

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

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## India

**Post:** New Delhi

### **Extension of Licensing Timeline for Food Businesses**

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

Exporter Guide

FAIRS Subject Report

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**Report Highlights:**

The Food Safety and Standards Authority of India (FSSAI) published regulations extending the food business license registration timeline from 12 to 36 months, among other minor changes. These regulations have not been notified to the World Trade Organization.

## **Executive Summary:**

The Food Safety and Standards Authority of India (FSSAI) published the Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2014, which includes amendments to the [2011 regulations](#). A major highlight includes extending the food business license registration timeline from 12 to 36 months. These regulations have not been notified to the World Trade Organization.

## **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:**

The Food Safety and Standards Authority of India (FSSAI) published Food Safety and Standards (FSS) (Licensing and Registration of Food Business) Regulations, 2014, which includes amendments to the [2011 regulations](#). Major changes include: (a) Beginning on June 10, 2014, the license registration timeline has been extended to 36 months for food businesses; (b) removing additional fees for businesses renewing licenses within 30 days of license expiration; and (c) amending the annual tax form. Although not notified to the World Trade Organization, the FSS (Licensing and Registration of Food Business) Regulations, 2014 are effective from the date of publication, which is June 10, 2014.

The full text of the [Notification](#) is attached at the end of this report and can be accessed on FSSAI website <http://www.fssai.gov.in/>.

More details on these changes are also listed below:

- (A) In proviso (1) and (2) of sub regulation 2.1.2, the timeline for all food business operators has been extended from twelve to thirty six months from the date of commencement of these regulations.
- (B) After the second proviso, this text is now included:
- (C) “Provided also that in case of difficulty, the licensing/registration 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. Non-compliance with above provisions by a food business operator shall attract penalty as provided under section 55 of the Act.”
- (D) In sub regulation 2.1.7, a proviso has been inserted after clause (4) that states “Provided that in case of registration, late fee of Rs.100 per day for each day of delay shall not be applicable.”
- (E) In clause (1) of sub regulation 2.1.13, the word ‘licensee’ has been replaced by words “manufacturer and importer who has been issued a license.”

(F) Regarding Form D-1 in Schedule 2, the words “re-packing/re-labeling” have been replaced with the word “importer” in serial number 2, and the words “handled/ and exported” have been deleted in serial number 4. Moreover, minor changes have been made in the table heading.

**Type of Regulation:** Final

**Government of India (GOI) Notification No.:** 2-15015/30/2012

**GOI Publication Date:** June 10, 2014

**Date of Implementation:** Immediate

**WTO Notification Date:** Not notified (as of July 3, 2014)

**Products Affected:** All food products

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

# MINISTRY OF HEALTH AND FAMILY WELFARE

(FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA)

## NOTIFICATION

New Delhi, the 10th June, 2014

**F. No. 2-15015/30/2012.**—Whereas the draft of certain regulations to amend the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, were published as required under clause (o) of sub-section (2) of Section 92 read with section 31 of the Food Safety and Standards Act, 2006 (34 of 2006), vide notification of the Food Safety and Standards Authority of India Number F. No. 2-15015/30/2012, dated the 12th August, 2013 in the Gazette of India, Extraordinary, inviting objections and suggestions from the persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public;

And whereas the copies of the said Gazette were made available to the public on the 12th August, 2013;

And whereas the objections and suggestions received from the public in respect of the said draft regulations have been considered by the Central Government;

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भारत का राजपत्र : असाधारण

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Now, therefore, in exercise of the powers conferred by clause (o) of sub-section (2) of Section 92 read with section 31 of the said Act, the Food Safety and Standards Authority of India hereby makes the following regulations to amend the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, namely:—

### REGULATIONS

1. (1) These regulations may be called the Food Safety and Standards (Licensing and Registration of Food Businesses) Amendment Regulations, 2014.  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, in regulation 2.1, relating to registration and licensing of food business,-
  - (A) in sub-regulation 2.1.2 relating to license for food business, in clause (1), in the first proviso,—
    - (i) after the words “license/ registration under these regulations”, the words “within thirty six months from the date of commencement of these regulations” shall be inserted;
    - (ii) the words “, within one year of notification of these Regulations” shall be omitted;
    - (iii) in the second proviso, for the words, “one year from the date of notification”, the words “thirty six months from the date of commencement of these regulations” shall be substituted.
    - (iv) after the second proviso, the following proviso shall be inserted, namely:-

“Provided also that in case of difficulty, the licensing/registration 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. Non-compliance with above provisions by a food business operator shall attract penalty as provided under section 55 of the Act.”
  - (B) in sub-regulation 2.1.7, relating to validity and renewal of registration and license,-
    - (i) after clause (4), the following proviso shall be inserted, namely:-

“Provided that in case of registration, late fee of Rs. 100 per day for each day of delay shall not be applicable.”
  - (C) in sub-regulation 2.1.13, relating to return,-
    - (i) in clause (1), for the word “licensee”, the words “manufacturer and importer who has been issued a license” shall be substituted;
    - (D) in Schedule 2, in Form D-1, relating to Annual Return,-
      - (i) in serial number 2, for the words Re-packing/Re-Labeling” the words “importer” shall be substituted;
      - (ii) in serial number 4,-
        - (a) the words “handled/” and “and exported” shall be omitted
        - (b) in the Table, in the heading,-
          - (A) relating to column (1), the words “handled/” and “exported” shall be omitted;
          - (B) relating to column (6), the words “exported/” shall be omitted;
          - (C) relating to column (7), the words “or port of Export” shall be omitted.

D. K. SAMANTARAY, Chief Executive Officer

[No. ADVT. III/4/Exty./191-F/14]

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