s). \ \ \ \ \ \ \ \ \ \
				(b) Actual marking fee for the first \ \ \ \ \ \ \ \ \ \ nine months of the operative \ \ \ \ \ \ \ \ \ \ period calculated on the unit \ \ \ \ \ \ \ \ \ \ rate on the production marked \ \ \ \ \ \ \ \ \ \ or the minimum fee, whichever \ \ \ \ \ \ \ \ \ \ is higher, shall be payable at \ \ \ \ \ \ \ \ \ \ Delhi/New Delhi at the time of \ \ \ \ \ \ \ \ \ \ the first renewal of the licence. \ \ \ \ \ \ \ \ \ \ For subsequent renewals, the \ \ \ \ \ \ \ \ \ \ actual marking fee for 12 \ \ \ \ \ \ \ \ \ \ months' period consisting of \ \ \ \ \ \ \ \ \ \ last three months of previous \ \ \ \ \ \ \ \ \ \ operative period and first nine \ \ \ \ \ \ \ \ \ \ months of the current operative \ \ \ \ \ \ \ \ \ \ period of the minimum fee, \ \ \ \ \ \ \ \ \ \ whichever is higher, shall be \ \ \ \ \ \ \ \ \ \ payable.