



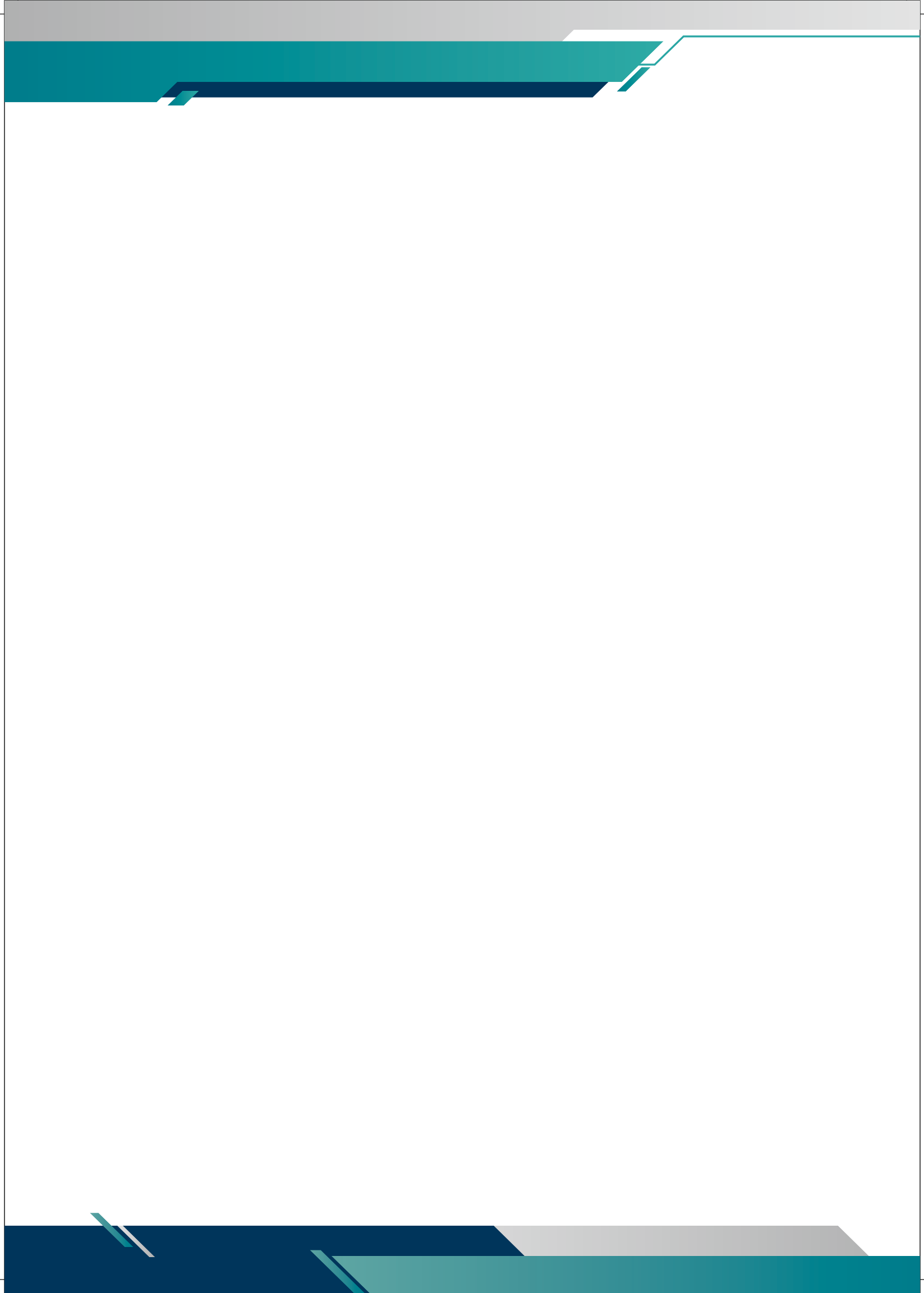
FOOD SAFETY AND STANDARDS
AUTHORITY OF INDIA

Inspiring Trust, Assuring Safe & Nutritious Food
Ministry of Health and Family Welfare, Government of India



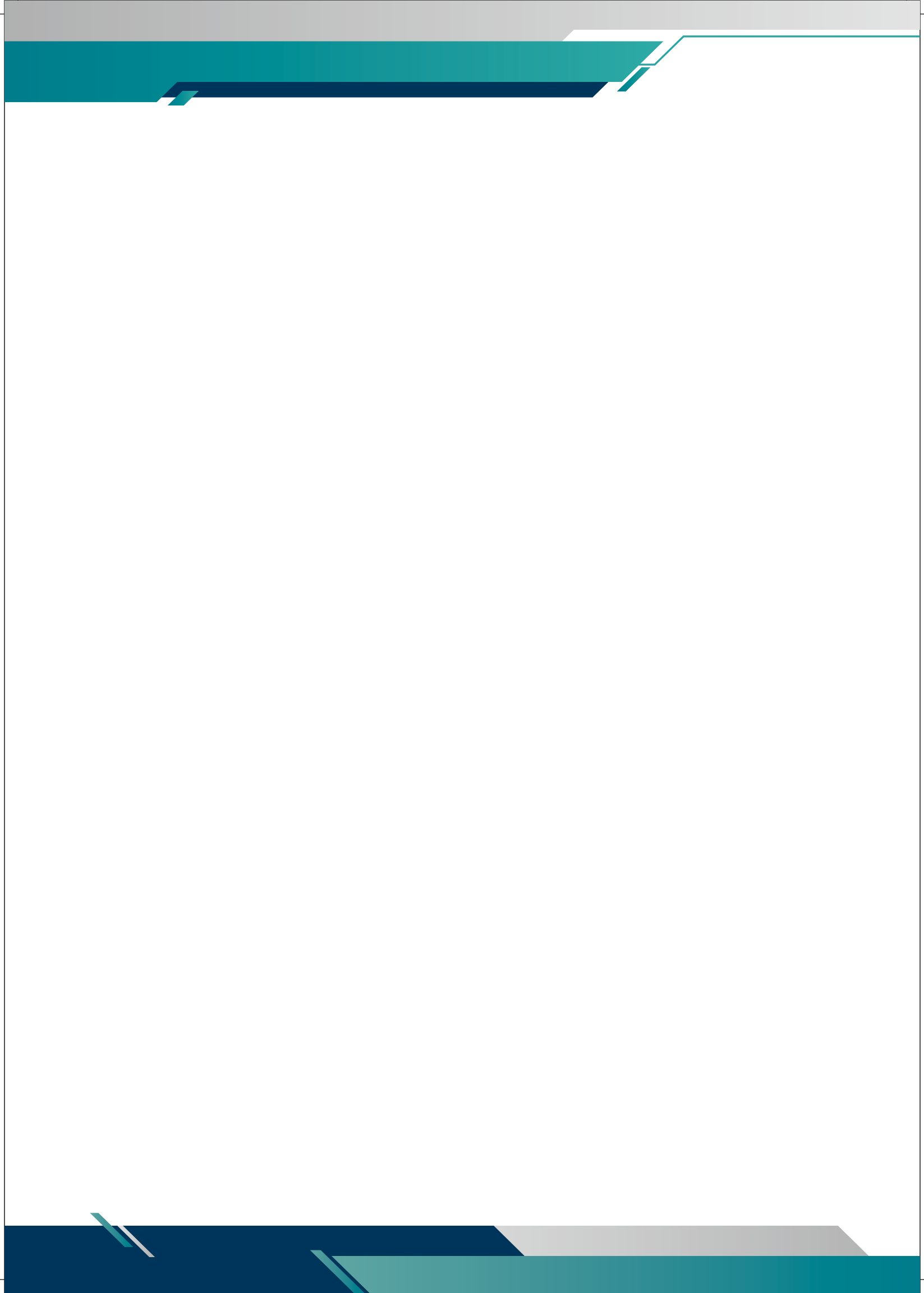
MANUAL FOR FOOD IMPORTS

June 2019



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Preface



Pawan Agarwal
CEO, FSSAI

One of the key mandates of the Food Safety and Standards Authority of India (FSSAI) under the Food Safety and Standards Act, 2006 is to regulate import of food and ensure that it is safe and wholesome for human consumption. Accordingly, FSSAI has notified a separate regulation on imports, The Food Safety and Standards (Import) Regulations 2017 to provide a single reference regulation for food imports.

These regulations lay down the detailed procedure to be followed for food import clearance including scrutiny of documents, inspection, sampling and testing of food articles. With the objective of helping our Authorized officers at Ports to effectively implement these regulations, the Food Imports Manual has been developed to explain the regulations detailing the step-by-step procedures for clearance of food imports.

FSSAI through its own officers directly controls the food imports at only 20 points of entries presently. For a large number of other food entry points, Custom Officials have been designated as Authorized Officers by FSSAI for the purpose of food import clearance. This manual is expected to ensure that a consistent approach in food import clearances at different ports in the country is applied, both where FSSAI has its own existence and also where food imports are regulated by Customs on behalf of FSSAI.

This manual will also serve as a guidebook for food importers in understanding the prerequisites for importing any article of food and also the procedures followed in clearance of food imports at the ports.

Over the past few years, a number of steps have been taken by FSSAI to make the import clearance processes more efficient thereby reducing the time taken for clearance at the ports. Some of the major steps include permitting issue of Provisionals NOC to cover large types of food articles, allowing rectification of labeling information at ports and expanding the FSSAI notified laboratory network in the country to cover almost all States and UTs. This manual also consolidates this information till date including the various orders and instructions issued with respect to food imports.

Abbreviations

AO	Authorized Officer
AQ	Animal Quarantine
BoE	Bill of Entry
CHA	Custom House Agent
CBEC	Central Board of Excise and Customs
CCFC	Customs Clearance Facilitation Committee
CFS	Container Freight Station
COA	Certificate of Analysis
CTH	Customs Tariff Heading
DO	Designated Officer
DGFT	Directorate General of Foreign Trade
FBO	Food Business Operator
FICS	Food Import Clearance System
FLRS	Food Licensing Registration System
FSO	Food Safety Officer
FSSAI	Food Safety and Standards Authority of India
FSSR	Food Safety and Standards Regulations
FSS Act	Food Safety and Standards Act, 2006
GOI	Government of India
HQ	Head Quarters
ICD	Inland Container Depot
ICE GATE	Indian Customs Electronic Commerce/Electronic Data interchange (EC/EDI) Gateway
IEC	Importer Exporter Code
IGM	Import General Manifest
INFoLNET	Indian Food Laboratory Network
LCS	Land Custom Station
NACIN	National Institute of Customs, Indirect Taxes & Narcotics
NABL	National Accreditation Board for Testing and Calibration Laboratories
NCR	Non-Conformance Report
NOC	No Objection Certificate
PGA	Participating Government Agency
PQ	Plant Quarantine
RMS	Risk Management System
SNF	Safe & Nutritious Food
SWIFT	Single Window Interface for Facilitating Trade

Important FSSAI website Links

1.	FSSAI	www.fssai.gov.in
2.	Food Safety and Standards Act, 2006	https://fssai.gov.in/cms/act-2006.php
3.	The Food Safety and Standards Regulations	https://fssai.gov.in/cms/food-safety-and-standards-regulations.php
4.	Import Regulations	https://fssai.gov.in/cms/food-safety-and-standards-regulations.php
5.	Orders and Guidelines on Imports of food articles	https://fssai.gov.in/advisories.php
6.	Food Import Clearance System (FICS)	https://fics.fssai.gov.in/AOLgin.aspx
7.	Food Licensing Registration System (FLRS)	https://foodlicensing.fssai.gov.in/index.aspx
8.	List of FSSAI notified NABL accredited laboratories	https://fssai.gov.in/home/food-testing/Orders-Notice.html
9.	List of FSSAI Referral laboratories	https://fssai.gov.in/home/food-testing/Food-Laboratories/Notified-Laboratories.html
10.	FSSAI Books	https://www.fssai.gov.in/home/capacity-building/FSSAI-Books.html
11.	Food Safety Connect- Online Portal	https://foodlicensing.fssai.gov.in/cmsweb/
12.	FSSAI Facebook Page	https://www.facebook.com/fssai/
13.	FSSAI Twitter	https://twitter.com/fssaiindia
14.	Organisation Directory of FSSAI	https://fssai.gov.in/home/about-us/organisation-directory.html

GENERAL INSTRUCTIONS

1. This manual has been developed with the objective to provide a guiding document for the Authorized Officers of FSSAI at ports and importers/CHA for better understanding of clearance process of imported food consignments by FSSAI. This manual serves as a quick orientation book and covers food import clearance processes in detail for understanding of all the stakeholders.
2. Importers are advised to study the information and documents provided in this manual before importing any food article into the country. Most of the documents discussed in the Manual are also available on FSSAI website (<http://www.fssai.gov.in>). A list of important web links is given in this manual for ready reference.
3. FSSAI from time to time, issues instructions, guidelines, clarifications and policy interventions which are placed on the FSSAI website for information. Importers may regularly visit FSSAI website to keep themselves updated with latest developments.
4. The Food Safety and Standards Act, 2006 focuses on self-compliance by importers rather than a pure regulatory regime. Authorised Officer, being the field level officer in direct line of contact with importers, should play an important role of facilitator in guiding them to comply with the food regulatory provisions.
5. The whole process of clearance of imported food consignments is transparent and impartial. The officials of FSSAI are expected to act in an impartial, transparent and objective manner during the entire process of clearance.
6. Information contained herein is considered to be pertinent at the time of publication, but may become invalidated as a result of subsequent legislations, regulations, standards, methods, and/or more updated information. The reader should therefore keep themselves abreast of the latest information by visiting the FSSAI website.
7. This publication may not be copied or redistributed in part or in whole without prior written consent from Food Safety and Standards Authority of India.
8. Authorized officers, Importers, CHAs and other readers of the manual are encouraged to give their valuable suggestions to further improve and enrich this manual to Director-in-charge of Imports at FSSAI Head quarters at import@fssai.gov.in.

CHAPTER 1

Introduction to FSSAI & Imports

Introduction to FSSAI & Imports

1.1 Important Definitions

- a) “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 (regulating Import of Food into India).
- b) “Central Licensing Authority” means Designated Officer appointed by the Chief Executive Officer of the Food Safety and Standards Authority of India in his capacity of Food Safety Commissioner.
- c) “Custom House Agent” shall have the meaning assigned to it in clause (c) of section 2 of the Custom House Agent Regulations, 2004;
- d) “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;
- e) “Import” means bringing into India any article of food by land, sea or air;
- f) “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;
- g) “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;
- h) “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;
- i) “Non-specified food” means any food other than proprietary food or food ingredients, including additives, processing aids and enzymes for which standards have not been specified in any regulation made under the Act.

1.2 Food Safety and Standards Authority of India

Food Safety and Standards Authority of India (FSSAI) has been established as a Statutory Body under the Food Safety and Standards Act, 2006. This Act consolidates various Acts & Orders that had hitherto handled food related issues in various Ministries and Departments of Government of India. FSSAI has been created for laying down science based standards for articles of food and for regulating their manufacture, storage, distribution, sale and import to ensure availability of safe and wholesome food for human consumption.

1.3 Food Safety and Standards Act, 2006- At a glance

The Food Safety and Standards Act (FSS Act), 2006 marks a shift from a multi-level to a single line of control with focus on self-compliance rather than a pure regulatory regime. It envisages development of regulations to ensure availability of safe and wholesome food for human consumption and for consumers connected therewith.

FSS Act also offers integrated response to new and emerging issues like novel foods, organic foods, genetically modified foods and health supplements in international trade. Some of salient features of the Act may be summarized as under: -

- a) Registration/Licensing of FBOs by Central Licensing Authority or State Licensing Authority as applicable under Regulations.
- b) Emphasis on gradual shift from regulatory regime to self compliance.
- c) Regulation of food consignments imported in the country

Introduction to FSSAI & Imports

- d) Effective, transparent and accountable regulatory framework with well defined functions, powers and responsibilities of FSSAI officials.
- e) Provision of food recall in case of failure of food products in meeting Standards.
- f) Consistency between domestic and international food policy measures without reducing safeguards to public health and consumer protection.
- g) Envisages large network of accredited food laboratories.
- h) Surveillance of food articles to identify risk
- i) Provision for graded penalties for non-complying FBOs.
- j) Emphasis on training and awareness programs on food safety for FBOs, consumers and regulators.

1.4 Roles and Responsibilities of Food Safety and Standards Authority of India

- a) Framing of Regulations for laying down standards and guidelines in relation to articles of food and specifying appropriate system of enforcing various standards thus notified.
- b) Laying down procedure and guidelines for accreditation of laboratories and notification of the accredited laboratories.
- c) Providing scientific advice and technical support to Central Government and State Governments for framing policy and rules in areas which have a direct or indirect bearing on food safety and nutrition.
- d) Collecting and collating data regarding food consumption, incidence and prevalence of biological risks, residues of various contaminants in foods, identification of emerging risks and introduction of rapid alert system.
- e) Contribute to the development of international technical standards for food, sanitary and phyto-sanitary standards.
- f) Creating an information network across the country so that the public, consumers, panchayats etc. receive rapid, reliable and objective information about food safety and issues of concern.
- g) Provide training programmes for persons who are involved or intend to get involved in food businesses.
- h) Promote general awareness about food safety and food standards.

1.5 Food Imports

FSSAI has the mandate to regulate import of food into the country and ensure that it is safe and wholesome for human consumption. As per Section 25 of the Food Safety & Standard Act, 2006, all imports of articles of food are subject to the provisions of the Act. It stipulates that no person shall import into India any article of food in contravention of the Act or any rules and regulations made thereunder. Exercising the power of the Act, the Central Government on the recommendation of the Food Authority notified the FSS (Import) Regulations, 2017 on 9th March, 2017. Further, all the orders for simplifying food imports are available on FSSAI on following link : <https://fssai.gov.in/advisories.php>

1.5.1 Food Safety and Standards (Import) Regulations, 2017 – Key Highlights

- a) No imports of food article are permitted in India without a valid import license from the Central Licensing Authority of FSSAI.
- b) The consignment of food articles are referred to FSSAI for clearance by the Customs Authorities through ICE GATE.
- c) The food consignments are subject to scrutiny of documents, visual inspection, sampling and testing in order to determine whether or not they conform to the safety and quality standards laid down under various Food Safety and Standards Regulations.

Introduction to FSSAI & Imports

- d) 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 or even include them in the prohibited items list.
- e) Powers and duties of Authorised Officers notified for the purpose of food import clearance is prescribed under Chapter IX of these Regulations.
- f) In case of imported packaged food consignments, special dispensation for rectification of labels is provided under Reg 6(4) of FSS (Import) Regulations, 2017.
- g) Provisional NOC can be issued for certain types of imported food consignments without waiting for the analysis report from lab on the basis of an undertaking from the Importer as prescribed under Chapter V of these Regulations.
- h) Importer can apply for retest, if the sample is found Non-Conforming to the FSS Standards by the primary laboratory.
- i) Requirement of NOC from FSSAI is exempted under following conditions by submitting an undertaking (details are mentioned in Chapter 4 of FSS(Import) Regulations, 2017):
 - i. Articles of food imported for personal consumption
 - ii. Imported food consignment meant for Display Purpose in Trade Fair/Exhibition
 - iii. Imported food consignment meant for Research & Development purposes
 - iv. Imported food consignment meant for Sports Events
 - v. Imported food consignment meant for 100% Export and Re-export

All the FSS regulations are available on the website of FSSAI on the following link- <http://fssai.gov.in/cms/food-safety-and-standards-regulations.php>

1.5.2 Overview of Food Import Clearance System in India

FSSAI has its presence at six locations through its own Authorised Officers at Chennai, Kolkata, Mumbai, Delhi, Cochin and Tuticorin covering 20 points of entries. Further, at other Point of Entries throughout the country FSSAI has notified Customs officials as Authorised Officers for the purpose of regulating food imports. FSSAI has in place its own Food Import Clearance System (FICS) which is an online system, integrated with the customs ICE-GATE (Indian Customs Electronic Commerce/Electronic Data interchange Gateway) under SWIFT (Single Window Interface for Facilitating Trade).

1.5.3 Risk Management System (RMS)

Food Safety & Standards (Import), Regulations, 2017 provides for selective sampling & testing of food article on the basis of risk profile and parameters as set by FSSAI. To minimise the sampling size and time and hence to expedite the clearance process of imports in line of ease of doing business, risk based sampling system called Risk Management System (RMS) has been introduced under Single Window Interface for Facilitating Trade (SWIFT) by Department of Customs in consultation with FSSAI based on certain criteria like risk category of the food items, compliance history of the importers and country of origin etc. For details on RMS, please refer Chapter 3 (point no. 3.2) of this manual.

CHAPTER 2

Obtaining Import License

Obtaining Import License

2.1 Introduction

Under the Food Safety and Standards Act, 2006 every Food Business Operator is required to take License/Registration to commence Food Business. FSSAI has its own Food Licensing and Registration System (FLRS) which is an online system developed based on the requirements laid down under Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011. FLRS facilitates FBOs across the country to apply for license/registration certificate online and allows them to track their application through various stages of processing.

Central license is applicable for import of food products and is issued by regional Offices of FSSAI presently located at Delhi, Kolkata, Mumbai and Chennai. Officers of FSSAI authorized to issue license are called Designated Officers (DOs).

2.2 How to Obtain Import License (Fig. 1)

For obtaining food import license, the applicant/ prospective Importer requires a valid Import Export Code (IE code) issued by Directorate General of Foreign Trade (DGFT). The link for obtaining the import license under Food licensing And Registration System (FLRS) is <https://foodlicensing.fssai.gov.in>.

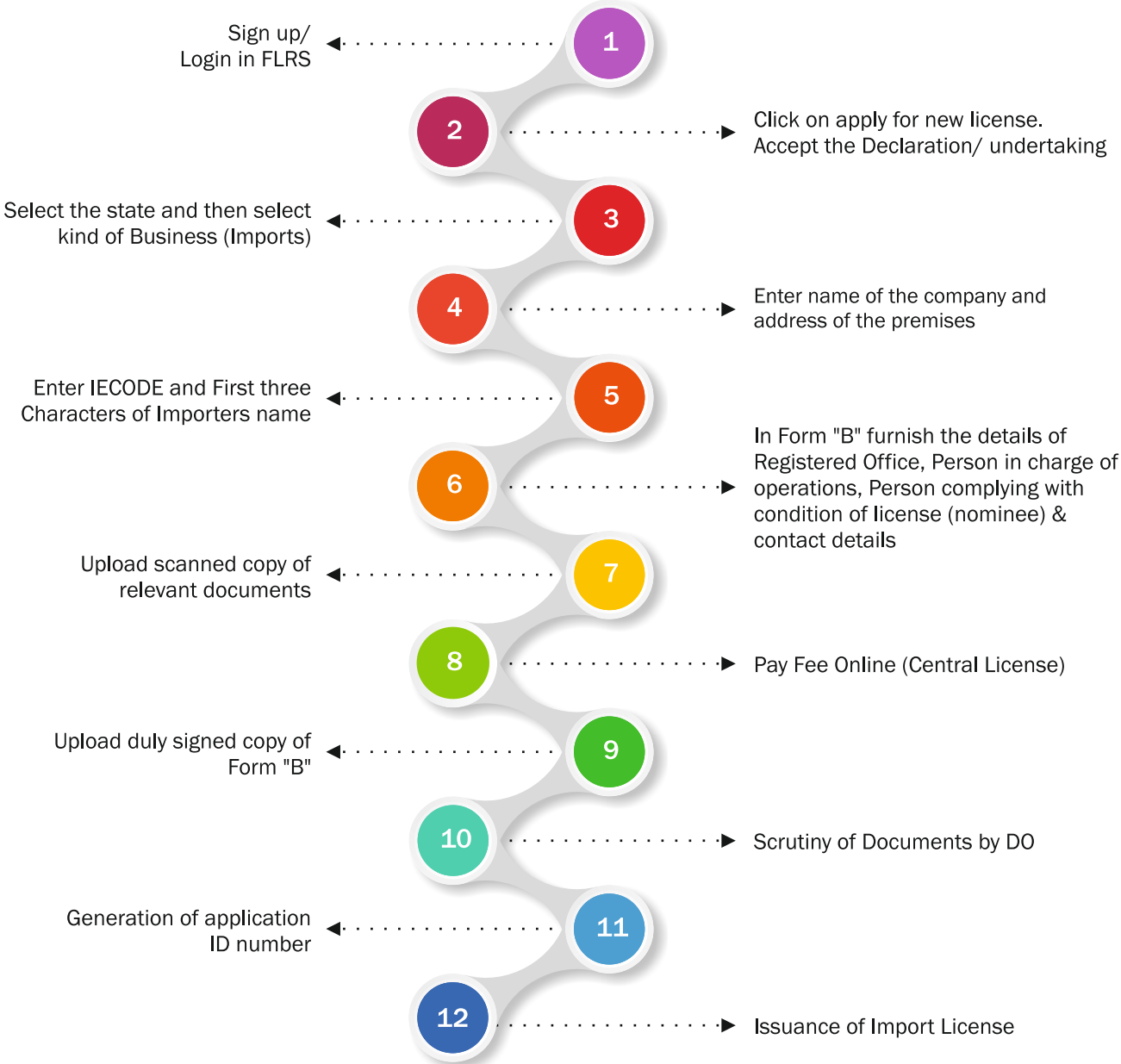


Fig 1: Process Flow Chart for obtaining FSSAI Import License.

Obtaining Import License

The applicant fills in the required information online and uploads mandatory documents (available on link <https://foodlicensing.fssai.gov.in/index.aspx>), in FLRS, as per the process detailed above. The format of required documents has been provided in the FLRS portal (i.e. www.foodlicensing.fssai.gov.in) under the list of supporting documents for Central license. Importer is required to scan the documents and upload them in pdf format in FLRS. The annual fee payable for import license is Rs.7500 presently. The importer can apply for license for a period of one year and upto a maximum of five years. The detailed structure of fees applicable for new license/duplicate/renewal of license etc. is available at <https://foodlicensing.fssai.gov.in>

As per FSS (Licensing and Registration of Food Businesses) Regulation, 2011 a license shall, subject to the provisions of these Regulations, be issued by the concerned Licensing Authority within a period of 60 days from the date of issue of an application ID number which is generated after successful completion of the application and uploading the required documents by the importer. A specimen copy of the food importer license is provided in Fig. 2.

2.3 Condition of import license

- (a) Inform Authority about any change or modification in activities/content of license.
- (b) The importer must file Annual Return in Form D-1 as per conditions of license mentioned in FSS (Licensing and Registration of Food Businesses) Regulation, 2011 and submit it to the concerned Regional Office of FSSAI (Designated Officer) on or before 31st May of each year for each class of food handled during the previous financial year.
- (c) Importer must apply within 30 days before the expiry of license for renewal. If not renewed, the license gets expired and the FBO has to apply afresh for a new license.

2.4 Important Links

- Live URL- <https://fssai.gov.in/cms/licensing.php>
- How to apply - <https://foodlicensing.fssai.gov.in/index.aspx>
- Help Desk- Toll free Number 1800112100, email-licensing@fssai.gov.in

भारत सरकार
Government of India
भारतीय खाद्य संरक्षा एवं मानक प्राधिकरण
Food Safety and Standards Authority of India


सत्यमेव जयते

खाद्य संरक्षा और मानक अधिनियम, 2006 के अधीन अनुज्ञप्ति
License under Food Safety and Standards Act, 2006

अनुज्ञप्ति संख्या / License Number :

1. अनुज्ञप्तिधारी के पंजीकृत कार्यालय का नाम और पता
Name & Registered Office Address of Licensee

2. प्राधिकृत परिसरों का पता
Address of Authorized Premises

3. कारोबार का प्रकार / Kind of Business
Importer

4. डेयरी कारोबार विवरण हेतु / Dairy Business Details
N.A.

5. अनुज्ञप्ति का वर्ग / Catagory of License :
Central

यह अनुज्ञप्ति खाद्य संरक्षा और मानक अधिनियम, 2006 के अधीन अनुदत्त की गई और वह अधिनियम के उपबंधों के अध्यादीन है जिनका अनुज्ञप्तिधारी द्वारा अवश्य पालन किया जाना चाहिए / This license is granted under and is subject to the provisions of FSS Act, 2006 all of which must be complied with by the licensee.

स्थान / Place :
दिनांक / Date :

Designated Officer
Stamp and signature of Designated Officer
खा. सं. और मा. अधि., 2006 के अधिन केंद्रीय अनुज्ञापन अधिकारी
Central Licensing Authority under FSSA, 2006

विधिमान्यता और नवीनीकरण / Validation And Renewal

License Issue / Renewal Date	Period of validity	License Fee Paid	Items of Food products with capacities authorized to Manufacture/ Re-pack/ Re-label	Installed handling Capacity	Signature of Designated Officer
			Only for Import of Products Allowed under FSS ACT, 2006	Not applicable	

Fig. 2: Specimen Copy of Import License Issued by Central Designated Officer.

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MANUAL FOR FOOD IMPORTS

CHAPTER 3

Food Import Clearance Process

Food Import Clearance Process

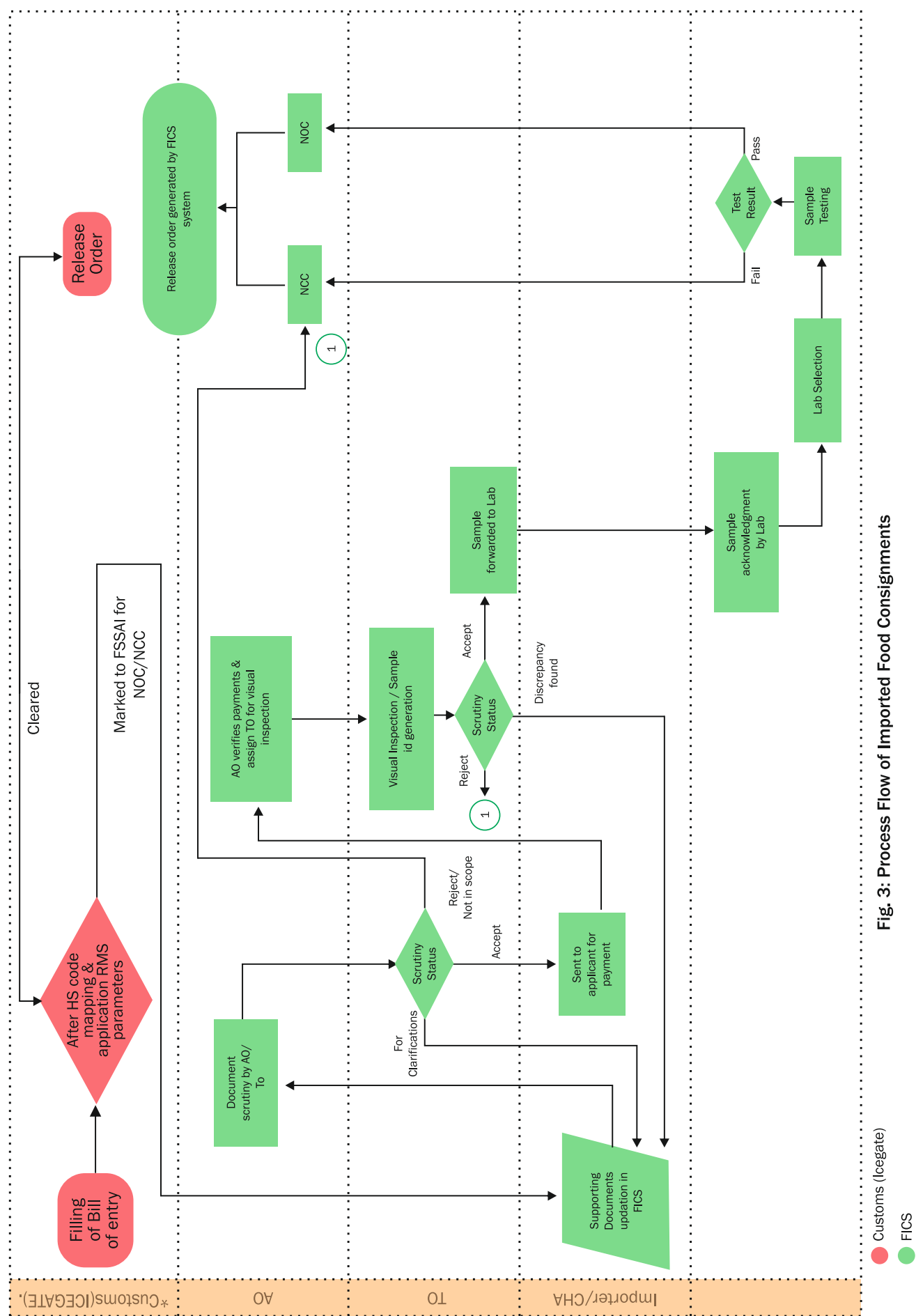


Fig. 3: Process Flow of Imported Food Consignments

3.1 Pre-Requisites for Food Import

The Importer shall possess:

- a) A valid FSSAI Import License;
- b) A valid Importer Exporter Code (IE Code) issued by Directorate General of Foreign Trade (DGFT);
- c) Product Approval (if the product proposed to be imported is neither standardised i.e. it is not in conformity with the food standards prescribed under the regulations thereunder nor it can be classified as a Proprietary Food under the FSS Regulations.
- d) The Importing FBO submits an Authority Letter in favour of a Customs Handling Agent (CHA) to the FSSAI/ Authorised officer, if he chooses to handle his imports through a CHA.

3.2 Filing of Application at Customs ICE GATE (Fig 4)

- a) The Importer/CHA has to file an application for clearance of consignment with the Department of Customs for Bill of Entry (BOE) generation at Customs ICE GATE (<https://icegate.gov.in>) on Single Window Interface for Facilitating Trade (SWIFT).
- b) To expedite the clearance process of imports, Risk Management System (RMS) has been introduced under Single Window Interface for Facilitating Trade (SWIFT) by Department of Customs which scrutinizes the application and if the sampling is required; the BOE is referred to FSSAI in online Food Import Clearance System (FICS) or else cleared through green channel.
- c) FSSAI has mapped a total of 1470 ITC-HS Codes pertaining to articles of food or food additives with the Customs- ICE GATE (Annexure- 1). These HS Codes have been subdivided into High Risk or Low-Risk food items based on the risk of the food safety. Further, dual use items have also been identified and if end use is food then the dual use items are referred to FSSAI for clearance.
- d) The High Risk Food Categories includes:

1. Meat & Meat Products	5. Condensed Milk	9. Fats in any form except edible vegetable fat
2. Fish & Fish products	6. Milk Cereal base Weaning Foods	10. Cocoa Butter Equivalent or substitutes
3. Egg & Egg Products	7. Infant Milk food	
4. Milk Powders	8. Infant Formulae	

- e) In case of high risk food items from the same country of origin and same importer, 100% sampling and testing is done for first five consecutive consignments. If all the samples are in conformance to the standards laid down under FSS Regulations, then 25% sampling for next 20 consignments is done. If the samples are cleared in all cases, 5% sampling in all subsequent consignments is done. In case of sample failure at any stage, the complete history of the importer becomes zero and the consignments are then again subject to 100% sampling and testing.
- f) In case of low risk food items from the same country of origin and same importer, 100% sampling and testing is done for first five consecutive consignments. If all the samples are in conformance to the standards laid down under FSS Regulations, then 5% sampling for all subsequent consignments is done. In case of sample failure at any stage, the complete history of the importer becomes zero and the consignments are then again subject to 100% sampling and testing.

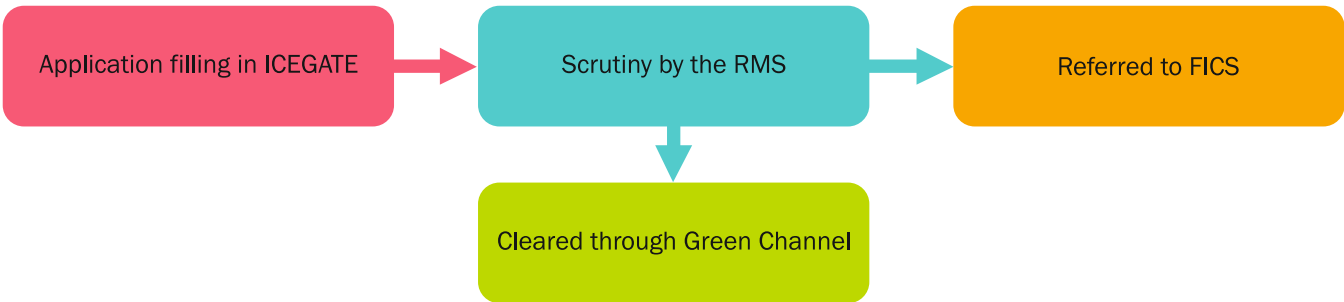


Fig.4: Filing of application at Customs ICEGATE

Food Import Clearance Process

3.3 Registration in FICS, Log In &Uploading of documents (Fig.5)

- a) CHA/Importer needs to be registered on FICS (<https://fics.fssai.gov.in/AOLogin.aspx>)
- b) After the application forwarded by ICEGATE and thereafter is accepted by Authorised Officer (AO).
- c) After acceptance by the AO, the application is visible in the Importer's/CHA's login in FICS.
- d) The importer then files the required supporting documents in FICS.
- e) For any problem faced in applying in FICS, importer can contact on fics@fssai.gov.in or respective FSSAI Regional Offices.



Fig 5: Food Import Clearance System web page

- f) The documents required to be uploaded in Food Import Clearance System for FSSAI clearance are:

S.No.	Mandatory	Documents Type
1.	Ingredient List	Mandatory
2.	Specimen copy of label	Mandatory
3.	End Use Declaration	Mandatory
4.	Bill of Entry	Mandatory
5.	Country of Origin Certificate	Mandatory
6.	FSSAI License (required till API 1 is developed and automatic re-check of license number become functional in FICS)	Mandatory

Food Import Clearance Process

g) In addition to the above documents, the following additional documents may also be required on a case to case basis based on the types of food articles imported:

S.No.	Conditional Document(s) if applicable	Type
1.	Product Approval from FSSAI	Conditional
2.	Form-II of Food Safety and Standards (Approval for Non-Specified Food and Food Ingredients) Regulations, 2017	Conditional
3.	Certificate of Analysis From Country of Origin (required in case of proprietary food)	Conditional
4.	Commercial invoice cum packing list and Stuffing list (required in case of consignment of food or multiple foods or food falling under different categories packed in a single container or carton or pallet or skid)Conditional	Conditional
5.	Declaration and undertaking from importers imported food consignment meant for Personal Use (Form 7)/100% Export and Re-export (Form 8)/ Research & Development purposes (Form 9)/ Display Purpose in Trade Fair/Exhibition (Form 10)/ Sports Events (Form 11)/ provisional NOC for frozen and chilled imported food Consignment (Form 12)/ provisional NOC for imported food consignment with less than 07 days' shelf life (Form 13)/ provisional NOC for imported pre-packaged retail food consignment (Form 13A)/imported food consignment containing bulk packages and having representative samples (Form 14)/ importers imported food consignment containing bulk packages but not having representative samples (Form 15)	Conditional

3.4 Scrutiny of Documents (Fig. 6)

- a) The Authorized Officer (AO) of FSSAI scrutinizes the submitted documents to ensure that the consignments/food articles comply with the standards specified under various FSS Regulations for various food and food ingredients including additives.
- b) Wherever queries are raised by AO w.r.t the documents uploaded in the application form in FICS, same are visible to the CHA/Importer for responding/submitting additional information.
- c) If the documents are found to be in order, the AO asks Importer/CHA to deposit the following fees online through the payment gateway system in FICS.
- Visual Inspection Fees: Rs 2000/- and
 - Lab analysis fees for imported food sample:
 - (i) Rs 12000/- plus taxes as applicable per sample of food for infant nutrition, infant milk food, infant formula, milk cereal based complementary foods; processed cereal based complementary foods and packaged drinking water and mineral water.
 - (ii) Rs 5000/- plus taxes as applicable for all other food categories.
- d) After confirmation of payment, the Authorized Officer (AO) fixes appointment with CHA/Importer for the inspection of the consignment at the port. In normal course two opportunities are provided to the CHA/Importer to confirm acknowledge the appointment. After two opportunities, Authorised Officer can draw the sample ex-parte.
- e) If the importer is not able to confirm the appointment in two opportunities then the future opportunity is granted by the CEO or his authorized representative with a penal fee of Rs 2000/-.

Food Import Clearance Process

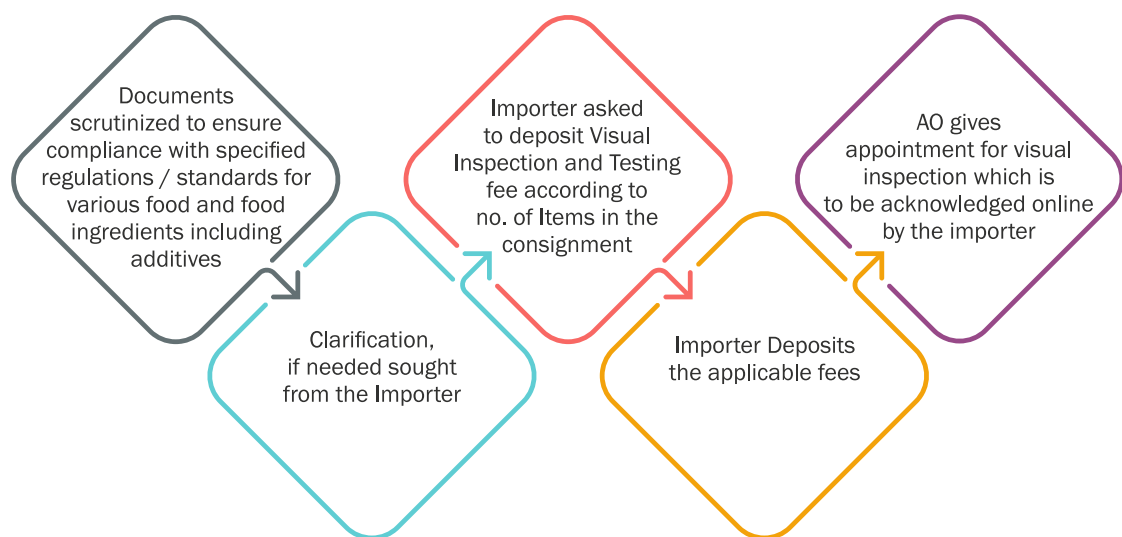


Fig 6: Process of Document Scrutiny and Payment of fee

3.5 Visual Inspection Process (Fig. 7)

- a) The AO or his authorized representative (TO) inspects the consignment to ensure that the food items have been transported or stored in optimal storage conditions of temperature and hygiene. The visual inspection of the consignment will include:
 - i) Physical condition of the consignment for visible insects and fungal infestation;
 - ii) Valid remaining shelf life of the product of not less than sixty per cent. or three months before expiry whichever is less at the time of import.
 - iii) Compliance of the FSS (Packaging & Labeling) Regulations, 2011 and other FSS regulations, orders as applicable to that particular item of food.
 - iv) Visual Inspection is provided in Form 1 of the FSS (Import) Regulations, 2017 (Annexure-6)
- b) For consignments imported in bulk comprising of agricultural produce in containers or packages, the applicable labelling requirements have been detailed at Annexure 2.
- c) Special dispensation on labeling is allowed for the following 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 principle display panel without altering or masking the original label information in any manner namely:—
 - i) Name and address of the importer;
 - ii) Food Safety and Standards Authority of India's Logo and license number,
 - iii) Non-Veg or Veg Logo
 - iv) Category or sub category along with generic name, nature and composition for proprietary food
- d) Also, FSSAI vide order dated 22.05.2018 (Annexure-3) has also allowed special dispensation on labeling with stipulated conditions for rectification at the custom bound warehouse to facilitate food imports with respect to the following information:
 - i) Name and complete address of the manufacturer and/or packer
 - ii) Lot/Code/batch identification.
 - iii) Date of manufacture/packing
 - iv) Declaration regarding Food Additives
- e) The AO can re-inspect the consignment, if required, for ensuring compliance of instructions for removing the rectifiable labelling defects.

3.6 Sampling Process (Fig. 7)

- a) On inspection, if everything is found satisfactory including packaging and labelling requirements of the consignment, two samples are drawn. If the visual inspection is unsatisfactory, the Authorized Officer issues Non- Conforming Report, citing the detailed reasons for the same.
- b) The quantity of sample to be sent for lab analysis is as per Food Safety and Standards (Laboratory and Sampling Analysis) Regulation, 2011.
- c) The Importer participates and facilitates in visual inspection, assist in drawing of samples and witness proceedings, sealing of samples and affixes his counter signatures on the sealed samples.
- d) The sealed sample of imported food shall bear the following information on the Label:
 - i. Code number of the Sample;
 - ii. Date and place of collection;
 - iii. Quantity of Sample;
 - iv. Name of food;
 - v. Name and Quantity of preservative added while drawing the Sample, if any;
 - vi. Name and signature of the sender with official seal.
- e) One of the sealed and labeled food sample is sent to FSSAI notified accredited laboratory. The second food sample must be stored in appropriate conditions for retesting in the referral laboratories.
- f) In case of sealed bulk containers to maintain aseptic or hygroscopic condition, the importer shall provide two representative Samples along with the manufacturer's undertaking as prescribed by FSSAI.
- g) Animal Quarantine and Plant Quarantine Departments under the Ministry of Agriculture take samples separately in case of certain food items marked by customs for their NOC also.
- h) The analysis done by FSSAI for the food items are on different parameters as stipulated under various FSS Regulations. NOC issued by FSSAI does not mean that the same will be cleared by Plant/Animal Quarantine & vice-versa.

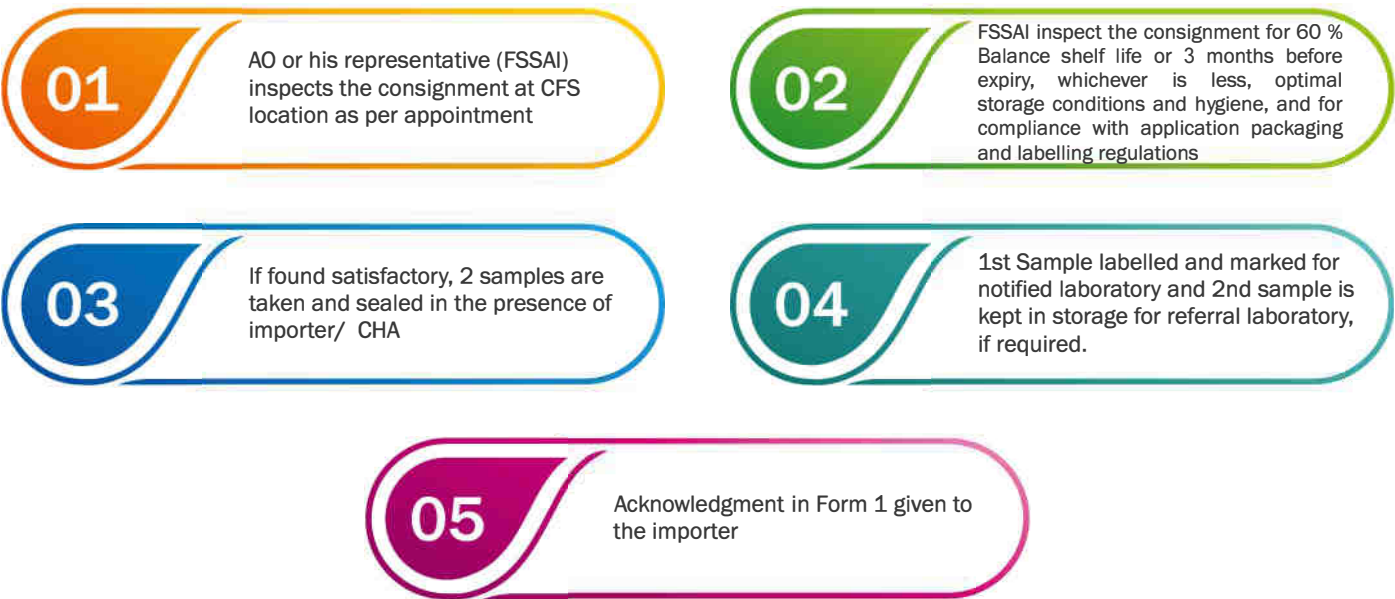


Fig 7: Illustration depicting the process of Visual Inspection and Sampling

3.7 Laboratory Analysis

- a) The sample of the imported food product is forwarded to the notified laboratory that is auto selected randomly in the Food Import Clearance System (FICS);
- b) The samples of imported Food sent by the Authorised Officer are analyzed by the laboratory as per parameters defined in the FSS Act and the Regulations thereunder.
- c) The laboratory must complete the analysis and upload the test report in FICS in Form 2 of the FSS(Import) Regulations,2017 (Annexure-6) within five days of receipt of the sample with conclusive opinion about the product tested as conforming or non conforming.
- d) For testing of food Import consignments through a transparent and expeditious process, 179 NABL accredited laboratories have been notified by FSSAI throughout the country as on 31 May 2019. The list of testing laboratories mapped state wise along with their scope of testing in given in Annexure-4. These 179 FSSAI notified laboratories are also utilized for testing of imported food consignments by the Authorised Officers of Customs Department.
- e) FSSAI has also notified 19 Referral labs (Annexure-5) other than the above said 179 labs, for re-testing of appeal samples of the Importers.

3.8 Issue of No Objection Certificate (NOC) / Non-Conformance Report (NCR) (Fig. 8):

- a) If the samples are found conforming then No Objection Certificate (NOC) is generated in Form 3 of the FSS (Import) Regulations,2017 (Annexure-6) and if not conforming then Non-Conforming Report (NCR) is generated in Form-4 of the FSS (Import) Regulations,2017 (Annexure-6) rejecting the clearance of food consignments. The same is communicated to Customs-ICE GATE through FICS.
- b) If the importer is not satisfied with the report of the notified laboratory, he has the option to apply for re-testing of the sample by a Referral laboratory along with deposit of the requisite testing fees. If so, the Authorised Officer shall send the second Sample for re-testing to the designated Referral laboratory. The report of analysis issued by the Referral food laboratory shall be final
- c) If the first sample is found conforming, the applicant can apply to get back the second sample within a period of 15 days after receipt of NOC.

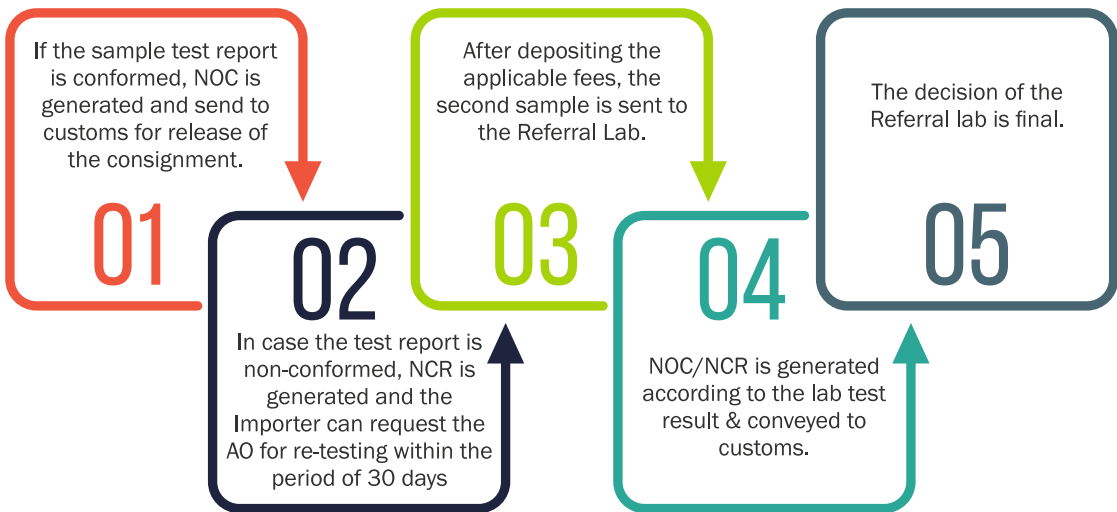


Fig 8: Process of Issue of NOC/NCC

3.9. Provisional No Objection certificate

- (a) The FSS (Import) Regulations, 2017 under Clause 9(3) provides for issuance of Provisional NOC in respect of the following articles of imported food:
 - (i) Consignments of fresh fruits & Vegetables, which are perishable in nature with shelf life of less than 7 days.
 - (ii) Consignments of food which require special storage conditions (refrigerated conditions like frozen or chilled food products).
 - (iii) Consignment of pre-packaged retails food products.
- (b) Importers/ CHAs are required to declare as per Form 12 and Form-13 of these Regulations regarding the conditions of storage of the food products/ nature of the food products, requesting to be issued a PNOC. The importer is also required to give an undertaking that no part of the consignment will be released into the domestic market prior to issue of the NOC by AO. (Annexure-6)
- (c) For such consignments, after satisfactory visual inspection and sampling of the consignment by the AO, PNOC is issued to the importer without waiting for the analysis report of the laboratory. The consignment can thus be moved to the warehouse of the importer. However, the products cannot be released into the domestic market without issuance of NOC which is based on the analysis report. In the event of a non- conformance report, the importer is responsible for moving the consignment back to customs jurisdiction and comply with the requirement of re-export or destruction as decided by AO.

3.10 Food Import Rejection Alert (FIRA) (Fig. 9)

- a) Food Import Rejection Alert (FIRA) system has been developed for capturing non-compliances of all imported food product consignments. The details of the rejections are available at any time for public view.
- b) Authorised Officers provides the details of rejected food consignments at their respective ports in FIRA, which after screening based on the decision of the appeals committee, as applicable, is made available as Rejection/Alert on the Portal. The Custom officials working as Authorised Officers are also expected to upload the details of rejected food consignments on FIRA.
- c) FIRA portal provides the details of the rejected consignments including, the product details, importer & exporter details, country of origin, reason for rejection etc.
- d) It will facilitate the exporting country or the exporter in getting information on the necessary standards to be complied with relating to product, packaging, labelling etc.

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Fig. 9 : Web page of Food Import Rejection Alert System

3.11 Important Links

- Live URL- <https://fssai.gov.in/cms/imports.php>
- FAQs - [https://fssai.gov.in/upload/uploadfiles/files/FAQs_Import_31_03_2017\(1\).pdf](https://fssai.gov.in/upload/uploadfiles/files/FAQs_Import_31_03_2017(1).pdf)
- How to apply - <https://fics.fssai.gov.in/AOLLogin.aspx>
- Help Desk- Toll free Number 1800-112-100, email - <http://foodlicensing.fssai.gov.in/>