FAQ's on Market Surveillance

1. **Where to display logo;** Whether it should be on product or packaging or on both?

   The logo can be placed either on product and/or packaging as specified in the Conformity Assessment Guideline issued by BIS to use the Standard Mark, however, as far as possible, the Standard Mark should be affixed on the product as well as packaging.

2. **How the revised market surveillance will ensure random selection of samples from the market? Will the market surveillance be executed for all the registrations or will it done in a random manner.**

   The surveillance is executed for registered manufacturers wherein the registration no and the model to be picked up are randomly selected from the list of registrations and models registered against the respective Registration Number.

3. **How market surveillance will ensure product compliance on all modes/platform for sales in the country like online & GeM.**

   For ensuring compliance, surveillance samples would be purchased from the open market/e-commerce website/Govt. e-market place (GeM) etc.

4. **What are the implications, in case any non-registered product is found/available at retailer/distributors/e-commerce website or any sales platform as per the notified regulation CRO.**

   In such cases, the action would be taken up as per the provisions of BIS Act/Rules and "Compulsory Registration Order (CRO)".

5. **What is the time frame to complete the market Surveillance?**

   It is not feasible to define the time frame to complete the surveillance as the timelines of safety testing depends on many factors, e.g. testing duration, workload available with the test lab, the time taken by the manufacturer/LR to share technical details/documents/data with the lab, etc. Moreover, depending on product type/category the testing period may also vary from 6-8 weeks .Once the test report is received, the same would be reviewed & necessary action would be taken.

6. **What is the procedure to get the tested sample from the test lab?**

   After completion of the surveillance, MeitY sends e-mails to the manufacturer/LR, collection agent and test lab through ESI portal and thereafter, the manufacturer/LR can contact the test lab to collect the tested samples.

7. **What will be the timeframe to arrange the sample which are not available in the market/imported back to back or made to order?**

   The manufacturer have been requested to provide charges for surveillance, declaration about models which are not sold in the market etc. vide letter no 37(7)/2017-IPHW dated 26-12-2018.The time frame for collection of samples would be as mentioned in the market surveillance policy notified by MeitY.

8. Will it be MeitY or STPI who will notify the Brand and Manufacturer?

MeitY initiates surveillance through ESI portal and the Orders are released electronically (by e-mail) to the manufacturer, local representative (LR), designated test lab and collection agency for executing Surveillance.

9. How will samples for batteries be picked from market, as batteries require 22 samples for testing?

The manufacturer have been requested to provide charges for surveillance, declaration about models which are not sold in the market etc. vide letter no 37(7)/2017-IPHW dated 26-12-2018.The samples would be collected as per the provisions of the market surveillance policy notified by MeitY.

10. Will the Market Surveillance Portal be accessible to the Brand and Manufacturer on real time basis?

Presently the Manufacturer/LR can view the status of surveillance of respective registrations, latest news/updates etc on real time basis at http://electronicstds.gov.in.

11. What happens to the status of the Registration Number of the product if the cells or device undergo cancellation under Market Surveillance?

For the safety of the consumers, the product should have pre-certified /registered (if notified under CRO) safety critical components only. If the registration of the manufacturer of cells/devices incorporated in the products cancelled, the product manufacturer shall change the vendor and use registered cells/devices in the product, however, in case the end product has been manufactured before the cancellation of the registration of the cells/devices, the registration number would not be cancelled and manufacturer would be asked to take corrective action.

12. In reference to advance deposit, will the deposit be based on Brand /Manufacturer or as per registration?

As per the provisions of the Compulsory Registration Scheme (CRS) of BIS Act, 1986, the manufacturer has to bear the charges for surveillance activity. The surveillance charges would be levied as per the market surveillance policy.

13. How STPI will ensure that the sample picked-up from the open market is a genuine product, supplied by the BIS registered Company?

STPI will contact the manufacturer and /or AIR to accompany the STPI representative during the process of sample collection from the market. In case, the AIR gives a declaration that he will not accompany STPI in picking up the sample, MeitY's decision will be final regarding the sample picked up.

14. What will be the basis of the market surveillance?

The routine random surveillance is executed for registered manufacturers, wherein the registration no and the model to be picked up are randomly selected from the list of models registered against the respective Registration Number (R. No.).

15. Would the administrative failures and product failures be treated differently?

The Order Status that notified products shall comply to Indian Standard and the labeling requirements of “Compulsory Registration Scheme”. Any non –compliance to the Order would be treated as failure. The Order does not stipulate anything like “administrative failure”.

16. To whom the notice of market surveillance be sent LR or OEM or Both.

The notice concerning market surveillance is sent to the manufacturer and/or Local Representatives (LR) of the manufacturer as per the contact detail given in the Registration Number.

17. Does Surveillance portal part of existing BIS CRO portal or it will be a standalone?

The BIS portal “crsbis.in” and “electronicstds.gov.in” are two independent portals.BIS grants registrations using its own portal i.e., “crsbis.in” and MeitY execute surveillance through “Electronic Standards of India (ESI)” portal i.e.,”electronicstds.gov.in” using the registration data maintained by BIS.

18. Does surveillance fee receipt will have R. No. reference for account reconciliation?

Presently, STPI handles all the finance related matters. The detail of all the registration numbers would be available to the manufacturer against which payment has been made by the manufacturer/LR.

19. If lab requires, some technical assistance during testing then how STPI/OEM will support the lab?

If the lab requests technical assistance, the manufacturer/LR shall give demonstration on working of the equipments & technical support during abnormal condition test. Further manufacturer/LR shall provide the details of safety certified components/technical documents of product, insulating material/PCB etc. required for safety testing of the product. STPI is only responsible for picking up the sample & delivering it to the lab for testing and has no role to play in the process of testing activities.

20. In some cases, after the registration the commercial launch is delayed or the first shipment arrive after 3-4 months or later post BIS registration which is a very normal biz scenario. In this case the surveillance should start once the first shipment arrives in India.

The surveillance can be executed anytime after the grant of registration by BIS as per the provisions of market surveillance policy.

21. Why the manufacturer/LR need to provide list of registrations with model numbers ?

BIS grants registration and MeitY executes surveillance using the database maintained by BIS. The registered models in the BIS database do not provide information about the cost of the registered models and model type, e.g. whether the particular model is made-to-order or a regular model which is easily available in the open market. For seamless implementation of market surveillance, the manufacturer/LR shall provide the aforesaid information. Moreover, it is envisaged that the manufacturer/LR shall update the information, in case of any change.

22. Why the MRP of the products is being asked since it is a dynamic entity which may not remain the same throughout a products lifecycle?

As per the provision of registration scheme, the manufacturer has to bear the cost of the surveillance. The information is being gathered for executing surveillance, which includes the sample cost, testing cost etc.

23. What will be the implications, in case the manufacturer/LR does not deposit the requisite surveillance charges?

As per the provision of Clause No. 11(1) (a) of BIS Conformity Assessment Regulation 2018, the payment of financial dues, cost of samples and their testing are part of the conditions of grant of licence. Thus, for the registration number, selected for random surveillance process, if it is found that the respective manufacturer/LR has not submitted the applicable surveillance charges to STPI, it would be considered as violation and the case may be forwarded to BIS for further necessary action.

24. Why the declaration regarding made-to-order models is required and what will happen if any made-to-order model declared by the manufacturer found in open market?

The registered manufacturers/LRs are requested to provide list of registered models in terms of made-to-order and off-the-shelf (easily available in the open market).This will facilitate executing surveillance in an efficient manner as the timelines for picking samples for made-to-order/off-the-shelf are different. Further for made-to-order products, the manufacturer need not deposit the cost of sample in advance.

In case, after declaration the category of the model/product gets changed from the made-to-order to off-the-shelf or vice versa, the manufacturer/LR shall amend the declaration which was provided earlier. In case, the claim of the manufacturer/LR is found to be misleading at any stage, MeitY may consider the case for further necessary action as per BIS Act/Rules. The details are given in letter no 37(7)/2017-IPHW dated 26.12.2018 available in the website.

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