

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

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## India

**Post:** New Delhi

### Modified 2016 Food Import Regulations

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

Food Processing Ingredients

Exporter Guide

Food and Agricultural Import Regulations and  
Standards - Narrative

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**Report Highlights:**

On September 2, 2016, the Government of India's (GOI) Food Safety and Standards Authority of India (FSSAI) modified its food import regulations. The updated food import regulation supersedes the food import regulations that were made operational on January 14, 2016.

## General Information:

**DISCLAIMER:** The information contained in this report was retrieved from FSSAI's website <http://www.fssai.gov.in/>. The Office of Agricultural Affairs and/or the U.S. Government make no claim of accuracy or authenticity.

On September 2, 2016, FSSAI modified its food import regulations with immediate effect. The modified regulations supersede FSSAI's earlier modification from January 14, 2016, and are based on comments received from various stakeholders. FSSAI also directed its States and Union Territory enforcement officials to implement the revised food import regulations.

Interested parties may wish to review the modified [September 2, 2016](#) along with the [January 14, 2016](#) document. The major revisions in the modified document are listed below.

- a. Risk based random sampling wherein samples will be drawn randomly based on the risk factor and compliance history of the importer that will be identified by the newly introduced Single Window Interface for Facilitating Trade (SWIFT) system software.
- b. The newly introduced SWIFT system by the Customs to the importer/Custom House Agents (CHA) to apply for import clearance.
- c. The previous document included "Chapter 3: Documentation for Imports and CHA." Now with the introduction of SWIFT system, this chapter has been deleted in the revised document and the remaining chapters have been re-numbered.
- d. An additional clause has been inserted in the compliance section for packaging and labeling regulation of imported food products. The new clause states "The imported food consignment that does not comply with the provisions of Packaging and Labeling Regulation, 2011, will be rejected at visual inspection and no samples will be drawn from the consignment."
- e. The various SCHEDULES referenced in the previous document have now been replaced with the word "SWIFT" as it covers all the declaration forms.
- f. The timeline by an importer to appeal against the results of the notified lab has to be within 15 days of the issuance of Non Conformance Certification by the Authorized Officer. The previous document did not state any timeline for an importer to appeal.
- g. Ease of doing business is being emphasized while entering into a Memorandum of Understanding with the relevant exporting countries.
- h. A new clause on the provision for post clearance surveillance and inspection has been added to the chapter on "Scheme for Risk Based Food Import Clearance." The new clause states that all food imports are subject to post clearance surveillance by government agencies and includes (a) random checks on the imported food items; and (b) requirement to provide relevant documents to support the declaration and information provided by the importer/CHA in the Customs SWIFT.
- i. After the introduction of SWIFT, FSSAI will be working closely with the Customs department to: (a) notify the Risk Management System while issuing food alert notifications; and (b) all advisory (ies)/guideline(s)/order(s) issued by FSSAI, as required from time to time, will also be notified to the Customs immediately.
- j. FSSAI shall notify the officers for the purpose of food import clearance. In order to ensure compliance of the Food Safety and Standards Act, 2006, and to maintain the standard operating procedure for food import clearances, the officers from other government agencies can also be

notified as Authorized officers.

- k. Lastly, the clause on the Regulations applicable to all duty free shops at all airports of India still exists in the modified document whereas it should have been deleted. In media news published in May 2016, FSSAI decided to stop regulating imported food and beverages sold at duty-free shops.

### Background:

On January 14, 2016, FSSAI published the Food Import Regulations, 2016, and proceeded to immediately implement the regulations. A similar draft document was published for comments in July, 2013. A side-by-side comparison of the two documents revealed a number of revisions. For more details, please refer to GAIN Report [IN6017](#).

FSSAI's new directive is pasted below. However, the 31 page modified document on Food Import Regulations can be accessed from the link: [FSSAI's new directive along with the modified Food Import Regulations](#). It can also be accessed from the FSSAI's website at: [www.fssai.gov.in](http://www.fssai.gov.in)

**F.No. 1/2008/Import Safety/FSSAI**  
**Food Safety and Standards Authority of India**  
(A statutory Authority under the Ministry of Health and Family Welfare, Govt. of India)  
**FDA Bhawan, Kotla Road, New Delhi-110002**

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The 01 September, 2016

**Subject: Direction under Section 16(5) of Food Safety and Standards Act, 2006 regarding operationalization of Food Safety and Standards (Food Import) Regulations, 2016.**

The Food Safety and Standards (Food Import) Regulations, 2016 were operationalised with effect from 14.01.2016 and uploaded on the website of the Authority.

2. After considering suggestions received from various quarters the said regulations were modified and are in the process of draft notification. The revised Food Safety and Standards (Food Import) Regulations, 2016, as enclosed herewith, have been made operational w.e.f. 15.07.2016.

3. It is directed that all Authorised Officers/ Officers authorised by Food Authority shall implement the above mentioned Standards till the issuance of final notification in this regard.

4. This issues with the approval of the Competent Authority in exercise of the power vested under Section 18 (2) (d) read with Section 16 (5) of the Food Safety and Standards Act, 2006.

  
(Kumar Anil)  
Advisor (Standards)

Enclosure: as above

To

1. All Authorized Officers, FSSAI

Copy for information to:

1. PPS to Chairperson, FSSAI  
2. PS to CEO, FSSAI  
3. All Directors, FSSAI