

Voluntary Report – Voluntary - Public Distribution

Date: October 31, 2022

Report Number: IN2022-0097

Report Name: India's FSSAI Issues New Direction for Referral Laboratories for Sampling of Imported Food Product Consignments

Country: India

Post: New Delhi

Report Category: FAIRS Subject Report

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Report Highlights:

On October 21, 2022, the Ministry of Health and Family Welfare/Food Safety and Standards Authority of India (FSSAI) issued Direction No. TIC-C-503(T)/1/2022-IMPORTS-FSSAI. The FSSAI direction (guidelines) pertains to FORM-2, Section C as referred to in sub-regulation 10(5) of the Food Safety and Standards (FSS) (Import) Regulations (2017). The direction indicates that referral laboratories are to test only for non-conforming parameters and for those that were not tested at the primary laboratory. Previously, if an imported food consignment's sampling failed the primary laboratory sample testing and analysis, the sample would be sent to the referral laboratory for retesting and analysis. Earlier guidelines required the referral laboratories to test for all the parameters specified in the FSS regulations. The FSSAI sustains that this direction will help avoid delays in the clearance of imported food consignments, as well as provide for effective utilization of resources for other pending samples.

DISCLAIMER: The information contained in this report was retrieved from the Food Safety and Standards Authority of India's (FSSAI) website <http://www.fssai.gov.in>. The Foreign Agricultural Service (FAS) Office of Agricultural Affairs at the U.S. Embassy in New Delhi, USDA, and/or the U.S. government make no claim of accuracy or authenticity. The Government of India has not officially endorsed this report. Import approval for any product is subject to local rules and regulations as interpreted by Indian officials at the time of product entry. [Note: Use Google Chrome to access the links that do not open in Internet Explorer. Indian host sites will geo-block site access on a rolling basis].

GENERAL INFORMATION

On October 21, 2022, the Ministry of Health and Family Welfare/Food Safety and Standards Authority of India (FSSAI) issued Direction **No. TIC-C-503(T)/1/2022-IMPORTS-FSSAI** (order) (see, Appendix I). The FSSAI (food safety authority) direction (guidelines) pertains to FORM-2, Section C referred to sub-regulation 10(5) of the Food Safety and Standards (FSS) (Import) Regulations (2017). It specifies that “the sample conforms to the specifications laid down for all the parameters in the Food Safety Act and the rules and regulations made thereunder.”

This new direction indicates that referral laboratories are to test only for non-conforming parameters and for those that were not tested at the primary laboratory. Previously, if an imported food consignment's sampling failed the primary laboratory sample testing and analysis, said sample would be sent to the referral laboratory for retesting and analysis. The earlier guidelines had required the referral laboratories to test for all the parameters specified in the FSS regulations.

The FSSAI, through Direction **No. TIC-C-503(T)/1/2022-IMPORTS-FSSAI**, now specifies that that only non-conforming parameters tested in the primary laboratory will be retested in the referral laboratory, as well as also the applicable safety parameters that were not originally tested at the primary laboratory.

The testing and analysis report issued by the referral laboratory shall be treated as the final, definitive report. The FSSAI believes that the implementation of this direction will help to avoid delays in the clearance decision process for imported food consignments, as well as provide for effective utilization of resources for other pending samples. The new FSSAI direction's guidelines are to prevail until further revised and as determined by the food safety authority.

The full text of the FSSAI Direction **No. TIC-C-503(T)/1/2022-IMPORTS-FSSAI** is accessible on the FSSAI website located at:

https://fssai.gov.in/upload/advisories/2022/10/63527705edb0eDirection_Import_Labs_sample_21_10_2022.pdf

APPENDIX I: FSSAI DIRECTION ON THE IMPLEMENTATION OF TESTING OF NON-CONFORMING PARAMETERS BY REFERRAL LABORATORY FOR IMPORTED FOOD SAMPLES

File No. TIC-C-503(T)/1/2022-IMPORTS-FSSAI
Food Safety and Standards Authority of India
(A Statutory Authority Established under the Food Safety and Standards Act, 2006)
FDA Bhawan, Kotla Road, New Delhi – 110002

Dated, the 27th Oct., 2022

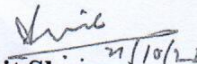
Subject: Direction under Section 16(5) of Food Safety and Standards Act, 2006 regarding implementation of testing of non-conforming parameters by Referral laboratory for samples taken from imported consignment-reg.

Reference is drawn to sub-regulation 10(5) of Food Safety and Standards (Import) Regulations, 2017, wherein FORM-2 has been referred for laboratory analysis report by the notified laboratory or referral laboratory and section C (related to conclusion) of the Form specifies that “the sample conforms to the specifications laid down for all the parameters in the Act and the rules and regulations made thereunder”.

2. In case if the imported consignment fails at the level of primary laboratory, sample is referred to referral laboratory for re-analysis and according to this provision, referral laboratory test all the parameters specified in the FSS Regulations. These takes much time and results in delay in the clearance/decision w.r.t. imported consignments. This also causes inappropriate utilization of resources, which can be utilized for other pending samples; and make it possible to initiate action timely as per FSS Act.

3. In view of the above, for the samples taken from imported consignment referred to referral laboratory on request of Importers, it has been decided that only parameters, results of which in primary laboratory found non-conformance to the limit specified in the FSS Regulations and the applicable safety parameters not tested by primary lab, if any, will be tested by the referral laboratory. The analysis report issued by referral lab shall be final.

4. The directions shall be valid till further orders in this regard. This issues with the approval of the Competent Authority in exercise of the power vested with Food Authority under Section 16(5) of Food Safety and Standards Act, 2006.


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Attachments:

No Attachments.