

**APEDA RULES**  
**(AS ON DATE INCLUDING AMENDMENTS)**

**CHAPTER-1**

**Preliminary**

**1. Short title and commencement –**

- (1) These rules may be called the Agricultural and Processed Food Products Export Development Authority (Amendment) Rules, 2013.
- (2) They shall come into force on the date of their publication, in the Official Gazette.

**2. Definitions – In these rules, unless, the context otherwise requires:-**

- (a) “Act” means the Agricultural and Processed Food Products Export Development Authority Act, 1985 (2 of 1986);
- (b) “Authority” means the Agricultural and Processed Food Products Export Development Authority established under section 4;
- (c) “Certificate” means certificate of registration;
- (d) “Committee” means any of the Committees appointed by the Authority under Section 9;
- (e) “Form” means a form appended to these rules;
- (f) “Secretary” means the secretary to the Authority appointed under section 7;
- (g) “section” means a section of the Act;
- (h) “Year” means the year commencing on the first day of April;
- (i) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the said Act.

**CHAPTER II**

**The Authority**

- 3.** Term of office of members, - the term of office of the members, other than the member referred to in clause (b) of sub-section (4) of section 4, shall be two years.

4. Membership roll. – The Secretary shall keep a record of the names of members and their addresses.
5. Change of address - A member shall keep the Secretary informed of any change in his address. If he fails to inform the change of address, the address in the official record maintained by the secretary under rule 4 shall, for all purposes, be deemed to be his address.

### **CHAPTER III**

#### **Powers and duties of Chairman and Secretary**

6. **Powers and duties of the Chairman** - The Chairman shall,
  - (i) grant leave to Secretary, officers and employees of the Authority;
  - (ii) prescribe duties of all officers and employees of the Authority and exercise such supervision and disciplinary control as may be necessary; and
  - (iii) sanction expenditure for contingencies, supplies and services and purchase of articles required for the working of the office of the Authority.
7. **Powers and duties of the Secretary** – The Secretary shall,
  - (i) attend all the meetings of the Authority and shall assist Chairman in implementing the decisions of the Authority;
  - (ii) maintain a proper record of the proceedings of the meetings of the Authority and decisions taken in those meetings;
  - (iii) maintain proper record of the register of exporters in accordance with the provisions of Chapter III of the Act;
  - (iv) issue receipts on behalf of the Authority for all moneys received under Act;

- (v) maintain or cause to be maintained an account of the receipts and expenditure of the Authority; and
- (vi) be responsible for preparation of draft Annual report on the working of the Authority and its submission to Central Government after approval by the Authority on a date not later than the date specified in this behalf by the Central Government.

## **CHAPTER IV**

### **Powers of the Authority relating to Financial matters**

- 8. Borrowing powers-The Authority may exercise its powers under section 17, with the previous sanction of the Central Government.

## **CHAPTER V**

### **Registration**

- 9. Application for Registration – (1) Every application for issue of a registration certificate as an exporter of Scheduled products as appearing the scheduled to be Agricultural Processed Food Products Export Development Authority Act 1985 shall be made to the Secretary or any other officer authorized by the authority in this behalf in Form I. This should be a complete by a photocopy of the importer code number issued by the regional licensing authority concerned, bank certificate in support of the applicant's financial soundness. The application form may either be obtained from the Agricultural Processed Food Products Export Development Authority (APEDA) or the exporter may furnished a typed / photocopy of the prescribed form duly signed in ink by the authorized person indicating his name and designation as well as rubber stamp of the company.  
  
(2) Every application for registration as an exporter shall also be accompanied by a fee of Rs 5000 for issued of a registration certificate:

Provided that the exporters, having their registered office in the states of Jammu and Kashmir and North Eastern States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Mizoram, Arunachal Pradesh and Sikkim, who are operating from these states, their

applications shall be accompanied by a fee of Rs 1000 only for issue of the registration certificate, in case such exporters apply within two years from the date of publication of this notification.”

**10. Grant of a Registration Certificate –**

Upon receipt of an application for the grant of a registration certificate, the Secretary or any other officer authorized by the Authority in this behalf may make an inquiry in a manner deemed necessary, and either grant or refuse the registration.

- (i) Where the registration is refused, the reasons for such refusal shall be recorded in writing and a copy of the same shall be furnished to the applicant and the fees paid by the applicant shall be refunded to him.
- (ii) Where registration is granted, the Secretary or other officer authorized by the authority shall issue a certificate in Form II indicating the status of the applicant as Merchant or Manufacturer Exporter which shall be subject to such conditions as are mentioned in the Registration Certificate.

**11. Cancellation of Certificate –**

Where the Secretary or other officer authorized by the Authority in this behalf is satisfied that any person who has obtained a certificate by furnishing incorrect information or that he has contravened any of the provisions of these rules or if the conditions mentioned in the certificate, or any person who has been registered as an exporter fails during the period of twelve consecutive months to export any of the Scheduled products in respect of which he is registered, or if the Secretary or other officer authorized by the authority is satisfied that such person had become disqualified to continue as an exporter registered with Agricultural Processed Food Products Export Development Authority(APEDA), the Secretary or other officer authorized by the authority may, after giving the person who holds a certificate reasonable opportunity of making his objections, by order, cancel the certificate and communicate to him such order.

**12. Appeal :**

Any person aggrieved by an order of refusal under rule 10 of an order of cancellation under rule 11 may within thirty days from the date of receipt by him of a copy of the order of refusal or cancellation as the case may be appeal to the Chairman if the Authority who may either affirm, vary or set aside such order.

**13. Intimation regarding change in constitution**

In case of change in ownership, constitution, name or address of an exporter, it shall be obligatory on his part to intimate such change to the Agricultural Processed Food Products Export Development Authority within a period of one month from the date of such change. The Authority, however, may condone the delay on merits in the case of genuine hardship.

**14. Maintenance of Register**

The Authority shall maintain a register of exporters of the Scheduled Products

**15. Power to call for returns –**

The Chairman or an officer authorized by him may, by general or special order, direct the holder of the certificate to maintain such records of his business in such form and manner as may be specified in the order and to submit to the authority returns relating to his business in such form as may be specified in such order.

**16. Payment of fees -**

Any fees or amount payable to the Authority under the Act or these rules shall be paid either by cash or demand draft drawn in favour of the Authority or by Indian Postal order payable to the Authority at a post office in the cities where the offices of the Authority are located.

**17. Functions of the Authority –**

The measures referred to in clause (j) of sub section (2) of Section 10 of the Act shall include the measures for registration and protection of Geographical indications as required under the Geographical Indications of Goods (Registration and Protection) Act,

1999(48 of 1999) and such other intellectual Property Rights in relation to Basmati Rice or similar rights in relation to such other Scheduled Products, which the Central Government may hereinafter notify”

## FORM I

(See rule 9)

### Form of Application for registration of Exporters

1. (a) Name and address (with telegraphic address and telephone No.) of the registered office, head office and branches)
- (b) Whether Proprietary/Partnership Concern or Private/Public Limited Co, or Co-operative Marketing Society, etc., (Names of Partners/Directors/Managing Directors/Proprietor should be furnished with their Permanent address).
- (c) Names of the associate firms for whom the applicants act as agents in export business.
2. (i) Name and address of the applicant's banker.
- (ii) Attach banker's certificate certifying financial position.
3. (i) Date of establishment of business/factory in India
4. Whether licensed under the Industries (Development and Regulation) Act/registered with DGTD/State Director of Industries or any other sponsoring authority. If so, indicate numbers, and date of license/registration certificate.
5. Export products in respect of which registration is sought (As listed against Sl. No. 5 of Part. I of Form II)
6. If merchant exporter please indicate the arrangements made with manufacturers whose products are to be exported.
7. If registered with any other Export Promotion Council/Commodity Board, give name of the registering authority and registration number and also the export product for which registered.

8. We hereby solemnly declare the above stated information to be true and correct and undertake without any reservation to:
- (i) abide by the terms of the registration certificate granted to us on all our exports.
  - (ii) use the import licenses for the purposes for which they are issued and under terms and conditions under which they are issued.
  - (iii) agree to abide by any code of conduct that may be specified by the registering Authority,
  - (iv) furnish without fail monthly returns of exports including Nil returns to the registering Authority by the 15<sup>th</sup> day of the month following the month of export.
9. We further understand that our registration is liable to be cancelled in the event of breach of any of the under-takings mentioned above.

Yours faithfully,

(Signature)

Name in Block Letters: \_\_\_\_\_

Designation: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Place : \_\_\_\_\_

Date : \_\_\_\_\_

**Form II**

(See Rule 10)

**THE AGRICULTURAL AND PROCESSED FOOD PRODUCTS  
EXPORT DEVELOPMENT AUTHORITY RULES 1986**

**FORM OF CERTIFICATE OF REGISTRATION**

**PART 1**

(To be filed in by the applicant)

1. Name of the applicant:
2. Address of the applicant :
  - (i) Postal Address:
  - (ii) Telegraphic Address:
  - (iii) Address of Factory, if any
3. Indicate whether registration is required in respect of:
  - (a) Head Office
  - (b) Registered Office
  - (c) Branch Office
4. Description of the products manufactured (if any)
5. Description of the goods exported from out of the following:  
(tick off whichever applicable)
  1. Fruits, vegetables and their products,
  2. Meat and meat products,
  3. Poultry and poultry products
  4. Dairy products,
  5. Confectionary, biscuits and bakery products,
  6. Honey, jaggery and sugar products.
  7. Cocoa and its products, chocolates of all kinds.
  8. Alcoholic and non-alcoholic beverages,
  9. Cereals and Cereal products,
  10. Groundnuts, peanuts and walnuts,
  11. Pickles, chutneys and papads
  12. Guar Gum
  13. Floriculture and floriculture products
  14. Herbal and medicinal plants.
6. Are you seeking registration as :
  - (a) Manufacturer-exporter
  - (b) Merchant exporter,

7. Year of establishment of the applicant.
8. Name of the partners/Directors/Managing Directors/  
Proprietor.

I/We hereby declare that the above information is correct to the best of my/our knowledge and belief. I/We also undertake to abide by the conditions subject to which registration/membership is granted.

Signature.....  
Name in block letters.....  
Designation :.....  
Residential Address.....

Date :

**PART II**

1. Registration No./Factory No. Allotted by the Sponsoring Authority.  
(to be filed in by the applicant)

Signature of the applicant.

2. Description of goods manufactured\*\*  
(To be filled in by the Registering Authority in the case of DGTD units, and sponsoring Authority in the case of other units)

\*\*Please indicate the goods manufactured as per the description given in Sl.No.5 of Part I.

Signature of the Registering/Sponsoring Authority

Name in Block Letters :.....

Designation : .....

Seal :.....

**PART III**

(To be signed by the concerned Registering Authority)

This is to certify that the above firm is registered under the Agricultural and Processed Food Products Export Development Act:

- (i) Description of goods for which registered:
- (ii) Date of application for registration:
- (iii) Registration No. :
- (iv) Manufacturer-Exporter or Merchant-Exporter:

This certificate is issued subject to the conditions laid down in the relevant scheme of Registration.

Signature of Registering Authority :.....  
Name in Block Letters :.....  
Designation :.....  
Seal :.....

Date :