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

• **2021 No.....**

THE UGANDA NATIONAL BUREAU OF STANDARDS (INSPECTION AND CLEARANCE OF IMPORTS) REGULATIONS, 2021

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 roadworthiness.
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 the commodities prior to issue of import clearance certificate.
11. Inspector not to release commodities without import clearance certificate.
12. Commodities to be marked with Distinctive mark
13. Commodities manufactured with the partner state of East African Community.
14. Notice to destroy or re-export commodities.
15. Release under seal.
16. Revocation of S.I No 24 of 2018.

SCHEDULES

SCHEDULE 1

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

Part 2 - Commodity that are Exempt from Pre Export Verification of Conformity to Standards.

Part 3 - Commodity that are Exempt from Destination Inspection

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

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

2021 No.....

The Uganda National Bureau of Standards (Inspection and Clearance of Imports) Regulations, 2021.

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

In EXECISE 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 ...th day of, 2021.

PART I - PRELIMINARY

1. Title.

These Regulations may be cited as the Uganda National Bureau of Standards (Inspection and Clearance of Imports) Regulations, 2021.

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;

“Authorized Economic Operators (AEO)” means a person involved in the international movement of goods for whatever function that has been approved by or on behalf of a national customs body as compliant with WCO or equivalent supply chain security standards.”;

“Bureau” Means the Uganda National Bureau of Standards established under section 2 of the Act.

“Certificate of Road worthiness” means a document issued by the bureau’s contracted third party demonstrating that adequate assurance is provided by the exporter that the motor vehicle, is in conformity with the compulsory standards specification;

“Certificate of Conformity” means a document issued by the bureau contracted or recognized third party demonstrating that adequate assurance is provided by the exporter/importer that their commodities are in conformity with 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;

“Conformity Assessment” means a set of processes that show a commodity, service, process and system meets the specified requirements;

“Conformity” means fulfilment of specified requirements;

“Consignment” means all commodities represented by one customs entry number;

“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;

“Electronic single window” mean a platform that is Government mandated and allows for the submission of electronic information to fulfill regulatory requirements between economic operators and Government authorities;

“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 issues by the Bureau attesting that the quality of an imported commodity conforms to the compulsory standard specification and has been cleared by an authorized officer in accordance with the Import Inspection Regulations;

“Inspector” means an employee of the Bureau appointed by the National Standards Council to exercise the powers or perform the duties of an inspector and enforce these regulations;

“Licensed Commodity,” means a commodity that is continuously assessed by the Bureau and deemed compliant with the relevant national or international standards using a known process;

“Low Risk,” means commodities that can be exempted from holding during testing according to the Bureau’s risk profiling framework.

“non conformity” means the non-fulfilment of specified requirements;

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

“Pre-export Verification of Conformity (PVOC)” means conformity assessment performed in the country of export / origin that verifies the exporter / manufacturer’s statement that their commodities conform to the relevant Compulsory Uganda Standards or any other approved International Standards.

“Notified product certification 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 standardization, 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 and physical inspection;

“Re-works,” means activities approved and undertaken by the importer under the supervision of the bureau to bring the imported products into compliance with the requirements of the compulsory standards specifications.

“Risk” means potential of non-compliance with import inspection regulations or effect of uncertainty on import inspection objectives.

“Risk Indicators” means specific criteria, which when taken together, serve as a practical tool to select and target consignments of goods for the potential for non-compliance with the bureaus imports inspection regulations.

“Risk profile” means a predetermined combination of risk indicators, based on information which has been gathered, analyzed and categorized.

“single customs territory (SCT)” means that wholesome territory of the five East African Partner States where goods clearance is implemented at the first port of call for the entire territory;

“used motor vehicle” means a motor vehicle that has previously been registered in Uganda or elsewhere;

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

PART II – INSPECTION AND CLEARANCE OF IMPORTS

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 a 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/or export.
- 2) A certificate of conformity or a certificate of road worthiness for used motor vehicles shall accompany the commodities referred to in sub regulation (1). The certificate of road worthiness shall be valid for only nine (9) month from date of issue for each customs entry.

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

4) Notwithstanding sub regulation (1),

- (a) Where the commodities specified in schedule 1, Part I, 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) but shall be required to undergo destination inspection.
- (b) Where the commodities specified in Schedule 1, Part 1, have been profiled as low risk products based on the bureaus risk profiling framework, the commodities may be exempt from Pre-export verification of Conformity to standards (PVOC) but shall be required to undergo destination inspection.
- (c) Where the commodities specified in schedule 1, Part 1, are being imported by importers profiled as low risk importers based on the bureaus risk profiling framework and registered as Authorized Economic Operators (AEO), the commodities may be exempt from Pre-export Verification of Conformity to standards (PVOC) but shall be required to undergo destination inspection.

6. Commodities not accompanied by certificate of conformity (CoC) or certificate of road worthiness (CRW).

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

2) For purpose of sub regulation (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 sub regulation (1) comply with the requirements of the compulsory standard specification, the Inspector 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 take corrective action, destroy or re-export the commodities, depending on the risk of the commodities to the environment and in accordance with section 13.

7. Application for Import Clearance Certificate

- 1) An importer of commodities specified in schedule 1 shall make an application for UNBS clearance and issuance of an import clearance certificate by submitting an accurate customs declaration through the electronic single window prior to or upon the arrival of the commodities at a port of entry in Uganda or at entry to the single customs territory (SCT).
- 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
 - (d) The customs declaration;
 - (e) Customs transit document;
 - (f) The certificate of conformity or certificate of road worthiness, where applicable; and
 - (g) A valid product certification permit , for commodities that originate from a partner state of the East African Community or commodities to which regulations 12 applies.
 - (h) Export certificate for motor vehicles;
 - (i) UNBS exemption letter where applicable;
 - (j) Passport page and other support documentation for returning residents where applicable;
 - (k) Diplomatic notes endorsed by the Ministry of Foreign affairs for those seeking exemption on diplomatic cargo.
- 3) 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 road worthiness.

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 certificate of road worthiness.

9. Destination inspection

1) The following commodities are subject to destination inspection –

- a) Commodities in schedule 1, part I, which arrive at the port of entry or at entry to the SCT without a certificate of conformity or a certificate of road worthiness;
- b) Commodities in schedule 1, part I, which arrive at the port of entry or at entry to the SCT with a certificate of conformity or a certificate of road worthiness but were upon verification, the inspector –
 - (i) Has reason to believe that the commodities do not match the certificate of conformity or certificate of road worthiness; or
 - (ii) Finds reason to doubt the compliance of the commodities with the applicable compulsory standard specification;
- c) Commodities which have a valid product certification permit and commodities to which regulation 12 applies, where the inspector has reason to doubt the quality of those commodities;
- d) Commodities under sub regulation 5(4)(b) and 5(4)(c)
- e) Commodities, which are re-exported from a Partner State of the East African Community and are accompanied by a Certificate of Conformity.

2) An inspector to determine conformity with the compulsory standard specification shall inspect the commodities subject to destination inspection.

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

4) The importer of the commodities to which this regulation applies, shall pay a destination inspection fee and where the commodities are subject to sampling and laboratory analysis, the relevant test charges.

5) The importer of the commodities that 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 take corrective action or 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 –

(1) 75% for the food products at point of entry or for foods products with self-life of more than 18 months, at least 12 months at the point of entry.;

- (2) 50% for all other commodities. The best before or period after (PAO) shall be applicable in the case of cosmetics.

11. Inspector not release commodities without import clearance certificate.

An inspector shall not release commodities from a port of entry or entry to the SCT, 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. Importer not to place products in the market unless they bear the Distinctive Mark

- (1) An importer shall not place any commodity on the market for which a compulsory standard specification has been declared by the Bureau, unless the commodity bears a distinctive mark prescribed in schedule 2;
- (2) An importer shall procure the digital tax stamp for excisable commodities or digital conformity stamps for non-excisable commodities equivalent to the commodity units being imported;
- (3) The importer may apply the distinctive mark either before importation after obtaining a certificate of conformity for the commodities issued by any pre-export verification of conformity to standards service provider contracted by the bureau or after importation after obtaining an import clearance certificate issued by the bureau.

13. 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, with a valid product certification permit and bear 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 or destination inspection if;

- (1) The commodities have been issued with a valid notified product certification mark permit of the partner state of origin issued against harmonized EAC standards;
- (2) The commodities have been issued with a valid notified product certification mark permit of the partner state of origin issued against national or international standards where harmonized EAC standards do not exist;

(3) Where commodities are not accompanied and /or issued with a valid product certification mark permit or where the commodities are accompanied by valid product certification permit not issued against the harmonized East African Standards where such exist, such commodities shall be subject to destination inspection.

14. Notice to undertake corrective action, destroy, or re-export commodities.

- 1) Where a notice to undertake corrective action or destroy or re-export commodities is issued under these regulations, the commodities shall be reworked or destroyed or re-exported within twenty one days of issue of the notice 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 where the commodities pose a significant risk to the environment. A URA customs re-export certificate will be obtained by the importer/exporter as proof of re-export;
 - c) Reworked in accordance with processes documented by the importer and approved by the bureau and issued with the import clearance certificate after re-evaluation for compliance to relevant standards.
- 3) The commodities for re-export shall not be re-exported to any other 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.

15. 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 sealable storage facility 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 bankers cheque or draft 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. The importer/clearing agent shall sign an undertaking not to tamper with goods under seal at his/her premises and UNBS shall not be liable for any damage or disappearance of goods sealed at these premises;
- 3) The banker's cheque or draft shall be executed where the commodities do not meet the requirements of the compulsory standard specification, to cater for the cost of destruction.
- 4) The bankers cheque or draft shall be returned to the importer where the importer is issued with an important clearance certificate.
- 5) Where the importer elects to retain his commodities that are under UNBS query at the customs bonded ware house, the importer is still liable to deposit with UNBS a banker's cheque or draft that will either be returned after the query is resolved and goods deemed to meet the standard specifications, or executed and used to facilitate destruction of the commodities where they are found not to conform to standard specification.
- 6) The release under seal shall be subject to payment of a release under seal fee prescribed in schedule 2.

16. Revocation of S.I No. 26 of 2018

The Uganda National Bureau of standards (Import inspection and Clearance) regulations, 2018, 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 | Electric 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 vehicle. |

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, with exception of used motor vehicles..
2. Consignments of commodities profiled as low risk based on the bureaus risk profiling framework.
3. Consignments of imports by importers profiled as low risk importers based on the bureaus risk profiling framework and registered as Authorized Economic Operators (AEO)
4. Government project specific commodities whose procurement has an inbuilt or demonstrated quality assurance system that guarantees conformity to national standards.

5. Raw materials and direct inputs in the manufacturing processing including packaging material imported for use in a manufacturing process and not for sale.

6. Diplomatic cargo
7. Personal effects of returning residents and expatriates
8. Commodities manufactured in or originating from a Partner State of the EAC.
9. Industrial machinery and accessories, including spare parts brought in for a manufacturing process and not for re-sale.
10. Farm machinery, Agro processing equipment, and spare parts not for resale.
11. Mining equipment and spares not for resale.
12. Branded or engraved hospitality & tourism industry equipment, excluding vehicles.
13. Classified military, police, prisons and state House, cargo,
14. Religious books and literature such as Bibles, Qurans and other such related printed matter
15. Medical equipment regulated and registered by NDA.

PART 3

COMMODITIES THAT ARE EXEMPT FROM DESTINATION INSPECTION

1. Commodities whose Cost Insurance and Freight (CIF) value does not exceed US\$ 1300 with the exception of food, baby products, sanitary pads, 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, pick axes, machetes and cement.
2. Raw materials, direct inputs in the manufacturing processing including packaging material imported for use in a manufacturing process and not for sale.
3. Industrial machinery and accessories, including spare parts brought in for a manufacturing process and not for re-sale.
4. Farm machinery, Agro processing equipment, and spare parts not for resale.

5. Diplomatic cargo accompanied by a diplomatic note and which is clearly for personal or office use.
6. Personal effects of returning residents and expatriates
7. Commodities manufactured in a Partner State of the EAC with a valid certification permit and bearing a notified product certification mark in accordance with Regulation 12.
8. Classified military, police, prisons and state house cargo.
9. Religious books and literature such as Bibles, Qurans and other such related printed matter.
10. Medical equipment registered and regulated by NDA.

SCHEDULE 2
Regulations 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 that 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 that 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 that 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 and shall not be applicable for consignments whose total cost in freight value is less than US\$1300.

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\$ 100 or the equivalent in Uganda Shillings.

5. Supervision of rework fees shall be US\$100 per day or the equivalent in Uganda shillings.

6. Factory inspection fees under the Pre- export verification of conformity Exemption program shall be US\$ 100 or the equivalent in Uganda shillings.

7. Verification at owner's premises shall be US\$ 100 or the equivalent in Uganda Shillings.