

Agricultural and Processed Food Products Export Development Authority
(Ministry of Commerce & Industry, Govt. of India)

TR_Notice/2017/0006

Trade Notice
April 20, 2017

Export of Sugar to USA under TRQ up to September 30, 2017

As per Notification No 3/2015-2020 dated April 20, 2015 issued by Directorate General of Foreign Trade, Department of Commerce, Govt. of India, New Delhi (DGFT) the export of Sugar to USA under TRQ is allowed subject to the following conditions:

1. The quota will be operated by Agricultural and Processed Food Products Export Development Authority (APEDA), New Delhi.
2. This will be subject to quantitative ceiling notified by DGFT from time to time.
3. The exporters shall be required to furnish the details of actual exports (viz. quantity, value, destination, name and address of foreign buyers etc.) to APEDA, New Delhi.
4. Certificate of Origin, if required, shall be issued by additional DGFT, Mumbai.

As per Public Notice No.52/2015-2020 dated December 30, 2016 quota of 8424 MT of raw cane sugar (at 98 degree pol) has been notified by DGFT for export to USA under TRQ for the US fiscal year 2017 ending on September 30, 2017. This sugar is to be exported out of non-levy (Free Sale) sugar by the exporters. Cane jaggery without other ingredients qualifies as TRQ raw cane sugar. But palm based jaggery with other ingredients does not qualify for this TRQ.

Quantity of 17 MT has been allocated on the basis of application received against APEDA tender notice dated January 16, 2017. Subsequent Trade Notice dt.22nd February, 2017 was released but no applications are received. Now, through this trade notice applications are invited from exporters for allocation of balance quota of 8407 MT for export of raw sugar (at 98 degree pol) to USA under TRQ. The following are the guidelines for applying/obtaining quota for export of sugar to USA under TRQ :-

- (i) Applications for obtaining quota, as per format in Annexure I, would be received at APEDA New Delhi upto 30th June, 2017 and to be opened same day on receipt of application at 3.30 PM in the presence of representatives of companies, if desired. **The applications are to be submitted, in sealed cover, super**

scribed as, "Application for Obtaining Quota for Export of Sugar to USA under TRQ," addressed to Mr. Umesh Kumar, Assistant General Manager, APEDA, NCUI Auditorium Building, August Kranti Marg, Hauz Khas, New Delhi-110016.

- (ii) The decision after scrutiny will be taken and Registration-cum-Allocation-Certificate (RCAC) issued in 3 working days. In case the quantity of 8407 MT is not exhausted, it would be announced on APEDA website: www.apeda.gov.in immediately, inviting applications for the balance quantity.
- (iii) The application would be accompanied by a Bank Guarantee in the format as per Annexure II, in Indian Rupees for an amount equivalent to 5% of the value of the quota quantity at the FOB price applied for. The Bank guarantee should be valid upto December 31, 2017.
- (iv) Processing charges of Rs. 11.50 per MT (inclusive of service tax) for the quantity applied for shall be paid by the applicants. This amount shall be paid by Demand Draft/pay Order drawn in favour of APEDA payable at New Delhi. All applications for obtaining quota should be accompanied by Demand Draft/Pay Order of requisite amount.
- (v) The available quota quantity will be allocated to the applicants on the basis of highest FOB price for export in USD per MT. In case the quantity applied for by the applicant quoting the highest FOB price is less than the available quota, balance quantity will be allocated to other applicants in order of price quotations. In case more than one applicant submits the same FOB price the allocation of available quota will be made on pro rata basis.
- (vi) No request for change in the name of exporter/importer and FOB price will be entertained once the application has been submitted and Registration-cum-Allocation-Certificate (RCAC) has been issued.
- (vii) RCAC shall be issued with validity period upto September 30, 2017. The applicant would have to ensure that consignment reaches US Port for custom clearance before September 30, 2017.
- (viii) The exporter would be required to submit, as per format in Annexure III, details of actual export against each RCAC within 15 days from the expiry of the validity of a particular RCAC in respect of full quantity issued. Inability to complete export of full quantity of the RCAC would invite penalty in the form of invocation of Bank Guarantee by APEDA.

D.K Singh
Chairman

New Delhi
April 24, 2017

Annexure – I

Application for Obtaining Quota for
Export of Raw Sugar(at 98 degree pol) to USA under TRQ

1. Name /Address of the Applicant :
Telephone/Fax :
Email address :
2. APEDA/FIEO Registration NO :
3. I .E. Code No :
4. Quantity Applied for in MT :
5. FOB Price USD/MT :
6. Performance Guarantee : Rs
Amount (5% of total FOB value
of quantity applied for)
7. Date & Validity of Performance :
Guarantee (minimum 180 days
from the date of application)
8. Name and address of Importer
9. Port of Shipment In India :
10. Port of Destination :

Declaration:

- (i) We certify that all information furnished in our application is true to our knowledge.
- (ii) We undertake to effect export of the quantity allocated to us within the validity of the RCAC issued by APEDA.
- (iii) We certify that we are aware of the quality requirements of USA in respect of the Sugar which we have undertaken to export to USA under the TRQ and will ensure that no substandard product is exported by us.
- (iv) We understand that in case of non-shipment of quota quantity allocated by APEDA as per RCAC within the validity period, APEDA shall have the right to forfeit the performance bank guarantee submitted by us.

Signature
Name & Designation
Authorised Signatory of the Exporter.

Annexure-II

Format for Performance Bank Guarantee
(on Rs. 100/- Stamp Paper)

Subject : Performance Bank Guarantee for Export of Raw Sugar to USA
under TRQ

WHEREAS the Agricultural and Processed Food Products Export Development Authority mentioned as APEDA hereinafter, through its Trade Notice dated _____ has invited applications from the exporters for obtaining quota for export of sugar to USA under TRQ as per the conditions prescribed in the said Trade Notice, which terms and conditions we are fully aware and in know of, and whereas M/s. _____, the exporter, having their office athave undertaken to export.....MT of raw sugar to USA under TRQ at the FOB India price of USDper MT.

AND WHEREAS the exporter is required to furnish alongwith the application. Performance Bank Guarantee equivalent to 5% of the total FOB value of the quantity applied for in Indian Rupees in terms of the above said Trade Notice.

AND WHEREAS the exporter is required to export of raw sugar within period of the validity given in the Registration-cum-Allocation Certificate (RCAC) to be issued by APEDA.

1. We (name and address of a Scheduled Indian Bank) hereinafter called "THE BANK" do hereby undertake and promise to pay the APEDA, New Delhi an amount of Rs. _____ (Rupees _____) in the event of failure of the exporter (i) to fulfill any condition of the RCAC or (ii) to fulfill the obligation to export the quantity allocated to M/s. _____ within the stipulated time or according to the prescribed terms and conditions whether the shipment is in part or full.
2. Our liability under this guarantee shall fall due immediately on a demand made in this regard by APEDA within the prescribed period and notwithstanding any dispute or objection raised by the exporter regarding their liability to pay for non performance of the commitments made by the said exporter. We do hereby undertake and promise to pay without demur and on demand by APEDA, New

Delhi ,the sum of Rs. _____(Rupees _____) in respect of which the said exporter fails to fulfill these commitments and that such claim will be restricted upon the full value of this guarantee i.e. Rs. _____ (Rupees _____) if the export shipment is not completed in full.

3. We, the _____ Bank further agree that this guarantee shall remain in full force and effect for 180 days from the date of date of application by exporter for issue of the RCAC by APEDA and that it shall continue to be enforceable till all the amounts due to APEDA have been fully paid, discharged and Chairman, APEDA or his any authorised representative certifies that the terms and conditions of the said Order have been fully and properly carried out by the said exporter. Unless a demand or claim under this guarantee is made on us in writing upto 6 months from the date of expiry of this guarantee in respect of non-performance regarding export of Sugar to USA under TRQ, we shall be discharged from all liabilities under this guarantee further.
4. We, the _____ Bank further agree that the APEDA shall have the fullest liberty without consent and without affecting in any manner our obligation hereunder, to vary any of the terms and conditions of the said Trade Notice from time to time to postpone for any time or from time to time any of the powers exercisable by the APEDA against the said exporter and to forebear or enforce any of the terms and conditions of the said Order and we shall not be relieved from our liability by reasons of any such variation or extension being granted to the said exporter or forbearance act of omission on the part of the APEDA to the said exporter or by any such matter or thing whatsoever which under the law relating to sureties but for the said reservation would relieve us from the liability.
5. We, the _____ Bank further agree that the decision of Chairman, APEDA as to the default on the part of the exporter and the amount payable by us shall be final and binding on us and on demand made by the APEDA we shall immediately and without demur within 10 days pay the same to the Agriculture and Processed Food Products Export Development Authority, 3rd Floor, NCUI Building, 3 Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi – 110 016 , by way of Demand Draft/Pay Order drawn in its favour.
6. We shall be relieved of and discharged from all liabilities under this guarantee only on the exporter having fulfilled all his obligations and exported the entire quantity of RCAC by the last day of shipment as prescribed by the APEDA in this particular case and submitted satisfactory proof of shipment and realization of export value by the Bank to the full satisfaction of the APEDA in this regard within the

prescribed time whose decision in this connection shall be final and binding.

7. This guarantee will not be revoked by any change in the constitution of the Bank and/or the exporter.

8. Dated at _____ this _____ day of _____ 2017.

In presence of _____

(Signature of the Guarantor)

Signature of Applicants
(to be signed by the
Proprietor/Managing
Director/Authorised
Signatory/Managing Partner
of the unit showing his
Designation as such)

Date :

Seal :

Annexure III

Format for Submission of Details of Export of Raw Sugar
to USA under TRQ

Name of the Exporter :

APEDA/ FIEO Registration No :
RCAC No.and Date

| Quantity in MT | Consignee/ Importer | Date of Bill of Lading | FOB Value USD | Port of Shipment | Port of Destination |
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Authorised Signatory
Name and Designation
Date
Place