MINISTRY OF HEALTH AND FAMILY WELFARE

(Food Safety and Standards Authority of India)

NOTIFICATION

New Delhi, the 17th May, 2013

F. No. 1/2008/Import Safety/FSSAI:—The following draft Food Safety and Standards (Food Import) Regulations, 2012 which the Food Safety and Standards Authority of India (FSSAI) proposes to make, in exercise of the powers conferred by section 92 of the Food Safety and Standards Act, 2006 (34 of 2006), is hereby pre-published for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft regulations shall be taken into consideration after the expiry of a period of thirty days from the date on which copies of the Gazette of India in which this notification is published are made available to the public;

Objections or suggestions, if any, may be addressed to the Chief Executive Officer,Food Safety and Standards Authority of India, FDA Bhavan, Kotla Road, New Delhi-110002

Any objections or suggestions, which may be received from any person with respect to the said draft regulations before the expiry of the period specified, will be considered by the Food Authority.

DRAFT REGULATION

FOOD SAFETY AND STANDARDS (FOOD IMPORT) REGULATIONS, 2012

CHAPTER - I

PRELIMINARY

1. **Short titleand commencement.**—(1) These regulations may be called the Food Safety and Standards (Food Import) Regulations, 2012.

(2) They shall come into force from such date as may be notified by the Food Authority by publication in the Official Gazette.

2. **Definitions.**—(1) In these regulations, unless the context otherwise requires,—

a) "Accredited Food Importer" means a Food Importer so declared by Food Authorityunder these regulations;

b) "Act" means the Food Safety and Standards Act, 2006;

c) "Bill of Entry" means the Bill of Entry filed by Importer under the provisions of Customs Act, 1962;

d) "Custom House Agent (CHA)" means a person licensed under Customs House Agents Licensing Regulations, 2004 to act as agent for the transaction of any business relating to the entry or departure of conveyances or the import or export of goods at any Customs Station;

e) "Customs Area" means the notified area of a customs station and includes any area in which imported goods or export goods are ordinarily kept before clearance by the Customs Authorities;

f) "Food Authority" means the Food Safety and Standards Authority of India (FSSAI) established under the Food Safety and Standards Act, 2006 as a statutory body;

g) "FSS Rules" means the Food Safety and Standards&Rules, 2011 ;

h) "Food Importer" means a person importing or desirous of importing articles of food into India, who is duly licensed as a Food Importer under the relevant Food Safety and Standards Regulations;

i) "Inspection Fee"means the fee levied by FSSAI towards direct and indirect cost involved in Inspection Service activities such as examination of pre-arrival documentation, visual inspection, sampling and disposal of application submitted by a Food Importer for Clearance of Food Imports;

j) "Laboratory analysis fee" is the fee payable towards the testing of Food Samples as per FSS (Laboratory Analysis andSampling) Regulations, 2011 and Laboratory Analysis Report per sample of food analyzed as specified and reviewed by Food Authority from time to time;

k) "Licensing Authority" means the Central Licensing Authority as defined in the relevant Food Safety and Standards Regulations;

l) "No Objection Certificate (NOC)" means a certificate or report issued by the Authorised Officer or any other officer specially designated for the purpose, to the Customs in a manner as prescribed by the Food Authority;

m) "Notified laboratory" means any of the laboratories notified by the Food Authority under sub-sections (1) and (2) of section 43 of the Act and notified pursuant to the FSS(Laboratory and sampling) Regulations, 2011;

n) "Packing list" means the itemized list of articles included in each shipping giving the quantity, description, and weight of the individual articles;

o) "Point of import" means any Customs barrier, either land, sea or air through which food is imported into the country;

p) "Pre Arrival Document Review (PADR)" means the pre arrival examination of declarations and documents, in respect of the particular food article intended for Import;

q) "Rejection Report" means a report issued by the Authorised Officer or any other officer specially designated for the purpose, to the Customs in a manner as specified by the Food Authority stating that the imported food article is not in conformance to FSS Act, the FSS Rules and the FSS Regulations;

r) "Review application fee" means the fee levied by FSSAI towards disposal of review application submitted by Food Importer against the order of Authorised Officer pertaining to clearance of Food Imports;

s) "Review Officer" means an officer so designated by the Food Authority to review orders passed under these regulations by the Authorised Officer;

t) "Shelf Life" means

(a) for primary food and food items not covered by (sub clause b), the period until which the food article is safe for human consumption;

(b) forprocessed or packaged food, the time period between the date of manufacture and the "use by date" or "expiry date" or "best before date" whichever is printed on the label;

(u) "Stuffing list" means a list containing the description of the food articles, and the actual physical arrangement of such food articles inside the container or cartons or pallets or skids, furnished by the Food Importer or his Agent, for the purpose of inspection and collection of samples;

(v) "Transit Countries List" means the list of countries where the ship carrying the food had docked if the transit was through sea, or where the aircraft carrying the food articles had landed or the countries through which the import consignment had passed if transit was through land;

(w) "Unclaimed food" means the imported food where Food Importer does not file Bill of Entry or does not claim the food within the time specified by Customs;

(x) "Uncleared food" means the imported food where the Food Importer does not clear the food within the validity period specified in the No Objection Certificate issued by Food Authority;

(y) "Vigilance Officer" means an officer so designated by the Food Authority to carry out vigilance function pertaining to food import clearance process;

(2) The words and expressions used in these regulations and not defined, but defined in the Act shall have the same meanings respectively assigned to them in the Act.

CHAPTER II

OFFICERS OF THE FOOD AUTHORITY

3. **Authorised Officer.**—. The Chief Executive Officer of Food Authority in his capacity of Food Safety Commissioner shall, by notification, appoint such persons as he thinks fit, as Authorised Officer for as many Points of Entry as the Food Authority may deem necessary, for the purpose of performing functions under the Act, the rules and the regulations.

4. **Qualifications of the Authorised Officer.**—The Authorised Officer shall have the same qualifications as of Food Safety Officer defined in the FSS Rules or such additional qualification as may be specified by the Food Authority;

Provided that on the date of commencement of these regulations, aperson who has already been appointed as Port Health Officer under the provision of Food Adulteration Act 1954, may perform the duties of the Authorized Officer, if notified by the Central Government, if the Officer fulfills such conditions as may be specified for the post of Authorized Officer.

5. **Powers and duties of the Authorised Officer.**—

(1) The Authorised Officer shall have the following powers and duties to ensure that the imported articles of food meet the safety standards prescribed under the Act and the FSS Regulations.

(2) The Authorised Officer shall perform the following duties, namely:-

a) to carry out inspection of imported food, draw samples of the imported food and transport the same for analysis in appropriate manner wherever required;

b) to re-seal any package opened for drawl of samples and certify that the same had been opened and sealed by the Food Authority;

c) to send the samples to a Food Analyst of a notified laboratory for analysis and receive the lab analysis report;

d) to issue No objection Certificate or Rejection report to the Customs;

e) to maintain database of Food Importers within the jurisdiction of the Point of Import assigned to him in the format specified by the Food Authority;

f) to maintain a record of all inspections made and action taken by him in the performance of his duties including the drawlof samples, lab analysis reports received, issue of No objection Certificates, issue of Rejection Report, for food imports within the jurisdiction of Point of entry assigned to him, and to submit copies of such records to the Food Authority;

g) to make such enquiries and inspections as may be necessary to detect the import of food in contravention of the Act or the Food Safety and Standards Rulesand Food Safety and Standards Regulations notified from time to time;

h) to recommend destruction or re-export of imported food with necessary conditions as he may deem fit;

i) to recommend to Customs to allow for re-processing within the customs area for those articles of primary food which have exceeded the permissible limits on extraneous matter:

   a) Provided that the Importer submits an undertaking to achieve the permissible limit through re-processing; and

   b) Provided further that the necessary infrastructure and equipment is available within the Customs Area;

j) to mandate additional tests on samples of imported food on visual inspection, risk potential and advisories released from time to time by the Food Authority;

k) to inform the laboratory immediately on receipt of advance notice of arrival of food imports from the Food Importer;

l) to ensure that notified laboratories maintain lab analysis records in the format prescribed by the Food Authority;

m) to report to the concerned Licensing Authority on any violation of any licensing conditions by Food Importers.;

n) to inform the Food Authority of any new variety of food or food ingredients, previously unknown hazards or any other technical difficulties;

o) to present all the related facts and documents before the Review Officer during the hearing of a review application filed by a Food Importer;

p) to facilitate collection of samples of food imports as sought by the Vigilance Officer of the Food Authority for vigilance;

q) to seek data or information on food Imports from the Customs

r) to store the counter samples in appropriate conditions so that they are fit for analysis in case of re-test appeal or to return to the Food Importer or his Agent as appropriate;

s) the Authorised Officer shall have the powers to take photographs of any food consignment;

t) to carry out any other duties assigned by the Food Authority from time to time;

CHAPTER III

LICENSING OF FOOD IMPORTERS

6. **Licensing of Food Importers**(1) Any person engaged in import of food, other than through personal baggage for gifts or for bonafide medicinal use not exceeding the quantities necessary for direct utilization by the persons concerned, shall obtain License from the Central Licensing Authority in conformance with the procedure laid down in Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011:

Provided that the value of such food imports through personal baggage does not exceed the monetary limits assigned by the Central Board of Excise and Customs.

Provided further that the value of such bona fide gifts imported by post or as air-freight does not exceed the monetary limits assigned by the Central Board of Excise and Customs

(2) In addition to the criteria mentionedinthe Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, the person shall also fulfill the following criteria, namely:-

(a) the Food Importer shall be registered with Directorate General of Foreign Trade (DGFT) and possess valid Import-Export Code;

(b) the applicant shall submit information on form B of FSS (Licensing and Registration of Food Businesses) Regulations, 2011 or through online and furnish copies of documents listed in the Schedule 2 to the Licensing Authority

(3) Upon receipt of the complete application for license along with all documents and requisite fees, the Licensing Authority shall, if satisfied, issue a License to the applicant as a Food Business Operator-Food Importer in the Format specified by the Food Authority.

(4) The Food Importer shall ensure that all conditions of license as given in Schedule-2 are complied with at all times.

7. **Processing of Application for License**—the processing of application for license by the Food Importer shall be governed by the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011.

8. **Validity and Renewal of License**— unless notified otherwise, the validity and Renewal of License shall be governed by the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011.

9. **Suspension or cancellation of License Certificate.**—(1) The Licensing Authority may suspend or cancel Food Importer license granted under the regulations;

(a) if there is a sufficient ground to believe that the Food Importer has failed to comply with the conditions of his license; or

(b) if there is sufficient ground to believe that the Food Importer on several occasions has attempted to import unsafe food or food from prohibited sources directly or indirectly, including re-channeling, re-packing etc.

(c) if there is sufficient evidence that the Food Importer did not comply with the undertaking of intended 'end-use'.

(2) The suspension or cancellation of any license granted by the Directorate General of Foreign Trade (DGFT) for the purpose of import, or revocation or suspension of the Importer-Exporter Code, shall result in automatic and immediate suspension or cancellation of any license granted under these regulations.

(3) The Food Importer shall be duty bound to intimate any such suspension or cancellation of any license granted by the Directorate General of Foreign Trade (DGFT) or revocation or suspension of the Importer-Exporter Code to the Authorised Officer within three days from the date of such order of suspension, revocation or cancellation.

(4) Any change in the information provided by the importer in the Importer Applicant detailsthrough Form B of FSS (Licensing and Registration of Food businesses) Regulations, 2011 or through online should be informed to the Authorised Officer within a week of such change and any failure to do so may result in suspension or revocation of food importer license.

(5) The process of suspension and cancellation of food importer license shall be governed by Food Safety and Standards (Licensing and Registration of Food businesses) Regulations, 2011

10. **Transfer of license certificate in case of death, dissolution of partnership or winding-up of company.**—(1) Unless notified otherwise, the transfer of license in case of death is to be governed as perthe Food Safety and Standards (Licensing and Registration of Food businesses) Regulations, 2011.

(2) A license granted to a partnership firm, a company or any other association of persons shall be non-transferable and it shall not devolve by operation of law or in any other manner to any other person.

(3) A successor-in-interest in such new entity shall have to apply afresh for a new license.

11. **Returns** .—(1) Every Food Importer shall, on or before the thirty-first day of May of each year, submit an annual return, in the manner as may be prescribed by Food Authority, in Form D-1 of FSS (Licensing and Registration of Food businesses) Regulation, 2011 to the Licensing Authority in respect of each class of food articles imported by him during the previous financial year.

(2) Any delay in filing return shall attract a penalty of one hundred rupees per day of delay.

CHAPTER IV

PROHIBITION AND REGULATION OF IMPORTS

12. **Power of the Food Authority to issue orders for regulation and prohibition of specific food imports.**—

(1) The Food Authority may prohibit, restrict or otherwise regulate, in all cases or in specified classes of cases and subject to such exceptions, if any, as may be made by the Authority, the import of specific food or food from specific sources.

(2) The Food Authority shall have the power to ensure that all Genetically Modified food may be subject to such further and other requirements as the respective agencies of Government may specify from time to time.

(3) The Food Authority may notify for regulating food imports through personal baggage and unaccompanied baggage, by limiting, by value or quantity or both, the food articles which can be so imported duly taking into account the passenger facilitation.

(4) The Food Authority shall from time to time review the list ofprohibitedfood articles for import.

(5) The Food Authority may issue circulars orinstructionsas deemed necessary for ensuring safety of Food imported into India.

13. **Storage facilities for Food Imports** — (1) The Port Authorities and Custodians of freight stations shall ensure adequate and conducive storage infrastructure meeting the specified food safety standards for safe storage of various types of imported food consignments in the Customs area till the imported food article is cleared by the Customs.

(2) The Port Authority may accordingly consider setting up 'Exclusive' Container Freight Stations for storage of Imported Food.

14. **Channelization of food imports** - The Food Authority shall publish an indicative list of Points of Import into the country, and the infrastructure capability of such Points of Import to handle the import from the perspective of storage and laboratory testing facilities available for various kinds of food articles for the benefit of the Food Importers to channelize the imports accordingly.

15. **Continuance of existing orders** — All orders issued under the Prevention of Food Adulteration Act 1954, and in force immediately before the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, continue to be in force and shall be deemed to have been made under this Act.

16. **Food Importers to be bound by directions or order**— (1) Every Food Importer to whom any direction or order is issued in pursuance of any provisions of these regulations shall be bound to comply with such directions or order and any failure on the part of the Food Importer to comply with such direction or order shall amount to a contravention of the provisions of these regulations and the Act.

(2) All imported food released into Indian markets shall be bound to comply with the Food Safety and Standards Regulations, 2011.

17. **Annual Report on Food Imports**— (1) The Food Authority shall publish a report annually on the food imports allowed into the country

(2) The Customs, Port Authorities or any other agency involved in the clearance, rejection, auction or destruction of imported food articles in the Customs area shall provide all such statistics to the Food Authority on periodic basis.

CHAPTER V

FOOD INSPECTION PRIORITIZATION BASED ON RISK

18. **Ris k Based Framework**-(1) The Food Authority as deemed necessary, shall adopt a risk-based framework and risk based inspection process for clearance of Imported Food Articles based on the potential hazards of various food categories to assess the safety of food imports.

(2) The risk classification for food articles are listed in Schedule I.

19. **Periodic Review**-(1) The Food Authority shall from time to time review the risks posed by different food imports and classify them in different risk categories.

20. **Alerts** -(1) The Food Authority from time to time may issue Food Alert notifications (including time bound prohibited foods) or recalls based on the risk associated with the food article.

(2)The Alert notification shall remain in force until the Food Authority is satisfied that the risk is no longer prevailing or that control measures are in place to prevent the continuation of the risk and confirmed by test reports.

(3)The Alert notification may lead to conditions such as additional tests at the Point of Entry, mandatory certifications from the exporting countries till such time as deemed fit by food authority.

21. **Sa mpling Structure**-The Food Authority shall from time to time review the food imports, risks and accordingly specify the sampling structure, sampling methods, sample size, sampling frequency to be conducted for different categories of imports.

22. **Agree ment with Exporting Countries**- (1) The Food Authority in consultation with Commerce Ministry as deemed fit 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.

(2) The Food Authority shall identify laboratories in exporting countries for prior testing of food samples before the food articles are imported into India.

23. **Pre -Arrival Notification**- (1)The Food Authority, in order to facilitate faster clearance of import of food at ports of entry, shall require submission of a Pre-Arrival notification by the Food Importer, providing the identity of each of the following, namely:-

(a) the name of the food article; the ingredients of the food article;

(b) the manufacturer and exporter of the food article; the country of origin; the exporting country;

(c) the list of transit countries;

(d) the compliance agreement if any;

(e) the anticipated Port of Entry for the import of food article as specified in the FormA.

(2) A notice referred to in sub regulation (1) shall be submitted in advance by a specified period of time, which shall not be less than two daysbefore the arrival of the consignment.

CHAPTER VI

IMPORT REQUIREMENTS

24. **Standards:** The food Importer shall follow the standards laid down by the Food Authority under the Provisions of the Act, rules and regulations made thereunder.

25. **Furnis hing of documents by the Food Importer.**— Every Food Importer shall furnish the requisite documents as listed in Schedule III to the Authorised Officer of the respective Point of Import and make an application for No Objection Certificate (as provided in Form B) for clearance of imported food.

26. **Labeling and Packaging requirements.** —(1)Every Food Importer shall ensure that the food sought to be imported shall be packaged and labeled in the specified under the Food Safety and Standards (Packaging and Labeling) Regulations,2011, subject to any modifications that the Food Authority may specify from time to time in relation to import of food.

(2) Every consignment of food sought to be imported to India shall be packed in containers in such a manner as it would facilitate the inspection and collection of samples from the consignment.

(3) The Food Importer shall take necessary steps to ensure compliance with the above requirement.

(4) Any consignment of multiple foods or food falling under different categories packed in a single container or carton or pallet or skid, shall be packed in such a way that the Authorised Officer has access to all of them and thereby facilitating easy drawl of samples and in the absence of stuffing list, the Authorised Officer shall recommend Customs to issue order for de-stuffing the container in order to create a gully for the safe passage.

(5) In the case of import of rejected exported food articles which are meant for re-export, labeling requirements need not be as specified under the Food Safety and Standards (Packaging and Labeling) Regulations, 2011.

CHAPTER VII

CLEARANCE OF FOOD IMPORTS FOR SPECIAL PURPOSE

27. **Accredited Food ImporterProgramme**—The Food Authority may confer the status of Accredited Food Importer to any Food Importer having a valid license from the Food Authority based on the criteria defined by the Food Authority from time to time under the Accredited Food ImporterProgramme.

28. **Food Export Oriented Units**—(1) Any licensed Food Importer who is also licensed as one hundred percent export-oriented unit under the Food Safety and Standards (Licensing and Registration of Food businesses) Regulation, 2011, shall be designated as a Food Export Oriented Unit (FEOU).

(2) The FEOU shall also be bound by all the requirements specified for the registration of Food Business Operator.

(3) The FEOU shall only import food that meet the standards prescribed under the Act and the rules and regulations made thereunder.

(4)The FEOUs shall not sell unutilized imported intermediary food, or rejected exported food on account of food safety and quality parameters in the domestic market or transfer them to any other Export Oriented Unit (EOU) Electronic Hardware Technology Park (EHTP) or Software Technology Park (STP) or Bio-Technology Park (BTP) or Special Economic Zone (SEZ) unit.

29. **I mports by Diplomatic Missions**—(1) The Clearance of Food Imports shall be dealt with in the provisions of Vienna convention on Consular Relations,1963 (Article 50 of the Vienna convention on Consular Relations, 1963).

(2) The Food articles intended for the consumption by the mission for official purpose or personal use of diplomats or their dependents shall be allowed after drawing representative samples for laboratory analysis pending the receipt of the laboratory analysis report, unless there are serious grounds for presuming that the consignment contains prohibited food articles or food articles controlled by the quarantine regulations of India.

(3)The imported food articles by diplomatic mission or their personnel shall not exceed the quantities necessary for direct utilization by the persons concerned.

(4) The Food articles in the personal baggage of the diplomats shall be cleared without inspection: Provided that, where there is a risk potential and identified food safety concerns, the AuthorisedOfficer is empowered to inspect these food articles but only in the presence of the diplomatic agent or of his authorised representative, authorised by a letter from the Mission.

30. **Imports for Quality Assurance, Research and Development.** — (1) The samples of food are considered to be for Quality Assurance, Research and Development purposes, when they are imported in small quantities and the entire sample is used up by the analysis or is destroyed after analysis or a reasonable retention period after analysis.

(2)The agency or institution shall furnish an undertaking stating that such food shall be used exclusively for the Quality Assurance, Research and Development, and shall not be released for re-sale, test marketing or utilized directly or indirectly for human consumption.

31. **I mports for International Trade Fairs and Exhibitions**–(1) In case of the food samples imported for exclusive purpose of display in international trade fairs and international food exhibitions conducted in India, the Food Importer shall provide the laboratory analysis report from a recognized agency in the Exporting country and an undertaking on end-usage that the food samples are for the sole purpose of display in exhibition, shall not be released for re-sale, test marketing or utilized directly or indirectly for human consumption and that the same shall be re-exported to Exporting country after the exhibition is over or destroyed in compliance with the laws.

(2) The Food Importer shall submit documentary proof to the Authorised Officer within the period specified in the customs duty exemption notifications availed at the time of import: Provided that for imports for which, such customs duty exemptions was not sought by importer, the Food Importer shall submit documentary proof withinthirty days of completion of the exhibitions that all such food samples brought for the exhibition purpose have been destroyed or re-exported out of the country.

32. **I mports for Special Sports Events:**--(1) In case of the food samples imported for exclusive purpose of special International Sports events conducted in India, the Food Importer shall provide the laboratory analysis report from a recognized agency in the Exporting country and shall provide an Undertaking that the food article shall not be released for re-sale, test marketing and the unused Food Articles shall be re-exported to Exporting country after the event or destroyed in compliance with the laws.

(2) The quantities of food articles imported shall not exceed the quantities necessary for direct utilization by the persons concernedfor the duration of the stay.

(3) The Food Importer shall submit documentary proof to the Authorised Officer within thirty days of completion of the special event that all such food articles brought for the purpose have been consumed or unused food articles are re-exported out of the country or destroyed in compliance with the laws.

33. **Accelerated clearance**— (1) The Food imported for Quality Assurance, Research and Development by recognized scientific agencies or institutions, for display in International Trade Fairs and Exhibitions and for consumption by the participating teams in Special International Sports Events, shall be released expeditiously without sampling and laboratory analysis,

Provided that (2) the Food imported by Food Export Oriented Units, Accredited Food Importer shall be allowed for Accelerated Clearance by the Authorised Officer after drawing representative samples for laboratory analysis, pending the receipt of the laboratory analysis report subject to production of:-

(a) the laboratory Analysis Report from Exporting Country (only in English); and

(b) a bond that the food article will be completely recalled as per the Recall procedures and guidelines of Food Authority, if the Laboratory Analysis report from the notified Laboratory is non-confirmatory;

(c) in the case of food requiring cold chain during transport and storage, the temperature profile report showing that the temperature requirements have been fulfilled as required /prescribed.

(3) The import of Food Articles of Perishable nature like fruits and vegetables, which are prone to quick spoilage, if not kept in refrigerated conditions are also entitled to the Accelerated Clearance as mentioned in sub regulation 2.

(4) The enforcement of this regulationshall be applicable-

(a)if the food article is not in the list of prohibited food article or prohibited exporting source;

(b)if the, previous food imports by the Food Importer, or food articles from the same manufacturer, have not been cleared for imports over the preceding six months;

(c) if food articles with certificate of analysis from the same laboratory of the exporting country have not failed in Notified or Referral laboratory analysis over the preceding sixconsignments or six months, whichever is earlier; and

(d) where special tests are required, the clearance shall be allowed only after the food samples successfully pass through the required tests.

CHAPTER VIII

INSPECTION BY AUTHORISED OFFICER

34. **Application for Inspection by Authorised Officer**— (1) The Food Importer or his agent upon arrival of food imports at the points of entry and upon receiving examination order by the Customs Authorities concerned, shall:-

(a) ascertain the availability of food sought to be imported for inspection and drawl of samples by the Authorised Officer in the customs area;

(b) make an application for No Objection Certificate (NOC) to the Authorised Officer of the respective Point of Entry as specified in regulation 25 in Form B;

(c) pay the prescribed application fee and lab analysis fee for the food import samples in the manner as prescribed in Schedule V;

(d) be present at the customs area at the designated time to facilitate inspection, help in drawl of samples and witness sealing of samples by the Authorised Officer or his representative, and sign on the sealed samples.

(2) Upon receipt of application of No Objection Certificate (NOC)and verification of documentation filed by the Food Importer or his agent, the Authorised Officer shall intimate the details of date and time of inspection to the Food Importer or his agent within such time as would be reasonable to facilitate the presence of the Food Importer or his agent at the time and place of the inspection.

(3) The Authorised Officer may cancel the inspection if he is of the opinion that the food has not been made accessible for the purpose of inspection and drawl of samples and his opinion shall be final and conclusive and in the event of such cancellation, the Food Importer or his agent shall take necessary steps to make the food articles so accessible, and upon such steps being taken, initiate a fresh application for No Objection Certificate (NOC).

35. **Verificatio n of documentation furnished by Food Importer** —

(1) Pre-Arrival Documentation Review- From the Pre-Arrival Notification and Documentation filed by the Food Importer or his agent, the Authorised Officer shall ascertain-

(a) whether the food article is on the prohibited list or from a prohibited source, and if so, the Authorised Officer shall pass an order refusing the clearance of import;

(b) whether to prioritize the inspection based on Risk Framework;

(c) whether the food article intended for import needs a New Product Approval, and if so, the Authorised Officer shall refer the same to the Food Authority:

(2) NOC Documentation Review —(a) From the documentation filed by the Food Importer or his agent, the Authorised Officer shall ascertain whether the food article is on the Prohibited list or from a Prohibited source, and if so, the Authorised Officer shall pass an order refusing the clearance of import of the food and duly inform the Customs officials for further action in this regard including confiscation and destruction of the food or re-export of the food back to the country of origin at the expense of the Food Importer.

(b) The Authorised Officer shall ascertain whether the Food articles intended for import under clearance of food imports for special purpose covered in Chapter VII of these regulations

(3) The Authorised Officer may refuse the inspection and intimate the Customs accordingly, if the articles of import are misclassified as food.

36. **Balance Shelf life:**-The Authorised Officer shall ascertain t he balance shelf life of the food sought to be imported, and upon such enquiry, if he/she comes to the conclusion that the balance shelf life of the food as on the date of landing is less than sixty percent of the total shelf life or as specified by Directorate General of Foreign Trade (DGFT) from time to time, the Authorised Officer shall pass an order refusing the clearance of the imported food.

37. **Inspection by Authorised Officer:** (1)The Authorised Officer with the assistance from his staff or agency shall carry out inspection of food storage conditions, labeling and packing and also draw representative samples of the imported food in the notified customs area in the presence of Importer or his agent.

(2) In the case of Pre-packaged foods, the Authorised Officer shall scrutinize the packaging and labeling to ascertain whether it is in compliance with the requirements mentioned in Food Safety and Standards (Packaging and Labeling) Regulations, 2011 and if the labeling is found to be non-compliant with the above Food Safety & Standards (FSS) Regulations, and cannot be rectified for the purposes of such compliance, the Authorised Officer shall issue a rejection report refusing the clearance of import of the food.

(3) The Authorised Officer shall pass an order directing the Food Importer or his agent to carry out such rectifications, as allowed in the Food Safety Standards(Packaging and Labeling)Regulations, 2011 or through circulars or instructions issued by Food Authority, within a specified time period in the Customs Area by affixing stickers on the original packing of food articles and upon compliance by the Food Importer or his agent with such an order, the Authorised Officer shall carry out a re-inspection of the food and permit the food article to undergo further import clearance process.

(4) In case rectifications are still in non-conformance or Food Importer or his agent has failed to carry out such labeling rectifications or furnishing required information within the prescribed period, the Authorised Officer shall pass an order refusing the clearance of import of the food articles.

(5) If on receipt of the sample, the laboratory identifies any errors in the labeling as specified in Food Safety and Standards (Packaging and Labeling) Regulations, 2011 or seeks additional information, the Authorised Officer shall direct the Food Importer or his agent through an order to carry out the required rectifications in labeling within a specified time period in the Customs area or furnish additional information.

(6) If the Authorised Officer finds out from the inspection that the food articles do not meet the prescribed food safety standards due to visible insect or fungus infestation, he shall pass an order refusing the clearance of the food articles, duly stating the reasons for such rejection.

38. **Ins pection Fee:** (1) The Food Safety and Standards Authority of India shall collect Inspection Fee as prescribed in Schedule Vfrom the Food Importer for providing inspection, documentation review, sampling and analysis thereof, for disposal of application for clearance of Food Imports submitted by Food Importer.

(2)Where a single Bill of Entry is made up of food article consignment consisting of multiple category of food articles, Inspection Fee shall be applicable for each Food Article proposed for inspection.

(3) The Food Authority shall specify and review the Inspection Fee from time to time.

CHAPTER IX

SAMPLING OF IMPORTED FOOD

39. **Sa mpling of Food Imports:-**

If the Authorised Officer is satisfied on inspection that the food proposed for import is not in contravention of labeling, shelf life requirements and is not having visible insect or fungal infestation to a greater extent , he shall draw two representative samples of each variety or category of food articles sought to be imported, of sufficient quantity as specified in Food Safety and Standards (Laboratory and Sample Analysis) Regulations, 2011, and seal the samples as per the provisionsof Food Safety and Standards (FSS) Rule 2.4.1 except the rules 2.4.1 (9) (i, iv) , 10 (ii, iii), 11, and 16 and with the modification that the samples shall be divided into two parts or two already sealed packages shall be taken each of which will be marked and sealed or fastened up in such a manner as its nature permits.

(2) Any sealed sample of imported food shall be properly labeled and signature of Food Importer or his agent shall be affixed on the label.

(3) The label on any sample of imported food article sent for analysis shall bear:

(a) Code number of the sample;

(b)Food Safety and Standards (FSS)code of the product category

(c) Name of the sender with his official designation;

(d) Date and place of collection;

(e) Nature of food articles being sent for analysis; and

(f) Nature and quantity of preservative, if any, added to the sample.

(4) One such sample shall be sent to the notified lab for analysis, and the second sample shall be kept in safe custody of the Authorised Officer in his office or any designated place notified by the Food Authority for re-testing purpose.

(5) The Authorised Officer is empowered to draw additional samples for vigilance or research purposes:

Provided the cost of such sample drawn calculated on the basis of contract price of import shall be paid to the Food Importer and in the case of vigilance sample, the sample shall be drawn in the presence of designated Vigilance Officer of the Food Authority.

Provided further that the sample is sealed and marked on the label accordingly by the Authorised Officer and maintained in the safe custody of the Authorised officer.

(6) If the second sample referred for re-testing based on orders of Review Officer, results in non-conformance in lab analysis report, request for re-sampling shall not be allowed.

***40.* Sa mpling of Imported food with specialized packing conditions:-**

(1) In cases where the imported food is packed in sealed bulk containers by the manufacturer in order to maintain aseptic or hygroscopic conditions that are required to retain the character of the food, the manufacturer shall provide two representative sealed samples from the same batch along with a declaration by the manufacturer stating that the Food Articles in the sealed container match with the representative samples placed in the sample containers.

(2) In all cases wherever such representative sealed samples with the manufacturers undertaking is not provided by the Food Importer, the Authorised Officer is empowered to break open the seal and collect a sample for lab analysis.

(3) The Authorised Officer may exercise his discretion to collect a representative sample from the sealed container, wherever the sealed representative samples provided appears to be doubtful.

***41.* Break open seal:** Where a sealed container is opened to collect a representative sample for lab analysis, upon the request of Food Importer, the Authorised Officer shall reseal the container and provide a break open seal and resealing label in Form C of these regulations.

***42.* Sa mpling of Import of Exported Food Articles.—** (1) Whenever any food is rejected at the point to where it had been exported, or is unable to enter the country to which it had been exported for any reason, arrives in India as an import, the Food Importer shall furnish the documents issued by the exported country's agencies regarding the reason for such rejection and also the lab analysis report of the exported country agency, if the rejection is on account of non-conformance after proper laboratory testing in the exported country.

(2) In the case of such imports, all food articles shall have to comply with the full inspection process including drawl of representative samples, lab analysis under these regulations, and no concessions or accelerated food import clearance processes shall be applied to Food Export Oriented Units (FEOUs) or Accredited Food Importer.

CHAPTER X

LABORATORY –ANALYSIS OF SAMPLES OF IMPORTED FOOD

***43.* Notified Laboratory–** The Authorised Officer shall send the first sample of imported food article for laboratory analysis to a laboratory notified by the Food Authority under sub-section (1) of section 43 of the Act and Food Safety and Standards (Laboratory and Sample Analysis) Regulations, 2011.

***44.* Referral Laboratory–** Upon the review orders passed by the Review Officer on the review application of the Food Importer, the Authorised Officer shall send the second sample of imported food article for laboratory analysis to the specified referral laboratory notified by the Food Authority under sub-section (2) of Section 43 of the Act and the Food Safety and Standards (Laboratory and Sample Analysis) Regulations, 2011.

45. **Food Analyst**– (1) The samples of Imported food sent by the Authorised Officer shall be analyzed by the duly Authorised Food Analyst of the respective laboratory, who is having requisite qualifications as specified in Food Safety and Standard Rules, 2011.

(2) In case of private accredited laboratories, which are notified as a notified laboratory for testing of imported food samples by the Food Authority under Food Safety and Standards (FSS) Regulations, the analyst of such lab fulfilling the requisite qualifications under Food Safety and Standard Rules, 2011 is designated as Food Analyst of the respective laboratory.

(3) In analyzing the food article, the Food Analyst shall follow such instructions and shall adhere to such procedure as specified by the Food Authority from time to time.

46. **Procedure to be followed by Notified/Referral Laboratory**– (1) Upon receipt of the sample of food from the Authorised Officer, the Notified or Referral laboratory shall immediately conduct a preliminary inspection of the sample to ascertain whether all the information required for testing is available or on the sufficiency of the sample quantity, and if there are any deficiencies, the Laboratory shall immediately inform the Authorised Officer of the same.

(2) The Notified or Referral Laboratory shall follow the test methods specified by the Food Authority with regard to the tests to be performed and the equipment to be used, for testing samples of different categories of food:

Provided that in cases where the test methods have not been specified by the Food Authority, the Notified or Referral laboratory shall follow the specifications for testing that have been prescribed by the Codex Alimentarius Commission or the International Organisation for Standardization (ISO) or Director General Health Services (DGHS), Ministry of Health and Family Welfare, Government of India.

(3) The Notified or Referral laboratory shall bring to the notice of the Food Authority any new tests or methods of testing that it may seek to conduct on samples of any specific food article, or any new equipment that it may seek to use but shall not commence using the above tests or methods of testing or equipment unless so permitted by the Food Authority.

47. **For mat of Laboratory Analysis Report**–The Notified Laboratory or Referral Laboratory, as the case may be, shall provide the lab analysis report duly signed by its Food Analyst in the format specified in Form D of these regulations within the statutorily prescribed outer limit of five days from the date of receipt of the samples as stipulated in the Act.

Provided that if the laboratory is not in a position to provide the results of the tests within this period due to some technical issues related to testing methods, including cases where the tests prescribed are of a duration of more than five days, it shall immediately provide this information with the justification for the delay to the Authorised Officer.

48. **Fees payable to Laboratory**–The standard fees payable for such lab analysis report per sample of imported food analyzed shall be as per the Schedule Vand shall be reviewed by the Food Authority from time to time.

49. **Lab Analysis Reports**- - (1) The laboratory after completing the required tests shall prepare the lab analysis report as per the format given in Form D of these regulations and deliver such report to the Authorised Officer.

(2) For the purposes of these regulations, a "Conformance Lab Analysis Report" is a report specifying that the imported food articles meet the food safety standards specified by the Food Authority from time to time and a "Non-Conformance Lab Analysis Report" is a report which finds some lacunae in the imported food articles that renders them sub-standard or misbranded, or confirms the presence of some extraneous matter, contaminants and hazardous substances in the food articles and makes itunsafe for human consumption based on the food safety standards specified by the Food Authority from time to time.

(3) (a) Whenever lab analysis of a food sample reveals presence of contaminants and presence of microbiological organisms to an extent of posing significant threat to Public Health, the Laboratory shall provide its findings and recommendations on the follow up action to be taken by the Authorised Officer in the Lab analysis report of the sample.

(b) The Authorised Officer shall suomoto refer the second sample to the Referral Laboratory for retesting to seek the confirmation of the findings of the Notified Laboratory.

50. **Dispo sal of unused portion of the sample tested by laboratory**–(1) In cases where the lab analysis report confirms that the food tested meets the specified safety standards, the unused portion of the sample shall be

disposed of by the laboratory in a manner specified by the Food Authority, but shall not be given to any third party

(2) In cases where the lab analysis report confirms that the food tested does not meet the prescribed food safety standards, the unused portion of the sample shall be stored by the laboratory till such orders by the Authorised Officer.

CHAPTER XI

ORDERS BY THE AUTHORISED OFFICER

51. **No Objection Certificate.**—(1) The Authorised Officer shall issue a 'No Objection Certificate' in the format specified in Form E, after assessing the safety of food being imported based on these regulations under his seal and signature for allowing import of food, and shall communicate such order in a specified manner to the Customs and the Food Importer.

(2)The No Objection Certificate permitting the import of food may state the validity period within which the food has to be taken out by the Food Importer from the Customs Area and the validity period of NOC for various types' of food articles shall be as per Schedule IVand shall be reviewed by the Food Authority from time to time.

(3) The Food Importer shall immediately thereafter take effective steps to get the food released from the Customs Area within the validity period stated in the No Objection Certificate issued by the Authorised Officer failing which they shall be treated as Uncleared Food Articles.

(4) A copy of the lab analysis report shall also be sent to the Customs and the Food Importer, wherever the No Objection Certificate is issued based on the lab analysis report.

52. **Rejecti on Report.**— (1) The Authorised Officer shall issue a Rejection Report in Form F citing the grounds mentioned in these regulations for refusal, wherever the clearance of the imported food are refused, under his seal and signature, and shall communicate such order in a specified manner to the Customs, Food Authority and the Food Importer.

(2) A copy of the lab analysis report shall also be sent to the Customs, Food Authority and Food Importer, wherever the Rejection Report is issued based on a Non-Conformance Lab Analysis Report.

53. **M andatory Destruction Order**—Based on the findings and recommendations in Non-Conformance Laboratory Analysis Report and subsequent confirmation from the Referral Laboratory, if contamination or presence of microbiological organisms is likely to pose a significant risk to public health, the Authorised Officer, with the prior approval the Food Authority shall pass necessary orders for mandatory destruction of food as per Form G.

54. **Co mmunication from Customs- Customs shall provide the related informationto the Food Authority on status of the Food Article Consignment for which NOC Certificate or Rejection Report or Mandatory Destruction Order has been issued by the Food Authority within a maximum time period of three working days in the case of electronic mode of communication and seven working days in the case of manual mode of communication, from the date of issuance of NOC or Rejection Report or Mandatory Destruction Order.**

55. **Alerts to Exporting Countries.**—In the event of Rejection Report issued by the Authorised Officer to any Imported Food article, the Food Authority may decide to issue suitable alerts to the respective exporting country of such rejected food imports.

CHAPTER XII

DISPOSAL OF FOOD SAMPLES AND REJECTED FOOD IMPORTS

56. **Rejected Food Consign ments:—**

(1) Upon receipt of a Rejection Report refusing the clearance of imported food itemsissuedby the Authorised Officer, the Custodianshall dispose of the food consignment and unused samples in the manner indicated in the Rejection Report duly following the rules and guidelines applicable for disposal of goods by the Customs Act,1962.

(2) However, the actual disposal of the food shall be done only after the lapse of period of limitation provided under these regulations for filing of review application by the Food Importer, on the order of the Authorised Officer and the cost and expenses incurred in the storage of the food, in such cases, shall be borne by the Food Importer.

(3) Upon issue of mandatory destruction recommendation for rejected food consignment, no further appeal process shall be entertained and the counter sample shall be destroyed immediately in co-ordination with the concerned authorities.

(4) The Authorised Officer and Customs shall be involved in the process of destruction by the Custodians

(5) The agencies involved in the disposal of rejected food imports shall share all information related to the status of disposal with the Food Authority.

57. **Release ofsecond food sa mple upon issuance ofNo Objection Certificate (NOC).—**

(1) Within a period of five days from the issue of No Objection Certificate, the Food Importer or his agent shall collect the second sample of the food that has been kept in the custody of the Authorised Officer.

(2) The Authorised Officer or any officer designated by him shall issue a Release Order in the format given in Form H.

(3) The Release Order (Form H) shall be produced by the Food Importer for collecting the sample(s) from the designated Food Authority office.

58. **Disposal of Second Sample upon receipt of No Objection Certificate (NOC):**—Upon failure of the Food Importer or his agents to collect the second sample within the prescribed period of five days, the Authorised Officer shall dispose of these samples in the manner specified by the Food Authority.

59. **Disposal of Food sample of Non-Conformance Lab Analysis Report.**—(1) The receipt of a Non-Conformance Lab Analysis Report in respect of any imported food shall result in the second sample being withheld by the Authorised Officer from release to the Food Importer or his agents and the sample shall be retained in custody by the Authorised Officer for a period of thirty days from the date of issuance of Rejection Report by the Authorised Officer.

(2) If any review application or court case is filed by the Food Importer or his agent against the Rejection Report issued by the Authorised Officer, the second sample shall remain in custody of Authorised Officer till the review application or court case is disposed of.

(3) If no review application is filed by the Importer or his agent within the time period allowed under these regulations from the date of intimation of the Rejection Report passed by the Authorised Officer, or if the review is disallowed, the second sample of rejected food consignments shall be handed over to the Custodian under intimation to Customs and Importer for disposal.

CHAPTER XIII

UNCLEARED AND UNCLAIMED FOOD

60. **Uncleared Food** — (1) The Food import consignments not taken out by the Food Importer from the Customs Area within the validity period specified in the No Objection Certificate issued by the Authorised Officer shall be treated as Uncleared Food.

(2) The UnclearedFood shall be required to be re-inspected by the Authorised Officer to ensure safety of food before release.

(3) The procedure for inspection, sampling, testing and clearance of food imports as laid down in these regulations, shall be followed for all cases of uncleared food.

61. **Uncla imed Food-** (1) The Unclaimed Food import consignments by the Food Importers in the Customs area shall be inspected by the Authorised Officer to ensure safety of food before release by the Custodians to open market through their disposal process.

(2) The Authorised Officer, upon receipt of examination request made by the Custodian routed through Customs, after ensuring that the requisite fees has been paid, shall issue either a No Objection Certificate or Rejection Report after going through routine inspection and lab analysis process to assess the safety of unclaimed food consignment.

62. **Food articles with expired dates**— (1) The Food shall not be allowed to be taken out from the Customs area if the "best before "or "use by " or "expiry" date printed on the label precedes the validity period mentioned in the No-Objection Certificate issued by the Authorised Officer.

63. **Food articles with limited balance Shelf life etc.** — (1) The Packaged Food articles shall not be allowed to be taken out from the Customs area, if the balance shelf life as per the printed label is less than ten days as on the date of actual release from the Customs area.

CHAPTER XIV

REVIEW PROCESS

64. **Review Officer:**–The Food Authority shall designate Review Officers who shall re-examine any reviewable order of the Authorised Officer if the Food Importer or his agent approaches the Review Officers with their grievance.

65. **Reviewable orders:**-Any Food Importer aggrieved by any of the following orders by the Authorised Officer may file a review application to the Review Officer against such order:-

(a) Rejection Report under regulation 37 rejecting the clearance of the imported food article on the ground of defective storage, packing or labeling or visual inspection;

(b) Any order under regulation 37 directing the Food Importer to rectify the labeling or packaging of the food article; and

(c) Rejection Report under Regulation 52(2) issued on receipt of a Non-Conformance Lab Analysis Report.

66. **For mat of review application and limitation:-**(1) The review application shall be in the format specified in Form Iand shall be accompanied by a non-refundable feespecified in the Schedule V.

(2) The review application shall be presented to the Review Officer along with the required documents and the review application fee within seven days fromthe date of communication of the Rejection Report to the Food Importer.

(3) The Review Officer may admit a review application after the expiry of the said period for an extended period of seven (7) days, if he is satisfied that the Food Importer had sufficient cause for not presenting it within that period.

67. **Procedure in review:-** (1) The Review Officer shall dispose of the review application based on the Act, and the rules and regulations made thereunder and circulars or notifications issued by the Food Authority from time to time and shall not exercise any discretionary powers.

(2) Upon receipt of the completed application for review along with all documents and requisite fees, the Review Officer, if suitably satisfied, shall notify the date, time and venue of the hearings to the Food Importer and to the Authorised Officer against whose order the review application is preferred.

(3) The Food Importer, either in person or by a representative, and the Authorised Officer, either in person or through an authorised representative, shall have the right to be heard at this hearing.

(4) If either of the parties does not present themselves at the hearing of the review application, the Review officer shall have the power to proceed with the hearing of the review application after placing the absent party *ex parte*.

(5) The Review Officer shall dispose of all review applications within a period of seven days.

(6) The Review Officer may, before disposing off any review applications, make such further enquiry as hemay think fit or direct the Authorised Officer to make such further enquiry and report the result of the same.

(7) The Review Officer may, at the time of hearing of the review application, go into any ground not specified in the grounds for review, if the Review Officer is satisfied that the omission of that ground was not willful or unreasonable.

(8) The order of the Review Officer disposing off the review application shall be in writing and shall state the points for determination, the decision thereon and the reasons for such decision.

(9) On the disposal of the review application, the Review Officer shall communicate the order passed in the review application to the Food Importer, Customs and the Authorised Officer.

68. **Powers of the Review Officer:–** Without prejudice to the generality of the powers conferred above while disposing off a review application, the Review Officer shall have the following powers, namely:-

(a) In a review application against a Rejection Report of the Authorised officer, the Review Officer may direct the Authorised Officer to issue No Objection Certificate for clearance of the imported food articles under review upon imposition of suitable conditions, including furnishing of a bond or an end-use certificate.

(b) In a review application against an order directing the Food Importer to rectify the labeling, the Review Officer may annul the order or direct rectifications other than those specified by the Authorised Officer.

(c) In a review application against Rejection Report passed on the basis of a Non-Conformance Lab Analysis Report, the Review Officer, if satisfied may pass orders directing the Authorised Officer for retesting of the second sample by a Referral Laboratory upon payment of requisite lab analysis fees by the Food Importer.

FORM A

(Regulation 23)

Pre- Arrival Notification

Part (A)

Importer Information

Importer License#:
Import Export (IE) Code

Country Information

Country of Origin
Exporting Country
List of Transit Countries in order
1.
2.
3.
4.

Intended Use

Commercial
1. Retail
2. Industrial
Non-Commercial

1. Diplomatic Mission (Not for sale)
2. Exhibitor / R&D / Special Events (Not for sale)
3. Govt of India
4. Others (specify)

Manufacturer Information

Company Name:
Contact Name:
Address:
City:
State/Union Territory (UT):
Postal Code:
Country:
Phone:
Fax:
Email Address:

Carrier Information

Name of Carrier:
Country of Carrier:
Vessel Name:
Container Number:
Import General Manifest (IGM) Number:
Likely Port of Entry:
Expected arrival date and time in India
Special Storage Facility Requirements if any:

Container Freight Station (CFS) Location in India:

CFS name:
CFS identification no:
Address:
City:
State/Union Territory (UT):

Part (B) Product Information

Product #	
Detailed Product Description:	
Number of Units:	
Quantity:	
Food Safety Standards (FSS) Code :	
Harmonised System (HS) Code:	
Export Country Standard Code :	
Proprietary Food	Yes/No
History of Consignment	
Is the Product compliant with FSSAct and Rules and Regulations made thereunder	Yes/No
Is the product labelled Proprietary Food	Yes/No
Is the FSS Standard applicable	Yes/No
Is a Test Report Attached	Yes/No
List first 4 ingredients - descending order of weight/volume if Proprietary Food	
1.	
2.	
3.	
4.	
List Food Additives in product if Proprietary Food	
1.	
2.	
Has the product listed above ever been refused entry to another country?	Yes/No
If Yes, this product has been refused from: (Country)	

I/We hereby affirm and warrant that the information stated above is accurate, truthful, genuine and current.

Name_____ *(signature)*

Designation_____

Date_____

FORM B

APPLICATION FOR NO OBJECTION CERTIFICATE (NOC)

(Regulation 25)

Date: _____

Importer Name: CHA /Company License No: □□□□□□□□

Importer Address CHA Phone Nos:

Phone No: □□□□□□□□□ E-Mail: _____ FBO- Importer Code No: □□□□□□□□

To

The Authorised Officer

FSSAI

Port:

Sir,

Sub: Request for Inspection of Food Imports

The following food articles have been imported and are awaiting inspection by you. I request you to provide us a date and time for inspection of this consignment.

Bill of Entry No: □□□□□□□□ Date of Landing:□□□□□□□□

IGM No: □□□□□□□□ Port of Entry :

Food Consignment: FSSCodeas published by FSSAI:

Exporting Country:

Quantity: Invoice value (in Indian Rupees):

Food Consignment description: _____

Container Ids: Container Location:

Our representative / Customs House Agent (CHA) will be available at the time of inspection. Copies of all required documents are annexed along with this application.

_____

Name and Designation

(Applicant)

Attach Copies o 's detailed in Schedule 2

FORM C

(Regulation 40)

Break-Open Seal

Food Safety and Standards Authority of India fssai

Port Of Entry: _____

This Package is opened and a sample taken by the Authorised Officer of FSSAI, to have the same analyzed by a notified laboratory. Authorised Officer Seal	Location: _____ Sample ID: _____ Signature: _____ Name Of Officer: _____ Date: _____ Time: _____	This Package has be re-sealed in my presence Initials of Customs House Agent

FORM D

LAB ANALYSIS REPORT

(Regulation 46, 48)

Name of Laboratory

Address

Test Certificate No: □□□□□□□□ Date:□□□□□□□□

Lab Analysis Report

1. Sample Identification : *Sample No:*
2. Ref No :
3. Sample received from :
4. Sample Particulars : *Brief Description of sample material*
5. Volume / Weight :
6. Sample received Date & Time : Time:□□□□ on □□□□□□
7. Lot / Batch No:
8. Date of Manufacture : □□□□□□
   mm y yyy
9. Fee Received : □ Yes

10. Lab Code No : *code assigned by laboratory for its records*

A. Physical Examination

11. Type of Packaging: :
12. Condition of Package : _____
13. Physical Appearance of sample: : _____

_____

14. Labelling – Details sufficient : ☐ Yes ☐ No

15. If condition of packaging or Sample or details provided in the label are not acceptable provide reason: _____

B. **Laboratory Analysis**

16. Analysis start Date: Analysis completion Date:

Test results

S No:	Quality Characteristics	Specified Value	Name of the Method	Test Results (value)

C. Conclusions :

☐ The sample conforms to the specification laid down in FSS Act and Rules and Regulations made thereunder.

☐ The sample does not conform to the specification laid down in FSS Act and Rules and Regulations made thereunder.

☐ Requires Mandatory destruction: ☐ Yes ☐ No

If yes, provide comments:

1. _____
2. _____

Place
Date

Signature

Name and Seal and Designation

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FORM E

NO OBJECTION CERTIFICATE FOR CLEARANCE OF FOOD IMPORT

FSSAI Authorised Officer

(Regulation 50)

Date:

No: Port Of Entry/Location:

To,

The Asst. Commissioner of Customs

Ref: Examination Order / BE No: / Application No: **Dated □□□□□□**

IGM Number: Dated: □□□□□□

BE No: Dated:□□□□□□

Importer Code : CHA Name:

NOC Valid till (As per Schedule 4) : □□□□□□

Sir,

The above mentioned food consignment imported by _____ _____ was inspected on _____ by the Authorised Officials of FSSAI.

This office has No Objection if this consignment is released from this port as the result(s) of the inspection / analysis show that the samples(s) conform to the specifications prescribed under the FSS Act, Rules and Regulations.

If consignment is not cleared within validity period, if specified, the consignment will require to be re-examined by FSSAI.

This is for your information and necessary action please.

Yours Faithfully,

(Name and seal of AO)

FORM F

REJECTION REPORT OF FOOD IMPORT

FSSAI Authorized Officer

(Regulation 51)

To,

The Asst. Commissioner of Customs

Subject:

Food Article imported by: **Importer License No:**

Vessel Name:

IGM Number: **Dated:**

BE: **Dated**

CHA License No: **CHA Name:**

Sir,

The above mentioned food consignment imported by _____ _____ was inspected on _____ by the Authorised Officials of FSSAI.

This office requests you to reject the clearance of import of this consignment and not to release it from this port as the result(s) of the inspection / analysis shows that the imported consignment does not conform to the specifications prescribed under the FSS Act, Rules and Regulations .

Remarks-

_____

_____

This is for your information and necessary action please.

Yours Faithfully,

(Name and Seal of AO)

FORM G

MANDATORY DESTRUCTION ORDER

FSSAI Authorized Officer

(Regulation 52)

To,

The Asst. Commissioner of Customs

Food Article imported by: **Importer License No:**

Vessel Name:

IGM Number: **Dated:**

BE: **Dated:**

Index No:

CHA License No: **CHA Name:**

Sir,

1. The above mentioned food consignment imported by _____ _____ was inspected on _____ by the Authorised Officials of FSSAI and samples have been analysed by the Notified laboratory.

2. This office requests you to reject the clearance of import of this Food Article and not to release it from this port as the result(s) of the inspection and analysis of the sample of the Food Article does not conform to the specifications prescribed under the Food Safety and Standards Act,2006 and Rules andRegulationsmade thereunder.

3. Based on the findings and recommendation in Non-Conformance Laboratory Analysis Report and subsequent confirmation from the Referral Laboratory, the contamination and presence of microbiological organisms in the food sample is likely to pose a significant risk to public health. The lab analysis reports are enclosed.

4. This office requests you to reject the clearance of import of this consignment and not to release it from this port and recommends for mandatory destruction of the Food Articles of this consignment owing to the significant risks to the Public Health.

This is for your information and necessary action please.

Yours Faithfully,

(Name and Seal of AO)

☐ Copy of Lab Analysis Report attached

FORM H

(Regulation 54)

RELEASE ORDER

To: Custodian of food Samples

The following samples may be released to the holder of this release order – with acknowledgement:

Sample Nos: Date:□□□□□□

mm dd y yyy

1.
2.
3.
4.

Date: …….. ……

Signature

(Name & Seal of AO)

…….

……

……..

Acknowledgement

Received the following sample numbers:

1.
2.
3.
4.

Date: …….. ……

Place: …….. Signed

(Applicant)

FORM I

(Regulation 63)

Review Application to the Review Officer

*No. ..... of .... - .....

Name and address of the petitioner:

_____

_____

_____

Registration No. as Food Business Operator: _____

Importer's License No.: _____

IMPORT DETAILS

Date of Import: _____ Bill of Entry No: _____

Point of import: _____

Name of Food Article under consideration: _____

Product Type: _____

Invoice Value of Food Articles: _____

Perishable: _____ Yes/No _____

Balance Shelf life of the item: _____

End Usage: _____

Rejection Report DETAILS

Date of Rejection Report sought to be reviewed: _____

Order passed by: _____

(Authority) (Place)

FSS (Food Import) Regulation, 2012 under which the Rejection Report was passed:

_____

Relief claimed in appeal: _____

STATEMENT OF FACTS

GROUNDS OF APPEAL

1.

2.

3.

Date: ....

Place: ..... Signed

(Appellant)

Form of verification

I,....., the petitioner herein/ the authorized representative of the petitioner herein, do hereby declare that what is stated in the accompanying Form I dated ..... is true to the best of my knowledge, information and belief.

Place.....

Date..... .

....

Signature

(Appellant)

SCHEDULE I

(Indicative)

RISK PRIORITIZATION& CLASSIFICATION OF FOOD IMPORTS

Under various provisions of the Act, the Food Authority is required to provide a risk based approach towards food safety based on data analysis and prioritization in order to reduce the consequences of unsafe foods on public health and safety through effective interventions and control measures.

OBJECTIVES:

The Food Authority is approaching the risk based framework at two levels – one at the point of supply of foods to the market and the other on market based inspection and surveillance.

With respect to food Imports, Authorized Officers at ports of entry will make an assessment of the risks that foods presented for entry through risk prioritized inspections prior to admissibility. Imported foods when placed on the domestic market for sale will be subject to surveillance and monitoring by State Food Safety Officers for compliance to regulations.

A primary objective of the risk framework is:

1. To provide an import control system to protect consumer safety and public health.
2. To facilitate fair practices in food trade with regard to compliance with the regulations in an open and transparent manner.
3. To develop an import control system that identifies food risks, determine admissibility norms and provide control measures in a consistent and effective manner.
4. Identify key analytical parameters for risk management decisions.

To achieve the aforesaid objectives of the Risk Framework, any article of food shall be subjected to control measures based on the risks presented as determined by the Pre Arrival Document Review (PADR) in case of food Imports.

Pre Arrival Document Review: Every Food Importer intending to import food into India shall be required to lodge the necessary information accurately as applicable to the consignment under the Pre Arrival Document Review Application Form Aas provided in these regulations to determine whether an inspection and/or test is required

Foods shall be classified according to the risk presented as follows:

1. Risk Food:-A food classified as risk food where it presents or poses a medium to high risk to public health, due to its inherent nature or where control risk measures are insufficient or absent in the control of risk during manufacture, processing, packing or storage. An "Inherent Risk Measure" is a measure of the risk posed by a food product/category due to its composition or inherence assuming typical process control by the producing establishment is in place. The inputs could arise from water activity, pH, vulnerability of specific consumers, etc. "Control Risk Measure" (Type 2 Risk) is a measure of the amount of actual risk control achieved by an establishment such as a manufacturer or processor or producer, country or geographical area. Compliance violations are a predictor of a specific manufacturer, importer based on previous history. Any adulteration with hazardous consequences , is considered a Type 3 risk(e.g. melamine in infant milk powder)

2. Surveillance Food:-A food that is not classified as a risk food or compliance food or subject to a holding order and considered to be of low risk.

3. Compliance Agreement Food:-A food article subjected to a compliance agreement by an official certification or officially recognized certification as provided under these regulations or orders.

4. Monitored Food: is a surveillance food that is subject to a holding order due to a failing event in the inspection and test procedures under these regulations. These foods are inspected at a higher rate and may return to its original classification where compliance is restored.

Any food article may be reclassified based on a review system of failure rates under risk, surveillance, compliance or monitored food under provisions of the Food Inspection Prioritization System based on its history of compliance. A reclassified food shall follow rules on inspection and testing as applicable to the classification into which these foods may be placed.

SCHEDULE II

Conditions of License

1. Documents to be submitted along with Application for Food Importer License:

a) Copy of DGFT Registration

b) Copy of Food Business Operator license

c) If previously a Food importer. Copy of previous license

d) PAN Numbers of all Partners / Directors

2. Food Importer shall abide by all the rules and regulations specified by the Food Authority and other concerned government agencies.

3. Food import licenses are exclusively granted to IE code holders. Cancellation or Suspensions of IE code must be intimated to the Food Authority within 72 hours.

4. Food importer shall agree and undertake to import Food Articles:

(i) as per the Food Safety and Standards Act,2006 and Rules andRegulations made thereunder

(ii) as per Food Safety and Standards (Food Import) Regulations, 2012 of the Food Authority

(iii)as per the Circulars/ Notifications/ Guidelines issued by FSSAI from time to time

5. Food importer shall cooperate in inspection of Food Articles, by producing proper documents relating to the consignment, as prescribed by the Food Authority

6. Food importer shall ensure proper storage arrangement of Food Articles as prescribed by the Food Authority in the Customs area or such other designated area as the case may be.

7. Any Unclaimed Food Articles or Uncleared Food Articles shall be subjected to disposal under the rules and guidelines applicable for disposal of goods by the Customs Act, 1962.

8. Food Importer shall not break any law of the land either in terms of importing food known to be unsafe, or from prohibited sources, or by rechanneling them through third countries

9. This licence is not transferable and shall be used only by the person mention in the licence. Person mentioned under this is responsible for any breach under these regulations.

SCHEDULE III

LIST OF DOCUMENTS TO BE SUBMITTED WITH APPLICATION OF NO OBJECTION CERTIFICATE (NOC)

(Along with Application for NOC)

Additional documents to be submitted by Food importer

I. Mandatory

(a) Bill of entry, examination order from the customs;

(b) Declaration stating that the imported food articles comply with the laws of India and meet the standards defined by the Food Authority;

(c) Country of Origin Certificate;

(e) Declaration of end-use;

(e) Clear declaration indicating whether the food is genetically modified or not.

II. Optional: When Required

(f) Laboratory Analysis Report from an authorised laboratory in the country of origin;

(g) Transit countries list if Food Articles have been transhipped;

(h) Temperature profile report, - in the case of food articles requiring cold chain during transit;

(i) Stuffing list – in the case of multiple food items packed in a single container;

(j) Representative sealed sample from the same batch in case of imported food article is packed in sealed containers in order to maintain aseptic or hygroscopic conditions;

(k) Any other reports or documents that would be specified by Food Authority from time to time.

SCHEDULE IV

VALIDITY PERIOD OF NO OBJECTION CERTIFICATE (NOC)

The validity period of the No Objection Certificate (NOC) issued by the Food Authority shall be classified as follows:

1. For NOC issued through the Accelerated Clearance Process, thevalidity period shall be seven days.
2. For NOC issued for Packaged Food articles,the validity period shall be till ten days prior to 'Best before date' as per the printed label on the food article.
3. For NOC issued for all other food articles, the validity period shall be 30 days or such time limit applicable for declaration of Uncleared goods as per the Customs Act, circulars/ notifications issued by Central Board of Excise and Customs (CBEC) from time to time.SCHEDULE V

FEE STRUCRURE

Serial Number	Item	Description	Fees
1	Inspection Fee		
2	Laboratory Analysis Fee		
3	Review Application Fee		

The amount shall be revised by Food Authority from time to time.

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R. K. Jain Chief Executive Officer

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