



SPICES BOARD

(Ministry of Commerce and Industry
Government of India)
Sugandha Bhavan
N.H. By-pass
P.B. No. 2277
Palarivattom P.O.
Cochin - 682 025, India

स्पाइसेस बोर्ड

(वाणिज्य एवं उद्योग मंत्रालय,
भारत सरकार)
सुगन्ध भवन
एन. एच. बाइपास
पी. बी. नं. 2277
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कोचिन - 682 025, भारत

Dated: 12th July 2023

Circular No.08/2023-24

Sub: Introduction of Appeal System by Spices Board in the Quality Management System for Export of Spices -reg

This is to inform that the Spices Board is introducing an Appeal System (online), so as to provide an opportunity to the exporters for raising application, if any, with respect to the analytical results of samples drawn from export consignments and tested in the Board's laboratories which are **not cleared** for export.

Interested exporters may use the provision in the new online appeal system, whether to prefer an appeal against the lab results issued by the Spices Board's Labs indicating 'not cleared for exports'. Upon receipt of the appeal intimation from the exporter, the Board will re-test the samples from the consignment, available with the Board, by following the appeal procedure.

Detailed step-by-step guidelines to the exporters on the Appeal System are given in Annexure-1 of this Circular. The Appeal System will be implemented with effect from **20th July, 2023**.

DIRECTOR (MARKETING)

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Annexure 1

GUIDELINES FOR SUBMISSION APPEAL

At present, when a sample drawn from an export consignment of spices under the mandatory inspection programme implemented by Spices Board, is tested non-compliant vis-à-vis beyond the regulatory limits of the parameters being monitored, the statement *viz.*, "Not cleared for export to..." is included in the analytical report and the corresponding consignment is not allowed to be exported. The Spices Board is introducing the Appeal System (online) to provide an opportunity for the exporters to raise their appeal, if any, with respect to the analytical results of samples drawn from export consignments, tested in the Board's laboratories and **not cleared** for export. This appeal provision is not applicable in the case of Sample Drawn Certificate being issued by the Board for Chilli and Cumin meant for South East Asian Countries.

The provision for raising an appeal against such not-cleared decisions will be enabled by the Board from **20th July 2023** through online Export Support System (ESS). Initially, the appeal provision is available for the parameters *viz.*, Aflatoxin, Sudan I - IV, Ethylene Oxide and Pesticide Residues and NOT applicable for salmonella.

The features of the appeal provision are summarized below.

(1) With effect from 20th July 2023, four samples will be drawn by Spices Board / authorized personnel during the sampling process. The details are as follows:

Country	Product	Samples drawn (LS, AS1, AS2 and ES) *
EU (Except ETO)	Whole and ground	500g x 4
EU (ETO)	"	100g x 4
USA (including salmonella tests)	"	500g x 4
Other countries	"	350g x 4

* LS - lab sample, AS - Appeal Sample 1, AS2 - Appeal Sample2, ES - Exporter Sample

(2) The sampling process, packing and sealing of the samples should be witnessed by the exporter's representative mandatorily, and his/her signature



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with seal should be affixed on sampling cards. Samples will not be considered for testing and resampling will be insisted before testing, if the signature & seal of exporter's representative is not affixed on the sampling tag. No complaints regarding sampling and sample integrity be entertained once the sampling process is completed.

(3) Terms & Conditions for filing appeal provision are as follows:

- The Exporter sample (ES) has to be retained by the exporter for a period of six months from the sampling date and should be kept in intact condition without any tampering. In future, this sample will be used for checking and root-cause analysis in case of border rejections by importing countries. Hence, it is the responsibility of the exporter to ensure the integrity of the exporter Sample preserved and stored properly. If the samples are found broken, they will not be considered for testing. In the event of loss in transit from sampling point to Sample Receipt Desk (SRD), the Exporter Samples will be called for by the concerned SRD for the use of appeal process.
- The appeal can be raised only for the products which are not cleared for export. The Exporter may invoke the right to appeal to the Board through ESS within **THREE working days** from the date of issue of test results through ESS, after which it will not be accepted.
- The total charges towards the appeal and analysis (retesting) will be displayed in the ESS based on selection. Currently, the Appeal fee and its analytical charges for retesting shall be paid through NEFT/RTGS/IMPS till implementation of Online Payment Gateway. The details of charges are as follows:

a)	Appeal Fee in Rs. (each not cleared Product)	2,000
b)	Analytical charges as prescribed by the Board from time to time	As prescribed
c)	GST 18%	do
	TOTAL (Rs.)	

- Exporter shall select "I agree with the terms & conditions"

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- (e) If the appeal process re-confirms the original decision of 'not-cleared', then the same will be informed to the Exporter through ESS. In case the appeal process results in a reversal of the original decision and the consignment is cleared, then a revised analytical report with the 'cleared' status will be issued to the exporter for the consignment in question. The original report will then stand cancelled and if a hard copy was received by the customer, it has to be returned to the SRD of the respective Spices Board office.
- (f) Stuffing intimation cannot be filed for cleared products in the single test report, if the exporter files for appeal. Stuffing intimation can be filed only after Interim reports of appeal samples are uploaded in the ESS by the Board.
- (g) In the case of consignment meant for EU / UK, the official certificate will be issued after the result of appeal samples is received.
- (h) No claim for compensation shall be payable by the Board for the delay in dispatch of the export consignment due to appeal process.
- (i) The decision taken at the end of appeal process by the Board will be final

(4) Retention period of Samples in the SRD :

Lab Samples	30 days from the date of sampling
Appeal Sample 1	7 days from the date of sampling
Appeal Sample 2	7 days from the date of sampling
Exporter Sample	6 months from the date of sampling

(5) All technical communications regarding the appeal process have to be addressed to srilatha.cm@nic.in and all communications regarding sampling process, fees and other administrative matters have to be addressed to sampling.sb-ker@gov.in.

This issues with the approval of the competent authority of Spices Board.

Director (Mktg)