



QUALITY CONTROL ORDER AND BIS REGISTRATION- THE INDIAN IMPORT STORY

Presented by S J EXIM Services, New Delhi, IN

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List of Upcoming QCOs



1. Visit the BIS Portal to check the list of upcoming QCOs due for implementation
2. Weblink: <https://www.bis.gov.in/upcoming-qcos-notified-and-due-for-implementation/>
3. BIS Registration is granted only to a Manufacturers and not to a Trader or to the Importer in India



The Scheme:

- BIS Standard when formulated is “Voluntary” in Nature. So, the manufacturer may or may not go for the BIS registration
- Only when the QCO is Notified by DPIIT the corresponding BIS IS standard mentioned in the QCO becomes mandatory & needs to be complied by the manufacturer
- The Indian Importer acts only as the “Authorized Indian Representative” of the manufacturer
- BS registration is granted only to Manufacturers and not the Indian Importer
- Prepare well in advance because the approval for BIS license is a time taking process

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Eligibility:



The following scenario needs to be checked even before going ahead for the BIS Registration in India:

(i) First Check the applicability of the BIS Standard given in the QCO with the products that you plan to import in India

(ii) We can assist you in giving the legal opinion on the applicability of the QCO and the respective BIS standard for your products

(iii) The corresponding BIS scheme needs to be checked at this stage- CRS/ISI/FMCS

(iv) Once this exercise is over then thereafter comes the stage where it is decided if a clarification or an exemption would be sufficient from the concerned authorities or whether by te a full-scale BIS registration needs to be initiated by the manufacturer or the Importer on behalf of the manufacturer

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Salient Features:



- BIS Registration is governed under the BIS Act, 2016
- The Series and grouping guidelines for same products with multiple variants is governed as per The Conformity Assessment Regulations, 2018 of BIS
- BIS Standards falling under the Compulsory Registration Scheme (CRS) requires mandatory lab testing in a BIS accredited laboratory in India before the grant of approval by BIS- Usual timeline for approval is 2-3 months
- For ISI scheme for Domestic Manufacturer the approval timeline is 60-120 days depending on whether the application is filed under Option-1 or Option-2 of the ISI scheme or the Product Certification scheme
- For the FMCS application the min approval timeline is 9-10 months, in case all the requirements are fulfilled as per the BIS standard and the Scheme of Testing and Inspection and factory audit and inspection
- ***If the Manufacturer & their products are not registered with BIS then they cannot import in India or Sell in India as per Section 17(1) of the BIS Act, 2016***
- ***Selling without BIS registration attracts Penalty up to 5 times the value of the goods under the BIS Act, 2016***

Benefits of BIS registration:



- **Priority in Government Procurements**
- **Increases Product quality and safety assurances**
- **Larger marketability of the products in the Indian market**
- **Some government bids and tenders are open only to BIS registered manufacturers and entities**
- **When the QCO is Notified then BIS registration is not 'Optional', it becomes a 'Mandate'**
- **Quality competition amongst Manufacturers and builds consumer confidence**

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Exceptions from Quality Control Order and BIS Registration:



- Does not apply on domestically manufactured goods which are intended for Export out of India
- EOUs are exempted
- Micro and Small units are exempted from mandatory QCO and BIS registration as per the MSME Act
- The Directorate General of Foreign Trade (DGFT) has recently taken a significant step in facilitating trade by issuing Notification No. 69/2023 dated March 07, 2024. This notification extends exemption to Advance Authorization license holders from mandatory quality control orders (QCO).

About SJ EXIM Services:



At SJ EXIM Services, we specialize in providing comprehensive solutions at the intersection of tax law and dispute resolution. With a dedicated team of experts, we navigate the complexities of indirect taxation systems in India & worldwide, ensuring compliance and optimizing Indirect tax strategies for our clients.

- **Our Services:**
- Indirect Tax- Customs, FTP & Allied Acts/Rules
- Arbitration Law advisory and solicitation
- Legal Opinion & Advisory on multiple Import Export matters- BIS/QCO/Exemptions/NOC etc
- Legal Opinion and advisory on applicability of a specific law, act, rule, order, notification
- Customs & IDT Litigations- Across all judicial forums
- Classification Issues & Advisory
- Indirect Tax Legal matters
- All Types of Central Licensing

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Industries Handled for BIS/QCO:



- Robotics segment for Israel HQ entity
- Medical Devices segment UK HQ entity
- Automotive segment for Swedish HQ entity
- Steel & Power Sector clients
- Footwear segment

Few Prominent Clients:

1. Liberty Shoes, Karnal Haryana
2. Vertiv Energy, Pune
3. L S Cable India Pvt Ltd (LG Group) Bawal Haryana
4. Lloyds Metals & Energy, Mumbai & Nagpur
5. BDO India Consulting LLP, Pune/Mumbai & Gurgaon
6. Zetwerk Business Manufacturing, Bangalore



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