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Required Report - public distribution

Date: 1/4/2013

GAIN Report Number: IN2177

India

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

Updated on December 31, 2012 All sections updated.* Food Security Bill Introduced- but still waiting for Parliamentary Approval * Full implementation of the Food Safety and Standards Act, 2006 * First amendment to Food Safety and Standards Regulations 2011 * Draft Food Safety and Standards (Import) Regulations, 2011 * Multi-Brand Retail Investment Policy Moves Forward at the State Level* Multiple amendments to Legal Metrology (packaged commodities) rules, 2011 * GOI mandates standard retail package sizes for foods and beverages effective November 1, 2012 * New guidelines on labeling of imported products*

Section I. Food Laws:

Disclaimer

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in New Delhi, to serve as reference guide for firms wishing to export food and agricultural products to India. While every effort has been taken 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. IMPORT APPROVAL FOR ANY PRODUCT IS SUBJECT TO LOCAL RULES AND REGULATIONS AS INTERPRETED BY INDIAN BORDER OFFICIALS AT THE TIME OF ENTRY.

With a growing population of over 1.2 billion, Indian food law is intently focused on strengthening food security, and increasingly on promoting nutrition and food safety. In December 2011, the Indian Cabinet submitted a National Food Security Bill to Parliament for approval. The proposed legislation, if enacted in its present form, will create a legal entitlement to subsidized food grains for 63.5 percent of India's population, including 75 percent of rural and 50 percent of urban dwellers. This measure will also raise the food subsidy bill to over INR1 trillion (approximately USD 18 billion) a year. For further details, please refer to GAIN Report IN1213.

In August 2011, the Ministry of Health and Family Welfare fully implemented the Food Safety and Standards Act, 2006. With the implementation of the Food Safety and Standards Regulations, 2011, the Food Safety and Standards Act, 2006 came into full forced on August 5th, 2011. The 2006 Act formally repealed the regulatory framework established by 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 Act consolidates these eight different food laws into a single legal instrument – the Food Safety and Standards Regulation, 2011 - under a single authority, the Food Safety and Standards Authority of India (FSSAI). The 2006 Act also adds key provisions to strengthen the implementation of food safety rules. (For further information, please refer to GAIN Report IN 1174 - India Enforces the New Food Safety Law).

The Food Safety and Standards Rules, 2011 include directive for enforcement agencies, sampling techniques, legal rules and other issues enumerated under Section 91 of the Food Safety and Standards Act 2006. The full text of the final Food Safety and Standard Rules, 2011 can be accessed from the FSSAI website.

India's Food Safety and Standards Regulations, 2011 also contain labeling requirements and standards

for packaged food, permitted food additives, colors, microbiological requirements, etc.... The regulations are broadly focused on: (a) prevention of food adulteration (b) regulation for providing hygienic conditions for processing/manufacturing (c) protection of the domestic agriculture and livestock sector from pests and diseases (d) consumer information on food products (e.g. vegetarian or non-vegetarian, maximum prices etc...), and (e) on various product specifications. India's domestic food law also applies to imported food products. Various chapters of the new FSSAI regulations have been finally notified through the Indian Official Gazette, and are available on the FSSAI website. For further information, please refer to GAIN Report IN 1174 - India Enforces the New Food safety Law.

The Food Safety and Standards Regulations, 2011 stipulate that all food business operators, "food processor, manufacturer, exporter, or importer shall ensure that the food he is handling meets all the standards laid under the FSSAI's Food Safety and Standards Regulations 2011." All domestic food operators, including importers, are required to have an FSSAI license to conduct business in India. FSSAI does not require licensing of foreign companies to export food products to India. For further information, please refer to the following GAIN Reports available on the USDA FAS website: www.fas.usda.gov.

IN1104	FSSAI-Towards Implementing Food Safety Standards in India
IN2004	FSSAI Launches an Online Licensing and Food Import Clearance System
IN2104	FSSAI Extends Time Period of Renewal of Licenses and Registration

Note: The objective of the 1954 PFA was to protect India against impure, unsafe, and fraudulently labeled foods. Historically, this has been the cornerstone of Indian food law. The PFA covered various aspects of food processing and distribution, including the use of food color, preservatives, and regulations controlling pesticide residues, packaging, labeling, and sales.

CHRONOLOGY OF FSSAI REGULATIONS/NOTIFICATIONS (2011-12)

- <u>FSSAI Releases Revised Draft Regulations on Food Recall Procedures</u> (GAIN Report IN1145)-On May 5, 2011, the FSSAI introduced revised draft regulations on food recall procedures.
- FSSAI Releases Draft Food Safety and Standards (Import) Regulations (GAIN Report IN1165) On July 7, 2011, the FSSAI unveiled the new <u>Draft Food Safety and Standards (Import)</u> Regulations, 2011.
- First Amendments to the Food Safety and Standards Regulations 2011 (GAIN Report IN2003) On December 29, 2011, the FSSAI published rules in the official gazette amending the Food Safety and Standards Regulations 2011. The amendments pertain to (i) labeling of food products, (ii) use of food additives, (iii) prohibition and restriction on sales, and (iv) laboratory and sample analysis.

- FSSAI Introduces a Food Categorization System (GAIN Report IN2073) On May 11, 2012, the FSSAI introduced a Food Categorization System (FCS) for all food products covered by the Food Safety and Standards Regulations, 2011. Under the FCS, food products are classified into categories and sub categories with distinct codes. Some proprietary products are also included. The coding system is based on the Codex structure to promote consistency between domestic and international food standards.
- FSSAI issues advisory on misbranding and misleading claims (GAIN Report IN2097) On July 4, 2012, the FSSAI issued an advisory on misbranding/misleading claims. According to the FSSAI advisory, all Food Business Operators (FBO) are advised to exercise caution, and strictly follow the provisions of the Food Safety and Standards Act, 2006 and Regulations to avoid misleading or scientifically unsubstantiated claims. Misbranding/misleading claims on food products are a punishable offence under the Food Safety and Standards Act, 2006.
- FSSAI Extends Time Period for Renewal of Licenses and Registration (GAIN Report IN2104) On July 25, 2012, The Food Safety and Standards Authority of India (FSSAI) issued a statutory advisory granting a 6-month extension to Food Business Operators (FBOs), seeking conversion or renewal of existing licenses and registrations. The new deadline for applying or renewing licenses as per the provisions given under clause 2.1.2 of Licensing/Registration of Food Business Regulation, 2011 is February 4, 2013. The full text of the advisory can be accessed at FSSAI website.
- FSSAI sets new laboratory testing procedures for imported food (GAIN Report IN2109) On August 21, 2012, the FSSAI published new guidelines for laboratory testing of imported food in line with the provisions of the Food Safety and Standards Regulations, 2011. The guidelines establish approved methodologies and chemical testing parameters for food products regulated by the Food Safety and Standards Regulations, 2011. The guidelines are available on FSSAI's website and can directly be accessed at http://fssai.gov.in/Portals/0/Pdf/Final_Lab_Parameters(21-08-2012).pdf
- <u>FSSAI Publishes Procedures for New Product Approval</u> (GAIN report IN2168) On December 11, 2012, the FSSAI published a "New Product Approval Procedure." The new procedure supersedes all previous advisories and clarifications regarding product approvals.
- <u>FSSAI Publishes Second Draft Amendment on Packaging and Labeling</u> (GAIN Report IN2170)
 On December 11, 2012, FSSAI published a Second Amendment to the Food Safety and Standards (Packaging and Labeling) Regulations, 2011. The FSSAI has invited comments/suggestions from stakeholders.

- FSSAI Publishes Second Draft Amendment for Food Standards and Additives (GAIN report IN2171) On December 11, 2012, FSSAI published a Second Amendment to the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011. The FSSAI has invited comments/suggestions from stakeholders.
- On December 27, 2012, FSSAI issued a draft regulation "Regulation on Labeling (Claims)" (GAIN report IN2172). The FSSAI has invited suggestions and comments from stakeholders.

The Government of India (GOI) is currently promoting investment in food processing to accelerate economic growth. On September 14, 2012, the GOI approved a provision to allow 51 percent foreign direct investment (FDI) in multi-brand retail. A similar proposal was approved in 2011, but was suspended for political reasons. The new provision establishes procedures to allow foreign retailers to invest in the Indian market. For further information, please refer to GAIN Report IN2120 - India Approves Foreign Direct Investment in Multi-Brand Retail.

FDI in Retail Timeline

TIMELINE	SERIES OF EVENTS				
July 1991	FDI up to 51 percent allowed in certain stores				
January 1997	FDI up to 100 percent allowed in "cash and carry" format with automatic				
	government approval				
February 10, 2006	FDI up to 51 percent allowed in single brand retail with government approval				
November 24,	FDI up to 100 percent in multi- brand retail approved				
2011					
December 7, 2011	FDI up to 100 percent in multi- brand retail put on hold				
January 10, 2012	FDI up to 100 percent allowed in single brand retail				
September 14,	FDI up to 100 percent in multi brand retail approved				
2012					
September 20,	FDI in single brand retail sourcing norms amended				
2012					
December 05,	FDI in multi-brand retail decision wins a confidence vote in Lok Sabha (lower				
2012	house)				
December 07,	FDI in multi-brand retail decision wins a confidence vote in Rajya Sabha				
2012	(upper house)				

A. The Legal Metrology Act, 2009, and the Legal Metrology (Packaged Commodities) Rules, 2011

The Legal Metrology Act, 2009 has repealed the Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Enforcement) Act, 1985. The Act establishes uniform standards of weights and measures regulating trade in weights, and other goods which are sold or distributed by

weight, measure or number. As per the Legal Metrology (Packaged Commodities) Rules 2011 (which came into force on April 1, 2011), manufacturing, packing, selling or importing any pre-packaged commodity is prohibited unless it is in a standard quantity and carries all prescribed declarations (Please refer Section 18(1) of the rules, 2011). Depending on the product, the Food Safety Standards and Regulations 2011 may impose additional labeling requirements for food items. The Department of Consumer Affairs, located within the Ministry of Consumer Affairs, Food, and Public Distribution, is the regulatory authority for the Legal Metrology Act, 2009, and the Legal Metrology (Packaged Commodities) Rules, 2011. The full text can be accessed on the website of the Department of Consumer Affairs at Legal Metrology Act, 2009, the Legal Metrology (Packaged Commodities) Rules, 2011, and the Legal Metrology (Packaged Commodities) Rules (Amendment) 2011. Importers of packaged food products are expected to adhere to the provisions of these acts.

On October 24, 2011, the GOI Department of Consumer Affairs published a notification in the Indian official gazette, amending the Legal Metrology (packaged commodities) rules, 2011. The amendment deleted a provision to Rule 5 of the Legal Metrology (packaged commodities) rules, 2011. As a result, the use of standard size packs for commodities listed under Schedule II of these rules is mandatory as of July 1, 2012. The affected products include baby food, weaning food, biscuits, bread, un-canned packages of butter and margarine, cereals and pulses, tea, and materials which may be constituted or reconstituted as beverages. Please refer to GAIN Report IN2038 for more information. The amendment has raised some significant, particularly in terms of trade. The U.S., Europe, Canada, and Australia do not have specific standard pack sizes. On June 5, 2012, the GOI introduced an amendment to delay implementation. For more information, please refer to GAIN Reports IN2046, IN2077 and IN2085.

In another major amendment to the rules, also published on June 5, 2012, the GOI Department of Consumer Affairs published a notification in the Indian official gazette, amending the <u>Legal Metrology</u> (<u>packaged commodities</u>) <u>rules</u>, <u>2011</u>. The amendment requires a "GM" declaration on principal display panel of packages containing genetic modified food (GAIN Report <u>IN2078</u>).

On November 1, 2012, the Ministry of Consumer Affairs, Food and Public Distribution, officially implemented the Legal metrology (packaged Commodities) Rules, 2012, under Legal Metrology Act, 2011. See GAIN Report IN2150 for more information on the Indian Official Gazette Notification No. G.S.R. 426 (E).

B. Livestock Importation Act, 1898

Under the Livestock Importation Act, 1898, the GOI has established procedures for the importation of livestock and related products to India, which are implemented by the Department of Animal Husbandry, Dairying, and Fisheries, Ministry of Agriculture (MoA). These procedures are available at: http://dahd.nic.in/order/livestockimport.doc

- On January 31, 2012, MoA issued a draft notification proposing a veterinary certificate for the import of milk and milk products from various countries including the United States. The notification was sent to the WTO on January 31, 2012. (GAIN Report IN2017)
- On February 23, 2012, the Department of Animal Husbandry, Dairying and Fisheries (DAHD) of the MoA published veterinary certificates for the import of equine, canine, ovine/caprine, and porcine semen into India (GAIN Report <u>IN2027</u>).
- On June 19, 2012, the MoA amended guidelines regulating quarantine for the import of White Leg Shrimp (*Litopenaeus vannamei*). Under the amendment, Indian imports of Litopenaeus vannamei brood stock will no longer be subject to a pre-quarantine test for *Baculovirus penaei* (GAIN Report IN2093)
- On October 5, 2012, the MoA announced an update to the Livestock Importation Act on sanitary regulations for African horse sickness and contagious equine metritis (GAIN Report IN2138).
- Procedures for import of various livestock products are available on the website http://dahd.nic.in/ (Refer GAIN IN2176- FAIRS export cert report, 2012)

C. Plant Quarantine (Regulation of Import into India) Order, 2003

Plant import regulations are governed by the Plant Quarantine (Regulation of Import into India) Order, 2003, under the Destructive Insects and Pests Act, 1914. The Order was published on November 18, 2003, with "...the purpose of prohibiting and regulating the imports into India of agricultural articles...," and became effective January 1, 2004. The implementing agency is the Directorate of Plant Protection, Quarantine, and Storage, under the MoA Department of Agriculture and Cooperation. The Order, along with subsequent amendments, is available on India's <u>Plant Quarantine website</u>.

- In February 2011, the MoA Directorate of Plant Protection, Quarantine and Storage unveiled the
 new online Plant Quarantine Information System (PQIS). The PQIS facilitates the application
 process for import permits and import release orders. Exporters are now also able to apply
 online for phyto-sanitary certificates. For more information, please refer to GAIN Report
 IN1130.
- On January 3, 2012, the MoA issued a draft notification proposing additional phytosanitary requirements for the import of pome fruits from various countries including the United States. For more information, please refer to GAIN Report <u>IN2035</u>.

• On October 17, 2012, the MoA introduced an amendment to the Plant Quarantine Order, 2003 (the regulation for the import of plant material into India). The draft amendment seeks to modify Schedule VI of Plant Quarantine Order 2003, to include walnuts (*Juglans spp.*) as 'dry fruits for consumption' from United States of America, with phytosanitary import requirements and with additional declaration and special conditions. For more information, please refer to GAIN Report IN2147.

Section II. Labeling Requirements:

A. **General Requirements:** General requirements for labeling of packaged foods are currently outlined in Chapter 2 of the Food Safety and Standards Regulations and can be accessed at: PACKAGING AND LABELING.

According to the Food Safety and Standards (packaging and labeling) Regulations, 2011, ""Pre-packaged" or "Pre-packed food", means food, which is placed in a package of any nature, in such a manner that the contents cannot be changed without tampering, and which is ready for sale to the consumer. The expression "package" wherever it occurs in these Regulations, shall be construed as package containing pre-packed food articles."

The Food Safety and Standards (packaging and labeling) Regulations, 2011 require that every package of food shall carry the following information on the label:

- The trade name or description of the food item.
- List of ingredients, except for single ingredient foods.
- Nutritional Information.
- Veg and Non veg declaration:

Vegetarian food must have a symbol of a green color-filled circle inside a square with a green outline prominently displayed on the package, contrasting against the background on the principal display panel, in close proximity to name or brand name of the food

Non-vegetarian food (any food which contains whole or part of any animal including birds, marine animals, eggs, or products of any animal origin as an ingredient, excluding milk or milk products), must have a symbol of a brown color-filled circle inside a square with a brown outline prominently displayed on the package, contrasting against the background on the principal display panel, in close proximity to the name or brand name of the food.

Provided that the provisions shall not apply in respect of mineral water or packaged drinking water or carbonated water or alcoholic drinks, or liquid milk and milk powders

- Declaration regarding food additives (colors/flavors).
- Name and complete address of the manufacturer.
- Net content by weight, volume or number; drained weight (for food packed in liquid medium).
- Distinctive lot number or code number or batch number.
- Date, month, and year of manufacturing or packing.

• Best before and Use by date.

Provided further that the declaration of best before date for consumption shall not be applicable to:

- (i) Wines and liquors
- (ii) Alcoholic beverages containing 10 percent or more by volume of alcohol
 - Maximum Retail Price (MRP)
 - Country of origin for imported food
 - Instructions for use

There are special labeling requirements for certain packaged food items, such as infant foods, condensed milk, milk powder, edible oils and fats, permitted food colors, etc.... For further details on packaging and labeling regulations, please refer to Chapter 2 of the Food Safety and Standards Regulations, which can be accessed on the FSSAI website: PACKAGING AND LABELING.

B. Requirements specific to labeling of imported food: In the case of imported packaged food, all declarations must be:

- Printed on a label securely affixed to the package or;
- Made on an additional wrapper containing the imported package or;
- Printed on the package itself or;
- Made on a card or tape affixed firmly to the package or container and bearing the required information.
- Labels must be printed in English or Hindi (Devanagari script). The responsibility for labeling lies with the importer, and should be done before products are presented for customs clearance. Products exhibiting only a standard U.S. label will not be allowed to enter.

Per Notification No. 44 (RE-2000)/1997-2002, issued by the Department of Commerce (DC), Ministry of Commerce and Industry, on November 24, 2000, all packaged commodities, including packaged food, imported into India should also carry the following declarations:

- Name and complete address of the importer in India.
- Generic or common name of the commodity packed.
- Net quantity using standard units of weights and measures. If the net quantity of the imported
 package is given in any other unit, its equivalent terms of standard units shall be declared by the
 importer.
- Month and year in which the commodity was manufactured/packed, or imported.
- The Maximum Retail Price (MRP) at which the commodity, in packaged form, may be sold to

the ultimate consumer. This price shall include all taxes, local or otherwise, freight, transport charges, commission payable to dealers, and all charges towards advertising, delivery, packing, forwarding, and any other relevant charges.

The full notification is available on the DGFT website: DGFT Notification

C. Country of Origin Labeling (COOL) regulations:

According to Chapter 2 of the Food Safety and Standards Regulations: PACKAGING AND LABELING REGULATIONS, Part 2.2.2 (11): Labeling of Pre-packaged Foods of Food Safety and Standards Regulations 2011:

"Country of origin for imported food: (i) The country of origin of the food shall be declared on the label of food imported into India. (ii) When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling."

Provided further that "where any food article manufactured outside India is packed or bottled in India, the package containing such food article shall also bear on the label, the name of the country of origin of the food article and the name and complete address of the importer and the premises of packing or bottling in India." (Part 2.2.2 (6))

India specifies that imported pre-packaged food products must meet India's country of origin food labeling requirements at the Port of entry. Imported bulk food items sold in loose or unpackaged form (almonds, apples, grapes, peas and lentils, etc) must have an accompanying certificate that specifies country of origin. However, there is currently no requirement to label imported loose or unbranded products at the retail point of sale.

D. Requirements specific to labeling of Nutritional information

According to the Food Safety and Standards (Packaging and Labeling) Regulations, 2011, every package of food is required to have following additional nutritional information per 100 gram or 100 ml or per serving on the label:

- Energy value in kcal.
- Amount of protein, carbohydrates (specify quantity of sugar) and fat in gram or milliliter.
- Amount of any other nutrient for which nutrition or health claim is made.
- Numerical information on vitamins and minerals.

Raw agricultural commodities, spice mixes, condiments, non-nutritive products, alcoholic beverages,

fruits and vegetables, processed pre-packaged vegetables and fruits, etc. are exempted from nutritional labeling requirements.

E. Labeling requirements wherever applicable:

Wherever applicable the product label should also contain the following:

- Instructions for use, if necessary, to ensure correct utilization of the food
- In case of irradiated food, the purpose of irradiation and the license number.

F. Labeling requirements for Proprietary Food

According to Indian regulations, proprietary food, is a food which has not been standardized under the Food Safety and Standards Regulations, 2011. In addition to complying with labeling requirements specified under the <u>Food Safety and Standards (Packaging and labeling) Regulations</u>, 2011, these foods should also conform to the following requirements:

- The name describing as clearly as possible, the nature or composition of food and/or category of the food under which it falls in these Food Safety and Standards Regulations, 2011, shall be mentioned on the label.
- These foods should comply with all other regulatory provisions specified in the <u>Food Safety and Standards (food product standards and food additives) Regulations, 2011</u> and in Appendices (Appendix A on List of Food additives and Appendix B on Microbiological Requirements) to these Regulations.

G. Specific Requirements/ Restrictions on manner of labeling

- Labeling of infant milk substitute and infant food:
- The container should indicate in capital letters "MOTHER'S MILK IS BEST FOR YOUR BABY".
- No containers or label referred relating to infant milk substitute or infant food shall have a picture of infant or women or both.
- Labeling of edible oils and fats:
- The package, label or the advertisement of edible oils and fats shall not use the expressions "Super-Refined", "Extra-Refined", "Micro-Refined", "Double-Refined", "Ultra-Refined", "Anti-Cholesterol", "Cholesterol Fighter", "Soothing to Heart", "Cholesterol Friendly", "Saturated Fat Free" or such other expressions which are an exaggeration of the quality of the Product.

For more details on specific labeling, please refer Food Safety and Standards (Packaging and labeling) Regulations, 2011.

On March 23, 2012 the FSSAI published "Guidelines related to food import clearance process by FSSAI's Authorized Officers." These guidelines outline the labeling requirements of different kinds of packages of food consignments imported into India. The guidelines also provide details on the clearance process for proprietary food, food supplements/dietary supplements, functional foods, nutraceuticals, and other similar products. The FSSAI expects that these guidelines will facilitate trade, while at the same time, ensure safety of imported food products. For more information, please refer to GAIN Report IN2055.

Section III. Packaging and Container Regulations:

All weights or measures are to be reported in metric units. For details, please refer to The Legal Metrology Act, 2009, and the Legal Metrology (Packaged Commodities) Rules, 2011, as above. The use of materials such as Polyvinyl Chloride (PVC) is not allowed for packaging in most cities, due to environmental concerns and waste disposal problems.

On September 17, 1998, the Ministry of Consumer Affairs, Food and Public Distribution promulgated the Edible Oil Packaging (Regulation) Order, 1998 (now repealed by the Food Safety and Standards Regulations, 2011 and regulated by FSSAI), to make packaging of edible oils, sold in retail, compulsory, unless specifically exempted by State governments. This measure was introduced to ensure the availability of safe and high quality edible oils in packed form at pre-determined prices to consumers.

For more information on Packaging regulations see Chapter 2, part 2.1: Packaging in the Food Safety and Standards Regulations, which can be accessed at: <u>PACKAGING AND LABELING</u>.

Section IV. Food Additives Regulations:

Information regarding permitted food coloring, preservatives, etc. was enshrined in various sections of the PFA Rules, as amended, listed below. As the PFA has been repealed by Food Safety and Standards Regulations 2011 on August 5, 2011, the table below also indicates the respective regulations in the **Food Safety and Standards Regulations**, 2011.

Additives	PFA	Food Safety and Standards Regulations, 2011
	Act,	
	<u>1954</u>	
Coloring Matter	Part VI	Renamed FOOD SAFETY AND STANDARDS (FOOD
		PRODUCTS STANDARDS AND FOOD ADDITIVES)
		REGULATIONS, 2011. Chapter 3, Regulation 3.1.2
Artificial Sweeteners	Part VII	Renamed FOOD SAFETY AND STANDARDS (FOOD

	PRODUCTS STANDARDS AND FOOD ADDITIVES)
	REGULATIONS, 2011. Chapter 3, Regulation 3.1.3
Part X	Renamed FOOD SAFETY AND STANDARDS (FOOD
	PRODUCTS STANDARDS AND FOOD ADDITIVES)
	REGULATIONS, 2011. Chapter 3, Regulation 3.1.4
Part XI	Renamed FOOD SAFETY AND STANDARDS
	(CONTAMINANTS, TOXINS AND RESIDUES)
	REGULATIONS, 2011. Refer Chapter 2, Regulation 2.1
Part	Renamed FOOD SAFETY AND STANDARDS
XIA	(CONTAMINANTS, TOXINS AND RESIDUES)
	REGULATIONS, 2011. Refer Chapter 2, Regulation 2.2.1
Part XII	Renamed FOOD SAFETY AND STANDARDS (FOOD
	PRODUCTS STANDARDS AND FOOD ADDITIVES)
	REGULATIONS, 2011. Chapter 3, Regulation 3.1.5, 3.1.6,
	3.1.7
Part	Renamed FOOD SAFETY AND STANDARDS (FOOD
XIII	PRODUCTS STANDARDS AND FOOD ADDITIVES)
	REGULATIONS, 2011. Chapter 3, Regulation 3.1.10
Part	Renamed FOOD SAFETY AND STANDARDS (FOOD
XIIA	PRODUCTS STANDARDS AND FOOD ADDITIVES)
	REGULATIONS, 2011. Chapter 3, Regulation 3.1.18
Part	Renamed FOOD SAFETY AND STANDARDS (FOOD
XVI	PRODUCTS STANDARDS AND FOOD ADDITIVES)
	REGULATIONS, 2011. Chapter 3, Regulation 3.1.12
Part	Renamed as FOOD SAFETY AND STANDARDS
XVIII	(CONTAMINANTS, TOXINS AND RESIDUES)
	REGULATIONS, 2011. Refer Chapter 2, Regulation 2.3.2
Part	Renamed FOOD SAFETY AND STANDARDS (FOOD
XIX	PRODUCTS STANDARDS AND FOOD ADDITIVES)
	REGULATIONS, 2011. Chapter 3, Part 3.1
	Part XI Part XII Part XIII Part XIII Part XIII Part XIII Part XVIII Part XVIII Part XVIII

Section V. Pesticides and Other Contaminants:

The Ministry of Agriculture regulates the manufacture, sale, import, export and use of pesticides through the 'Insecticide Act, 1968' (http://cibrc.nic.in/insecticides_act.htm) and the rules framed under the Act (http://cibrc.nic.in/insecticides_rules.htm). The Central Insecticide Board (CIB) constituted under Section 4 of the Act advises the central and state governments on technical matters. The Registration Committee (RC) constituted under Section 5 of the Act approves the use of pesticides and new formulations to tackle pest problems in various crops. While the RC registers pesticides, specific MRLs for food commodities are prescribed by the Ministry of Health and Family Welfare. MRLs are established by taking into account the toxicological data of the pesticide, as well as that of the residues on crops under Good Agricultural Practices (GAP).

Approximately 230 pesticides are registered (http://cibrc.nic.in/reg_products.htm) for regular use in India. The Maximum Residue Levels (MRLs) have been defined for 149 pesticides in the Food Safety and Standards Regulations 2011. (Please refer FOOD SAFETY AND STANDARDS (CONTAMINANTS, TOXINS AND RESIDUES) REGULATIONS, 2011, Chapter 2, Regulation 2.3).

A negative lists of pesticides/pesticide formulations which have been refused registration, or have restricted use in India are available at: http://cibrc.nic.in/list_pest_bann.htm.

MRLs set by the CODEX Alimentarius may be accepted for imported foodstuffs if the subject pesticides are not on the approved or banned lists of pesticides. The Ministry of Agriculture has taken a decision to discontinue the practice of registering a pesticide through the Pesticide Registration Committee when no MRLs are established.

For additional information on approved pesticides and the procedures for registration of new pesticides, please refer the Central Insecticide Board and Registration Committee website: http://cibrc.nic.in/

On March 30, 2011, the GOI Ministry of Health and Family Welfare issued a <u>draft</u> Gazette notification to amend the Prevention of Food Adulteration Act (PFA), 1955. The draft amendment introduced:

A. Permissible tolerance limits for 14 new insecticides in various food crops. The list includes: Fipronil, Cinmethylin,, Paclobutrazoll, Penpyroximate, Difenoconazole, Flusilazole, Metalaxyl-M, Hydrogen Cynamide, Buprofezin, Novaluron, α-Napthy acetic acid, Methomyl, Flubendiamide, and Penconozole

- B. Permissible tolerance limit for the use of:
 - Propargite for chillies and apples
 - Chlorimuronethyl for rice and soybean seed
 - Propiconazole for tea, groundnut seed, rice and soybean seed
 - Mencozeb for cumin
 - Decamethrin/Deltamethrin for red gram, mango and tea
 - Lambdaacyhalothrin in certain vegetables, pulses and oilseeds, and
 - Thiamethoxam in acid lime

For further details please refer GAIN Report IN1140 on GOI Introduces New Maximum Residue Levels.

Section VI. Other Regulations and Requirements:

All imported foods are randomly sampled at the port of entry for conformity to India's Food Safety and Standards Regulations, 2011. On June 16, 2004, the Ministry of Commerce and Industry published a list of "high risk" food items, imports of which are subject to 100 percent sampling. This list includes edible oils and fats, pulses and pulse products, cereal and cereal products, milk powder, condensed milk,

food colors, and food additives, among other items. The complete list as given in the policy circular 37 (RE-2003)/2002-2007 issued by the Department of Commerce is available at: <u>List of High Risk Food</u> Items

Instructions regarding sampling and the clearance of consignments of food articles at ports of entry are available in Policy Circular 25 (RE-2003)/2002-2007 issued by the Department of Commerce and available at: Instructions regarding sampling and testing

Other important circulars/notifications:

Instructions-regarding clearance of consignments-I

Instructions-regarding clearance of consignments-II

Instructions- regarding clearance of consignments-III

Import of meat and poultry, and other edible and primary agricultural products

Shelf Life: Notification No. 22 (RE-2001) 1997-2002, dated July 30, 2001, issued by the Department of Commerce, Ministry of Commerce and Industry, states:

"Imports of all such edible/food products, domestic sale and manufacture of which are governed by the PFA shall also be subject to the condition that, at the time of importation [emphasis added], these products are having a valid shelf life of not less than 60 percent of its original shelf life. Shelf life of the product is to be calculated, based on the declaration given on the label of the product, regarding the date of manufacture and the due date of expiry."

http://dgftcom.nic.in/exim/2000/not/not01/not2201.htm

There is no requirement to formally register products. Export certification requirements for imports of food products in India are summarized in **FAIRS Export Certificate Report 2012 (IN2176).**The import of product samples via express mail or parcel post (such as FedEx, UPS, DHL, etc.) is allowed, subject to obtaining prior permission from the Directorate General of Foreign Trade. (See: www.cbec.gov.in/js-menu/import-courier.htm). Mail order imports are not allowed. Contact information to arrange sample shipments is provided in Appendix I. Once the products enter the domestic market, they are to be monitored randomly at the retail and wholesale level by the relevant regulatory authorities.

The Genetic Engineering Approval Committee (GEAC) under the Ministry of Environment and Forests is the decision-making authority for the approval of genetically engineered products, Food ingredients and additives containing bioengineered organisms cannot be produced, used, or imported without prior GEAC approval.

Since July 8, 2006, the GOI Foreign Trade Policy (2004-2009) specified that all imports containing products of modern biotechnology must have prior approval from the Genetic Engineering Approval

Committee (GEAC), Ministry of Environment and Forests. The policy also stipulates a mandatory biotech declaration. The only biotech food product officially permitted for commercial importation is soybean oil derived from Roundup Ready Soybeans. For more information on India's biotech import policy, please refer to GAIN Report IN2098 – 'Agricultural Biotechnology Annual 2012'.

Section VII. Other Specific Standards:

The Department of Commerce Notification No. 44 (RE-2000)/1997-2002, dated November 24, 2000, requires imports of certain products, including some food products (milk powder, condensed milk, infant milk foods, milk-cereal based weaning foods) and food additives, to comply with mandatory Indian quality standards. All manufacturers and exporters whose products are sold in India are required to register with the Bureau of Indian Standards. Please refer to the official DGFT Notification.

Section VIII. Copyright and/or Trademark Laws:

The Indian Copyright Act of 1957 is based on the Bern Convention on Copyrights, to which India is a party. The May 1995 and December 1999 amendments increased protection and introduced stiff mandatory penalties for copyright infringement. On paper, Indian copyright law is now on par with the most modern laws in the world. Trademarks are protected under the Trade Marks Act, 1999 and the Trade Marks Rules, 2002 (in force since September 2003), which repealed the Trade Mark and Merchandise Marks Act, 1958. The changes introduced by the Act include: protection to well known marks, as well as service and collective marks; extension of the period of protection from seven to ten years; establishment of an Appellate Board; and increased penalties for infringement of trade marks. However, GOI enforcement of intellectual property rights has been very weak, however the situation is slowly improving, as the courts and police are becoming more responsive to domestic stakeholder concerned by the broad effects of piracy.

Foreign firms can register **trademarks** through a local agent by applying at the Office of the Registrar of Trademarks (<u>www.ipindia.nic.in</u>). However, the registration process can take up to three to five years for the trademark to be officially accepted and notified.

In order to protect the **intellectual property of imported products**, the Central Board of Excise and Customs, Ministry of Finance, has issued the Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007 (CBEC Notification and www.cbec.gov.in/customs/cs-act/notifications/notfns-2k7/csnt49-2k7.htm).

Instructions regarding the implementation of the Rules are available at CBEC website: **Instructions**

Section IX. Import Procedures:

Documentation: Importers must provide an import declaration in the prescribed Bill of Entry format,

disclosing the value of the imported goods. This declaration must be accompanied by the relevant import license and phytosanitary certificate (in the case of agricultural commodities), along with supporting documentation such as sales invoices and freight and insurance certificates. There is no need to translate the import documents into the local language as English is an official language. All consignments are required to be inspected prior to clearance. The FSSAI has also authorized its officers at Mumbai, Nhava Sheva, Haldia, Kolkata and Chennai sea ports, and at the International airports of Mumbai, Kolkata, Chennai, and New Delhi to oversee the clearance process of imported food products. FSSAI's authorized officer overseeing the import clearance at New Delhi International airport is also overseeing the import clearance process at Inland Container Depot in Tuglaqabad and Patparganj areas of New Delhi.

Procedure for clearance:

Indian Customs officials inspect incoming consignments, draw samples, and forward the samples to FSSAI port officers, who verify that the imported food product complies with Indian food law. The FSSAI port officers take the samples and, based on the regulations, send the samples for testing at FSSAI approved labs. The FSSAI port officers will issue a 'No Objection Certificate', as long as lab analysis results show that the imported food product is in compliance with Indian food laws. Customs officers will release the consignment for distribution and sale in India once they have received the 'No Objection Certificate' from the FSSAI port officer. If the consignment does not comply with the Indian food law, the FSSAI port officers will inform the customs officers to detain, re-export or destroy the consignment.

(Note: FSSAI maintains that there has been no change in the procedures for sampling, testing and clearance of imported foods, and that all the rules and procedures are equivalent to those employed under the PFA Act, as amended).

The procedures for product sampling and laboratory analysis are described in FOOD SAFETY AND STANDARDS (LABORATORY AND SAMPLE ANALYSIS) REGULATIONS, 2011. Prior to sampling a product, the FSSAI port officer will ascertain if the imported food item is in compliance with the labeling provisions under FSSAI rules so as to ensure that adequate and accessible information is available to the handler, processor or consumer to enable them to handle, store, process, prepare and display the food products safely, and that the lot or batch can be easily traced and recalled if necessary. For more information on clearance of imported food please refer GAIN Report IN1095 on 'FSSAI Guidelines for Imported Food Clearance at Sea Ports' and IN1104 on 'FSSAI-Towards Implementing Food Safety Standards in India', which are available on the USDA FAS website: www.fas.usda.gov.

On October 13, 2011, the FSSAI published "Ad-hoc guidelines related to imported food clearance process by FSSAI's Authorized Officers." According to the FSSAI guideline document, the absence of the vegetarian/non-vegetarian logo, and name and address of importer, are considered "rectifiable labeling deficiencies" which may be dealt with via sticker labels in a customs bonded warehouse at the port. However, the absence of name and address of manufacturer, list of ingredients, production date,

best-before or expiry date; batch or code or lot number; net weight or volume; or nutritional information, when required, is not rectifiable with sticker labels (see GAIN Report IN2002 for more information). Furthermore, on December 21, 2011, the FSSAI issued a corrigendum on Food Safety and Standards (packaging and labeling) Regulations, 2011 noting that wholesale packages are no longer exempted from labeling requirements. FSSAI labeling guidelines for imported products have been subject to periodic review and revision. For more information, please refer to GAIN Reports IN2045, IN2051, IN2069, IN2107.

Clearance of imported alcoholic beverages:

On October 31, 2012, FSSAI granted a further extension to the clearance process pertaining to alcoholic beverages, stating that minor labeling "defects" may be corrected in the customs bonded warehouse under the supervision of the customs department. This policy remains in effect until January 20, 2013, or until FSSAI issues new official guidelines. According to the Food Safety and Standard Authority of India's (FSSAI) – Food safety and Standards (Packaging and Labeling) Regulations, 2011; alcoholic beverages are exempted from nutritional information, as well as the vegetarian / non-vegetarian logo, and the best before date (For more details, please refer to GAIN Report IN2146).

Clearance procedure for import of consumer food products for R&D:

On March 30 2012 the FSSAI published guidelines regarding clearance of food consignments imported in India for Research and Development purposes, which specifies that whenever such type of consignment is referred to FSSAI by Customs, the quantity and end use of the product may be checked by the Authorized officer to verify that the product is not for commercial sale. FSSAI officials have the authority to verify food consignments coming into India are indeed for R&D purposes, and may request a certificate from the manufacturer/ exporter of the source country. After verification, the "No Objection Certificate" requirement may be waived subject to the importer confirming that the consignment will be exclusively used for R&D and will not be utilized or released in domestic market for human consumption. For more details, please refer to GAIN Report IN2052.

Product Recall: On May 5, 2011, the FSSAI posted revised draft regulations on food recall procedures (Please refer to GAIN Report IN1145 on <u>FSSAI Releases Revised Draft Regulations on Food Recall Procedures</u>). On July 7, 2011, the FSSAI also introduced <u>Draft Food Safety and Standards (Import)</u> <u>Regulations, 2011</u>. For more information, please refer USDA GAIN Report IN1165 on <u>FSSAI Releases</u> Draft Food Safety and Standards (Import) Regulations)

Additional information on exporting food products to India is available in the <u>"Exporter Guide"</u> (GAIN report IN2163).

 $For \ additional \ information, please \ contact:$

Office of Agricultural Affairs

Embassy of the United States of America

Chanakyapuri

New Delhi-110021

Phone: +91-11-24198000 Fax:+91-11-24198530

Email: agnewdelhi@fas.usda.gov

Appendix I. Government Regulatory Agency Contacts:

A. Overall Food Safety: Food Safety and Standards Regulations, 2011 (repealed Prevention of food Adulteration Act, The Fruit Products Order; Meat Food Products Order; Milk and Milk Products Order, Vegetable Oil Products Order, Solvent Extracted Oil, De-oiled Meal and Edible Flour (Control) Order).

Chairperson

Food Safety Standards Authority of India

FDA Bhavan

Kotla Road

New Delhi-110 002

Phone: (91-11) 23220991/92 E-mail: chairperson@fssai.gov.in Website: http://www.fssai.gov.in

B. The Legal Metrology Act (repealed The Standards Weights and Measures Act) (Department of Consumer Affairs, Ministry of Consumer Affairs, Food, and Public Distribution)

Director (Legal Metrology)

Department of Consumer Affairs

Krishi Bhavan

New Delhi - 110 001

Phone: (91-11) 23389489 Fax: (91-11) 23385322 Email: dirwm- ca@nic.in

Website: http://fcamin.nic.in/index.asp

C. Phytosanitary issues

(Department of Agriculture and Cooperation, Ministry of Agriculture)

Joint Secretary - Plant Protection and Quarantine Department of Agriculture and Cooperation Ministry of Agriculture

Krishi Bhawan

New Delhi – 110 001

Phone: (91-11) 23070306 Fax: (91-11) 23070306

Website: www.plantquarantineindia.org

D. Livestock and Products Imports

(Department of Animal Husbandry and Dairying, Ministry of Agriculture)

Joint Secretary

Department of Animal Husbandry and Dairying

Ministry of Agriculture

Krishi Bhavan

New Delhi - 110 001

Phone: (91-11) 23387804 Fax: (91-11) 23386115 E-mail: jsadd@nic.in

Website: http://dahd.nic.in/

F. Foreign Trade Notifications

(Department of Commerce, Ministry of Commerce and Industries)

Director General of Foreign Trade

Ministry of Commerce

Udyog Bhavan

New Delhi - 110 011

Phone: (91-11)23062777 Fax: (91-11)23061613 E-mail: dgft@nic.in

Website: http://dgft.delhi.nic.in/

G. Registry of Trademarks

(Department of Commerce, Ministry of Commerce and Industries)

Controller General of Patents, Designs and Trade Marks and Geographical Indication Registry Bhoudhik Sampada Bhavan S.M. Road, Antop Hill Mumbai – 400 037

Phone: (91-22)24144525/24132735

Fax: (91-22)24132735

E-mail: <u>Mumbai-patent@nic.in</u>
Website: <u>www.ipindia.nic.in</u>

H. Central Board of Excise and Customs

(Ministry of Finance)

Chairman

Central Board of Excise and Customs

Ministry of Finance

North Block

New Delhi - 110 001

Phone: (91-11) 23092849 Fax: (91-11) 23092890

E-mail: chairman@cbec.gov.in
Website: http://www.cbec.gov.in/

I. Pesticide Registration

(Department of Agriculture and Cooperation, Ministry of Agriculture)

Secretary

Central Insecticides Board and Registration Committee

C.G.O. Complex

N.H. IV

Faridabad – 121 001

Haryana

Phone: (91-129) 2413002 E-mail: cibsecy@nic.in

Website: http://cibrc.gov.in/

J. Genetic Engineering Approval Committee (GEAC)

(Ministry of Environment and Forests)

Chairman, GEAC

Ministry of Environment and Forests

Paryavaran Bhawan

CGO Complex, Lodi Road

New Delhi – 110 003

Phone/Fax: (91-11) 24363967, 24361308

Email: parsheera-mef@nic.in Website: http://envfor.nic.in/

Appendix II. Other Import Specialist Contacts:

A. Director

Confederation of Indian Food Trade and Industry

Federation of Indian Chambers of Commerce and Industry

Federation House

Tansen Marg

New Delhi - 110 001

Phone: (91-11) 23738760-70

Fax: (91-11) 23311920 E-mail: ficci@ficci.com

B. Senior Technical Advisor

Confederation of Indian Industry

The Mantosh Sondhi Center

23. Institutional Area

Lodhi Road

New Delhi - 110 003

Phone: (91-11) 2463 3461 Fax: (91-11) 2462 6149 Website: www.cii.in

Author Defined:

APPENDIX III: IMPORTANT COMMODITY-SPECIFIC REPORTS SUBMITTED SINCE LAST FAIRS COUNTRY REPORT

IN2176 – FAIRS Export Certificate Report 2012

IN2173 – FSSAI clarifies role on alcohol licensing and registration

IN2172 – FSSAI publishes draft regulations on labeling

IN2171 – FSSAI publishes second draft amendment for food standards and food additives

IN2170 – FSSAI publishes second draft amendment on packaging and labeling

IN2169 – FSSAI draft gazette of India notification amending FSS Regulatio

IN2168 – FSSAI publishes procedures for new product approval

IN2164 – Retail Food Sector Report 2012

- IN2163 Exporter Guide Annual 2012
- IN2162 Wine Market Update 2012
- IN2161 FSSAI advisory for use of stearic acid
- IN2160 FSSAI publishes draft notification relating to Olive Oil
- IN2158 FSSAI announces advisory claims violations
- IN2150 New norms under Legal Metrology (Packaged Commodities) Rules, 2012
- IN2149 Coffee Semi-Annual
- IN2148 FSSAI issues new advisory on product approval
- IN2147 India publishes draft PQ amendment for US Walnuts
- IN2138 India notifies new horse import regulation
- IN2134 FSSAI sets deadlines for license application
- IN2133 India publishes draft PQ amendments for US Walnuts
- IN2132 Dairy and Products Annual 2012
- IN2131 Sugar Semi-Annual
- IN2127 FSSAI clarification on the licenses without product approval
- IN2126 FSSAI extends time period for comments on methods of food testing
- IN2121 Treenuts Annual 2012
- IN2120 India approves FDI in Multi-Brand Retailing
- IN2117 FSSAI Draft Guidelines for Recognition of Food Testing Laboratories
- IN2116 Livestock and Products Annual 2012
- IN2110 FSSAI seeks comments on methods of food testing
- IN2109 FSSAI sets new Laboratory testing procedure for imported food
- IN2108 FSSAI Releases Fresh Advisory on Product Approval Procedure
- IN2107 Additional Instructions on Date of Manufacture and Batch Number
- IN2104: FSSAI extends time period for renewal of licenses and registration
- IN2100: India declares NAI freedom in Odisha state
- IN2098: Agricultural Biotechnology Annual
- IN2097: FSSAI issues advisory on misbranding and misleading claims
- IN2093: India amends guidelines for White Leg Shrimp imports
- IN2092: India extends ban on the import of milk and milk products from China
- IN2086: India resolves two NAI outbreaks in Odisha state
- IN2085: India may allow new package sizes
- IN2084: India declared Meghalaya state free from NAI
- IN2078: 2012's first amendment to Legal Metrology Rules
- IN2077: Amendment to GOI Legal Metrology Rules, 2011
- IN2073: FSSAI introduces Food Categorization System; develops food codes
- IN2070: Seventh 2012's Indian outbreak of HPAI in Tripura
- IN2069: FSSAI food import clearance procedure corrigendum
- IN2068: FSSAI additional advisory on product approval procedure

IN2067: Extension to clearance of imported alcoholic beverages guidelines

IN2055: FSSAI issues fresh guidelines on labeling of imported product

IN2054: Approval procedure of manufactured or imported proprietary product

IN2053: FSSAI introduces product approval procedure

IN2052: Clearance procedure for food imported for Research and Development

IN2051: FSSAI guidelines regarding date of manufacture and batch number

IN2046: Trade concerns on third amendment to the legal metrology rules

IN2045: India amends labeling requirements for imported food

IN2043: India reports Tripura HPAI to the OIE- crow deaths in Bihar

IN2039: AI resurfaces in Tripura state

IN2038: Third amendment to the legal metrology rules 2011

IN2035: Comment period extended for Import of pome fruits draft notification

IN2033: Crow deaths in Bihar trigger AI alarm

IN2028: Livestock and products- semiannual 2012

IN2027: New Indian vet certs for import of germplasm products

IN2025: Review of standards of food products and additives

IN2021: India reports four HPAI outbreak in wild birds

IN2020: India reports fifth HPAI outbreak to OIE

IN2019: India's fifth HPAI outbreak of 2012 in Odisha

IN2017: Draft notification of import of milk and milk products into India

IN2014: Indian HPAI outbreak in Tripura state

IN2013: Draft notification on the import of Pome Fruist from the US

IN2012: India confirms new HPAI strain

IN2011: Ad-hoc instructions of re-sampling and retesting of food grains including pulses

IN2010: India reports additional outbreak of AI in Odisha

IN2008: India reports Meghalaya AI outbreak-new outbreak in Odisha

IN2007: HPAI outbreaks in Odisha and Meghalaya

IN2006: Draft notification on importation of pome fruits from the US

IN2004: FSSAI launches online licensing and food clearance system

IN2003: First amendments to the food safety and standards regulations, 2011

IN2002: FSSAI publishes ad hic instructions on the imported food clearance

IN2001: India extends ban on the import of milk and milk products from China