

**THE STANDARDS ACT
(No.2 OF 2009)**

REGULATIONS

Made under section 36

**THE STANDARDS (COMPULSORY BATCH CERTIFICATION
OF IMPORTS) REGULATIONS, 2009**

Citation and
commencement

1.-(1) These Regulations may be cited as the Standards (Compulsory Batch Certification of Imports) Regulations, 2009.

(2) These Regulations shall come into operation on such date as the Minister may, by the notice in the Gazette, appoint.

Interpretation

2. In these Regulations unless the context otherwise requires-
“Act” means the Standards Act (No.2 of 2009);

“Bureau” means the Tanzania Bureau of Standards as defined under section 2 of the Act;

“Batch Certificate” means a certificate issued by the Bureau certifying or attesting that a particular import consignment or shipment of the commodity as sampled and attested conforms to the specified Tanzania Standards or International or foreign standards recognized by the Bureau;

“Compulsory Batch Certification” means collection of samples of the imported product from a consignment either at the port of entry into the United Republic of Tanzania or at agreed premises by the Bureau's inspectors or some other Bureau's authorized third party impartial body, followed by subsequent testing and issuance of a test certificate testifying the clearance of the import for entry and sale into the United Republic of Tanzania;

“Pre-shipment Verification of Conformity to standards (PVoC)”

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means a conformity assessment process used to verify that products to be imported into Tanzania are in conformity with the applicable Tanzania standards or approved foreign or international standards before shipment;

“Certificate of Conformity (CoC)” means a certificate issued by a competent contractor appointed by the Bureau certifying or attesting that a particular export consignment or shipment of the commodity destined to Tanzania as sampled and tested conforms to the specified Tanzania Standard or International or Foreign Standard recognized by the Bureau;

“Compulsory Standard” means a standard which has been declared by the Minister, under section 20 of the Act, to be a compulsory standard in order to:-

- (a) prevent deceptive practices;
- (b) protect human health and safety;
- (c) protect animal or plant life or health; and
- (d) protect the environment.

“Conditional Release Certificate” means a certificate issued by the Bureau to the importer allowing release of the imported goods from the customs custody after compliance with customs requirements while awaiting issuance of the batch certificate from the Bureau;

“Director General” means the Director General appointed under section 7 of the Act;

“Third Party Impartial Body” means a neutral, governmental or non-governmental body possessing the necessary competence, resource and reliability to test and certify products for conformity to the requirements of Tanzania standards or other designated International or Foreign standards; and

“Minister” means the Minister responsible for industry and trade.

PART II APPLICATION FOR BATCH CERTIFICATE

3.-(1) Any importer of products covered by compulsory Tanzania Standards shall at least one week before the arrival of the import shipment, apply to the Bureau for the Batch Certificate.

Application for
batch
certification

(2) An application made under sub-regulation (1) of these Regulations

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shall be made in the prescribed forms obtainable from the Bureau or the Tanzania Revenue Authority.

(3) The applicant shall declare the port of entry in making an application under these Regulations, and submit to the Bureau the application forms in triplicates together with the documents listed below:-

- (a) packing list;
- (b) invoice;
- (c) bill of lading or airway bill, or road consignment note;
- (d) clean report of findings from competent authority of the exporting country, if available; and
- (e) test certificate from the country of origin as issued by the National Standards Body thereof; or its recognized testing authority in that country establishing conformity of the import shipment to the requirements of the Tanzania Standards, or Bureau's recognized International or foreign standards.

(4) Where the products covered by the Compulsory Tanzania Standards include food products, the test certificate under paragraph (e) of sub-regulations (3) of these Regulations shall indicate that the foods or food products are consumable in their country of origin.

Sampling of products

4.-(1) An import shipment or consignment shall be sampled by the inspector and evaluated by the Bureau's duly authorized personnel to determine its compliance with the requirements of the applicable Tanzania standards or the Bureau's recognized international or foreign standards.

(2) Notwithstanding sub-regulation (1) of these Regulations, where bilateral agreement has been signed between the Bureau and the exporting country's National Standards Body or recognized accredited laboratory abroad to do the inspection and evaluation on behalf of the Bureau, the Bureau shall issue Batch Certificate to the importer without collecting samples for further evaluation.

Randomly picked up samples

5.-(1) Where shipments have been certified abroad under sub-regulation 4(2) of these Regulations, random samples may be taken from the shipment or after release of the shipment and retested by the Bureau.

(2) Where the randomly picked up samples of the imported shipment reveal inconsistencies of the quality of the actual imported products with the test certificates issued in the country of origin, all further

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subsequent shipments of these products from that country shall be subjected to individual shipment sampling and testing by the Bureau, regardless of the certification abroad.

(3) Individual sampling and testing under sub-regulation (2) of these Regulations shall continue until such a time that consistent quality of the test certificates issued by the country of origin is re-established to the satisfaction of the Bureau.

(4) Where the importer fails to re-establish quality of the test certificates issued by the country of origin to the satisfaction of the Bureau, the bilateral agreement may be terminated and the Bureau shall carry out all inspections, sampling and testing of all the products from the country.

6.-(1) The Bureau may, in tight supply situations, issue separate guidelines relating to the implementation of the Batch Certification for the products.

Guidelines

(2) The guidelines, issued under sub-regulation (1) of these Regulations, shall have concurrence with the respective industry, importers, the Tanzania Chamber of Commerce, Industry and Agriculture and the Tanzania Revenue Authority.

7. Where products imported into Tanzania are manufactured by foreign companies licensed to use the TBS Standards Mark by the Bureau, the importer/agent of such products shall not be required to apply for a Batch Certificate.

The Bureau's
Standards Mark

8.-(1) Where the imported commodity complies with the requirements of the applicable Tanzania Standard or the Bureau's recognized International or Foreign standard, the Bureau shall issue a Batch Certificate or CoC on a per shipment or consignment basis as may be revealed on the bill of lading or airway bill, or road consignment note.

Issuance of
Batch
Certificates or
CoCs

(2) The Batch Certificate or CoC issued under sub-regulation (1) of these Regulations shall be duly signed and sealed by the Director General or any other officer appointed by the Director General.

(3) The Batch Certificate or CoC issued under these regulations shall form the basis for the importer to use the Imports Standards Mark (ISM) in respect of the commodities detailed on the particular bill of lading or airway bill or road consignment note.

Imports
Standards Mark
(ISM)

(4) The importer shall submit to the Bureau the Bar Code details for

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all products detailed on respective bill of lading or airway bill or road consignment note for purposes of product identification during market surveillance.

(5) An official letter shall be issued by the Bureau to the importer authorizing him to print stickers of the Imports Standards Mark for the quantities detailed on the bill of lading or airway bill or road consignment note.

(6) Electronic verification of authenticity of the Imports Standards Mark shall be carried out by the Bureau during market surveillance inspections based on bar codes traceable to the Bureau's database. Any mark not traceable to the Bureau's database shall be treated as illegal and the owners shall be traced for appropriate legal actions.

Products below standards

9.-(1) No person shall in any manner unload for the Tanzania market any commodities or products not conforming to the requirements of the Tanzania standards or the commodity or product on which no Batch Certificate or CoC has been issued by the Bureau.

(2) Any product or commodity which does not conform to the requirements of the Tanzania Standard may be re-exported to its country of origin or disposed of within the United Republic of Tanzania.

(3) The disposal of the commodities under sub-regulation (2) of these Regulations shall take cognizance of the environment.

(4) An importer or agents whose commodities or products are subject to re-exportation or disposal under sub-regulation (2) of these Regulations shall bear the costs for re-exportation or disposal of the products as the case may be.

PART III

ISSUE OF CONDITIONAL RELEASE CERTIFICATE

Conditional Release Certificate

10(1) Where the importer has complied with customs requirements and if a hundred percent (100%) inspection and testing of the shipment is needed, and completion of tests will take more than twenty working days, due to the nature of testing specifications and procedure, the Bureau may issue Conditional Release Certificate of an import shipment from the custom's custody.

(2) No person shall, pending the issuance of the Batch Certificate,

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distribute, sell, use or transfer the shipment or consignment either in part or in whole to any person or any place other than the address specified in the Conditional Release Certificate.

PART IV
DISPOSITION OF SAMPLES

11 – (1) The Bureau shall for a period of two weeks after the issuance of Batch Certificate, retain all remaining samples drawn from a shipment after the necessary conformity test. Disposition of samples

(2) The importer or owner of the samples retained under sub-regulation (1) of these Regulations shall be required to collect the samples from the Bureau after the expiry of two weeks from the date of issuance of Batch Certificate.

(3) Where the importer fails to collect the samples after the due date as required under sub-regulation (2) of these Regulations, the Bureau shall have power to dispose of the samples in accordance with the standing procedures of the Bureau.

PART V
FEES AND PENALTIES

12(1) An importer or his agent has the duty to pay fees to the Bureau. Chargeable fees

(2) The fees charged under sub-regulation (1) of these Regulations shall include:-

- (a) a non-refundable application fee payable upon filling the application forms;
- (b) transport, boarding and lodging costs of the Bureau's inspectors during the inspection and sampling of the shipment;
- (c) testing fees which include all expenses pertaining to testing of samples by the Bureau or any other accredited laboratory as clearly recalled in the schedule of fees available from the Bureau; and
- (d) batch certificate fee or fees equivalent to 0.2% of the Cost and Freight ("C" and "F") value which covers guarantee cost as well as random market surveillance samples after release of the consignment to the market.

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(3) Where the quantity of imports has been verified at source by a designated PVoC Contractor, the fees payable to the Bureau shall be in accordance with the PVoC Contract.

General penalty 13. Any person who contravenes any of these regulations commits an offence and on conviction, shall be liable to imprisonment for a term not less than two years or to a fine not less than fifty million shillings and not exceeding one hundred million shillings or to both.

Dar es Salaam,
....., 2009

MARY M. NAGU
*Minister for Industry, Trade
and Marketing*