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## India

**Post:** New Delhi

### **Amendments in Food Import Regulation Published and Operationalized**

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

Exporter Guide

Food and Agricultural Import Regulations and Standards - Narrative

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**Report Highlights:**

On May 1, 2018, the Government of India's (GOIs) Food Safety and Standards Authority of India (FSSAI) published the Draft Food Safety and Standards (Import) Amendment Regulations, 2018, and also announced their immediate implementation.

**DISCLAIMER:** The information contained in this report was retrieved from the Food Safety and Standard Authority of India's (FSSAI) website <http://www.fssai.gov.in/>. The Office of Agricultural Affairs, USDA and/or the U.S. Government make no claim of accuracy or authenticity.

## General Information:

The Food Safety and Standards Authority of India (FSSAI) amended Regulation 9 of the Food Safety and Standards (Import) Regulations, 2017 which deal with sampling of imported foods having a shelf-life of less than seven days. The amendments relate to (a) insertion of additional clauses to sub-regulation 3; and (b) requirement of an additional undertaking by the importer in Form '13A' that no part of the food consignment shall be released in the market for sale until the no-objection certificate is issued by the Authorized Officer.

FSSAI, in order to facilitate the ease of doing business and speed up the clearance process for imported food products, has operationalized the above mentioned amendments effective immediately.

The full text of the notification is pasted below and is also available on the website of FSSAI <http://www.fssai.gov.in/>

File No. 1-1715/FSSAI/Imports/2017

**Food Safety and Standards Authority of India**

(A Statutory Authority established under the Food Safety & Standards Act, 2006)

(Regulation division)

**FDA Bhawan, Kotla Road, New Delhi-110 002**

**Dated, the 1<sup>st</sup> May , 2018**

**Subject: Direction under Section 16 (5) of Food Safety and Standards Act, 2006 regarding operationalisation of draft Food Safety and Standards (Import) Amendment Regulations, 2018.**

In exercise of the power conferred under section 92 of the Food Safety and Standards Act 2006, FSSAI has framed draft Food Safety and Standards (Import) Amendment Regulations, 2018 related to issuance of provisional no objection certificates for import of pre-packaged retail food articles.(copy enclosed)

2. The draft regulations are in the process of being notified and the process of draft notification, consideration of comments, if any that may be received thereon and the finalization of these regulations is likely to take some time. Meanwhile, keeping in mind the need to reduce the time taken in the process of clearance of imported food articles so as to facilitate the ease of doing business, it has been decided to operationalise these regulations with immediate effect.

3. This issues with the approval of the competent authority in exercise of the power vested with Food Safety and Standards Authority of India under Section 16(5) of Food Safety and Standards Act, 2006.

  
(Suneeti Toteja)  
Director (Import)

Notice for operationalisation of draft Food Safety and Standards (Import) Amendment  
Regulations, 2018

F.No. 1-1715/FSSAI/Imports/2017.- The Food Safety and Standards Authority of India hereby makes the following regulation operational from 1<sup>st</sup> May, 2018.

Draft Regulations

1. Short title and commencement.- (1) These regulations may be called the Draft Food Safety and Standards (Import) Second Amendment Regulations, 2018.  
(2) They shall come into force on the date of their final publication in the Official Gazette.
2. In the Food Safety and Standards (Import) Regulations, 2017,-
  - (1). in regulation 9, after the sub-regulation (3), the following shall be inserted, namely:-

“(3a) In case of imported pre-packaged retail food article , the Authorized Officer after successful completion of visual inspection and sampling, may issue a provisional no objection certificate to move the food consignment to a well equipped storage facility.

(3b) For the purpose of sub-regulation (3a), the Authorized Officer shall take a declaration from importer in Form ‘13 A’ and importer shall sell such pre-packaged food article only after the issuance of no objection certificate by the Authorized Officer.”

- (2). after Form ‘13’, the following Form shall be inserted, namely:-

**FORM -13A**

[See Regulation 9 (3b)]

**Declaration regarding issue of provisional no objection certificate for imported  
pre-packaged retail food consignment**

(To be printed on the Letterhead of the FBO/Importer/Company)

To  
The Authorised Officer, FSSAI  
<Port of Import>

Dear Sir,

I/We,..... resident of..... [as Proprietor/ Partner/ Managing Director/ Director/ Authorised Signatory] of M/s.....are importer of..... <Name of Food Items>..... in the consignment imported vide .....<Bill of Entry>.....dated.....at .....<Port location>....., request,you to issue provisional NOC for the same.

I/We hereby undertake to comply with the following terms and conditions on behalf of the importing firm/company as under: -

- (i) The entire consignment under above mentioned Bill of Entry will be retained in a storage facility at ....<address of warehouse>.....and no part of the consignment shall be released into the market prior to issuance of no objection certificate;
- (ii) Both Customs and Food Safety and Standards Authority of India have the right to inspect the said storage facility at any time to ensure that the consignment is held securely till the no objection certificate is provided by Food Safety and Standards Authority of India ;
- (iii) In the event of non-compliance of any rules, regulations made under FSS Act, I/We shall be fully responsible to move the cargo back to Customs jurisdiction and comply with all the norms for destruction/ re-export as may be decided by the competent Authority;
- (iv) In case of non-compliance of any of the above norms, I/We will not be eligible to avail of the above mentioned facility in future. Besides, I/We will be liable for contravention of the Food Safety and Standards Act, 2006 and rules & regulations made there under.

	Signatures of the Importer with Stamp/ Seal
	Name:
Place:	Address:
Date:	Contact Nos: