

FSSAI to operationalise amendments to licensing norms in testing, audit

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The Food Safety & Standards Authority of India has decided to operationalise the amendments to the licensing regulations under the FSS Act. Called, Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulations, 2020, these regulations are related largely with areas such as fee, testing, inspection & audit, food safety supervisor and scheme of facilitators.

The apex food regulator has in this regards issued a notice saying that these regulations are made operational with immediate effect and the Food Business Operators (FBOs) shall follow these revised regulations while the enforcement of these regulations shall commence only after the final regulations are notified in the gazette of India.

The notice says that these draft regulations were in process of being notified and the final regulations are likely to take some more time before being notified and enforced but to ensure food safety and fair practice in food business operations, it has been decided to operationalise provisions of these regulations.

According to the amendment made by FSSAI to the Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011, in Regulation 2.1, related to registration and licensing of food business in Sub-Regulation 2.1.9, related to Modifications, Expansion or Changes in premise(s) after grant of licence or registration, fee “of Rs 1,000 along with differential amount of annual fee in case of upgradation of licence” has been added. Earlier there was no mention of the figure ‘Rs 1,000.’

Further, new Sub-Regulations were added after Sub-Regulation 2.1.16, namely:

“2.1.17: Fee and other charges

(1) The fee and other charges under these regulations shall be as prescribed by the Food Authority in accordance with the Section 82 of the Act. (2) The non-payment of prescribed fees and charges, action against FBO shall be initiated in accordance with Sub-Regulation 2.1.8.

2.1.18: Testing

(1) Manufacturing/Processing licence holder shall implement and maintain a system of control to ensure the quality of his production or process by means of a specific plan of testing so that the food product or process comply with the relevant regulations/standard(s):

Provided that the Food Authority may specify the periodicity of the tests to be carried out on certain products or category of products.

Provided further that Food Authority may also specify the tests to be carried out inhouse along with the required laboratory and the testing personnel.

2.1.19: Inspection and Audit

(1) Food Authority may by order provide a scheme of periodic inspections of the food businesses.

(2) The Commissioners of Food Safety shall draw plans for periodic inspections of food businesses in their respective jurisdiction on the basis of risk associated with food and the establishment.

(3) The Food Business Operator, himself or on the direction of the Commissioner of Food Safety or Food Authority, shall be required to get a food safety audit done by one of the third-party auditing agencies/auditors recognised by FSSAI at its own cost. Food Business Operator shall grant access to the auditor and provide them all records requested by them.

(4) The Central Advisory Committee may approve inspection checklist for different kind of food businesses based on the requirements under Schedule 4 of these regulations or any other requirements under the Act and rules and other regulations made there under or any direction issued by the Food Authority.

(5) The Registering Authority or any officer or agency specifically authorised for this purpose shall carry out inspection of the registered Food Business Operators periodically or as approved by Commissioner Food Safety under Clause 2.1.19(2).

(6) The Food Business Operator, himself or on the direction of the Commissioner of Food Safety or Food Authority, shall be required to obtain hygiene rating for his food business as per the terms determined by the Food Authority.

Explanation – Hygiene rating shall be as per the framework approved by the Food Authority and is different from the audit mentioned in Clause 2.1.19(3).

2.1.20 Food Safety Supervisor

Food Business Operators shall ensure training of Food Safety Supervisor under training programmes of FSSAI. Food Authority may by an order prescribe the requirements regarding the training of Food Safety Supervisor and also the minimum number of Food Safety Supervisors required for any Food Business Operator. Food Safety Supervisor shall supervise the food handlers and also ensure their training.

And 2.1.21 Scheme for Facilitators (1) The Food Authority may empanel individuals/companies/organisations to facilitate the Food Business Operators in applying for Registration/Licence and the related activities such as modifications, and submission of

annual returns and annual declaration with such terms and conditions as may be determined by the Food Authority.

(2) The Food Authority may empanel individual auditors/agencies for implementing the Clause 2.1.19(6). The Food Authority may prescribe by an order the requirements, conditions etc. for empanelling auditors for hygiene rating.