

THE ACT

PART I: THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1937

A. ACT

¹(ACT NO. 1 OF 1937)

An Act to provide for the grading and marking of agricultural (and other) produce.

Where as it is expedient to provide for the grading and marking of Agricultural² (and other) produce, it is hereby enacted as follows:-

1. Short title and extent.

(1). This Act may be called the Agricultural Produce (Grading and Marking) Act, 1937.

³(2)It extends to all the provinces and capital of the Federation, including Baluchistan.

2. **Explanation:-** In this Act, unless the contrary appears from the subject or context,-

- a) "Agricultural Produce" includes all produce of agriculture or horticulture and all articles of food or drink, wholly or partly manufactured from any such produce, and fleeces and the skins of animals.
- b) "counterfeit" has the meaning assigned to that word by section 28 of the Pakistan Penal Code, (XLV of 1860)
- c) "covering" includes any vassal, box, crate, wrapper, tray or other container.
- d) "grade designation" means designation prescribed as indicative of the quality of any scheduled article;
- e) "grade designation mark" means a mark prescribed as representing a particular grade designation.
- f) "quality" in relation to any article, includes the state and condition of the article;
- g) "prescribed" means prescribed by the rules made under this Act.
- h) "schedule article" means an article in the Schedule; and
- i) An article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

¹ For statement of objects and resources, see Gazette of India. Extra ordinary dated the 13th February 1937. Page 71

² Ins by the Agricultural Produce (Grading and Marking) Amendment Act, 1942 (13 of 1942), s. 2

³ Sub section (2) has been amended by the A O, 1949 and the Federal Laws Revision and Declaration) Act. 1951 (26 of 1926) s 8 to be read as above

3. Prescription of grade designation.

The ⁴(Central Government) may, after previous publications by notification in the ⁵(Official Gazette) make rules⁶

- a) Fixing grade designation to indicate the quality of any schedule rules.
- b) Defining the quality indicated by every grade designation,
- c) Specifying grade designation marks to represent, particular grade designation,
- d) Authorizing a person or a body of persons, subject to any prescribed conditions to mark with a grade designation mark any article in respect of which such marks have been prescribed or any covering containing or label attached to any such article.
- e) Specifying the conditions, referred to the clause (d) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or other wise to be included in such covering.
- f) Providing for payments of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark ⁴(or with measure for control of the quality of articles marked with grade designation marks including testing of samples and inspection of such articles or with any publicity work carried out to promote the sale of any class of such articles; and
- g) Providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with a grade designation mark

4. Penalty for unauthorized marking with grade designation marks.

Whoever, marks any scheduled article with a grade designation mark, not being authorized to do so by rules made under section 3 shall be punishable with fine, which may extend to five hundred rupees.

5. Penalty for counterfeiting grade standards marks.

Whoever counterfeits any grade designation mark or has in his possession any dye, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable with imprisonment, which may extend to two years, or with fine or both⁷.

6. Extension of application of Act.

The ⁸(Central Government), after such consultation as ⁹(it) thinks fit of the interests likely to be affected, may by notification in the (Official Gazette)

⁴ Subs, by the A.O. 1937, for "G.G. in C"

⁵ Subs, ibidFor "Gazette of India"

⁶ For such rules, see Gazette of India, 1937, Pt 1, pp 547 to 564 For Grapes Grading and Marking Rules, 1952, see Gazette of Pakistan of 6th June 1952, Pt. 1, page 63, 66

⁷ Ins. By the Agricultural Produce (Grading and Markig) Amendment Act. 1943 (20 of 1943), s.2

⁸ Subs, the A.O. 1937, for G.G. in C

⁹ Subs, by the A.O, 1937 for "he"

declare that the provisions of the Act shall apply to an article of Agricultural produce not included in the schedule ¹⁰(or to an article other than and article of agricultural produce), and on the publication of such notification such article shall be deemed to be included in the Schedule.

C. GENERAL GRADING AND MARKING RULES

1. These rules may be called General Grading and Marking Rules 1937.
2. Any person or a body of persons desirous of being authorized to mark any article with grade designation mark shall apply to the Agricultural Livestock Marketing Adviser to the Government of Pakistan, Karachi.
3. (1) If after due inquiry the Agricultural Livestock Marketing Adviser ¹¹(or any person duly authorized by him on his behalf) is satisfied that it is expedient in the interest of better marketing and authorization be granted and that applicant is a fit and a proper person to receive a certificate of authorization, he shall issue such a certificate to the applicant.
(2) Each certificate shall state....
 - (a) the name and address of the authorized person or body of persons.
 - (b) The article to which the grade designation marks may, under the certificate be applied;
 - (c) The period for which the certificate is valid; and
 - (d) The premises at which alone the grade designation marks may be applied.
4. It shall be condition of every certificate of authorization
 - (a) That the grade designation mark shall only be applied to the articles mentioned in the certificate of authorization and the premises therein mentioned
 - (b) That during the operation of the certificate the holder thereof shall at all reasonable time, give access to the premises named therein to any person duly authorized by the Agricultural Livestock Marketing Adviser or by the Central Government and shall afford him facilities for ascertaining that marking is being correctly performed.
 - (c) That the holder of the certificate will keep a record of number of packages marked with each grade designation mark and will permit any person duly authorized by the Agricultural Livestock Marketing Adviser or by Central Government to examine the record.
 - (d) That the holder of the certificate will permit any duly authorized person to take sample of any graded produce or to open or inspect any package bearing grade designation mark, provided that all samples may be paid for.

¹⁰ Ins. By the Agricultural Produce (Grading and Marking) Amendments Act, 1942 (13 of 1942), s.3, (with effect from the 24th February 1937)

¹¹ Inserted by the Government of India, Department of Agriculture, notification No. 10-3/40R, dated 3rd September 1940

- (e) That any person authorized on his behalf by the Agricultural Livestock Marketing Adviser to the Government of Pakistan or by the Central Government may cancel or remove grade designation mark from any produce ¹²(should such produce be found by such person not to comply with the definition described for that article, provided that whenever grade designation marks are removed from the graded produce belonging to distributors and not to the authorized packers, the latter shall, when so directed by the Agricultural Livestock Marketing Adviser to the Government of Pakistan may good to the farmer any loss sustain as a result of the removal of grade designation, the loss being estimated on the basis of additional value that the properly graded produce would have obtained in the e market over and above the current value of the corresponding quality of the ungraded product)
- (f) That all the rules made under the Agricultural Produce (Grading and Marking) Act 1937, ¹³(and all instructions regarding method of sampling, analysis, submission of periodical returns, to which may be issued, from time to time, by the Agricultural Marketing Adviser to Government of Pakistan) shall be observed.
- (g) That any certificate of authorization may be cancelled, revoked, modified or suspended by the Agricultural Livestock Marketing Adviser or by any other person authorized by the Central Government in that behalf, provided that 14 days notice in writing shall be given to the certificate holder at the address stated on the certificate and the opportunity given for showing cause why his certificate should not be cancelled, revoked, modified or suspended.
- (h) That any holder of certificate of authorization may, with the written consent of the Agricultural Livestock Marketing Adviser, use a replica of the Pakmark design on his business papers and catalogues.
- (i) That any stencil, rubber stamp, punch or other instrument or label required for marking produce in the prescribed manner shall only be obtained from the Agricultural Livestock Marketing Adviser, or a person authorized by him on payment of such charges as the Central Government may from time to time fix in this behalf, shall be kept in safe custody by the holder of the certificate and shall so far as may be returned to the Agricultural Marketing Adviser or such authorized person when the certificate ceases to be valid.

¹² Inserted by the Government of India, Department of Education, Health and Lands Notification No. F. 4-10 / 42 dated the 6th May 1943

¹³ Inserted by the Government of India, Department of Education, Health and Lands Notification No. 18.6.44 – 44 dated 23rd May 1945.

- (j) ¹⁴That the issue or use of a grade designation mark labels or any stencil, rubber stamp, punch or other instrument required for marking produce in the prescribed manner may be withheld or withdrawn by the Agricultural Livestock Marketing Adviser to the Government of Pakistan or a person authorized by him on his behalf without any notice, for such as he may consider expedient in the interest of better marketing, if he is satisfied or has reason to believe that the authorized packer is not applying or is not likely to apply, grade designation mark correctly; and
- (k) That the holder of the certificate of authorization shall pay such charges as may be prescribed by the Central Government, from time to time, towards the expenses incurred in connection with the measures for enforcing the quality control of scheduled articles marked with grade designation marks including testing of samples and inspection of such articles or with any publicity work carried out to promote the sale of any class of such articles.

B THE SCHEDULE
(See Section 2)

1. Fruits
2. Vegetables
3. Eggs
4. Dairy Produce
5. Tobacco
6. Coffee
7. Hides and Skins
8. Fruit Products
9. Atta
10. Oilseeds
11. Vegetable oils (including hydrogenated oils and vegetable fats)
12. Cotton
13. Rice
14. Lac
15. Wheat
16. Sann Hemp
17. Sugar cane gur (Jaggery)
18. Mayroblans
19. Bura
20. Wool
21. Animal Hair
22. Coriander seed (Whole)
23. Oil Cakes
24. Bones

¹⁴ Inserted by the Government of India, Department of Education, Health and Lands Notification No. F. 18.66 44 – A, dated the 23rd May 1945

- 25. Blood
- 26. Casings
- 27. Fish and Fish Products
- 28. Species and Condiments
- 29. Frog Legs
- 30. Day-old chicks
- 31. Molasses

Act No. XX of 1972

An Act further amend the Agricultural Product (Grading and Marking) Act 1937

WHEREAS it is expedient to amend the Agricultural Produce (Grading and Marketing) Act; 1937 (1 of 1937) for the purpose of hereafter appearing.

It is hereby enacted as follows:

1. Short title and commencement.-
 - (I) This act may be called the Agricultural Produce (Grading and Marking) (Amendment) Act, 1972.
 - (II) It shall come into force at once.
2. **General.** – In the Agricultural Produce (Grading and Marking) Act 1937 (1 of 1937) hereinafter referred to as said Act. For the words “Central Government” wherever occurring, the words “appropriate Government” shall be substituted.
3. **Amendment of the section 2, Act 1 of 1937.** – In the said Act, in section 2, after clause (a), the following new clause (aa) shall be inserted, namely:-
 - (aa) “Appropriate Government” means, in relation to the grading and marking of agricultural produce intended for consumption within the province, the Provincial Government and in relation to the grading and marking of agricultural produce intended for export or for trade between the Provincial, the Federal Government
4. **Substitution of section 4. Act 1 of 1937.**- In the said Act, for section 4 the following section shall be substituted, namely:-

“4. Penalty for unauthorized or in correct marking with the grade designation mark:-

Whoever marks any scheduled article with a grade designation mark, not being authorized to do so by rule made under section 3 or being authorized marks any scheduled article with a grade designation mark which does not indicate the grade designation of the article correctly shall be punishable with rigorous imprisonment for a term which may extend to three years with fine or with both.

**AGREEMENT ON THE APPLICATION OF
SANITARY AND PHYTOSANITARY MEASURES**

Article/Clause No.	Clause/Existing Provision of Agreement on SPS	Pakistan Existing Position/ Laws/ Quality Testing System/Procedure.	Suggestions/ Proposed/ required amendments/ improvements/ up-gradations per SPS Measures.
<i>1: General Provisions</i>	This Agreement applies to all sanitary and phytosanitary measures which may, directly or indirectly, affect international trade. Such measures shall be developed and applied in accordance with the provisions of this Agreement.	The Government has enacted the Agricultural Produce (Grading & Marking) Act, in order to assure export of uniform quality produce from the country. This Act provides for laying down grade and standards of agri and livestock items and their mandatory inspection before export.	
4	Nothing in this Agreement shall affect the rights of Members under the Agreement on Technical Barriers to Trade with respect to measures not within the scope of this Agreement.	The Agricultural Produce (Grading & Marking) Act does not violate the rights of members	
<i>Article 2 Basic Rights and Obligations 1.</i>	Members have the right to take sanitary and phytosanitary measures necessary for the protection of human, animal or plant life or health, provided that such measures are not inconsistent with the provisions of this Agreement.	Agricultural Produce (Grading & Marking) Act aims to assure export of uniform quality produce and fitness for human consumption.	
2.	Members shall ensure that any sanitary or phytosanitary measure is applied only to the extent necessary to protect human, animal or plant life or health, is based on scientific principles and is not maintained without sufficient scientific evidence, except as provided for in paragraph 7 of Article 5.	Standards of quality are prepared after undertaking market and laboratory research.	

3.	Members shall ensure that their sanitary and phytosanitary measures do not arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail, including between their own territory and that of other Members. Sanitary and phytosanitary measures shall not be applied in a manner which would constitute a disguised restriction on international trade.	The system of grading and quality certification under Agricultural Produce (Grading & Marking) Act provide for laying down grades & standards of agricultural commodities. These standards are prepared keeping in view international standards, Codex Alimentarius and specific requirements of the buyers including methods of packaging, packaging and labelling.
4.	Sanitary or phytosanitary measures which conform to the relevant provisions of this Agreement shall be presumed to be in accordance with the obligations of the Members under the provisions of GATT 1994 which relate to the use of sanitary or phytosanitary measures, in particular the provisions of Article XX(b).	Relates to Sanitary and Phyto-Sanitary measures.
<i>Article 3</i> <i>Harmonization 1.</i>	To harmonize sanitary and phytosanitary measures on as wide a basis as possible, Members shall base their sanitary or phytosanitary measures on international standards, guidelines or recommendations, where they exist, except as otherwise provided for in this Agreement, and in particular in paragraph 3.	Grades and standards of quality are prepared keeping in view international standards and Codex Alimentarius.

2.	Sanitary or phytosanitary measures which conform to international standards, guidelines or recommendations shall be deemed to be necessary to protect human, animal or plant life or health, and presumed to be consistent with the relevant provisions of this Agreement and of GATT 1994.	The grading standards of agricultural and livestock commodities are prepared in such a manner to ensure that the product is safe for human health.
3.	Members may introduce or maintain sanitary or phytosanitary measures which result in a higher level of sanitary or phytosanitary protection than would be achieved by measures based on the relevant international standards, guidelines or recommendations, if there is a scientific justification, or as a consequence of the level of sanitary or phytosanitary protection a Member determines to be appropriate in accordance with the relevant provisions of paragraphs 1 through 8 of Article 5. ¹ Notwithstanding the above, all measures which result in a level of sanitary or phytosanitary protection different from that which would be achieved by measures based on international standards, guidelines or recommendations shall not be inconsistent with any other provision of this Agreement.	Existing standards of quality are in line with international grade standards and have general acceptability.
4.	Members shall play a full part, within the limits of their resources, in the relevant international organizations and their subsidiary bodies, in particular the Codex Alimentarius Commission, the International Office of Epizootics, and the international and regional organizations operating within the framework of the International Plant Protection Convention, to promote within these organizations the development and periodic review of standards, guidelines and recommendations with respect to all aspects of sanitary and phytosanitary measures.	-Agreed-

¹ For the purposes of paragraph 3 of Article 3, there is a scientific justification if, on the basis of an examination and evaluation of available scientific information in conformity with the relevant provisions of this Agreement, a Member determines that the relevant international standards, guidelines or recommendations are not sufficient to achieve its appropriate level of sanitary or phytosanitary protection.

5.	The Committee on Sanitary and Phytosanitary Measures provided for in paragraphs 1 and 4 of Article 12 (referred to in this Agreement as the "Committee") shall develop a procedure to monitor the process of international harmonization and coordinate efforts in this regard with the relevant international organizations.	-Agreed-
<i>Article 4</i> <i>Equivalence</i> 1.	Members shall accept the sanitary or phytosanitary measures of other Members as equivalent, even if these measures differ from their own or from those used by other Members trading in the same product, if the exporting Member objectively demonstrates to the importing Member that its measures achieve the importing Member's appropriate level of sanitary or phytosanitary protection. For this purpose, reasonable access shall be given, upon request, to the importing Member for inspection, testing and other relevant procedures.	1. Efforts should be made to harmonise the standards to a bare minimum level of international acceptance. Bilateral and multilateral agreements may be encouraged within member countries.
2.	Members shall, upon request, enter into consultations with the aim of achieving bilateral and multilateral agreements on recognition of the equivalence of specified sanitary or phytosanitary measures.	
<i>Article 5</i> <i>Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection</i> 1.	Members shall ensure that their sanitary or phytosanitary measures are based on an assessment, as appropriate to the circumstances, of the risks to human, animal or plant life or health, taking into account risk assessment techniques developed by the relevant international organizations.	Developed countries may provide technical assistance in field of testing techniques inspection procedures and sampling methods to less developed countries.

2.	In the assessment of risks, Members shall take into account available scientific evidence; relevant processes and production methods; relevant inspection, sampling and testing methods, prevalence of specific diseases or pests; existence of pest-or disease-free areas; relevant ecological and environmental conditions; and quarantine or other treatment.	
3.	In assessing the risk to animal or plant life or health and determining the measure to be applied for achieving the appropriate level of sanitary or phytosanitary protection from such risk. Members shall take into account as relevant economic factors: the potential damage in terms of loss of production or sales in the event of the entry, establishment or spread of a pest or disease; the costs of control or eradication in the territory of the importing Member; and the relative cost-effectiveness of alternative approaches to limiting risks.	The grading standards of agricultural and livestock commodities are prepared in such a manner to ensure that the product is safe for human health.
4.	Members should, when determining the appropriate level of sanitary or phytosanitary protection, take into account the objective of minimizing negative trade effects.	-Agreed-

5.	With the objective of achieving consistency in the application of the concept of appropriate level of sanitary or phytosanitary protection against risks to human life or health, or to animal and plant life or health, each Member shall avoid arbitrary or unjustifiable distinctions in the levels it considers to be appropriate in different situations, if such distinctions result in discrimination or a disguised restriction on international trade. Members shall cooperate in the Committee, in accordance with paragraphs 1, 2 and 3 of Article 12, to develop guidelines to further the practical implementation of this provision. In developing the guidelines, the Committee shall take into account all relevant factors, including the exceptional character of human health risks to which people voluntarily expose themselves	The standards of quality are prepared after the conducting market and laboratory research. The specifications do not violate the international standards and trade requirements.
6.	Without prejudice to paragraph 2 of Article 3, when establishing or maintaining sanitary or phytosanitary measures to achieve the appropriate level of sanitary or phytosanitary protection, Members shall ensure that such measures are not more trade-restrictive than required to achieve their appropriate level of sanitary or phytosanitary protection, taking into account technical and economic feasibility. ²	The existing standards under the Agricultural Produce (Grading & Marketing) Act are periodically updated keeping in view the requirements of the importing countries. These standards have been generally accepted in international markets/trade.

² For purposes of paragraph 6 of Article 5, a measure is not more trade-restrictive than required unless there is another measure, reasonably available taking into account technical and economic feasibility, that achieves the appropriate level of sanitary or phytosanitary protection and is significantly less restrictive to trade.

7.	In cases where relevant scientific evidence is insufficient, a Member may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as from sanitary or phytosanitary measures applied by other Members. In such circumstances. Members shall seek to obtain the additional information necessary for a more objective assessment of risk and review the sanitary or phytosanitary measure accordingly within a reasonable period of time.	Assistance of international agencies may be sought, wherever necessary.
8.	When a Member has reason to believe that a specific sanitary or phytosanitary measure introduced or maintained by another Member is constraining, or has the potential to constrain, its exports and the measure is not based on the relevant international standards, guidelines or recommendations, or such standards, guidelines or recommendations do not exist, an explanation of the reasons for such sanitary or phytosanitary measure may be requested and shall be provided by the Member maintaining the measure.	Provided that such measures do not constitute a disguised restriction on international trade.
Article 6 Adaptation to Regional Conditions, Including Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence 1.	Members shall ensure that their sanitary or phytosanitary measures are adapted to the sanitary or phytosanitary characteristics of the area – whether all of a country, part of a country, or all or parts of several countries – from which the product originated and to which the product is destined. In assessing the sanitary or phytosanitary characteristics of a region, Members shall take into account, <i>inter alia</i> , the level of prevalence of specific diseases or pests, the existence of eradication or control programmes, and appropriate criteria or guidelines which may be developed by the relevant international organizations.	-Agreed-

2.	Members shall, in particular, recognize the concepts of pest- or disease-free areas and areas of low pest or disease prevalence. Determination of such areas shall be based on factors such as geography, ecosystems, epidemiological surveillance, and the effectiveness of sanitary or phytosanitary controls.	-Agreed-
3.	Exporting Members claiming that areas within their territories are pest – or disease-free areas or areas of low pest or disease prevalence shall provide the necessary evidence thereof in order to objectively demonstrate to the importing Member that such areas are, and are likely to remain, pest- or disease-free areas or areas of low pest or disease prevalence, respectively. For this purpose, reasonable access shall be given, upon request, to the importing Member for inspection, testing and other relevant procedures.	Concerns have been attended to under the various rules made under the Agricultural Produce (Grading & Marking) Act.
<i>Article 7 Transparency</i>	Members shall notify changes in their sanitary or phytosanitary measures and shall provide information on their sanitary or phytosanitary measures in accordance with the provisions of Annex B.	The copy of Agricultural Produce (Grading & Marking) Act, along-with grading and marking rules of individual commodities of agricultural & livestock items may be sent to WTO. Secretariat for information of member countries.
<i>Article 8 Control, Inspection and Approval Procedures</i>	Members shall observe the provisions of Annex C in the operation of control, inspection and approval procedures, including national systems for approving the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs, and otherwise ensure that their procedures are not inconsistent with the provisions of this Agreement.	Changes in the Act/Grade standards may be notified when any such change takes place. Control and inspection system for grading of agricultural and livestock commodities is in place under the Agriculture Produce (Grading & Marking) Act. - Agreed with the proposal

<p><i>Article 9</i></p> <p><i>Technical Assistance</i></p> <p>1.</p>	<p>Members agree to facilitate the provision of technical assistance to other Members, especially developing country Members, either bilaterally or through the appropriate international organizations. Such assistance may be, <i>inter alia</i>, in the areas of processing technologies, research and infrastructure, including in the establishment of national regulatory bodies, and may take the form of advice, credits, donations and grants, including for the purpose of seeking technical expertise, training and equipment to allow such countries to adjust to and comply with, sanitary or phytosanitary measures necessary to achieve the appropriate level of sanitary or phytosanitary protection in their export markets.</p>	<p>Information sharing may be initiated among member countries. Developed countries may assist less developed countries in the field of processing technology, research, infrastructure development and inspection system.</p>
<p>2.</p>	<p>Where substantial investments are required in order for an exporting developing country Member to fulfill the sanitary or phytosanitary requirements of an importing Member, the latter shall consider providing such technical assistance as will permit the developing country Member to maintain and expand its market access opportunities for the product involved.</p>	<p>Developed countries may extend technical cooperation in updating the existing testing and grading facility in the Agricultural and Livestock Marketing and Grading Department by providing of laboratory equipment. This will help increase market access of developing countries like Pakistan.</p>
<p><i>Article 10 Special and Differential Treatment</i></p> <p>1.</p>	<p>In the preparation and application of sanitary or phytosanitary measures, Members shall take account of the special needs of developing country Members, and in particular of the least developed country Members.</p>	<p>Need of the least developed countries may be taken into account while reviewing the existing legislation, acts and laws.</p>
<p>2.</p>	<p>Where the appropriate level of sanitary or phytosanitary protection allows scope for the phased introduction of new sanitary or phytosanitary measures, longer time frames for compliance should be accorded on products of interest to developing country Members so as to maintain opportunities for their exports.</p>	<p>-Agreed-</p>

3.	With a view to ensuring that developing country Members are able to comply with the provisions of this Agreement, the Committee is enabled to grant to such countries, upon request, specified, time – limited exceptions in whole or in part from obligations under this Agreement, taking into account their financial, trade and development needs.	-Agreed-
4.	Members should encourage and facilitate the active participation of developing country Members in the relevant international organizations.	Developing countries may ensure active participation in meetings and increase co-ordination with international organizations.
<i>Article 11</i> <i>Consultations and Dispute Settlement</i> 1.	The provisions of Article XXII and XXIII of GATT 1994 as elaborated and applied by the Dispute Settlement Understanding shall apply to consultations and the settlement of disputes under this Agreement, except as otherwise specifically provided herein.	-
2.	In a dispute under this Agreement involving scientific or technical issues a panel should seek advice from experts chosen by the panel in consultation with the parties to the dispute. To this end, the panel may, when it deems it appropriate, establish an advisory technical experts group, or consult the relevant international organizations at the request of either party to the dispute or on its own initiative.	Equal representation may be given to parties to the dispute.
3.	Nothing in this Agreement shall impair the rights of Members under other international agreements, including the right to resort to the good offices or dispute settlement mechanisms of other international organizations or established under any international agreement.	-Agreed-

<p><i>Article 12</i></p> <p><i>Administration</i></p> <p>1.</p>	<p>A Committee on Sanitary and Phytosanitary Measures is hereby established to provide a regular forum for consultations. It shall carry out the functions necessary to implement the provisions of this Agreement and the furtherance of its objectives in particular with respect to harmonization. The Committee shall reach its decisions by consensus.</p>	<p>-Agreed-</p>
<p>2.</p>	<p>The Committee shall encourage and facilitate ad hoc consultations or negotiations among Members on specific sanitary or phytosanitary issues. The Committee shall encourage the use of international standards guidelines or recommendations by all Members and, in this regard, shall sponsor technical consultation and study with the objective of increasing coordination and integration between international and national systems and approaches for approving the use of food additives or for establishing tolerances for contaminants in foods beverages or feedstuffs.</p>	<p>-Agreed-</p>
<p>3.</p>	<p>The Committee shall maintain close contact with the relevant international organizations in the field of sanitary and phytosanitary protection, especially with the Codex Alimentarius Commission, the International Office of Epizootics and the Secretariat of the International Plant Protection Convention with the objective of securing the best available scientific and technical advice for the administration of this Agreement and in order to ensure that unnecessary duplication of effort is avoided.</p>	<p>-Agreed-</p>

4.	<p>The Committee shall develop a procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations. For this purpose the Committee should, in conjunction with the relevant international organizations, establish a list of international standards, guidelines or recommendations relating to sanitary or phytosanitary measures which the Committee determines to have a major trade impact. The list should include an indication by Members of those international standards, guidelines or recommendations which they apply as conditions for import or on the basis of which imported products conforming to these standards can enjoy access to their markets. For those cases in which a Member does not apply an international standard, guideline or recommendation as a condition for import, the Member should provide an indication of the reason therefore, and, in particular, whether it considers that the standard is not stringent enough to provide the appropriate level of sanitary or phytosanitary protection. If a Member revises its position, following its indication of the use of a standard, guideline or recommendation as a condition for import, it should provide an explanation for its change and so inform the Secretariat as well as the relevant international organizations, unless such notification and explanation is given according to the procedures of Annex B.</p>	-Agreed-
5.	<p>In order to avoid unnecessary duplication, the Committee may decide, as appropriate, to use the information generated by the procedures, particularly for notification, which are in operation in the relevant international organizations.</p>	-Agreed-

6.	The Committee may, on the basis of an initiative from one of the Members, through appropriate channels invite the relevant international organizations or their subsidiary bodies to examine specific matters with respect to a particular standard, guideline or recommendation, including the basis of explanations for non-use given according to paragraph 4.	-Agreed-
7.	The Committee shall review the operation and implementation of this Agreement three years after the date of entry into force of the WTO Agreement, and thereafter as the need arises. Where appropriate, the Committee may submit to the Council for Trade in Goods proposals to amend the text of this Agreement having regard, <i>inter alia</i> , to the experience gained in its implementation.	-Agreed-
<i>Article 13 Implementation</i>	Members are fully responsible under this Agreement for the observance of all obligations set forth herein. Members shall formulate and implement positive measures and mechanisms in support of the observance of the provisions of this Agreement by other than central government bodies. Members shall take such reasonable measures as may be available to them to ensure that non-governmental entities within their territories, as well as regional bodies in which relevant entities within their territories are members, comply with the relevant provisions of this Agreement. In addition, Members shall not take measures which have the effect of, directly or indirectly, requiring or encouraging such regional or non-governmental entities, or local governmental bodies, to act in a manner inconsistent with the provisions of this Agreement. Members shall ensure that they rely on the services of non-governmental entities for implementing sanitary or phytosanitary measures only if these entities comply with the provisions of this Agreement.	Members countries may ensure observation of all obligations.

<p><i>Article 14</i></p> <p><i>Final Provisions</i></p>	<p>The least-developed country Members may delay application of the provisions of this Agreement for a period of five years following the date of entry into force of the WTO Agreement with respect to their sanitary or phytosanitary measures affecting importation or imported products. Other developing country Members may delay application of the provisions of this Agreement, other than paragraph 8 of Article 5 and Article 7, for two years following the date of entry into force of the WTO Agreement with respect to their existing sanitary or phytosanitary measures affecting importation or imported products, where such application is prevented by a lack of technical expertise, technical infrastructure or resources.</p>	<p>A 5 years grace period may be given to developing countries, 7 years to least developed countries to enable themselves to adjust to the WTO regime.</p>
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ANNEX A DEFINITIONS³

1. *Sanitary or phytosanitary* – Any measure applied:

- a) to protect animal or plant life or health within the territory of the Member from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms;
- b) to protect human or animal life or health within the territory of the Member from risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs;
- c) to protect human life or health within the territory of the Member from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; or
- d) to prevent or limit other damage within the territory of the Member from the entry, establishment or spread of pests.

Sanitary or phytosanitary measures include all relevant laws, decrees, regulations, requirements and procedures including *inter- alia*, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; quarantine treatments including relevant requirements associated with the transport of animals or plants, or with the materials necessary for their survival during transport; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly related to food safety.

2. *Harmonization*:- The establishment, recognition and application of common sanitary and phytosanitary measures by different Members.

3. *International standards, guidelines and recommendations*.

- a) For food safety, the standards, guidelines and recommendations established by the Codex Alimentarius Commission relating to food additives, veterinary drug and pesticide residues, contaminants, methods of analysis and sampling, and codes and guidelines of hygienic practice;
- b) For animal health and zoonoses, the standards; guidelines and recommendations developed under the auspices of the International Office of Epizootics;

³ For the purpose of these definitions: “animal” includes fish and wild fauna; “plant” includes forests and wild flora; “pests” include weeds; and “contaminants” include pesticide and veterinary drug residues and extraneous matter.

- c) For plant health, the international standards, guidelines and recommendations developed under the auspices of the Secretariat of the International Plant Protection Convention in cooperation with regional organizations operating within the framework of the International Plant Protection Convention; and
 - d) For matters not covered by the above organizations, appropriate standards, guidelines and recommendations promulgated by other relevant international organizations open for membership to all Members, as identified by the Committee.
4. *Risk assessment* - The evaluation of the likelihood of entry, establishment or spread of a pest or disease within the territory of an importing Member according to the sanitary or phytosanitary measures which might be applied, and of the associated potential biological and economic consequences; or the evaluation of the potential for adverse effects on human or animal health arising from the presence of additives, contaminants, toxins or disease-causing organisms in food, beverages or feedstuffs.
5. *Appropriate level of sanitary or phytosanitary protection* – The level of protection deemed appropriate by the Member establishing a sanitary or phytosanitary measure to protect human, animal or plant life or health within its territory.

NOTE: Many Members otherwise refer to this concept as the “acceptable level of risk”.

6. *Pest- or disease-free area* – An area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest or disease does not occur.

NOTE: A pest- or disease-free area may surround; be surrounded by, or be adjacent to an area – whether within part of a country or in a geographic region which includes parts of or all of several countries in which a specific pest or disease is known to occur but is subject to regional control measures such as the establishment of protection, surveillance and buffer zones which will confine or eradicate the pest or disease in question.

7. *Area of low pest or disease prevalence* – An area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest or disease occurs at low levels and which is subject to effective surveillance, control or eradication measures.

ANNEX B

TRANSPARENCY OF SANITARY AND PHYTOSANITARY REGULATIONS

Publication of regulations

1. Members shall ensure that all sanitary and phytosanitary regulations⁴ which have been adopted are published promptly in such a manner as to enable interested Members to become acquainted with them.
2. Except in urgent circumstances, Members shall allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force in order to allow time for producers in exporting Members, and particularly in developing country Members to adapt their products and methods of production to the requirements of the importing Member.

Enquiry points

3. Each Member shall ensure that one enquiry point exists which is responsible for the provision of answers to all reasonable questions from interested Members as well as for the provision of relevant documents regarding:
 - a) Any sanitary or phytosanitary regulations adopted or proposed within its territory;
 - b) Any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within its territory;
 - c) Risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;
 - d) The membership and participation of the Member, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organizations and systems, as well as in bilateral and multilateral agreements and arrangements within the scope of this Agreement, and the texts of such agreements and arrangements.
4. Members shall ensure that where copies of documents are requested by interested Members, they are supplied at the same price (if any), apart from the cost of delivery, as to the nationals⁵ of the Member concerned.

⁴ Sanitary and phytosanitary measures such as laws, decrees or ordinances which are applicable generally.

⁵ When “nationals” are referred to in this Agreement, the term shall be deemed in the case of a separate customs territory Member of the WTO to mean persons, natural or legal, who are domiciled or who have a real and effective industrial or commercial establishment in that customs territory.

Notification procedures

5. Whenever an international standard, guideline or recommendation does not exist or the content of a proposed sanitary or phytosanitary regulation is not substantially the same as the content of an international standard, guideline or recommendation, and if the regulation may have a significant effect on trade of other Members, Members shall:
 - a) Publish a notice at an early stage in such a manner as to enable interested Members to become acquainted with the proposal to introduce a particular regulation;
 - b) Notify other Members, through the Secretariat, of the products to be covered by the regulation together with a brief indication of the objective and rationale of the proposed regulation. Such notifications shall take place at an early stage, when amendments can still be introduced and comments taken into account;
 - c) Provide upon request to other Members copies of the proposed regulation and whenever possible, identify the parts which in substance deviate from international standards, guidelines or recommendations;
 - d) Without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take the comments and the results of the discussions into account.
 6. However, where urgent problems of health protection arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 5 of this Annex as it finds necessary, provided that the Member.
 - a) Immediately notifies other Members, through the Secretariat, of the particular regulation and the products covered, with a brief indication of the objective and the rationale of the regulation, including the nature of the urgent problem(s);
 - b) Provides, upon request, copies of the regulation to other Members;
 - c) Allows other Members to make comments in writing, discusses these comments upon request, and takes the comments and the results of the discussions into account.
 7. Notifications to the Secretariat shall be in English, French or Spanish.
 8. Developed country Members shall, if requested by other Members, provide copies of the documents or, in case of voluminous documents, summaries of the documents covered by a specific notification in English, French or Spanish.
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9. The Secretariat shall promptly circulate copies of the notification to all Members and interested international organizations and draw the attention of developing country Members to any notifications relating to products of particular interest to them.
10. Members shall designate a single central government authority as responsible for the implementation; on the national level, of the provisions concerning notification procedures according to paragraphs 5, 6, 7 and 8 of this Annex.

General reservations

11. Nothing in this agreement shall be construed as requiring;
 - a) The provision of particulars or copies of drafts or the publication of texts other than in the language of the Member except as stated in paragraph 8 of this Annex; or
 - b) Members to disclose confidential information which would impede enforcement of sanitary or phytosanitary legislation or which would prejudice the legitimate commercial interests of particular enterprises.

ANNEX C

CONTROL, INSPECTION AND APPROVAL PROCEDURES

1. Members shall ensure, with respect to any procedure to check and ensure the fulfillment of sanitary or phytosanitary measures, that:
 - a) Such procedures are undertaken and completed without undue delay and in no less favourable manner for imported products than for like domestic products;
 - b) The standard processing period of each procedure is published or that the anticipated processing period is communicated to the applicant upon request; when receiving an application, the competent body promptly examines the completeness of the documentation and informs the applicant in a precise and complete manner of all deficiencies, the competent body transmits as soon as possible the results of the procedure in a precise and complete manner to the applicant so that corrective action may be taken if necessary, even when the

application has deficiencies, the competent body proceeds as far as practicable with the procedure if the applicant so requests; and that upon request, the applicant is informed of the stage of the procedure, with any delay being explained;

- c) Information requirements are limited to what is necessary for appropriate control: inspection and approval procedures, including for approval of the use of additives or for the establishment of tolerances for contaminants in food, beverages or feedstuffs;
- d) The confidentiality of information about imported products arising from or supplied in connection with control, inspection and approval is respected in a way no less favourable than for domestic products and in such a manner that legitimate commercial interests are protected;
- e) Any requirements for control, inspection and approval of individual specimens of a product are limited to what is reasonable and necessary;
- f) Any fees imposed for the procedures on imported products are equitable in relation to any fees charged on like domestic products or products originating in any other Member and should be no higher than the actual cost of the service.
- g) The same criteria should be used in the siting of facilities used in the procedures and the selection of samples of imported products as for domestic products so as to minimize the inconvenience to applicants, importers, exporters or their agents;
- h) Whenever specifications of a product are changed subsequent to its control and inspection in light of the applicable regulations, the procedure for the modified product is limited to what is necessary to determine whether adequate confidence exists that the product still meets the regulations concerned; and
- i) A procedure exists to review complaints concerning the operation of such procedures and to take corrective action when a complaint is justified.

Where an importing Member operates a system for the approval of the use of food additives or for the establishment of tolerances for contaminants in food, beverages or feedstuffs which prohibits or restricts access to its domestic markets for products based on the absence of an approval, the importing Member shall consider the use of a relevant international standard as the basis for access until a final determination is made.

2. Where a sanitary or phytosanitary measure specifies control at the level of production, the Member in whose territory the production takes place shall provide the necessary assistance to facilitate such control and the work of the controlling authorities.

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3. Nothing in this Agreement shall prevent Members from carrying out reasonable inspection within their own territories.

EXISTING	PROPOSED	REMARKS
MINISTRY OF FOOD, AGRICULTURE AND COOPERATIVES (Agriculture Division)	MINISTRY OF FOOD, AGRICULTURE AND LIVESTOCK (Food and Agriculture Division)	
THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1937	THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 2002	
A. ACT Act No. 1 of 1937	A. ACT Act of No. 1 of 2002	
An Act to provide for the grading and marking of agricultural (and other) Produce.	An Act to provide for the grading and marking of agricultural (and other) Produce and livestock commodities.	Revision made as required
Where it is expedient to provide for the grading and marking of Agricultural (and other) produce; it is hereby enacted as follows:-	Where it is expedient for the grading and marking of Agricultural and Livestock (and other) produce/products; its is hereby enacted as follows:-	
1. Short Title and extent:	1. Short Title and extent:	
<ol style="list-style-type: none"> 1. This Act may be called the Agricultural Produce (Grading and Marking) Act, 1937 2. It extends to all the Provinces and the Capital of the Federation, including Balochistan 	<ol style="list-style-type: none"> 1. (1) This Act may be called the Agricultural Produce (Grading and Marking) Act, 2002. (2) It extends to all the Provinces and the Capital of the Federation. 2. (a) Legal authority and management authority: The Federal Agricultural and Livestock Products Marketing and Grading Department shall be the national authority. (b) Jurisdiction and authority to restrict export/import of commodities subject to quality control under various rules made under the Agricultural Produce (Grading and 	Revision made to rest authority of imposition of compulsory gradings before export / import with ALMA /

	<p>Marking) Act, 2002: The powers to restrict import/export of notified items of agricultural and livestock commodities in un graded shall rest with Agricultural and Livestock Products Marketing and Grading Department/MINFAL.</p> <p>(i) In exercise of the power conformed under Section 2 (a)(b) Agricultural and Livestock Marketing Adviser/MINFAL shall impose quality control restrictions on export/import of notified items under the Agricultural Produce (Grading and Marking) Act, 2002 and rules made under the said Act:</p> <p>(ii) No person shall import/export notified items unless such commodities are graded and marked with the relevant Grading and Marking Rules and is accompanied by a Certificate of Quality issued by the Agricultural and Livestock Marketing Adviser or any officer authorized on his behalf.</p> <p>(c) “Appropriate Government”, means in relation to the grading and marking of agricultural and livestock produce/products intended for consumption within a province, the Provincial Government, and in relation to the grading and marking of agricultural and livestock product/product intended for export and import or for trade between the provinces, the Federal Government.</p>	MINFAL
<p>2. Explanations: In this Act, unless the contrary appears from the subject or context:-</p>	<p>3. Explanations: In this Act, unless the contrary appears from the subject or context:-</p>	Revision made as required

(a) "agricultural produce" includes all produce of agriculture or horticulture and all articles of food or drink wholly or partly manufactured from any such produce, and fleeces and the skins of animals.	(a) "agricultural produce" includes all produce of agriculture or horticulture and all articles of food or drink wholly or partly manufactured from any such produce.	
(b) "counterfeit" has the meaning assigned to that word by section 28 of the Pakistan Penal Code;	(b) Livestock products including all livestock products wholly or partly manufactured from any such produce and fleeces and the skins of animal, animal bones, animal hair and animal wool, animal casings, etc.	
(c) "covering" includes any vessel, box, crate, wrapper, tray or other container.	(c) "covering" includes any vessel, box, crate, carton, wrapper, tray or other container.	
(d) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article.	(d) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article.	
(e) "grade designation mark" means a mark prescribed as representing a particular grade designation.	(e) "grade designation mark" means a mark prescribed as representing a particular grade designation.	
(f) "quality", in relation to any article, includes the state and condition of the article;	(f) "quality", in relation to any article, includes the state and condition of the article;	
(g) "prescribed" means prescribed by rules made under this Act.	(g) "prescribed" means prescribed by rules made under this Act.	
(h) "schedule article" means an article in the schedule' and	(h) "schedule article" means an article in the schedule' and	
(i) an article is said to be marked with a grade designation mark, if the article itself is marked with grade designation mark or any covering containing or label attached to such article is so marked.	(i) an article is said to be marked with a grade designation mark, if the article itself is marked with grade designation mark or any covering containing or label attached to such article is so marked.	
3. Prescription of grade designation: The (Central Government) may, after previous publication by notification in the (official Gazette),	4. Prescription of grade designation: The Federal Government may, after previous publication by notification in the (official Gazette),	

make rules	make rules.	
(a) fixing grade designations to indicate the quality of any scheduled article;	(a) fixing grade designations to indicate the quality of any scheduled article;	
(b) defining the quality indicated by every grade designation;	(b) defining the quality indicated by every grade designation;	
(c) specifying grade designation marks to represent particular grade designations;	(c) specifying grade designation marks to represent particular grade designations;	
(d) authorizing a person or a body of persons, subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article;	(d) authorizing a person or a body of persons, subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article and the origin of the produce.	
(e) specifying the conditions referred to in clause (d) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering;	(e) specifying the conditions referred to in clause (d) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering and the origin of the produce.	
(f) providing for the payment of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark (or with measures for the control of the quality of articles marked with grade designation marks including testing samples and inspection of such articles or with any publicity work carried out to promote the sale of any class of such articles; and	(f) providing for the payment of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark (or with measures for the control of the quality of articles marked with grade designation marks including testing samples and inspection of such articles or with any publicity work carried out to promote the sale of any class of such	

	articles; and	
(g) Providing for the confiscation and disposal of produce otherwise than in according with the prescribed conditions with a grade designation mark.	(g) Providing for the confiscation and disposal of produce otherwise than in according with the prescribed conditions with a grade designation mark.	
<p>4. Penalty for Unauthorized marking with Grade Designation Mark</p> <p>Whoever marks any scheduled article with a grade designation mark, not being authorized to do so by rule made under section 3, shall be punishable with fine which may extend to five hundred rupees.</p>	<p>5. Penalty for Unauthorized marking with Grade Designation Mark</p> <p>1) Whoever, exports and imports Schedules article in ungraded form, not being authorized to do so by the rule under section 3. Shall be punishable with fine which may extend to rupees ten thousand.</p> <p>2) Penalty for unauthorized or incorrect marking with grade designation mark, not being authorized to do so by rule made under section 3, or being so authorized which does not indicate the grade designation of the article correctly, shall be punishable with rigorous imprisonment for a term which may extend to three years or with fine, or with both.</p>	
<p>5. Penalty for Counterfeiting Grade Designation Mark</p> <p>Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable with imprisonment which may extend to two years, or with fine, or with both</p>	<p>6. Penalty for Counterfeiting Grade Designation Mark</p> <p>Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable with imprisonment which may extend to two years, or with fine, or with both</p>	
<p>6. Extension of Application of Act:</p> <p>The Central Government, after such consultation as</p>	<p>7. Extension of Application of Act:</p> <p>The Federal Government, after such consultation</p>	

<p>(it) think fit of the interests likely to be affected, may by notification in the (Official Gazette) declare that the provisions of this Act shall apply to an article of Agricultural Produce not included in the Schedule (or to an article other than an article of agricultural produce), and on the publication of such notification such article shall be deemed to be included in the Schedule.</p>	<p>as (it) think fit of the interests likely to be affected, may by notification in the (Official Gazette) declare that the provisions of this Act shall apply to an article of Agricultural Produce and livestock origin not included in the Schedule (or to an article other than an article of agricultural produce and livestock origin), and on the publication of such notification such article shall be deemed to be included in the Schedule.</p>	
<p style="text-align: center;">B. THE SCHEDULE (See Section 2)</p> <ol style="list-style-type: none"> 1) Fruit 2) Vegetable 3) Eggs 4) Dairy produce 5) Tobacco 6) Cofee 7) Hides and Skins 8) Fruit Products 9) Ata 10)Oil Seeds 11)Vegetable oil including hydrogenated oils and vegetable fat 12)Cotton 13)Rice 14)Lac 15)Wheat 16)Sann hemp. 17)Sugarcane gur (Jaggery) 18)Myrobalans 19)Bura 	<p style="text-align: center;">C. THE SCHEDULE (See Section 2)</p> <ol style="list-style-type: none"> 1) Fruit 2) Vegetable 3) Eggs 4) Dairy produce 5) Tobacco 6) Cofee 7) Hides and Skins 8) Fruit Products 9) Ata 10)Oil Seeds 11)Vegetable oil including hydrogenated oils and vegetable fat 12)Cotton 13)Rice 14)Lac 15)Wheat 16)Sann hemp. 17)Sugarcane gur (Jaggery) 18)Myrobalans 19)Bura 	

<p>20)Wool 21)Animal Hair 22)Coriander Seed (Whole) 23)Oil Cakes 24)Animal Bones 25)Blood 26)Casings 27)Fish and Fish Meal 28)Spices and Condiments 29)Frog Legs 30)Day old Chicks 31)Molasses</p>	<p>20)Wool 21)Animal Hair 22)Coriander Seed (Whole) 23)Oil Cakes 24)Animal Bones 25)Blood 26)Casings 27)Fish and Fish Meal 28)Spices and Condiments 29)Frog Legs 30)Day old Chicks 31)Molasses 32)Honey 33)Dressed Chicken 34)Mutton 35)Beef 36)Mashrooms 37)Pulses 38)Lentils 39)Chick Peas 40)Grams 41)Tamarind 42)Fruit Juices</p>	
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EXISTING	PROPOSED	REMARKS
<p style="text-align: center;">ACT NO. XX OF 1972</p> <p>An Act further to amend the Agricultural Produce (Grading and Marking) Act, 1937</p> <p>WHEREAS it is expedient further to amend the Agricultural Produce (Grading and Marking) Act, 1937, for the purpose hereinafter appearing.</p> <p>It is hereby enacted as follows:</p> <ol style="list-style-type: none"> 1. Short title and commencement: (i) This Act may be called the Agricultural Produce (Grading and marking) Amendment) Act, 1972 (2) It shall come into force at once. 2. General: in the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), hereinafter referred to as the said Act. In the words “Central Government”, wherever occurring, the words “appropriate Government”, shall be substituted. 3. Amendment of section 2, Act 1 of 1937:- In the said Act Section 2, after clause (a), the following new clause (aa) shall be inserted, namely; <p>“aa” “appropriate Government” means, in relation to the grade and marking of agricultural produce intended for consumption within a province; the Provincial Government and in respect to the grading and marking of agricultural produce intended for export or for ttrade between the Provinces, the</p>		

<p>Federal Government;”</p> <p>“4. Penalty for unauthorized or incorrect marking with grade designation mark, not being authorized to do so by rule made under section 3, or being so authorized which does not indicate the grade designation of the article correctly, shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.”</p>		
<p>C. GENERAL GRADING AND MARKING RULES</p> <ol style="list-style-type: none"> 1. These rules may be called the General Grading and Marking Rules, 1937. 2. Any person or body of persons desirous of being authorized mark any article with a grade designation mark shall apply to the Agricultural and Livestock Marketing Adviser to the Government of Pakistan, Karachi. 3. (1) if after due inquiry the Agricultural and Livestock Marketing Adviser (or any person duly authorized by him in this behalf) is satisfied that it is expedient the interest of better marketing that the authorization be granted and that the applicant. <p>(2) Each Certificate shall state:-</p> <ol style="list-style-type: none"> a. the name and address of the authorized person or body of persons. 	<p>C. GENERAL GRADING AND MARKING RULES</p> <ol style="list-style-type: none"> 1. These rules may be called the General Grading and Marking Rules, 1937. 2. Any person or body of persons desirous of being authorized mark any article with a grade designation mark shall apply to the Agricultural and Livestock Marketing Adviser to the Government of Pakistan. 3. (1) if after due inquiry the Agricultural and Livestock Marketing Adviser (or any person duly authorized by him in this behalf) is satisfied that it is expedient the interest of better marketing that the authorization be granted and that the applicant is a fit and proper person to receive a Certificate of Authorisation, shall issue such a Certificate to the applicant. <p>(2) Each Certificate shall state:-</p> <ol style="list-style-type: none"> a. the name and address of the authorized person or body of persons. 	<p>Revision made as required</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p>

<p>b. The articles to which grade designation marks may, under the Certificate be applied;</p> <p>c. The period for which the Certificate is valid; and</p> <p>d. The premises at which alone the grade designation marks may be applied.</p> <p>4. It shall be a condition of every Certificate of Authorisation:</p> <p>a. That grade designation marks shall only be applied to the article mentioned in the Certificate of Authorisation and at the premises therein mentioned.</p> <p>b. That during the operation of the certificate the holder thereof shall, at all reasonable times, given access to the premises named therein to any person duly authorized by the Agricultural and Livestock Marketing Adviser or by the Central Government and shall afford him facilities for ascertaining that marking is being correctly performed.</p> <p>c. That the holder of the certificate will keep a record of the number of packages marked with each grade designation mark and will permit any person duly authorized by the Agricultural and Livestock Marketing Adviser or by the Central Government to examine the record;</p> <p>d. That the holder of the certificate will permit any duly authorized person to take samples of any graded produce or to open and inspect any package bearing a grade</p>	<p>b. The articles to which grade designation marks may, under the Certificate be applied;</p> <p>c. The period for which the Certificate is valid; and</p> <p>d. The premises at which alone the grade designation marks may be applied.</p> <p>4. It shall be a condition of every Certificate of Authorisation:</p> <p>a. That grade designation marks shall only be applied to the article mentioned in the Certificate of Authorisation and at the premises therein mentioned.</p> <p>b. That during the operation of the certificate the holder thereof shall, at all reasonable times, given access to the premises named therein to any person duly authorized by the Agricultural and Livestock Marketing Adviser or by the Federal Government and shall afford him facilities for ascertaining that marking is being correctly performed.</p> <p>c. That the holder of the certificate will keep a record of the number of packages marked with each grade designation mark and will permit any person duly authorized by the Agricultural and Livestock Marketing Adviser or by the Federal Government to examine the record;</p> <p>d. That the holder of the certificate will permit any duly authorized person to take samples of any graded produce or to open and inspect any package bearing a grade</p>	<p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p>
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<p>designation mark provided that all samples shall be paid for;</p> <p>e. That any person authorized in this behalf by the agricultural and Livestock Marketing Adviser to the Government of Pakistan or by the Central Government may cancel or remove a grade designation mark from any produce (should such produce be found by such person not to comply with the definition of the quality prescribed for that article; provided that whenever grade designation marks are removed from graded produce belonging to distributions, and not to authorized packers, the latter shall, when so directed by the Agricultural and Livestock Marketing Adviser to the Government of Pakistan, make good to the former any loss sustained as a result of the removal of the grade designation mark the loss being estimated on the basis of the additional value that the properly graded produce would have obtained in the market over and above the current market value of the corresponding quantity of the un-graded product:)</p> <p>f. That all rules made under the Agricultural Produce (Grading and Marking) Act, 1937, (and all instructions regarding method of sampling, analysis submission of periodical returns, etc., which may be issued, from time to time, by the Agricultural and</p>	<p>designation mark provided that all samples shall be paid for;</p> <p>e. That any person authorized in this behalf by the agricultural and Livestock Marketing Adviser to the Government of Pakistan or by the Central Government may cancel or remove a grade designation mark from any produce (should such produce be found by such person not to comply with the definition of the quality prescribed for that article; provided that whenever grade designation marks are removed from graded produce belonging to distributions, and not to authorized packers, the latter shall, when so directed by the Agricultural and Livestock Marketing Adviser to the Government of Pakistan, make good to the former any loss sustained as a result of the removal of the grade designation mark the loss being estimated on the basis of the additional value that the properly graded produce would have obtained in the market over and above the current market value of the corresponding quantity of the un-graded product:)</p> <p>f. That all rules made under the Agricultural Produce (Grading and Marking) Act, 1937, (and all instructions regarding method of sampling, analysis submission of periodical returns, etc., which may be issued, from time to time, by the Agricultural and</p>	<p>“</p> <p>“</p>
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<p>Livestock Marketing Adviser to the Government of Pakistan) shall be observed;</p> <p>g. That any certificate of authorization may be cancelled, removed, modified or suspended by the Agricultural and Livestock Marketing Adviser or by any other person authorized by the Central Government in that behalf, provided that 14 days notice in writing shall be given to the certificate holder at the address stated on the certificate and an opportunity given for showing cause why his certificate should not be cancelled, revoked modified or suspended:</p> <p>h. That any holder of a certificate of authorization may, with the written consent of the Agricultural and Livestock Marketing Adviser; use a replica of the Pak Mark designation on his business papers and catalogues;</p> <p>i. That any stencil, rubber stamp, punch or other instrument or label required for marking produce in the prescribed manner shall only be obtained from the Agricultural and Livestock Marketing Adviser or a person authorized by him on payment of such charges as the Central Government may from time to time fix in this behalf, shall be kept in safe custody by the holder of the certificate and shall so far may be, returned to the Agricultural and Livestock Marketing Adviser or such authorized person when the</p>	<p>Livestock Marketing Adviser to the Government of Pakistan) shall be observed;</p> <p>g. That any certificate of authorization may be cancelled, removed, modified or suspended by the Agricultural and Livestock Marketing Adviser or by any other person authorized by the Central Government in that behalf, provided that 14 days notice in writing shall be given to the certificate holder at the address stated on the certificate and an opportunity given for showing cause why his certificate should not be cancelled, revoked modified or suspended:</p> <p>h. That any holder of a certificate of authorization may, with the written consent of the Agricultural and Livestock Marketing Adviser; use a replica of the Pakmark designation on his business papers and catalogues;</p> <p>i. That any stencil, rubber stamp, punch or other instrument or label required for marking produce in the prescribed manner shall only be obtained from the Agricultural and Livestock Marketing Adviser or a person authorized by him on payment of such charges as the Central Government may from time to time fix in this behalf, shall be kept in safe custody by the holder of the certificate and shall so far may be, returned to the Agricultural and Livestock Marketing Adviser or such authorized person when the</p>	<p>“</p> <p>“</p>
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<p>certificate ceases to be valid.</p> <p>j. That the issue or use of grade designation mark labels or any stencil, rubber stamp, punch or other instrument required for marking produce in the prescribed manner, may be withheld or withdrawn by the Agricultural and Livestock Marketing Adviser to the Government of Pakistan or a person authorized by him in this behalf without any notice, for such period as he may consider expedient in the interest of better marketing, if he is satisfied or has reasons to believe that the authorized packer is not applying or is not likely to apply, grade designation marks correctly; and</p> <p>k. That the holder of a certificate of authorization shall pay such charges as may be prescribed by the Central Government, from time to time, towards the expenses incurred in connection with measures for enforcing the quality control of scheduled articles marked with grade designation marks including testing of sample and inspection of such articles or with any publicity work carried out to promote the sale of any class of such articles)</p>	<p>certificate ceases to be valid.</p> <p>j. That the issue or use of grade designation mark labels or any stencil, rubber stamp, punch or other instrument required for marking produce in the prescribed manner, may be withheld or withdrawn by the Agricultural and Livestock Marketing Adviser to the Government of Pakistan or a person authorized by him in this behalf without any notice, for such period as he may consider expedient in the interest of better marketing, if he is satisfied or has reasons to believe that the authorized packer is not applying or is not likely to apply, grade designation marks correctly; and</p> <p>k. That the holder of a certificate of authorization shall pay such charges as may be prescribed by the Central Government, from time to time, towards the expenses incurred in connection with measures for enforcing the quality control of scheduled articles marked with grade designation marks including testing of sample and inspection of such articles or with any publicity work carried out to promote the sale of any class of such articles)</p>	<p>“</p> <p>“</p>