

EXPORT OF ENAMELWARES (INSPECTION) RULES, 1978

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EXPORT OF ENAMELWARES (INSPECTION) RULES, 1978

S. O. 2910, dated 30th September, 1978 1.-In exercise of the powers conferred by Sec. 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) and in supersession of the Export of Enamelwares (Inspection) Rules, 1965, the Central Government hereby makes the following rules, namely :-

1. Short title and commencement :-

- (1) These rules may be called the Export of Enamelwares (Inspection) Rules, 1978.
- (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 Export (Quality Control and Inspection) Act, 1963 (22 of 1963).
- (b) "agency" means any of the agencies established at Bombay, Calcutta, Cochin, Delhi and Madras under Sec. 7 of the Act.
- (c) "Enamelware" means the articles made with vitreous enamel (porcelain enamel) meant for domestic and hospital use.

3. Basis of inspection :-

Inspection of enamelwares shall be carried out with a view to seeing that the same conform to the specifications recognised by

the Central Government under Sec. 6 of the Act, and given in the Schedule to these rules.

4. Procedure of inspection :-

(1) An exporter intending to export enamelwares shall give intimation in writing of his intention so to do and submit alongwith such intimation a declaration as to agreed specification of the export contract, to any agency to enable it to carry out the inspection in accordance with rule 3.

(2) Every intimation and declaration under sub-rule (1) shall be given not less than ten days before the scheduled date of shipment and a copy of intimation shall simultaneously be endorsed to any of the following offices of the Export Inspection Council which is nearest to the place of inspection, namely :-

Head Office.-Export Inspection Council, "World Trade Centre", 14/1B. Ezra Street (7th floor), Calcutta-700001.

Regional Office.-1, Export Inspection Council "Amman Chambers", 4th floor, 113, M. Karve Road, Bombay-400004.

2. Export Inspection Council, "Manohar Buildings", Mahatma Gandhi Road, Emakulam, Cochin-682011.

3. Export Inspection Council, "Municipal Market Building", 3, Saraswati Marg, Karol Bagh, New Delhi-110005.

(3) On receipt of the intimation and declaration under sub-rule (2), the agency shall carry out the inspection of enamelwares in accordance with rule 3 and the instructions in this behalf issued by the Export Inspection Council from time to time.

(4)

(a) After completion of the inspection, the agency shall immediately seal the packages in the consignment in a manner as to ensure that the sealed goods cannot be tampered with.

(b) In case of rejection of a consignment, if the exporter so desires, the consignment may not be sealed or stamped or stencilled by the agency, but in such cases, the exporter shall not be entitled to prefer an appeal against the rejection.

(5) When the agency is satisfied that the consignment of enamelware complies with the requirement of the recognised

specifications, it shall within three days of completion of inspection, issue a certificate to the exporter declaring that the consignment satisfies the conditions relating to inspection and is exportworthy :

Provided that where the agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporrer alongwith the reasons therefor.

5. Affixation of recognised marks and procedure thereof :-

The provisions of Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952), the Indian Standards Institution (Certification Marks) Rules, 1955 and the Indian Standards Institution (Certification Marks) Regulations, 1955 shall, so far as may be, apply in relation to the procedure of affixation of the recognised mark or seal on Enamelwares prior to export and Enamelwares so marked shall not be subjected to any inspection under rule 4 of these rules.

6. Place of inspection :-

Inspection of Enamelwares for the purpose of these rules shall be carried out, either-

(a) at the premises of the manufacturer, or

(b) at the premises at which the goods are offered by the exporter provided adequate facilities for the purpose exist therein.

7. Inspection fee :-

Subject to a minimum of rupees twenty-five, a fee at the rate of fifty paise for every hundred rupees of the F. O. B. value shall be paid by the exporter to the agency as inspection fee.

8. Appeal :-

(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (5) of rule 4, may, within ten days of the receipt of communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven such experts as may be appointed for the purpose by the Central Government.

(2) The panel shall consist of at least two-thirds of non-officials of the total membership of the panel of experts.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt.