

**Voluntary Report** – Voluntary - Public Distribution  
2023

**Date:** November 08,

**Report Number:** IN2023-0079

**Report Name:** India's FSSAI Waives its Clearance Requirement for Imported Food Products Meant for Re-Export

**Country:** India

**Post:** New Delhi

**Report Category:** FAIRS Subject Report

**Prepared By:** Radha Mani, Agricultural Specialist and Mariano J. Beillard, Senior Regional Agricultural Attaché

**Approved By:** Mariano Beillard, Senior Regional Agricultural Attaché

**Report Highlights:**

On October 16, 2023, the Ministry of Health and Family Welfare/Food Safety and Standards Authority of India (FSSAI) published the advisory TIC-C10201/2/2022-IMPORTS-FSSAI. The FSSAI advisory refers to Regulation 7(3) of the Food Safety and Standards (Import) regulations (2017), which states that “unless otherwise specified, Indian Customs need not refer the imported food products to the Food Authority (i.e., FSSAI), if such products are meant for exports as per the extant instructions and export rejected or re-imported articles of food meant for re-export.” The FSSAI has determined to waive its clearance requirement to better enable the ease of doing business with India.

**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, the 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 Microsoft Edge. Indian host sites will geo-block site access on a rolling basis].

## GENERAL INFORMATION

On October 16, 2023, the Ministry of Health and Family Welfare/Food Safety and Standards Authority of India (FSSAI) published an advisory **TIC-C10201/2/2022-IMPORTS-FSSAI** (see, Appendix I).

The FSSAI advisory refers to **Regulation 7(3) of the Food Safety and Standards (Import) regulations (2017)**, which states that “unless otherwise specified, Indian Customs need not refer the imported food products to the Food Authority (i.e., FSSAI), if such products are meant for exports as per the extant instructions and export rejected or re-imported articles of food meant for re-export.” The new advisory states that India’s Customs Authority will no longer need to obtain the FSSAI’s clearances for food ingredients or products that are imported into India for re-export or to produce value-added products for export markets.

The FSSAI has received numerous representations from the India’s importer community regarding delays in the clearance of imported food consignments, that are intended for captive use or production of value-added products meant for 100 percent export or re-export. The FSSAI determined to waive its clearance requirement to better enable the ease of doing business with India.

The full text of the FSSAI advisory **TIC-C10201/2/2022-IMPORTS-FSSAI** is accessible on the FSSAI website located at:

[https://fssai.gov.in/upload/advisories/2023/10/652d19b0260edAdvisory%20for%20100-percent\\_export\\_Re-export\\_compressed.pdf](https://fssai.gov.in/upload/advisories/2023/10/652d19b0260edAdvisory%20for%20100-percent_export_Re-export_compressed.pdf).

## APPENDIX I – INDIA, FSSAI ADVISORY TIC-C10201/2/2022-IMPORTS-FSSAI



File No: TIC-C10201/2/2022-IMPORTS-FSSAI  
भारतीय खाद्य सुरक्षा और मानक प्राधिकरण  
(खाद्य सुरक्षा और मानक अधिनियम, 2006 के तहत स्थापित एक वैधानिक प्राधिकरण)  
(व्यापार और अंतर्राष्ट्रीय सहयोग प्रभाग)  
एफडीए भवन, कोटला रोड, नई दिल्ली- 110002

दिनांक, 16 अक्टूबर, 2023

### Advisory

**विषय: 100% निर्यात/पुनः निर्यात उद्देश्य के लिए खाद्य खेप के आयात के संबंध में।**

**Sub: Import of food consignment for 100% Export/Re-export purpose-reg.**

This office has received various representations from importers regarding delays in the clearance of imported food consignments, intended for captive use or production of value-added products meant for 100% Export / Re-export.

2. In this regard, attention is drawn to Regulation 7 (3) of Food Safety and Standards (Import) Regulations, 2017 which states as:

*“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. 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 percent 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.*

**Explanation 1** - For the purposes of clause (b) of 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 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”.

3. In view of the above, food imported by the manufacturers or processors for their captive use or production of value added products for 100% Export / Re-export may avail the above-mentioned provision by making a declaration to the Customs in prescribed Form no. 8 specified in Food Safety and Standards (Import) Regulations, 2017 at the time of filing Bill of Entry in ICEGATE. In case any BoE which is filed by Importer availing the above referred provision and the BoE is still transmitted by ICEGATE to FSSAI's Food

Import Clearance System (FICS), the concerned FSSAI official may issue “Not in Scope” certificate after verification of the documents with due diligence and without usual requirement of visual inspection, sampling and testing.

### **Attachments:**

No Attachments.