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

2015 No. 11.

THE UGANDA NATIONAL BUREAU OF STANDARDS  
(IMPORT INSPECTION AND CLEARANCE) REGULATIONS, 2015

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

2015 No. 11.

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

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

IN EXERCISE of the powers conferred upon the Minister responsible for trade by section 43 of the Uganda National Bureau of Standards Act, Cap. 327, these Regulations are made this 27th day of January, 2015.

**1. Title.**

These Regulations may be cited as the Uganda National Bureau of Standards (Import Inspection and Clearance) Regulations, 2015.

**2. Interpretation.**

In these Regulations, unless the context otherwise requires—

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

“authorised officer” means an employee of the Bureau or other government agency designated as such by the Director to conduct inspection, sampling, testing or evaluation of the product to determine its conformity with the relevant standard;

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

“certification” means a system that has its own rules of procedure and management for carrying out certification of conformity;

“certification of conformity” means an action by a third party demonstrating that adequate confidence is provided by the producer or manufacturer that a duly identified product is in conformity with a relevant standard or other normative document;

- “certificate of road worthiness” means an action by a third party demonstrating that adequate confidence is provided by the producer or manufacturer that the motor vehicle is in conformity with a relevant standard;
- “certified product” means a product which bears the Uganda standards mark;
- “compulsory standard specification” means the standard specification declared as such under section 18 of the Act;
- “conformity assessment” means any activity concerned with determining directly or indirectly that relevant requirements are fulfilled;
- “diplomatic cargo” means household and personal effects of any kind imported for the use of a high official of the United Nations or its specialised agencies or a member of the diplomatic staff of any Commonwealth, foreign country or their dependants including one motor vehicle imported or purchased by them prior to arrival in Uganda;
- “Director” means the Executive Director of the Bureau;
- “EAC” means East African Community;
- “food stuffs” means a substance with food value, whether before or after processing;
- “Government of Uganda project goods” means goods and equipment for use in Government projects that have a specific time frame;
- “import clearance certificate” means a document issued by the Bureau attesting that the quality of an imported product conforms with a relevant Uganda Standard;
- “inspection” means evaluation for conformity by measuring, observing, testing or gauging the relevant characteristics of a product;

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“inspection agency” means an organization that performs inspection services on its own or on behalf of the Bureau;

“international or foreign standard” means a standard developed by International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), Codex Alimentarius, International Telecommunication Union (ITU) or other body accepted by the Bureau for the purpose of certification;

“licensed” means a product which has been continuously assessed by the service provider and deemed compliant with the relevant International or foreign standards using a known process;

“Minister” means the Minister responsible for trade;

“product” means any article, commodity or anything which is covered by a compulsory standard specification;

“personal effects” means property of and accompanying the passenger arriving from outside the Partner States for personal or household use of the passenger;

“PVOC” means Pre-export Verification of Conformity to Standards and approved specifications;

“raw materials” means materials which form part of the manufacturing process and are transformed during the process;

“registered product” means goods with a reasonable consistent level of compliance and which may be exempted from mandatory testing;

“route” means a method used to carry out conformity assessment of goods such as inspection, testing, registration, licensing and certification under the PVOC Programme;

“relevant standard” means the national standard or international standard that has been approved by the Bureau;

“standard” means a document, established by consensus and approved by a recognized body that provides for common and repeated use, rules, guidelines, characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context;

“standard specification” means a specification declared as such under section 15 of the Act;

“unregistered product” means a product without prior information regarding its conformance and which shall be tested to assess compliance.

**3. Goods to be accompanied by a certificate of conformity or a certificate of road worthiness.**

(1) The Bureau shall carry out conformity assessment of all goods covered by compulsory standard destined for Uganda.

(2) The Bureau may appoint an inspection agency or agencies to carry out conformity assessment of goods covered by compulsory standard destined for Uganda.

(3) An importer of a product covered by a compulsory standard specified in Schedule 2 shall ensure that the supplier of the imported goods subjects them to inspection for conformity to standards in the country of origin and a certificate of conformity is issued before the goods are shipped to Uganda.

(4) An importer of a used motor vehicle into Uganda shall ensure that the motor vehicle is subjected to PVOC to ensure conformity to the prescribed Uganda standard and that a certificate of road worthiness is issued in respect of the motor vehicle;

(5) The authorised officer of the inspection agency shall carry out conformity assessment of the goods or motor vehicle to assess its compliance to the relevant standards upon receipt of an application from the exporter or importer.

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(6) The application for a certificate of conformity or certificate of road worthiness shall be made in the prescribed form and shall be accompanied by the relevant documents.

(7) An applicant for a certificate of conformity or a certificate of road worthiness shall pay the inspection fees and charges prescribed in Schedule 1.

(8) A person who imports goods specified in Schedule 2 without a certificate of conformity or a certificate of road worthiness shall pay a surcharge of 15% CIF value of the goods and the goods shall be subjected to destination inspection.

(9) The inspection agency shall issue the applicant with a certificate of conformity or a certificate of road worthiness where the product complies with the requirements of the relevant standards.

(10) The designated inspection agency shall issue a non-conformity report for the goods or motor vehicles where the product does not conform to the requirements of the relevant standard and shall notify the Bureau.

(11) A person shall not ship goods or motor vehicles which do not meet the requirements of the relevant standard into Uganda.

#### **4. Application for import clearance certificate.**

(1) The importer of goods or motor vehicle covered by a compulsory standard specified in Schedule 2 shall apply to the Bureau for an import clearance certificate upon the arrival of the goods at the port of entry.

(2) The application shall be made prior to or upon arrival of the goods or motor vehicle at the point of entry but prior to the release of the goods or motor vehicle to the importer by the Uganda Revenue Authority.

(3) The application for an import clearance certificate shall be made in the prescribed form and shall be accompanied by a certificate of conformity or a certificate of road worthiness together with the relevant customs documents.

## 5. Handling of an application.

(1) The authorised officer shall, upon receipt of an application, verify the documents to ensure that the application is duly filled and accompanied by all the necessary attachments.

(2) The authorised officer shall verify the goods or motor vehicle to ensure that they match with the declaration in the application and in the certificate of conformity or certificate of roadworthiness.

(3) The authorized officer shall subject goods that are not accompanied by a certificate of conformity or certificate of road worthiness to destination inspection after payment of the relevant surcharge and fees.

(4) The authorised officer shall subject goods or motor vehicles that do not match with the certificate of conformity or certificate of road worthiness to destination inspection.

(5) The authorised officer shall issue an import clearance certificate in respect of goods or motor vehicles which have been verified and found to have been duly inspected from the country of origin and issued with a certificate of conformity or a certificate of roadworthiness and where the authorised officer finds no reason to doubt compliance with the relevant Uganda standards.

(6) The authorised officer may subject the goods to destination inspection where he or she finds reason to doubt compliance with the relevant standards in Uganda.

(7) The authorised officer shall issue an import clearance certificate in respect of the goods where the goods have been subjected to destination inspection and have been determined to conform to the relevant Uganda standards.

(8) In the case of goods, the inspector shall before issuing an import clearance certificate ensure that the products have a defined and marked shelf life of at least—

- (a) 75% of food stuffs; and
- (b) 50% of all non foods stuffs

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**6. Release of goods without issue of certificate.**

An authorised officer shall not release goods or a motor vehicle from a point of entry, other than to a bonded warehouse, unless the importer of the goods or motor vehicle has been issued with an import clearance certificate.

**7. Products with Uganda certification mark.**

An importer of a product manufactured outside the EAC region in respect of which has been issued a permit to use the Uganda certification mark shall not be subjected to PVOC.

**8. Products manufactured within the EAC Partner States.**

An importer of a product manufactured within the EAC Common Market and which bear the certification marks of the respective EAC Partner States shall be subjected to import clearance but shall be exempted from PVOC.

**9. Dissatisfaction with the quality of goods bearing a certification mark.**

Where the Bureau is not satisfied with the quality of goods referred to in regulation 7 or 8, the Bureau may subject the goods to inspection, sampling, testing and evaluation.

**10. Absence of service providers.**

A person who imports goods or motor vehicles from a country that is not covered by a service provider shall have the goods subjected to destination inspection on payment of inspection fees but shall be exempted from the 15% of CIF surcharge.

**11. Handling of non-conforming goods or motor vehicles.**

(1) Goods or motor vehicles which have been issued a seizure notice shall be handled in accordance with the best practices and as recommended by the authorised officer at the expense of the importer.

(2) Goods or motor vehicles which have been issued a seizure notice and have been deemed not to conform to the applicable compulsory standard (s) shall either be destroyed or re-exported.



(3) Goods or motor vehicles which have been issued a seizure notice and determined by an authorised officer not to pose a significant risk to the environment may be destroyed without re-exportation.

(4) Goods or motor vehicles which have been issued a seizure notice and determined by an authorised officer to pose a significant risk to the environment shall be re-exported to the country of origin.

(5) Goods or motor vehicles which have been issued a seizure notice shall not be re-exported to another country other than the country of origin.

(6) The destruction of the goods or motor vehicles which have been issued a seizure notice shall be done in accordance with the relevant national Regulations and Guidelines.

## **12. Destination inspection.**

(1) Goods or motor vehicles specified in Schedule 2 which arrive at a port of entry without a certificate of conformity or certificate of roadworthiness shall be subjected to a surcharge of 15% of CIF in addition to the payment of the prescribed inspection fees before destination inspection is undertaken.

(2) All goods or motor vehicles subjected to destination inspection shall be subject to payment of the prescribed inspection fees.

(3) The importer of the goods or motor vehicles shall be responsible for the costs of storage, analysis and any other incidental charges incurred during destination inspection.

(4) The goods or motor vehicles subject to destination inspection shall be inspected and evaluated by the authorised officer or designated agency to determine conformity with relevant Uganda standards.

(5) The authorised officer or designated inspection agency may take a sample for laboratory analysis during the destination inspection to determine conformity with relevant Uganda standards.

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(6) The authorised officer shall issue an import clearance certificate in respect of the goods or motor vehicles where goods or motor vehicles have been determined to conform to relevant Uganda standards during destination inspection.

(7) The authorised officer shall issue a seizure notice and notify the relevant authorities including the designated inspection agency and where applicable, the Uganda Revenue Authority and the goods or motor vehicles shall not be permitted entry in the domestic market where goods or motor vehicles have been subjected to destination inspection and have been determined not to conform to the relevant Uganda standards.

### **13. Release under seal.**

(1) An Inspector may release goods under seal where the importer has cleared with the requirements of Uganda Revenue Authority but the Bureau has subjected the goods to inspection, sampling, testing and evaluation.

(2) The release under seal is subject to payment of an administration fee prescribed in schedule 1 in addition to the inspection fees.

(3) A cash bond worth 15% of the CIF value of the goods shall be presented before the release under seal.

(4) The cash bond shall be executed when the goods do not meet the requirements of the standard so as to cater for the costs of the destruction or re-exportation.

(5) The cash bond shall be returned to the exporter once the importer is issued with an import clearance certificate.

### **14. Exemptions.**

All goods specified in Schedule 3 shall be exempted from the PVOC programme.

**15. Offences and penalties.**

A person, who releases, distributes, sales or markets a product that does not conform to the requirements of the relevant Uganda standards, commits an offence and is liable on conviction to such a penalty as is prescribed in the Act.

**16. Appeals.**

An importer may appeal under section 25 of the Act, where he or she is not satisfied with the decision taken under these Regulations.

**17. Revocation of S.I No. 45 of 2013.**

The Uganda National Bureau of Standards (Import Inspection and Clearance) Regulations, 2013 are revoked.

## SCHEDULE 1

*Regulation 3 (7)*

### FEES AND CHARGES FOR IMPORT INSPECTION AND

#### CLEARANCE

1. Where a sample is subjected to laboratory analysis, the importer shall be required to pay for the test charges as billed by the relevant laboratory.

2. The fees and charges referred to in regulation 3 (7) shall be as follows and shall be based on the FOB value of import shipment.

- (a) The applicable verification fees depend on the route, subject to the minimum and maximum detailed below.

The fees are payable by the exporter or manufacturer and payable in advance:

**Route A (Unregistered products)**

0.500% of FOB value subject to a minimum of USS 220 and Maximum of USS 2,375

**Route B (Registered products)**

0.45% of FOB value subject to a minimum of USS 220 and Maximum of USS 2,375

**Route C (Licensed Products)**

Licensed Products (0.25% of FOB value subject to a minimum of USS 220 and Maximum of USS 2,375)

- (b) **Used Vehicles**

**Inspection Fees**

Fees payable upon inspection will vary depending on country of origin as specified below-

Japan (USS 140)

Singapore (USS 180),

United Kingdom (BGP 125),

South Africa (R 1685) and

United Arab Emirates (Dubai) (USS 125).

Other countries (USS 140)

**Testing Fees**

Determined on a case by case basis

*Regulation 12(2)*

**Release under seal Fees**

USS 50 or equivalent UGX

## SCHEDULE 2

*Regulations 3(3), 3(8) and 4(1)*

### CATEGORIES OF GOODS SUBJECTED TO PVOC.

1. Group I - Toys
2. Group II - Electrical and electronics
3. Group III - Automotive products and inputs
4. Group IV - Chemical products
5. Group V - Mechanical materials and gas appliances
6. Group VI - Textile, leather plastic and rubber
7. Group VII - Furniture (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 products including used motor vehicles

SCHEDULE 3

*Regulation 12*

EXEMPTIONS

	General goods whose FOB value does not exceed US\$ 2000
	Prohibited Goods according to the East African Customs Management Act 2006 and the East African Standards Quality Assurance and Testing Act (SQMT) 2006 and any other Laws of the Community.
	Government project specific goods.
	Raw Materials which are brought in for the manufacturing process and not for sale.
	Diplomatic cargo.
	Personal Effects.
	Goods that are not covered by compulsory standards.
	Certified goods including those from the EAC Partner States.
	Industrial machinery and spare parts not for re-sale.
	Re- exports from within the EAC that have undergone PVOC with valid traceable certificates of conformity for the EAC Partner State of re-export.
	Classified military, police & prisons hardware and equipment.

AMELIA KYAMBADDE,  
*Minister of Trade, Industry and Cooperatives.*