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STANDARDS ORGANISATION OF NIGERIA

SONCAP

GUIDELINES FOR OPERATION

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# SONCAP GUIDELINES FOR OPERATION

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## *1. Preamble*

The provisions of this manual are drawn essentially from the signed Accreditation Agreement as well as experience from previous operations. This manual can be amended by the management of the Standards Organisation of Nigeria (SON) from time to time in consultation with the Independent Accredited Firms (IAFs).

This manual serves as a guide for the implementation of the new SONCAP regime.

## *2. Introduction*

In line with the statutory function of the SON as entrenched in the Act No 56 of 1971 and subsequent amendments, the SON Conformity Assessment Programme (SONCAP) was introduced in 2005 by the Federal Government of Nigeria to address the challenges of the incessant influx of substandard and unsafe products into the country. Three Programme Management Companies (PMC) Intertek, Societe Generale du Surveillance and TUV Rheinland Group were appointed to administer SONCAP globally on behalf of SON, pursuant to a detailed evaluation of their global experience in operating similar programmes as well as available local presence in major exporting countries to Nigeria.

The programme is a set of conformity assessment and verification procedures applicable to all products imported into Nigeria except those under the purview of the exemption list. The compliance of such products is with the applicable Nigeria Industrial Standards (NIS) specifications and/or other approved International Standards prior to shipment. The scheme was ratified by the World Trade Organisation (WTO) and its dictates forms the basis for ensuring that all goods imported into Nigeria conform to NIS or equivalent acceptable international standards.

The scheme is designed to protect Nigerian consumers from unsafe and substandard finished products most of which are imported and consumed directly by them. The objective of the scheme is to ensure that imported products meet the specifications of acceptable standards thereby easier to regulate by Agencies charged with such responsibilities.

The SONCAP certificate is mandatory for Customs clearance of goods under the Destination Inspection scheme of the Federal Government of Nigeria.

### *3. General Description*

SONCAP is a pre-shipment verification of conformity to Standards process used to verify that products to be imported into Nigeria are in conformity with the applicable NIS or approved equivalents, and technical regulations before shipment. Under the new regime, products to be imported will undergo verification and testing at country of supply/origin (Exporting) and a Certificate of Conformity (CoC) issued demonstrating that the products meet the applicable standards and regulations or a Nonconformity Report (NCR) where the goods do not comply. The conformity assessment elements undertaken in SONCAP include physical inspection prior to shipment, sampling, testing and analysis in accredited laboratories, audit of product processes and systems, and documentary check of conformity with regulations and overall assessment of conformity to standards.

#### *3.1. SONCAP Objectives*

Conformity to NIS specification is a mandatory requirement for imported products. Taking into consideration the developing economic status of Nigeria, the SON has responsibility to ensure that the rights of the Nigerian consumers are protected against non-conformities of the imported products available to them in the market.

The objectives of the programme include but are not limited to the following:

- Ensure that regulated products comply with the NIS or approved standards prior to export to Nigeria
- Provide a level playing field in terms of quality for both regulated and locally manufactured products in order to prevent unfair competition
- Prevent the dumping of substandard goods into the Nigeria market and as a result preventing economic loss to the importer and the nation at large
- Impede loss of lives and property including foreign exchange bearing in mind that the exporting country/Exporter have been paid for the goods shipped into Nigeria
- Forestall any adverse reaction (such as environmental pollution occasioned by destruction of substandard products) by regulatory Agencies on arrival of such goods in Nigeria
- Facilitate trade through fast track clearance of goods at the ports
- Encourage genuine investors and investments in Nigeria
- Promote made in Nigeria products
- Conserve foreign exchange

### 3.2. *Essential Features of the new SONCAP Regime*

There are three essential features to the new SONCAP regime:

- **Scope of Goods or Products subject to SONCAP**

The current regulated list includes all imported goods to be regulated by SONCAP except the following:

- Food products
- Drugs
- Medicals other than equipment and machines
- Chemicals used as raw material for reprocessing by bonafide manufacturers
- Military wares & equipment
- Goods classified as contraband by the Federal Government of Nigeria
- Used products other than automobiles

Bonafide manufacturers who intend to import machinery or related spare parts for their manufacturing are advised to apply to the SON for SONCAP import permit to enable them import.

1. **CHEMICAL PRODUCTS** including:

M/V Tyres, Bicycle Tyres, Pencils, Ball-point Pens, Latex Rubber Condoms, Papers & Paper products, Soaps & Detergents, Shoe Polish Mathematical Sets, SafetyMatches, Fertilizer, Water treatment chemicals, Cement.

2. **TEXTILES AND TEXTILE PRODUCTS** including:

Fabrics, Garments, Yarns, Threads, Blankets, Upholstery, Furnishings, Rugs, Carpets

3. **FOOT WEAR** including:

Leather, Rubber, plastic, canvas or their combinations.

4. **TOYS AND CHILD CARE PRODUCTS** (all categories) including:

Dolls, reduced-size models and similar recreational models, puzzles.

5. **ELECTRICAL** (including Electrical Fittings) and **ELECTRONIC PRODUCTS** including:

Electrical (including Electrical fittings) and Electronics products: household appliances, photocopiers, computers, printers, other consumer electronics other than appliances, Lamp holders, Switches & plugs.

6. **MECHANICAL PRODUCTS** including:

LPG Cylinders and accessories, Gas & Kerosene Stoves, Hurricane Lamps, Mortice Locks, Nails, Hand Tools, Bicycle, Auto spares, Shock absorbers, Fan Belts, Safety Belts, Brake Pads, Spark Plugs.

The Federal Government through an Inter-ministerial Technical Committee on Comprehensive Import Supervision Scheme (CISS) which is domiciled at the Central Bank of Nigeria (CBN) may from time to time add or delete product(s) for regulation under the scheme. Appropriate notification will always be provided by the CISS through the CBN and adequate period allowed between the date of publicizing the measure and its implementation to enable full compliance.

- **Conformity to Standards and/or technical regulations**

The primary objective of SONCAP is to ensure the quality of products, health and safety, and environmental protection for Nigerians.

- **Routes for Determining Conformity of products**

Each shipment of goods or products subject to SONCAP must be accompanied by a Certificate of Conformity (CoC). The methods employed for achieving these requirements vary according to the nature of product, the risk profile of the manufacturer and the level of conformity met by existing certifications.

The SON has determined three routes that maybe applied as appropriate conformity assessment procedures for products subject to SONCAP, according to type, risk and effect on the health and safety, and environmental protection. The routes are:

- ***Route A: For unregistered/Unlicensed products (Conformity Verification)***

Each shipment to be imported requires consignment testing to applicable standards. Upon the conformity to the requirements, the product is issued with a CoC, which is valid only for that particular consignment.

- ***Route B: For Registered Products (Registration and Conformity Inspection)***

Registration of products is done following type testing and assessment of the manufacturer's quality system in place in order to determine that the product(s) under consideration is in conformity with the applicable standards and that the manufacturer has the necessary systems in place to produce consistently over a time the same quality product. This implies that risk profiling would be considered before subjecting products for testing. Product testing 40% of the goods must be carried out quarterly before certificate is issued and FCL sealing at exporters premises, this is expected during the validity period of the certificate usually not exceeding one year.

Under this route, when goods or consignments are presented for SONCAP, only physical inspection/verification would be required in most instances before the issuance of the CoC. However product testing is only performed at random intervals.

• **Route C: For Licensed products (Product Certification Systems)**

Licensing of products is based on detailed evaluation of the product, including testing and factory audit and regular surveillances. If in conformity with the relevant NIS or approved equivalents, the product will be granted license. However, quarterly pre-shipment verification ie documentary review, process evaluation, inspection of facility and testing of 25% shipment with pre-shipment verification will be conducted to ensure that conformity is maintained. Licensing is only granted to the manufacturer of a product and the process is not available for exporter and/or supplier.

### 3.3. SONCAP Services

This new process has identified four IAFs. No territory or region or area has been assigned to any of the IAFs. IAFs will sign off on KEY PERFORMANCE INDICATORS (KPIs) to be used by SON to monitor their performance with the programme. At the end of every six months, and following evaluation, the contract of any non performing IAFs may be terminated.

The SONCAP services provided by the IAFs for shipments originating from any part of the world shall include but not be limited to the following tasks:

- i. Implementation of an effective risk-management system in order to rationalize the SONCAP resources by targeting mostly problematic imports for verification
- ii. Cooperation with the Client and any other body or person as the Client may determine in order to standardize both the paper and electronic format and contents of the Certificates of Conformity (CoC), Non-Conformity Reports (NCR) and other forms and reports used by the SONCAP programme
- iii. Liaising with exporters to perform verification of conformity to NIS or other approved equivalent specifications
- iv. Performance of the verification of conformity to standards in accordance to IFIA Code of Practice , International standards (ISO/IEC) and guides on Conformity Assessment and the WTO-TBT requirements for Conformity Assessment. The verification shall not be limited to health, safety and environmental protection. Other relevant findings such as detection of perishable goods with short expiry dates, used parts and worn out equipment with no further effective use, dangerous and illegal cargo, should be disclosed. Use of the International System of Measurement (SI Units System) to determine quality parameters, quantity of goods is expected
- v. Expeditiously issuing and disseminating paper and electronic copies of CoC and NCR to the SON, Exporter and Importer's agent. Transmission of CoC and NCR data to the SON shall be prompt upon issuance. Maintaining records on the dates of conducting verification and the dates of issuing CoCs and the elapsed times between these dates

- vi. Providing for secure and reliable electronic transmission of verification data to the SON and the storage of such data in secure databases. Having systems in place to prevent and detect any changes subsequent to a verification being completed to data supplied by the IAFs without prior written authorization by the SON and ensuring full compatibility of the IAFs and the SON systems for the seamless exchange of data
- vii. Issuing various reports as agreed with the SON on verification activity (over and above the provision of electronic CoC data) and trade and import statistics gathered through the performance of the SONCAP services, and developing in conjunction with the SON the modalities and formats for reporting on trade and verification activity and the quality impact of the SONCAP intervention
- viii. Providing timely information in the media and format required by the SON to facilitate the auditing of the contractor's performance by Auditors appointed by the SON. Cooperating unconditionally in the auditing exercise by making fully available all SONCAP related data and any other information that may be required by auditors, SON or appointed auditors
- ix. Providing information and documents and access to such information and documents arising out of the implementation of SONCAP as the SON may require, including the transfer of electronic files of CoCs and NCRs
- x. Expeditiously communicating to the SON and the Government of Nigeria any intelligence information the IAFs might acquire regarding violation of Nigerian Laws and dangerous or illegal cargo bound for Nigeria
- xi. Witnessing the loading of container loads and sealing the containers with tamper-proof seals.
- xii. Performing factory pre-assessment and factory surveillance in accordance with the scope of the accreditations and SON procedure for imported products
- xiii. Implementation of the Global Product Traceability to provide a level of assurance within the scope of service stipulated by SON, in other to determine that the products tested are same with the ones shipped by ensuring container security, risk analysis and other information relevant to a shipment.

### *3.4 Responsibilities of the SON*

- i. Grant Authorization/Certificate of Accreditation to SONCAP applicant FIRMS that are capable of complying with these guidelines.
- ii. Assess the applicant laboratories as to their compliance with these guidelines.

- iii. Increase or reduce the scope of SONCAP accreditation/Authorization.
- iv. Revoke the Certificate of Accreditation/Authorization
- v. Reconsider, after due notice, the accreditation in the light of notified changes/additions in personnel, equipment and/or system.
- vi. Prepare a directory of accredited/Authorized SONCAP private testing laboratories. Such directory shall be made available to the Public
- vii. Give due notice to an already SONCAP accredited firm of any intended changes/adjustments pertaining to the guidelines. The Certificate holder shall be given such time as in the opinion of the SON is reasonable to carry out the necessary adjustments to its procedures. The testing laboratory shall notify the SON when such changes/adjustments have been completed. SON shall conduct an assessment of the laboratory to check compliance with the changes.
- viii. Collect negotiated accreditation fees

### *3.5 Technical Support Services and Cooperation*

The technical support services and cooperation between the SON and the IAFs includes the following fields:

- Advise to the SON on recent trends in WTO-TBT and the application of conformity assessment procedures and requirements
- Each IAF shall every year during the accreditation period sponsor a facility inspection tour to their laboratories and country offices for SON personnel and each SON delegation shall be made up of not less than 5 personnel.
- Each IAF shall every year during the accreditation period sponsor a validation of Accreditation of its facilities and processes offshore, the SON team shall be made of three personnel. The validation of Accreditation will be on operation and implementation of conformity assessment activities including practical training in product sampling, testing, examination, inspection and certification procedures risk assessment and profiling, and general risk management techniques and methodologies
- Each IAF, upon consultation with the SON, shall provide local training to SON personnel each year with 20 delegates during the accreditation period.
- Provide technical cooperation exchanges in form of expertise and/or equipment in addition to the training above



### *3.6 Sub-Contracting of the SONCAP Services*

The IAFs may subcontract inspection of facility and or testing of any product to any approved Accreditation Agent. If the IAF undertakes to subcontract any or both of the above stated services, it shall guarantee that the body subcontracted has the necessary competence to do so in accordance with the international requirements for such bodies. The IAFs shall advise the client in writing of its intention to subcontract and shall not so subcontract without the written consent of the SON.

### *3.7 Indemnity*

The IAFs shall guarantee, hold harmless and indemnify the SON against any claims, cause or other actions made by third parties against the SON for any loss, damage or expense of whatever nature including reasonable legal expenses arising from any acts of omission or commission or neglect by the IAFs, its subcontractors and the personnel of either of them.

## *4.0. Guidelines*

### *4.1. Scope*

In order to encourage quality and competition that will enable exporters, importers and the consumers at large have free access to desired quality/professional services as well as enable the operating parties aspire to achieve the common objectives of SONCAP, the IAFs are free to operate in every area of their competence and at any location in the world.

### *4.2. SONCAP Compliance Procedures*

The scheme entails two mandatory processes of certification of product quality to meet specified standards such as NIS, International Organisation for Standardisation (ISO), British Standards Institute (BSI) and International Electrotechnical Committee (IEC) among others. The processes are:

- Product Certification
- SONCAP Certification

The Product and SONCAP (shipping) certificates are mandatory for importation and Customs clearance of goods respectively under the destination inspection scheme of the Federal Government of Nigeria.

**Product Certificate (PC)** is applicable the first time that an export of a product is to be made to Nigeria. The PC is valid for a **period of one year** and can be revalidated after the one year. The certificate is required for the opening of Form 'M.'

**The SONCAP Certificate (SC)** is a mandatory Customs clearance document in Nigeria. The Certificate is applicable to SONCAP regulated products. The SON will issue SC in Nigeria when it can do so based on the Certificate of Conformity (CoC) issued by the IAFs.

The SONCAP compliance procedures are designed to provide flexibility in the testing of regulated products by exporters. The exporter shall present products for testing at any of the IAFs laboratories or approved Accreditation Agents laboratories.

#### *4.3. SONCAP Administrative Fees*

The administrative fees for issuance of both the product and SONCAP certificates under the new SONCAP regime are as follows:

- i) Product Certificate = \$300
  - a. Additional models to be included in the same certificate and covered in the same test report are charged at an additional \$5 per month per model which translates to \$60 per annum.
  - b. The cost of new products is \$300.
- ii) Certificate of Conformity (CoC) = \$300
  - a. Certificate amendment fee: \$100
- iii) SONCAP Certificate = \$ 350
- iv) Licensing fee of \$5,000 annually.

#### *4.4. Testing*

The testing of product(s) shall be carried out as provided for in the Accreditation agreement with emphasis on quality, performance and safety. The IAFs are to be guided by the list of SONCAP regulated products in carrying out factory/ facility inspections and testing. Appropriate testing procedure/method for accelerated performance evaluation shall be applied to reduce time of testing.

All testing will be governed by the provisions of ISO 17025 in terms of organization of the testing laboratory, technical staff qualifications, training/experience, testing and measuring equipment, calibration, test methods and procedures, records and test reports.

#### *4.5. Online Programme Platform & Website*

Provision of an online and real time electronic platform is very critical to the successful operation of the scheme. This platform shall be domiciled in SON, operated by SON and maintained as interface between the IAFs, ASSYCUDA++, Shippers, Banks and other relevant stakeholders in Nigeria.

The SON shall establish an effective SONCAP portal that will provide link to all the IAFs. The SON personnel shall be trained by the IAFs on the online platform as well as other operations.

#### *4.6. Accreditation Firms Liaison Offices*

In addition to other existing facilities, all IAFs must establish at least an operational office in same vicinity with SONCAP Office for effective operations.

#### *4.7. Evaluation of Independent Accreditation Firms*

In line with the provisions of these guidelines, the SON will undertake the evaluation and review of the programme from time to time. As part of the evaluation, the SON officials shall carry out inspection visits to operating laboratories and offices once annually for each IAFs at the expense of the IAFs.

A duly authorized team of SON assessors shall be permitted to visit the testing laboratories periodically but at the discretion of the SON to determine that the conditions upon which the certificate was granted are being observed and carried out.

In order to monitor testing and reporting procedures, the SON may require the testing laboratory to carry out from time to time tests and prepare reports on test samples submitted by the SON.

In addition to the above, there will be continuous evaluation of IAFs based on identified and mutually agreed key performance indicators (KPIs), which includes but not limited to the following, viz:

- audit report (assessment) of Accreditation Agents system using ISO 17020 standards
- number of reports on case studies obtained from IAFs
- promptness and transparency in the remittance of funds due for the SON
- detailed monthly report of activities including detailed analysis of certificates issued by IAFs by country and product category
- number of substandard products with CoC
- market satisfaction feedback by stakeholders
- full compliance with the provisions of the Accreditation agreement

The SON expects that all IAFs will operate within the agreed terms and conditions of this relationship as covered in the Accreditation Agreement. Any infraction thereof shall constitute sufficient grounds for cancellation or revocation of the certificate. Irrespective of the annual evaluation, it is to be noted that:

- i. IAFs shall at all times comply with these guidelines.

- ii. IAFs shall claim that it is accredited only with respect to the type of test performed in accordance with these guidelines.
- iii. IAFs shall not use the certificate in any manner wherein the SON may reasonably object and shall not make any statement relevant to their authority in a way which in the opinion of the SON may be misleading.
- iv. Upon termination of a Certificate of Accreditation, (however determined) the testing laboratory forthwith shall discontinue its use and all advertising matters which contain any reference thereto.
- v. IAFs shall make it clear in all contracts with its clientele other than the SON, that a satisfactory test report shall in no way imply that the product so tested is approved by the SON and shall not be used nor be authorized to use, for promotional or publicity purposes by the said client without APPROVAL of SON and to ensure that there is no misrepresentation of the SON position

#### *4.8. Advertising & Publicity*

The AFs shall liaise and collaborate with the SON Public Relations Unit to develop a programme for advertisement both locally and internationally through the SON websites. All advert placements whether local or international are to be approved by the SON.

Shippers and Freight Forwarders shall be sensitized in the operation of the SONCAP scheme through enlightenment seminars to encourage them to insist on SONCAP certificate for regulated products and to expose defaulting importers.

#### *4.9. Remittance of Funds & Other Reports*

Further to the provisions of these guidelines, a monthly activity report indicating details of fund remitted and certificates issued as well as a technical review of the scheme shall be submitted by the IAFs to SON. IAFs shall transmit CoC electronically to SON portal within 24 hours in the agreed format.

#### *4.10. Supply Chain Security Management*

The IAFs are expected to introduce within 90 days, after agreement with the SON an acceptable level of supply chain security system to ensure that the goods tested are same as the ones shipped and are not tampered with at any point before their final destination in Nigeria. They must in addition provide authenticated reports of audits and certification of supply chain operatives.

#### *4.11. Subscription of Nigeria Industrial Standards (NIS)*

AFs shall subscribe to NIS and be handed relevant electronic copies for a flat annual fee of one million Naira (N1,000,000) only. This subscription entitles IAFs to all updates and reviews.

#### *4.12. Qualified Services*

This guideline shall be aligned with the provisions of WTO on Technical Barrier to Trade (TBT), policies of Federal Government of Nigeria, and requirements of the World Customs Organisation (WCO) as may be revised. It may only be amended after a meeting and consensus of all parties. Any amendment shall not be deemed to amend the provisions of the Agreement and any amendment of this guideline that seeks to vitiate any provisions of the Agreement shall be deemed null and void.

#### *4.13. Royalty Payable to SON*

In order to achieve the goals of this programme, IAFs are expected to invest in processes that will guarantee the establishment of a sustainable quality assurance regime for imported finished products. The SON recognizes that some investments in fixed and variable costs will be made by IAFs to meet the minimum expectations of the programme. As the party that requests for conformity assessment pays for the services and in recognition of the fees to be paid by the importers, the IAFs shall pay the following royalties to SON:

- 20 percent of the PC charge
- 20 percent of the SC charge
- 30 percent of the Licensing fee charge

#### *4.14. Responsibility for Fake/Substandard Products*

IAFs shall take responsibility for any substandard imported Products issued with genuine CoC. Appropriate sanction shall be taken against any IAF that is directly or remotely involved in any case.

#### *4.15. SONCAP Import Permit*

The SON shall issue SONCAP import permit to exempt certain categories of imports of regulated products from certification. This shall be done after examination of the import documents by the SONCAP unit and approved by the Director General of SON. Imports covered by permits will be subjected to conformity assessment in Nigeria.