

LEGAL NOTICE 34/1997

STANDARD MARK AND FEES REGULATIONS

1. Issuing Authority

These regulations are issued by the minister of trade (commerce) and industry, pursuant to the authority vested in him by article 8 of the Eritrean standard institution proclamation No. 75/1995 (herein after referred to as the “proclamation”).

2. Short Title

These regulations may be cited as “ the standard mark and fees regulations, Legal Notice No.34/1997”.

3. Definitions

The terms defined in article 2 of the proclamation shall apply to the provisions of these regulations, and in these regulations unless the context otherwise requires:

- (1) “ES” shall mean the standards (s);
- (2) “Mark” shall mean the standards mark specified in article 4 of these regulations;
- (3) “User” shall mean any producer or trader granted permission to use the mark in accordance with the provisions of these regulations;
- (4) “Quality control” shall mean the operational techniques and activities that are used to fulfill requirements for quality;
- (5) “Quality assurance” shall mean all planned and systematic actions necessary to provide adequate confidence that products or services satisfy given requirements for quality;
- (6) “ Selling price” shall mean the wholesale or retail price, as the case may be, at which the user of the mark sells his products; and
- (7) “ Permit” shall mean an authorization granted by the institution to use the mark in accordance with schedule II of these regulations.

4. Standard Mark



The Standard Mark which may be accompanied by appropriate wording determined by the institution and inscribed around the mark shall be the exclusive property of the institution and may not be used in connection with any product, unless prior permission is granted by the institution in accordance with the provisions of these regulations.

5. Mandatory Use of the Mark

The use of the mark, in accordance with these regulations, by any producer or trader shall be mandatory in respect of any product concerning which Eritrean standards have been issued, unless the institution, where special circumstances so justify, temporarily waives the enforcement of such standards.

6. Application to Use the Mark

- (1) Any producer or trader who is obliged to use the mark under article 5 of these regulations shall submit to the institution an application containing the particulars shown in schedule I of these regulations and such other particulars as may be required by the institution where the latter finds it necessary.
- (2) An application fee of 20 (twenty) nakfa shall be paid to the institution together with the application.

7. Permission to Use the Mark

- (1) The institution shall undertake an initial inspection of the applicant's product in order to ascertain whether or not it conforms the relevant Eritrean standards.
- (2) The institution shall, upon satisfaction that the applicant's product complies with all requirements of these regulations and that his product conforms with the relevant Eritrean standards, permit the applicant to use the mark as shown in schedule II of these regulations in respect of such product.
- (3) Where the institution rejects an application, it shall, within a period not exceeding one month, notify the applicant in writing the reason for such rejection.

8. Use of the Mark

- (1) The user shall apply the mark to the product(s) specified in the permit, and may use the mark in any advertisement made in him concerning such product(s).
- (2) The user shall apply the make to the product(s) in such a manner as shall be determined by the institution in the permit.
- (3) The institution may require the user to indicate on the product(s), in addition to the mark ,such other information it may deem necessary.

9. Obligation of User

The user of the mark shall have the obligation to:

- (1) Provide the institution with samples for the purposes of quality assurance;
- (2) Establish an efficient internal quality control with a view to consistently maintaining the conformity of his products with the relevant Eritrean standards;
- (3) Inform the institution immediately where the products no longer conform with the relevant Eritrean standards or where any modifications are made upon such products;
- (4) Pay the institution the marking fees determined under these regulations;
- (5) Reimburse the institution all expenses incurred in the course of quality assurance where the products so inspected fail to conform with the relevant Eritrean standards; and
- (6) Comply with the provisions of these regulations and with conditions specified by the institution in the permit.

10. Quality Assurance

- (1) The institution shall conduct quality under periodic schemes in order to ensure the consistent conformity of the user's products with the relevant Eritrean standards.
- (2) Quality assurance may be conducted on samples of the products directly taken from the user of the mark or purchased from the market.
- (3) The institution shall not be entitled to claim the marking fee payable under article 11(3) of these regulations unless it has conducted quality assurance on the user's product at least once every six months.

11. Marking Fees

- (1) Marking fees for any product to be paid to the institution by a user shall be as prescribed in schedule III of these regulations.
- (2) The marking fees shall be calculated by multiplying marking fees determined under schedule III of these regulations by the number of markings used by the user in respect of his products.
- (3) In the case of producer, the marking fees determined under sub – article (2) of this article shall be paid to the institution at the end of every period of six months.

- (4) In the case of a trader, the marking fee determined under sub article (2) of this article shall be paid to the institution every time the trader uses the mark.
- (5) Where the producer fails to pay the marking fee within one month after the lapse of the period fixed under this article, he shall be liable to pay a fine of 1% of the marking fees for each month of such delay up to a maximum of 50% of the marking fees due.

12. Public Records

The institution shall maintain records of all permits and conditions of the permits, which it issues, records of permits shall be open to the public.

13. Cancellation of Permit

- (1) The institution may cancel a permit where:
 - (a) After quality assurance, it is discovered that the product which the user is producing or trading in does not conform with the relevant Eritrean standards; or
 - (b) The user fails to comply with the provisions of these regulations or with the conditions of the permit; or
 - (c) The user dissolves or liquidates his business.
- (2) Up on cancellation of the permit, the user shall forthwith settle any dues outstanding to the institution and shall cease to use the mark in connection with the relevant products.
- (3) The institution shall publicize the cancellation of the permit in any manner it deems necessary to protect the public interest.

14. Consequences of Failure to Use the Mark

- (1) The institution may require a producer or trader to cease producing or trading in a product:
 - (a) Where it discovers that a producer or trader who is required to use the standards mark under these regulations has been producing or trading in such products without the mark; or
 - (b) Where the permit granted to him to use the mark has been cancelled pursuant to article 13(1) of these regulations.
- (2) Customs officials are hereby authorized to prohibit the importation into or the exportation from Eritrea of any product, in respect of which Eritrean standards have been issued, unless they bear an authorization certificate from the institution.

- (3) The bank of Eritrea is hereby authorized, bear issuing foreign exchange permit for the importation of such products on which the use of the mark is mandatory under these regulations, to require any importer to produce a letter from the institution certifying that such products conform to the relevant Eritrean standards.

15. Effective date

These regulations shall come into force on the date of their publication in the gazette of Eritrean laws.

Done at Asmara, this 15th day of December, 1997

**Ali Seid Abdella
Minister of Trade and Industry**