

# Food Safety and Standards (Import) Regulations, 2017

## Chapter - I

### Preliminary

1. **Short title and commencement.** - (1) These regulations may be called the Food Safety and Standards (Import) Regulations, 2017.  
(2) They shall come into force from the date of their publication in the official Gazette.
2. **Definitions.**- (1) In these regulations unless the context otherwise requires,-
  - (a) **“Act”** means the Food Safety and Standards Act, 2006 (34 of 2006);
  - (b) **“Authorised Officer”** means a person appointed as such by the Chief Executive Officer of the Food Safety and Standards Authority of India by an order for the purpose of performing functions under section 25 of the Act;
  - (c) **“Balance shelf-life”** means the period between the date of import (Import General Manifest) and “Best Before” or “Date of expiry” as the case may be;
  - (d) **“Bill of entry”** means the bill of entry filed by the Importer under the provisions of section 46 of the Customs Act, 1962 (52 of 1962);
  - (e) **“Custodian”** means an officer appointed by Commissioner of Customs under whose custody the imported goods shall remain until they are cleared from the customs area for home consumption or are ware housed or are trans shipped as provided by law.
  - (f) **“Customs airport”** means any airport appointed under clause (a) of section 7 of the Customs Act, 1962 (52 of 1962);
  - (g) **“Customs area”** means the area of a customs station and includes any area in which imported goods or export goods are ordinarily kept before clearance by customs authorities;
  - (h) **“Custom House Agent”** shall have the meaning assigned to it in clause (c) of section 2 of the Custom House Agent Regulations, 2004;
  - (i) **“Customs port”** means any port appointed under clause (a) of section 7 of the Customs Act, 1962 (52 of 1962) to be a customs port and includes a place appointed under clause (aa) of that section to be an inland container depot;
  - (j) **“fees”** means the charges specified by the food authority for clearance of imported food consignments;
  - (k) **“Food Analyst”** means a person appointed under section 45 of the Act to analyse the food sample;

- (l) **“Food Importer”** means a Food Business Operator importing or desirous of importing article of food into Indian territory, who is duly licensed as Importer under the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 made under the Act;
- (m) **“import”** means bringing into India any article of food by land, sea or air;
- (n) **“non-conformance report”** means a report issued to the customs authorities and the food importer by the Authorised Officer, or any other officer specifically authorised for this purpose, by the food authority, for non-compliance of the provisions of the Act and the rules and regulations made thereunder, of the consignment of the Food Importer;
- (o) **“No objection certificate”** means a certificate issued to the customs authorities and the food importer by the Authorised Officer, or any other officer specifically authorised for this purpose, by the Food Authority for complying with the provisions of the Act and the rules and regulations made thereunder, of the consignment of the Food Importer;
- (p) **“packing list”** means the itemised list of articles of food giving the description, quantity and weight of each imported articles of food;
- (q) **“pre-arrival document scrutiny”** refers to the scrutiny of documents submitted by the Food Importer to the Authorised Officer in advance, before the actual arrival of the articles of food to facilitate faster clearance of articles of food imported at the customs port;
- (r) **“prohibited article of food”** means that articles of food which has been declared by the food authority from time to time as prohibited article of food and published on the website of the Food Authority;
- (s) **“prohibited location or origin”** means the particular locations for which conditional or absolute restrictions are specified by the food authority on its website for import of articles of food;
- (t) **“review application fee”** means the fee levied by the food authority towards disposal of review application submitted by the Food Importer against the order of Authorised Officer pertaining to clearance of Import of articles of food;
- (u) **“Review Officer”** means an officer authorised by the Chief Executive Officer of the Food Authority for review of the orders of the Authorised Officer;
- (v) **“risk based random sampling”** means the activity of drawing samples randomly based on the risk criteria identified and the compliance history of the importer;
- (w) **“shelf life”** means the period between the date of manufacture and the “Best Before” or “Date of expiry” whichever is earlier as printed on the label;

- (x) **“stuffing list”** means a list of food items and its actual physical arrangement inside the container or cartons or pallets or skids;
  - (y) **“Transit Country List”** means the list of countries through which the imported articles of food transits before it reaches the Indian territory;
  - (z) **“unclaimed article of food”** means an imported articles of food consignment not having a claimant or bill of entry or both upto thirty days after unloading;
  - (aa) **“un-cleared article of food”** means an imported articles of food consignment of which the delivery is not taken by the importer within the period of thirty days on receipt of no objection certificate from the food authority;
  - (ab) **“visual inspection”** means the process of inspection by the authorised officer or an officer deputed by him for the purpose by which the physical condition of the food consignment, scrutiny of documents and compliance of packaging and labelling regulations are ascertained for the food safety compliance prior to drawing of samples.
- (2) Words and expressions used herein and not defined but defined in the act shall have the same meaning as assigned to them in the Act.

## **Chapter – II**

### **Licensing of Food Importers**

3. (1) No person shall import any article of food without an import license from the Central Licensing Authority in accordance with the provisions of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011.
- (2) <sup>1</sup>[For the purposes of sub-regulation (1), the Food Importer shall register himself with the Directorate General of Foreign Trade and possess valid Import-Export Code.]
4. **Suspension or cancellation of license.** - (1) The Licensing Authority may cancel or suspend food import license granted under regulation 3 for contravention of the provisions of these regulations or the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011.
- (2) Notwithstanding anything contained in regulation 3, the Licensing Authority after giving the Food Importer an opportunity to be heard, may cancel the Food Import license granted under any other regulations made under the Act, if the Designated Officer or Authorised Officer or any officer Authorised by the Food Safety and Standards Authority of India have reasons to believe that,-

- (a) there is sufficient ground to believe that the Food Importer has attempted to import unsafe articles of food, prohibited articles of food or articles of food from prohibited sources, directly or indirectly, including re-channeling or re-packing;
  - (b) the Food Importer fails to comply with the conditions of the license, these regulations, or the undertaking of intended end use.
- (3) The Food Importer shall inform the Central Licensing Authority and the Authorised Officer of any suspension, revocation or cancellation of the certificate of Importer-Exporter Code, granted in its favour by the Directorate General of Foreign Trade not later than three working days from the date of such order of suspension, revocation or cancellation.
- (4) When the certificate of Importer – Exporter code granted by the Director General of Foreign Trade is suspended, revoked or cancelled, the import license granted under the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 shall be deemed to have been cancelled.
- (5) The Licensing Authority may reconsider and issue license that has been cancelled by the Licensing Authority under the Act, as a consequence of the suspension, revocation or cancellation of certificate of Importer-Exporter Code granted by the Directorate General of Foreign Trade with previous license number within seven days of an application made by the importer for a license if-
  - (a) the suspension, revocation or cancellation of the importers certificate of Importer-Exporter Code granted by the Directorate General of Foreign Trade has been withdrawn; or set aside;
  - (b) or a fresh certificate of Importer-Exporter Code has been issued to the said Importer by the Directorate General of Foreign Trade.

### **Chapter – III**

#### **Clearance of Imported Food by the Food Authority**

5. (1) Upon arrival of the food consignments at the port, the importer or Custom House Agent shall file an Integrated Declaration Form as specified by the Customs <sup>2</sup>[and shall pay non-refundable basic food import clearance fee as specified by Food Authority from time to time.]

*Amendment for insertion of highlighted words in sub-regulation (1) of Regulation 5 shall come in to force after final decision of Food Authority*

(2) The Form forwarded from Customs to the Food Import Clearance System of Food Safety and Standards Authority of India shall be processed in the following manner, namely: –

- (a) the Authorised Officer shall scrutinise the Form and may seek clarification if required;
- (b) upon satisfactory scrutiny, the applicant shall pay the fees as specified by the Food Authority for scrutiny of documents, visual inspection and drawing of sample;

*Amendment for substitution of highlighted provision*

<sup>2</sup>[(b)after satisfactory scrutiny, the Authorized Officer shall intimate the details of date and time of inspection to the Food Importer to facilitate the presence of the Importer or his Custom House Agent or authorized representative at the time and place of inspection.]

*[This amendment shall come in to force after final decision of Food Authority ]*

- (c) where a single bill of entry is made up of articles of food consignment consisting of multiple categories of articles of food, inspection fee shall be paid for each category of articles of food
- (d) the Food Authority shall specify and review the inspection fee from time to time
- (e) on receipt of the fees, the Authorised Officer shall intimate the details of date and time of inspection to the Food Importer to facilitate the presence of the Food Importer or his Custom House Agent/ Authorised representative at the time and place of inspection.

*Omission of highlighted clauses (c), (d) & (e) vide Amendment: F. No. 1-1275/FSSAI/Import/2015, dated 20<sup>th</sup> October, 2020 shall come into force after final decision of Food Authority*

(3) The Food Importer or his authorised representative shall remain present at the customs area at the appointed time to participate and facilitate visual inspection, assist in drawing of samples, if required, assist in the import clearance proceedings as instructed by the Authorised Officer or his representative and witness proceeding, sealing of samples by the Authorised Officer or his representative and affix his counter signatures on the sealed samples.

(4) <sup>2</sup>[If the Food Importer or his Custom House Agent is not present to facilitate inspection and sampling at the mutually agreed date and time, the Authorised

Officer may grant one opportunity to reschedule the appointment for inspection and sampling on request of Food Importer or his Custom House Agent.

(4) (a) In absence of Food Importer or his Custom House Agent during mutually agreed date and time, The Authorized Officer may refuse to grant further appointment and may carry out inspection and sampling of food consignment:

Provided that on request of Food Importer or his Custom House Agent, any further opportunity in this behalf may be granted by the official authorized by CEO, after levy of suitable fee on the Food Importer as may be specified by the Authority from time to time.]

(5) The report of the visual inspection shall be submitted in FORM – 1.

<sup>1</sup>[(6) The custom shall not clear any article of food unless it has a valid shelf life of not less than sixty per cent or three months before expiry whichever is less at the time of import.]

**6. Compliance with standards for packaging and labelling.-** (1) No Food Importer shall import articles of food that is not transported, or stored in optimal storage conditions of temperature and hygiene, packaged and labeled as per the regulations applicable to that particular article of food.

(2) Any consignment of food or 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 manner that the Authorised Officer has easy access to all of them for inspection and sampling.

(3) If there is no proper stuffing list in respect of article of food, the Authorised Officer shall direct the customs officer to issue an order for de-stuffing the container and facilitate the de-stuffing, in order to facilitate inspection and sampling.

(4) In case of imported packaged food consignments, the following special dispensation on labeling shall be allowed for the rectifiable labeling deficiencies at the custom bound warehouse by affixing a single non detachable sticker or by any other non detachable method next to the <sup>2</sup>[principal display] panel namely:-

- (a) name and address of the importer;
- (b) Food Safety and Standards Authority of India's Logo and license number,
- (c) Non-Veg or Veg Logo
- (d) Category or sub category along with generic name, nature and composition for proprietary food
- (e) <sup>2</sup>[Any other labeling information as per instructions issued by the Food Authority from time to time]

- (5) In respect of the rectifiable labelling deficiencies referred to in sub – regulation (4), the Authorised Officer may pass an order <sup>2</sup>[during scrutiny stage or after visual inspection] directing the Food Importer or his authorised agent to carry out the permissible labelling rectifications, within a specified time in the customs area without altering or masking the original label information in any manner.
- (6) On rectification by the Food Importer, the <sup>2</sup>[Authorised Officer shall carry out visual inspection or re-inspection] of the articles of food and if satisfied, draw the sample, subject to all other conditions being fulfilled by the Food Importer.
- (7) In case the Food Importer fails to rectify the permissible defects referred to in sub – regulation (4), within the specified time, the Authorised Officer may pass an order refusing clearance of such imported articles of food and issue a non conformance report.
- (8) If the Authorised Officer is satisfied that the Food Importer has complied with the provisions of these regulations, the Authorised Officer or his representatives shall draw two parts of food sample from the imported articles of food in the customs area in the presence of Food Importer or his Custom House Agent for testing the samples.
- (9) If the food analyst seeks additional information on ingredients or on any other parameters after receipt of the food sample, the Authorised Officer shall direct the Food Importer to provide such information duly supported by documentary evidence.
- (10) The Authorised Officer shall reject the consignment not complying with the provisions of Labeling and Packaging Regulations, 2011 at the visual inspection and no sample shall be drawn from the consignment

## **Chapter – IV**

### **Food Import Clearance for Specific Purposes**

7. (1) Nothing contained in these regulations shall apply to any person bringing in any article of food for his personal use provided that the value of such article of food shall not exceed the amount as allowed by custom from time to time.
- (2) The person carrying the imported articles of food for personal consumption shall submit the declaration in FORM- 7.
- (3) Unless otherwise specified, the customs authority need not to refer the imported articles of food to Food Authority for clearance if such articles of food are meant for the following purpose, namely-

- a. export as per the extant instructions and export rejected or re- imported articles of food meant for re-export of the Government ;
- b. <sup>4</sup>[the articles of food or ingredients or additive imported by the manufacturers or processors for their captive use or production of value added products for hundred per cent exports; or the consignments of articles of food or ingredients or additives imported by the firms or companies for use of their sister concerns or wholly owned subsidiary companies, to be used for hundred per cent export production subject to a defined relationship agreement between the two entities in this behalf and accompanied with Sanitary/Health Certificate issued by the Competent Authority of an exporting country];

<sup>1</sup>**[Explanation 1.-** For the purposes of clause (b) of <sup>4</sup>[Sub- regulation (3)], the importer shall declare in FORM – 8 regarding the captive or end use of the imported product to the Customs Department at the time of filing the bill of entry, declaring that the imported articles of food is meant to be used by the importer for hundred per cent export or re-import of articles of food for export again as the case may be, and that no part thereof shall be supplied for domestic consumption.]

**Explanation 2.-** The facility under clause (b) of <sup>4</sup>[Sub- regulation (3)] shall not be applicable in the case of trading entities, which do not import such items for their captive use in view of the problems associated with traceability of the end-use of such items.

- (4) The clearance of food imports shall be dealt in accordance with the provisions of Vienna Convention on Consular Relations, 1963 (Article 50 of the Vienna Convention on Consular Relations, 1963).
- (5) The clearance of food import for the purposes of research and development may be allowed subject to –
  - (a) the import being undertaken by a licensed Food Importer;
  - (b) declaration by the Food Importer in FORM – 9 to the effect that the imported articles of food shall be utilised for aforesaid purpose only;
  - (c) not released into the domestic market or used for test marketing or market research purposes.
- (6) There shall be following procedure for clearance of food imported for exhibition purposes, namely:-



- (a) the exhibitor shall comply with the requirements, if any, specified by the custom and the exhibitor shall declare this in FORM- 10;
  - (b) The food importer shall also submit a copy of the Registration or License or Food Safety certificate issued by the Authorised Agencies of the country of origin, in case the articles of food are proposed to be used for tasting purposes;
  - (c) The food products, included in the list of prohibited items for import, of the Directorate General of Foreign Trade, or specified by the Food Authority from time to time, shall not be allowed to be imported for exhibition or tasting purposes;
  - (d) all products for exhibition shall bear an additional non-detachable label or sticker stating: “For Exhibition purpose only” and “Not for sale”;
  - (e) the food importer may be permitted to affix additional label in the custom-bonded warehouse, if not already affixed;
  - (f) The importing exhibitor shall maintain the bills of material—
    - (i) of the items imported for exhibition;
    - (ii) of the items consumed for tasting purposes or destroyed;
    - (iii) of the items for re-export to the country of origin at the end of the exhibition, fair or event and shall be liable to submit such details on demand by the Authorised Officer;
  - (g) There shall be a placard shall be prominently displaying at the place of exhibition of such food items stating ‘For Tasting Only’.
  - (h) The unconsumed portion of the articles of food, which have been opened for tasting, shall be destroyed after the exhibition by the Food Importer as per the procedure.
  - (i) The unopened and unconsumed articles of food shall be re-exported in securely packed condition under intimation to the Authorised Officer by the Food Importer.
- (7) The Food Authority may allow the clearance of food imports from a foreign country, exclusively meant for consumption by the sportspersons of such exporting country.
- (8) The quantity of imported articles of food shall not exceed the bona fide requirements for captive use or consumption by the persons concerned of such exporting country for the duration of their stay or event, whichever is earlier and the balance unconsumed articles of food shall be re-exported to its country of

origin by the Authorised member of the delegation under intimation to the Authorised Officer.

- (9) The importer shall submit the declaration in FORM - 11 for clearance of imported food consignment.
- (10) The Food Importer or any person or entity concerned shall be debarred from any concessions or facilities set out, in future, in addition to the consequences in accordance with the provisions of the Act and the rules and regulations made thereunder, The case of contravention of any of the conditions stated in these regulations
- (11) The quality or safety of imported articles of food shall be ensured through safety certificates issued by the competent authority of the donor country or agency, where any article of food is received gratis from other countries in case of any disaster or emergency situations in any part of the country.

## **Chapter – V**

### **Storage and Sampling of Imported Food**

- 8. Storage facilities for Imported Foods** – (1) No consignment of food articles shall be stored in a manner that one type of articles of food come in contact with other type of articles of food.
  - (2) The imported articles of food shall be stored in accordance with the specified storage conditions in the custom warehouse before clearance, failing which, the concerned Authorised Officer may refuse to grant no objection certificate for import clearance of the food consignment.
  - (3) The port authorities and custodian of freight stations shall ensure adequate and conducive storage infrastructure; meeting the safe storage of various types of imported food consignments in the customs area till the imported articles of food is cleared by the custom authority.
  - (4) In case of imported article of food which requires special storage condition, the Authorised Officer shall verify the true storage conditions required for the consignment.
  - (5) The Authorised Officer shall confirm from the cargo operator or Custodian of freight stations regarding the availability of desired special storage facilities at the custom bonded area at the port or airport.
  - (6) In case of non – availability of storage facility, the Authorised Officer shall confirm from the department of custom their no objection to treat importers warehouse as custom bonded area.

- (7) For the purpose of sub-regulation (6), the Authorised Officer shall take an undertaking from the importer in FORM - 12, and issue provisional no objection certificate to the importer to move the food consignment to a well-equipped storage facility.
- (8) In case of non-compliance of any of the provisions of regulation, the importer shall not be eligible to avail any facility in future and also liable for other appropriate actions as per the prevailing law.
- (9) The Authorised Officer may issue a no objection certificate to the importer if he is satisfied on the basis of the analysis report conforming to standards.
- (10) The importer or customs shall ensure sale only after clearance based on no objection certificate.

## **9 Sampling of Imported Food in respect of imported article of food.-**

- (1) The Authorised Officer or his representative shall ensure compliance with the Food Safety and Standards (Labelling and Packaging) Regulations, 2011 and with a valid balance shelf life in respect of imported article of food in the following manner, namely:—
  - (a) shall draw two parts of food sample of each description or measures (except for aseptic sealed packages);
  - (b) forward to the food analyst such quantity of sample as specified under the Food Safety and Standards (Laboratory and Sample Analysis) Regulations, 2011;
  - (c) seal the samples;
- (2)
  - (a) If the imported articles of food is packed in a sealed bulk container by the manufacturer in order to maintain aseptic or hygroscopic condition, which is required to retain the character of the article of food, the manufacturer shall provide two representative sealed samples from the same batch along with a declaration by the manufacturer stating that the articles of food in the sealed container match with the representative samples placed in the sample containers.
  - (b) Where the representative sealed sample referred to in clause (a) with a manufacturer 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.
  - (c) The Authorised Officer may collect a representative sample from the sealed container, for lab analysis, wherever the provided sealed representative samples appear to be doubtful.

- (3) In respect of imported articles of food having shelf-life less than seven days, the applicant shall declare the same in FORM - 13 allowing the Authorised Officer to draw sample and issue provisional no objection certificate to the customs, without waiting for the analysis report from laboratory and on receipt of the report analysis from the laboratory, the Authorised Officer shall communicate to the customs along with no objection certificate if products conform to the standard.

<sup>2</sup>[(3a) In case of imported pre-packaged retail food article, the Authorized Officer after successful completion of visual inspection and sampling, may issue a provisional no objection certificate to move the food consignment to a well equipped storage facility.

(3b) For the purpose of sub-regulation (3a), the Authorized Officer shall take a declaration from importer in Form '13 A' and importer shall sell such pre-packaged food article only after the issuance of no objection certificate by the Authorized Officer.]

- (4) In case of non – conformance of the sample, the Authorised Officer shall immediately inform the Importer or Custom Broker, to initiate recall of that consignment and submit a compliance report as specified in the Food Safety and Standards (Food Recall Procedure) Regulations, 2017.
- (5) The Food Authority shall alert all import points to maintain vigil on imports of products manufactured by the same company or similar products imported by the same importer or Custom Brokers.
- (6) The sealed sample of imported articles of food shall bear the following information on the Label, namely:-
- a. code number of the sample;
  - b. date and place of collection;
  - c. quantity of sample;
  - d. name of articles of food and category as per the Food Safety and Standards (Food Product Standards and Food Additives) Regulations-2011.
  - e. name and quantity of preservative added while drawing the sample, if any;
  - f. name and signature of the Food Importer or his Custom House Agent and;
  - g. name and signature of the sender with official seal.
- (7) The Authorised Officer shall forward one part of the sealed and labelled articles of food to the Food Analyst who shall analyse or cause to be analysed by a notified laboratory under regulation 2.1 of the Food Safety and Standards (Laboratory and Sample Analysis) Regulations, 2011.
- (8) The remaining parts of the food sample after forwarding one part of the sealed and labelled articles of food referred to in sub – regulation 7, shall be stored in appropriate conditions by the Authorised Officer or his authorised representative.

- (9) On the sample being found to be safe, the remaining sample shall be returned to the food importer.
- (10) If the sample found to be unsafe, on request received from Food Importer, the second sample may be forwarded to the Referral Laboratory for analysis.
- (11) The rejected export consignments by foreign countries that have been returned to India as the country of origin shall be subject to these regulations except that the packaging and labelling requirements shall be in accordance with the country of export and the importer shall submit rejection documents of the country of export.
- (12) The Food Analyst shall analyse or cause to be analysed by a notified laboratory an article of food forwarded by the Authorised Officer as per the parameters specified in the Act and the regulations made thereunder and shall forward his report within five days to the Authorised Officer whether the product is conforming or non-conforming.

Provided that proprietary foods, shall be tested for as per general safety requirements for contaminants, toxins, residues and microorganism, laid down by the Food Safety and Standards Regulation, 2011, wherever applicable, depending on the nature of product.

The Certificate of analysis, submitted by the importer, shall be sent with the sample. The COA should be referred while undertaking the requisite tests for quality parameters.

- (13) If the sample cannot be tested by the laboratory within the specified time it shall state the reasons for the same in writing to the Authorised Officer. The food analyst shall forward the report of analysis to the Authorized Officer duly signed by him.

## **Chapter – VI**

### **Laboratory – Analysis of Samples of Imported Articles of Food**

- 10. Food Analysis.** - (1) The sample of imported articles of food forwarded by the Authorised Officer shall be caused to be analysed by the laboratories notified by the Food Authority.
- (2) The fees payable for analysis of imported articles of food by referral or notified laboratory shall be as specified by the Food Authority from time to time.
- (3) The Authorised Officer shall forward the first part of the sample of imported article of food for laboratory analysis to a Food Analyst of a laboratory notified

by the Food Authority under sub-section (1) of section 43 of the Act and Food Safety and Standards (Laboratory and Sample Analysis) Regulations, 2011.

(4) The notified or referral laboratory shall follow the following procedure for food analysis, namely:-

- (a) on receipt of the sample of food from the Authorised Officer, the notified or 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 is any deficiency, the laboratory shall immediately inform the Authorised Officer of these deficiencies;
- (b) the notified or referral laboratory shall comply with the test methods 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 articles of food:

Provided that in cases where the test method has not been specified by the Food Authority, the notified or referral laboratory shall comply with the specifications for testing that have been specified by the Codex Alimentarius Commission or the International Organisation for Standardisation or Director General Health Services, Ministry of Health and Family Welfare, Government of India;

- (c) the notified or referral laboratory shall bring to the notice of the Food Authority any new test or method of testing that it may seek to conduct on samples of any specific article of food, or any new equipment that it may seek to use but shall not commence using the test or method of testing or equipment unless so permitted by the Food Authority.

(5) The notified laboratory or referral laboratory, as the case may be, shall provide the laboratory analysis report duly signed by its Food Analyst in **FORM - 2** within five days from the date of receipt of the sample.

(6) An importer may file an appeal against the result of notified laboratory within fifteen days of receipt of the non conformance report.

(7) Upon appeal by the Food Importer, the Authorised Officer shall forward the second sample of imported articles of food for laboratory analysis to the specified referral laboratory notified by the Food Authority under sub-section (2) of section 43 of the Act and the Food Safety and Standards (Laboratory and Sample Analysis) Regulations, 2011.

- (8) Whenever laboratory analysis of a food sample reveals presence of contaminants and presence of microbiological organisms which may pose a serious hazard to the safety and health of the consumer, the Food Analyst shall inform the same to the Authorised Officer for initiating suitable action.
- (9) In case the Authorised Officer has sufficient reason to believe that the imported articles of food consignment poses a serious hazard to the safety and health of the consumer, he shall *suo motu* refer the second sample to the referral laboratory for retesting to seek the confirmation of the findings of the notified laboratory.
- (10) The retesting referred to in sub – regulation (9) of regulation 10 shall be immediately brought to the notice of the Food Authority by the Authorised Officer.
- (11) The samples, if found to be hazardous shall be destroyed by a specified procedure following biohazard guidelines, and all the imported articles of food to which the samples related, shall be destroyed or re-exported to the country of manufacture or origin by the Food Importer within thirty days of being directed to do so by the Food Authority, failing which, the Food Importers license shall be deemed to have been cancelled.

## Chapter – VII

### Scheme for Risk based Food Import Clearance

- 11. Risk Based Framework.-** (1) The Food Authority may review the risks associated with articles of food imports from time to time and adopt a risk-based framework and risk based inspection process for clearance of imported articles of food.
- (2) <sup>1</sup>[For the purposes of sub-regulation (1),-
- (a) the Food Safety and Standards Authority of India shall profile the Importer, custom house agent, manufacturer of the imported product, imported product, country of origin, source country of the consignment, port of entry, history of compliance and any other parameters as it deems fit for assessing the risk associated with the commodity;
  - (b) the importer shall submit certificate of sanitary export from authorised agencies in exporting countries for the categories of food as may be specified by the Food Authority from time to time.]
- (3) Food Authority may specify the sampling frequency to be conducted for the import of different categories of food products
- (4) The Food Authority may introduce Pre- Arrival Document Review for regulating the imports.
- (5) The Food Authority may in consultation with the concerned Ministry as it deems fit may enter into a Memorandum of Agreement with relevant agencies in exporting countries on reciprocal basis to facilitate ease of doing business and accelerated clearance of food imports from the countries referred to in sub – regulation (2).
- (6) The Food Authority may identify laboratories in exporting countries for prior testing of food samples before the articles of food are imported into India.
- (7) The Food Authority may, from time to time, issue food alert notifications, including time bound prohibition on articles of food or prohibiting source or recalls, based on the risk associated with the articles of food.
- (8) Every importer shall submit a recall plan as per regulations on food recall procedures specifying the detail of contingency plan of ensuring the traceability of the products in case of any eventuality of risk associated with the food consignments, and if he fails to do so, the license may be cancelled or suspended.



- (9) The food alert notification shall immediately be informed to the Risk Management System of the customs department.
- (10) The alert notification shall remain in force until the Food Authority is satisfied that the risk is no longer prevailing or that control measures are in place to prevent the continuation of the risk and confirmed by test reports.
- (11) During the pendency of alert notification, the Food Authority may order for additional tests at the point of entry, mandatory certification from the exporting countries or channelisation till such time as the Food Authority may deem fit.
- (12) The Government agencies shall conduct post clearance surveillance of all food imports including –
- (a) random checks on the imported food items,
  - (b) providing relevant documents to support the declarations and information provided by the importer or Custom House Agent to Customs as specified by them.

## **Chapter - VIII**

### **Prohibition and Restrictions on Imports of Article of Food**

- 12. Power of the Food Authority to issue orders for prohibition and restriction on import of article of food.** - (1) The Food Authority may prohibit or restrict import of any article of food based on risk perception or outbreak of disease and issue orders as it deems fit in this regard.
- (2) The Food Authority may issue order or advisory or guideline as it deems fit, from time to time for ensuring the safety and wholesomeness of articles of food imported into India and such prohibitions and restrictions shall be informed to the customs immediately.
- (3) Every Food Importer to whom any order or direction is issued in pursuance of any provisions of these regulations shall comply with such order or direction and if the Food Importer fails to comply with such direction or order, the Food Authority may cancel the import license issued to the Food Importer.
- (4) The customs authorities, port authorities or any other agency involved in the clearance, rejection, auction or destruction of imported articles of food in the customs area shall provide all such statistics to the Food Authority on a quarterly basis.

## **Chapter - IX**

## **Officers of the Food Authority**

- 13.** (1) The Food Safety and Standards Authority of India shall notify the officers for the purpose of food import clearance to ensure compliance of the provisions of the Act, and it may also notify officers from other government agencies to maintain the standard operating procedure for food import clearance.
- (2) The Authorised Officer shall have the following powers and duties, namely:-
- (a) to receive applications for food import clearance;
  - (b) to make such inquiry and inspection as may be necessary to verify that the import of articles of food is not in contravention of any provision of the Act, rules and regulations made thereunder;
  - (c) to refuse inspection and intimate the customs, if the articles of import are misclassified as food based on end use declaration;
  - (d) to ensure compliance of all the conditions specified in regulation 6;
  - (e) to take photographs of imported food consignment for review and documentation;
  - (f) to draw samples for testing of the imported food, if all the conditions specified in regulation 6 are complied with;
  - (g) to collect additional sample of imported articles of food on payment of invoice value of the articles of food;
  - (h) to re-seal any package opened for drawing of samples and certify that the same had been opened and sealed;
  - (i) to forward the samples to a food analyst of a notified laboratory in proper manner for analysis and receive the report of the laboratory analysis;
  - (j) to order additional tests on the food sample of imported food based on visual inspection, risk potential and instructions issued from time to time by the Food Authority;
  - (k) to inform the Food Authority of any new variety of food or food ingredients, previously unknown hazards, or any other technical difficulties;
  - (l) to maintain record of food imports, inspection, sampling and related activities, action taken, review process within the jurisdiction of customs ports assigned to him and such other duties assigned by the Food Authority from time to time in writing and by photographs and audio - videography;
  - (m) to report to the concerned Licensing Authority of any violation of any conditions of licensing by the Food Importer;

- (n) to recommend destruction or re-export of imported articles of food with necessary conditions as he may deem fit and ensure compliance of the same;
- (o) to inform the laboratory immediately on receipt of advance notice of arrival from the importer under the Pre-Arrival Document Review of the articles of food;
- (p) to ensure that the laboratories authorised by the Food Authority comply with all the specified procedures and perform all parameters of testing as specified in the regulations or permissions accorded by the Food Authority;
- (q) to ensure that the laboratories authorised by the Food Authority shall maintain records of laboratory analysis of the imported articles of food in the format as specified by the Food Authority;
- (r) to present all the related facts and documents before the Review Officer during the review process;
- (s) to seek data or information on imported articles of food consignment from the customs authorities;
- (t) to store the remaining parts of the food sample in appropriate conditions for re-analysis at referral food laboratory on the basis of appeal or application received from the Food Importer or return to the Food Importer with acknowledgement, after issue of no objection certificate;
- (u) to issue no objection certificate or non-conformance report, as the case may be, to the customs authorities and Food Importer;
- (v) to carry out any other duties as may be assigned by Food Authority from time to time.

## Chapter - X

### Orders by the Authorised Officer

- 14. No Objection Certificate.** — (1) The Authorised Officer shall issue a 'no objection certificate' in **FORM - 3**, after assessing the safety of food being imported under these regulations under his seal and signature for allowing import of food, and shall communicate such order in a specified manner to the customs and the Food Importer.
- (2) The no objection certificate permitting the import of food shall have the validity of thirty days of receipt of no objection certificate within which the articles of food have to be taken out by the Food Importer from the customs area and the period of validity of no objection certificate for various types of articles of food shall be reviewed by the Food Authority from time to time.
- (3) The Food Importer shall take effective steps to get the articles of food released from the customs area within the period of validity stated in the no objection certificate issued by the Authorised Officer failing which they shall be deemed to be un- cleared articles of food.
- (4) A copy of the report of the laboratory analysis shall be forwarded to the Customs and the Food Importer, wherever the no objection certificate is issued based on the report of the laboratory.
- (5) The Authorised Officer shall issue a non conformance report in **FORM - 4** specifying the grounds mentioned in these regulations for refusal, wherever the clearance of the imported food is refused, under his seal and signature, and shall communicate such order in a specified manner to the customs, Food Authority and the Food Importer.
- (6) A copy of the report of the laboratory analysis shall be forwarded to the customs, Food Authority and Food Importer, wherever the report is issued based on a non-conformance laboratory Analysis Report.
- (7) Based on the findings and recommendations in non- conformance report of the laboratory analysis and subsequent confirmation from the referral laboratory, if contamination or presence of microbiological organisms is likely to pose a significant risk to public health, the Authorised Officer, with the prior approval the Food Authority shall pass necessary orders for mandatory destruction of articles of food in **FORM- 5**.
- (8) The customs shall provide a report to the Authorised Officer informing all the pertinent details of the destruction and the same shall be provided every quarter of the financial year.

## Chapter - XI

### Review Process

- 15. Reviewable orders.** – (1) Any Food Importer, aggrieved by one or more of the following orders of the Authorised Officer, may file a review application to the Review Officer –
- (a) rejecting the clearance of the imported articles of food for non-compliance of the conditions specified in regulation 6 of these Regulations;
  - (b) any order directing the Food Importer to rectify the labeling of the articles of food; and
  - (c) order of rejection issued on receipt of a non-conformance report from Food Analyst.
- (2) (a) The review application shall be in **FORM-6** and be accompanied by such fee as may be specified by the Food Authority from time to time;
- (b) The review application shall be presented to the Review Officer along with the required documents within fifteen working days from the date of receipt of the report of rejection;
  - (c) The Review Officer may admit a review application after the expiry of the said period for an extended period of seven working days, if he is satisfied that the Food Importer had sufficient cause for not presenting it within that period.
- (3) (a) The Review Officer shall consider the facts and dispose of the review application in accordance with the provisions of the Act, the rules and regulations made thereunder and orders or notifications issued by the Food Authority from time to time;
- (b) On receipt of the completed application for review along with all documents, the Review Officer, if he deems fit may, fix the date, time and venue of hearing the representation of the Food Importer;
  - (c) 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 the hearing of the review application;
  - (d) If either the Food Importer or the Authorised Officer or their authorized representative fails to appear themselves at the hearing of the review application, the Review officer may proceed to decide the review on merits;

- (e) The Review Officer shall dispose of the review application <sup>2</sup>[within a period of ten working days], after filing of the review application by the Food importer and the reply of the Authorised Officer thereof:  
Provided that the Review Officer may allow submission of further evidence or material, if he deems necessary and also forward a part of the sample for analysis to the referral laboratory;
- (f) The Review Officer may, before disposing off any review application, make such further enquiry as he may think fit or direct the Authorised Officer to make such further enquiry and report the result of the same;
- (g) 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 willful or unreasonable;
- (h) 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;
- (i) On the disposal of the review application, the Review Officer shall communicate the order passed in the review application to the Food Importer, customs and the Authorised Officer; and
- (j) The food importer may file a second appeal against the order of the review officer to the chief executive officer, food safety and standard authority of India, within fifteen days from the date on which the review order is received.

## Chapter - XII

### DISPOSAL OF REJECTED FOOD CONSIGNMENTS AND FOOD SAMPLES

16. **Rejection of imported food consignments.** - (1) (a) On receipt of the non-conformance report, the Custodian or importer shall dispose of the imported food consignment in accordance with the provisions of the Customs Act, 1962 (52 of 1962):

Provided that the no food consignment shall be disposed off until the period of limitation is over for filing of review application against the order of the Authorised Officer:

Provided further that in cases of storage of articles of food, the cost and expenses incurred in the storage of the articles of food, in such cases, shall be borne by the Food Importer;

- (b) The Authorised Officer shall return the remaining sample to the Food Importer or his Custom House Agent with acknowledgement within a period of ten days from the date of issue of no objection certificate;
- (c) If the Food Importer fails to collect the remaining parts of the sample, Authorised Officer shall dispose of the sample in the manner specified by the Food Authority;
- (d) On receipt of non-conformance report, the remaining parts of the sample shall not be released to the Food Importer or his Custom House Agent and the same shall be retained in the safe custody of the Authorised Officer for a period of thirty days:

Provided that if any review application or any legal processing is filed by the Food Importer against the non-conformance report and the same is pending, then the second part of the sample shall remain with the Authorised Officer until the review application or any legal proceeding is disposed of;

- (e) In case, no review is filed and the sample may pose risk to the public health the sample shall be disposed of as provided in sub - regulation (7) of regulation 14; and
- (f) If no review application is filed by the Food Importer within the specified period, from the date of receipt of the non-conformance report or if the review is disallowed, the Authorised Officer may dispose of the remaining part of the sample in the manner specified by the Food Authority.

## Chapter – XIII

### Treatment of Uncleared and Unclaimed Article of Food

17. (1) The Authorised Officer shall follow the procedure of inspection, sampling, testing and clearance laid down under these regulations, for disposal of all cases of uncleared or unclaimed articles of food.
- (2) The Authorised Officer shall, on receipt of request made by the Custodian and after ensuring that the requisite fee has been paid, issue either a no objection certificate or non-conformance report after assessing the safety of uncleared or unclaimed food consignment based on inspection and laboratory analysis.

## <sup>3</sup>[Chapter - XIV

### Registration and inspection of Foreign Food manufacturing facilities

- 18. (1) Registration of Foreign Food manufacturing facilities.** - (a) The Food Authority may from time to time based on the risk specify the categories of food products intended for export to India for further regulating control as specified in these regulations.
- (b) Foreign Food manufacturing facilities falling under such categories and desirous to export such article of food to India shall register with the Food Authority before exporting to India:
- (c) Foreign Food manufacturing facility either directly or through authorised representative may apply for registration in “Form 16” of these regulations along with documents specified in Annexure-1 and fee as specified by the Food Authority.

- (2) Processing of application for Registration of Foreign Food manufacturing facilities—**(a) If upon scrutiny of the application Food Authority requires any additional information with respect to an application or if the application is incomplete, the Food Authority shall advise the applicant, to furnish such additional information or complete the application, as the case may be, within thirty days from such notice. In case the applicant fails to furnish the required information within the stipulated time of thirty days, the application for Registration of Foreign Food Manufacturing Facility shall stand rejected;
- (b) On receipt of a complete application including the additional information if asked for, the Food Authority may process the application for inspection, if required or issuance of registration or rejection of the application.

- (3) Inspection of Foreign Food manufacturing facilities-** (a) Foreign Food manufacturing facility (ies) may be inspected, if required in a manner as specified by Food Safety and Standards Authority of India: Provided that no inspection shall be required in case of such categories of food that are covered under mandatory Bureau of Indian Standards Certification Mark Scheme and where the Bureau of Indian Standards scheme of inspection includes the requirements specified under Schedule 4 of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011.



- (b) Foreign Food manufacturing facility may also be inspected after the issuance of registration, as deemed necessary;
- (c) Officials from FSSAI and relevant ministry or organization or department or recognised auditing agency shall be nominated by the Food Authority for the purpose of inspection of Foreign Food Manufacturing Facilities;
- (d) Food Authority, if required may prescribe cost of inspection, which shall be borne by the Foreign Food manufacturing facility.

**(4) Issuance of registration.** -(a) Foreign Food manufacturing facility found to be in compliance of Food Safety and Standards Act, rules and regulation made there-under shall be registered as Foreign Food manufacturing facilities for a period of two years and their registration number shall be communicated in Form 17;

(b) Foreign Food manufacturing facility found to not be in compliance of Food Safety and Standards Act, rules and regulation made there-under, the application made for registration shall be rejected;

(c) Foreign Food manufacturing facility whose application is rejected, after taking remedial action may apply for recognition again, and

(d) Renewal of registration of Foreign Food manufacturing facility shall be made in Form 16, not later than thirty days prior to the expiry date indicated in the registration.

**(5) Suspension or cancellation of registration.** -(a) If Foreign Food manufacturing facility or their food products intended for export to India are found not to be in compliance of Food Safety and Standards Act, rules and regulation made there-under, their registration as Foreign Food manufacturing facilities shall be suspended or cancelled. However, Food Authority may review the same after giving opportunity for hearing or clarification, as deemed fit.]

# FORM - 1

[See regulation 5(5)]

## Visual Inspection Format

The seal on the container was inspected, it reads as ----- and the same was found to be intact.

The seal was broken by the Authorised Officer or his representatives in presence of the following:

- 1.
- 2.
- 3.

## BREAK OPEN SEAL FORMAT

 <b>Food Safety and Standards Authority of India</b> <i>fssai</i>	Port Of Entry: _____	
<b>This Package is opened and a sample taken by the Authorised Officer of FSSAI, to have the same analyzed by a notified laboratory.</b>  <b>Authorised Officer Seal</b>	Location: _____	<b>This Package has be re-sealed in my presence</b>  <b>Initials of Customs House Agent</b>
	Sample ID: _____	
	Signature: _____	
	Name Of Officer: _____	
	Date: _____ Time: _____	

(Please tick the applicable)

Nothing was stored in the container.

The following were found stored, in the container:

- 1.
- 2.
- 3.

The articles of food were stored in a clean and hygienic condition and were free of:

1. Living/dead/fragments of insect
  2. Rodent contamination
  3. Moulds
  4. Unwanted odour taint or mustiness
  5. Any other substance, which can influence the safety of the food.
- 

The packaging material was inspected and the following was observed;

The package prima facie appeared to be compliant to the packaging and labeling requirements as per the Food Safety and standard (Packaging and Labeling) Regulations, 2011

The package of the food consignment was inspected and the following was observed:

1. Size
2. Material used
3. Securely packed and sealed
4. Free from major dents, rust, perforation, seam distortion,

leaks etc. Brief description of the package:

---

Photograph of the Label

---

Observation. –The Food consignment is in compliance with the provisions of the Food Safety and Standards (Packaging and Labeling) Regulations, 2011. Food article was found to be fit/not found fit for drawing sample and therefore the sample was drawn/not drawn.

SD/  
Authorised Officer

The process has been carried out in the presence of all the signatories who have signed the present memo in token of their acknowledgement of the correctness of the proceeding.

- 1.
- 2.

## FORM – 2

[See regulation 10(5)]

### REPORT OF LABORATORY ANALYSIS

Name of Laboratory Address

Test Certificate No: 00000000

Date: 00000000

#### Report of Laboratory Analysis

1. Sample Identification : *Sample No:*
2. Ref No :
3. Sample received from :
4. Sample Particulars : *Brief description of sample material*
5. Volume / Weight :
6. Sample received Date and Time : Time: 0000 on 000000
7. Lot / Batch No :
8. Date of Manufacture : 000000 (mmyyyy)
9. Fee Received :  Yes
10. Lab Code No : *code assigned by laboratory for its records*
- A. *Physical Examination*
11. Type of Packaging :
12. Condition of Package : \_\_\_
13. Physical Appearance of sample : \_\_\_
14. Labelling – Details sufficient :  Yes  No
15. If condition of packaging or sample or details provided in the label is not acceptable, provide reason: \_\_\_\_\_

**B. Laboratory Analysis**

16. Analysis date of starting:

Analysis date of completion:

**Test results**

S No:	Quality Parameters	Specified limit as per FSSR/ as per COA if not mentioned in FSSR	Test Results	Test method
	Safety Parameters			

**C. Conclusion:**

The sample conforms to the specifications laid down for all the parameters in the Act and the rules and regulations made thereunder.

The sample does not conform to the specifications laid down in the Act and the rules and regulations made thereunder for the parameters.

*Place*

*Signature*

*Date*

Name and Seal and Designation

## FORM – 3

[See regulation 14 (1)]

### No Objection Certificate

No objection certificate No:

Date:

Port of Entry/Location: Import General Manifest No. and date:

Bill of entry number and date:

To,

The Assistant/Deputy Commissioner of Customs

Sir,

Product as per the bill of entry	Sample ID	Exporting country

Remarks: Conforming

Balance shelf life of the product, on the date of issue of this no objection certificate:

This office has no objection if the above mentioned articles of food is released or cleared from this port before Validity period of the no objection certificate, as the result of the inspection or analysis that the sample conform to the specifications provided under the Food Safety and Standards Act 2006 (34 of 2006), and the rules and regulations made thereunder.

This is for your information and necessary action please.

Date:

Name/Signature with Seal of the Authorised Officer

Place:

Copy to:

Name of the Importer and Import Export Code:

Address of Importer:

Food Safety and Standards Act License Number of the Importer:

Name of the Custom Brokers:

**Enclosure: Report/ Certificate of Laboratory.**

**FORM - 4**

[See regulation 14(5)]

**Non - Conformance Report**

Non conf No:

Date:

Port of Entry/Location: Import General Manifest No. and date:

Bill of entry number and date:

To,

The Assistant/Deputy Commissioner of Customs

Sir,

<b>Product as per the bill of entry</b>	<b>Sample ID</b>	<b>Exporting country</b>

The consignment is rejected on following grounds:

1. ....
2. ....
3. ....

This office is of the opinion that the consignment is not to be released or cleared from this port for the reasons mentioned above.

This is for your information and necessary action please.

Date:

Name/Signature with Seal of the Authorised Officer

Place:

Copy to:

Name of the Importer and Import Export Code:

Address of Importer:

Food Safety and Standards Act License Number of the Importer:

Name of the Custom Brokers:

**ENCL: Report/ Certificate of Laboratory.**

**FORM - 5**

[See regulation 14(7)]

**Mandatory Destruction Order**

**Food Safety and Standards Authority of India Authorised Officer**

**To,**

**Date:**

The Asst. Commissioner of Customs

**Food Article imported by :**

**Importer License No:**

**Vessel Name:**

**Import General Manifest Number:**

**Dated:**

**BE:**

**Dated:**

**Index No:**

**Custom Brokers License No:**

**Custom Brokers Name:**

Sir,

1. The above mentioned food consignment imported \_\_\_\_\_  
by \_\_\_\_\_  
\_\_\_\_\_ was inspected on \_\_\_\_\_ by the Authorised Officials of

Food Safety and Standards Authority of India and samples have been analysed by the Notified laboratory.

2. This office requests you to reject the clearance of import of this article of food and not to release it from this port as the result of the inspection and analysis of the sample of the articles of food does not conform to the specifications specified under the Food Safety and Standards Act, 2006 (34 of 2006) and rules and regulations made thereunder.
3. Based on the findings and recommendation in Non-Conformance Laboratory Analysis Report and subsequent confirmation from the Referral Laboratory, the contamination and presence of microbiological organisms in the food sample is likely to pose a significant risk to public health. The lab analysis reports are enclosed.
4. This office requests you to reject the clearance of import of this consignment and not to release it from this port and recommends for mandatory destruction of the articles of food of this consignment owing to the significant risks to the Public Health.

This is for your information and necessary action please.

Copy of Lab Analysis Report attached

Yours Faithfully,  
(Name and Seal of  
Authorised Officer)



**FORM - 6**

[See regulation 15(2) (a)]

**Review Application to the Review Officer**

Name and address of the petitioner:

\_\_\_\_\_  
\_\_\_\_\_

Registration No. as Food Business Operator: \_\_\_\_\_

Importer's License No.: \_\_\_\_\_

**Import Details**

Date of Import: \_\_\_\_\_ Bill of Entry No: \_\_\_\_\_ Point of import: \_\_\_\_\_

Name of Article of Food under consideration: \_\_\_\_\_ Product Type: \_\_\_\_\_

Invoice Value of Articles of Food: \_\_\_\_\_ Perishable: Yes/No \_\_\_\_\_

Balance Shelf life of the item: \_\_\_\_\_

End Usage: \_\_\_\_\_

**Rejection Report Details**

Date of Rejection Report sought to be reviewed: \_\_\_\_\_ Order passed by: \_\_\_\_\_

(Authority) (Place)

<sup>2</sup>[Food Safety and Standards (Food Import) Regulation, 2017] under which the Rejection Report was passed: \_\_\_\_\_

Relief claimed in appeal: \_\_\_\_\_

Statement of Facts:

Grounds of Appeal

- 1.
- 2.
- 3.

Date: .....

.....

Place: .....

Signed  
(Appellant)

**Form of verification**

I, ....., the petitioner herein/ the authorised representative of the petitioner herein, do hereby declare that what is stated in the accompanying Form I dated ..... is true to the best of my knowledge, information and belief.

Place.....

Date.....

(Appellant)

**FORM- 7**

[See regulation 7 (1)]

(For imported food consignment meant for Personal Use)

**Declaration and undertaking by Importer**

I/ We, \_\_\_\_\_, resident(s) of \_\_\_\_\_ do hereby declare and undertake that:

1. I/We have imported \_\_\_\_\_ <Name of food> \_\_\_\_\_ from \_\_\_\_\_ <country of origin of consignment> \_\_\_\_\_ vide \_\_\_\_\_ <Bill of Entry number> \_\_\_\_\_ dated \_\_\_\_\_ ;
2. The above consignment of \_\_\_\_\_ < Net weight or unit> \_\_\_\_\_ will be solely used for personal consumption;
3. No part of the aforementioned consignment will be sold/ released into the domestic market in any manner;
4. I am holding Passport Number \_\_\_\_\_ issued from \_\_\_\_\_ <name of the country> \_\_\_\_\_ which is valid up to \_\_\_\_\_. (\*Applicable in case of Foreigners/ NRIs only).
5. I shall be responsible and liable for any contravention of the Food Safety and Standard Act, 2006 and rules & regulations made there under.

I affirm that all information given above is true and correct to the best of my/our knowledge and belief.

	Signatures of the Importer with Stamp/ Seal
	_____ Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

## FORM - 8

[See regulation 7 (2)]

(For imported food consignment meant for hundred per cent Export/ Re- export)

### Declaration and undertaking by Importer

(To be printed on FBO/Importer/Company's letterhead)

I/We, \_\_\_\_\_ [Proprietor/ Partner/ Managing Director/  
Director / Authorised Signatory of M/S \_\_\_\_\_ <with address>  
\_\_\_\_\_ do hereby declare and undertake that:

1. I/We have imported the consignment of \_\_\_\_\_ < Name of product> \_\_\_\_\_  
measuring \_\_\_\_\_ <Weight/ Units> from \_\_\_\_\_ <Country of origin of consignment>  
\_\_\_\_\_ vide \_\_\_\_\_ <Bill of entry number> \_\_\_\_\_ dated \_\_\_\_\_ at  
\_\_\_\_\_ <Port location> \_\_\_\_\_;
2. The aforementioned Food Product is intended solely for the captive use/ production of value  
added products/ for use of our sister/ subsidiary companies (subject to a defined relationship  
agreement between the two entities) for 100% exports/ re- export.
3. I/We undertake that no part thereof will be supplied for domestic consumption.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date:	Contact Nos:

**FORM - 9**

<sup>1</sup>[See regulation 7 (5)]

(For imported food consignment meant for Research and Development purposes)

**Declaration and undertaking by Importer**

(To be printed on FBO/Importer/Company's Letterhead)

I/We \_\_\_\_\_ [as Proprietor/ Partner/ Managing Director/ Director/ Authorised Signatory of M/S \_\_\_\_\_] do hereby declare and undertake that:

1. I/We are the importer \_\_\_\_\_ <Name of food> \_\_\_\_\_ from \_\_\_\_\_ <Country of origin of the consignment> \_\_\_\_\_ vide \_\_\_\_\_ < Bill of Entry number> dated \_\_\_\_\_
2. The above consignment is \_\_\_\_\_ <Net weight/ Quantity> \_\_\_\_\_ and will be used solely for \_\_\_\_\_ <purpose of consignment> \_\_\_\_\_.
3. The consignment will be exclusively used for Research and Development purposes for assuring the highest quality standards only and will not be utilized or released in the domestic market for human consumption even if it is for test marketing or market research purpose.
4. I/We shall be fully responsible and liable for any contravention of Food Safety and Standard Act, 2006 (34 of 2006) and rules & regulations made there under.

I/We affirm that all information given above is true to the best of my/our knowledge and belief.

	Signatures of the Importer with Stamp/ Seal
	Name:
Place:	Address: _____
Date: _____	Contact Nos:

## FORM- 10

[See regulation 7 (5)]

(For imported food consignment meant for Display Purpose in  
Trade Fair/Exhibition)

### Declaration and undertaking by Importer

(To be printed on FBO/Importer/Company's Letterhead)

I/We, \_\_\_\_\_ [Proprietor/ Partner/ Managing Director/  
Director/ Authorised Signatory of M/S \_\_\_\_\_ <with address>  
\_\_\_\_\_ do hereby declare and undertake that:

1. I/We have imported the consignment of \_\_\_\_\_ < Name of product> \_\_\_\_\_  
measuring \_\_\_\_\_ <Weight/ Units> from \_\_\_\_\_ <Country of origin of consignment>  
\_\_\_\_\_ vide \_\_\_\_\_ <Bill of entry number> \_\_\_\_\_ dated \_\_\_\_\_ at  
\_\_\_\_\_ <Port location> \_\_\_\_\_ ;
2. The aforementioned Food Product is intended solely for the purpose of Display only in the  
Trade Fair/Exhibition, < mention the specific event> \_\_\_\_\_ and not meant for any  
other commercial purpose.
3. The aforementioned food, apart from Display, is also intended to be used for the purposes  
of Tasting and I/we undertake that no part of the said product shall be released in the market  
for consumption purposes in any other manner;
4. I/We undertake that after conclusion of event, the opened packages of these articles will  
be destroyed and the packed food will be re-exported to the country of origin;
5. I/We shall furnish the details of the total quantity of the consignment imported into India,  
the quantity consumed in the process of Tasting, the quantity destroyed and the quantity  
being re-exported to the competent authority in respect of the above said consignment after  
the conclusion of the Trade fair/Exhibition.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

**FORM - 11**

[See regulation 7 (6)]

(For imported food consignment meant for Sports Events)

**Declaration and undertaking by Importer**

(To be printed on FBO/Importer/Company's letterhead)

I/We, \_\_\_\_\_ [Proprietor/ Partner/ Managing Director/  
Director/ Authorised Signatory of M/S \_\_\_\_\_ <with address>  
\_\_\_\_\_ do hereby declare and undertake that:

1. I/We have imported the consignment of \_\_\_\_\_ < Name of product> \_\_\_\_\_  
measuring \_\_\_\_\_ <Weight/ Units> from \_\_\_\_\_ <Country of origin of consignment>  
\_\_\_\_\_ vide \_\_\_\_\_ <Bill of entry number> \_\_\_\_\_ dated \_\_\_\_\_ at \_\_\_\_\_ <Port  
location> \_\_\_\_\_;
2. I/We undertake that the aforementioned Food Product is intended solely for the Sports Events.
3. I/We undertake that the food shall not be released for sale to any other person.
4. I/We undertake that the unused food shall be re-exported to Exporting country after the  
event or it shall be destroyed.
5. I/We undertake that I shall submit the documentary proof thereof within thirty days from  
the last day of event.
6. I/We undertake that the quantities of food imported is not more than the quantities necessary  
for direct utilization by the persons concerned for the duration of the stay or event,  
whichever is earlier.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

**FORM -12**  
[See Regulation 8(3)]

**Declaration regarding issue of provisional no objection certificate for  
frozen and chilled imported food consignment**

(To be printed on the Letterhead of the FBO/Importer/Company)

To

The Authorised Officer, FSSAI

\_\_\_\_\_ <Port of Import> \_\_\_\_\_ .

Dear Sir,

I/We, \_\_\_\_\_ resident of \_\_\_\_\_ [as  
Proprietor/ Partner/ Managing Director/ Director/ Authorised Signatory of M/S \_\_\_\_\_  
are importer of \_\_\_\_\_ <Name of Food Items> \_\_\_\_\_ in the consignment imported vide  
\_\_\_\_\_ <Bill of Entry> \_\_\_\_\_ dated \_\_\_\_\_ at \_\_\_\_\_ <Port location> \_\_\_\_\_ , request  
you to issue provisional NOC for the same.

I/We hereby undertake to comply with the following terms and conditions on behalf of the  
importing firm/company as under: -

- (i) The entire consignment under above mentioned Bill of Entry will be retained in a storage facility with the required temperature control system at \_\_\_\_\_ <address of warehouse>\_ \_\_\_\_\_ and no part of the consignment shall be released into the market prior to issuance of the no objection certificate;
- (ii) Complete temperature log of the storage conditions shall be maintained and provided to Food Safety and standard Authority of India at the time of issue of no objection certificate;
- (iii) Both Customs and Food Safety and standard Authority of India have the right to inspect the said storage facility at any time to ensure that the consignment is held securely till the clearance certificate is provided by Food Safety and standard Authority of India ;
- (iv) In the event of non-conformance to the above storage conditions, I/We shall be fully responsible to move the cargo back to Customs jurisdiction and comply with all the norms for destruction/ re-export as may be decided by the competent Authority;
- (v) In case of non-compliance of any of the above norms, I/We will not be eligible to avail of the above mentioned facility in future. Besides, I/We will be liable for contravention of the Food Safety and standard Act, 2006 and rules & regulations made there under.

	Signatures of the Importer with Stamp/ Seal
	Name:
Place:	Address:
Date:	Contact Nos:

**FORM - 13**

[See regulation 9 (3)]

**Declaration regarding issue of provisional NOC for imported food consignment with less than 07 days' shelf life**

(To be printed on the Letterhead of the importing FBO/Importer/Company)

To

The Authorised Officer, FSSAI

\_\_\_\_\_ <Port of Import> \_\_\_\_\_ .

Dear Sir,

I/We, \_\_\_\_\_, resident of \_\_\_\_\_ [As

Proprietor/ Partner/ Managing Director/ Director/Authorised Signatory Of M/s \_\_\_\_\_ ] are importer of \_\_\_\_\_ <Name of food items> \_\_\_\_\_ having very short shelf-life (less than 7 days) in the consignment imported vide \_\_\_\_\_ <Bill of Entry> \_\_\_\_\_ dated \_\_\_\_\_ at \_\_\_\_\_ <Port location> \_\_\_\_\_ and request you to issue provisional NOC.

2. I/We hereby undertake to comply with the following terms and conditions on behalf of the importing firm/company as under:

- (i) I/We shall be fully responsible for complete product recall in case of non-conformity of the product after lab analysis and shall comply with all the norms for destruction/ re-export, as may be decided by the competent Authority;
- (ii) I/We do hereby certify that we have satisfactory food recall mechanism in place;
- (iii) In case of failure of product in lab analysis, I/We shall not be eligible to avail of the above mentioned facility in future and all subsequent imports of the product from the same manufacturer of the same source country or certified by the same lab will be subject to stringent 100% analysis irrespective of certificate issued by the source country prior to clearance by FSSAI Authorised Officer.
- (iv) In case of non-conformance of the product after lab analysis, I/We shall be liable for contravention of the FSSA Act, 2006 and Rules & Regulations made there under.

	Signatures of the Importer with Stamp/ Seal
	Name:
Place:	Address:
Date:	Contact No.:



**<sup>2</sup>[FORM -13A**

[See regulation 9(3b)]

**Declaration regarding issue of provisional no objection certificate for imported pre-packaged retail food consignment**

(To be printed on the Letterhead of the FBO/Importer/Company)

To  
The Authorised Officer, FSSAI  
<Port of Import>

Dear Sir,

I/We..... resident of..... [as Proprietor/ Partner/ Managing Director/ Director/ Authorised Signatory] of M/s.....are importer of..... <Name of Food Items>..... in the consignment imported vide .....<Bill of Entry>.....dated.....at .....<Port location>....., request, you to issue provisional NOC for the same.

I/We hereby undertake to comply with the following terms and conditions on behalf of the importing firm/company as under: -

- (i) The entire consignment under above mentioned Bill of Entry will be retained in a storage facility at .... <address of warehouse>.....and no part of the consignment shall be released into the market prior to issuance of no objection certificate;
- (ii) Both Customs and Food Safety and Standards Authority of India have the right to inspect the said storage facility at any time to ensure that the consignment is held securely till the no objection certificate is provided by Food Safety and Standards Authority of India;
- (iii) In the event of non-compliance of any rules, regulations made under FSS Act, I/We shall be fully responsible to move the cargo back to Customs jurisdiction and comply with all the norms for destruction/ re-export as may be decided by the competent Authority;
- (iv) In case of non-compliance of any of the above norms, I/We will not be eligible to avail of the above mentioned facility in future. Besides, I/We will be liable for contravention of the Food Safety and Standards Act, 2006 and rules & regulations made there under.

	Signatures of the Importer with Stamp/ Seal
	Name:
Place:	Address:
Date:	Contact Nos:]

**FORM -14**

[See regulation 9 (10)]

(For imported food consignment containing bulk packages and having representative sample)

**Declaration and undertaking by Importer**

(To be printed on FBO/Importer/Company's Letterhead)

I/We \_\_\_\_\_ [as Proprietor/ Partner/ Managing Director/ Director/ Authorised Signatory of M/S..... ] do hereby declare and undertake that:

1. I/We are importer of \_\_\_\_\_ <Name of food> \_\_\_\_\_ from \_\_\_\_\_ < name of the country of origin of consignment> \_\_\_\_\_ vide \_\_\_\_\_ <Bill of Entry number> \_\_\_\_\_ dated \_\_\_\_\_;
2. The given consignment is aseptically packed and/or hygroscopic in nature and is accompanied with representative sample;
3. I/We hereby undertake that the representative samples provided with the consignment is/ are true representative of the imported food product;
4. I/We shall be fully responsible and liable for any contravention of FSSA Act, 2006 and Rules & Regulations made there under.

I/We affirm that all information given above is true and to the best of my knowledge and belief.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

**FORM - 15**  
[See regulation 9 (11)]

(for imported food consignment containing bulk packages and not having representative sample)

**Declaration and undertaking by Importer**

(To be printed on Letterhead of the FBO/Importer/Company)

I/We, \_\_\_\_\_ [as Proprietor/ Partner/ Managing Director/ Director/ Authorised Signatory of M/S \_\_\_\_\_], do hereby declare and undertake that:

1. I/We are importer of \_\_\_\_\_ <Name of food> \_\_\_\_\_ from \_\_\_\_\_ <Country of origin of consignment> \_\_\_\_\_ vide \_\_\_\_\_ < Bill of Entry number> \_\_\_\_\_ dated \_\_\_\_\_;
2. The given consignment is aseptically packed and/or hygroscopic in nature and does not contain any representative sample;
3. Hence, the FSSAI will not be held responsible for any damage observed before or after sampling of the given consignment;
4. I/We shall be responsible and liable for any contravention of FSSA Act, 2006 and Rules & Regulations made there under.

I/We affirm that all information given above is true and to the best of my knowledge and belief.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

**<sup>3</sup>[FORM - 16**  
*[See regulation 18(1)(b)]*

**Application for Registration/renewal of Registration of Foreign Food manufacturing facilities**

1. Name of the Company/Organisation.....
2. Registered Office Address.....
3. Address of Premise for which Registration is being applied.....
4. license/registration issued by concerned country's government authority for food manufacturing/processing facility.....
5. E-mail .....
6. Contact no.....
7. Product(s) name and description.....
8. All information and particulars furnished here by me are true and correct to the best of my knowledge.

Date.....

Signatures and seal of authorized signatory

Place.....

Name and address.....

**Annexure-1**

List of documents to be enclosed with Application for Registration/renewal of Registration of Foreign Food manufacturing facilities: -

- (1) license/registration or similar document issued by concerned country's government authority for food manufacturing/processing facility;
- (2) Consent of owner of Foreign Food manufacturing facility for inspection by Food Safety and Standards Authority of India officials;
- (3) Detail composition of products;
- (4) Authorisation in favour of authorised representative (if applied through of authorized representative).
- (5) Any other documents/ information as may be required by the food Authority.

**FORM – 17**

*[See regulation 18(4)(a)]*

**Registration/renewal of Registration of Foreign Food manufacturing facilities**

1. Name of the Company/Organisation.....
2. Registered Office Address.....
3. Address of authorised premise.....
4. Registration no.....
5. Product(s) name and description .....

Note: This must not be altered in any way. Intentional misuse of this will result in cancellation without prior intimation.

Date..... Signatures of CEO, FSSAI/representative authorised by him

Place..... Name .....

Note. - The principal regulations were published in the Gazette of India, Extraordinary Part III, Section 4, *vide* notification number F. No. 1/2008/Import safety/FSSAI, dated 9<sup>th</sup> March, 2017 and subsequently amended *vide* notifications numbers:

1. F. No. REG/11/25/Import amendment/FSSAI-2017, dated 7<sup>th</sup> February, 2018;
2. F. No. 1-1275/FSSAI/Import/2015, dated 20<sup>th</sup> October, 2020;
3. F. No. 4067/MOC-Trade/Reg-FSSAI/2017 (Part-1), dated 3<sup>rd</sup> November, 2021; and
4. F. No. 1605/FSSAI/Import/2016(pt-2), dated 14<sup>th</sup> February, 2022.