

## SOP AND AQCS DECISION

AQCS is committed for trade facilitation and ease of doing business and works on Single Day Decision Policy (SDDP) and all the decisions are given in writing (online and/or offline as the case may be for better transparency and clarity.

The DADF (AQCS) has developed risk analysis system keeping in view the trade facilitation and ease of doing business. The tariff lines wise detail including testing requirements, applicability under rules and chapter wise distribution is available in AQCS official website (<http://aqcsindia.gov.in/pdf/717-CTHS-mapped-with-AQCS-Jan-18.pdf>).

As per SWIFT on line single window clearance system there are 05 options for decisions (NOC, NOC (LG), Withhold, Reject, Out of scope). AQCS clearances are very important for National Health Security, Economy and Trade (export) therefore proper and careful risk analysis is necessary. AQCS is committed for fast Single Day Decision without guarantee for clearance for each and every consignment.

**Decision process:** For AQCS clearances only Official Original Health certificate and test report as per Import requirements is required. Other documents can be checked on line if available and AQCS also do not insist for other documents original copies. After checking of original documents of health including sample examination, inspections, testing as the case may be following decisions are granted on line on SWIFT ICEGATE SINGLE WINDOW CLEARANCE SYSTEM:

**a. NOC: Same day decision.** This category covers all CTHs under RT and NT category and also covers some CT category based on risk analysis conducted on arrival.

**b. NOC (LG): Same day decision.** This decision also covers CT, RT and NT categories. The decision is taken after taking No use and No sale guarantee from the importer. Importer save demurrage and final clearance is granted after satisfactory test results or submission of pending documents as the case may be.

**Final clearance may normally take 7-10 days or more in some cases under testing. The time of submission of pending documents depend on the importer which may take days to month (s). In case any consignment is found disease positive after testing than custom is responsible for retrieval of the consignment for Deportation/Destruction as the case may be.**

***The decision/clearance under NOC and NOC (LG) cases normally covers about 90% clearances of mapped CTHS.***

**c. Withhold: Same day decision.** This decision also covers all categories of CTHs codes. This option is used for CT category mainly where risk is high and the consignment is required to be

kept under hold at point of entry till satisfactory get results are obtained. This option is also used where original health certificate is pending and the importer asks for some time.

**Final clearance may take 7-10 days or more in case of testing and days as asked by the importer for submission of desired health documents.**

**d. Reject: Same day decision.** This option is used in cases like test result failure, improper imports, fraud documents, improper health documents. Importer can destroy or deport the consignment as the case may be as per the Notification no. S.O. 2666(E) dated 16.10.14. Many times importer submits the required documents after 15 days to months of rejection and accordingly consignments are retrieved for taking clearance decisions. Also many times consignments left at point of entry without any action by importer or Customs.

***In case the consignment is retrieved after months of rejection than this should not be included in clearance time.***

**e. Out of Scope: Same day decision.** Sometimes unmapped lines accidentally come in the system than this option is used.

***All applications are given registration no. and certificate no. by AQCS and is regularly maintained on day to day basis. This system ensures the decision time line of preferably 1 day.***

***Livestock import procedures:*** After checking of the health and other documents submitted by the importer/representative, advance NOC/permission is issued 3-7 days before arrival by concerned AQCS station of Custom clearance for lifting of livestock by airlines. Airlines not to allow embarkation of any livestock without the pre-import clearance of concerned AQCS station. Refer notification No. S.O. 1495 and 1496 (E) dated 10.6.2014.

***Livestock product import procedures:*** Refer notification No. S.O. 2666 (E) dated 16.10.2014

***Clearance time:*** As clarified above this should include only NOC and NOC (LG) cases without counting holding time under importer's bond.

Counting time period under NOC (LG), withhold, reject and OOS category will increase clearance time and is not justified as depend on response and fulfillment of regulations by importer and other stake holders.

### **Parameters for Decision time line study of AQCS:**

**1. Decision time:** AQCS works on Single Day Decision Policy (SDDP). Therefore the correct procedure of study and facilitation is to study the decision time instead of clearance time as clearance is not mandatory for each and every case.

**2.** For clearance time only NOC and NOC (LG) cases should be considered without calculating holding time under importer bond at importer's/Custom ware house. This covers mainly 90-95% CTHs mapped codes.

3. The clearance time for AQCS should start from the time of registration of application at AQCS along with mandatory submission of Original Official health certificate, test report and sampling.
4. The consignments under withhold, rejections and OOS should not be considered for clearance time as this involve factors like risk parameters, sampling of cargo, improper imports, non submission of documents by importer, non compliance by other stake holders, system issues.
5. Many times importer files Bill of Entry in advance creating lot of gap in actual registration and submission of health certificate at AQCS which increase the decision time.
6. Non compliance by the importer and other stake holders in respect of documents, sampling and inspection should also be considered.
7. The time taken by Custom to check the clearance of AQCS and granting clearance should also be considered.
8. The holding/non working time of SWP system due to central problem also need to be studied.
9. The system is not fully user friendly, the suggestions of AQCS like removal of default NOC options, retaining NOC (LG) decisions, report printing, date and sequence wise presentation of BEs should be considered.
10. AQCS should be the part of study and the concern study agency should examine the actual data at AQCS along with other parameters.

***AQCS is utilising the administratively and legally approved options under SWIFT on line Clearance System AQCS system is in Global line as the biosecurity of the country is supreme objective and also in line of OIE procedures.***

#### **E-certification/paperless system of health certification:**

**Paper less process:** DADF (AQCS) only requires original official health Certificate issued by the country of origin. Other non technical documents, license, permits are not required in originals and can be checked on line under integrated declaration of SWIFT Single Window Clearance System.

*The requirement of original official health certificate is **in Global line** and is necessary keeping in view the bio security aspects, health hazardous, zoonosis, countries diseases freedom including International Health Regulations (IHR) 2005, Livestock & Livestock Products Importation Act (amended 2001) and OIE Global mandate as per chapter 5.2, 5.4, 5.5, 5.6, and 5.7 of Terrestrial Animal Health Code (2014, volume II, 23<sup>rd</sup> Edition).*

The declaration of the importer including the uploading of official health certificates online cannot be trusted as many cases of **fraud health certification and mixing** of livestock products were noticed by AQCS in the past and in present. It is also not recommended by any official International body like World Bank, OIE, TFA, WTO.

**Electronic certification:** *This procedure is not working worldwide presently, electronic certificates can be accepted if it is sent directly by the Veterinary authority of the exporting country to the Veterinary authority of the importing country (Article 5.2.4 of OIE). As a pilot project, the process of e-certification between India and BENELUX countries is in progress.*

The requirement and examination of official original health certificate is as per the Notifications issued by the Government (DADF) in exercise of the power conferred under Livestock Importation Act, 1898 (9 of 1898), DADF OM No. 109-36/2014-Trade dated 12.5.15 and recommendation of the Inter-Ministerial team vide DADF letter no. 109-36/2014-Trade dated 27.2.15.

The uploading of official health certificate on SWIFT online system by importer/broker can be challenged by any official international bodies and other countries. It will not be technically possible by India to justify strict import quarantine checks and the disease freedom of the country will be at danger and doubtful.

The diseases like BSE, Anthrax, FMD and Bird Flu are important for trade (export) and the import quarantine checks are weak than the country loose disease freedoms, area freedoms and establishment freedoms which adversely affect the trade and possible blacklisting of country by other countries.

## **MEASURES FOR TRADE FACILITATION BY AQCS**

### **1. Single Day Decision Policy (SDDP)**

AQCS works on Single Day Decision Policy (SDDP). All the decisions including clearances are decided preferably in 01 working day (08 working hrs.). In few cases some working hours of second working day may be taken in unavoidable circumstances/operational requirements. AQCS time starts from registration at AQCS along with submission of original official health certificate & other health documents, submission of Custom sealed samples by importers. As per notified regulations, OIE procedures & Global line AQCS conducts risk analysis (post arrival) by examining official original health certificate, matching of samples with certificates including inspection of cargo, sampling & testing as the case may be before taking any decisions.

### **2. 24x7 operations**

In spite of acute shortage of operational staff and with no shift based system like Customs, AQCS is doing 24x7 operations in case of livestock arrivals and quarantine observations.

### **3. Sampling authorization and training to Customs**

Customs are authorized for sampling of the consignment of livestock products for AQCS purpose for some CTHs lines. However, Custom sealed samples are accepted for other CTHs lines also. In case of doubts, AQCS can do the sampling again if required for biosecurity and operational purpose. (Refer: <http://aqcsindia.gov.in/pdf/cth-lines-mapped-for-custom-sampling.pdf>)

### **4. All decisions are communicated in writing with proper clarity**

All the decisions are given in writing (online and/or offline) as the case may be for better transparency and clarity under the receipt of applicant (in case offline). On line decisions are communicated through ICEGATE Single Window Clearance System.

***Any type of relaxation in AQCS procedures will adversely affect the country disease freedom and biosecurity as disease once entered need lot of man power, money and logistics for eradication and eradication is not sure.***