

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

Required Report - public distribution

Date: 12/27/2013

GAIN Report Number: IN3161

India

Food and Agricultural Import Regulations and Standards - Certification

FAIRS Export Certificate Report

Approved By:

Allan Mustard

Prepared By:

FAS New Delhi staff

Report Highlights:

In 2013 the Ministry of Health's Food Safety and Standards Regulations, 2011 were fully implemented and enforced. In addition, the Ministry of Agriculture issued the following additional guidelines: proposed pome fruit phytosanitary requirements; market access for U.S. walnuts; sanitary import permits not applicable to human hair; import permit requirements for animal based products or feed containing animal-based material; and revised guidelines for trade in bovine germplasm.

Section I. List of All Export Certificates Required By Government (Matrix) :

Disclaimer

This report was prepared by U.S. Embassy New Delhi's Office of Agricultural Affairs (OAA) to serve as reference guide for stakeholders wishing to export food and agricultural products to India. While the OAA makes every effort to accurately describe existing regulations, exporters are strongly advised to always verify import requirements with their customers prior to shipment. THIS REPORT HAS NOT BEEN OFFICIALLY ENDORSED BY THE GOVERNMENT OF INDIA (GOI). IMPORT APPROVAL FOR ANY PRODUCT IS SUBJECT TO LOCAL RULES AND REGULATIONS AS INTERPRETED BY INDIAN BORDER OFFICIALS AT THE TIME OF ENTRY.

SECTION I: LIST OF REQUIRED EXPORT CERTIFICATES

| Products | Title of Certificate | Attestation required on Certificate | Purpose | Requesting Ministry |
|-----------------------------|----------------------------------|---|---|---------------------------------|
| Plants and Plant Products | Phytosanitary Health Certificate | Both special conditions and additional declarations per the specific conditions mentioned in the import permit. | To prevent the introduction of exotic pests and diseases. | Ministry of Agriculture (MinAg) |
| Animals and Animal Products | Sanitary Health Certificate | Additional declarations per the specific conditions mentioned in the import permit. | To prevent the introduction of exotic pests and diseases, and minimize human health risks due to microbial or chemical contamination. | MinAg |

Notes:

- For conditions imposed on specific plant products, please refer to the Plant Quarantine Order 2003 (Regulation of Imports into India), as amended: www.plantquarantineindia.org/PQO_amendments.htm.
- For conditions imposed on specific animal products, please refer to the MinAg's Department of Animal Husbandry, Dairying and Fisheries (DADF) website: <http://dahd.nic.in/>.
- In February 2011, the MinAg's Directorate of Plant Protection, Quarantine and Storage unveiled the new online Plant Quarantine Information System (PQIS). The PQIS is designed to facilitate the application process for import permits and import release orders. Exporters are now able to apply on line for phytosanitary certificates. For further details, please refer to GAIN Report [India Launches Online Plant Quarantine Information System](#).
- On January 3, 2012, the MinAg issued a draft notification proposing additional phytosanitary

requirements for the import of pome fruits from various countries, including the United States (see GAIN Report [Comment Period Extended for Import of Pome Fruits Draft Notification](#) for details). This is yet to be implemented.

- On May 28, 2013, the MinAg released a notification amending Schedule VI of the Plant Quarantine Order, 2003 (the regulation for importing plant material into India), allowing import of walnuts (*Juglans spp.*) from the United States. (GAIN Report [India Allows Import of U.S. Walnuts](#)).
- On July 24, 2013, the GOI updated the [DGFT Import Policy 2012](#) to reflect minor changes in Chapters 5 and 23 of the Harmonized Tariff Schedule (HTS). Policy Condition 4, Chapter 5 notes that a Sanitary Import Permit shall not be applicable to human hair. Policy Condition 1, Chapter 23 now specifies that import permits are required for imported items of animal origin or animal feed products which contain materials of animal origin under IT(HS) Code 2309 'Preparations of a Kind Used in Animal Feeding'. For further details, please refer to [IN3102](#).
- DADF revised quality guidelines for trade in bovine germplasm. Some industry sources believe the new guidelines are less restrictive, but it remains unclear if the revisions will result in increased imports due to myriad other requirements imposed by various Indian states. DADF's new guidelines are currently fully implemented, although the guidelines have not been notified to the World Trade Organization (WTO). Previous iterations were published in February 2011 and March 2013. For further details, please refer to [IN3154](#).

Import procedures for specific livestock products are available in the Trade Section of DADF's website at <http://dahd.nic.in/>. These include the following:

[Procedure for import of Livestock products into India](#)

[Sanitary conditions/Health Protocols for various products](#)

[Guideline for Import/Export of Bovine Germplasm](#)

[Pro forma for submitting proposals for introduction of live Aquatic Organisms Import Health certificate for import of Dog into India](#)

[Animal health certificate for import of in vivo bovine embryo in to India](#)

[Veterinary certificate for import of skin/hides into India Procedure for import of Dairy Items](#)

[Veterinary certificate for import of milk and milk products](#)

[Veterinary Certificate for Import of Canine Semen into India](#)

[Veterinary Certificate for Import of Equine Semen into India](#)

[Veterinary Certificate for Import of Ovine/Caprine Semen into India](#)

[Animal Health Certificate for Import of Porcine Semen into India](#)

[Veterinary Certificate for Import of Bovine serum into India](#)

[Animal Health requirements for conformity assessment on import of processed poultry meat and meat products into India from the Avian Influenza positive countries](#)

Processed Food Products

India does not currently require specific import certificates for processed food products. However,

meat and livestock products do require export certificates from the country of origin. On August 5, 2011, India began formally to enforce the Food Safety and Standards Regulations (FSSR), 2011. The new food law is administered by the Food Safety and Standards Authority of India (FSSAI), which oversees implementation of the [Food Safety and Standards \(FSS\) Act, 2006](#). Accordingly, all imported processed food and beverage products must meet the requirements established by the FSSR, 2011. For further information, please refer to GAIN Report IN1174 - [India Enforces the New Food Safety Law](#).

Note: The implementation of the 2006 FSS Act formally repeals the regulatory framework previously established under the [Prevention of Food Adulteration Act \(PFA\)1954](#), the [Fruit Products Order, 1955](#), the [Meat Food Products Order, 1973](#), the [Vegetable Oil Products \(Regulation\) Order, 1998](#), the [Edible Oils Packaging \(Regulation\) Order 1988](#), the [Solvent Extracted Oil, De-Oiled Meal and Edible Flour \(Control\) Order, 1967](#), and the [Milk and Milk Products Order, 1992](#), and [Essential Commodities Act, 1955](#). The 2006 FSS Act does not eliminate the various provisions of the concerned acts and orders, per se, but rather combines them under a single authority (the FSSAI) with minor revisions, and adds additional key provisions to strengthen implementation.

All processed food products must also meet requirements established by the [Legal Metrology Act, 2009](#), the [Legal Metrology \(Packaged Commodities\) Rules, 2011](#), **previously known as the Standards of Weights and Measures Act, 1976** and the Standards of Weights and Measures (Packaged Commodities) Rule, 1977. Imported food products such as milk powder, condensed milk, and infant food must also comply with specific Indian quality standards (<http://bis.org.in/cert/man.htm>). For further details, please refer to GAIN Reports [IN2038](#), [IN2045](#), [IN2077](#), and [IN2078](#).

- On June 11, the GOI's Ministry of Commerce and Industry (MOCI) amended the [DGFT Import Policy 2012](#) and broadened the number of HTS chapters for which a certificate complying with the MinAg's livestock import requirements will be required. The chapters now include dairy and other livestock products covered in chapters 2, 3, 4, 5, 16, and 21. The new policies specified in the amended notification require that all imported livestock products shall require a sanitary import permit issued by the MinAg's DADF. The chapters including lactose (Chapter 17) and some proteins (Chapter 35) are, however, not included in the amendment ([IN3071](#) and [IN3086](#)).
- On June 6, 2013, the GOI's Department of Consumer Affairs published a notification in the Gazette of India, amending the [Legal Metrology \(Packaged Commodities\) Rules, 2011](#). The legal metrology rules have been amended, such that permissible units of weight, measure or number of specific products and product groups have been expanded, i.e., the list of quantities in which products may be packed is now broader ([IN3067](#)).

Foods with Genetically Modified (GM) Ingredients

- On April 7, 2006, the MOCI's DGFT announced amendments to the Foreign Trade Policy (2004-2009) regulations, which includes new requirements on imports of GM foods, food

additives, or any food products that contains GM ingredients. The DGFT mandates that importers of GM food and ingredients must submit a declaration stating that the imported consignment contains genetically modified products. The importer has to provide a reference to prior approval by India's Genetic Engineering Appraisal Committee (GEAC), indicating specific authorization number and date of the specified GM event in consignment declaration. There is no official prescribed format for this declaration. Importers can be prosecuted for failure to properly declare a GM product. Currently, the only biotech food product officially allowed for import is soybean oil derived from glyphosate-resistant soybeans, which was approved by the GEAC on June 22, 2007. For more information on India's biotech import policy, please see [IN3083](#), "Agricultural Biotechnology Annual 2013". Also, please refer to notification [Number 2\(RE-2006\)/2004-2009](#) from the MOCI and the related GAIN Report [IN6030](#), "[Foreign Trade Policy Amendment Makes GMO Declaration Mandatory for Imported Food Products](#)".

- On January 1, 2013, the Ministry of Consumer Affairs, Food and Public Distribution, formally implemented the Legal metrology (Packaged Commodities) Amendment Rules, 2012 as published in the Indian Official Gazette Notification No. G.S.R. 427(E), which stipulates that every package containing food derived from products of biotechnology shall bear at the top of its principal display panel the letters "GM" (GAIN Report [IN3003](#))

Section II. Purpose of Specific Export Certificate(s)

Imports of plants and plant products must receive an import permit issued by the MinAg's Department of Agriculture and Cooperation, as per the conditions of the Plant Quarantine (Regulation of Imports into India) Order (PQO) 2003, as amended. An importer must apply for an import permit and submit it to the exporter, who in turn acquires the required phytosanitary certificate from the relevant exporting country authority. The relevant authority in the country of export issues the phytosanitary certificate based on the specific conditions stated in the import permit.

Imports of animals and animal products (including meat and meat products) are subject to a "Sanitary Import Permit" issued by the MinAg's DADF, per the conditions of the Livestock Importation Act, 1898, as amended. The relevant authority in the country of export must issue a sanitary certificate based on the specific conditions as stated on the import permit.

There are several key trade restrictions that limit market access for U.S. food products. Imports of most animal and livestock-derived food products are effectively banned because of established Indian import requirements. This includes dairy products classified in Chapter 4 of the Harmonized Tariff Schedule, poultry meat, lamb and mutton, seafood, goat and pork products including pet foods. Imports of beef are banned due to religious concerns. Imports of alcoholic beverages are constrained by high import tariffs, state and local taxes, state-level labeling requirements, and a complex licensing system for distribution and sales.

Section III. Specific Attestations Required on Export Certificate(s)

The attestations for both of the above mentioned export certificates must meet all the specific conditions, which vary from commodity to commodity, and can also change over time.

Section IV. Government Certificate's Legal Entry Requirements

Original export certificates must accompany each individual export consignment at the time of entry into India. The GOI does not accept export self-declarations by suppliers or manufacturers as proof of compliance. However, in certain cases, the GOI may allow export certificates containing additional declarations on the import permit by organizations accredited by the government of the exporting country. The government of the exporting country must petition the MinAg to get this special approval.

Section V. Other Certification/Accreditation Requirements

A certificate of origin issued by the relevant authority of the exporting country's government, state government, industry association, or manufacturer/supplier should accompany the export consignment of all food and agricultural products, including processed and packaged food. This certificate should mention the order number, container number, port of discharge, buyer's name, and product description, in addition to a declaration along the following lines:

The undersigned for (relevant organization) declares that the following mentioned goods as consigned above (or below) are products from the United States (or any country of origin). We hereby certify the goods to be of U.S. (or any country) origin.