

	BANGLADESH STANDARDS AND TESTING INSTITUTION PRODUCT CERTIFICATION SCHEME		
Revision No. 01	PROCEDURE FOR RENEWAL, SUSPENSION, CANCELLATION, REDUCTION IN SCOPE AND WITHDRAWAL OF THE LICENSE		Doc. No. P-RSC-02
ISSUE NO.:02	ISSUE DATE: 01.10.2014	REVISION DATE: 23.12.2014	Approved By: D(CM)

1 Purpose

The purpose of this procedure is to define the criteria for renewal, suspension, cancellation, reduction in scope and withdrawal of the licenses under the product certification scheme.

2 Scope

This procedure applies to all licenses granted under the product certification scheme.

3 Definitions

3.1 Register of Inspecting officers

A list of names of persons qualified to perform factory inspections indicating the fields of expertise according to the industry sector.

3.2 Certification Report

A evaluation report is prepared and presented for approval of certification containing the product description, inspection report, test result and recommendation is reviewed for approval by the certification committee

4 Conditions for Renewal, Suspension, Cancellation, reduction in scope, withdrawal of the license

4.1 Granting of renewal and scope extension of licence

- 4.1.1 Validity of a license: The initial validity of the license is for a period of three years from the date of certification decision and a licence will be issued with mentioning issue date after payment against bill/invoice issued by BSTI.
- 4.1.2 Renewal license: It can be renewed by extended on application for further periods of three years at a time depending on last surveillance inspection and sample's test results.
- 4.1.3 An application for renewal of the license should be made before three months of its expiry. BSTI shall notify the client or show cause one month prior to the expiry date of license. After expiry it to be treated as cancelled.
- 4.1.4 (a) An expired license or /and a license has expired before certification decision shall not be renewed. The license shall be deemed to have been cancelled after its expiry date if the application is not made for renewal before the expiry.

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(b) If the application is made for renewal before the expiry and BSTI has not found satisfactory evaluation results of last surveillance or not meet the requirements of last findings/NCs or application is made few days prior to the expiry & no sufficient time for completion the sample test or inspection evaluation then license will not be continued and treated as cancelled and application may be consider as a new. An additional application fee will be charged in this case.

4.1.5 If all the conditions as given in the general conditions, the agreement are satisfied and the assessment and last surveillance inspection reports including the test results are satisfactory the license shall be renewed for a period of three years and for scope extension certification shall be granted for the period of existing period/ rest period of the license issued earlier against that product by certification committee.

4.1.6 If the validity of a license be expired before the meeting of certification committee and client has applied for renewal and last surveillance inspection reports including the test results are satisfactory in this case license shall be renewed from the expiry date for next three years by Director General of BSTI and it will be reviewed in the next certification meeting.

4.2 Suspension of licence

4.2.1 A license may be suspended if it has been established that

- a) If the company's facilities and/or surveillance results are found to be unsatisfactory and/or the test results indicate that the licensed product does not conform to the requirements of the Bangladesh Standard specified in the licence;
- b) the licensee has failed to conduct regular inspection or testing of the licensed product;
- c) the licensee has failed to follow the requirements of the Scheme of Testing & Inspection applicable to the licensed product;
- d) the licensee has used the mark in respect of a commodity or process which does not comply with the specified standard relating thereto;
- e) the licensee has failed to provide reasonable facilities for inspection or testing;
- f) the licensee has failed to comply with any terms and conditions of the license;
- g) The licensee has failed to take suitable improvement actions within 30 days, after BSTI has served show cause notice following failure of product is observed during surveillance operations
- h) The licensee has failed to take suitable improvement actions within 30 days, after BSTI has served show cause notice following failure in respect of deficiencies observed in licensee's quality control system, or non-adherence to the provisions of STI, during factory surveillance operations

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- i) In case, a repeat failure is observed in respect of a requirement for which the licensee has already taken corrective action, BSTI shall suspend the licence without any show cause notice.
- j) The licensee has used the BSTI certification mark in contravention of the rules for use of the logo in respect of a type or grade, or brand which is not covered in the license, as observed during factory or market surveillance operations. BSTI reserves the right to issue suspension directly or issue a show cause notice depending on the facts of the case.
- k) The licensee has failed to submit proper justification within 7 days, after BSTI has served show cause notice following a factory surveillance inspection where the licensee has failed to provide reasonable facilities for completing the factory surveillance.
- l) The licensee has failed to comply with any other conditions of the license, or provisions of the prevailing BSTI Ordinance/Act/Regulations, within 30 days of show cause notice period;

4.2.2 A license shall be suspended also if :

- a) the licensee has contravened any provision of either the BSTI Ordinance or the Regulations.
- b) the manufacture of the licensed product has ceased continuously for a period of six months.

4.3 Removal of Suspension

1. In cases of product non-conformance, suspension shall be removed after BSTI has agreed to the proposed corrective actions, verified the same during factory surveillance, and the product sample is found conforming to BDS during repeat testing in BSTI laboratory.
2. In cases of other deficiencies observed during factory surveillance, suspension shall be removed after BSTI has agreed to the proposed corrective actions, and verified the same during factory surveillance..
3. In cases involving marking of variety which is not covered in the licence, decision for revocation will be taken after BSTI is satisfied that the violation was due to bonafide reasons or genuine error, based on the submission of details by the licensee. Where the violation is determined to be willful, the procedure for cancellation of licence, prosecution shall be initiated.
4. In cases involving not providing facilities for inspection, or failed to comply with any other conditions of the license, decision for revocation will be taken after BSTI is satisfied that

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it was due to bonafide reasons based on the submission of details by the licensee. Where the reasons are determined to be willful, the procedure for cancellation of licence shall be initiated.

4.4 Cancellation of licence

4.4.1 A licence shall be cancelled for the following reasons:

- a) After a suspension, if the licensee has not rectified the problems identified in the letter of suspension within six months of the date of suspension of the licence.
- b) If more than two suspensions for the same or similar deficiencies occur within a period of two years,
- c) If the payments due to BSTI have not been satisfactorily completed within the time period allowed (defined in the licensing agreement).
- d) In cases involving product non-conformance or deficiencies observed during surveillance, if the licensee does not take action to rectify the deficiencies that led to the suspension, the license shall be cancelled after a period of six months from the date of suspension. A show cause notice for a period of 30 days shall be issued to the licensee before deciding on the cancellation of licence.
- e) In cases involving marking of variety which is not covered in the licence, which is determined to be willful, the licence shall be cancelled without any further notice to the licensee, in case the notice for suspension was given earlier. In case notice was not served before suspension, a show cause notice for a period of 15 days shall be issued to the licensee before deciding on the cancellation of licence.
- f) In cases involving not providing facilities for inspection, or failed to comply with any other conditions of the license, if the licensee does not take action to rectify the deficiencies that led to the suspension, the license shall be cancelled after a period of 3 month from the date of suspension.
- g) BSTI reserves the right to cancel a licence in case a certified product is found to be failing in a critical requirement affecting public health and safety without invoking the show cause/suspension process.

4.5 Informing the licensee

4.5.1 Prior to cancellation/ suspension of license 'show cause' notices would be issued to the licensee.

4.5.2 When a license would be suspended or withdrawn/cancelled, the BSTI shall forthwith inform the licensee in writing.

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4.5.3 The cancellation matter to be inform the regulatory section of BSTI to take legal action actions if using logo without valid license or misuse the mark or unsafe product marketed that has notified earlier.

4.5.4 An inspection would be carried out to verify whether the product is available in the market/factory or not before recommendation of cancellation the license.

4.6 Reduction in Scope of licence

4.6.1 BSTI reserves the right to reduce the scope of the licence, in case it is found that specific varieties of the product covered under the licence are not conforming to the BDS and the reasons for the non-conformance do not affect the conformance of the other varieties.

4.6.2 On request by the licensee.

4.6.3 When certain varieties are removed from the scope of the BDS following revisions or amendments.

4.7 Withdrawal of Licence

4.7.1 On request by the licensee.

4.7.2 When a requirements standard such as BDS, is withdrawn by the Standards body, or reduced in scope, or merged with other standards and BSTI CM (Wing) takes a policy decision to withdraw licenses having such varieties in the scope.

4.8 Procedure for Suspension, Cancellation, Reduction and Withdrawal

4.8.1 Suspension:

1. BSTI shall send the show cause notice prior to the suspension in the certification committee after reviewing the non fulfillments any requirements of the PCS to the licensee by email, followed by hard copy by post. The licensee shall be required to confirm acknowledgement as well as compliance by email to BSTI immediately on receipt. In the critical issues Director (CM), BSTI could be suspended license and it will be reviewed in the committee.
2. The licensee shall immediately discontinue the use of the certification mark and shall retain all the marked material in the stock. The status of the stock shall be informed to BSTI.

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3. The licensee shall propose the corrective actions he proposes to take. BSTI shall evaluate the proposed corrective actions and either conveys its agreement or observations in case further or revised corrective actions are expected.
4. The licensee shall inform BSTI once the corrective action has been taken and where required the improved material is ready for inspection within the suspension period.
5. BSTI shall arrange a surveillance visit at the licensees factory for the verification of corrective actions and taking samples of products where required.
6. The decision for removal of suspension will be taken by the certification committee after the corrective action report is found to be satisfactory and the sample report from the BSTI lab is found to be conforming.
7. In case the corrective action is deemed to be not satisfactory or the product sample is found to be not conforming, the licensee shall be given one more opportunity for improvement and resubmission of sample within the specified time frame of six months.
8. In case the actions are completed within six months, the procedure for cancellation shall be invoked.

4.8.2 Cancellation:

A license shall be cancelled by the Director General of BSTI in critical issues and reviewed it in the next certification committee for the following reasons:

1. In situations that require serving a notice before cancellation, BSTI send the show cause notice to the licensee by email, followed by hard copy by post. The licensee shall be required to confirm acknowledgement by email to BSTI immediately on receipt.
2. BSTI shall provide an opportunity to the licensee an opportunity to present his case in writing or in person. In case of personal submission, the record note of discussions will be prepared and signed by licensee and BSTI official.
3. Before proposing for cancellation, the case shall be reviewed by authorized official and submitted to the Certification Committee with his recommendations and reasons for proposing cancellation
4. The decision to cancel the licence or provide further opportunity to the licensee shall be the sole discretion of the Certification committee. However the reasons for disagreeing with the recommendations shall be recorded, when applicable.

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5. The decision of the Certification committee shall be communicated to the licensee by email followed by hard copy by post. The licensee shall be required to confirm acknowledgement by email to BSTI immediately on receipt.
6. The cancellation letter shall specifically advise the licensee to:
 - (a) take immediate steps to have the mark removed or erased from all stocks of marked production lying in his premises or warehouses
 - (b) take action to discontinue all advertising relating to the certification,
 - (c) return the original license to the BSTI.
7. The cancellation letter shall inform the licensee the right to appeal against the decision of BSTI to cancel the licence.
8. BSTI reserves the right to organize a visit to the erstwhile licensee's premises and / or warehouses to confirm the actions taken in accordance with 4.8.2 item 7 above.

4.8.3 Withdrawal:

1. Whenever a decision is taken to withdraw certification licenses due to withdrawal or revision of standards, BSTI shall decide a common date from which the licenses shall stand withdrawn, which will take into account, the commercial interests of the license holders in consuming the existing stocks. Wherever necessary, the reasons for withdrawal will be widely publicized to the public.
2. When the withdrawal is sought by the licensee, if the request is made at the time of end of validity, the license will be allowed to expire in the normal way. If the request is received within the validity period, the case shall be put up the Certification Committee together with the request letter. The decision of the Committee shall be communicated to the licensee by email followed by hard copy by post. The licensee shall be required to confirm acknowledgement by email to BSTI immediately on receipt.
3. After withdrawal, the licensee shall be required to take action as per 4.8.2 item 7 above.

5 Related documents

- a) Records of Suspend License, P-RSC-02-F01
- b) Records of Cancel License, P-RSC-02-F02