



**OFFICE OF COMMISSIONER OF CUSTOMS NS-IV
JAWAHAR LAL NEHRU CUSTOM HOUSE, NHAVA SHEVA
TAL: URAN, DIST. RAIGAD, MAHARASHTRA-400707**

F.No.S/12-Gen-82/2015-16 AM(X)(Part File)

Date: 26.10.2017

PUBLIC NOTICE NO. 134 /2017

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

Attention of the Exporters, Custom Brokers and all concerned are invited to the Trade Notice No. 18/2018 Dated the 23rd October, 2017 issued by Ministry of Commerce & Industry, Department of Commerce, Directorate General of Foreign Trade, Udyog Bhawan, New Delhi and 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 on the above mentioned subject.

2. Department of Agriculture, Co-operation and Farmers' welfare has brought to the notice of Directorate General of Foreign Trade 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 invited to the following provisions of Section 8 (l) (b) and Sub section 3 (b) of Section 11 (2) of the Foreign Trade (Development and Regulation) Act, 1992 (as amended), which are 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 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 the 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 also 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. Any adverse report received subsequently would make the exporter liable for action under the provisions of the Customs Act, 1962 alongwith the FT (DR) Act, 1992 (as amended), or under any other law for the time being in force.

6. Difficulty, if any may also be brought to the notice of Deputy / Assistant Commissioner in charge of Appraising Main (Export) through email / phones (email address: apmainexp@jawaharcustoms.gov.in, Phone No : 022-27244959,).

Sd/-
(SUBHASH AGRAWAL)
COMMISSIONER OF CUSTOMS
NS-IV, JNCH

Copy to:

1. The Chief Commissioner of Customs, Mumbai Zone- II.
2. All the Commissioner of Customs, Mumbai Zone- II.
3. All Addl./Joint Commissioners of Customs, Mumbai Zone- II.
4. All Deputy/Asstt. Commissioners of Customs, Mumbai Zone- II.

5. The DC/EDI for uploading on the JNCH website.
6. Bombay Custom Broker's Association.
7. All Export Promotion Councils and FIEO.
7. All Other Trade Associations.