

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY  
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT  
POLICY

Voluntary  Public

**Date:** 1/29/2016

**GAIN Report Number:** IN6017

## India

**Post:** New Delhi

### 2016 Food Import Regulations

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

Food Processing Ingredients

Exporter Guide

Food and Agricultural Import Regulations and  
Standards - Narrative

**Approved By:**

Jonn Slette

**Prepared By:**

Radha Mani

**Report Highlights:**

On January 14, 2016, the Government of India's (GOI) Food Safety and Standards Authority of India (FSSAI) published the Food Import Regulations, 2016. FSSAI implemented these new regulations immediately upon publication.

## **Executive Summary:**

On January 14, 2016, FSSAI published the Food Import Regulations, 2016, and proceeded to immediately implement the regulations. The import regulations provide an updated set of guidelines, and builds on a similar draft document which was circulated for comment on July 23, 2013. Those parties which reviewed the 2013 draft also review the 2016 regulations, including the forms and schedules near the document's end, as this section contains a number of revisions.

## **General Information:**

**DISCLAIMER:** The information contained in this report was retrieved from the Government of India website <http://www.fssai.gov.in/>. The U.S. Government makes no claim of accuracy or authenticity.

## **Introduction:**

On January 14, 2016, FSSAI published its Food Import Regulations, 2016, on its website and implemented it with immediate effect. A similar draft document was published for comments in July, 2013. A side-by-side comparison of the two documents reveals a number of revisions. The contents of the Food Import Regulations, 2016, are given below along with major highlights of the document. Interested parties may wish to review the [July 23, 2013](#) draft document and the [January 14, 2016](#) as to note specific revisions, including the forms and schedules at the end of the documents. The highlights noted below should not be considered a complete listing of the changes from the 2013 document and should not be substituted for a complete reading of the Food Import Regulations, 2016.

The lists of contents are as follows:

- 1.0 Preliminary
  - (i) Short Title and Commencement
  - (ii) Definitions
- 2.0 Licensing of Food Importers/Food Business Operators (FBOs)
  - (i) Licensing from the Central Licensing Authority and 60% Shelf life at the Time of Clearance from Customs
  - (ii) Registration of Importer with the Directorate General of Foreign Trade, Ministry of Commerce
  - (iii) Suspension or Cancellation of License
- 3.0 Documentation for Imports and Customs House Agents (CHA)
- 4.0 Clearance of imported food by the Food Authority
  - (i) Necessary documentation work by the Food Importer;
  - (ii) Presence at the Customs area and facilitate visual inspection, collection of samples
  - (iii) Compliance with standards for packaging and labeling Regulations
  - (iv) Special dispensation on labeling i.e., rectifiable labeling deficiencies
- 5.0 Food Import Clearance for Specific Purposes such as food imported
  - (i) By diplomatic missions
  - (ii) For research and development
  - (iii) For exhibition and tasting
  - (iv) For international sports/events

- 6.0 Storage, Inspection and Sampling of Imported Food
  - 7.0 Laboratory – Analysis of Samples of Imported Food
  - 8.0 Scheme for Risk based Food Import Clearance
    - (i) Risk Based Framework
    - (ii) Agreement with Exporting Countries
    - (iii) Alerts
  - 9.0 Prohibition and Restrictions on Food Imports
  - 10.0 Officers of the Food Authority
  - 11.0 Orders by the Authorized Officer such as no-objection certificate, non-compliance report, and mandatory destruction order
  - 12.0 Review process that includes reviewable orders, format of review application and limitation, procedure of review
  - 13.0 Disposal of rejected food consignments and food samples
  - 14.0 Treatment of Un-cleared and Un-claimed food
- Format for Schedules 1 to 16

### **Major Highlights:**

#### **1. Licensing of Food importers/Food Business Operators (FBOs)**

In addition to the FBO license requirement for food importers, importers shall now also register with the Directorate General of Foreign Trade (DGFT), and possess a valid import-export code.

#### **2. Compliance on the shelf-life of the products**

If an imported food item reflects a shelf-life with less than seven days, the authorized officer, as per Schedule II, shall sample the product(s) and issue provisional no-objection certificate (NOC) to the Customs Authority, without waiting for the analysis report from the laboratory. The lab analysis will be communicated to Customs along with the NOC if products conform to the standards. In case of non-conformity of the sample, the authorized officer will immediately inform the importer/CHA to recall the consignment and submit a compliance report within 24 hours to FSSAI. Once this step occurs, FSSAI will issue alerts to officials at ports of entry to watch for the product in question and similar products manufactured by the same company.

#### **3. Risk-Based Food Import Clearance**

FSSAI may adopt a risk-based framework and risk-based inspection process for clearing imported food products. To better achieve this, FSSAI intends to collect data and create a database of various food importers, CHAs, imported food products, manufacturers, countries of origin, source-countries of consignment, ports of entry, compliance history, and any other parameters to better determine product risk. It is also proposed by FSSAI to introduce the Pre-Arrival Document Review (PADR) for regulating the imports. The risk-based criteria, once operational, will improvise the sampling procedure.

#### **4. Agreement with Exporting Countries**

FSSAI in consultation with the Ministry of Commerce and Industries may enter into Memorandum of Agreement with relevant agencies in exporting countries, on reciprocal basis, to facilitate accelerated clearance of food imports from such countries. This may also include identification of laboratories in exporting countries for prior testing of food samples before they are imported into India.

### **5. Suspension or cancellation of license**

In the Food Import Regulations, 2016, any license that has been cancelled by the Licensing Authority under the Act, may be reconsidered with seven days of an application made by the importer for a license, if the suspension, revocation or cancellation of the importers certificate of Importer-Exporter Code granted by the DGFT has been withdrawn or set aside or a fresh certificate has been issued by the DGFT.

The entire text of the [Food Import Regulations, 2016](http://www.fssai.gov.in/), can also be accessed from the FSSAI website <http://www.fssai.gov.in/>