



# भारत का राजपत्र

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PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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वाणिज्य एवं उद्योग मंत्रालय

(वाणिज्य विभाग)

अधिसूचना

नई दिल्ली, 14 जुलाई, 2011

का.आ. 1626(अ).—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के तत्कालीन वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 1422 जो कि भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii) की तारीख 20 मई, 1978 में प्रकाशित की गयी थी को उन बातों के सिवाय, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया था या करने का लोप किया गया था, विखंडन करती है।

[फा. सं. 2/69/2010-निर्यात निरीक्षण]

डी. एस. देसी, संयुक्त सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

NOTIFICATION

New Delhi, the 14th July, 2011

S.O. 1626(E).—In exercise of the powers conferred by Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the notification of the Government of India in erstwhile Ministry of Commerce, number S.O. 1422, published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 20th May, 1978, except as respects things done or omitted to be done before such rescission.

[F. No. 2/69/2010-Export Inspection]

D. S. DHESI, Jt. Secy.

अधिसूचना

नई दिल्ली, 14 जुलाई, 2011

का.आ. 1627(अ).—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, फल उत्पादों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1978 का संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम फल उत्पाद निर्यात (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 2011 है।
- (2) ये राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।
2. फल उत्पाद निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1978 में इसमें इसके पश्चात् मूल नियम कहा गया है के नियम 2 में

(क) खंड (ii) के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात् :—

(ii) "अभिकरण" से अधिनियम की धारा 7 की उप-धारा (i) के अधीन स्थापित निर्यात निरीक्षण अभिकरण अभिप्रेत है,

(iiक) "परिषद्" से अधिनियम की धारा 3 के अधीन स्थापित निर्यात निरीक्षण परिषद् अभिप्रेत है,

(iiख) "स्थापना" से ऐसा परिसर या इकाई जहाँ फल उत्पादों को तैयार प्रसंस्कृत परिरक्षित, पैक या भंडार किए जाते हैं, अभिप्रेत है;

(ख) खंड (iv) का लोप किया जाएगा।

3. मूल नियम के नियम 4 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :—

6. मूल नियम 6 के पश्चात् निम्नलिखित नियम रखा जाएगा, अर्थात् :—

“6क फीस—(1) खाद्य सुरक्षा प्रबंधन प्रणाली पर आधारित निरीक्षण प्रणाली पर आधारित अनुमोदित स्थापनाओं के संदर्भ में,

(i) नियम 5 के उप-नियम (2) खंड (2) के अंतर्गत आवेदन के साथ रु. 5000 का संदाय फीस के रूप में किया जाएगा, और

(ii) फल उत्पाद के प्रत्येक परेक्षण के लिए 0.2 प्रतिशत की दर से एफ ओ बी मूल्य की दर से शुल्क संदत्त किया जाएगा।

2. परेखणावार निरीक्षण के मामले में 0.4 प्रतिशत एफओबी मूल्य की दर से न्यूनतम रु. 500 शुल्क का संदाय के लिए अधिकरण को फल उत्पादों के परेक्षण के लिए किया जाएगा।

3. प्रत्येक परेक्षण के लिए संदेय फीस की रकम को रुपए के निकटतम तक पूर्णांकित किया जाएगा और इस प्रयोजन के लिए जहाँ ऐसी राशि में रुपये का भाग सम्मिलित है वहाँ यदि ऐसा भाग 50 पैसे या अधिक है तो इसमें एक रुपये की वृद्धि कर दी जाएगी और यदि ऐसा भाग 50 पैसे से कम है तो इसे छोड़ दिया जाएगा।”

7. मूल नियमों के नियम 7 के उप-नियम (1) के लिए शब्दों, कोष्ठकों और अंकों “निरीक्षण प्रमाणपत्र उप-नियम (6) के अधीन जारी” शब्दों, कोष्ठकों, अक्षरों और अंकों “खंड ग के उप-नियम (2) के अनुसार प्रस्थापना का अनुमोदन या यथास्थिति खंड (घ) के उप-नियम (3) के अधीन जारी प्रमाण-पत्र” रखे जाएंगे।

[फा. सं. 2/69/2010-निर्यात निरीक्षण]

डी. एस. डेसी, संयुक्त सचिव

टिप्पण :—मूल नियम भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii) की अधिसूचना सं. का.आ. 1421 तारीख 20 मई, 1978 में प्रकाशित किए गए थे।

#### NOTIFICATION

New Delhi, the 14th July, 2011

S.O. 1627(E).—In exercise of the powers conferred by Section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules to amend the Export of Fruit Products (Quality Control and Inspection) Rules, 1978, namely :—

1. (1) These rules may be called the Export of Fruit Products (Quality Control and Inspection) Amendment Rules, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Fruit Products (Quality Control and Inspection) Rules, 1978 (hereinafter referred to as the principal rules), in rule 2,—

(a) for clause (ii), the following clause shall be inserted, namely :—

(ii) “Agency” means the Export Inspection Agency established under sub-section (1) of Section 7 of the Act;

(iia) “Council” means the Export Inspection Council established under Section 3 of the Act;

(iib) “establishment” means any premises or unit where fruit products are prepared, processed, preserved, packaged or stored;”;

(b) clause (iv) shall be omitted.

3. For rule 4 of the principal rules, the following rule shall be substituted, namely :—

“4. Procedure for Inspection.—(1) An exporter intending to export Fruit Products may,—

(a) apply for the approval of its establishment where the intended fruit products are prepared or processed as per Food Safety Management System based Inspection system specified under sub-rule (2); or

(b) follow the consignment-wise inspection specified under sub-rule (3).

(2) (a) The exporter covered under clause (a) of sub-rule (1), intending to export Fruit Products shall apply in writing to the nearest office of the Agency for approval of its establishment including their facility to process Fruit Products for exports;

(b) It shall be the primary responsibility of the exporter that the establishment for which the application under clause (a) has been made, ensures that the Fruit Products intended for export is prepared, processed and preserved at all stages of production, storage, and transport based on good manufacturing practices and good hygiene practices and the food products intended to export conforms to the standard specification recognised by the Central Government under Section 6 of the Act and any other restrictions imposed by the Central Government or, as the case may be, the State Government in respect to commercial, environmental or conservation measures, from time to time;

(c) The Agency shall, on satisfying itself on the basis of inspection and such testing carried out in the manner laid down by the Council, that the establishment meets the requirements with regard to nature of activities carried out, accord approval to such establishment :

Provided that if the establishment decides to carry out activities other than those for which it has received approval, specific approval from the Agency shall be obtained for that purpose :

Provided further that if the Agency is not satisfied, it shall refuse to grant the approval

- to the establishment and communicate such refusal in writing within a period of ten days from the date of inspection to the establishment alongwith the reasons therefor;
- (d) The Agency shall ensure that the establishments approved under this sub-rule, continue to comply with the requirements by regular inspection and monitoring of the establishments for which the Agency shall at all times have free access to all parts of the establishments and records pertaining to the control exercised by the establishment for hygienic handling and processing of food products during all stages of production, storage and transport;
- (e) The Agency shall take necessary measures if the requirements cease to be met;
- (f) The Council shall maintain the list of all approved establishments, each of which shall have an official number.
3. (a) An exporter covered under clause (b) of sub-rule (1) intending to export Fruit Products shall give intimation in writing to the nearest office of the Agency to carry out the consignment-wise inspection.
- (b) Every intimation under clause (a) shall be given—
- (i) not less than three days before the inspection is to be carried out at the establishment situated at the same station where the office of the Agency is located; and
- (ii) not less than seven days before the inspection is to be carried out at the establishment which is not situated at the same station where the office of the Agency is located.
- (c) On receipt of the intimation referred to clause (a), the Agency shall inspect the consignments of fruit products meant for export by drawing samples for inspection and testing;
- (d) The Agency on satisfying itself that the consignment of the fruit products conforms to the standard specifications recognized for the purpose on the basis of inspection and testing carried out in the manner laid down by the Council, shall issue the certificate declaring such consignment of the fruit products is exportworthy :  
Provided that if the Agency is not satisfied, it shall refuse to issue the certificate to the exporter and communicate such refusal in writing within a period of ten days from the date of inspection alongwith the reasons therefor.”
4. In rule 5 of the principal rules, for sub-rule (1), the following sub-rule shall be substituted, namely :—
- “(1) Inspection for the purpose of these rules shall be carried out at any premises of the exporter and the establishment approved under these rules and the exporter shall ensure that adequate facilities for the purpose exist therein.”
5. In rule 6 of the principal rules, for the words “licence holder” the words “exporter or establishment” shall be substituted.
6. After the rule 6 of the principal rules, the following rules shall be inserted, namely :—
- “6. A. Fee.—(1) In the case of approval of establishment for Food Safety Management System based Inspection,—
- (i) a fee of five thousand rupees shall be paid to the Agency alongwith the application made under clause (a) of sub-rule (2) of rule 5; and
- (ii) a fee at the rate of 0.2% of the freight on board value shall be paid subject to a minimum of five hundred rupees per consignment of the fruit products to the Agency.
- (2) In the case of inspection for Consignment-wise Inspection a fee at the rate of 0.4% of the freight on board value shall be paid subject to a minimum of five hundred rupees per consignment of fruit products to the Agency.
- (3) The amount of fee for each consignment under these rules shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of a rupee, then, if such a part is fifty paise or more, it shall be increased to one rupee and, if such part is less than fifty paise, it shall be ignored.”
7. In rule 7 of the principal rules, in sub-rule (1), for the words, brackets and figure “issue an inspection certificate under sub-rule (6)” the words, brackets, letters and figures “grant an approval to establishment under clause (c) of sub-rule (2) or, as the case may be, the issue of certificate under clause (d) of sub-rule (3)” shall be substituted.

[F. No. 2/69/2010-Export Inspection]

D. S. DHESI, Jt. Secy.

Note.—The principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1421, dated the 20th May, 1978.