

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 64, Volume CXV, dated 21st October, 2022

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

2022 No. 112

**THE UGANDA NATIONAL BUREAU OF STANDARDS (INSPECTION
AND CLEARANCE OF IMPORTS) REGULATIONS, 2022**

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STATUTORY INSTRUMENTS

2022 No. 112.

The Uganda National Bureau of Standards (Inspection and Clearance of Imports) Regulations, 2022

*(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, and in consultation with the National Standards Council, these Regulations are made this 20th day of September, 2022.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Uganda National Bureau of Standards (Inspection and Clearance of Imports) Regulations, 2022.

2. Application of Regulations

These Regulations apply to all commodities imported into Uganda for which the Minister has declared compulsory standard specifications 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;

“Authorised Economic Operator (AEO)” means a person involved in the international movement of goods for any function approved by or on behalf of a national customs body as compliant with the World Customs Organisation or equivalent supply chain security standards;

- “bureau” means the Uganda National Bureau of Standards established by section 2 of the Act;
- “certificate of conformity” means a document issued by a third party contracted or recognised by the bureau, demonstrating that adequate assurance is provided by the importer that their commodities are in conformity with compulsory standard specifications;
- “certificate of road worthiness” means a document issued by a third party contracted or recognised by the bureau, demonstrating that adequate assurance is provided by the importer that the motor vehicle, is in conformity with compulsory standard specifications;
- “commodity” means any article, product or thing, which is or will ultimately be the subject of trade or use;
- “competent authority” means bodies that are mandated by law in the respective Partner States to regulate, certify, licence or conduct registration pertaining to the sector that they regulate;
- “compulsory standard specifications” means standard specifications declared as such under section 18 (1) (a) of the Act;
- “conformity” means the fulfilment of specified requirements;
- “conformity assessment” means a demonstration that specified requirements relating to a product process, system, person or body are fulfilled;
- “consignment” means all the commodities declared by one customs entry number;

- “destination inspection” means conformity assessment done within Uganda at the port of entry or at any other premises permitted by the bureau;
- “digital conformity mark” means the distinctive mark when in a device-readable or app-readable mark or code format, affixed or imprinted on a unit of a commodity of the category specified in Part II of Schedule 3 to the Uganda National Bureau Standards (Certification) Regulations, 2021, embedding conformity-related data pertaining to the unit of the commodity on which it is affixed or imprinted;
- “distinctive mark” means a mark declared as such under section 18 (1) (b) of the Act;
- “electronic single window” means a platform that is Government mandated and allows for the submission of electronic information to fulfil regulatory requirements;
- “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 imported commodity conforms to the compulsory standard specifications and has been cleared by a standards inspector;
- “licensed commodity” means a commodity that is continuously assessed by the bureau and deemed compliant with the relevant compulsory standard specifications or any other approved international standards using a known process;
- “low risk” means commodities profiled as low risk according to the bureau’s risk profiling framework;

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

“notified product certification mark” means a mark notified 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;

“Pre-export Verification of Conformity (PVOC)” means a conformity assessment performed in the country of export or origin that verifies the exporter or manufacturer’s statement that their commodities conform to the relevant compulsory standard specifications or other approved international standards;

“registered commodity” means a commodity with a reasonably consistent level of compliance to compulsory standards specifications or any other approved international standard, and which may be exempted from mandatory testing and physical inspection;

“re-work” means to improve, alter or revise a commodity to achieve compliance with compulsory standard specifications;

“risk” means the potential of non-compliance with these 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 these Regulations;

“risk profile” means a predetermined combination of risk indicators, based on information which has been gathered, analysed and categorised;

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

“standards inspector” means an employee of the bureau appointed under the Act to exercise the powers or perform the duties of a standards inspector and to enforce these Regulations;

“unregistered commodity” means a commodity without prior information regarding its conformance and which shall be inspected and tested to assess compliance;

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

PART II—INSPECTION AND CLEARANCE OF IMPORTS

4. Commodities to conform to compulsory standard specifications

(1) A person shall not import into Uganda any commodity for which compulsory standard specifications have been declared by the bureau, where the commodity does not meet the requirements of the compulsory standard specifications.

(2) Subject to section 14A of the Act, a person shall not release or facilitate the release of any imported commodity into Uganda, where the commodity does not meet the requirements of the compulsory standard specifications.

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

(1) The commodities specified in Part 1 of Schedule 1 to these Regulations shall, prior to being imported into Uganda, be subjected to Pre-export Verification of Conformity to Standards in the country of origin or export, upon the payment of the fees prescribed in Schedule 2 to these Regulations.

(2) The commodities specified in Part 2 of Schedule 1 to these Regulations are exempted from Pre-export Verification of Conformity to Standards.

(3) A certificate of conformity or a certificate of road worthiness shall accompany the commodities referred to in subregulation (1).

(4) A certificate of road worthiness shall be valid for twelve months from the date of issue for each customs entry.

(5) Notwithstanding subregulation (1)—

(a) where the commodities specified in Part 1 of Schedule 1 to these Regulations qualify to be classified as commodities specified in Part 2 of Schedule 1 to these Regulations, the commodities shall be exempt from Pre-export Verification of Conformity to Standards;

(b) where the commodities specified in Part 1 of Schedule 1 to these Regulations have been profiled as low risk, the commodities may be exempt from Pre-export Verification of Conformity to Standards; and

(c) where the commodities specified in Part 1 of Schedule 1 to these Regulations are imported by an importer profiled as low risk and registered as an Authorised Economic Operator (AEO), the commodities may be exempt from Pre-export Verification of Conformity to Standards (PVOC).

6. Assessment of imported commodities

The bureau shall, at a port of entry into Uganda or at entry into the single customs territory, carry out conformity assessment of the commodities specified in subregulation (1), to assess the compliance of the commodities to the compulsory standard specifications, whether the commodities are for trade or for personal use.

7. Commodities not accompanied by certificate of conformity or certificate of road worthiness

(1) Notwithstanding regulation 5, where the commodities specified in Part 1 of Schedule 1 to these Regulations 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 paragraph 2 of Schedule 2 to these Regulations, as applicable, a surcharge of fifteen per cent of the Cost, Insurance and Freight (CIF) value of the commodities subjected to inspection clearance and any other fee prescribed in Schedule 2, as may be applicable.

(3) Where the commodities referred to in subregulation (1) comply with the compulsory standard specifications, the standards inspector shall issue an import clearance certificate in respect of the commodities.

(4) Where the commodities referred to in subregulation (1) do not conform to the requirements of the compulsory standard specifications, the bureau shall issue a notice to the importer to take corrective action or to destroy or re-export the commodities, depending on the risk of the commodities to the environment and in accordance with regulation 15.

8. Application for import clearance certificate

(1) An importer of commodities specified in Schedule 1 to these Regulations shall apply to the bureau for 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 into Uganda or at entry to the single customs territory.

(2) The application in subregulation (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) the customs transit document;
- (f) the certificate of conformity or certificate of road worthiness, where applicable;
- (g) a valid product certification permit for commodities that originate from a Partner State of the East African Community, or commodities to which regulation 14 applies;
- (h) an export certificate, in the case of motor vehicles;
- (i) an exemption letter from the bureau in accordance with regulation 5 (5), where applicable;
- (j) the passport bio data page and other supporting documentation for returning residents, where applicable; and
- (k) a diplomatic note endorsed by the Ministry responsible for foreign affairs, in the case of persons seeking exemption for diplomatic cargo.

(3) Where commodities are accompanied by a certificate of conformity or a certificate of road worthiness, the standards 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.

9. Issuance of import clearance certificate

A standards inspector shall issue an import clearance certificate where the commodities, after verification, are found to conform with the certificate of conformity or certificate of road worthiness, respectively.

10. Destination inspection

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

- (a) commodities in Part 1 of Schedule 1 to these Regulations, which arrive at the port of entry or at entry to the single customs territory without a certificate of conformity or a certificate of road worthiness;
- (b) commodities in Part 1 of Schedule 1 to these Regulations which arrive at the port of entry or at entry to the single customs territory with a certificate of conformity or a certificate of road worthiness but in respect of which, upon verification, the standards inspector—
 - (i) has reason to believe that the commodities do not conform with the certificate of conformity or certificate of road worthiness, respectively; or
 - (ii) finds reason to doubt the compliance of the commodities with the relevant compulsory standard specifications;
- (c) commodities in Part 3 of Schedule 1 to these Regulations which have a valid product certification permit and commodities to which regulation 14 applies, where the standards inspector has reason to doubt the quality of those commodities;
- (d) commodities under regulation 5(5)(b) and 5(5)(c); and
- (e) commodities which are re-exported from a Partner State of the East African Community and which are accompanied by a valid certificate of conformity.

(2) A standards inspector shall, in order to determine conformity with the compulsory standard specifications, inspect the commodities subject to destination inspection.

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

(4) An importer of 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, as required in paragraph 3 of Schedule 2 to these Regulations and any other fees required under regulation 7(2).

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

(6) An standards inspector shall, where the commodities conform to the relevant compulsory standard specifications, issue an import clearance certificate.

(7) Where the standards inspector determines that commodities which are subjected to destination inspection do not conform to the relevant compulsory standard specifications, the standards inspector shall notify the importer through issuance of a seizure notice copied to the relevant authorities and, where the goods are still under customs control, notify 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 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 storage facility under seal of the bureau.

11. Standards inspector to verify shelf life of commodities prior to issuance of import clearance certificate

(1) Where commodities have a definite shelf life, the standards inspector shall, before issuing an import clearance certificate, determine that the commodities have a defined and marked shelf life of at least—

- (a) 75% of the shelf life from the date of manufacture, in the case of food products at the port of entry or, in the case of food products with a shelf-life of more than 18 months, at least 12 months at the port of entry; and
- (b) 50% of the shelf life from the date of manufacture, for all other commodities.

(2) In the case of cosmetics, the “best before” or “period after opening” (PAO) shall apply for purposes of verification.

12. Standards inspector not to release commodities without import clearance certificate

A standards inspector shall not release commodities from a port of entry into Uganda or entry into the single customs territory, other than to a customs bonded warehouse or to a storage facility under seal of the bureau, unless the importer of the commodities has been issued with an import clearance certificate.

13. Commodities to conform with standards and bear distinctive mark

(1) A person shall not import, distribute, sale or have in his or her possession or control for sale or distribution, any commodity for which compulsory standard specifications have been declared, unless the commodity conforms to the compulsory standard specifications.

(2) A person shall not distribute, sale or control for distribution or sale, any imported commodity for which compulsory standard specifications have been declared and which is specified in Part II of Schedule 3 to the Uganda National Bureau Standards (Certification) Regulations, 2021, unless the commodity bears a digital conformity mark.

(3) An importer of a commodity for which compulsory standard specifications have been declared and which is specified in Part II of Schedule 3 to the Uganda National Bureau Standards (Certification) Regulations, 2021 shall, before import clearance, produce evidence of acquisition of the digital conformity mark for all the units of the commodity to be imported.

(4) An importer may apply the digital conformity mark, either before importation, upon 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, upon obtaining an import clearance certificate issued by the bureau.

14. Commodities manufactured within EAC Partner States

(1) An importer of commodities manufactured within a Partner State of the East African Community, with a valid product certification permit and bearing a notified product certification mark of 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 where—

- (a) the commodities have been issued with a notified product certification mark of the Partner State of origin issued against the harmonised East African standards; or
- (b) the commodities have been issued with a notified product certification mark of the Partner State of origin, issued against national or international standards where harmonised East African Community standards do not exist; or
- (c) the commodities are determined by the Minister, in consultation with the bureau, by notice in the Gazette, to be of extraordinary importance.

(2) Where imported commodities are not accompanied or issued with a valid product certification permit or where the

commodities are accompanied by a valid product certification permit not issued against the harmonised East African Community standards where they exist, the commodities shall be subject to destination inspection.

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

(1) Where a notice to undertake corrective action, destroy or re-export commodities is issued by a standards inspector under regulation 10(7) (b), the commodities shall be reworked, destroyed or re-exported within twenty-one days of issue of the notice, at the expense of the importer.

(2) The commodities under this regulation shall—

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

(b) where the commodities pose a significant risk to the environment, be re-exported to the country from which they were imported and the importer or exporter shall obtain a URA customs re-export certificate as proof of re-export; or

(c) where commodities are required to be reworked, be reworked in accordance with processes documented by the importer and approved by the bureau and issued with an import clearance certificate after re-evaluation for compliance with the relevant compulsory standards specifications.

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

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

16. Release under seal

(1) Where a standards inspector subjects commodities to inspection and testing and the importer has been cleared by the Uganda Revenue Authority, the standards inspector may release, under seal of the bureau, the commodities to a sealable warehouse or storage facility of the importer.

(2) For purposes of subregulation (1), an importer shall apply to the bureau for release under seal of the bureau, of the commodities from a customs bonded warehouse, and the application shall be accompanied by a banker's cheque or bank draft worth fifteen percent of the Cost, Insurance and Freight (CIF) value of the commodities under inspection and testing by the bureau with a validity period of six months.

(3) The importer shall sign an undertaking with the bureau not to tamper with commodities under seal.

(4) Where the commodities released under seal of the bureau do not meet the requirements of the relevant compulsory standard specifications, the banker's cheque or bank draft shall be executed by the bureau to cater for the cost of destruction.

(5) Where the commodities released under seal of the bureau meet the relevant compulsory standard specifications, the importer shall be issued with an import clearance certificate by the bureau and the banker's cheque or bank draft shall be returned to the importer.

(6) Where the importer elects to retain the commodities at the customs bonded warehouse, the importer shall deposit with the bureau, a banker's cheque or bank draft which shall—

- (a) be returned to the importer where the query is resolved and goods found to conform with the compulsory standard specifications; or

- (b) be executed and used to facilitate destruction of the commodities where the commodities do not conform to the standard specifications.

(7) The importer shall pay the release under seal fee prescribed in paragraph 4 of Schedule 2 to these Regulations.

17. Re-work of commodities

(1) Where commodities which do not meet the relevant compulsory standard specifications are required to be re-worked, the importer shall submit to the bureau a proposal on how the commodities shall be re-worked to meet the relevant compulsory standard specifications.

(2) The bureau shall review the proposal submitted under subregulation (1) and may approve it, with or without amendments, or reject it and require the importer to submit a new proposal.

(3) The bureau shall communicate to the importer, in writing, the conditions for executing the proposed re-work.

(4) A re-work approved by the bureau shall be carried out under the supervision of a standards inspector.

(5) The importer shall pay the supervision fee for the re-work as specified in paragraph 5 of Schedule 2 to these Regulations.

18. Factory inspection

(1) A manufacturer who is not certified by the bureau or registered by any competent authority and who intends to import raw materials, machinery or any related direct inputs for a manufacturing process shall apply to the bureau for exemption of the commodities from Pre-export Verification of Conformity to Standards.

(2) The bureau shall carry out a factory inspection to ascertain the existence of the factory before issuing an exemption under subregulation (1).

(3) The importer shall pay the factory inspection fees specified in paragraph 6 of Schedule 2 to these Regulations.

19. Verification of commodities at owner's premises

(1) An importer who wishes to have his or her commodities inspected at a place other than a customs bonded warehouse or a port of entry, may apply to the bureau in writing.

(2) The bureau shall review the request submitted under subregulation (1) and may grant or reject it.

(3) The importer shall pay the verification fees specified in paragraph 7 of Schedule 2 to these Regulations.

20. Revocation of S.I. No. 69 of 2021

The Uganda National Bureau of Standards (Inspection and Clearance of Import) Regulations, 2021 are revoked.

SCHEDULES

SCHEDULE 1

Regulations 5(1), 7(1), 8(1) and 10

PART 1

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

1. Group I Toys.
2. Group II Electricals 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 Textiles, 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

Regulation 5 (2)

COMMODITIES EXEMPT FROM PRE-EXPORT VERIFICATION OF CONFORMITY TO STANDARDS

1. A consignment whose Free on Board (FOB) value does not exceed US\$ 2000, except for used motor vehicles.
2. Consignments of commodities profiled as low risk.
3. Consignments of imports by importers profiled as low risk and registered as Authorised 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 used in the manufacturing process, 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 East African Community.
9. Industrial machinery and accessories; including spare parts 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 and 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 related printed matter.

PART 3

Regulation 10 (1) (c)

COMMODITIES 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 and direct inputs in a manufacturing process; 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 East African Community with a valid certification permit and bearing a notified product certification mark.
8. Classified military, police, prisons and State House cargo.
9. Religious books and literature such as Bibles, Qurans and other related printed matter.

SCHEDULE 2

*Regulations 5(1), 7(2), 10(4), 16(7),
17(5), 18(3) and 19(3)*

FEES AND CHARGES FOR IMPORT INSPECTION AND CLEARENCE

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: 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: 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: 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) fees for the inspection of used vehicles shall depend on the country of origin or export 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. Fees for destination inspection: 0.500% of Cost Insurance and Freight (CIF) value, but in any case not less than USD 235 and not more than USD 3,000 but shall not be applicable for consignments whose total cost in freight value is less than US\$1300.

3. Samples subjected to laboratory analysis: the importer shall pay the charges for the analysis as may be determined by the laboratory carrying out the analysis.
4. Fees for release under seal: US\$ 100 or the equivalent in Uganda Shillings.
5. Fees for supervision of re-work: US\$100 per day or the equivalent in Uganda Shillings.
6. Fees for factory inspection under the Pre-export Verification of Conformity Exemption program: US\$ 100 or the equivalent in Uganda Shillings.
7. Fees for verification at owner's premises: US\$ 100 or the equivalent in Uganda Shillings.
8. In respect of the import of a commodity of the category specified in Part II of Schedule 3 to the Uganda National Bureau Standards (Certification) Regulations, 2021, the fees prescribed in Part II of Schedule 3 to the Uganda National Bureau Standards (Certification) Regulations, 2021 shall apply to the acquisition of a digital conformity mark for each unit of imported commodity in that category.

Cross Reference

East African Community Standardisation, Quality Assurance, Metrology and Testing Act, 2006.

Uganda National Bureau of Standards (Certification) Regulations, 2021, S.I. No. 68 of 2021.

HON. FRANCIS MWEBESA,
Minister of Trade, Industries and Cooperatives.