

### 1.1 Overview

The National Regulator for Compulsory Specifications Act (Act 5 of 2008) was promulgated in Government Gazette 31216 on 4th July 2008 and took effect on 1st September 2008. The Act transferred the Regulatory Division of the South African Bureau of Standards (SABS) and all regulatory functions of the SABS to a new statutory Department of Trade and Industry (DTI) institution - the National Regulator for Compulsory Specifications (NRCS).

The new Act also transferred of all employees in the SABS Regulatory Division to the NRCS, together with relevant regulation including compulsory specifications, agreements, assets and obligations. The legislation is the culmination of a 10-year process intended to align South Africa with world best regulatory practice and meet requirements of the World Trade Organisation (WTO) agreement on TECHNICAL BARRIERS TO TRADE (WTO TBT Agreement) and the agreement on THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES (WTO SPS Agreement).

The right of the public to health, safety and environmental protection is entrenched in South Africa's Constitution. The National Regulator for Compulsory Specifications (NRCS) protects these rights by administering and enforcing compulsory specifications in the interest of:

- Public health;
- Safety; and
- Protecting the environment

### 1.2 Mandate

NRCS is a public entity that administers compulsory specifications, otherwise known as technical regulations, on behalf of the Minister of Trade and Industry.

The National Regulator for Compulsory Specifications Act was gazetted on 4th July 2008 and took effect on 1st September 2008. It provides for the administration and maintenance of compulsory specifications in the interest of public safety and health as well as for environmental protection.

### 1.3 History

Before legislation was passed to establish NRCS as a separate entity, regulatory matters were part of the South African Bureau of Standards (SABS) - since the standards authority's inception more than 60 years ago. Since the gazetting of the National Regulator for Compulsory Specifications Act in July 2008 (Act 5 of 2008), NRCS has become an autonomous body.

## 2. Compulsory Specifications

All products imported and locally manufactured must comply with the compulsory standards as enforced by the NRCS.

All of the products listed below are subject to compulsory standards.

More detailed information on any of the listed standards below can be found at:

<http://www.nrcs.org.za/> (Click on downloads on the main menu)

VC number	Title	Date
<a href="#">VC 8003</a>	Manually operated switches for fixed installations	1998
<a href="#">VC 8006</a>	Safety of flexible cords for electrical appliances	1995
<a href="#">VC 8008</a>	Plugs, socket-outlets and socket-outlet adaptors	1998
<a href="#">VC 8011</a>	Lampholders	1999
<a href="#">VC 8012</a>	Appliance couplers	1998
<a href="#">VC 8013</a>	Hydraulic brake and clutch fluid	1975
<a href="#">VC 8014</a>	The manufacture, production, processing and treatment of canned fish, canned marine molluscs and canned crustaceans	2004
<a href="#">VC 8015</a>	The manufacture, production, processing or treatment of canned crustaceans	1972
<a href="#">VC 8016</a>	Safety helmets for motor cyclists	1984
<a href="#">VC 8017</a>	Frozen fish, frozen marine molluscs and frozen products derived therefrom	2003
<a href="#">VC 8019</a>	The manufacture, production, processing and treatment of canned meat products	2004
<a href="#">VC 8020</a>	Frozen rock lobster and frozen lobster products derived there from	2003
<a href="#">VC 8021</a>	Smoked snoek	1974
<a href="#">VC 8022</a>	Compulsory specification for motor vehicles of category M1	2008
<a href="#">VC 8023</a>	Compulsory specification for motor vehicles of category M2 and M3	2005
<a href="#">VC 8024</a>	Compulsory specification for motor vehicles of category N1	2008
<a href="#">VC 8025</a>	Compulsory specification for motor vehicles of category N2 and N3	2005
<a href="#">VC 8026</a>	Category O1 and O2 vehicles (caravans and light trailers)	2004
<a href="#">VC 8027</a>	Compulsory specification for vehicles of category O3 and O4	2008
<a href="#">VC 8028</a>	Firearms for civil use	1976
<a href="#">VC 8029</a>	Cord sets and cord extension sets	2005
<a href="#">VC 8031</a>	Frozen shrimps (prawns), langoustines and crabs	1987
<a href="#">VC 8032</a>	Personal flotation aids	1982
<a href="#">VC 8033</a>	Child restraints for use in motor vehicles	2003
<a href="#">VC 8034</a>	Coal-burning stoves and heaters for use in a dwelling	1982
<a href="#">VC 8035</a>	Earth leakage protection units	1987
<a href="#">VC 8036</a>	Circuit-breakers	2006
<a href="#">VC 8039</a>	The safety of starters for tubular fluorescent lamps	1989
<a href="#">VC 8041</a>	Microbiological safety cabinets (Classes I, II and III)	2001
<a href="#">VC 8043</a>	Incandescent lamps	2005
<a href="#">VC 8048</a>	Replacement incandescent lamps for motor vehicles	1996
<a href="#">VC 8049</a>	Replacement headlights for motor vehicles	1997
<a href="#">VC 8050</a>	Replacement secondary lights for motor vehicles	1996
<a href="#">VC 8051</a>	Replacement safety glass for use in road vehicles	1995
<a href="#">VC 8052</a>	Manually operated switches for appliances	1998
<a href="#">VC 8053</a>	Replacement brake lining assemblies for road vehicles	2001
<a href="#">VC 8054</a>	Disinfectants and detergent-disinfectants	1999

<a href="#">VC 8055</a>	Electrical and electronic apparatus	1996
<a href="#">VC 8056</a>	Compulsory specification for pneumatic tyres for passenger cars and trailers	2001
<a href="#">VC 8057</a>	Agricultural tractors	2004
<a href="#">VC 8059</a>	Compulsory specification for pneumatic tyres for commercial vehicles and their trailers	2001
<a href="#">VC 8062</a>	Retro-reflective number plates for motor vehicles	1998
<a href="#">VC 8065</a>	Ball type couplings and towing brackets for towing caravans and light trailers	2002
<a href="#">VC 8072</a>	Compulsory specification for respirators	2003
<a href="#">VC 8073</a>	Breathing apparatus	2003
<a href="#">VC 8075</a>	Compulsory specification for the safety of electric cables with extruded solid dielectric insulation for fixed installations (300/500 V to 1 900/3 300 V)	2003
<a href="#">VC 8076</a>	Compulsory specification for the safety of lighters	2002
<a href="#">VC 8077</a>	Safety of medium-voltage electric cables	2003
<a href="#">VC 8078</a>	Compulsory specification for material for contour marking on motor vehicles	2003
<a href="#">VC 8079</a>	Compulsory specification for the control of gaming devices and related apparatus	2003
<a href="#">VC 8080</a>	Replacement elastomeric cups and seals for hydraulic brake actuating cylinders for use in motor vehicles using non-petroleum base hydraulic brake fluid (service temperature 70 °C to 150 °C max)	2005
<a href="#">VC 8087</a>	Compulsory specification for plastic carrier bags and flat bags	2003
<a href="#">VC 9085</a>	Compulsory specification for cement	2007
<a href="#">VC 9088</a>	Compulsory specification for small arms shooting ranges	2004
<a href="#">VC 9089</a>	Compulsory specification for non-pressure paraffin stoves and heaters	2006

### 3. Division of the NRCS:

#### 3.1 Automotive

AUTOMOTIVE ensures the safety of vehicles, after-market components and automotive related products offered for sale in South Africa. The safety and environmental requirements are based on those applicable in more developed countries.

NRCS is also appointed by the National Department of Transport as the Inspectorate of Manufacturers, Importers and Builders (MIBS) in terms of the National Road Traffic Act.

NRCS protects the health and safety of consumers by administering compulsory specifications for the safety of vehicles, after-market components and automotive related products.

All new and modified passenger and goods vehicles for use on public roads, and safety-critical components and automotive products (for example brake and clutch fluids) sold in the after-market, must comply with National safety standards that are defined in the relevant compulsory specification. Compulsory specifications are generally aligned with international equivalents and are implemented in a time frame appropriate to South African requirements.

Vehicle models and certain components and automotive products must be approved before they may be offered for sale. Manufacturers and importers are inspected regularly to ensure ongoing compliance.

**The regulated products include:**

- Vehicle models including passenger and goods vehicles and agricultural tractors;
- Tyres, safety glass, replacement brake lining assemblies, lamps and lights;
- Child restraining devices; and
- Motor cycle helmets.

The compulsory specifications are generally aligned with international regulations and apply to all products sold in South Africa (whether locally produced or imported) including those exported to other countries.

Download compulsory specifications FREE at:

[https://www.sabs.co.za/Business\\_Units/Standards\\_SA/CatalogueAndInfo/FreeDownloads/Standards.aspx](https://www.sabs.co.za/Business_Units/Standards_SA/CatalogueAndInfo/FreeDownloads/Standards.aspx)

### **Protecting the Environment**

South Africa has implemented compulsory specifications for emissions of certain classes of vehicles – i.e. all types of passenger cars and light delivery vehicles (M1 and N1). The compulsory specifications call for compliance with Euro 2 requirements. Emissions requirements for heavy passenger and goods vehicles (M2, M3, N2 and N3) took effect on 1st January 2006.

New compulsory specifications calling for mandatory conformity of production emissions testing, and energy efficiency labeling of passenger cars, have been published for public comment.

High standards for emissions are dependent on the availability of high quality motor fuels and implementation has necessitated major investments in new technology by the local industry.

### **Supporting Industry**

AUTOMOTIVE promotes trade, protects national and international markets and assists industry to become globally competitive by ensuring that all regulated products comply with regulations (compulsory specifications) that are generally aligned with international guidelines and harmonized with international standards and regulations.

Compulsory specifications apply to all products sold in South Africa (whether locally produced or imported) and exported to other countries. In order to promote exports it is possible for manufacturers to obtain exemptions from certain requirements in order to meet the specific regulatory requirements of their customers. A typical example is the position of steering gear.

### **ASSISTANCE WITH VEHICLE STANDARDS**

AUTOMOTIVE assists industry to interpret the administration and application of a wide spectrum of national and international Vehicles laws and standards. Enquiries from consumers are also dealt with and technical guidance given.

### **Imports and Exports**

#### **PROVISION OF IMPORT DOCUMENTATION**

Automotive issues Letters of Authority (LOA's) required by importers in order to obtain Customs clearance. LOA's are only issued in respect of vehicles that comply with regulatory requirements.

### **Services to Government**

AUTOMOTIVE supports Government in ensuring the safety of Vehicles, promotion of Automotive fair trade and in protecting national and international markets.

This is achieved by alignment of compulsory specifications with international regulations and standards and particularly with the UN ECE.

NRCS AUTOMOTIVE represents the South African Government on a number of international bodies including the United Nations Working Party 29 (UN WP 29) on Global Harmonization of Technical Regulations. It works in close co-operation with other legislators and regulators in the SADC region.

### **Consumer and Industry Watch Dog**

In order to protect consumers AUTOMOTIVE maintains constant surveillance over the market for Vehicles and Vehicles components. When required it draws samples for inspection and testing by competent recognized laboratories.

### **AUTOMOTIVE CONTACT DETAILS:**

Email: [Vehiclesreg@nrccs.org.za](mailto:Vehiclesreg@nrccs.org.za)

Tel: +27 (0)12 428 5000.

### **3.2 Electrotechnical**

ELECTROTECHNICAL ensures the safety and energy efficiency of electrical and electronic apparatus, components and related products offered for sale in South Africa. The safety and environmental requirements are based on internationally accepted standards. It is appointed by the National Department of Labour as the approvals body for electrical products and components of domestic and industrial low voltage electrical installations.

ELECTROTECHNICAL also administers a compulsory specification for the control of gaming devices and related apparatus. The compulsory specification sets compulsory requirements for safety, fairness, security and reliability of gaming and bookmaking apparatus. It is appointed to perform these functions in terms of the National Gambling Act (Act No 7 of 2004).

### **Protecting the Consumer**

ELECTROTECHNICAL protects the health and safety of consumers by administering compulsory specifications (i.e. regulations) for the safety of electrical products and components.

All new electrical components and products falling within the scope of a compulsory specification must comply with relevant prescribed National safety standards. Most compulsory specifications are aligned with international equivalents and implemented in a time frame appropriate to South African requirements.

Electrotechnical products falling within the scope of a compulsory specification must be approved before being offered for sale. Manufacturers and importers are inspected regularly to ensure ongoing compliance.

### **REGULATED PRODUCTS**

- Appliances
- Hand-held and transportable electrical power tools
- Electronic equipment
- Sound and communications equipment
- IT equipment
- Luminaires (lighting equipment), components and lamp control-gear

- Components of appliances such as switches
- Electric cables and flexible cords, including appliance couplers, cord sets and cord extension sets
- Cable for fixed wiring installations
- Medium voltage cables (up to 33 kV)
- Electric plugs, socket outlets and socket outlet adaptors
- Components of low-voltage fixed-wiring installations, including circuit breakers and earth-leakage protection units.

The compulsory specifications apply to products sold in South Africa (whether locally produced or imported) including those exported to other countries.

Download compulsory specifications FREE at:

[https://www.sabs.co.za/Business\\_Units/Standards\\_SA/CatalogueAndInfo/FreeDownloads/Standards.aspx](https://www.sabs.co.za/Business_Units/Standards_SA/CatalogueAndInfo/FreeDownloads/Standards.aspx)

### **Protecting the Environment**

In support of Government's energy conservation initiatives NRCS has drafted a new compulsory specification for *Single-capped fluorescent lamps*, commonly referred to as Compact Fluorescent Luminaires (CFL's) that has been published for public comment in the Government Gazette. The new compulsory specification will ensure that CFL's meet minimum safety requirements, and strict performance requirements for specific light output, energy consumption and service life. New compulsory specifications for electric motors, appliances and water heaters (geysers) are under investigation.

### **Supporting Industry**

ELECTROTECHNICAL promotes trade, protects national and international markets and assists industry to become globally competitive by ensuring that all regulated products comply with regulations (compulsory specifications) that are generally aligned with international guidelines and harmonized with international standards and regulations. This assists local industry to become internationally competitive and promotes exports.

### **ASSISTANCE WITH ELECTROTECHNICAL STANDARDS**

ELECTROTECHNICAL assists industry to interpret the administration and application of a wide spectrum of national and international laws and standards. Enquiries from consumers are also dealt with and technical guidance given.

### **Imports and Exports**

#### **PROVISION OF IMPORT DOCUMENTATION**

ELECTROTECHNICAL issues Letters of Authority (LOA's) required by importers in order to obtain Customs clearance. LOA's are only issued in respect of products that comply with regulatory requirements.

### **Services to Government**

ELECTROTECHNICAL supports Government in ensuring the safety of electrical products and components, promotion of fair trade and in protecting national and international markets. This is achieved by alignment of compulsory specifications with international regulations and standards and particularly with IEC norms.

### **Consumer and Industry Watch Dog**

In order to protect consumers ELECTROTECHNICAL maintains constant surveillance over the market for electrical products and components. When required it draws samples for inspection and testing by competent recognized laboratories.

#### **ELECTROTECHNICAL CONTACT DETAILS:**

Email: [Regelect@nrccs.org.za](mailto:Regelect@nrccs.org.za)

Tel: +27 (0)12 428 5000.

### **3.3 Food & Associated Industries**

The inspection system of the Food & Associated Industries Department (FAI) is based on monitoring and surveillance of factories, processes and products. FAI assists role players to comply with local and international requirements, and is recognized by EU authorities as the competent authority for the inspection and issue of health guarantees of fish or fishery products destined for Europe.

FAI is an internationally accredited inspection body and fully complies with SANS/ISO 17020 General Criteria for the Operation of Various Types of Bodies Performing Inspection. It has a panel of highly trained and technically competent inspectors, some of whom are expert members of international food inspection bodies.

FAI works in close co-operation with other regulators of food safety and inspectors are authorised to carry out inspections on behalf of the Department of Health in terms of the Foodstuffs, Cosmetics and Disinfectants Act.

FAI participates actively in national and international food safety activities including those of the Codex Alimentarius Commission. This is necessary because South Africa is a member of the World Trade Organization (WTO) and South African food regulatory authorities are obliged to ensure compliance with the WTO Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT) agreements. The department has entered into a number of international technical co-operation agreements and inspection standards are continuously bench marked against other national and international inspection systems and world best practice.

#### **Protecting the Consumer**

FAI enforces regulations known as compulsory specifications that set minimum safety standards for:

- Frozen fish and frozen fish products
- Frozen marine molluscs and related frozen products;
- Frozen rock lobster and frozen lobster products;
- Frozen shrimps (prawns), langoustines and crabs;
- Smoked Snoek.
- Canned meat and fish.

These foods present a high risk to consumers in the event of spoilage or contamination. All compulsory specifications are aligned with international guidelines and practices and continuously harmonized with the Standards and Codes of Practice of the Codex Alimentarius Commission. They apply to all products sold in South Africa (whether locally produced or imported) and exported to other countries.

Download compulsory specifications free at:

[https://www.sabs.co.za/Business\\_Units/Standards\\_SA/CatalogueAndInfo/FreeDownloads/Standards.aspx](https://www.sabs.co.za/Business_Units/Standards_SA/CatalogueAndInfo/FreeDownloads/Standards.aspx)

## **Regulatory Service to Industry**

### **INSPECTIONS**

FAI inspects and evaluates factories and food processing systems. The physical and sensory examination of raw materials and final products are the also important activities.

### **FOOD TECHNOLOGY APPLICATIONS**

FAI supports industry in applying latest technological advances, particularly in canning and freezing.

### **ASSISTANCE WITH FOOD STANDARDS**

FAI assists industry to interpret the administration and application of a wide spectrum of national and international food laws and standards. Enquiries from consumers are also dealt with.

### **PROVISION OF HEALTH GUARANTEES**

Health guarantees are issued for consignments of fish and fishery products complying with local regulations and those of importing countries, which are processed/packed by approved operators.

### **FACTORY AND VESSEL INSPECTIONS**

FAI maintains a register of vessels and establishments that comply with export requirements

### **Supporting Industry**

FAI promotes fair trade, protects national and international markets and assists industry to become globally competitive by ensuring that all regulated products comply with regulations (compulsory specifications) that are aligned with international guidelines and harmonized with the Standards and Codes of Practice of the Codex Alimentarius Commission. They apply to all products sold in South Africa (whether locally produced or imported) and exported to other countries. The inspection system is based on monitoring and surveillance of factories, processes and products. Inspectors are highly trained and technically competent and FAI is accredited to ISO 17020 General Criteria for the Operation of Various Types of Bodies.

### **Imports and Exports**

FAI is the competent authority for the issue of Export Health Guarantees for fishery products in South Africa and monitors all imports and exports of regulated products. It applies world best practice and standards to inspections to ensure that South African products are accepted internationally.

The inspection system is based on monitoring and surveillance of factories, processes and products. In order to demonstrate the credibility of inspection results and to verify the competence of the inspection system, FAI is accredited to SANS ISO 17020 General Criteria for the Operation of Various Types of Bodies Performing Inspection by SANAS (<http://www.sanas.co.za/>) , the South African National Accreditation System. SANAS is signatory to international multi-party agreements with ILAC (International Laboratory Accreditation Co-operation) and IAF (International Accreditation Forum) and FAI accreditation is recognised internationally.



FAI is recognised by EU authorities as the competent authority for the inspection and issue of health guarantees for fish and fishery products destined for Europe, and is regularly audited by EU experts to ensure that fishing, production and inspections meet EU requirements and provide ALOP. FAI participates in international activities especially those of the Codex Alimentarius Commission. As South Africa is a member of the World Trade Organization (WTO) food regulatory authorities are obliged to ensure compliance with the WTO Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT) agreements. FAI has entered into bilateral international technical co-operation agreements and the inspectorate is continuously benchmarked against other national and international inspection systems.

### **HEALTH GUARANTEES**

Health guarantees (certificates) are issued for consignments of fish and fishery products complying with local regulations and those of importing countries, which are processed/packed by competent operators.

### **EU APPROVED FACILITIES AND VESSELS**

FAI maintains a database of EU approved vessels and facilities.

### **Services to Government**

FAI supports Government in protecting health and safety of food products, to promote fair trade and to protect national and international markets.

FAI administers regulations (compulsory specifications) that are aligned with international guidelines and practice and continuously harmonized with the Standards and Codes of Practice of the Codex Alimentarius. They apply to all products sold in South Africa (whether locally produced or imported) and exported to other countries.

At national level, FAI works in close co-operation with several other legislators and regulators in the food arena. In addition to their appointments by NRCS, FAI inspectors are appointed by the Department of Health as Inspectors in terms of the Foodstuffs, Cosmetics and Disinfectants Act. Nationally and Internationally FAI represents South Africa in international activities including Codex Alimentarius. This is essential because as a member of the World Trade Organization (WTO) South African food regulatory authorities are obliged to ensure compliance with the WTO Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT) agreements. FAI has entered into various international technical co-operation agreements with Regulatory authorities and inspections are continuously benchmarked against other national and international inspection systems.

### **Consumer and Industry Watch Dog**

In order to protect consumers FAI maintains constant surveillance over the market for food and food products, fisheries, vessels and processing plants, and draws samples regularly for surveillance, inspection and testing by recognised laboratories.

### **FAI CONTACT DETAILS:**

Email: [foodreg@nrccs.org.za](mailto:foodreg@nrccs.org.za)

Tel: +27 (0)12 428 5000.

### **3.4 Legal Metrology**

Government is responsible for ensuring the orderly conduct of commerce, the protection of all participants in the market for goods and services and protection of consumers by ensuring equity and

correctness in all trade based on measurements of quantity as a basis for the transaction, and that products are correctly labelled.

Legal Metrology is responsible for the implementation of the requirements of the Trade Metrology Act, 1973 and Regulations.

NRCS has regional Legal Metrology offices in Pretoria, Cape Town, Durban, Port Elizabeth, and Bloemfontein. Staff at all offices is qualified to undertake inspections under the Trade Metrology Act.

### **Protecting the Consumer**

All activities of Legal Metrology are intended to protect the consumer, it constantly:

- Conducts surveillance inspections at all levels (manufacturer, importer, distributor and retailer) in the market to ensure that consumers receive fair measure and legal requirements are met.
- Continually verifies the accuracy of measuring instruments and measures;
- Calibrates measures and measuring instruments on site and in the laboratory;
- Conducts technical training courses for its own staff and businesses involved in installation, maintenance, verification and calibration of measuring instruments;
- Takes immediate action to stop the sale of goods when legal requirements are not met.

In order to provide further protection to the consumer Legal Metrology also operates a voluntary pre-pack certification scheme – the “e” Mark Scheme. In order to participate in the scheme packers must prove that they consistently meet requirements regarding quantity packed and labelling, and that they have adequate management systems in place to ensure that they continue to comply.

Legal Metrology continually strives to ensure that its standards for inspection and competence of employees are world class, through accreditation to SANS17020 - *General criteria for the operation of various types of bodies performing inspection*. Accreditation provides formal recognition of the competence of the inspection function.

### **Concessions**

Products and or instruments may sometimes not comply with the prescriptions as required by the Trade Metrology Act. It may therefore be necessary to apply for a concession. Only the Director of Trade Metrology is authorised to issue a concession.

Concessions will be dealt with on merit. A concession **if** granted will normally be restricted to a time period. The applicant will be notified whether the application was successful.

Applicants must apply in writing (fax, e-mail, letter) giving full details of the product(s) or instrument(s) for which a concession is sought, to:

#### **Director of Trade Metrology**

Contact: Mr. SH Carstens  
Telephone: +27 12 428 6886  
Fax: +27 12 428 6552  
Email: [carstesh@nrsc.org.za](mailto:carstesh@nrsc.org.za)

### **Supporting Industry SERVICES**

The NRCS - Legal Metrology department provides the following services to industry:

- Type approval of measuring instruments used in trade;
- Verification and re-verification of instruments used in trade;
- Calibration of verification and other standards of mass and volume;
- Control of the accreditation of verification laboratories;
- Inspection of pre-packaged goods and measuring instruments used in trade;
- Assistance in implementing SANS 1840: *Measuring container bottles* and SANS 1841: *Control of Quantity of contents in pre-packed packages within the legal prescriptions of the Trade Metrology Act and Regulations*; and
- Provides advice on the requirements of the Trade Metrology Act, 1973 (Act No. 77 of 1973), including its amendments and attendant regulations.

### **Imports and Exports**

Pre-packed commodities and measuring instruments imported into and exported from South Africa are not exempted from the Trade Metrology Act and are subject to inspections and evaluation.

### **Services to Government**

NRCS supports Government in ensuring the orderly conduct of commerce, the protection of all participants in the market of goods and services and protection of consumers by ensuring equity and correctness in all trade and all other legal metrology dealings used as a basis for the transaction.

Government should also show due diligence to citizens of foreign countries and their governments that South African trade measurements meet or exceed international norms. There is close co-operation between Legal Metrology and government departments.

Organisation Internationale Metrology Legal (OIML) is the international body representing Legal Metrology. NRCS - Legal Metrology is the nominated representative of South Africa to OIML and represents South Africa on the OIML technical committees where the International Recommendations (R-Documents) are developed.

Legal Metrology is also involved/represented in regional metrology organisations i.e. AFRIMETS – Inter Africa Metrology System, SADC MEL – Southern Africa Legal Metrology.

### **Consumer and Industry Watch Dog**

Consumers are urged to lodge complaints regarding on any of the above whereby the Inspectors will do a reactive inspection and solve the complaints.

### **Complaints**

The most common complaints involve:

- short mass/volume;
- Use of non-approved or un-certified measuring instruments.

### **Short mass/volume**

Most products are packaged before sale, and must meet requirements for allowable tolerances in measurement.

### Un-certified measuring instruments complaint:

Measuring instruments used in trade must be certified at regular intervals or after repairs by a SANAS accredited laboratory. The operator is issued with a certificate and a certification mark is applied to the instrument.

### Un-approved measuring instrument

By law all measuring instruments used in trade have to be type approved. When an instrument is type approved it is given a pattern approval number, which has to appear on every replica in the format SA..XXXX (a number) that corresponds with the approved pattern.

## 3.5 Chemicals, Mechanical & Materials Department (CMM)

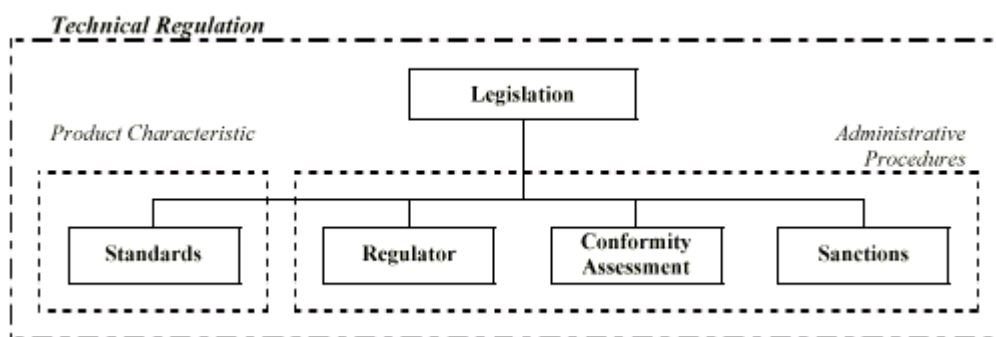
The purpose of the NRCS Chemicals, Mechanical & Materials Department (CMM) is to contribute to the protection and health of consumers and the environment against products that are unsafe or that do not provide the protection against the hazards as claimed through the administration of technical regulations.

### Protecting the Consumer and the Environment

The products and services that are regulated by CMM by means of technical regulations fall within the scope of the following industry sectors:

- Personal protective equipment
- Firearms and associated industries
- Health related products
- Environmental protection
- Flame-producing devices
- Construction materials

In order to fulfill the abovementioned purpose CMM uses the Technical Regulation Best Practice Model for the implementation and administration of technical regulations. Below is a diagram of this model.



The Technical Regulation Best Practice Model was developed to comply with World Trade Organization/Technical Barriers to Trade (WTO/TBT) requirements; e.g. to protect the consumer through technical regulations without creating a technical barrier to trade.

### Technical regulations

A technical regulation is a specification or a provision of a specification that has been declared compulsory by means of a notice in the Government Gazette in terms of Section 13 of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) by the Minister of Trade & Industry.

In accordance with the definitions in Section 1 and the requirements of Section 14 of Act No. 5 of 2008, no person may import, display, offer, advertise or export for or in pursuance of a sale, have in possession for the purpose of sale, trade, manufacture or export, or supply a commodity, product or service to which a compulsory specification applies, unless such a commodity, product or service complies with the compulsory specification concerned.

The technical regulations that are administered by CMM and a short description of the commodities covered by each technical regulation are given below:

***Personal protective equipment***

- Lifejackets & buoyancy aids
- Respiratory protective devices, which enable the wearer to breathe independently of the ambient atmosphere.
- Respiratory protective devices in which air passes through filter(s) before being inhaled.

***Firearms & associated industries***

- Small arms: Revolvers, pistols, rifles and shotguns.
- Indoor and outdoor shooting ranges.

***Flame-producing devices***

- Flame producing lighters for igniting cigarettes, cigars and pipes.

***Environmental Protection***

- Coal-burning stoves and heaters for use in a dwelling.
- Carrier bags and flat bags made from thermoplastic materials.

***Health related products***

- Disinfectant and detergent-disinfectant formulations that make a bactericidal, fungicidal or virucidal efficacy claim.
- Microbiological safety cabinets.

***Construction Materials***

- All types of common cement and masonry cement.

**Legislation**

Legislation is the mechanism through which Government may implement its policy with regard to safety, health, environmental control and consumer protection as it relates to the supply of commodities in the market place.

The regulatory functions of the Department are covered by the following legislation:

- National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008)
- Mine Health and Safety Act, 1996 (Act No. 29 of 1996)
- Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)

Product characteristics

### ***Standards***

The standard is the part of the technical regulation that defines the product safety characteristics with which a commodity must comply. A SABS Standards Technical Committee or Sub-Committee does the development of a new or the revision of an existing South African National Standard.

### **Administrative procedures**

#### ***Regulator***

The NRCS was established in terms of Act No. 5 of 2008 for the administration and maintenance of compulsory specifications and the implementation of a regulatory and compliance system for compulsory specifications.

CMM is a department within the organizational structure of the NRCS.

The legal liability of the Department is assumed in terms of Section 33 of Act No. 5 of 2008.

#### ***Conformity assessments***

The conformity assessment process provides evidence to the Regulator indicating compliance with a technical regulation.

The conformance assessment function consists of mainly two parts, namely approvals and surveillance inspections.

#### **Approvals**

Before an importer or manufacturer is allowed to import, sell or supply a commodity, product or service in South Africa to which a VC applies, he must get the necessary authority from the NRCS to do so. The NRCS will give an importer or manufacturer the necessary written authority by means of a letter of authority, product registration certificate, homologation certificate or approval certificate only after such an importer or manufacturer has proofed to the NRCS that the commodity, product or service meets the minimum health, safety or environmental requirements as set out in an appropriate compulsory specification; this is called upfront proof of compliance.

#### **Surveillance inspections**

Surveillance inspections is a function performed by the NRCS whereby its inspectors go out into the market and inspect the product at the point of import, sale or supply in order to ensure that nobody is importing, selling or supplying commodities, products or services that are a threat to the health and safety of the public or the protection of the environment. The NRCS inspectors inspect manufacturers, importers, distributors (e.g. wholesalers), retailers and suppliers. During such inspections at manufacturers, importers, retail outlets and suppliers, samples are taken and forwarded to testing laboratories to determine continual compliance with the compulsory specifications.

#### ***Sanctions***

The sanctions process is the mechanism used by the Regulator to prevent the availability to the consumer of commodities that do not meet the requirements of the technical regulations.

The following recourses are available to the Department:

- Administrative sanctions by means of a warning or a directive directing an importer, seller or supplier not to import, sell or supply a non-complying commodity or product. In this case the supplier without the Regulator having to resort to legal action, will resolve the non-conformance.
- Should the supplier not deal with the non-conforming commodity or product in the correct way, the Regulator may resort to the courts to deal with the issue.
- Recall, seizure or destruction of non-complying commodities and products (written permission must be obtained from the NRCS Board).
- Press releases to warn the public of non-conforming commodities, products and services (permission must be obtained from the CEO of the NRCS).

### **Supporting Industry**

CMM supports industry by eliminating unfair competition from products that do not comply with the health, safety and environmental requirements of the relevant compulsory specifications. Such products are usually offered at lower prices that cannot be matched by compliant manufacturers and importers.

### **Imports and Exports**

CMM facilitates the importation of compliant products, by issuing Letters of Authority that are required by Customs officials at the port of entry in order to obtain release of approved regulated products.

The compulsory specifications administered by CMM usually require compliance with standards that are accepted internationally, thus making it possible for products to be exported.

### **Services to Government**

CMM assists Government to carry out its obligation to protect the health and safety of citizens and the environment.

CMM also assists a number of Government departments to execute their own mandates, including

- cement – local authorities administering the National Building regulations;
- respirators and breathing apparatus, biological safety cabinets – the departments of Labour and Minerals and Energy administering regulations for safety in the workplace;
- lifejackets and swimming aids – the Department of Transport and SA Marine Safety Authority administering regulations for safety at sea and on inland waters;
- plastic bags – the Department of environmental Affairs and Tourism;
- firearms and shooting ranges – the SA Police Service.

### **Consumer and Industry Watch Dog**

Any individual or organization may contact CMM concerning suspected non-complying commodities that may be available in the market. When reporting such concerns of suspected non-complying commodities, the following information will be required by CMM:

- Full description of the suspected non-complying commodity.
- Name of the importer, seller or supplier who has supplied the commodity.
- Physical address and contact details of the importer, seller or supplier.

Reporters are advised to keep the following evidence:

- Proof of purchase or other delivery documents.
- The commodity itself.
- All accompanying documentation and packaging.

On receipt of such reports CMM will conduct an investigation into the suspected non-complying commodities in terms of the powers vested in accordance with Act No. 5 of 2008. CMM will take any actions needed that may be necessary in terms of vested powers in accordance with Act No. 5 of 2008 to prevent the availability of non-complying commodities to the consumer.

The reporter will be notified of the outcome of the investigation verbally (if the concern was received verbally) or in writing (if the concern was received in writing) within the limits of Section 32 of Act No. 5 of 2008.

Please note that the name of the person or organisation reporting a concern to CMM will not be divulged to the alleged contravener, unless specifically authorised by the reporter.

CMM inspectors maintain constant surveillance over manufacturers, importers and retailers of the regulated products for which it is responsible.

**Contact details of CMM:**

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E-mail: [cmm@nrccs.org.za](mailto:cmm@nrccs.org.za)