

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

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## India

**Post:** New Delhi

### **Amendments in Licensing and Registration of Food Business Regulation**

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

FAIRS Subject Report

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**Report Highlights:**

On August 12, 2013, the Food Safety and Standards Authority of India (FSSAI) published a notification to amend the [Food Safety and Standards \(Licensing and Registration of Food Business\) Regulations, 2011](#). The changes focus on the registration and licensing of food businesses in chapter two. Stakeholders are invited to submit comments to FSSAI. Comments will be accepted up to 30 continuous days (including weekends) after the publication of the notification. Although not notified to the WTO, the amended regulations shall come into force with effect on September 10, 2013.

## **General Information:**

**DISCLAIMER:** The information contained in this report was retrieved from the Government of India website <http://www.fssai.gov.in/>. The U.S. Government makes no claim of accuracy or authenticity.

## **Introduction:**

On August 12, 2013, The Food Safety and Standards Authority of India (FSSAI) published Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulations, 2013. The amendments relate to Chapter 2 of the [Food Safety and Standards \(Licensing and Registration of Food Business\) Regulations, 2011](#) which requires all Food Business Operators (FBOs) to register and license in accordance with the procedures laid down under the Food Safety and Standards Act, 2006. The amendments are minor and include substitution and deletion of words from:

- i. sub-regulation 2.1.2 relating to ‘License for food business’
- ii. sub-regulation 2.1.7 relating to ‘Validity and Renewal of Registration and License’
- iii. sub-regulation 2.1.13 relating to ‘Return’ to be submitted by the Food Business Operator (FBO) for the previous financial year.

The amended regulations have not been notified to WTO.

## **Comments /suggestions should be addressed to:**

The Chief Executive Officer  
Food Safety and Standards Authority of India  
Food and Drug Administration Bhawan  
Kotla Road, New Delhi- 110002  
Email: [ceo@fssai.gov.in](mailto:ceo@fssai.gov.in)

The details of the amendments are given below.

### **Sub-regulation 2.1.2 License for food business**

- i. The words “within one year” shall be substituted with the words “within thirty months” in the first proviso of clause (1) requiring the FBO to not only register his food business but also possess a valid license to commence any food business. The proviso will now read as:

“Provided that any person or Food Business Operator carrying on food business on the date of notification of these Regulations, under a license, registration or permission, as the case may be, under the Acts or Orders mentioned in the Second Schedule of the Act shall get their existing

license converted into the license/registration under these regulations by making an application to the Licensing/Registering Authority after complying with the safety requirements mentioned in the Schedule 4 contained under different Parts dependent on nature of business, ***within thirty months*** of notification of these Regulations. In case of difficulty, the licensing authority with the approval of the Food Safety Commissioner in the State will determine the advisability of applying any specific condition keeping in view the need to ensure safety of food and public interest. No license fee will have to be paid for the remaining period of the validity of the earlier license or registration granted under any of the said Acts or Orders.”

- ii. The word ‘otherwise’ shall be substituted by the words “other new food business operators who started business after 5<sup>th</sup> August, 2011” The proviso will now read as:

“Provided further that any food business operator holding Registration/License under any other Act/Order as specified under schedule 2 of the FSS Act, 2006 with no specific validity or expiry date, and ***other new food business operators who started business after 5<sup>th</sup> August, 2011*** entitled to obtain a license under these regulations, shall have to apply and obtain a Registration/License under these Regulations within one year from the date of notification by paying the applicable fees.”

#### **Sub-regulation 2.1.7 – Validity and Renewal of license and registration**

- (i) Deletion of clause (4)  
(ii) In clause (5), the word and figure “or 2.1.7(4)” shall be deleted.

#### **Sub-regulation 2.1.13 – Return**

- (i) In clause (1), the word ‘licensee’ shall be substituted by the words “manufacturer who has been issued a license.” Clause (1) will now read as:

“Every ***manufacturer who has been issued a license*** shall on or before 31st May of each year, submit a return electronically or in physical form as may be prescribed by the concerned Food Safety Commissioner, in ‘Form D-1’ provided in Schedule 2 of these Regulations to the Licensing Authority in respect of each class of food products handled by him during the previous financial year.”

The full text of the amendment as given in the notification is attached below and can also be accessed on the [FSSAI](#) website.

#### **Details of Notification: F.No.2-15015/30/2012**

- **Publication Date:** August 12, 2013
- **Date of implementation:** September 10, 2013

- **WTO Notification Date:** Not notified

**Products Affected:** All food products

Agency in Charge: Food Safety and Standards Authority of India, Ministry of Health and Family Welfare, GOI.

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**MINISTRY OF HEALTH AND FAMILY WELFARE**

**(Food Safety and Standards Authority of India)**

**NOTIFICATION**

New Delhi, the 12th August, 2013

**F.No. 2-15015/30/2012.**—The following draft of certain regulations further to amend the Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011, which the Food Safety and Standards Authority of India, with the previous approval of Central Government, proposes to make, in exercise of the powers conferred by clause (o) of sub-section (2) of section 92 read with section 31 of the Food Safety and Standards Act, 2006 (34 of 2006), is hereby published, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft regulations shall be taken into consideration after the expiry of the period of thirty days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Any objections or suggestion which may be received from any person with respect to the said draft regulations within the period specified above shall be considered by the authority;

The objection or suggestions, if any, may be addressed to the Chief Executive Officer, Food Safety and Standards Authority of India, Food and Drug Administration Bhawan, Kotla Road, New Delhi. 110002.

**DRAFT REGULATIONS**

1. (1) These regulations may be called the Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulations, 2013.

(2) They shall come into force on the date of their final publication in the Official Gazette.

2. In the Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011, in regulation 2.1-

- (a) in sub regulation 2.1.2 relating to “License for food business”, in clause (1),-
- (i) in the first proviso, for the words “within one year”, the words “within thirty months” shall be substituted;
  - (ii) in the second proviso,-
    - (A) for the words “otherwise”, the words “other new food business operators who started food business after “5<sup>th</sup> August, 2011” shall be substituted;
    - (B) for the words “within one year”, the words “within thirty months” shall be substituted;
- (b) in sub-regulation 2.1.7, -
- (i) Clause (4) shall be omitted;
  - (ii) Clause (5), the word and figure “or 2.1.7 (4)” shall be omitted;
- (c) in sub-regulation 2.1.13, in clause (1), for the word “licensee”, the words “manufacturer who has been issued a license” shall be substituted.

D. K. SAMANTARAY, Chief Executive Officer

[ADVT. III/4/Exty/187-O/13]

**Note.**—The principal regulations were published in the Gazette of India, Extraordinary, vide notification number F. No. 2-15015/30/2010, dated the 1<sup>st</sup> August, 2011.