STATUTORY INSTRUMENTS
SUPPLEMENT No. 14

25th May, 2018

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 24, Volume CXI, dated 25th May, 2018

Printed by UPPC, Entebbe, by Order of the Government.

S T A T U T O R Y I N S T R U M E N T S

2018 No. 26.

THE UGANDA NATIONAL BUREAU OF STANDARDS (INSPECTION AND CLEARANCE OF IMPORTS) REGULATIONS, 2018

ARRANGEMENT OF REGULATIONS

PART I—PRELIMINARY.

Regulation

1. Title.
2. Application.
3. Interpretation.

PART II—INSPECTION AND CLEARANCE OF IMPORTS.

4. Commodities to conform to compulsory standard specification.
5. Commodities to be accompanied by certificate of conformity or certificate of road worthiness.
6. Commodities not accompanied by certificate of conformity or Certificate of road worthiness.
7. Application for import clearance certificate.
8. Issuance of an import clearance certificate.
9. Destination inspection.
10. Inspector to verify shelf life of commodities prior to issue of import clearance certificate.
11. Inspector not to release commodities without import clearance certificate.
12. Commodities manufactured within a Partner State of the East African Community.
13. Notice to destroy or re –export commodities.
14. Release under seal.
15. Revocation of S.I No. 11 of 2015.

SCHEDULES

SCHEDULE 1

Part 1 — Categories of Commodities Subject to Pre Export Verification of Conformity to Standards.

Part 2— Commodities that are Exempt from Pre Export Verification of Conformity to Standards.

SCHEDULE 2 -Fees and Charges for Import Inspection and Clearance.

STATUTORY INSTRUMENTS

2018 No. 26.

The Uganda National Bureau of Standards (Inspection and Clearance of Imports) Regulations, 2018.

(Under section 43 of the Uganda National Bureau of Standards Act, Cap. 327)

IN EXERCISE of the powers conferred upon the Minister by section 43 of the Uganda National Bureau of Standards Act, Cap. 327, these Regulations are made this 25th day of April, 2018.

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as the Uganda National Bureau of Standards (Inspection and Clearance of Imports) Regulations, 2018.

2. Application.

These Regulations apply to commodities for which the Minister declares compulsory standard specification under section 18 of the Act.

3. Interpretation.

In these Regulations, unless the context otherwise requires—

"Act" means the Uganda National Bureau of Standards Act, Cap. 327;

"Bureau" means the Uganda National Bureau of Standards established under section 2 of the Act;

"certificate of road worthiness" means a document issued by a third party demonstrating that adequate assurance is provided by the exporter that the motor vehicle, is in conformity with the compulsory standard specification;

"commodity" means any article, product or thing which is or will ultimately be the subject of trade or use;

"compulsory standard specification" means a standard specification declared as such under section 18 of the Act;

"Council" means the Council of Ministers of the East African Community established by Article 9 of the Treaty for the Establishment of the East African Community;

"destination inspection" means conformity assessment done within Uganda at the port of entry or at any other premise permissible by the Bureau;

"distinctive mark" means a mark declared as such under section 18 of the Act;

"Government project specific commodities" means commodities that are a direct input into a project for the Government of Uganda where the project has a specific timeline and a quality management system, to give assurance to quality;

"import clearance certificate" means a document issued by the Bureau attesting that the quality of an imported commodity conforms to the compulsory standard specification;

"licensed commodity" means a commodity which is continuously assessed by the Bureau and deemed compliant with the relevant national or international standards using a known process;

"notified quality mark" means a mark declared as such under East African Community cooperation agreements or arrangements;

"product certification mark" means a mark notified to the Council of Ministers of the East African Community, by a Partner State of the East African Community under section 24 of the East African Community Standardisation, Quality Assurance, Metrology and Testing Act, 2006, as a product certification mark;

"registered commodity" means a commodity with a reasonably consistent level of compliance to national or international standard specifications and which may be exempted from mandatory testing;

"unregistered commodity" means a commodity without prior information regarding its conformance and which shall be tested to assess compliance.

4. Commodities to conform to compulsory standard specification. A person shall not import or export into Uganda commodities for which a compulsory standard specification has been declared by the Bureau, where the commodities do not meet the requirements of the compulsory standard specification.

5. Commodities to be accompanied by certificate of conformity or certificate of road worthiness.

(1) The commodities specified in Schedule 1, Part 1 shall, prior to being imported into Uganda be subjected to Pre Export Verification of Conformity to standards (PVoC), in the country of origin.

(2) The commodities referred to in subregulation (1), shall be accompanied by a certificate of conformity or a certificate of road worthiness.

(3) The Bureau shall at a port of entry into Uganda, carry out conformity assessment of the commodities specified in subregulation (1), to assess the compliance of the commodities to the compulsory standard specification, whether the commodities are for trade or use.

(4) Notwithstanding subregulation (1), where the commodities specified in Schedule 1, Part 1, qualify to be classified as commodities specified in Schedule 1, Part II, the commodities shall be exempt from Pre Export Verification of Conformity to standards (PVoC).

6. Commodities not accompanied by certificate of conformity or certificate of road Worthiness.

(1) Notwithstanding regulation 5, where the commodities specified in Schedule 1, Part 1, are not accompanied by a certificate of conformity or a certificate of road worthiness, the commodities shall be subjected to destination inspection.

(2) For purposes of subregulation (1), the importer shall pay the inspection fees and the charges prescribed in Schedule 2 and a surcharge of fifteen percent of the Cost, Insurance and Freight (CIF) value of the commodities subjected to inspection clearance.

(3) Where the commodities referred to in subregulation (1) comply with the requirements of the compulsory standard specification, the Bureau shall issue an import clearance certificate.

(4) Where the commodities do not conform to the requirements of the compulsory standard specification, the Bureau shall issue a notice to the importer to destroy or re-export the commodities, depending on the risk of the commodities to the environment.

7. Application for import clearance certificate.

(1) An importer of commodities specified in Schedule 1 shall make an application to the Bureau for an import clearance certificate prior to or upon the arrival of the commodities at a port of entry in Uganda.

(2) The application in sub regulation (1) shall be accompanied by—

(a) the bill of lading or airway bill;

(b) the packing list;

(c) the invoice;

(e) the customs declaration;

(f) the customs transit document;

(g) the certificate of conformity or certificate of road worthiness, where applicable; and

(h) a product certification mark, for commodities that originate from a Partner State of the East African Community or commodities to which regulation 12 applies.

(3) The application under subregulation (1) shall be made prior to the release of the commodities to the importer by the Uganda Revenue Authority.

(4) Where the commodities are accompanied by a certificate of conformity or a certificate of road worthiness, the inspector shall verify the commodities to confirm that the commodities match the declaration in the application and in the certificate of conformity or the certificate of roadworthiness.

8. Issuance of import clearance certificate.

An inspector shall issue an import clearance certificate where the commodities are after verification found to match the certificate of conformity or the certificate of roadworthiness.

9. Destination inspection.

(1) The following commodities are subject to destination inspection—

(a) commodities in Schedule 1, Part 1 which arrive at the port of entry without a certificate of conformity or a certificate of road worthiness;

(b) commodities in Schedule 1, Part 1 which arrive at the port of entry with a certificate of conformity or a certificate of road worthiness but where upon verification, the inspector—

(i) has reason to believe that the commodities do not match the certificate of conformity or the certificate of road worthiness; or

(ii) finds reason to doubt the compliance of the commodities with the applicable compulsory standard specification;

(c) commodities in Schedule 1, Part 2 except—

(i) commodities whose Free on Board (FOB) value does not exceed US$ 1000 with the exception of food, baby products, cosmetics, tungsten filament bulbs, electric cables, compact fluorescent lamps, portable socket outlets or extension sockets, flat irons, electric kettles, solar lanterns, energy saving bulbs, solar battery chargers, solar panels, electric plugs, water heaters, electric sockets, electric switches, electric blenders, shovels, garden hoes and machetes;

(ii) raw materials for the manufacture of commodities where the raw materials have a product certification mark and are not for re-sale; and

(iii) industrial machinery and spare parts where the industrial machinery or spare parts have a product certification mark and are not for sale; and

(d) commodities which have a product certification mark and commodities to which regulation 12 applies, where the inspector is not satisfied with the quality of those commodities;

(e) agricultural machinery, mining machinery and related spare parts which are not for sale; and

(f) commodities which are re-exported from a Partner State of the East African Community and are accompanied by a Certificate of Conformity.

(2) The commodities subject to destination inspection shall be inspected by an inspector to determine conformity with the compulsory standard specification.

(3) An inspector may take a sample of the commodities subject to destination inspection for laboratory analysis, to determine conformity with the compulsory standard specification.

(4) The importer of the commodities to which this regulation applies, shall pay a destination inspection fee and where the commodities are subject to laboratory analysis, the test charges prescribed in Schedule 2, where the inspector takes a sample of the commodity for laboratory analysis.

(5) The importer of the commodities which are subject to destination inspection shall be responsible for the cost of storage, laboratory analysis and any other incidental charges incurred during destination inspection.

(6) An inspector shall issue an import clearance certificate in respect of the commodities that are determined to conform to the compulsory standard specification.

(7) Where the inspector determines that the commodities which are subjected to destination inspection do not conform to the compulsory standard specification, the inspector shall notify the relevant authorities and where applicable, the Uganda Revenue Authority and may—

(a) refuse entry of the commodities into Uganda;

(b) issue a notice to the importer to destroy or re-export the commodities; or

(c) refuse to release the commodities, where the commodities are in a customs bonded warehouse or a store under a seal of the Bureau.

10. Inspector to verify shelf life of commodities prior to issue of import clearance certificate.

In the case of commodities with a definite shelf life, the inspector shall before issuing an import clearance certificate determine that commodities have a defined and marked shelf life of at least—

(a) 75% for food products; and

(b) 50% for all other commodities.

11. Inspector not to release commodities without import clearance certificate.

An inspector shall not release commodities from a port of entry, other than to a customs bonded warehouse or to a store under a seal of the Bureau, unless the importer of the commodities has been issued with an import clearance certificate.

12. Commodities manufactured within a Partner State of the East African Community.

An importer of commodities manufactured within a Partner State of the East African Community, which bears a product certification mark, notified by that Partner State, shall apply for and be issued with an import clearance certificate and the commodities shall not be subjected to Pre-Export Verification of Conformity to standards (PVoC).

13. Notice to destroy or re –export commodities.

(1) Where a notice to destroy or re-export commodities is issued under these Regulations, the commodities shall within fourteen working days of issue of the notice to destroy or re- export and at the expense of the importer.

(2) The commodities under this regulation shall—

(a) be destroyed, where the commodities do not pose a significant risk to the environment; or

(b) be re-exported to the country from which they were imported from, where the commodities pose a significant risk to the environment.

(3) The commodities for re-export shall not be re-exported to any another country other than the country from which they were imported from.

(4) The destruction of the commodities for which a notice to destroy is issued shall be done in accordance with the applicable national laws.

14. Release under seal.

(1) Where an inspector subjects commodities to inspection and testing and the importer is cleared by the Uganda Revenue Authority, the inspector may release under seal, the commodities to a warehouse of the importer.

(2) For purposes of sub regulation (1) an importer shall make an application to the Bureau for release under seal of the commodities from a customs bonded warehouse, and the application shall be accompanied by a bank guarantee with a period of validity of six months and which shall be worth fifteen percent of the Cost, Insurance and Freight (CIF) value of the commodities under inspection and testing by the Bureau.

(3) The bank guarantee shall be executed where the commodities do not meet the requirements of the compulsory standard specification, to cater for the costs of the destruction or re-exportation.

(4) The bank guarantee shall be returned to the importer where the importer is issued with an import clearance certificate.

(5) The release under seal shall be subject to payment of a release under seal fee prescribed in Schedule 2.

15. Revocation of S.I No. 11 of 2015.

The Uganda National Bureau of Standards (Import Inspection and Clearance) Regulations, 2015, are revoked.

SCHEDULE 1

Regulations 5 (1), and 9 (1)

PART 1

CATEGORIES OF COMMODITIES SUBJECT TO PRE EXPORT VERIFICATION OF CONFORMITY TO STANDARDS.

1. Group I - Toys.
2. Group II - Electrical and electronics including solar panels and systems.
3. Group III - Automotive products and inputs.
4. Group IV - Chemical commodities.
5. Group V - Mechanical materials and gas appliances including construction materials and items.
6. Group VI - Textile, leather, plastic and rubber.
7. Group VII - Furniture including wood and metal articles.
8. Group VIII - Paper and stationery.
9. Group IX - Protective safety equipment.
10. Group X - Food and food products.
11. Group XI - Used commodities including used motor vehicles.

PART 2

COMMODITIES THAT ARE EXEMPT FROM PRE EXPORT VERIFICATION OF CONFORMITY TO STANDARDS

1 A consignment whose Free on Board (FOB) value does not exceed US$ 2000.

2 Government project specific commodities whose procurement has an inbuilt or demonstrated quality assurance system that guarantees conformity to national standards.

3 Raw materials imported for use in a manufacturing process and not for sale.

4 Diplomatic cargo.

5 Personal effects of returning residents and expatriates.

6 Commodities that have a product certification mark and commodities from a Partner State of the East African Community.

7 Industrial machinery and spare parts brought in for a manufacturing process and not for re-sale.

8 Classified military, police and prisons hardware and equipment.

SCHEDULE 2

Regulation 9 (4) and 14 (5)

FEES AND CHARGES FOR IMPORT INSPECTION AND CLEARANCE

1. The inspection fees and charges shall be based on the Free on Board (FOB) value of the import shipment as follows—

(a) fees for unregistered commodities shall be 0.500% of Free on Board (FOB) value but in any case not less than USD 235 and not more than USD 3,000;

(b) fees for registered commodities shall be 0.45% of Free on Board (FOB) value but in any case not less than USD 235 and not more than USD 3,000;

(c) fees for licensed commodities shall be 0.25% of Free on Board (FOB) value but in any case not less than USD 235 and not more than USD 3,000;

(d) the fees payable for the inspection of used vehicles shall depend on the country of origin and shall be as follows—

(i) Japan - US$ 140;

(ii) Singapore - US$ 200;

(iii) United Kingdom - US$ 200 or GBP 125;

(iv) South Africa - US$ 220;

(v) United Arab Emirates - US$ 125; and

(vi) other countries - US$ 140.

2. The destination inspection fee shall be the same amount as the inspection fee levied for unregistered commodities.

3. Where a sample is to be subjected to laboratory analysis, the importer shall pay charges for the analysis as may be determined by the laboratory that carries out the analysis.

4. The release under seal fees shall be US$ 50 or the equivalent in Uganda shillings.

HON. AMELIA KYAMBADDE (MP),
Minister of Trade, Industry and Cooperatives.