

Nepal Standards (Certification-mark) Rules, 2040

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Amendment :

Nepal Standard (Certification-mark) Rules, 2046 2046.11.08 (19 Feb. 1990)

In exercise of the power conferred by Section 19 of Nepal Standard (Certification-mark) Act, 2037 (1980), the Government of Nepal has framed the following Rules.

1. **Short Title & Commencement** : (1) These Rules may be called " Nepal Standard (Certification-mark) Rules, 2040 ".

(2) These Rules shall come into force immediately.

2. **Definition** : Unless the subject or context otherwise requires in these Rules,

(A) "Act" means Nepal Standard (Certification-mark) Act, 2037 (1980).

(B) "Council" means Nepal Standards Council.

(C) "Office" means Nepal Standards Office.

(D) "Applicant" means the person who has submitted an application for the license or certificate pursuant to the Rule 7.

(E) "Licensee" means the person obtaining the license or certificate pursuant to the Rule 9.

¹(F) "Certificate" means the certificate of standards pursuant to the Rule 9.

¹ Inserted by First Amendment.

3. **Meaning of the Council and procedure:** (1) The meeting of the council shall be held in the place and time prescribed by the chairperson as per the necessity.

(2) A quorum of a meeting of the council shall be deemed be attained if fifty percent of the total number of members of the council have attended.

(3) The chairperson shall chair the meeting of the council and in his/her absence, a person designated by the members presenting therein shall chair.

(4) The majority opinion shall prevail in the meeting of the council and if the vote has been equally divided then the person presiding the meeting shall provide a decisive vote.

(5) The decision of the council shall be attested by the member secretary of the council.

(6) The member secretary shall provide a notice along with the agendas for discussion to the concerned members at least three days prior to the meeting of the council to be held.

(7) The council of deemed necessary may invite an expert or any other person in the meeting of the council participate as an observer.

²(8) The meeting allowance that has to be obtained (received) for participating in a meeting by the members of the council, members of the committees and other invited person of sub-committees and other invited person shall be as prescribed time and again by the council.

(9) The other procedures that has to be followed in the meeting of the council shall be as determined by the council itself.

² Amended by First Amendment.

4. **Determination of standards:** (1) The office shall prepare the standards of the various ³materials, processes or services under the policies provided by the council and within the prescribed procedures.

(2) The standards prepared by the office pursuant to Sub-rule (1) shall be deemed to be determined by the council if it has been approved by the standards council.

5. **To provide recognition as Nepal Standards:** The council has entitled to provide a recognition as Nepal standards for any ⁴materials, process or service by making some changes (alteration) or without making any change (alteration) in the standards prescribed by any domestic or foreign organization.

6. **Sale or distribution of publication or standards:** (1) The office may publish and even may sale or distribute the standards determined by the council or a recognized standard and the required details of any ⁵materials, process or services for the knowledge of the general people.

(2) If the council has amended or repealed the standards published pursuant to Sub-rule (1), the office shall also publish its notice for the knowledge of the general people.

7. **License or certificate to be obtained (received):** (1) ⁶A procedure or a manufacturer desiring to use a standard certification-mark for any material or process shall submit an application in the office of the license as in the format prescribed in Schedule-1.

⁷(2) A procedure, manufacturer, distributor or service providing person desiring to receive a certificate for any material or process or service for which the use of certification-mark has been impractical shall

³ Amended by First Amendment.

⁴ Amended by First Amendment.

⁵ Amended by First Amendment.

⁶ Amended by First Amendment.

⁷ Amended by First Amendment.

submit an application in the office, as in the format prescribed in Schedule-2.

8. ⁸..... **Inquiry:** (1) The office may ask to inquire the following matters ⁹..... after the submission of an application for a license or a certificate:-

(A) Whether the ¹⁰material, process or service mentioned by the applicant in the application is in compliance with Nepal Standards or not,

(B) Whether the applicant has managed a regular quality control and quality test to maintain the quality of the material as pursuant to the Nepal standards and for which the standard certification mark has to be labeled or not,

(C) Whether the applicant has managed or not the privilege or facilities which may facilitate to inspect the production sites, workshop, laboratory or go down (stock) etc. for providing an enquiry report making an inquiry of the matters mentioned in Clause (A) and (B).

(2) The applicant shall provide the samples and details of the concerned material as per the need for ¹¹the examination and he/she shall bear all the last required for the examination of those samples.

(3) ¹²..... The office may ask to make necessary amendment in the quality control and quality test arrangements managed by the applicant in relation to the concerned material and on the basis of the examination or inquiry.

⁸ Deleted by First Amendment.

⁹ Deleted by First Amendment.

¹⁰ Amended by First Amendment.

¹¹ Amended by First Amendment.

¹² Deleted by First Amendment.

¹³9. License or certificate to be issued: The office, after completing an inquiry issue a license in the format prescribed in Schedule-3, to the applicant by taking a fee as prescribed by the council as pursuant to Rule 8 and may allowing to use the standards certification mark in the concerned materials or process and in the case of the material, process or services for which the use of standard certificate-mark has been impractical, may issue a certificate of standards.

10. Letter of agreement assurance or consent has to be conducted: The office while issuing a license or certificate to the applicant may conclude a letter of assurance or consent by prescribing terms and conditions that has to be followed obeyed by him/her on the use of standards certification mark or certificate for concerned ¹⁴material, process or service.

11. The office may issue an order: If the council has amended or repealed (canceled) any standards then the office may issue the following order to the licensee:-

(A) To make necessary amendment on the quality control and test system or production process of the concerned material in accordance to the concerned material in accordance to the amended standards, or

(B) Not to use the standards certificate-mark or certificate in the concerned ¹⁵material, process or service after the date prescribed in the order.

12. Duration (Term) and renewal of a license or a certificate: (1) A license shall be valid for three years.

(2) A certificate shall be valid for the period prescribed in the certificate and it shall not be renewed.

¹³ Amended by First Amendment.

¹⁴ Amended by First Amendment.

¹⁵ Inserted by First Amendment.

(3) The licensee shall submit an application for the renewal of the license along with the renewal fees prescribed by the council, to the office, ¹⁶at least thirty days prior to the completion of the validity of his/her license.

(4) After receiving the application as pursuant to the Sub-rule (3), the office may make the renewal of the license maximum for three years validity at a time.

(5) A license which has not been renewal within the valid period shall deemed to be ipso-facto void.

13. Identity card of inspectors: (1) The office shall provide an identity card of inspector to the inspectors who has been appointed or designated pursuant to Section 12 of the Act, in the format prescribed in Schedule-4.

(2) An inspector shall always keep his/her identify card in his/her possession and he/she shall show it to the applicant or license if he/she has asked to see it during the inquiry or inspection that has been conducted in the course of accomplishing his/her duty.

15. Method to be followed while conducting inquiry or inspection:

(1) While visiting to enquire or inspect the quality of any material or process, inspector may enter into the place where the concerned material has to be produced, places where the process to be continued or service to be provided, workshop or place for a quality control or test or the storage where such materials has been kept. The inspector shall provide the information to the applicant or license that he/she has desired (wished) to inquire or inspect, prior to entering as mentioned.

(2) The inspector, while collecting a sample of any materials which has been using a standards certification marks or raw materials or

¹⁶ Inserted by First Amendment.

products of such materials etc. during the inquiry or inspection shall collect it in the presence of the applicant or licensee.

(3) The inspector shall provide a receipt to the applicant or licensee mentioning the name, quantity and condition of the material which has been collected pursuant to Sub-rule (2).

(4) The inspector may make test (examination) of the sample material collected as pursuant to Sub-rule (1) from a Government or a Non-government laboratory which has obtained a recognized by the council.

(5) The inspector shall submit a report in the office by mentioning the result an inquiry or inspection made by him/her self and the suggestions if any.

15. Record of the laboratory: The office shall keep the record of the Government or Non-government laboratories which has obtain the recognition by the council for the required inspection or test (examination) of any material and it's production process.

16. Suspension or cancelling of a license or a certificate: (1) The office may suspend or cancel the license or certificate provided as pursuant to these Rules, on the following circumstances:-

(A) If the produced, manufactured or adopted ¹⁷process or provided service by the licensee has not in compliance with Nepal standards,

(B) If a licensee has used the standards certification-mark for any ¹⁸material, process or service without following the prescribed methods by the Nepal standards,

¹⁷ Amended by First Amendment.

¹⁸ Amended by First Amendment.

- (C) If the licensee has operated activities contrary to the Act or these Rules or has not followed the direction issued by the office, or
- (D) If the licensee has not followed the terms and conditions mentioned in the license, certificate or letter of assurance or consent.

(2) Prior to suspending or cancelling the license or certificate, a fifteen days time period shall be provided to the licensee to submit his/her clarification. If the licensee has submitted a clarification within the prescribed time period, the office shall make a final decision on whether to suspend or cancel a license or a certificate or not also by considering such clarification.

(3) If a license or certificate has been suspended pursuant to Sub-rule (2), in such circumstances, the licensee shall not be allowed to use the standard certification-mark or certificate for the concerned ¹⁹material, process or service.

- 17. Power to make alteration in Schedule:** The Government of Nepal may make an alteration in the Schedule by publishing a notice in Nepal Gazette.

¹⁹ Amended by First Amendment.

Schedule - 1

(Related to Sub-rule (1) of Rule 7)

Application for the license to use the Nepal Standards

Certification-mark

Nepal Standards Office

.....

Kathmandu, Nepal.

Dear Sir,

I/we have been operating an industry/business in (place) called and have applied for the license to use the Nepal Standard certification-mark under the Nepal standards (Certification-mark) Act, 2037.

1. The details of material/process and related standards that has to be prepared by me/us has been as follows:

(A) Details:-

Materials / process:

Name of the materials :

Type of the materials :

Size and quantity of the materials :

Grade of the materials :

(B) Details of the process :-

.....

.....

2. Related standards :-

(A) NS Title

(B) NS Title

3. The data related to the production of that material / process has been as follows:-

Last year 20 up to 20

Production of material / process (In Unit)

Production of material / process (In NRS.)

4. I / we have some inspection or test schemes to determine that the concerned material / process has possessed the related standards.

Provided,

I / we are ready to implement the inspection or test (examination) scheme as prescribed by the office if it has required.

place of location for office :-

Place of location for factory :-

Signature of the applicant :- Date :

Name :-

Designation :-

Name of the industry or organization represented by him/her :-

²⁰Schedule - 2

(Related to Sub-rule (2) of Rule 7)

Application for Nepal Standards Certificate

Nepal Standards Office

.....

Kathmandu, Nepal.

Dear Sir,

I/we have been operating an industry/business in (place)
called and have applied for obtaining a Standard certificate to the
following material / process / service.

(1) Details of the materials :-

Name :-

Type :-

Measurement / Quantity :-

Grade :-

Weight :-

(2) Details of the process :-

Type :-

Grade :-

Others :-

(3) Details of service :-

Type :-

Grade :-

Others :-

²⁰ Amended by First Amendment.

(4) Details on related (concerned) standards :-

.....

(5) The data related to the material / process / service has been as follows :-

Last year 20 up to 20

Quantity of produced materials

Money earned from the produced materials Rs.

Status of the operation of the process :

Money Earned from the Service : Rs.

(6) I / we have / have not any inspection and test scheme to determine whether the material / process service comprises the concerned standards. We are ready to implement the inspection and test Scheme as prescribed (recommended) by the office, if it has required.

Name of the industry of organization:-

Address of the location of office :-

Address of the location of factory :-

Signature of the Applicant :-

Name :-

Designation :

Date :-

²¹Schedule - 3

(Related to Rule 9)

Government of Nepal

Ministry of Industry

Department of Standards and Measurement

License

License No.:-

This license has been hereby issued to Mr. resident of pursuant to clause (A) of Sub-section (2) of Section 5 of Nepal Standards (Certification-mark) Act, 2037 making effective since (date) and allowing to use the standards certification-mark on the following Nepal Standards, Number, Title and Brand material / process.

(A) Nepal Standards Number :-

(B) Title :-

(C) Brands :-

1.

2.

3.

4.

Signature :-

Name :-

Designation :-

Date :-

²¹ Amended by First Amendment.

Note:-

1. This license shall be valid for 3 years period from the date of issuance the 30 days of.
2. Prior to the completion (end) of the valid period of this license, an application shall be submitted along with the required (necessary) fees to the office for the renewal.
3. After the completion of the valid period of this license, the standard certification-mark shall not be used without making the renewal.
4. The details of the renewal of this license shall be mentioned in the renewal form.
5. The person obtaining this license shall adopt (follow) the inspection or test scheme prescribed time and again by the office.

Renewal Form

License Number	Date of Renewal	Valid period (Date)		Signature of the Officer making Renewal and Date
		Since	Up to	

Schedule - 4

(Related to Sub-rule (1) of Rule 13)

Identity Card No. of Inspector:-

Date :-

This identity card has been issued to the person having the following details, to perform a duty as an inspector, pursuant to the Nepal Standard (Certification-mark) Act, 2037.

Name, Surname:-

Photo

Designation :-

Address :-

Permanent :-

(Including Village Development Committee / Municipality with Ward Number)

Temporary :-

Signature Model:-

Working Area	Since (date) up to (date)	Signature of the person Issuing Identity Card