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India

Food and Agricultural Import Regulations and Standards - Certification

FAIRS Export Certificate Report

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Report Highlights:

In CY 2015, the Ministry of Health continued to amend its Food Safety and Standards Regulations, 2011, from time to time related to food safety, labeling and packaging of imported products. Additionally, the Ministry of Agriculture published (a) final health certificate for pork and pork products; bovine frozen semen, in vivo bovine embryos and live bovines and (b) proposal on phytosanitary requirements for the import of hay from the United States.

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 for majority of the commodities 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	Import requirements 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 (DAHDF) 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 [Draft Notification on the Import of Pome Fruits from the U.S.](#) 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](#).
- On January 16, 2015, FSSAI published a [draft Order](#) for domestically produced and imported meat and poultry products that note a procedure will be developed to inspect and monitor slaughtering and processing plants before granting market access to trading partners, and requires a country's competent authority to certify to Indian import requirements. Furthermore, the draft Order has introduced modified text for some requirements currently included in veterinary import certificates for imported meat and poultry products. On April 23, 2015, the draft Order was notified to the WTO for comment. However, FSSAI postponed the earlier effective date of July 1, 2015 by three months and the new date of implementation of the order was October 1, 2015 or until further orders, whichever is earlier. To date, FSSAI has not notified if the implementation date of October 1, 2015 is extended further. For further details, please refer to [IN5035](#), [IN5078](#) and [IN5086](#).
- On June 29, 2015, the MinAg issued a draft notification proposing phytosanitary requirements for the import of hay from the United States (see [Draft Notification on the Import of Hay from the U.S.](#) for details). This will be implemented when officially published in the Gazette of India.
- On September 28, 2015, DAHDF published a veterinary health certificate for the import of bovine frozen semen into India through an official gazette notification. Previously, DAHDF published a draft certificate in 2014 (Please see [IN4041](#)). The final certificate provides new or revised information including modified import requirements. For example, it specifically mentions that bovine frozen semen imports require a health certificate written in English that is signed by an official veterinarian of the exporting country and includes information contained in the Form section. The final certificate also added additional disease testing options for bovine brucellosis and paratuberculosis, which include the Fluorescence Polarization Assay and fecal culture test. To date, this veterinary health certificate has not been notified to the World Trade Organization (WTO). For further details, please refer to [IN5132](#).
- On September 28, 2015, DAHDF published a veterinary health certificate for the import of in vivo bovine embryos through an official gazette notification. Previously, the DAHDF published a draft health certificate in 2014 (Please see [IN4041](#)). The final certificate provides new or

revised information including modified import requirements. For example, it specifically mentions that in vivo bovine embryo imports require a health certificate written in English that is signed by an official veterinarian of the exporting country and includes information contained in the Form section. The final certificate also added additional disease testing options for paratuberculosis, which include a fecal culture test. According to paragraph (II) (10), the embryos can be stored in new or sterilized liquid nitrogen containers (the draft certificate only mentions sterilized containers). Paragraph (II) (11) requires that the straw should be labeled according to the International Embryo Transfer Society (IETS) manual. To date, this veterinary health certificate has not been notified to the WTO. For further details, please refer to [IN5134](#).

- On September 28, 2015, DAHDF published a veterinary health certificate for the import of live bovines into India through an official gazette notification. The revised certificate provided new or revised information including modified import requirements. For example, it specifically mentions that live bovine imports require a health certificate written in English that is signed by an official veterinarian of the export country and includes information contained in the Form section. The revised certificate added additional disease testing options for paratuberculosis and schmallenberg serology, which include the fecal culture test and virus neutralization (VN). The new certificate also includes a few modifications in the testing protocol for the disease enzootic bovine leucosis (EBL). To date, this veterinary health certificate has not been notified to the WTO. For further details, please refer to [IN5133](#).
- DAHDF revised the Guidelines for Export/import of Bovine Germplasm, which mainly adds a few additional requirements for importing young bulls. Previous draft guidelines were published in February 2011, March 2013, and October 2013. Although the Government of India supports the National Dairy Plan, which focuses on increasing animal productivity (Please see GAIN report [IN5009](#) India's National Dairy Board Looks to Grow), it is unclear if the Guidelines for Export/import of Bovine Germplasm will provide a boost to the Indian dairy industry on a national scale. In addition to the Guidelines, exporters should research whether there are additional requirements for exporting germplasm to a specific Indian state. Although not notified to the WTO, the new Guidelines were published on the DAHDF website (unspecified date). For further details, please refer to [IN5019](#).
- On October 26, 2015, DAHDF published a draft veterinary health certificate for dog and cat food (containing animal origin material) imports. This revised draft certificate introduces some new language and requirements in comparison to the earlier protocol. For example, the draft certificate specifically requires imported pet food to be manufactured from certain animal meat / products and specifies that ingredients cannot include animal meat that is prohibited under any Indian law. Other modifications or additions include new heat treatment processing guidelines, specifying the ports that can accept imported pet food, new testing requirements for sulphite reduced clostridium for canned and moist pet food, and manufacturer/exporter declarations. The new draft certificate removed the earlier requirement that a processing facility needed to be located 25 km radius from an avian influenza infected area. To date, this draft veterinary health certificate has not been notified to the WTO for comment. For further details, please refer to [IN5157](#).
- On November 6, 2015, DAHDF published a final veterinary health certificate for pork and pork

product imports on its website. The revised certificate introduces additional requirements as compared to the draft protocol notified to the WTO on March 16, 2015 (Please see GAIN report [IN5036](#)). For example, the final certificate introduces new import requirements under para 6 (f) of section IV, which notes that the consignment of pork and pork products should be produced according to the Codex Code of Hygienic Practice for Meat and sourced from pigs that are slaughtered in an approved slaughter house/abattoir. The final certificate also notes requirements for the *taenia solium* and provides procedures for the inactivation of the *taenia solium cysticerci*. To date, this veterinary health certificate has not been notified to the WTO. For further details, please refer to [IN5144](#).

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

[Procedure for Import of Livestock notified under clause \(b\) of Section 2 of Livestock Importation Act, 1898](#)
[Procedure for import of live-stock products notified under Section 2\(d\) and section 3A of the Live-stock Importation Act](#)
[Sanitary conditions/Health Protocols for various products](#)
[Guideline for Import/Export of Bovine Germplasm](#)
[Proforma for submitting proposals for introduction of live Aquatic Organisms](#)
[Import Health certificate for import of Pet 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](#)
[Veterinary certificate for import of milk and milk products](#)
[Veterinary Certificate for Import of pork and pork 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](#)
[Import of Live Bovines](#)
[Import of Horns and Hooves](#)
[Veterinary Certificate for Import of Fish and Fishery Product into India](#)
[Veterinary Certificate for Import of Rodents into India](#)

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, the GOI enforced its Food Safety and Standards Regulations (FSSR), 2011. This 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, 2013, 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 updated chapters included dairy and other livestock products covered in chapters 2-5, 16, and 21. The updated policies specified in the amended notification require that all imported livestock products shall require a sanitary import permit issued by the MinAg's DAHDF. 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](#)).
- On May 14, 2015, the GOI, Department of Consumer Affairs published a notification in the Indian official gazette, amending the Legal Metrology (packaged commodities) Rules, 2011. Important highlights of the amendment include: (a) Adopting the definition of retail packages as defined by the Food Safety and Standards Authority of India (FSSAI); and (b) Allow the use of stickers to include all labeling requirement data on imported food packages. The publication is not yet WTO notified, nor is there any reference to a specific comment period for domestic stakeholders. With the first amendment of 2015, these rules may now be called as Legal Metrology (packaged commodities) (First Amendment) Rules, 2015 ([IN5076](#)).

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 [IN5088](#), "Agricultural Biotechnology Annual 2015". 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 DAHDF, 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 2-5, 16 and 21 of the Harmonized Tariff Schedule, poultry meat, 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.