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Board of Directors' Decision No. 27/2006
on By-law of Granting Yemeni Quality Mark

Chairman of the Board of Directors, after taking into consideration of the following:

- Law No. 3/2004 regarding the Cabinet,
- Law No. 44/1999 on standardization, metrology and quality control,
- Republican decree No. 52/2000 over the foundation of Yemen Standardization, Metrology & Quality Control (YSMO),
- Republican decree No. 105/2003 to form the Cabinet and name its members,
- Board Chairman's decision No. 21/2003 concerning regulations by-law of the organization and its offices in the governorates, and
- Proposal of the organization Director-General.

It has been decided that,

Chapter 1
Names, Definitions and Application Area
1- Names & Definitions

Article No. 1- This by-law is to be called "Granting Yemeni Quality Mark Procedures By-law".

Article No. 2- The words and phrases to be dealt with here would be defined so as to apply regulations of this by-law, unless definition is misguided.

Law: Standardization, Metrology and Quality Control Law.

Organization: Yemen Standardization, Metrology & Quality Control Organization (YSMO).

Board Chairman: Chairman of the organization's board of directors.

Director-General: The organization's director-general (Chairman of the Executive System).

Accredited Metrological Standardization: Yemen metrological standards

including all metrological standards approved by Chairman of the Board of Directors that align with other countries and/or regional and international organizations.

Goods: The final product on which this by-law rules to be applied.

Quality Mark: A logo approved by the organization which indicates consistency of goods with the related accredited metrological standards, and efficiency of Quality Control System.

Quality Control System: All processes, activities and procedures applied to meet quality requirements.

Enterprise: A factory or a unit that produces goods.

Organization Inspector: A specialist responsible by the organization for inspection process, taking samples of goods and assessing the enterprise.

Inspection: Evaluation of conformity by watching, inspection and examination in accordance with specified standardization to make a decision.

Consistency Evaluation: Any kind of activity to find out that specific requirements have been met either directly or indirectly.

Consistency Evaluation Procedure: A procedure followed to examine conformity of goods with relevant metrological standards requisites, in addition to taking samples, inspection, assessment, verification and confirming conformity as well as registration, authorization and observation on quality control system in the enterprise.

Accredited Lab: The organization lab or any internationally or locally accredited lab which the organization defines to conduct inspection and examination process.

Primary Inspection: A procedure to evaluate consistency carried out by the the organization on enterprises applying for Quality Mark licences.

Periodical Inspection (Follow-up Inspection): Inspecting enterprises on a periodical basis without a pre-notification notice and carrying out conformity assessment to determine quality control proper use.

Licence to Utilize Quality Mark: A document issued by the organization that allows the use of Quality Mark on goods which conform with the related accredited metrological standards. It also holds the enterprise accountable to apply Quality Control System.

Application & Liability

Article No. 3

- 1- These by-law rules are applicable to local industrial or productive enterprises that request Quality Mark licences for the goods produced that align with the approved metrology standards of these goods.
- 2- The YSMO is responsible for the execution of Quality Mark granting system.

Chapter 2

Prerequisites for Quality Mark acquisition for use and its form

- 1- Prerequisites for Quality Mark grant for use

Article No. 4

The local industrial or productive enterprise has to meet the following requirements so that it is granted a license to use Quality Mark on its goods:

- 1- Submission of an application to YSMO, filling the organization's related forms with correct data and taking the relevant documents of Quality Mark.
- 2- Offering all facilitations for the YSMO inspectors while conducting inspection measures (Initial- Periodical).
- 3- An active Quality Control System be available at the enterprise.
- 4- Providing suitable lab check processes to ensure continuity of conformity of goods with the approved metrology standards' requirements or subcontracting with one of the appointed labs by the organization.
- 5- Applying suitable measures for disconformity's cases (including corrective and precautionary measures).
- 6- Application of customers' complaints procedures pertaining to goods and their registration.
- 7- Providing the YSMO with valid documents and information when demanded.
- 8- Paying due charges and costs of the initial inspection valued at YR 350,000.
- 9- Paying goods inspection cost according to the YSMO's financial by-law.

2- Form of Quality Mark

Article No. 5

- A. Quality Mark form represents the example illustrated and attached in this by-law.
- B. Place and the way of putting Quality Mark on all goods to be determined in coordination with YSMO.

Chapter 3

A- Procedures prior to granting Quality Mark licence for use

Article No. 6

The organization carries out conformity assessment procedures as follows:

- 1- Conducting the initial inspection on the enterprise.
- 2- Checking the enterprise's submitted documents and completed forms.
- 3- Evaluation of Quality Control System.
- 4- Taking some samples of the intended goods to be inspected, examined and evaluated in accordance with the pertinent accredited metrological standards.
- 5- Taking a sample of goods label.
- 6- Preparing a report over inspection process.

Article No. 7

According to the initial inspection result, the YSMO writes to the enterprise informing it about its acceptance of the application to use Quality Mark on the specific goods as indicated in the application. In case of the application is rejected, the YSMO should justify this rejection.

Article No. 8

The YSMO grants licence to the enterprise to use Quality Mark when the following prerequisites are met:

- 1- The enterprise, where production process is carried out, is in conformity with the related approved metrology standards according to the primary inspection.
- 2- Goods meet requirements of the related metrology standards as proven by inspection and examination results.
- 3- Goods label, filling and packaging meet the approved metrology standards.
- 4- Correctness and accuracy of documents and information presented by the enterprise.
- 5- An active Quality Control System in the enterprise.

B- Procedures following granting Quality Mark licence use

Article No. 9

The YSMO conducts a periodical inspection (subsequent follow-up inspection) on enterprises granted licences with no prior notice. This inspection takes place

in separate periods, no less than 3 times, during licence validity. It includes the following:

- 1- Checking the enterprise where production process is carried out and making sure that it commits to conditions of granting the licence to use Quality Mark in line with article No. 8 of this by-law.
- 2- Checking goods quality registers and check and examination results.
- 3- Making of sure of Quality Control System efficiency.
- 4- Taking samples of goods from the enterprise and markets to be checked so as to ensure conformity continuation with the pertinent approved metrology standards.
- 5- Preparing a report over this inspection.

Article No. 10

Director-General of the organization is the person who issues licence decision to use Quality Mark to be submitted to the enterprise in a written form. Licence is valid for only 2 years from the date of issuance.

Article No. 11

The organization is entitled to renew its licence to use the Quality Mark by submitting a new application form to the YSMO in accordance with article No. 4 of this by-law's rules.

Article No. 12

Industrial enterprises which were granted ISO 9001:2000 , accreditation for their reports on Hazard Analysis and Critical Control Points (HACCP) and Environment Quality System and other quality related systems from the YSMO should present copies of these documents to the organization to facilitate granting licences to use Quality Mark.

Article No. 13

The local industrial enterprise is granted a licence to use the Quality Mark after 30 days from the date of application approval.

Chapter 4

Enterprise's liability after receiving licence to use Quality Mark

Article No. 14

The granted licence holds the enterprise accountable to preserve the related accredited metrology standards in both, the enterprise and goods.

Article 15

The licence granted enterprise is responsible for:

- 1- Documenting check and examination results and saving them properly to be accessible for YSMO inspectors during the initial and periodical inspections on the enterprise.

- 2- Documenting quantity of units of goods returned back to the enterprise to be re-manufactured and explicating reasons of re-manufacturing.
- 3- Documenting quantity of units of goods that do not match with the relevant accredited metrology standards and attaching a report over checking and examination average result for these units of goods.
- 4- Production is aligned with the related accredited metrological standards and in case these metrological standards are changed, production should, therefore, be carried out according to the last update.
- 5- Goods should not be changed either in the form of the package, its ingredients or the label unless a written permission has been taken from the YSMO.
- 6- In case a suspension decision is raised against a Quality Mark granted product, it should be withdrawn from the market in a period of 60 days from the date of issuance if this is stated in the decision.
- 7- Goods should be withdrawn from the market during 60 days starting from the date of invalidation decision.
- 8- Commitment to putting Quality Mark in the place which was specified with the agreement of YSMO, and the way of putting it on the product in a way that is difficult to remove.
- 9- Commitment to using the specific form of Quality Mark which is attached in this by-law.
- 10- Commitment to using the specific colors of Quality Mark as agreed upon with YSMO.
- 11- Commitment to efficiency of Quality Mark System in the enterprise.
- 12- Checking all metrological equipment and systems used in periodical check processes, documenting results and saving them in a good way.
- 13- The enterprise gets the latest publication of metrological standardization of goods' Quality Mark within only 7 days of publication date or the date the YSMO wrote to the enterprise in this regard.
- 14- Adopting amendments to the enterprise and goods according to the latest publication of metrological standards during a specific period defined by the YSMO. The organization evaluates commitment of the enterprise to these amendments.
- 15- Using Quality Mark for only those kinds of goods licensed by the YSMO and should not be used after expiration date unless it is renewed.
- 16- Commitment to YSMO decision on suspending or canceling the licence granted.
- 17- The enterprise pays periodic inspection fees at YR350, 000.
- 18- The enterprise pays 0, 2% as an annual fee for every goods sales in return for using Quality Mark.

Chapter 5
Quality Mark's Suspension & Invalidation
A- Suspension

Article No. 16

The YSMO is entitled to suspend an enterprise from using a licensed Quality Mark after 15 days from the date of issuing the decision conditioning that the enterprise is informed in a written form indicating reasons for suspension. The following are cases of suspension:

- 1- The documented data in the enterprise's registers are incorrect and/or unclear.
- 2- The enterprise's results of inspecting goods and testing metrology and inspection systems are partially or completely not documented in its registers.
- 3- Quantities of goods units which were remanufactured are partially or completely not documented as well as reasons for remanufacturing them and/or quantities of goods units which are not in conformity with related standardization and the way to get rid of them.
- 4- Concealing registers of goods inspections and/or testing metrology and inspection systems' results.
- 5- Changing the specified place for putting Quality Mark which was approved by the YSMO.
- 6- Changing colors of Quality Control which were agreed upon by the YSMO.
- 7- Any change in the form of Quality Mark that was granted for the goods.
- 8- The enterprise is not committed to using the new form of Quality Mark on its goods.
- 9- Quality Mark is put on goods which do not conform to related metrological standards.
- 10- Deficiency in Quality Control System.
- 11- The enterprise did not apply the updated metrological standards during the defined period in article No. 15 item No. 13.

B- Invalidation

Article No. 17

The YSMO is entitled to invalidate an enterprise from using a licensed Quality Mark after 7 days from the date of issuing the decision conditioning that the enterprise is informed in a written form indicating reasons for invalidation. The following are cases of invalidation:

- 1- The enterprise stopped applying some or all requirements of the related metrological standards of the Quality Mark granted goods.
- 2- The enterprise is not committed to applying amendments inserted by the YSMO to the related metrological standards of the Quality Mark granted goods or instructions of Quality Control System.
- 3- Quality Mark is used for kinds of goods which are not licensed to use it.

- 4- The enterprise does not adhere to rules of this by-law, and relevant guidelines and special models of Quality Mark System.

Article No.18

Licence suspension or invalidation decision is issued by YSMO Director General.

Chapter 6 General Rules

Article No. 19

The enterprise which was granted a Quality Mark licence has the right to advertise this mark in all media means during the licence validation period on condition that it is already permitted by the YSMO.

Article No. 20

The YSMO is entitled to insert any amendment to the form of Quality Mark and write to the enterprise in this regard so as it utilizes the new form on its goods.

Article No. 21

The enterprise is given a suitable period, to be agreed upon with the YSMO, to use the new form of Quality Mark on its goods. This period should not exceed 6 months from the date of agreement. Hence goods with the old form of Quality Mark should be withdrawn after the period agreed upon.

Article No. 22

Any enterprise can re-apply for a licence after its application has been rejected according to article No. 4 of this by-law's rules.

Article No. 23

The Quality Mark licensed enterprise is given 45 days to correct reasons of licence suspension stated in article No. 16 of this by-law rules conditioning that it writes to the YSMO regarding finalizing correction of these reasons.

Article No. 24

- 1- After 30 days of suspension of quality-marked goods, the enterprise has the right to apply for a new licence according to article No. 4 of the rules of this by-law.
- 2- The enterprise has the right to suspend its licence on condition that it informs YSMO 15 days prior to taking this decision into effect.
- 3- After 6 months of invalidation of quality-marked goods, the enterprise has the right to apply for a new licence according to article No. 4 of the rules of this by-law.

Article No. 25

The YSMO has the right to publish, in all media outlets, the following reasons:

- 1- End of licence to use Quality Mark.
- 2- Decision of canceling licence to use Quality Mark.
- 3- Decision of re-utilizing the licence due to ending reasons of expiration or invalidation, and to be published at the cost of the enterprise.

Article No. 26

This by-law entails cancellation of by-law No. 14/2001 or any text contradicts with rules of this by-law.

Article No. 27

This by-law comes into force from the date of issuance.

Issued by YSMO
17-09-2006