

In the Name of Allah, the Gracious, the Merciful

The Standards and Metrology Act, 2008

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In the Name of Allah, the Gracious, the Merciful
The Standards and Metrology Act, 2008

(24/6/2008)

Chapter I

Preliminary Provisions

Title

1. This Act may be cited as the, " Standards and Metrology Act, 2008"

Repeal

2. The Crops (Control) Act, 1972 shall be repealed.

Interpretation

3. In this Act, unless the context otherwise requires,-

"Standard specifications", mean the instrument, which specifies the rules, directives or characteristics of the service, product or ways of production, and also include the terms, symbols, data, wrapping, affixing marks and label of content requirements, which apply to the product, or the means of the production of the same, or restricted to any of them;

"Adopted specifications", mean the standard specifications issued by the international, or regional

- organizations, working in the field of metrology and adopted on part of the Corporation ;
- “Body of connection”,** means any Ministry, Corporation, Council, Organization or any unit, having relation to the standardization and metrology;
- " Technical rule",** means such instrument, as the characteristics of the service, product means of productions, wrapping, circulation storage, and use, may therein be specified, and includes data, and requirements of the data label, which apply to the product, means of its production, with a view to achieve safety and security and be of mandatory application.
- " Standardization",** means any activity, which aims at the achievement of the most ideal degree of organization in a specific sphere, through laying down conditions for common and repeated use, and includes

- specifications, measurement and quality assurance ;
- "Measures",** mean the machinery, instruments, and receptacles which are used for measurement and calibration;
- " Quality mark",** means the mark, which the Corporation issues, and grants to a product, or service and signifies that the product, or service conforms, as a minimum, to the validated standard specifications or technical rules and to such other requirements, as the Corporation may lay down ;
- " Quality assurance",** means planning the efforts, which the production and services institutions and bodies having connections exert for the conformity, by the products and services, with the standard specifications and practice safeguards ;
- "Conformity certificate",** means the instrument, which asserts that the service, product, or means of production and

management systems are in conformity with the validated standard specifications, or validated technical rules;

"Conformity evaluation procedure",

means any procedure, as may directly, or indirectly be used to verify satisfaction of the requirements of standard specifications, or technical rules having relation, including the procedure of taking samples, testing examination, or viewing evaluation; and verification and ensuring conformity, registration, validation, and approval and include:-

(a) the approach to be applied, or the action to be taken with respect to the establishment, syntheses, testing, operation or use of any component substance, commodity device or instrument;

(b) the organization of whatever may relate to any commodity, or service, or be connected therewith, to which the provisions of this Act apply;

(c) the organization of such ways, as in which commodities and services may be produced classified, divided, tested or completed;

"Validation", means the recognition and admission by the Corporation of the competence and ability of a corporation, institution, company or otherwise to undertake specific technical tasks ;

"Validated laboratory", means the examinations and testing laboratory, or the calibration laboratory which has been granted validation;

"Validated bodies", mean such bodies, as the Corporation may validate, as qualified bodies, in scientific tests and control and inspection measures;

" Label card", means the data, which include every particular, explanation, mark, picture

or descriptive material on the packages of all commodities;

" Service",

means the service rendered in accordance with the validated standard specifications ;

" Good Practices",

mean the measures and regulations, pertaining to the preparation of specifications and technical rules, according to the Code of Good Practices, provided for in the Technical Barriers to Trade Agreement (TBT) ;

" Guide",

means the guidance safeguards , which practically show the conformity evaluation procedure and granting the quality certificate;

"Technical Committees",

mean any of the technical committees, constituted in accordance with the provisions of section 4(2), or any other committees as the General Manager may form ;

" Mass media",

means journals, periodicals, booklets, circulars, notices and statements which are issued by the Corporation, newspapers and magazines, broadcasting station, television,

- Corporation site at the internet, focal points concerning the Corporation, the Gazette or any other means adopted by the Corporation with a view to communicate the information;
- " Board", means the Board of Directors of the Corporation ;
- " General Manager", means the General Manager of the Corporation ;
- " Minister", means the Minister who supervises the Corporation ;
- " Corporation", means the Sudanese Standards and Metrology Corporation;

Chapter II

Technical Committees Constitution

and Functions thereof

Constitution of Technical Committees

- 4.(1) The Corporation shall work by the system of technical committees, which represent the consultative body of the General Manager.
- (2) The General Manager shall propose constitution of the Technical Committees; and due regard in the constitution shall be given to representation of scientific and research

associations, bodies having connection, from the public and private sectors, a representative of the Consumer Protection Society and a representative of the Corporation, and submit the same to the competent Minister.

- (3) The regulations shall specify the manner of work of the Technical Committees and their members' remuneration.

Functions of Technical Committees

5.(1) The Technical Committees shall have competence on the following, to:-

- (a) study and prepare the schemes of standard specifications, technical rules and the conformity evaluation procedure, and specify the risks by neutral ways, without impediment to trade ;
- (b) draft the scheme of the standard specification and technical rule;
- (c) peruse the international and regional standard specifications, directives and recommendations of other states having connection with metrology, that are submitted to the Corporation, and tender opinion about the possibility of adopting them for the purpose of validation of the same ;

- (d) recommend with respect to the amendment or abolishment of the standard specifications or Technical rules ;
 - (e) prepare the schemes of quality guides of the various products, commodities and services ;
 - (f) keep the deliberations and information and submit monthly performance reports ;
 - (g) any other functions, as the General Manager may assign thereto .
- (2) The Technical Committees may seek the help of whoever they may deem fit.

Chapter III

Programmes of Preparing the Standard Specifications and

Technical Rules

Validated and Declared

Programmes of preparing the standard specifications and technical rules validated.

- 6.(1) Programme of preparing the standard specifications and technical rules shall be validated in accordance with the national strategy of the State.
- (2) Bodies having connection shall submit to the General Manager schemes of standard specification to refer them to the Technical Committees for study and considering the possibility

of validating the same, as a national standard specification, as to such procedure as may be specified by the regulations .

**Standard specification and
technical rules prepared**

7. The scheme of standard specifications and technical rules shall be prepared and amended as follows:-
- (a) the Technical Committees shall prepare and submit the scheme of standard specifications and technical rules to the General Manager ;
 - (b) the Board shall validate the standard specification and technical rules submitted thereto on part of the General Manager, and be deemed to be effective, as of the date of publication in the various mass media ;
 - (c) the Board may review the date of effectiveness, upon an application from the bodies having connection;
 - (d) without prejudice to the generality of the foregoing, the Corporation shall apply the good practices principles, in preparing standard specifications, validating and application of the same, and they shall be issued, under such directions , as the Board may lay down for such end;
 - (e) the Corporation shall send copies of the approved specifications, to the bodies having connection, for the purpose of applying the same .

Bases and principles of laying down standard specifications and technical rules

8. The Technical Committees upon laying down the standard specifications and technical rules shall give due regard to the following bases and principles, to:-
- (a) **preserve the national security, and economy , prevent fraud, protect the safety and health of human beings, animals or plants, and protect the environment, subject to what may result from the non-existence of such bases of risks; provided that the validated standard specifications and technical rules shall not restrict trade, save as to such extent as may be necessary to achieve the lawful targets, or the required level of protection ;**
 - (b) **the standard specifications recommended, on part of the validated international and regional organizations, where there be, unless such standard specifications are not effective, or inappropriate to achieve the lawful targets, or the required level of protection, for climatic, geographical, or creed factors, or for technological problems, or to respond to the financial, development or commercial needs of the State, or to respond to the need and protection of the consumer.**

Standard specifications and technical rules revised

9. The standard specifications and technical rules shall be revised periodically, or upon the request of any body concerned, and submit a recommendation to suspend work by the technical rule, where it transpires that the circumstances , or targets which led to validate the same, no longer exist, or where it has become possible to face the variable circumstances, in such way, as may be lesser restrictive to trade .

Co-ordination in preparation of specifications and technical rules

10. Co-ordination between the Corporation and the bodies having connection shall be made, upon preparing the scheme of specifications, and the issue of standard specifications and technical rules, or conformity evaluation procedure to avoid inconsistency with existing technical rules or conformity evaluation procedure.

Conformity of standard specifications and technical rules

11. The standard specifications and technical rules of other countries shall be deemed to be equivalent to the Sudanese

technical rules and standard specifications, where it transpires that they sufficiently achieve the targets of the Sudanese technical rules and standard specifications subject to the principle of reciprocity .

Standard specifications and technical rules declared

12.(1) The Corporation shall declare the standard specifications and technical rules as follows:-

- (a) through mass media and the periodical publication of the Corporation, at an early stage through the preparation stage of any new proposed standard specification, or technical rule ;**
- (b) notifying, at an early stage, the international organizations having competence, by the national body competent of the products to be covered by the proposed, or amended standard specifications and technical rules, together with a brief of the targets of these rules or procedures, and there shall be taken into consideration, without discrimination, any written remarks, as may come, from the members of such organizations, after giving them the reasonable time to express their remarks concerning the same, and such remarks shall be recorded in the final copy of such rules, specifications or procedure, whenever the same is appropriate ;**

- (c) granting the bodies concerned , upon applying for perusal of the proposed scheme of standard specification, or technical rule, the chance, and record the remarks, within such period, as may not exceed thirty days, of the date of declaration .
- (2) Publication in all mass media, which contains the number of the standard specification, and number of the technical rule, the names, addresses and prices of the standard specifications and technical rules, and the means of obtaining them, after validating of the same .
- (3) Without being restricted by what is set out in sub-sections (1) and (2), there shall be validated and applied the standard specifications and technical rules, where the same is required by reasons, relating to national security, or requirements of public safety, the environment and health on condition of giving due regard to the following :-
- (a) notification of Ministries and national institutions and any other bodies having connection ;
- (b) immediate notification of the competent international organizations through the competent national body of the same, and of the products to be covered by these standard specifications and technical rules, and a brief of the targets thereof, and due consideration may be taken to such written remarks, as members of such bodies may express in such respect ;

- (c) an application by the bodies concerned may be made to the Corporation to peruse the standard specifications, and means of obtaining the same, and the technical rule, within two weeks, of the date of declaring them ;
- (d) where the technical content, or conformity evaluation procedure does not comply with the technical content of the standard specifications, technical rules, evidence or the recommendations issued by international organizations, and such proposed technical rules and conformity evaluation procedure affect trade, the Corporation and otherwise of official bodies having connection shall apply what is set out in sub-section(1) .

**Conformity evaluation procedure of standards
specification
and technical rules prepared**

- 13.(1) Conformity evaluation procedure of the standard specification, or technical rule shall be prepared in accordance with the guide, or international recommendations, where there be; unless the evidence, or the international recommendations are ineffective, or inappropriate to achieve specific targets, such as preserving national security, preventing fraud, protecting the safety and health of human beings, animals or plants, protecting the environment or for climatic or geographical factors,

technological problems or infra-structure problems, or for responding to the State financial, development or trade needs, subject to what may result of risks, from the non-existence of such procedure; on condition that the validated conformity evaluation procedure shall not restrict trade, save with such extent, as may be necessary to achieve the lawful targets or the level of the required protection .

- (2) There shall be abided by the conformity evaluation procedure, upon the similar local and imported products, without unjustified distinction.
- (3) There shall be abided by the conformity evaluation procedure, upon technical, financial, communications, transport, environment, tourism, education, business, health, sports and culture services sectors.
- (4) Results of the conformity evaluation procedures in other countries shall be deemed to be equivalent to such procedure, as may be applied in the State, where it transpires to the Corporation that these procedure achieve conformity of standard specifications or technical rules .
- (5) The regulations shall specify conformity evaluation procedure, and considering complaints, presented with respect to application of these procedure.
- (6) Upon conducting any change on the characteristics of a product, or way of production, which has been verified to conform with the standard specifications, and technical rules, conducting the

conformity evaluation procedure of the product, or method of production, which has been conducted thereon, shall be restricted to what may be necessary to verify the continuity of conformity of the product, or method of production with the specific standard specializations, or technical rules, whenever the same is practical and simplified.

Technical rules applied

- 14.(1) The technical rules shall apply to similar local and imported products, and local services trade sectors without distinction.
- (2) No product shall be imported, produced, sold, offered for sale or circulated, in any other form, unless it achieves the safety requirements, pertaining to such product, according to the standard, specifications and technical rules.
- (3) No service shall be rendered, offered, promoted or sold in any form, unless it achieves the safety requirements, pertaining to such service, according to the technical rules.
- (4) Subject to the provisions of sub-section (2), the product shall be safe for use, in case of non-existence of standard specifications, or technical rules, relating to the product; likewise the same shall be consonant with creed and custom.

Technical rules complied with

- 15.(1) All government organs, and whoever works in the field of trade, production of commodities and rendering services, shall comply

with such technical rules, as the Corporation may issue, with respect to services, or commodities they produce and substances used therein, and methods of production .

- (2) All commercial services and industrial corporations and institutions shall fully comply with the validated technical rules and standards, in the field of preserving the environment, health and safety.

Optional standard specifications

16.(1) The standard specifications shall be deemed optional; likewise the presence of a quality mark on the commodity, or substance, upon which the standard specification apply shall be deemed as a certificate that such commodity, or substance is in conformity with the standard specification .

- (2) Notwithstanding the provisions of sub-section (1) above, the Board may, by an order to be made thereby, prescribe the mandatory nature of standard specifications, for some commodities, or substances, as may have relation to public health and safety, or enjoy protection, or such as may be prepared for export .

Assistance to Corporation officials rendered

17. All bodies working in the field of production , distribution , sale, storage, and rendering services shall assist the official of the Corporation in performing the tasks he carries out.

Conformity certificate

- 18.(1) The Corporation shall grant conformity certificates for the commodity, or service which conforms with the standard specifications and technical rules, upon the results of conformity evaluation, and in accordance with the regulations .
- (2) Competence of granting conformity certificates, granted by the Corporation to any body inside, or outside the country may be delegated in accordance with the international guides validated by the Corporation.
- (3) Agreements may be concluded for recognition of the competence of such associations, as may issue conformity certificates from other countries .
- (4) Conformity certificates, issued by validated associations for guides shall be admitted by the Corporation .

Chapter IV

Validation Committee

- 19.(1) There shall be established, at the Corporation a committee to be known as the, "Validation Committee", which shall assume the validation of examination laboratories , and the bodies

granting conformity certificates, evaluation and control of the same, in accordance with the followed national, regional and international practices, and the regulations shall specify the procedure of the work of the Committee.

- (2) The Committee shall be constituted by a decision of the Council of Ministers, upon recommendation of the Board, of validation and experts in the field of validating of laboratories, and the decision shall specify the functions of the Committee, the procedure of work and remuneration of members thereof.

Chapter V

General Provisions

Focal points

20. There shall be established, at the Corporation focal points having competence on the following , to :-
- (a) implement the Enforcement of Sanitation and Plant Sanitation Agreements (SPS) , and Technical Barriers to Trade Agreement (TBT) ;
 - (b) co-ordinate with the Food Code Committee ;
 - (c) co-ordinate with any other body, as the Corporation may specify .

Quality mark

- 21.(1) The Corporation, upon a written application from the producer or the exporter, shall issue under supervision of the

Corporation, a mark, pertaining to quality of local products, of commodities and services, used by the producer, or exporter, after the satisfaction thereby, of the standard specifications, or technical rules .

- (2) The regulations shall specify the manner of the issue and use of the quality mark.

Decisions of the Corporation Mandatory

- 22.(1) The technical decision, based upon examination, inspection and laboratory tests, about the conformity of any commodity, or service with the standard specifications, or technical rules, and validated by the General Manager, or whoever he may authorized shall be deemed to be legally binding to the body concerned.
- (2) Notwithstanding the provisions of sub-section (1), above, the Board may revise the decision of the Corporation once, upon an application therefor by the producer, exporter, importer or supplier of service .

Application of standard specifications and technical rules controlled

- 23.(1) The Corporation, with bodies having connection, at the various levels of Government shall carry out periodical campaign , in the markets, to inspect commodities, products and services, to

ascertain the security of application of standard specifications and technical rules, through their technical organs, likewise the same may co-ordinate with the bodies having connection.

- (2) (a) The General Manager, or whoever he may authorize of the Corporation officials, may issue an order to conduct examination and inspection of any factory, trade, or service shop, utility, depot or market and take samples of the products, substances measurement instruments and industrial waste present therein or produced, manufactured thereon, or resulting from the same, for examination, testing analysis, and calibration therefor, to verify conformity thereby with the standard specifications and technical rules ;
- (b) the official authorized, under the provisions of paragraph (a), shall produce whatever may prove assignment thereof.
- (3) The Corporation may advance technical support, and consultancy, to ensure application of the standard, or technical rule, to national institutions, or any other bodies, whenever the same is required therefrom.

**Abidance of the producer , importer and
consumer**

- 24.(1) The producer and supplier of service shall abide by supplying the consumer with all explanatory information, which enable

him of the most ideal way of utilizing the product, or service and avoid any risks, as may be consequential thereto, whenever the same is required therefrom.

- (2) Every producer, importer and exporter shall be responsible for the safety of his products, and rendering of services accompanying the same, and implementing all the procedures of ensuring safety and conformity, as may be necessary therefor.
- (3) The supplier of service shall be responsible for the safety of the services, which he renders and implement the safety rules necessary for the same.

Conformity evaluation procedure
and exchanged recognition

- 25.(1) The Corporation shall grant the conformity certificate for exports, according to the national technical requirements, or such as other states may adopt .
- (2) The Corporation may adopt conformity certificates, issued by international technical bodies, or other national institutions, validated by the Corporation.
- (3) Competence of all donor associations in other countries shall be recognized, under exchanged recognition agreements, upon the bases of which conformity evaluation procedure in these countries, is deemed to be equivalent to such procedure, as

may be applied in the Sudan, according to the directives concerning the exchanged recognition, which the Corporation lays down, in accordance with the international practices .

**Bodies granting conformity
certificates registered**

- 26.(1) The Corporation shall be deemed the technical reference, for registration of the bodies, which grant conformity certificates.
- (2) The Board may issue the decision, pertaining to admission of the bodies granting conformity certificates.

Granting conformity certificates delegated

27. (1) The Corporation may delegate the power of granting conformity certificates, to any body, as it may deem appropriate, under agreements with such bodies, in accordance with the regulations.
- (2) Without prejudices to standard specifications and technical requirements, validated on part of the Corporation, conformity certificates of optional requirements may be granted to the states to which export is made.

Chapter VI

Final provisions

Standard specifications and technical rules contravened

- 28.(1) Upon contravention of standard specifications and technical rules issued by the Corporation, the Corporation shall take the following procedure :-
- (a) the General Manager shall issue a written decision for seizure of the commodity, or suspension of service ;
 - (b) the owner of the commodity, or supplier of service may present a treatment application, and in case of admission, treatment shall be made under the supervision of a technical committee from the Corporation .
- (2) The General Manager, or whoever he may authorize, in co-ordination with the bodies having connection, shall be entitled to issue an order closing any facility, which produces, or supplies any commodity, or service, not in conformity with the standard specifications or technical rules, issued by the Corporation, together with taking the legal proceedings .
- (3) The person aggrieved may appeal the decision of the General Manager, to the Board, within one week of the date of closure.

Conformity of the label of card

- 29.(1) Every productive institution shall abide by placing a label card on the packages of commodities which it intends to produce,

containing such information, as may show the nature of such commodity, its ingredients, way of use, storage and circulation thereof, and recording the brand, or mark, pertaining to the same .

- (2) The bodies, owning the commodities shall present a model containing all such information, as may be recorded in the label card, to be revised by the Corporation, and the issue of approval thereof.

Services fees

30. The Corporation shall specify the fees of such services, as it may render, upon approval of the Ministry of Finance and National Economy .

Contraventions and penalties

31. There shall be punished with the fine specified by court, or confinement, for a term, not less than three months, or with both, whoever commits the following acts, to:-
- (a) advance or offer substances which are not in conformity with the standard specifications or technical rules, in the markets, or shops;
 - (b) manipulates the information, set out in label card and prints counterfeit or forged packages or label card;
 - (c) record any phrase on the label card, purporting that the same is in conformity with the standard specifications, or technical

rules, without obtaining the written approval from the Corporation, or the body having connection ;

- (d) cheating or deceive the consumer, through the misleading advertisement of products, or substances, he produces, imports or offers for sale .

Powers to make regulations

32. The Board , upon assent of the Minister , may make such regulations, as may be necessary, for implementation of the provisions of this Act .