

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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FSSAI Organic Standards Operationalized

Report Categories:

Sanitary/Phyosanitary/Food Safety

Exporter Guide

Food and Agricultural Import Regulations and
Standards - Certification

Special Certification - Organic/Kosher/Halal

Food Processing Ingredients

Retail Foods

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Dairy and Products

Fresh Fruit

Beverages

Tree Nuts

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Report Highlights:

On November 9, 2017, Government of India's Food Safety and Standards Authority of India operationalized Food Safety and Standards (Organic Food) Regulation, 2017. The Regulations have been finalized after incorporating comments received from the stakeholders on the draft Regulation, which was notified to WTO stakeholder on May 4, 2017.

General Information:

DISCLAIMER: The information contained in this report was retrieved from the Food Safety and Standard Authority of India's (FSSAI) website <http://www.fssai.gov.in/>. The Office of Agricultural Affairs and/or the U.S. Government make no claim of accuracy or authenticity.

On March 31, 2017, FSSAI published a draft notification on Food Safety and Standards (Organic Foods) Regulations, 2017, which were then notified to WTO members on May 4, 2017. On November 9, 2017, Government of India's Food Safety and Standards Authority of India operationalized Food Safety and Standards (Organic Food) Regulation, 2017. (Refer to GAIN [IN7047](#), [IN7061](#))

Major highlights of the notification include:

- No person shall manufacture, pack, sell, offer for sale, market, distribute, or import any organic food products unless they comply with the regulations;
- Organic foods should comply with provisions from at least one of the following:
 - National Program for Organic Production (NPOP)
 - Participatory Guarantee System of India (PGS- India)
 - Other system or standards notified by the Food Authority
- Organic food which is marketed through direct sales by the small original producer or producer organization shall be exempted from the provisions;
- Organic labeling requirements should be accurate, in addition to the standard labeling requirements;
- Traceability should be established up to the producer level;
- All organic foods should comply with the [Food Safety and Standards \(Food Product Standards and Food Additives\) Regulation 2011](#), and the [Food Safety and Standards \(Contaminants, Toxins, and Residues\), Regulations, 2011](#);
- Sellers of organic foods will be required to display organic food items in a distinguishable manner from conventional food items;
- Organic food imports under bilateral or multilateral agreements on the basis of the equivalence of standards between NPOP and the organic standards of the exporting countries shall not be required to re-certify on import; and
- All organic food consignments should be accompanied by a Transaction Certification (TC) issued by an accredited certification body covered under the terms of equivalence agreement.

For more details, please refer to the notification pasted at the end of this report. The notification is also available on the website of FSSAI at www.fssai.gov.in/.

Details of Notification:

- Date of Publication on FSSAI website: November 9, 2017
- Date of implementation: November 9, 2017

File No. CPB/03/Standards/FSSAI-2016(part-1)
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety & Standards Act, 2006)
(Regulation division)
FDA Bhawan, Kotla Road, New Delhi-110 002

Dated, the 9th November, 2017

Subject: Direction under Section 16 (5) of Food Safety and Standards Act, 2006 regarding operationalisation Food Safety and Standards (Organic Food) Regulation, 2017.

In exercise of the power conferred under section 92 of the Food Safety and Standards Act-2006, FSSAI had framed the draft Food Safety and Standards (Organic Food) Regulations, 2017 and the same were notified on 19th June, 2017 for inviting comments of stakeholders. The comments received from various stakeholders have been considered and incorporated, as appropriate, in the final regulations which have been approved by Food Authority in its 24th meeting held on 21st September, 2017 and also by the Ministry of Health and Family Welfare. These regulations are expected to be notified in Gazette of India shortly.

2. Now, with a view to establish the regulatory framework for organic food article to ensure their safety and authenticity, the FSSAI has operationalised the Food Safety and Standards (Organic Food) Regulation, 2017 with immediate effect.

3. In exercise of the power vested with Food Safety and Standards Authority of India under Section 16(5) of Food Safety and Standards Act, 2006, the Food Safety and Standards Authority of India hereby direct the Food Safety Commissioners of all States/UTs to implement the above said regulations.

4. This issues with the approval of the Competent Authority.


(Sunil Baleshi)
Advisor (Regulations)

To

1. All Food Safety Commissioner
2. All Authorised Officer, FSSAI
3. All Central Designated Offices of FSSAI

Copy for information to:

1. PPS to Chairperson, FSSAI
2. PS to CEO, FSSAI
3. All Directors, FSSAI

Notice for operationalisation of Food Safety and Standards (Organic Food) Regulation, 2017

CPB/03/Standards/FSSAI/2016.- The Food Safety and Standards Authority of India hereby makes the following regulation operational from 9th November. The enforcement of these regulations shall commence after the final regulations are notified in Gazette of India and as specified therein.

Regulations

CHAPTER I

General

1. Short title and commencement.- These regulations may be called the Food Safety and Standards (Organic Foods) Regulations, 2017.
2. Definitions.- (1) In these regulations, unless the context otherwise requires,-
 - (a) "Act" means the Food Safety and Standards Act, 2006 (34 of 2006);
 - (b) "Accreditation body" means any agency recognised as such by the Food Safety and Standards Authority of India or recognised under the National Programme for Organic Production for accreditation of certification bodies;
 - (c) "Accredited Certification Body" means organisation duly accredited by an Accreditation body for certification of organic products and for granting the right to use the certification mark to the food business operators on behalf of the Accreditation body;
 - (d) "Claim" means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing and composition;
 - (e) "Food Authority" means the Food Safety and Standards Authority of India established under section 4 of the Food Safety and Standards Act, 2006;
 - (f) "National Programme for Organic Production" means a programme of the Government of India which provides an institutional mechanism for implementation of the National Standards for Organic Production with a third-party certification control system as notified by the Director General of Foreign Trade under the Foreign Trade (Development and Regulation) Act, 1992(22 of 1992);
 - (g) "Organic food" means food products that have been produced in accordance with specified standards for organic food production;

- (h) "Participatory Guarantee System for India" means a quality assurance initiative by the Department of Agriculture Co-operation and Farmer's Welfare, Ministry of Agriculture and Farmer's Welfare, Government of India for organic production which emphasizes the participation of producers, consumers and other stakeholders and operate outside the framework of third party certification.
- (2) All other words and expressions used herein and not defined but defined in the Act or rules or regulations made there under shall have the meanings assigned to the same in the Act or rules or regulations respectively.

CHAPTER II

Organic Food Labelling and Certification

3. Manufacture, pack, sell etc., of organic food.- No person shall manufacture, pack, sell, offer for sale, market or otherwise distribute or import any organic food unless they comply with the requirements laid down under these regulations.

4. Applicability of the systems.- (1) The organic food offered or promoted for sale shall also comply with all the applicable provisions of one of the following systems, namely:-

- (i) National Programme for Organic Production (NPOP);
- (ii) Participatory Guarantee System for India (PGS-India).
- (iii) Any other system or standards as may be notified by the Food Authority from time to time.

(2) The Organic food which is marketed through direct sales by the small original producer or producer organisation, as determined by the Food Authority from time to time, to the end consumer shall be exempted from the provisions of the systems referred in sub-regulation (1).

5. Labelling.- (1) Labelling on the package of organic food shall convey full and accurate information on the organic status of the product. Such product shall carry a certification or quality assurance mark of one of the systems mentioned in regulation 4 in addition to the Food Safety and Standard Authority of India's logo.

(2) All organic foods shall comply with the packaging and labelling requirements specified under the Food Safety and Standards (Packaging and Labelling) Regulations, 2011 in addition to the labelling requirements under one of the applicable systems mentioned in regulation 4.

6. Traceability.- Traceability shall be established upto the producer level as applicable under the systems mentioned in regulation 4 and it shall include any other requirements prescribed by the Food Authority to maintain the organic integrity of the food product.

7. Requirement to comply with the provision of the other regulations made under the Act.- Without prejudice to the provisions of these regulations, all organic food shall comply with the relevant provisions, as applicable, under the Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011. The organic food shall also comply with relevant provisions, as applicable under the Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011 except for residues of insecticides for which the maximum limits shall be 5% of the maximum limits prescribed or Level of Quantification (LoQ) whichever is higher.

8. Display.- The seller of organic food either exclusively or as part of his retail merchandise shall display such food in a manner distinguishable from the display of non-organic food.

CHAPTER III Imports and Reciprocity

9. Import of organic food.- (1) Organic food imports under bilateral or multilateral agreements on the basis of equivalence of standards between National Programme for Organic Production and the organic standards of the respective exporting countries shall not be required to be re-certified on import to India subject to their compliance with the provisions of the Act, the rules and regulation made there under.

(2) The organic food consignments referred to in sub-regulation (1) shall be accompanied by a transaction certificate issued by an Accredited Certification Body covered under the terms of the equivalence agreement.