

APPENDIX - 40

STREAMLINING OF PROCEDURES RELATING TO THE EXPORT OF PERISHABLE AGRICULTURAL PRODUCE

1. Policy

There is a need to streamline the export process for perishable agriculture produce with a view to enhancing its competitiveness in the international market. The export facilitation is being effected through a series of measures, significant amongst which are :

- a) Streamlining of documentation and processes;
- b) Setting up of a system of multi-functional nodal agencies to operate single window system for expeditious clearing of exports;
- b) Setting up of a single-point payment system for all levies and charges;
- d) Introduction of EDI (Electronic Data Interchange) / Web enablement; and
- e) A highly responsive redressal system.

1. Definitions

- i. *“Accredited” means a person or body of persons that have been authorised by APEDA (Agricultural and processed food products export development authority), as being capable of discharging and/ or facilitating all or one or more than one of such functions related to the export of Perishable Agricultural Produce;*
- ii. *“Export Document” means and includes a Certificate, Test report, packing list or any other documents set out in Schedules A & B of this Appendix required to be issued by various agencies under the present laws of India or the laws of the importing country, which could hereafter be issued by a nodal agency to facilitate the export of the Perishable Agricultural Produce through Single Window Clearance;*
- iii. *“Known Shipper” means a person or a body of persons involved in exportation of Perishable Agricultural Produce with a consistent track record or reputation and accredited by APEDA under Section 4 to carry out export documentation through Single Window Clearance System;*
- iv. *“Nodal Agency” means a person or a body of persons, including Known Shipper, accredited under this Appendix to issue the Single_Export Document covering documents listed in Schedule A to this Appendix that facilitates the export through Single Window Clearance System;*

i. “Perishable Agricultural Produce” means all produce and commodities that are of nature, and are likely to be subjected to natural decay, spoilage or destruction, whether processed or unprocessed, of agriculture, horticulture, apiculture, livestock, marine produce, forest produce and or as declared through by notification from time to time;

ii. “Single Window Clearance System” means and includes a system of performing multiple functions of export documentation and collection of charges related to it, of one or more agencies as required under the law, relating to documents listed in Schedule A and facilitating functions of export documentation relating to documents listed in Schedule B to this Appendix, for export of perishable agriculture produce, through the nodal agency on behalf of the exporter as envisaged under this Appendix.

1. *“Facilitation” means act of the nodal agency to compile, consolidate and capture data from the exporter or other concerned agencies in a web enabled system for clearance of cargo for exports.*

The definitions specified under Section 2 of the FTDR Act, 1992 and under Chapter 9 of Foreign Trade Policy, would apply *mutatis mutandis* under this Appendix.

3. Single-Window Clearance System

The system will involve creation of multi-functional Nodal Agencies, which will be required to be mandatorily accredited by Agricultural and Processed Food Products Export Development Authority (APEDA). The accreditation would enable them to function as a single window for clearance of perishable produce to either

issuing or facilitating the requisite documentation / clearances under one roof by acting as a coordinating agency for exporters.

These Nodal agencies could be shipping companies, Agri-clinics, C&F agents, existing regulatory agencies or laboratories. These agencies would be working in addition to the currently empowered agencies under various Acts/ Rules, and will have the same powers of clearance / certification for export of perishable goods covering documents listed in Schedule A to this Appendix.

Some of the agencies, which could be hired by the exporters for the purpose, are as under:

- (1) Nodal Agency acting as a Single Window for performing all functions;
- (2) Nodal Agency in combination with other Regulatory Agencies (performing core functions);
- (3) Nodal Agency in combination with other Regulatory Agencies (performing non-core functions);
- (4) Known Shipper performing through self declaration; and
- (5) Regulatory Agencies performing core functions in respect of documents listed in Schedule A to this Appendix.

4. Duties, Powers and Functions of APEDA

APEDA shall be the Authority to administer and regulate the Single Window Clearance System relating to the export documentation and levy of charges thereupon for facilitating the export of Perishable Agricultural Produce, promote simplified documentation processes and procedures in the export of the perishable agricultural produce. The duties, powers and functions of APEDA shall include the following :

- a) Control and regulation of the service levels, charges, terms and conditions that may be levied upon exporters of Perishable Agricultural Produce by nodal agencies;
- b) Prescribing the criteria for accreditation of Nodal Agencies;
- c) Accreditation, renewal, modification, suspension or cancellation of such accreditation of Nodal Agencies;
- d) Levy of charges for carrying out the purpose of this Appendix.
- e) Calling for information from, undertaking inspection of, conducting enquiries and investigations including audit of nodal agencies;
- f) Specifying the form and manner in which the books of account shall be maintained and statement of accounts rendered by the nodal agencies;
- g) Application of Information Communication Technology towards a seamless and paperless one-stop export certification service;
- h) Providing advisory services to the exporters; and
- i) Exercising such other powers as the Government may prescribe.

5. Duties, Powers and functions of Nodal Agencies

The duties, powers and functions of Nodal Agencies shall include the following:

- a) The nodal agency shall perform all or one or more than one of the following functions required for the export of Perishable Agricultural Produce through a Single Window Clearance System:
 - I. Issue Export Documents as per the notified procedure;
 - II. Collection and remittance of notified charges for issue of export document; and
 - III. Any other function as APEDA may prescribe.
- b) The Nodal Agency shall be accountable and answerable for the declarations and the truthfulness of the export document to APEDA and the exporter and be liable to them on this count.

6. Significance of Export Document

The Export Document issued by the Nodal Agencies under the provisions of this Appendix shall be deemed to have been issued by the Government, as required under various Acts and / or rules and / or notifications and / or conventions for the export of perishable agricultural produce or as prescribed from time to time and meet the purposes of the documents as specified in the **Schedule A** to this Appendix. The documents specified in **Schedule B** shall only be facilitated by the Nodal agencies.

The Nodal agency acting as facilitating agency will compile and consolidate the information and submit Single Export Document (SED) along with Shipping Bill, SDF / GR Form, Commercial Invoice and the Phytosanitary Certificate (as listed out in Schedule B) to Custom Authorities for 'Let Export Order'. The format of SED is specified in **Schedule C** and may be amended & notified by APEDA as per the requirements.

7. Suspension, Forfeiture and Penalties

Adjudication of disputes, imposition of penalties, appeals and revisions for contravention of any of the provisions of this Appendix shall be as follows:

- (i) If APEDA is of the opinion that any accreditation granted to a nodal agency, in the interest of export or in the public interest, be suspended or forfeited, APEDA may after giving a reasonable opportunity to the nodal agency to be heard in the matter, suspend or forfeit the accreditation granted to the said agency of the shipper. However, no such action shall affect the validity of any contract entered into or made before the date of such action, and APEDA may make such provision as it deems fit in the suspension or forfeiture order for the due performance of any contract outstanding on that date;
- (ii) If any Nodal agency, which is required under this Appendix or any rules made there under:
 - (a) Fails to furnish any document, return or report to APEDA, fails to furnish the same;
 - (b) Fails to file any return or furnish any information, books or other documents within the time specified therefor, in the guidelines;
 - (c) Fails to maintain books of account or records;
 - (d) Does not function with due diligence or does not carry out the function of the Nodal Agency in a manner as intended; or
 - (e) Contravenes any other provision of this Appendix;it shall be liable to a penalty as prescribed by APEDA.
- (iii) If any person or a person who is in charge of, and responsible to a nodal agency to conduct the business of the nodal agency obstructs any officer of APEDA or any other person authorized by it to conduct inspection or to discharge any other function assigned by the APEDA, such persons as well as the nodal agency shall be liable to penal action as prescribed by APEDA;
- (iv) If any nodal agency, after having been called upon by APEDA in writing to redress the grievances of exporters, fails to redress such grievances within the time specified by APEDA, it shall be liable to a penalty as prescribed by APEDA;
- (v) If any nodal agency indulges in fraudulent and unfair trade practices relating to export documentation, it shall be liable to a penalty and or prosecution as prescribed under the FT (D&R) Act, 1992;
- (vi) Penalties under sub paras (ii) to (iv) above shall be prescribed by APEDA after prior approval of the Government.
- (vii) The DGFT shall be the Appellate Authority for any orders passed by APEDA, under this Appendix.

8 Amendment of schedule

The addition/ deletion of any document(s) in the schedule may be carried out through notification by the DGFT without prejudice to any of the provisions contained in The Customs Act 1962, The Shipping Bill and Bill of Export (Form) Regulations, 1991 and The Plant Quarantine Act & Notification 8-97/91-PP.I, dated 26th November 1993.

SCHEDULE A**LIST OF DOCUMENTS TO BE ISSUED BY NODAL AGENCIES**

S. No.	Document	Ministry Involved	Act	Chapter	Section
1.	Certificate of Origin	Min of Finance-DGFT	The Foreign Trade (Development and Regulation) Act, 1992 (No.22 of 1992)	II	5.2.4
2.	Health Certificate	Ministry of Agriculture; Department of Animal Husbandry, Dairy and Fisheries	The Export (Quality Control and Inspection) Act 1963; Export of Fresh poultry meat and poultry meat Products (Quality Control, Inspection and Monitoring) Rules, 2002	17	3
3.	AGMARK Certificate	Min of Ag-DMI	Produce Grading & Marking ACT 1937-General Grading and Marking Rules, 1998		
4.	Laboratory Reports	APEDA	APEDA Act, 1985	II	10 (2)

SCHEDULE B**LIST OF DOCUMENTS TO BE FACILITATED BY NODAL AGENCY**

S. No.	Document	Ministry Involved	Act	Chapter	Section
1.	Self Declaration Form (SDF) / GR Form	FEMA, 1999 Chapter II. Section 7	The Foreign Exchange Management Act, 1992 (42 of 1999)	II	7
2.	Shipping Bill	Min. of Finance – CBEC*	The Shipping Bill and Bill of Export (Form) Regulations, 1991		50-51, 152
3.	Single Export Document	DOC** DGFT***	Foreign Trade Policy		Appendix-40
4.	Commercial / Export Invoice		Bill of the goods, to inform customs about the quantity, price, commodity, consignee description, destination, weight etc.		
5.	Bill of Lading / Airway Bill	Ministry of Shipping ; Ministry of Civil Aviation	The Merchant Shipping Act, 1958. The Merchant Shipping (Crew Accommodation) Amendment Rules 1984 / The Aircraft Act, 1934, Aircraft Rules, 1937	XIV	412
6.	Fumigation Certificate	MoA****	Destructive Insects and Pests Act, 1914	2	4A and 4D
7.	Phytosanitary Certificate	MoA (Dept of Plant Quarantine & Insp.)	The Plant Quarantine Act & Notification 8-97/91-PP.I, dated 26 th November 1993	VII	

- *CBEC - Central Board of Excise and Customs
 **DOC - Department of Commerce
 *** DGFT - Directorate General of Foreign Trade
 ****MoA – Ministry of Agriculture

SCHEDULE C**FORMAT OF SINGLE EXPORT DOCUMENT (SED)**