

Draft Outline of
FOOD SAFETY AND STANDARDS (FOOD IMPORT) REGULATIONS, 2011.

Food Safety & Standards Authority of India
(Ministry of Health & Family Welfare)
Government of India

Note:

Under the Food Safety and Standards Act, the FSSAI has a mandate of ensuring safety of food items imported into the country also. The Authority has engaged the National Institute of Smart Government under the Ministry of Communications & Information Technology for the design and conceptualization of the IT enabled Imported Food Safety System. As part of this engagement, NISG is assisting the authority in establishing the operationalisation of food import clearance processes at various ports of entries.

The FSSAI has already operationalized the imported food clearance process in a phased manner since August-September, 2010 through appointment of Authorized Officers in terms of section 47(5) of the FSS Act, 2006, at 14 major ports of entries (including sea, air and land). The functions of the FSSAI's Authorized Officer inter alia include the existing functions of the Port Health Officer under the PFA Act, 1954 with respect to imported food clearance process, in co-ordination with the custom authorities.

Meanwhile, the FSSAI has developed the draft document on "Food Safety and Standards (Food Import) Regulations" in terms of provisions under FSS Act to ensure the safety of imported food. This draft is placed on the website for comments/suggestions from Stakeholders and could be sent by post to **Smt. Sumita Mukherjee, Director, FSSAI** or e-mail at **commentsdfir@gmail.com** along with complete contact details, **latest by 25th July, 2011.**

Disclaimer

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NISG shall have no liability for errors, omissions or inadequacies in the information contained herein or for interpretation thereof. The reader assumes sole responsibility for the selection of this material to achieve its intended results. The content expressed herein is subject to change without notice.

The draft regulations set forth herein have been prepared for the limited purpose of assisting and guiding FSSAI to ascertain the rules and regulations mandated by FSS Act 2006. In addition to information available in various public domains, this draft has used information provided through interviews with potential stakeholders. The role of NISG has been merely to collect and present this information in the form of this report.

Any interpretation of deviation of these rules is left to the discretion of the FSSAI officials and their decision is final.

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FOOD SAFETY AND STANDARDS (FOOD IMPORT) REGULATIONS, 2011

CHAPTER 1

PRELIMINARY AND DEFINITIONS

1. Short title, extent and commencement.—(1) These regulations may be called the Food Safety and Standards (Food Import) Regulations, 2011.

(2) They extend to the whole of India.

(3) 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 Client” means a food importer so declared by FSSAI under these regulations.
- (b) “Act” means the Food Safety and Standards Act, 2006;
- (c) “Authorised Officer” means an officer authorised by the Food Authority referred in the sub-section (5) of section 47 of the Act and appointed in accordance with Regulation 3 of these Regulations by the Food Authority;
- (d) “Review Officer” means an officer so designated by the Food Authority to review the orders passed by the Authorised Officer.
- (e) “Vigilance Officer” means an officer so designated by the Food Authority to carry out internal Vigilance function.
- (f) “Food Importer” means a person importing or desirous of importing articles of food into India, who is duly licensed as a Food Importer under FSS regulations;
- (g) “FSS Regulations” means the Food Safety and Standard Regulations, 2011.
- (h) “Licensing Authority” means Central Licensing Authority as defined in the FSS regulations.
- (i) “No Objection Certificate” means a certificate/report issued by the Authorised Officer or any other offices specially designated for the purpose, to the Customs department in a manner as prescribed by the Food Authority.
- (j) “Rejection Report” means a report issued by the Authorised Officer or any other office specially designated for the purpose, to the Customs department in a

manner as prescribed by the Food Authority stating that the imported food article is not in conformance to FSS Act and rules & regulations made thereunder.

- (k) “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 in pursuant to the FSS Regulations.
- (l) “Perishable” Food for the purpose of food imports means any food whose shelf life may get effected in given storage conditions within 7 days and listed in Schedule No: I1 of these Regulations ;
- (m) “Point of import” means any Customs barrier, either land, sea or air through which food is imported into the country;
- (n) “FSS Rules” means the Food Safety and Standard Rules, 2011
- (o) “Shelf Life” means the period after which the food article becomes unsafe for human consumption in the case of primary food and will be the period between the date of manufacture and the “best before” or “use by date” or “expiry date” in the case of processed and packaged food articles.
- (p) “Stuffing List” means a list containing the description of the food articles furnished by the Importer or his Agent, as well as the actual physical arrangement or stuffing of such food articles inside the container or cartons or pallets or skids, for the purpose of inspection and collection of samples.
- (q) “Temperature Profile Report” means the signed report provided by the carrier on maintenance of specified temperature storage required in respect of that imported food during the transit from the port of origin to the point of import.
- (r) “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.
- (s) “Unclaimed food” means imported food where importer does not file Bill of Entry and does not claim the food within the time specified by Customs
- (t) “Uncleared food” means imported food where the importer does not clear the food within the validity period specified in the No Objection certificate issued by Food Authority or within the period specified by Customs.

(2) 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 2

OFFICERS OF THE FOOD AUTHORITY

3. *Authorised Officer.*—There shall be, an Authorized Officer for as many points of import, as the Food Authority may deem necessary, and notified in accordance with these 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 prescribed by the Food Authority.

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

- (1) To carry out inspection of imported food and also draw samples of the imported food wherever required;
- (2) To re-seal any package opened for drawal of samples and certify that the same had been opened and sealed by the Food Authority
- (3) To send the samples to a Food Analyst of a notified laboratory for analysis and receive the lab analysis report;
- (4) To issue No objection Certificate or Rejection report to the Customs.
- (5) To maintain database of Food Importers within the jurisdiction of Point of Import assigned to him in the format prescribed by the Food Authority;
- (6) To maintain a record of all inspections made and action taken by him in the performance of his duties including the drawal of samples , lab analysis reports, issue of No objection Certificates, Rejection Report, for food imports within the jurisdiction of Port of entry assigned to him , and to submit copies of such records to the Food Authority

- (7) To make such enquiries and inspections as may be necessary to detect the import of food in contravention of the Act or regulations framed there under;
- (8) To recommend destruction or re-export of imported food with necessary conditions as he may deem fit;
- (9) To mandate additional tests on samples of imported food if any approved ingredient or additive or risk suspected food consignment or based on advisory released from time to time by the Food authority;
- (10) To conduct periodical inspection of food storage facilities such as ware houses, cold storage units, bulk oil storage tanks, Duty free shops in the Customs area and make recommendations on improvements to maintain conducive storage environment in order to ensure safety and hygiene of food;
- (11) To recommend to Port/ Airport / Ware house authorities on action against operators of such storage areas for non-compliance with requirements that have been stipulated to ensure food safety and hygiene;
- (12) To ensure that notified laboratories maintain lab analysis record in the format prescribed by the Food Authority.
- (13) To report the concerned licensing officer about any violation of any licensing conditions by importer;
- (14) To inform the Food Authority of any new variety of food or food additives, previously unknown hazards or any other technical difficulties
- (15) To present all the related facts and documents before the Review Officer during the hearing of review application filed by a Food Importer.
- (16) To facilitate collection of samples of food imports as sought by the Vigilance Officer of the Food Authority for vigilance function.
- (17) To carry out any other duties assigned by the Food Authority from time to time.

CHAPTER 3

LICENSING OF FOOD IMPORTERS

6. Licensing of Food Importers.—(1) No person shall engage in the business of import of food without obtaining a license as Food Business Operator under importer category from the Central Licensing Authority under FSS Regulations, after complying with the requirements set out therein and procedure given in regulations.

(2) Any person engaged in import of food other than through personal baggage or gifts or for medicinal use shall apply for license to the Licensing authority in conformance with the procedure laid down in FSS Regulations provided that

(a) Provided further importer must be registered with DGFT and possess valid IE Code.

(b) The applicant shall submit additional information in the prescribed format provided in Form A1 and furnish copies of documents provided in the Annexure xx of these regulations to the licencing Authority

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

(4) The Food Importer shall ensure that all conditions of license as provided in Schedule I2 of Annexure I to Form A1 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 FSS Regulations by the Central Licensing Authority

8. Validity and Renewal of Licence— Unless notified otherwise the validity and Renewal of License shall be governed by FSS Regulations

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

b) If there is a sufficient ground to believe that the Food Importer on several occasions have attempted to import unsafe food or food from banned sources or re-channelled imports through third countries

(2) In all such cases the Licensing Authority shall issue improvement notice or suspension notice to the food Importer stating the reasons there of.

(3) The Food Importer shall reply to the notice within 30 days from the date of its receipt.

(4) In the event that the Licensing Authority, after considering the reply by the Food Importer, is still of the opinion that the food importer has acted in contravention of any of the conditions of such license, or upon the lapse of the period stipulated in sub-rule (3) above where no reply has been received from the Food Importer within this period,, such authority may cancel the relevant license.

(5) A suspension or cancellation of license under these Regulations shall not entitle the Food Importer to any compensation or refund of fee(s) paid in respect of the licence certificate.

(6) Suspension or cancellation of any license granted by the Directorate General of Foreign Trade 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. The Food Importer shall be duty bound to intimate any such suspension or cancellation of any license granted by the DGFT or revocation or suspension of the Importer-Exporter Code to the Authorised Officer within 24 hours from the date of such order of suspension, revocation or cancellation.

(7) Any material change in the information should be conveyed by FBO to the Food Authority.

10.Mode of payment.—All fees and charges payable under these regulations shall be paid vide pay order or demand draft or any online mode of payment as may be prescribed in this regard by the Food Authority.

11. 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 per FSS regulations.

(2) A license granted to a partnership firm, a company or any other association of persons shall be non-transferable. It shall not devolve by operation of law or in any other manner to any other person. A successor-in-interest in such new entity shall have to apply afresh for a new license.

12. Returns.— (1) Every Food Importer shall, on or before the thirty-first day of May of each year, submit a return, in the manner as may be prescribed by Food Authority, in Form B of these Regulations 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 Rs 100 per day of delay. Provided that if a return is not filed within the thirtieth day of November of the relevant year, the Licensing Authority may suspend or cancel the relevant license granted.

CHAPTER 4

PROHIBITION AND REGULATION OF IMPORTS

13. Power of the Food Authority to issue orders for regulation and prohibition of specific food imports.—(1) The Food Authority may recommend to the Government of India for prohibiting, restricting or otherwise regulating, 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) All Food to which any order under sub-section (1) applies shall be deemed to be goods the import or export of which has been prohibited under section 11 of the Customs Act, 1962 (52 of 1962) and all the provisions of that Act shall have effect accordingly subject to the specific provisions contained in these Regulations and the Act.

(3) The Food Authority may recommend to Government of India need 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. The Authority may recommend procedures/measures for regulating food imports.

(4) The Food Authority shall periodically review all banned or regulated food for import.

(5) The Food Authority is empowered to pass any orders through circulars or notifications for ensuring the safety of food imported into India.

14. 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.

15. 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.

CHAPTER 5

RISK CATEGORISATION OF FOOD IMPORTS

16. Risk Based Assessment Framework: Food Authority would evolve a risk based assessment framework to assess the safety of food imports, based on the potential hazards of various food categories.

17. Periodic Review: (1) The Food Authority shall periodically review the risks posed by different categories of food imports and categorise them in different risk categories such as High risk articles, medium risk and Low risk articles.¹

(2) The Food Authority shall issue an annual report on the safety of imported food articles indicating quantity, value, cases of violation / rejection and the risk assessment of different categories based on both the source and also category of food imported.

18. Sample structure : Food Authority shall also specify the sampling structure including random sampling, sampling methods, sample size, type of tests to be conducted on different categories of imports, fees for sample testing and all other details involved in drawal and testing of samples. This sample structure shall be periodically reviewed.

¹¹ Risk categorisation by Australia / New Zealand

High Risk food - food that may contain pathogenic microorganisms and will support formation of toxins or growth of pathogenic microorganisms. Examples are raw meat, fish, poultry and unpasteurised milk. Other examples include tofu, fresh filled pasta, meat pies, Frankfurt's, salami, cooked rice and lasagne (these foods pose a particularly high risk if they are not processed or cooked adequately).

Medium risk food - food that may contain pathogenic microorganisms but will not normally support their growth due to food characteristics; or food that is unlikely to contain pathogenic microorganisms due to food type or processing but may support formation of toxins or growth of pathogenic microorganisms. Examples are fruits and vegetables, orange juice, canned meats, pasteurised milk, dairy products, ice cream, peanut butter and milk based confectionery.

Low risk food: - food that is unlikely to contain pathogenic microorganisms and will not normally support their growth due to food characteristics. Examples are grains

CHAPTER 6

IMPORT REQUIREMENTS

19. Furnishing of documents by the Food Importer.—(1) Every Food Importer shall furnish documents to the Customs authorities required under the Customs Act and the Rules there under, in duplicate. While one set shall be retained by the Customs Authorities, the other set of such documents shall be forwarded to the Authorised Officer of the respective Point of Import.

(2) In addition to the above, the Food Importer shall file the following documents with the Authorised Officer:

- (a) Test/Analysis Report from an authorised laboratory in the country of origin, if any;
- (b) Affidavit 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;
- (d) Transit countries list
- (e) Declaration of end-use;
- (f) Temperature profile report, etc. as may be required;
- (g) Bill of entry, examination order from the customs department
- (h) Stuffing list
- (i) 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
- (j) Any other reports or documents that would be specified by Food Authority from time to time

20. Labelling and Packaging requirements.—(1) Every Food Importer shall ensure that the food sought to be imported shall be packed and labelled in the manner prescribed under FSS Regulations, subject to any modifications that the Food Authority may prescribe 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 such manner as would facilitate the inspection and collection of samples from the mode of

consignment. The Food Importer shall take necessary steps to ensure compliance with the above requirement.

(3) 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 drawal of samples. In absence of such provision the Authorised Officer shall order for destuffing the container to create a gully for the safe passage.

Alternatively the Food Importer shall provide a stuffing list to the Authorised Officer containing representative samples of all food items under import.

(4) In cases of stuffing list covered by sub-rule (3), the exporter shall furnish a declaration stating that the goods stuffed inside the container match with the sample placed in the Stuffing List at the top.

21. Mandatory advance notice in certain cases. The Food Authority shall from time to time specify categories of food, or food imported from certain countries of origin, where the Food Importer shall be required to give a mandatory advance notice of two weeks, or any other period specified by the Food Authority, prior to the date of import of the food, to the Customs department and the Authorised Officer of the respective point of import.

22. Channelisation 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 channelise the imports accordingly.

CHAPTER 7

CLEARANCE OF SPECIAL CATEGORIES FOOD IMPORT

23. Accelerated clearance— (1) The Food Authority may notify the accelerated clearance process for various food imports from time to time.

(2) The Food Authority would notify the laboratories in source countries for testing of food samples before they are imported to India.

24. Accredited Client Program.— (1) Any Food Importer with valid license from the Food Authority, who has been conferred the status of an Accredited Client based on his track record, shall be entitled to seek benefits under accredited client program.

Provided that the Accredited Client shall only import food articles which meet the standards prescribed under the Act and the rules and regulations thereunder.

(2) The Food Importer would automatically lose the status of Accredited Client with the Food Authority, if he loses such status from Central Board of Excise and Customs

25. Food Export Oriented Units.—(1) Any Food Importer licensed under these regulations who is also licensed as an 100% export-oriented unit under FSS regulations, 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 as 100% EOU under the Food Regulations.

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

(3) No food imported by an FEOU or processed food manufactured from food articles imported by the FEOU, shall be allowed to be released for domestic consumption without the prior permission of the Food Authority. If it is found by the Authorised Officer or any other officer of the Food Authority that any FEOU has released any food articles into the domestic market, its license as Food Importer would be cancelled.

(4) FEOUs shall not sell unutilized imported food, or rejected exported food in the domestic market or transfer them to any other Export Oriented Unit (EOU) / Electronic Hardware Technology Park (EHTP) / Software Technology Park (STP) / Bio-Technology Park (BTP)/ Special Economic Zone (SEZ)_ unit

(5) Provided further that the Food Authority shall mandate periodical food safety audit for FEOUs to ensure that no food has been released in the domestic market by any FEOU and also that effluents from the FEOU do not contain any harmful food or banned genetically-modified food.

26. Perishable Foods: If the imported food is a perishable food as listed in Schedule No: I1 of these Regulations, the food import will be allowed by the Authorised Officer after drawing representative samples for lab analysis, but the food shall be released without awaiting for the test results on production of :

(a) Source Country Analysis certificates (only in English)

(b) A bond that the product will be completely recalled from market if the test report is negative.

Provided that previous imports of perishable food articles by the Food Importer, or perishable food articles from the same manufacturer, or perishable food articles with certificate from the same laboratory have not failed in laboratory analysis over the preceding six (6) months.

27. Imports by Diplomatic Missions: Food imports by agencies entitled to avail of the provisions and exemptions granted by the Vienna Convention on Diplomatic Relations, 1961 are released expeditiously.

CHAPTER 8

INSPECTION BY AUTHORISED OFFICER**28. Appointment for Inspection by Authorised Officer —**

(1) The Food Importer or his designated agent or his Customs House 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 by the Authorised Officer in the customs area;
- (b) take suitable measures to ensure that the imported food consignment is accessible for inspection and drawal of samples;
- (c) pay the prescribed appointment fee and lab analysis fee for the samples in the manner as prescribed by the Food Authority;
- (d) apply to the Authorised officer of the respective point of import in the prescribed format duly enclosing copies of documents specified in these regulations along with the proof of payment of the prescribed appointment fee and lab analysis fee as notified by the Food Authority from time to time duly intimating the taking of such measures as in (a) and (b) above, to fix an appointment for inspection by the Authorised Officer;
- (e) be present at the customs area at the designated appointment time to facilitate inspection, provide 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 appointment and verification of documentation filed by the Food Importer or his agent, the Authorised Officer shall intimate the details of date and time of appointment for 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 appointment for inspection if he is of the opinion that the food have not been made accessible for the purpose of inspection and drawal of samples and his opinion shall be final and conclusive. 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 appointment for inspection by the Authorised Officer.

29. Verification of documentation by Authorised Officer.—(1) From the documentation filed by the Food Importer or his agent, the Authorised Officer shall ascertain whether the food article is on the banned list or from a banned source, and if upon such ascertainment, it appears that the food is on the banned list or is from a banned source, the Authorised Officer shall pass an order refusing the 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.

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

(3) The Authorised Officer shall ascertain whether the Food Importer is an Accredited Client or FEOU or covered under Vienna convention and also ascertain whether the import food qualifies for applying the Risk based assessment framework or is a perishable food as per the Food Authority's classification and accordingly apply the specified process for inspection.

30. Balance Shelf life: The Authorised Officer shall ascertain the balance shelf life of the food sought to be imported, and upon such enquiry, if he comes to the conclusion that the balance shelf life of the food as on the date of landing is less than sixty (60) percent of the total shelf life, the Authorised Officer shall pass an order refusing the import of the food.

31. Inspection by Authorised Officer: The Authorised Officer with the assistance from his staff would carry out inspection of food storage conditions, labelling and packing and also draw representative samples of the imported food in the notified customs area in the presence of Importer or his agent

32. Labeling requirements: (1). In the case of packed foods, the Authorised Officer shall scrutinize the labeling to ascertain whether it is in compliance with the requirements mentioned in FSS regulations. If the labeling is found not to be in

compliance with the FSS Regulations, and cannot be rectified for the purposes of such compliance, the Authorised Officer shall pass an order refusing the import of the food.

(2) If the Authorised Officer is of the view that the errors in the labeling which render it in non-compliance with the labeling requirements covered in the FSS Regulation are rectifiable, he shall pass an order directing the Food Importer or his agent to carry out such rectifications within a prescribed time period as specified by the Authorised Officer in the customs area. Upon compliance by the Food Importer or his agent with such an order, the Authorised Officer shall carry on a re-inspection of the food and permit their import if he is satisfied that the rectifications as mentioned in the order have been complied with. If he is of the view that the rectifications have not been complied with, the Authorised Officer shall pass an order refusing the import of the food articles.

(3) If on receipt of the sample, the laboratory identifies any errors in the labelling as specified in FSS regulations or seek additional information, the Authorised Officer shall direct the Food Importer or his agent through an order to carry out the required rectifications in labelling within a prescribed period.

(4) Upon failure of the Food Importer or his agent to carry out such labeling rectifications within the prescribed period, the Authorised Officer shall pass an order refusing the import of the food articles.

(5) 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 to a greater extent, he shall pass an order refusing the import of the food articles, duly stating the reasons for such rejection. The Authorised Officer shall have the powers to take photographs of such consignment. For the above purpose, the Authorised Officer shall conduct any other tests or inspections as specified by the Food Authority vide its circulars or notifications or advisories notified from time to time.

CHAPTER 9

SAMPLING OF IMPORTED FOOD***33. Sampling of Food Imports:***

(1) 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 infestation to a greater extent, he shall draw two (2) representative samples of each variety or category of food articles sought to be imported, of sufficient quantity as specified in FSS Regulations, and seal the samples in the prescribed manner in the presence of Food Importer or his Agent or CHA on his behalf.

(2) Any sealed sample of imported food shall be properly labeled and signature of Food Importer or his agent or CHA shall be affixed on the label. The label on any sample of imported food article sent for analysis shall bear

- a. Code number of the sample
- b. Name of the sender with his official designation
- c. Date and place of collection
- d. Nature of food articles being sent for analysis
- e. Nature and quantity of preservative, if any, added to the sample.

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

(4) The Authorised Officer is empowered to draw additional samples for vigilance and research purposes, provided the cost of the sample drawn calculated on the basis of contract price of import shall be paid to the Food Importer. 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;

34. Sampling of Imported food with specialised packing conditions:

(1) In cases where the imported food is packed in sealed 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 goods 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.

(4) If the lab analysis report on the representative sealed sample provided by the manufacturer results in non-conformance of food safety standards, request for resampling from the sealed container shall not be entertained by the Authorised Officer.

35. Break open seal: In cases, wherever a sealed container is opened to collect a representative sample for lab analysis and upon the request of food importer, the Authorised Officer will reseal the container and provide a break open seal and resealing label in the specified format duly signed by him. Form J- Designed and Approved by Authority

36. Exhibition Samples-

(1). In case of the food samples imported for exclusive purpose of display in international food exhibitions conducted in India, the Food importer shall provide an undertaking on end usage, also on re-export to source country after the exhibition and also provide the analysis report of the exported country agency. The import of such samples will be allowed without lab analysis subject to condition that the samples are not consumed in India.

Provided that the food samples are vacuum sealed and are not from the list of prohibited/ regulated food and are not from the countries from where food imports are

banned. Or where special tests are required as per the advisory issued by the Food Authority.

Provided where special tests are required, exhibition sample imports will be allowed only after the imports successfully pass through the required tests.

(2). The food importer shall submit documentary proof to the Authorised Officer within 15 days of completion of the exhibitions that all such food samples brought for the exhibition purpose are re-exported out of the country.

37. Inspection of Imported Food for FEOUs.—(1) If the Food Importer is a Food Export-Oriented Unit as detailed in Chapter 7 of these Regulations and the food imported are exclusively meant to be used for 100% exports after processing, the Authorised Officer shall immediately release the food sought to be imported if he is of the view that the food does not suffer from any preliminary grounds of refusal mentioned in Regulation 31 to 33 above such as being covered in the banned list or having originated from a banned source, not meeting the labeling requirements, visible insect or fungus infestation. The Authorised Officer shall draw representative samples of the food articles and send the sample to the lab for testing, but the food article shall be released without waiting for the test results provided that the FEOU submits an undertaking that the food articles will be used for exports and will not be released into domestic market.

(2) In the aforementioned situation, if the test analysis report is not conforming to the prescribed standards, suitable action will be initiated against the FEOU.

38. Inspection of Imported food for Accredited Clients — (1) If the Food Importer is an Accredited Client as detailed out in the regulations, the Authorised Officer shall examine whether there are any of the preliminary grounds mentioned in Regulation 31 to 33 above on which the import should be refused, such as the food being covered in the banned list or having originated from a banned source or being of short shelf life or being non-compliant with the labeling requirements or being with visible insect or fungus infestation to a greater extent and in the absence of any of these preliminary grounds, he shall apply the Accelerated Food import clearance process specified by the Food Authority for the Accredited Clients after drawing samples in the prescribed manner but without awaiting for the test results:

Provided the imported food article is a low risk food as mentioned in these Regulations;

Provided further the packaging is as specified in the regulations and has not been damaged during transport or storage;

Provided further that in the case of food requiring cold chain during transport and storage, the temperature profile shows that the cold chain requirements have been fulfilled as required /prescribed.

Provided further that the Food Importer is able to maintain the traceability of the imports to facilitate recall of food .

39. 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 other reason, arrives in India as a import, the Food importer has to mandatorily provide the documents issued by the exported county agencies regarding reason for such import/ 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 will have to undergo mandatory testing and no concessions or accelerated food import clearance processes will be applied to FEOUs or Accredited clients.

(3) In the case of such import of exported food articles which are meant for re-export, labeling requirements need not be as specified under these regulations.

CHAPTER 10

LABORATORY –ANALYSIS OF SAMPLES OF IMPORTED FOOD

40. Notified Laboratory– The Authorised Officer shall send the first sample of imported food article to a notified laboratory notified by the Food Authority under sub-sections (1) and (2) of section 43 of the Act and FSS regulations.

41. 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 to the specified referral laboratory notified by the Food Authority under sub-sections (2) of section 43 of the Act and FSS Regulations.

42. Food Analyst – Samples of Imported food sent by the Authorised Officer shall be analysed by the Food Analyst of the respective laboratory, who is having requisite qualifications as specified in Food Rules. In case of private Accredited laboratories, which are notified as a notified laboratory for testing of imported food samples by the food Authority under FSS Regulations, the analyst of such lab fulfilling the requisite qualifications under Food Rules is designated as Food Analyst of the respective laboratory. In analysing the article of food, the Food Analyst shall follow such instructions and shall adhere to such procedure as specified by the Food Authority from time to time.

43. Procedure to be followed by Notified/Referral Laboratory– (1) Upon receipt of the sample of food from the Authorised Officer, the Notified/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 Accredited Laboratory shall immediately inform the Authorised officer of the same.

(2) The Notified/Referral Laboratory shall follow the protocol 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. The Authorised Officer is empowered to mandate additional tests based on advisories issued by the Food Authority.

Provided that in cases where such tests have not been specified by the Food Authority, the Notified/Referral laboratory shall follow the specifications for testing that have been prescribed by the Codex Alimentarius Commission or ISO or DGCS methods.

(3) The Notified/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, 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

44. *Special cases of mandatory advance notice* – In special cases under these regulations where the Food Importer has been mandated by the Food Authority to give advance notice of the import to the Authorised Officer, and the Authorised Officer in turn duly informs the laboratory regarding the expected arrival of these imports of food, the laboratory shall gear up its infrastructure to ensure that the tests on these food can be completed within the statutorily prescribed outer limit of five day from the date of receipt of samples. Under no case the laboratory shall refuse to test the sample after advance notice was given to it by the Authorised Officer.

45. *Format of Test Report* –The notified laboratory or referral laboratory as the case may be shall provide the lab analysis report duly signed by its Food Analyst on the food in the format specified in Form C 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 protocols, it shall immediately provide this information with the justification for the delay to the Authorised Officer.

46. *Fees payable to Laboratory*–The fees payable for such lab analysis report per sample of imported food analysed shall be as fixed by the Food Authority.

47. Recommendations by the Laboratory –Whenever samples tested show contamination as listed in Schedule ___ of these regulations to an extent requiring mandatory destruction, the laboratory shall recommend so in the test reporting format.

48. Lab Analysis Reports.—The laboratory after completing the required tests shall prepare the lab analysis report as per the format given in Form C of these regulations and deliver such report to the Authorised Officer. 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 Report” is a report which finds some infirmity 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 unsafe for human consumption based on the food safety standards specified by the Food Authority from time to time.

49. Disposal of unused portion of the sample tested by laboratory –(1) In cases where the lab analysis report conforms that the food tested meets the prescribed safety standards, the unused portion of the sample shall be disposed off in a manner deemed fit by the laboratory, but shall not be given to any external parties.

(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 11

ORDERS BY THE AUTHORISED OFFICER

50. No Objection Certificate.—(1) The Authorised Officer shall issue a No Objection Certificate in form G, after assessing the safety of food being imported based on these regulations under his seal and signature to the Customs Department for allowing import of food, and shall communicate such order in a prescribed manner to the Customs Department and the Food Importer.

(2) The No Objection Certificate permitting the import of food may state the validity period within which the food have to be taken out by the Food Importer from the customs area. The validity period for various types of food articles shall be as decided 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 will be treated as uncleared goods.

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

51. Rejection report.— (1) The Authorised Officer shall issue a Rejection report in form H citing the grounds mentioned in these regulations for refusal, wherever the food imports are refused, under his seal and signature to the Customs Department, and shall communicate such order in a prescribed manner to the Customs Department and the Food Importer.

(2) A copy of the lab analysis report shall also be sent to the Customs and Food Importer, wherever the Rejection report is issued based on a nonconformance lab analysis report.

(3) If the Food Importer is a Food Export-Oriented Undertaking and the imported food have already been released to the FEOU, the Authorised Officer shall

communicate the non-conformance lab analysis report to the FEOU and the Food Authority.

(4) Where the Food Importer is an accredited client and the imported food being a low-risk article has already been released to the accredited client, the Rejection Report along with the non-conformance lab analysis report shall be sent to the State Food authority and to the Food Importer.

Food having been released to the accredited client, the recall of such rejected food shall be as provided in the Food Regulations

(5) In all cases where there is a Rejection Report by the Authorised Officer, the order shall also be communicated to the Food Authority.

52. *Mandatory Destruction Order* - Wherever the non-conformance laboratory analysis report recommends mandatory destruction of the imported food due to contamination or presence of microbiological organisms that would be hazardous to public health, the Authorised officer shall take the approval of the competent authority as decided by the Food Authority Before passing necessary orders for mandatory destruction of food.

53. *Alerts To Source Countries.*—(1) 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 source country of such rejected food imports.

CHAPTER 12

DISPOSAL OF REJECTED FOOD IMPORTS AND FOOD SAMPLES**54. Rejected Food Consignments:**

(1) Upon receipt of a 'Rejection report' refusing the import of the food passed by the Authorised Officer, the Customs Department shall dispose off the food in the manner indicated in the Rejection report duly following the rules and guidelines applicable for disposal of goods by the Customs department.

(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. The cost and expenses incurred in the storage of the food, in such a case, shall be borne by the Food Importer.

(3) If the disposal of the rejected food is through destruction, the Authorised Officer be involved in the process of destruction by the Customs.

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

55. Disposal of Food sample of Conformance Lab Analysis Report.—(1) The Authorised Officer shall within a period of 24 hours from the issue of No Objection Certificate based on lab analysis report direct the Food Importer to collect the second sample of the food that have been kept in the custody of the Authorised Officer for the purpose of testing, and the Importer shall comply with such direction within a period of fifteen (15) days from the date of its intimation.

(2) Food Importer or his agent shall bring an application (in duplicate) for release of the sample(s) in the format given in Form D of these regulations.

(3) The application will be checked and approved by the Authorised Officer or any officer designated by him and a release order in the format given in Form E of these regulations shall be given to the Food Importer.

(4) The release order (Form E) shall be used for collecting the sample(s) from the designated FSSAI office.

56. (1) Upon failure of the Food Importer or his agents to comply with the direction of the Authorised Officer to collect the second sample within the prescribed notice period of fifteen (15) days or lesser, as the case may be. The Authorised Officer shall dispose off these samples in the prescribed manner, if they are not collected within the notice period by the Food Importer or his agents.

57. Disposal of Food sample of Non conformance lab analysis Report.—(1) 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. The samples shall be retained in custody by the Authorised Officer for a period of thirty (30) days from the date of intimation of the non conformance order passed by the Authorised Officer.

(2) If any review application or court case is filed by the Food Importer or his agent against the non conformance order passed by the Authorised Officer within the period of twenty one (21) days mentioned in the preceding sub-rule, the second sample shall be retained in custody of Authorised Officer till the review or court case is disposed off.

(3) If no review application is filed by the Importer or his agent within twenty one (21) days from the date of intimation of the Rejection report passed by the Authorised Officer, or if the review is disallowed, the second sample shall be handed over to the Customs officials under acknowledgment for disposal.

CHAPTER 13

UNCLEARED AND UNCLAIMED FOOD

58. *Uncleared Foods.* — (1) 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) Uncleared food 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 foods.

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

(2) The Authorised Officer upon receipt of examination order issued by the Customs dept. 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 abandoned food consignment.

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

61. *Food articles with limited balance Shelf life etc.* — (1) 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 10 days as on the date of actual release from the Customs area.

CHAPTER 14

Review Process

62. Review Officer – The Food Authority shall designate the 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.

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

- (a) Rejection report under Regulation 33 rejecting the import of the food article on the ground of defective storage, packing or labelling;
- (b) any order under Regulation 33 directing the Food Importer to rectify the labelling or packaging of the food article;
- (c) Rejection report under Regulation 52 issued on receipt of a non conformance lab analysis report.

64. Format of review application and limitation. (1) The review application shall be in the format prescribed in Form F and shall be verified in the manner prescribed in Schedule I3 and shall be accompanied by a fee of Rupees prescribed in the Schedule.

(2) The review application shall be presented in complete shape to the Review Officer along with the required documents and the fees within twenty one days of the date of communication of the orders to the Food Importer.

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

65. Procedure in review.(1) The Review Officer shall dispose off the review application purely based on the Act, Food Regulations, Food Rules, these regulations 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 fix the day and place for the hearing of the review application and shall give notice of the same 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 do 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 off all review applications within a period of twenty-one days.

(6) The Review Officer may, before disposing off any review applications make such further enquiry as they 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 wilful 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 and the Authorised Officer.

66. 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:

(a) In a review application against a Rejection report of the Authorised officer, the Reviewing Officers may direct the Authorised Officer to issue No Objection Certificate for 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 labelling, the Review Officer may annul the order or direct rectifications other than those prescribed by the Authorised Officer.

(c) In a review application against Rejection report passed under Regulation 52 on receipt of a non-conformance lab analysis report, the Review Officer may pass orders directing the Authorised Officer for retesting of the second sample by a Referral Laboratory upon payment of requisite lab analysis fees from the Food Importer.

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List of Annexures

A. List of Forms and Schedules

Schedules and Forms to be provided as Annexures to Import regulations	
Schedule I1	Perishable Goods: List of agricultural or aquacultural food products which are sold or distributed in a form that will perish or decay and not meet the food safety standards within days. To be specified by the Food Authority
Schedule I2	Conditions to be adhered to by the Importer
Form A	Form to be submitted by Food importer along with application for license
Form B	Annual return to be submitted by each Food Importer
Form C	Format of the Test report
Form D	Application for release of samples
Form E	Release order for release of samples
Form F	Review Application
Form G	No objection Certificate
Form H	Rejection report
Schedule I3	Mode of verification of review Application

B. List of Schedules to be provided by Food Authority

1. List of Banned Items
2. List of Banned Sources – Sources from where food articles cannot be imported
3. List of tests to be conducted on different food articles
4. List of food items falling under different Risk categories
5. Types of contamination where imports have to be mandatorily destroyed
6. Validity Period for clearance for categories of various food articles
7. Review application
8. Verification of Review Application
9. Schedule of fees

Form A1
IMPORTER APPLICANT DETAILS
For Office Purpose only: Food Importer Code: □□□□□□□□

PART A – General Information**1. Name of Applicant****2. Address of Applicant**

3. Business Type: Proprietorship Partnership LLPs Private limited company Public limited company Government / PSU Others _____ (specify)

Special entities : Foreign entity Charities Hotels

4. Date of Incorporation :

5. Are you registered under Accredited Client programme of Department of Excise & Customs Yes No

6. Are you a new owner of a previously licensed establishment? Yes No

7. If answer to 6 above is 'Yes', provide previous license number

8. Phone Nos :**5a. E mail :****9. DGFT Registration No: :** □□□□□□□□**10.FBO Registration No :** □□□□□□□□**Part B : Import details****1. Food Articles likely to be imported :**

a. _____	Likely Port of import _____
b. _____	Likely Port of import _____
c. _____	Likely Port of import _____
d. _____	Likely Port of import _____

2. Business details : Check all activities performed or intended to be performed at your facility

- | | |
|--|---|
| <input type="checkbox"/> Food Manufacturer / Processing | <input type="checkbox"/> Repacker / Relabeller |
| <input type="checkbox"/> Trader (Not involved in sale to end user) | <input type="checkbox"/> Marketing / Exhibition etc |
| <input type="checkbox"/> Duty Free shop | <input type="checkbox"/> Wholesaler / Retainer |
| <input type="checkbox"/> 100% Export Unit | <input type="checkbox"/> SEZ |
| <input type="checkbox"/> Hotel | <input type="checkbox"/> Charities |

Other (Specify)

3. Types of Storage facility available with you :

Ambient (Neither refrigerated or Frozen) Storage FBO No: (Add for all)

Refrigerated Storage Locations:

1. Location _____ Own leased if own FBO No:

2. _____ Own leased if own FBO No:

Frozen Storage Locations:

1. Location _____ Own Leased If own FBO No:

2. Location _____ Own Leased If own FBO No:

Part C : Past Information

1. Were you a food importer earlier? Yes No

2. If 'Yes', Importer registration / license No :

3. Food import details for last three years (in value / quantity) :

A : Current year

Article	Value	Quantity	Article	Value	Quantity
---------	-------	----------	---------	-------	----------

1. _____ 2. _____

2. _____ 4. _____

B : Previous year

Article	Value	Quantity	Article	Value	Quantity
---------	-------	----------	---------	-------	----------

3. _____ 2. _____

4. _____ 4. _____

C : Two years earlier :

Article	Value	Quantity	Article	Value	Quantity
---------	-------	----------	---------	-------	----------

5. _____ 2. _____

6. _____ 4. _____

4. Food articles imported during last three years :

a. _____ b. _____

b. _____ d. _____

5. Were any of the food articles imported by you rejected entry into India ? Yes

No

If 'Yes' provide details:

Food Article	Port of Import	Source	Year imported
--------------	----------------	--------	---------------

- 1.
- 2.
6. Was any director / Partner / Proprietor of your establishment involved in any establishment whose FBO or Food importer license was suspended / cancelled ?
 Yes No
6. I/We have forwarded a sum of Rs. _____ towards License fees according to the provision of the Food Safety and Standards (Licensing and Registration) Regulations, 2010 vide: Demand Draft no..... (Payable to)

(Signature of the Applicant/authorized signatory)

Declaration

I, Mr./Ms./Mrs. _____ S/o / D/o Mr. _____, R/o _____ do hereby solemnly affirm and declare that all information and particulars furnished here by me are true and correct to the best of my knowledge. I further declare that the food business conducted or proposed to be conducted by/through me conforms/shall conform to the Food Safety and Standards Act, Regulations/ Bye-laws enacted thereunder, and specifically to the Guidelines on Hygiene and Sanitary Practices provided under Schedule 4 of the Registration and Licensing Regulations published by the Food Safety and Standards Authority of India or any person authorized on its behalf from time to time.

Dated:

(Signature)

Documents to be submitted along with Application for Food Importer License

1. Copy of DGFT Registration
2. Copy of Food Business Operator license
3. If previously a food importer . Copy of previous license
4. PAN Numbers of all Partners / Directors

FORM B**(See Regulation 12)****Annual return by Food Importer**Food Importer Code For the Period: to
dd mm yy yy dd mm yyyy

Name and address of the Importer:

Food Business Operator No: Valid: Yes NoDGFT No: Valid: Yes No**A. General Information**

	Value (in INR)	Volume
Total Imports	: _____	_____
Food Imports	: _____	_____
Food Imports rejected:	_____	_____

B. Details of Food Imports**i. Food Imports during the year**

	Food item	Source Country	Value (in Rs lakhs)	Volume (in MT)	Port of Entry
a.	_____	_____	_____	_____	_____
b.	_____	_____	_____	_____	_____
c.	_____	_____	_____	_____	_____
d.	_____	_____	_____	_____	_____

(Add extra Sheets if necessary)

ii. Rejection information

Food item rejected	Source Country	Value	Reason for rejection
a. _____	_____	_____	_____
b. _____	_____	_____	_____
e. _____	_____	_____	_____

Date:

.....

Place:

Signed
(Food Importer)
Name and Designation

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The sample does not conform to the specified requirements on the tested parameters.

Requires Mandatory destruction: The test results of the following parameters fall in the list as specified in Schedule 5 – Types of contamination where imports have to be mandatorily destroyed :

Specify parameters

1. _____
2. _____

Signature

Name & Seal & Designation

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FORM D

(See Regulation 49)

Application for Release of samples

Importer License No: □□□□□□

Date: □□ □□ □□□□
m m d d y y y y

Name and address of the Importer:

NOC No: _____ Date of NOC : _____

Food item under consideration: _____

I,....., the importer / the authorized representative of the importer request you to release the samples maintained in your custody, .

Date:

Place:

.....

Signed
(Applicant)

.....

FORM 'E'

RELEASE ORDER FOR RELEASE OF SAMPLES

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

Sample Nos :

Date : □□ □□ □□□□
m m d d y y y y

Date:

.....

Signature
(Name & Seal of AO)

.....

Acknowledgement

Received the following sample numbers: 1. 2. 3. 4.

Date:

Place:

.....

Signed
(Applicant)

Form 'I'
Rejection Report of Imported of Food Consignment
Imported Food Consignment requiring mandatory destruction
FSSAI Authorized Officer

(Issued under Regulation 52 of FSSAI Import Regulations 2011)

Telegram: Telephone: Fax Email

To,

The Asst. Commissioner of Customs

Commodity imported by:

Vessel Name:

IGM Number:

Dated:

BE:

Dated:

Index No:

CHA No:

Sir,

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

This office requests you to reject the import of this consignment and not to
 release it from this port as the result(s) of the inspection and analysis shows that the
 imported consignment does not conform to the specifications prescribed under the
 Food Safety and Standards Regulations _____

The laboratory has also specified that these goods are to be mandatorily
 destroyed as specified in Schedule 5 by FSSAI

This is for your information and necessary action please.

Yours Faithfully,

(Name and Seal of AO)

Copy of Test report attached

Form J
Application for Appointment

(Issued under Regulation 28 of FSSAI Import Regulations 2011)

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 Appointment 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: HS Code:

Source Country:

Quantity:

Invoice value (in US\$) :

Food Consignment description: _____

Container Ids : Container Location :

Our representative / 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 of Bill of Entry & Examination Order

Form 'K'
Seal Break Notice



**Food Safety and Standards
Authority of India**



Port Of Entry: _____

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

FORM F

[See rule 56]

Review Petition to the Review Officer

*No. of -

Name and address of the petitioner:

Registration No. as Food Business Operator: _____

Importer Licence No.: _____

IMPORT DETAILS

Date of Import: _____ Bill of Entry No: _____

Place of import: _____

Food item under consideration: _____

Classification of Food item: _____

Size of consignment: _____

Whether perishable or not: _____

Balance Shelf life of the item: _____

End Usage : _____

ORDER DETAILS

Date of Order sought to be reviewed: _____

Order passed by: _____

(Authority)

(Place)

Regulation of the FSSA (Food Import) Regulations under which the order was passed: _____

Relief claimed in appeal: _____

STATEMENT OF FACTS :

GROUNDS OF APPEAL

- 1.
- 2.
- 3.

Date:

Place:

.....

Signed
(Appellant)

DRAFT FOR CONSULTATION

SCHEDULE 13

[See Rule 57]

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 F dated is true to the best of my knowledge, information and belief.

Place.....

Date.....

.....

Signature
(Appellant)

DRAFT FOR CONSULTATION