

# **The Standards Act, 2008**

**BE IT THEREFORE ENACTED** by the National Assembly, signed by the President of the Republic, and in accordance with provisions of the interim constitution of the Republic of the Sudan, 2005, as follows;

## **CHAPTER 1**

### **Title and Commencement**

This Act shall be cited as the "Standards and Metrology Act 2008" and shall come into force, as of the date of signature.

### **Repeal**

The "Crops Control Act", 1972 shall be repealed.

### **Definitions**

In this Act, unless the context indicates otherwise;

"Standard specification" means **a document established by consensus and approved by a recognized body, that provides for common and repeated use, rules, guidelines or characteristics for activities or their results aimed at the achievement of the optimum degree of order in a given context.**

"Adopted specifications" means the standard specifications issued by the international and regional organizations working in the field of standardization and adopted on part of the **organization.**

"Related Bodies" means any Ministry or Authority or Council or Organization or any entity that is related to standardization.

"Technical **regulations**" means **regulations that provide technical requirements, either directly or by referring to or incorporating the content of a standard, technical specification or code of practice.**

"Standardization" means **the imposition of standards and regulations.**

"Measurement" means the machinery, instruments and vessels which are used for measurement **of size or amount.**

"Quality mark" means the mark which the **organization** issues and grants to a product or service and signifies that the product or service conforms as minimum to the approved standard specifications or technical **regulations**, and to such other requirements as the organization may lay down.

"Quality assurance" means **all planned and systematic actions necessary to provide adequate confidence that a product or service will satisfy given requirements for quality.**

"Conformity certificate" means a **document** which asserts that the service, product or methods of production and management systems are in conformity with **approved** standard specifications or **approved** technical **regulations.**

"Conformity assessment procedures" means **the procedure used to determine, directly or indirectly, that the relevant and validated documentation has been fulfilled.**

"**Accreditation**" means the recognition and admission by the **organization** of the competence and ability of an organization, institution, company or otherwise, to undertake specific technical tasks.

"Accredited laboratory" means the examination and testing laboratory, or the standardization laboratory which has been granted credit.

"Accredited bodies" means such bodies, as the **organization** may accredit, as qualified bodies, in scientific tests and control and inspection measures.

**Or an authoritative body that performs accreditation.**

"**Label**" means the data which includes every particular, explanation, mark, picture or descriptive material on the packages of all commodities.

"Service" means the service rendered in accordance with the **approved** standard specifications.

"Good practice" means measures and regulations pertaining to the preparation of standard specifications and technical **regulations** according to the TBT Agreement.

"Guide" means **guidelines** which practically identifies the conformity assessment procedures and granting the quality certificate.

"Technical committee" **means any of the technical committees constituted in accordance with the provisions of sections (19) and (20), or any other committee as the Director General may form.**

"**Media**" means journals, periodicals, booklets, circulars, notices and statements issued by the organization; newspapers and magazines, broadcasting station, television, organization site at the internet, focal points concerning the organization; gazette or any other means adopted by the organization with a view to communicate information.

"Board" means the board of Directors of SSMO.

**"Director General" means Director General of the organization.**

**"Minister" means the Minister responsible for the organization.**

**"Organization" means the Sudanese Standards and Metrology Organization.**

## **CHAPTER 2**

### **Constitution and Functions of Technical Committees**

#### **4.**

4.1 The SSMO functions through Technical Committees which represents the consultative body of the Director General.

4.2 The Director General shall constitute the technical committee provided it includes the representation of scientific and research institutions, and relevant and concerned bodies from the private and public sectors, a representative of the consumer protection society and the SSMO.

4.3 The regulations shall specify the **mode of performance** of the technical committees and their remuneration.

#### **5. Functions of the Technical Committee-**

Technical Committees are mandated to;

5.1 Study and prepare the **drafts** of standard specifications, technical **regulations** and conformity assessment procedures, and specify risks in a neutral **manner** without impediment to trade.

5.2 **Compose the draft** of the standard specifications and technical **regulations**.

5.3 **Examine** the international and regional standard specifications directives and recommendations of other States in relation to standardization, which must be submitted to the SSMO for the possibility of adopting them, in an attempt to be fully approved by the SSMO.

5.4 Recommend with respect to amendment or withdrawal of the standard specifications or technical **regulations**.

5.5 Prepare the **drafts** of quality guide for various products, commodities and services.

5.6 Keep deliberations and information and submit monthly performance reports.

5.7 **Undergo** any other functions as the Director General may assign thereto.

5.8 The technical committee may seek the help of whoever they may deem **appropriate**.

**5.9 . Technical Committees may seek any assistance they consider appropriate.**

## **CHAPTER 3**

### **Approval of Development Programs for Sudanese National Standards and Technical Regulations and Declaration**

#### **6. Approval of Development Programs for Sudanese National Standards and Technical Regulations**

**6.1 National Norm for Setting and Amending of Sudanese National Standards and Technical Regulations shall be in accordance with the National Strategy of the State.**

6.2 **Related** bodies shall submit to the **Director General** the **draft** for standard specification and technical **regulation** to be referred to the relevant Technical Committee for studying and approval as a national standard in accordance with the procedure specified by the regulations.

**7. Development of Sudanese National Standards and Technical Relations**

National Norm for setting and amending standard specifications and technical **regulations** shall be as follows-

- a. The Technical Committee shall prepare and submit the **draft** standard and technical **regulation** to the **Director General**.
- b. The Board shall accredit the standard specification and technical **regulation** submitted by the **Director General**, and is deemed valid as of the date of publication in various media **levels**.
- c. The Board may review the date of validity upon a request from bodies **in concern**.
- d. Without **breaching** the above, the **SSMO** shall apply the principle of good practices in the preparation of standard specification, **approval** and application of the same, and shall be issued according to directions placed by the Board for this purpose.
- e. **SSMO** shall send copies of **approved** standard specifications to related bodies for the purpose of applying these standards.

**8. Basis and principles for laying down standard specifications and technical regulation**

The Technical Committee upon laying down the standard specification and technical **regulations**, shall give due regard to the following basis and principles-

- 8.1 To preserve the security and national economy; prevent fraud and protect safety and health of humans, animals, plants and the environment, provided that the **approved** standard specification and technical regulation shall not restrict trade, only to the extent necessary to achieve the required level of protection.
- 8.2 **Conform** to the standard specifications recommended by the international and regional organizations, if there be, unless such standard specifications are not effective or inappropriate to achieve the required level of protection, or for climatic, or geographical or creed factors, or for technological problems; or to respond to financial, developmental or commercial needs of the State.

**9. Revision of standard specification and technical regulations.**

The standard specifications and technical **regulations** shall be revised periodically, or upon the request of a concerned body, and submit a recommendation to suspend work by the technical **regulation**, where it transpires that the circumstances which led to the **approval** of the standard specification and technical **regulation** no longer exists, or it has become possible to face the variable circumstances with less restriction to trade.

**10. Coordination in setting standard specifications and technical regulations**

Coordination between the **SSMO** and **concerned** bodies shall be made in preparing and **drafting** standard specifications and technical **regulations**, or conformity assessment procedures to avoid inconsistency with existing technical **regulations** or conformity assessment procedures.

#### **11. Harmonization of standard specifications**

The standards specifications of other countries shall be deemed equivalent to the Sudanese standard specifications, where it transpires that they sufficiently achieve the objectives of the Sudanese standard specification, considering the principle of reciprocity.

#### **12. Declaration of Standard specifications and technical regulations.**

12.1 The **SSMO** shall declare the standard specifications and technical **regulations** as follows-

- a. Through media and periodical publications of the **SSMO**, during the **preparatory** stage of a new proposed standard specification or technical regulation.
- b. Notifying at an early stage the **related** international organizations, by the **national** body **responsible** for the products to be covered by the proposed or amended standard specification and technical **regulation**, together with a brief of the **objectives** of these regulations or procedures. Written remarks from members of such organizations shall be taken into consideration without discrimination, after giving them the reasonable time to express such remarks and which shall be recorded in the final copy of such **regulations** or procedures.
- c. Upon application, concerned bodies shall be granted the chance for perusal of the proposed draft of the standard specification or technical base within a period that may not exceed thirty days from the date of declaration.

12.2 **Proclamation** in all media **channels**, containing the number of standard specification and the number of technical **regulations** and means of obtaining them after their **final approval**.

12.3 Without being restricted by what is set out in subsections (12.1) and (12.2), approval and application of the standard specifications and technical **regulations** shall be made where it is required for reasons relating to national security, or requirements of public safety, the environment and health, subject to **considering** the following-

- a. Notification of Ministries and national institutions and any other related bodies.
- b. Immediate notification of concerned international organizations through their national **counterparts**, of the products to be covered by these standard specifications and technical **regulations** and a brief of the objectives thereof. Due regard may be taken of written remarks expressed by members of such bodies in this respect.
- c. An application by the concerned bodies may be made to the **SSMO** to peruse the standard specifications and technical base within two weeks from date of declaring them.
- d. Where the technical content or conformity assessment procedures do not comply with the technical content of standard specifications and technical **regulations** or guides or recommendations issued by international organizations, and that the

proposed technical **regulations** and conformity assessment procedures affect trade, then the **SSMO** and otherwise of related official bodies shall apply what is set out in subsection (12.1).

### **13. Preparation of conformity assessment procedures for standard specifications and technical regulations**

- 13.1 Conformity assessment procedures of the standard specification or technical **regulations** shall be prepared in accordance with the guide or international recommendations, where available; unless the guides or international recommendations are ineffective or inappropriate to achieve specific **goals**, such as preserving national security, preventing fraud, protecting the health and safety of human beings, animals, plants or the environment, or for climatic or geographical factors, technological problems or infrastructure problems, or for responding to the State's financial, development or trade needs; this is subject to risks that may result from the non-existence of such procedures; and on condition that the approved conformity assessment procedures shall not restrict trade, only to the extent necessary to achieve the lawful **goals** or the level of the required protection.
- 13.2 These procedures shall be **obligatory** for similar local and imported products without unjustified distinction.
- 13.3 These procedures shall be **obligatory** for technical, financial, communication, transport, environment, tourism, education, business, health, sports and culture services sectors.
- 13.4 Results of the conformity assessment procedures in other countries shall be deemed equivalent to procedures applied in the State, where it transpires that these procedures achieves conformity of standard specifications and technical **regulations**.
- 13.5 Regulations shall specify conformity assessment procedures, considering complaints presented with respect to application of these procedures.
- 13.6. Upon conducting any change on the characteristics of a product or method of production, which has been verified to conform with the standard specification or technical **regulations**, then the conformity assessment of the product or method of production shall be restricted to what may be necessary to verify the continuity of conformity of the product with specific technical **regulations** and standard specifications, whenever practical and simplified.

### **14. Application of Technical Regulations.**

- 14.1 Technical **regulations** shall apply to similar local and imported products and local service trade sectors without distinction.
- 14.2 No product shall be imported, produced, sold or offered for sale in any form, unless it **fulfils** the safety requirements pertaining to such products according to the technical **regulations**, or standard specifications.
- 14.3 No service shall be rendered, offered, promoted or sold in any form, unless it **fulfils** the safety requirements pertaining to such service, according to the technical **regulations**.
- 14.4 Subject to the provisions of sub-section (14.2), the product shall be safe for use, in case of **absence** of technical **regulations** or standard specifications relating to the product; likewise it shall be consonant with creed and custom.

### **15. Abidance by the technical regulations.**

15.1 All government organs and all those working in the fields of trade, production of commodities and rendering services shall **abide by** the technical regulations issued by the **SSMO** with respect to services, produced commodities and substances used therein, and methods of application.

15.2 All commercial, service and industrial corporations and institutions shall fully comply with the technical regulations and standards **approved** in the field of preserving the environment, health and safety.

## **16. Voluntary standard specifications**

16.1 The standard specification shall be deemed **voluntary**; likewise the presence of a quality mark on the commodity or substance for which the standard specifications applies shall be considered a certificate stating that this commodity or substance is in conformity with the standard specification.

16.2 Notwithstanding the provisions of subsection (16.1), the Board may issue an order prescribing the mandatory nature of a standard specification for some commodities or substances affecting public health and safety, or that enjoying protection or those prepared for export.

## **17. Assistance to SSMO officials**

All bodies working in the fields of production, distribution, sale, storage and services shall assist **SSMO** officials in performing their tasks.

## **18. Conformity certificate.**

18.1 The **SSMO** shall grant conformity certificates for commodities and services, which comply with standard specifications and technical **regulations**, in accordance to the results of conformity assessment procedures and regulations.

18.2 The authority of granting conformity certificates may be delegated by the **SSMO** to any body inside or outside the country, in accordance to the international guides adopted by the **SSMO**.

18.3 Agreements may be **concluded** for the recognition of the competence of **corporations** issuing conformity certificates from other countries.

18.4 **SSMO** may accept conformity certificates issued by other organizations adopting the same guides approved by the **SSMO**.

# **CHAPTER 4**

## **Accreditation Committee**

## **19. Establishment of Accreditation Committee and functions.**

19.1 **SSMO** shall establish a committee named "**Accreditation** Committee" to undertake **accreditation** of test labs and bodies granting conformity certificates for the purpose of supervision and evaluation, in accordance with national, regional and



international practices followed. Regulations shall specify functional procedures of the committee.

19.2 The committee shall be constituted by a decision of the **Ministry of Cabinet based upon** the recommendations of the Board; comprising scientists and experts in the field of **laboratory accreditation**. The decision shall specify functions and **retributions** of the committee.

## CHAPTER 5

### General Provisions

#### 20. Focal Points

The **SSMO** shall establish focal points authorized to;

- a. Implement the enforcement of Sanitary and Phyto-sanitary Agreement (SPS) and Technical Barriers to Trade Agreement (TBT),
- b. Coordinate with the **Codex Alimentarius Commission of the FAO and WHO organizations,**
- c. Coordinate with any other body, as the SSMO may specify.

#### 21. Quality Mark

21.1 The **SSMO** shall issue a mark of quality for local commodities and services to be used by producers or exporters under the supervision of the **SSMO**, upon a written request from the producer or exporter, and on condition it complies with standard specifications and technical **regulations**.

21.2 Regulations shall specify means of issuing and use of quality mark.

#### 22. Mandatory nature of **SSMO** decisions.

22.1 The technical decision based upon examination, inspection and laboratory test regarding the compliance of any commodity or service to standard specifications and technical **regulations**, and which is **approved** by the Director General or whoever he may authorize, shall be deemed legally binding to the body concerned.

22.2 Notwithstanding the provisions of subsection (24.1), the Board may revise the decision made by the **SSMO**, upon an application presented by the producer, exporter, importer or supplier of service.

#### 23. Monitoring the application of standard specifications and technical regulations

**23.1** The **SSMO** in coordination with related government bodies at various levels shall carry out periodical campaigns inspecting commodities, products and services in markets to ensure the application of standard specifications and technical **regulations** through its technical organs.

**23.2** (a) The Director General or whoever he may authorize from the **SSMO** officials, may issue an order to **inspect and search** any factory, commercial or service shop, utility, warehouse or market; and take samples from the products, substances, industrial waste, including measurement instruments, to examine, test, analyze or calibrate, for the purpose of ensuring compliance to standard specifications and technical **regulations**.

(b) The **SSMO** officer must be furnished with a document stating that he or she has been authorized or appointed to undergo tasks stated in subsection (25.2).

**23.3** The **SSMO** may provide technical support and consultancy to national institutions to ensure the application of standard specifications and technical **regulations**, whenever requested.

#### **24. Producers, importers and consumers obligations.**

**24.1** The producer and service supplier is obliged to provide the consumer with all the explanatory information that enables him or her to best utilize that product or service to fend off any risks, whenever requested from him or her.

**24.2** Every producer, importer or exporter shall be responsible for the safety of his products, providing the services related to that product and implementing all safety measures and the related conformity procedures.

**24.3** Service supplier is responsible for the safety of his services and implementing all safety measures with respect to that service.

#### **25. Conformity assessment procedures and mutual recognition.**

25.1 The **SSMO** shall grant conformity certificates to exports, based on national technical requirements or those adopted by other States.

25.2 The **SSMO** may accept conformity certificates issued by international technical bodies or national institutes accredited by **SSMO**.

**25.3** Organizations granting conformity certificates in other States shall be recognized by the **SSMO**, in accordance to mutual recognition agreements, which considers conformity assessment procedures of other States equivalent to those practiced in Sudan; which is also in accordance to directives on mutual recognition placed by the **SSMO** and based on international practices.

#### **26. Registration of bodies granting conformity certificates.**

26.1 The **SSMO** shall be **considered** the technical reference to register bodies granting conformity certificates.

26.2 The Board may issue the decision pertaining to the admission of bodies granting conformity certificates.

## **27. Delegation to grant conformity assessment procedures.**

27.1 The **SSMO** may delegate the power to grant conformity certificates to any appropriate body, based upon an agreement with such bodies, and in accordance with the regulations.

**27.2** Conformity certificates for **voluntary** requirements of other States may be granted to the States subject to our exports, without prejudice to national standard specifications and technical **regulations**.

## **CHAPTER 6**

### **Final Provisions**

## **28. Violations to standard specifications and technical regulations.**

28.1 The **SSMO** shall undertake the following procedures, upon **violation** to national standard specifications and technical **regulations**;

(a) The Director General shall issue a written decision to seize a specific commodity or suspend a specific service.

(b) The owner of the commodity or service may present an appeal containing a suitable treatment, which if accepted, the treatment shall be **applied** under the supervision of a technical committee from the **SSMO**.

**28.2** The Director General or whoever he authorizes may institute legal proceedings in coordination with concerned bodies to close an establishment producing a commodity or supplying a service that does not comply with national standard specifications and technical **regulations**.

28.3 The **prejudiced** person may appeal the decision of the Director General to the Board within one week from the date of closure.

## **29. Compliance to the label**

**29.1** Every production institute shall be committed to place a label of contents on the packages of its products, presenting information identifying the nature of the commodity, its ingredients, its uses, storage and **handling, containing the brand of that commodity**.

29.2 Producing bodies shall present a model of the information mentioned in subsection (30.1) to the **SSMO** for revision and approval.

## **30. Service fees.**

The **SSMO** shall specify the fees charged for its services, upon approval of the Ministry of Finance and National Economy.

### 31. Offences and penalties.

**Any person who is convicted with the following offences is liable to a fine or to imprisonment for a period not less than three months, or both penalties;**

31.1 Presents or offers substances which are not in conformity with technical regulations or standard specifications in markets or shops,

31.2 Manipulates the information placed on a label of contents, and prints out counterfeited or forged labels of contents,

31.3 Recording any phrase on the label suggesting that it is in conformity with standard specifications or technical regulations, without obtaining a written approval from the SSMO or related bodies,

31.4 Deceiving the consumer through misleading advertisement of products or substances he produces, imports or offers for sale.

### 32. Issuance of regulations.

The Board, upon approval of the Minister, may **issue** the regulations necessary to **execute** provisions of this Act.

### Approval

By that I certify that the National Assembly has passed the Standards Law for the year 2008 during its Meeting number 10 of the sixth round dated 21 Jamdi Elawal 1429 Hijri of the 26<sup>th</sup> May 2008. Moreover, the Joint Constant Committee decided in its 14<sup>th</sup> Meeting dated 14 Jamadi Elthani 1429 Hijri of the 15<sup>th</sup> June 2008, that this law does not affect the interests of the States.

**Approved by the President.**

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### Scale:

- **Bolded and lightly shaded** words represent **words** that are changed or newly embedded in the text.
- **Section or subsection** numbers that are framed in a box represents texts that have been rephrased.

