



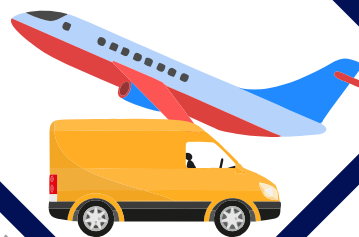
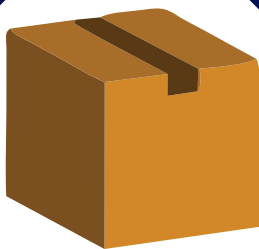
Information Booklet

Business Regulations

2

EXPORTING GOODS

for SMEs



Introduction

Small and Medium Enterprises Development Authority (SMEDA) works under the Ministry of Industries and Production, Government of Pakistan and was established in 1998 with the objective to propel economic growth through development of SMEs. SMEDA serves as an SME strategy-advisory body for the Government of Pakistan and facilitates partners in meeting their SME development agendas.

SMEDA envisions growth of a globally competitive SME sector (in Pakistan), through creating an enabling environment and support services for increase in the national economy. SMEDA strives to achieve this vision by providing assistance in employment generation and value addition to the national income, through development of the SME Sector, by helping increase the number, scale and competitiveness of SMEs.

National Business Development Program for SMEs (NBDP) is a project of SMEDA which intends to provide hands-on support services to SMEs. The aim of this business development support provided by NBDP is to advance new businesses and improve efficiencies in existing SME value chains to empower them to contend in global market. NBDP expects to facilitate around 314,000 SME beneficiaries over the period of five years.

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Objectives

- To explain the concepts, process and resources required to establish an export business
- Exporting goods from Pakistan

Table of Contents

a	Export Businesses-Basic Concepts and Significance	1
b	Entering in the Business of Exporting Goods	1
c	Government Regulations for Export	8
d	Identification of Export Markets	9
e	Export Pricing and Quoting it in Foreign Currencies	9
f	Financing the Export Business	10
g	Support and Advisory Services	12
h	Flow Chart Sequencing Export Procedure - Annexure	13

a Export Businesses - Basic Concepts and Significance

An export business is an entity (company) that trades goods and services from domestic to foreign markets. In other words, it's a company that buys, produces or manufactures goods and services locally and ships them out to other countries. Exporting is one way in which a business can rapidly expand its potential market.

Exports play an important role in the growth and development of economy, influencing the level of economic growth, employment and the balance of payments. Boosting exports is integral to strengthening the economy of the country, therefore it remains a key economic priority for all governments.



Generally, factors effecting the growth of exports include competitiveness, quality and value addition, productivity and exchange rate.

b Entering in the Business of Exporting Goods

Starting an export business can be very challenging and rewarding at the same time. There are a few important things that one needs to do to start and establish an export-based business in Pakistan. Apart from knowing the rules and regulation for export, an important consideration is which products to export and where and how to sell them. Finding buyers for the products and services is equally critical.

In order to develop an understanding about export potential, one should do research to explore and evaluate the options. This includes:



Discussion with experts of field

Discussion with export professionals or commercial exporters will help to develop an understanding of export procedures.



Assistance from the relevant offices

Assistance from relevant offices can be sought to understand the process. These include Export Promotion Bureau EPB and SMEDA offices etc. Data from the International Trade Centre (ITC) Geneva can also be helpful for identifying export potential.



Market intelligence

Gathering market intelligence for currently exported products, which is available from customs clearing agents and banks, in addition to, data from Pakistan Bureau of Statistics.



Knowhow of the procedures

Knowledge about the procedures involved in the export business, includes information regarding systems that are in place related to export.



Registering as an exporter

In order to export products, an export license is no more required, but one has to register as an exporter to do so.

i. Procedure and Documentation

The following initial documents are required to export

First Step

- Register the business name and get the National Tax Number (NTN) from Income Tax Department
- Sales tax number/certificate (this is optional)
- Bank account is required for export proceedings and documents.
- Register business with the relevant Chamber of Commerce & Industry or any other relevant trade association.
- Preferably use online WEBOC Account (a web-based system for filing Goods Declarations (GD) for import and export cargo, which can be used by both Importers, Exporters and their Customs Clearing Agents)

Second Step

(which may be done concurrently with the first step, above)

- Select a product for export
- Identify potential market
- Do market specific research (market size, product preferences in the market, unit price, import regulations of the market, certifications required, etc.)
- Select a mode of transport keeping in view the perishability and shelf-life of the product
- Explore financing credits either pre-shipment or post-shipment
- Insurance to recover cost in case of loss (this is optional)
- Sign a contract with the prospective buyer including names of exporter/importer, unit price, total quantity, terms of delivery (INCO Terms etc.), currency and terms of payment, mode of shipment and freight etc.
- Select a suitable clearing and forwarding agent

Third Step

- Exporter to provide pro-forma invoice based upon the finalized contract
- Original shipping documents sent by exporter to its bank with copies to importer
- Use Form "E". Form E or E Form is an export declaration form, which is used for export purpose to declare that this shipment is being processed against the foreign exchange. The Bank issues Form E directly to the exporter, which is in sets of four copies each (original, duplicate, triplicate, and quadruplicate).
- All exports from Pakistan which are subject to Foreign Exchange Regulations are required to be declared on form "E"
- Release of shipment

Fourth Step

- Documents for the clearing agent
- Packing list
- Commercial invoice
- B/L or AWB (through clearing agents), an air waybill (AWB) is a document that accompanies goods shipped by an international air courier to provide detailed information about the shipment and allow it to be tracked
- Letter of Credit (L/C)
- Certificate of Origin which is issued by Chamber of Commerce
- Pre-shipment certificate (if required)
- National Tax Number (NTN) Certificate
- Non-GMO certificate (for selected countries like China). A certificate that Foodstuffs manufactured or containing ingredients are not Genetically Modified (GM)
- Exporter to submit copies of Letter of Credit and supporting documents to its bank
- The exporter's bank verifies documents with the importer's bank and receives payment

Fifth Step

- Goods declaration (filing via WEBOC Online Account)
- Taxes and duties payment challan
- Transport the consignment
- All shipping documents covering goods exported from Pakistan and declared on form “E” must be processed through the medium of bank within 14 days from the date of shipment

ii. Working through an Offshore Businesses

Offshore means located or situated beyond one’s national boundaries. The term “Offshore Company” has two definitions depending on its context.

From the standpoint of the principals of the company, it is a company that has been filed outside of the country where its principals (officers, directors, shareholders, members, partners) are based.

From within its country of formation, it is a company that has been formed for the purpose of operating outside of the jurisdiction where it was originally filed.

The offshore companies in Pakistan are treated as Controlled Foreign Companies (CFCs) introduced in Pakistan through Finance Act 2018. CFC means a non-resident company; if more than 50% of the capital or voting rights of the non-resident company are held, directly or indirectly, by one or more persons who are residing in Pakistan, or, more than 40% of the capital or voting rights of the non-resident company are held, directly or indirectly, by a single resident person in Pakistan.

A CFC charge under Pakistani tax law will be imposed on non-active business income only. The active business criterion has been specified in the definitions under the Finance Bill 2018. Therefore, the basic purpose is to charge tax on income other than active business to avoid tax avoidance on their incomes like dividend, royalty, etc., which will now be taxed. As per Pakistani law, the income of a CFC will be taxed when it is earned only, thereby avoiding any tax liability when the same is received in Pakistan.

Characteristics of Offshore Companies



These are broadly not subject to taxation in their home jurisdiction.



The corporate regime will be designed to promote business flexibility.



Regulation of corporate activities will normally be lighter than in a developed country.

iii. Understanding Free Trade Agreements

A Free Trade Agreement (FTA) or treaty is normally a bilateral agreement between two countries as per international law to form a free-trade arrangement between the cooperating states. FTAs are a form of trade pacts that determine the tariffs and duties that countries impose on imports and exports with the goal of reducing or eliminating trade barriers, thus affecting international trade.

The multilateral trade agreement of Pakistan under the regional forum of South Asian Association for Regional Cooperation (SAARC) is SAARC Free Trade Arrangement (SAFTA).

The following are the bilateral free trade and preferential trade agreements of Pakistan:

1 Pak-China Free Trade

2 Pak-Sri Lanka Free Trade Agreement

3 Pak-Malaysia Trade Agreements

4 Pak-Iran Preferential Trade Agreement (PTA)

5 Pak-Indonesia Preferential Trade Agreement

6 Pak- Mauritius Preferential Trade Agreement

iv. Payment Terms

Full export value of goods exported from Pakistan and declared to the custom authorities should be received in an approved manner, as stated in State Bank's Notification No. F.E. 3/2001-SB dated the 28th September, 2001. On the due date for payment or within six months from the date of shipment/posting, whichever is earlier, or within a period as may be prescribed by the State Bank through specific or general instruction, through an Authorized Dealer either in convertible foreign currency in which the Authorized Dealer maintains accounts or in U.S. Dollar or in Pakistan rupee from a non-resident bank account.

However, where the terms of sale/irrevocable letter of credit are provided for payment on 180 days' usance/270 days' usance (deferred payment) in the case of Hand Knotted Carpets, from the date of shipment/posting, it shall be permissible for the exporter to bring back the export proceeds within 195/285 days from the date of shipment/posting.

Similarly, in the case of exports to South American countries, Authorized Dealers may certify Form 'E' if the letter of credit provides for payment on 270 days sight/usance from the date of shipment and the export proceeds may be repatriated within 285 days from the date of shipment. Prior approval of the State Bank should be obtained before arranging for payment in any manner other than that indicated above. Where the terms of sale provide for payment earlier than six months, Authorized Dealers may allow extension in the realization period if they are satisfied with the explanation given for delay in realization, provided such extension does not extend the period beyond six months from the date of shipment.

v. Patent, Trademark and Copyright

Patent, Trade mark and Copyright laws are very stringent and specific in export business. One has to be very careful in using any labelling or product information in exporting consignments. Any infringements of the patent, trademark or copyright laws may incur penalties on the exporter and exporter could also be black listed. The best alternative in export is to avoid any conflicts in this area. Patent and Trademark attorneys are good source of advice.

vi. Freight, Logistics and Exporting Documents

The shipping documentation required for freight shipments varies depending on whether shipping is via air or sea. It also depends on whether the parcel is being dropped off at a receiving center/depot or is being collected. The following information is provided as a general guide to the types of documents required when shipping freight internationally.

Air Waybill (for air freight)	Shipping Label (for sea freight)	Bill of Lading (for sea freight)
Shipper's Letter of Instruction (SLI)	Packing List	Customs Invoice
Halal Certificate	Health Certificate	Inspection Certification
E-form	<ul style="list-style-type: none">▪ Dock receipt▪ Warehouse receipt▪ Insurance certificate▪ Certificate of Handling (fumigation certificate)▪ Dangerous Goods Declaration	

vii. Export Strategy Document

An export strategy is a plan of action designed to achieve a long-term or overall aim of boosting exports. While building a good exporting strategy requires several key elements, including money, time, talent, energy, focus, and commitment (Annexure B) and a successful exporter will have the wherewithal to implement specific export strategies for each target market.

An export strategy document will cover the target of products to be exported through the year and the manner in which the export will take place. It will cover in detail all the requirements for the export to be implemented. The document will answer all the questions related to what, when, how and where of the product to be exported and market to be addressed.



1



Asses the Business Position

Analyze the business operations and growth aspirations including competitive position, strengths (product, service, staff, distribution and technical service) and unique selling propositions before venturing into export market.

2



Assess the Export Environment

Assess the factors that will impact upon export plans i.e. market analysis, ranking market attractiveness, assessing competition, distribution and logistics that may affect the export consignment or undermine the product acceptance by the export market.

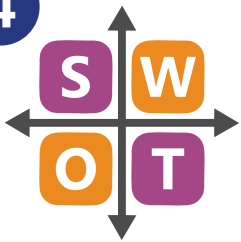
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Product and Service Offerings

Assess the need of modifications your product or service is required to have in order to satisfy overseas buyers along with packaging, labelling and presentational modifications.

4



SWOT (Strengths, Weakness, Opportunities, Threats) Analysis

This analysis will help to focus on areas of improvement and strengths to help identify priorities in terms of markets; and pricing and competitive factors particularly for entering and flourishing in the export markets.

5



Market Selection

The next step is to start evaluating opportunities in potential export markets.

There are two ways for market selection:

1. Screen a broad range of countries in order to arrive at a short list of three to five most suitable markets for the product or service.
2. Look for existing destinations and importers for such products and work with them.

6



Needs Assessment

Determine the 'must do' factors that will define success for the export business. These could include product modifications, financial resources, distribution and developing the final marketing model.

7



Creating the Export Plan

The export plan will flow from the export strategy structure outlined above. It should include target setting, market entry strategies and financial management including the export pricing model.

8



Implementation and Monitoring

Implement the export plan and regularly monitor and review the strategy as market conditions change. In its implementation, there are always changes and modifications required in a plan to succeed.

C

Government Regulations for Export

In terms of S.R.O. No. 490(1)/2002 dated 5th August, 2002 the Ministry of Commerce, Government of Pakistan has rescinded the Registration (Importers and Exporters) Order 1993. As such exporters are no more required to get them registered with the Trade Development Authority of Pakistan (TDAP). Exports from Pakistan are regulated under export policy order 2016¹.

The following are the regulations of exporting from Pakistan:

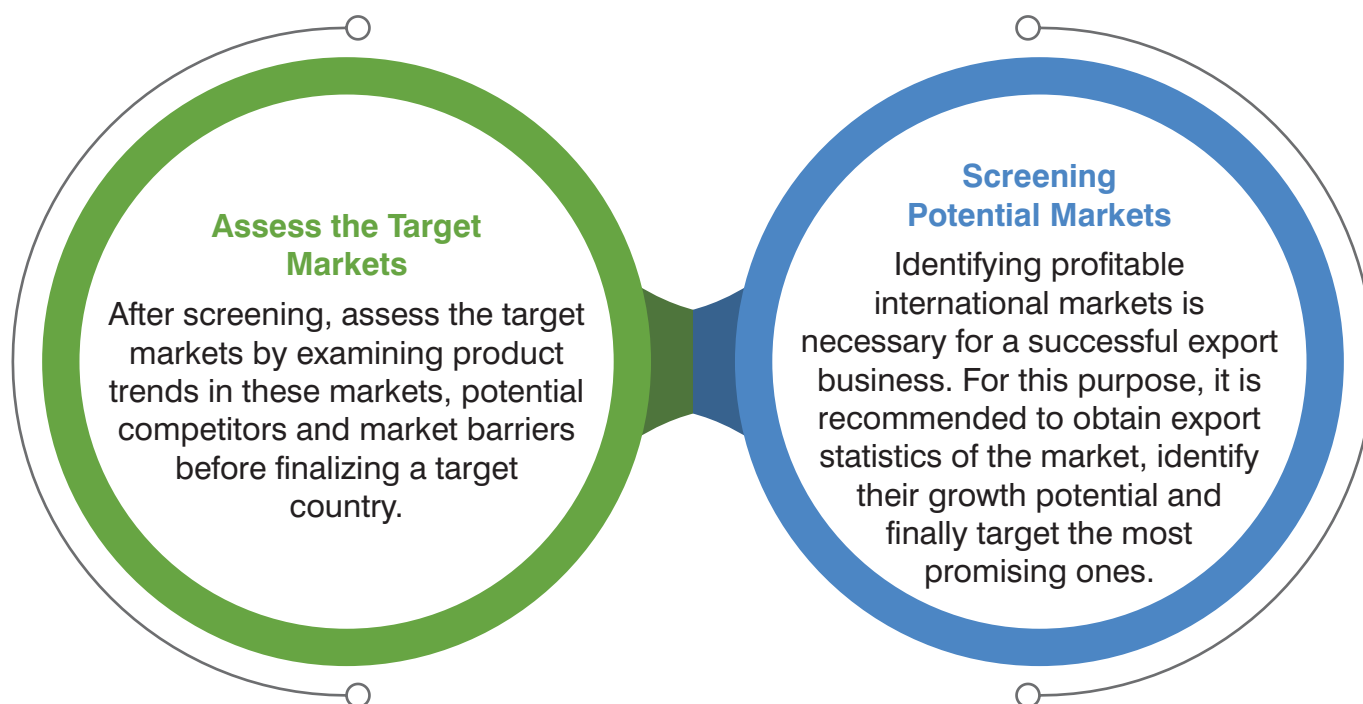
- For the maximum limits on size and weight, an exporter must check with the destination country's allowance
- Shipment tariff is based on the dimensional weight or actual weight, whichever is greater
- Foreign exchange rules and procedures apply to exports as determined by the State Bank of Pakistan².
- The Export Processing Zones Authority (EPZA), Pakistan was established in 1980 with the mandate to plan, develop and operate Export Processing Zones in Pakistan.
- The Government of Pakistan have, by their Notification Nos. I(6)-ECS/48 and I(7)ECS/48 both dated the 1st July, 1948 issued in pursuance of Section 12 of the Act, prohibited the export by post and otherwise than by post, of any goods either directly or indirectly, to any place outside Pakistan, unless a declaration is furnished by the exporter to the Collector of Customs or to such other person as the State Bank, may specify that foreign exchange representing the full export value of the goods has been or will be disposed of in a manner and within a period specified by the State Bank.

¹ Export Policy Order 2016 retrieved from: https://www.commerce.gov.pk/wp-content/uploads/2018/05/EPO_opt.pdf

² Foreign Exchange Rules and Procedure retrieved from: http://www.sbp.org.pk/fe_manual/

d Identification of Export Markets

An exporter cannot trade with the entire world, even the largest businesses with international presence do not engage in export with every country. Exporters should be selective about markets and only cater to those that can give them best results. For this purpose, it is essential that before finalizing a country for export, thorough market research is carried out.



e Export Pricing and Quoting it in Foreign Currencies

It is easy to quote prices in the home country, however, pricing for foreign markets requires an understanding of the relative costs, demand and competition of that market. It is one of the first things that is inquired about with reference to a business.

Many export transactions particularly initial ones, begin with the receipt of an inquiry from abroad, followed by a request for quotation. A quotation describes the product, states a price for it, sets the time of shipment, and specifies the terms of sale and of payment.

A pro forma invoice, which is a quotation prepared in the format of an invoice is the preferred method in the export business. The following points must be followed for preparing an export price list:

- Indicate the currency being quoted
- General Sales Tax should not be included for export sales. Ensure any mention of 'GST included' is removed if using the domestic price list as a template as this confuses buyers
- Even if incoterms are used, when quoting it is recommended to include clear details about what the price includes as some buyers may have incorrect understanding of the terms used. An explanation should be included in the price lists and contracts as well
- The price must remain competitive in that target market
- It should include validity for pricing e.g. when is the price list valid until?
- All costs should be considered including packing, insurance, credit, agent's commission, documentation fee, transportation charges, export duties etc.
- Include any minimum order quantities that are required for placing an order and their prices accordingly
- Item codes make it easier for buyers to place an order and result in less confusion
- Clearly indicate the business name, address and contact details for placing an order or enquiry

i. Financial Plan

The exporter should accept the order which can be fulfilled easily. The business should have the required finances or access to finances for effecting shipment and the capacity to wait till the sale proceeds are received. In this connection, terms of payment play an important role as it should be timed to ensure adequate liquidity for the business.

Many small businesses lack a detailed financial plan. The financial plan describes each of the activities, resources, equipment and materials that are needed to achieve business goals and objectives. The financial plan can refer to the following financial statements and forecasting:



Sales forecasting:

A business should have an estimate of the sales revenue for every month, quarter and year.



Expense outlay:

It includes regular expenses, expected future expenses and associated expenses.



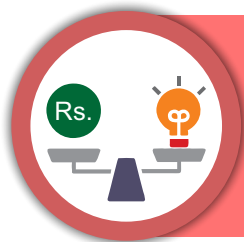
Statement of financial position:

This includes details of a business's assets and liabilities.



Cash flow projection:

A business should predict their cash flow on a monthly, quarterly and annual basis.



Break-even analysis:

The break-even analysis determines what needs to be sold monthly or annually to cover the costs of doing business.



Operations plan:

It is important to understand the roles which are required to operate the business at various volumes of output which will allow the business management to make informed decisions for its growth and efficiency.

The export consignment involves financial outlay for comparatively greater periods of time as compared to local sales. While payment in advance may not be possible, the Letter of Credit (LC) from the buyer/importer is a positive way to improve cash flow situation but then the business can also apply for a pre shipment or post shipment credit from the bank as well. The banker to the export business, which is also going to issue the E form should be consulted for this financing before the export order is being negotiated.

ii. Risk Management

International trade is affected by a range of risks that need to be addressed to ensure smooth operations. These risks include country/political risk, currency exchange risk, credit risk, transport risk, legal risk, risk of fraud, risks related to social and geographical issues. Risk management is the combination of three steps:



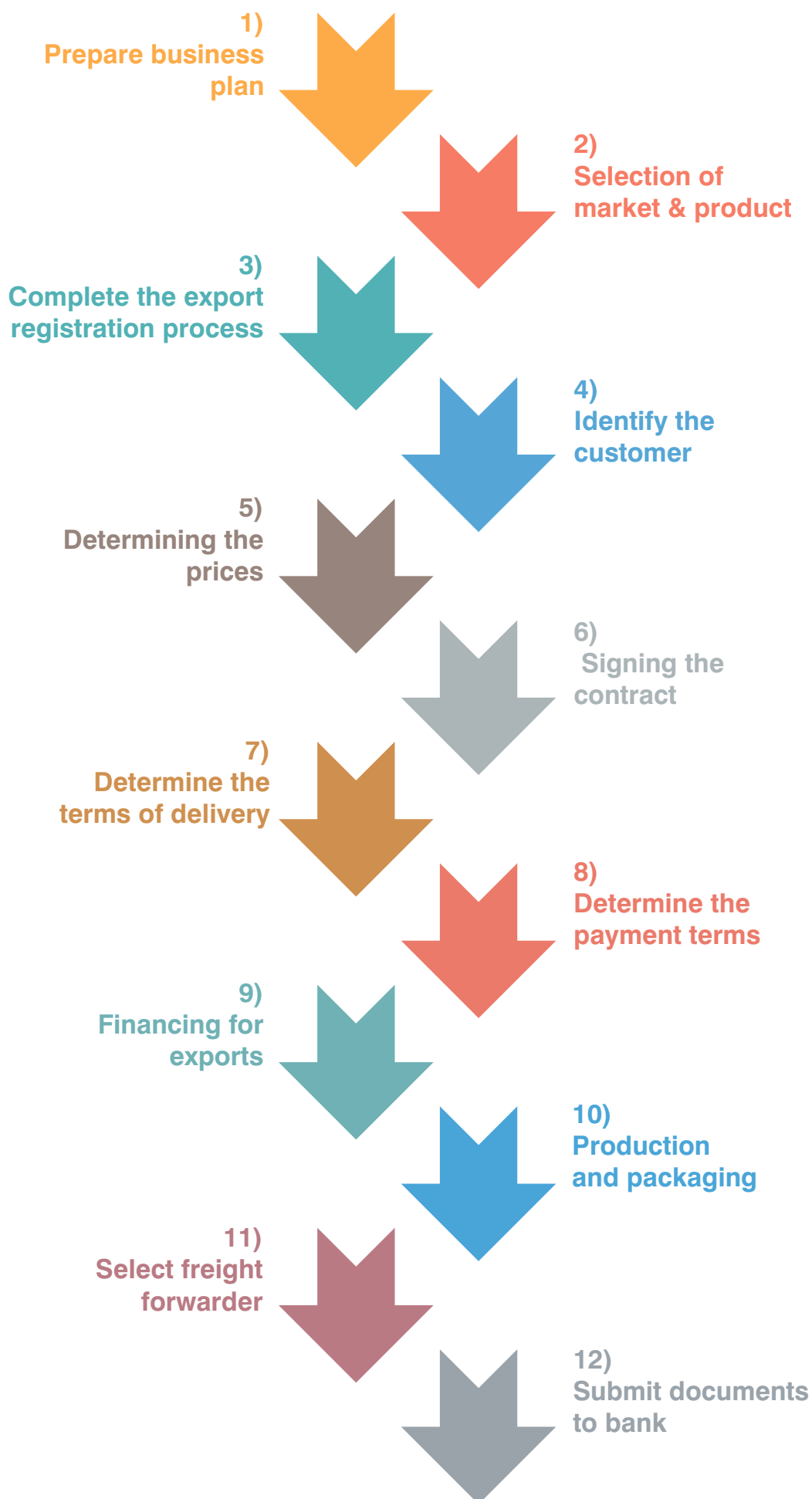
The major issue with financing risk implies that possibilities exist that: (a) a customer will default on payment, and/or (b) the customer's business may fail, and/or (c) there is political or economic volatility. For an exporter company to protect itself against payment default it is sensible, at least initially, to use payment methods which can provide some level of security e.g. irrevocable letters of credit. The exporter can also use credit insurance and currency derivatives (forward, future or options if available).

iii. Risk Management Matrix

Risk type	Ranking	Consequences	Steps to manage or mitigate this risk
Exchange rate risk	Low/ Medium/ High	Many exporters have had their profit margins eroded or have even lost money due to exchange rate fluctuations	Must go for money market hedging, use of derivatives (forward, future or options) or invoicing in home currency
Legal risk	Low/ Medium/ High	Legal action can be taken against the business with subsequent financial claims by customers	Ensure up to date legal advice on liability laws
Default risk	Low/ Medium/ High	Debtors difficult to chase overseas, financial losses	Use pre-payment, an Irrevocable Letter of Credit, credit insurance
Political risk	Low/ Medium/ High	Political instability at the export destination can either disrupt or in some cases prevent completion of export contracts	Political risk insurances are available to help mitigate these risks
Transport risk	Low/ Medium/ High	The goods are stolen, pilfered or damaged while in transit	Commercial marine insurance policies will insure the goods against transport risks
Risk of fraud	Low/ Medium/ High	Trade partner/export customer is not bona fide and turns out to be fraudulent	Undertake business transactions only with reputable parties

STEPS OF RISK MANAGEMENT





Definition

'Incoterms' is the short and quick way of saying International Commercial Terms. First published way back in 1936, they're a set of 11 rules defining who's responsible for what during international transactions.

Commonly Used Incoterms

Incoterms spell out all the tasks, risks and costs involved during the transaction of goods from seller to buyer.

The 3 most common Incoterms

EXW – Ex-Works	DAP – Delivered at Place	DDP – Delivered Duty Paid
<ul style="list-style-type: none"> Buyer assumes almost all costs and risk throughout the shipping process Seller's only job is making sure the buyer can access the goods Once the buyer has access, it's all down to them (including loading the goods) <p>Risk transfers from seller to buyer:</p> <p>At the seller's warehouse, offices or wherever the goods are being collected from</p>	<ul style="list-style-type: none"> Seller covers the costs and risk of transporting goods to an agreed address Goods are classed as delivered when they're at the address and ready to be unloaded Export and import responsibilities are the same as DAT <p>Risk transfers from seller to buyer:</p> <p>When goods are ready for unloading at the agreed address</p>	<ul style="list-style-type: none"> Seller takes almost all responsibility throughout the shipping process These cover all costs and risk of transporting goods to the agreed address Seller also makes sure goods are ready for unloading, fulfils export and import responsibilities and pays any duties <p>Risk transfers from seller to buyer:</p> <p>When goods are ready for unloading at the agreed address</p>

The other Incoterms

CIP – Carriage and Insurance Paid To	DAT – Delivered at Terminal	FCA – Free Carrier
<ul style="list-style-type: none"> Same seller responsibilities as CPT with one difference: the seller also pays for insuring the goods Seller is only obliged to purchase the minimum possible cover If the buyer wants more comprehensive insurance, they must organize it themselves <p>Risk transfers from seller to buyer: When the buyer's carrier receives the goods.</p>	<ul style="list-style-type: none"> Seller is responsible for the costs and risk of delivering the goods to an agreed terminal The terminal could be an airport, warehouse, road or container yard Seller organizes customs clearance and unloads the goods at the terminal Buyer sorts import clearance and any related duties <p>Risk transfers from seller to buyer: At the terminal.</p>	<ul style="list-style-type: none"> It's the seller's job to get the goods to the buyer's carrier at an agreed location Seller is also required to clear goods for export <p>Risk transfers from seller to buyer: When the buyer's carrier receives the goods.</p>
CPT – Carriage Paid To	FAS – Free Alongside Ship	FOB – Free on Board
<ul style="list-style-type: none"> Same seller responsibilities as FCA with one difference: the seller covers delivery costs As with FCA, it's the seller's responsibility to clear goods for export <p>Risk transfers from seller to buyer: When the buyer's carrier receives the goods. EXW – Ex-Works.</p>	<ul style="list-style-type: none"> Seller assumes all costs and risk until goods have been delivered next to the ship Buyer then takes over risk and takes care of export and import clearance <p>Risk transfers from seller to buyer: When goods have been delivered next to the ship.</p>	<ul style="list-style-type: none"> Seller assumes all costs and risk until goods have been delivered on board the ship They also sort out export clearance Buyer assumes all responsibilities as soon as the goods are on board <p>Risk transfers from seller to buyer: When goods have been delivered onto the ship.</p>
CFR – Cost and Freight	CIF – Cost, Insurance and Freight	
<ul style="list-style-type: none"> Seller has the same responsibilities as FOB but must also pay the cost of bringing the goods to the port As with FIB, the buyer assumes all responsibilities as soon as the goods are on board <p>Risk transfers from seller to buyer: When goods are on the ship.</p>	<ul style="list-style-type: none"> Seller has the same obligations as CFR but must also cover insurance costs As with CIF, they're only required to purchase the minimum cover If the buyer requires more comprehensive insurance, they have to pay for it themselves <p>Risk transfers from seller to buyer: When the goods are on the ship.</p>	

1. Introduction <ul style="list-style-type: none"> Company profile Vision and mission statement Purpose of the export plan Short- and medium-term goals Exporting objectives 	6. Logistics <ul style="list-style-type: none"> Modes of transportation Insurance Documentation
2. Company Information <ul style="list-style-type: none"> History Organizational structure - ownership, management and staffing Operations Customer base Industry served 	7. Regulatory Requirements <ul style="list-style-type: none"> Hiring standards Health and safety regulations – food testing and laboratories Environmental regulations Labeling and Packaging requirements Regulatory compliance requirements Inspections Technical standards Certification required and Certifications desired Customs and tariffs Quotas and import restrictions
3. Product Description <ul style="list-style-type: none"> Clear description of product or service (know your product classification code for customs purposes) Manufacturing process Unique and key selling feature(s) Competitive advantages Product adaption and redesign for export Life cycle – replacement/extension strategy Future products 	8. Risk Assessment <ul style="list-style-type: none"> Market analysis Credit/financing arrangements Payment mechanisms & procedures Political conditions in export market Brand protection (patents, trademarks)
4. Identified Target Market Overview <ul style="list-style-type: none"> Market research Size Segments Customer profile and characteristics Purchasing process and Buying criteria Industry trends Current and emerging opportunities Tariff and non-tariff barriers Outlook 	9. Financial Considerations <ul style="list-style-type: none"> Current and projected revenue Cost of goods sold Expenses and expenditures Operating budget Forecasts – sales, income and cash flow Financing strategy – financing needed and sources
5. Market Entry Strategy <ul style="list-style-type: none"> Competitive analysis Pricing strategy Promotional strategy Sales strategy Distribution strategy 	10. Legal Considerations <ul style="list-style-type: none"> Legal systems Corporate law – defining proper law Taxation Technology and e-commerce Intellectual property protection Product liability and Insurance Payment and finance Contracts and agreements Resolution of disputes Public trade, competition and antitrust law

Conclusion



Export business involves selling of locally manufactured products and services in international markets. Export can help a business rapidly expand its potential market. Exports are a crucial component in the economy of a country, and increase in exports mean increase in the production, jobs and revenue. To successfully run an export business, it is important to know its procedure and documentation, legal issues and export strategies.



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