

File No. 15-03/GA/2015-16-FSSAI
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety & Standards Act, 2006)
(General Administration Division)
FDA Bhawan, Kotla Road, New Delhi-110002

The 18th November, 2015

SUBJECT:- Minutes of the 18th Meeting of Food Authority held on 04th September, 2015.

The Authority adopted the minutes of the 18th Meeting of Food Authority held on 04th September, 2015 at FDA Bhawan, New Delhi in its 19th Meeting held on 06th November, 2015

2. Accordingly, the minutes of the 18th Meeting of Food Authority are being uploaded on the website of FSSAI.


(Rakesh Chandra Sharma)
Director (GA)

Enclosure:
Minutes of the 18th Meeting of Food Authority (seven pages)

Amended Draft Minutes of the 18th Meeting of the Food Authority held on 4th September 2015 under the Chairmanship of Sh. Ashish Bahuguna, Chairman, FSSAI

The draft minutes of 18th Meeting of Food Authority were circulated to the Members on 11th September, 2015 to offer their comments, if any. Having received comments from some of the Members, the draft minutes have been suitably amended. The amended draft minutes of the meeting may be read as under:-

The CEO commenced the meeting, with the permission of Chair, with a note of welcome to the Chairman and a round of introduction of all the members present. The agenda items were taken up for consideration thereafter.

A. Standing Items:

Agenda Item No. 18.I

Disclosure of Interest by the Members

All the members present filled-up the forms prescribed for Disclosure of Interest.

Agenda Item No. 18.II

Confirmation of Minutes of the 17th Meeting

1. While proposing confirmation of the minutes of 17th meeting of the Authority, the CEO apprised the House that Sh. Vasudev Thakkar had sent an email dated 25.06.2015 stating that *"this is to inform you that some points mentioned in the minutes of the 17th Authority meeting are not as per actual discussion and some important points are not covered in minutes, so please check audio recording which was done at the said meeting by you, and send corrected minutes."* He further explained that the office had responded to the said email vide letter dated 6th July 2015, informing Sh. Thakkar that *"your kind attention is invited to para 17.10.7 of the Draft Minutes. However, you are requested to specifically furnish the points (i) which have not been recorded in the Minutes of the 17th Meeting of the Authority as per discussions, and (ii) the important points that are not covered in the Minutes, in writing to this office so that the same are placed before the Authority in its next meeting while taking up the confirmation of the Minutes"*. He informed that no communication had been received in writing from the member concerned in this behalf.

2. Sh. Vasudev Thakkar stated he had raised a number of issues which had not been recorded/correctly recorded in the minutes. After hearing Sh. Thakkar, the Chairman requested him to submit in writing within a week's time whatever he thought should have been included in the minutes and that a view on his submissions would be taken after consultations with the former Chairman.

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3. Accordingly, the Authority resolved to approve the minutes of the 17th meeting as circulated. Any change in the minutes necessitated due to action on para 2 above would be approved and confirmed in the next meeting.

Agenda Item No. 18.III

Action Taken Report on the decisions taken in the 17th Meeting

1. The Action Taken Report (ATR) was noted by the members, Ms. Shreya Pandey, observed that while one agenda on the ATR in respect of the decisions taken by the Authority in its earlier meeting was being put up as an agenda and may continue as a standing agenda item, another standing agenda item may also be included in future in respect of the ATR on decisions which had been taken by the Authority in its meetings since inception. She further suggested that such ATR should also be placed on the website. Sh. K.L. Sharma suggested that instead of including the ATR on all the decisions taken in earlier meetings, there was no need to submit the ATR on items on which action had already been taken and closed. He suggested that only such items be included in the proposed agenda on which final action was pending.
2. Sh. Vausdev Thakkar stated that he had observations in respect of the ATR in respect of Agenda Item No. 17.4, 17.7 and 17.10.7. The CEO explained the position in detail in respect of each of the said items. After detailed discussions, the Chairman observed that the ATR as reported by the office was the factual position and any discussions on the merits of the issues on which ATR was framed lay outside the scope of this agenda item.
3. After discussions, it was decided that:
 - (i) The ATR as placed before the Authority be deemed to have been noted;
 - (ii) Another Standing agenda item be included in future containing all such decisions on which final action was still pending; and
 - (iii) Major decisions of the Authority need to be placed on the website and communicated to various stakeholders, but necessarily in the form of ATRs, which sometimes reflect the work of other organisations.

Agenda Item No. 18.IV

Chief Executive Officer's Report on the activities after the 17th Meeting

1. A copy of the CEO's report was circulated among the members. The Chief Executive Officer read out his report highlighting the activities undertaken in the Authority after the last meeting.
2. *Sh. V.K. Thakkar and some members observed that the meetings of the Authority should be held at shorter intervals so as to keep the agenda*

manageable. This was agreed to. It was also observed that the efforts should be taken to ensure that the agenda items are circulated two weeks in advance of the meeting. The Chairperson suggested that the agenda items of the Authority meetings be circulated in electronic mode in future unless any member specifically requests for the agenda to be supplied in hard copy.

3. It was decided that the CEO may suggest a tentative schedule of the meetings of the Authority and that, unless otherwise found to be unavoidable, all efforts be made to circulate the agenda items 15 days before the meeting. It was also agreed that the agenda notes be circulated amongst the members in electronic mode in future and that in case any member wanted the agenda in hard copy, he may communicate his preference to the CEO in this behalf in advance. Further, as proposed by the CEO, the Authority resolved to place on record its appreciation for the services rendered by the outgoing Chairman.

B. Regular Agenda Items

Agenda Item No. 18.1

Approval of Accounts of the Authority for the Financial Year 2014-15

Resolved that the Annual Accounts of the Authority for the Financial Year 2014-15, as placed before the Authority, be and are hereby approved and adopted.

Agenda Item No. 18.2

Budget of the Authority for the FY 2015-16

The Annual Budget of the authority for the FY 2015-16 was discussed and it was resolved that the Annual Budget of the Authority for the Financial Year 2015-16, as placed before the Authority, be and is hereby approved.

Agenda Item No. 18.3

Annual Report of the Authority for FY 2014-15

The Annual Report of the Authority for the year 2014-15 was considered and the Authority resolved to approve the Annual Report of the Authority for the Financial Year 2014-15, as placed before the Authority.

Agenda Item No. 18.4

Removal of Zinc from the list of Contaminants

The CEO explained the proposal. He further stated that the reference to the Codex Standard made in the agenda was no longer relevant as the said Standard had since been withdrawn by Codex, perhaps for a review, and it was no longer available on the Codex website. He further proposed that the proposal may be approved subject to the condition that if any new development was reported by Codex before the final notification of the proposed standard, the proposal would be re-examined. The Authority approved the proposal with the above caveat.

Agenda Item No. 18.5**Fixation of MRLs of Pesticides in Food Commodities**

The proposal contained in the Agenda was considered. The Joint Secretary, Agriculture Department appreciated the action taken by the Authority in the matter and requested that action to fix MRLs for 17 pending pesticides may also be expedited. Taking note of the suggestion made by the member, the proposal was approved.

Agenda Item No. 18.6**Adoption of 09 BIS Standards**

The agenda was considered and it was proposed by Ms. Meetu Kapoor to create two different standards on 'Protein Rich Supplements for Infant and Preschool Children' to distinguish products falling under (infant Milk Substitute) IMS Act 1992 and for clarity on advertisement, donations and promotion aspects (as defined in IMS ACT) of such foods. This issue was agreed to in principle & shall be taken into consideration before finalising the standards.

Agenda Item No. 18.7**Standards and Draft Regulations for Alcoholic Beverages**

The agenda was considered and the Authority resolved to approve the proposal.

Agenda Item No. 18.8**Microbiological Standards for Fruits and Vegetables and their Products**

The proposal contained in the agenda was discussed in detail. It was observed that it would be difficult to implement the Standards in respect of whole fruits and vegetables in the Indian environment as these were being handled by a number of intermediaries from the point of product to sales when microbiological contamination could pass through the hands. It was further observed that while Standards could be prescribed in respect of processed fruits and vegetables, such Standards would be incomplete in the absence of testing parameters. Keeping in view the observations made by the members, it was decided to refer the matter back to the concerned Scientific Panel for review.

Agenda Item No. 18.9**Changes in the composition of Scientific Panel of Fish and Fisheries Products**

The agenda was considered and the Authority resolved to approve the proposal.

Agenda Item No. 18.10**SMS Facility for the web-based FLRS, FPAS, FICS eGovernance Applications**

The agenda was considered and the Authority resolved to approve the proposal.



Agenda Item No. 18.11**Report of the Task Force on Product Approvals**

The agenda was discussed in detail. Comments of the Product Approval Division were also circulated to the members. Sh. Vasudev Thakkar was of the view that the Task Force had no legal backing. It was explained that the recommendations of the Task Force were only a valuable input for the Scientific Panel and for a final decision by the Authority. It was observed that while the Task Force had undertaken an exhaustive exercise, the report lacked clarity on a number of issues. The CEO pointed out that certain expressions e.g. 'Micro variations', and 'Small changes' needed to be precisely defined as these could be interpreted differently by different stake-holders. He invited attention to the provisions contained in the definition of "Food" and the explanations below Section 22, according to the which the Authority was bound to follow the limits of RDA for Indians in respect of minerals, vitamins or proteins or metals etc. [Section 22-Explanation (1) (a) (ii); and the provisions contained under sub-clause(ii) of Clause (b) of para (1) in terms of the items covered under Drugs and Cosmetics Act.

After detailed discussions, it was decided that:

- (i) A meeting be held by the officers/consultants of FSSAI with the Chairman of the Task Force and the Scientific Experts on the said Task Force to seek clarity on various identified issues, and
- (ii) The recommendations of the Task Force be taken into consideration while formulating the Draft Regulation on the process of Product Approvals.

Agenda Item No. 18.12**Guidelines on Healthy Food for Children-High Court Directions**

The agenda was discussed in detail. The issue as to whether the Authority should issue the said guidelines as draft "Guidelines" or in the form of a draft "Regulation" was also discussed in the context of the latest order of the Hon'ble Supreme Court. After detailed discussions, it was decided that the 'Guidelines' submitted to the Hon'ble High Court of Delhi be issued in draft form with a foot-note explaining that the said draft Guidelines would be converted into a Regulation in due course after following the prescribed process of inviting comments, suggestions etc. from various stakeholders.

C. For Information**Agenda Item No. 18.13****Establishment of Information Technology Division in FSSAI- Appointment of IT Professionals on contract basis.**

The members noted the contents of the Agenda item.



Agenda Item No. 18.14

Capacity Building Initiative for Trade Development in India (CITD)

The members noted the contents of the Agenda item.

Agenda Item No. 18.15

Advisories/Orders issued for information of the Authority

The members noted the contents of the Agenda item.

Agenda Item No. 18.16

Minutes of the 13th meeting of the Central Advisory Committee held on 08.01.2015

The members noted the contents of the Agenda item.

Agenda Item No. 18.17

The members noted the contents of the Agenda item.

D. Supplementary Agenda Items

Agenda Item No. 18.18

Order bearing No. 10/QA/Enforcement Issues/FSSAI-2015 dated 05th June 2015 on Maggi Noodles of M/s. Nestle India Ltd. etc.

The members noted the contents. Sh. Vasudev Thakkar observed that the Authority must challenge the Bombay High Court order by filing a SLP especially on the point of sampling. He further observed that the Authority must oppose Nestle's application for modification of the Order of the High Court. The Chairman stated that a view in the matter would be taken after studying the orders of the Bombay High Court on the modification application.

Agenda Item No. 18.19

Decision of the Hon'ble Supreme Court dated 19.08.2015 in SLP (C) No. (s) 23872-23874/2014

The members noted the contents of the agenda, especially the future roadmap delineated for framing of regulations on the subjects mentioned therein. As regards the engagement of legal assistance for undertaking the job of framing of the regulations, the representative from the Department of Legal Affairs suggested that some retired officers from the Ministry of Law could also be considered for the purpose. The Chairman observed that all applications received in this behalf would be duly considered. However, retired officers from the Ministry of Law may be more suitable for vetting of the draft regulations as prepared. With the above observations, the Authority approved the proposed roadmap and engagement of legal assistance.

Agenda Item No. 18.20

References/letters from Sh. Vasudev Thakkar

Sh. Vasudev Thakkar stated that he would not like to make any comments on the agenda as he had filed a case in the court in this behalf and the matter was sub judice. The Chairman observed that the duties and functions of the Food Authority were clearly delineated under Section 16 of the Act and that of the Chief Executive Officer under Section 10 of the Act. He further called upon the members to appreciate that the CEO had been assigned the functions of day-to-day administration so as to ensure that the Authority carries out its tasks in accordance with the requirements of its users. Further, he clarified that members were always welcome to inspect the records and obtain copies of various documents in accordance with the procedure prescribed for this purpose.

Agenda Item No. 18.21

Status note on Manuals of methods of analysis of food and water

The CEO explained the contents of the agenda and explained that since a large number of comments had been received on the Draft Manuals on Methods of Analysis, the said comments had been forwarded to the Scientific Panel for examination/consideration. He further explained that it had been agreed to complete each of the manuals, one by one, and adopt the same rather than awaiting completion of all the manuals, Dr. Sharma expressed his satisfaction at this approach.

Agenda Item No. 18.22

Status of Report of the sub-committee on the process of selection of members of the Scientific Committee and the Scientific Panels

The CEO explained the status of the deliberations of the Sub Committee. He informed the members that the existing term of the Scientific Committee and the 09 Scientific Panels established earlier was due to expire on 16.01.2016. he explained that working backwards, the Administration would have to initiate the process before the end of September so as to ensure that the process of appointment of new members is completed before the expiry of term of the Committee and the Panels, especially when there was no provision under the Act or the regulations for further extension of the term of these bodies. Accordingly, he proposed that the Sub-committee be requested to expedite its recommendations. This was agreed to unanimously.

Agenda Item No. 18.23

Any other agenda with the approval of the Chairperson

Sh. Abulkalam raised the issue of problems being faced by arecanut growers/farmers on account of import of arecanut from other countries. The member was requested to separately discuss this issue with the Director (Import) so that the appropriate authorities could be approached for remedial action.

There was no other Agenda Item, ^Tthe meeting concluded with the vote of the thanks to the Chairman and the members participating in the meeting.



(Ashish Bahuguna)
Chairman
04.11.2015