

Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade
Udyog Bhawan, New Delhi

Trade Notice No. 18/2018

Dated the 23rd October, 2017

To

All Importer and Exporters
All Export Promotion Councils/FIEO
All RAs/Customs Authorities at ports

Subject: -Non-compliance of Sanitary and Phyto-Sanitary measures by Indian Exporters/Importers-reg.

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Attention of Trade and Industry, involved in business of Import and export is invited towards the agreement on the 'Application of Sanitary and Phyto-sanitary Measures' (the "SPS Agreement") which came into force with the establishment of the World Trade Organization on 1 January 1995. It concerns the applications of food safety and animal and plant health regulations. India is signatory to this agreement, being member of WTO.

2. Department of Agriculture, Co-operation and Farmers' welfare has brought to the notice of this Directorate about various instances of non-compliance of Sanitary/ Phyto-sanitary measures by Indian Exporters while exporting goods. Importing Countries have been making complaints against Indian exporters, which amounts to disrepute to the image of the country and that can adversely impact the interest of other exporters as well as of country as a whole.

3. In this regard, attention is drawn to the following provisions of Section 8 (1) (b) of Foreign Trade (Development and Regulation) Act, 1992 (as amended), which is reproduced as under :


“Suspension and cancellation of Importer-exporter Code Number.

8. (1) Where--

(b) the Director General or any other officer authorized by him has reason to believe that any person has made an export or import in a manner prejudicial to the trade relations of India with any foreign country or to the interests of other persons engaged in imports or exports or has brought disrepute to the credit or the goods of, or services or technology provided from, the country,

the Director General or any other officer authorized by him may call for the record or any other information from that person and may, after giving to that person a notice in writing informing him of the grounds on which it is proposed to suspend or cancel the Importer-exporter Code Number and after giving him a reasonable opportunity of making a representation in writing

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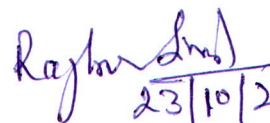
within such reasonable time as may be specified in the notice and, if that person so desires, of being heard, suspend for a period, as may be specified in the order, or cancel the Importer-exporter Code Number granted to that person.

Sub section 3 (b) of section 11 (2) of the Act provides:

Contravention of provisions of this Act, rules, orders and export and import policy

(2) Where any person makes or abets or attempts to make any export or import in contravention of any provision of this Act or any rules or orders made thereunder or the foreign trade policy, he shall be liable to a penalty of not less than ten thousand rupees and not more than five times the value of the goods or services or technology in respect of which any contravention is made or attempted to be made, whichever is more."

4. In view of the provisions quoted above and the mandatory requirements to be followed by the exporters from the country, the exporters are sensitized to ensure that Sanitary and Phyto-Sanitary laws of importing countries are strictly adhered to. They are advised to seek requirement of importing country along with export order. And, while exporting goods, they must provide certificate(s) from designated agencies along with export documents indicating the observance of the norms mandated by the importing country.
5. Copy of this Trade Notice is also being forwarded to the Department of Revenue with the request to advise the field formations of Customs so as to ensure that the requirement of importing country exporter is adhered to by the exporters while making exports.
6. Any adverse report received subsequently would make the exporter liable for action under the provisions of FT (DR) Act, 1992 (as amended), or under any other law for the time being in force.
7. All Export Promotion Councils and FIEO are requested to give wide publicity to this Trade Notice in order to sensitize their members.
8. This issues with the approval of the Director General of Foreign Trade.


23/10/2017

(Rajbir Singh)

Dy. Director General of Foreign Trade

E-mail: rajbir.singh62@nic.in

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Copy to:

1. Department of Agriculture, Cooperation and Farmers' Welfare, Krishi Bhawan, New Delhi – 110001.
2. Shri L. Satya Srinivas JS (Customs), CBEC, North Block New Delhi -110001.