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GAIN Report

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Voluntary - Public

Date: 3/9/2010

GAIN Report Number: IN1017

India

Post: New Delhi

FSSAI Food Safety Regulations - 2009

Report Categories:

FAIRS Subject Report

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Report Highlights:

The Food Safety and Standards Authority of India (FSSAI) recently published Draft Food Safety and Standards Rules and Regulations. The proposed Draft will replace the existing Prevention of Food Adulteration (PFA) Rules of 1955 with amendments, and will formally establish FSSAI's role as the lead authority on Indian food safety law. After an initial comment period ending on February 7, 2010, the FSSAI has noted these rules are a "draft of a draft," and that the final draft will be duly notified to the WTO, as appropriate.

General Information:

The Food Safety and Standards Authority of India (FSSAI), a statutory regulatory authority of the Government of India (GOI), Ministry of Health and Family Welfare, recently posted on its website draft Food Safety Standards Rules and Regulations. At the same time, they also posted the Draft Regulations for Registration and Licensing of Food Business. These documents can be accessed from www.fssai.gov.in/Drafts/ViewDrafts.aspx.

Following FSSAI's website announcement, numerous stakeholders requested additional time to review the documents. FSSAI responded to these requests by granting a three week extension to the comment period (to January 31, 2010), which was subsequently extended to February 7, 2010.

On January 19, 2010, FSSAI convened the first meeting of the Central Advisory Committee. At the meeting, FSSAI officials presented a broad overview of the new rules, which grant regulatory authority to the Central Government and to FSSAI in accordance with Articles 91 and 92 of the [Food Safety and Standards Act, 2006](#). FSSAI officials emphasized that the timeline for introducing the new rules was driven by a Supreme Court of India Directive to make FSSAI "operational" in India's States and Union Territories by December 31, 2009.

In practice, the rules and regulations mark the legal shift to the centralized FSSAI, where regulatory oversight had previously resided in the following Ministries:

- Ministry of Food Processing Industries (MoFPI) – Meat and Fruit and Vegetables
- Ministry of Agriculture, Department of Animal Husbandry and Dairy – Milk
- Ministry of Food and Consumer Affairs – Vegetable Oil

The FSSAI has indicated that the draft rules and regulations are still a "work in progress," and therefore may be subject to further revision. In particular, FSSAI underscored that the initial comment period deadline is a way to verify that there are no discrepancies or inconsistencies with the old Prevention of Food Adulteration Rules (and Amendments). The FSSAI maintains in its explanatory note that *"the draft is broadly the reproduction of Prevention of Food Adulteration Rules, 1955 and it contains separate Annexure for appendix A, B, and C which includes standards for food color, list of additives and microbiological requirements etc., which have been reproduced from the rule without any change. (If any discrepancies are noted kindly brought to our notice as comments/suggestions to the Food safety and Standards Authority of India)"*

Background

With the enactment of the "Food Safety and Standards Act, 2006" (www.fssai.gov.in/FOOD%20ACT.pdf) and the creation of the FSSAI, India began the process of consolidating various food laws and establishing the authority of a single regulatory agency.

The new proposed draft Food Safety and Standards Rules and Regulations 2009 replace the Prevention of Food Adulteration Rules of 1955 and all of its amendments, which has been India's most important food regulation since Independence

(www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf). The newly proposed rules are comprehensive in scope and apply to food products that constitute the bulk of the Indian diet.

Most food labeling rules, including nutrition labeling, packaging and container regulations, food additive regulations, and pesticide MRLs in food products have been governed by the PFA

Rules.

In January 2010, FSSAI unveiled the Draft Food Safety and Standards Rules and Regulations on its website, inviting comments and suggestions from stakeholders. FSSAI also invited comments on draft regulations for the registration and licensing of food business. While these new draft rules and regulations have not yet been notified to the WTO, FSSAI has indicated (verbally) that it intends to notify as soon as the drafts are finalized.

The 85 page Draft **Food Safety and Standards Rules, 2009** document contains qualifications for the enforcement agencies, sampling techniques, legal aspects and other issues enumerated under Section 91 of the Food Safety and Standards Act 2006 (www.fssai.gov.in/FOOD%20ACT.pdf).

The 573 page **Draft Food Safety and Standards Regulations, 2009** document contains labeling requirements for packaged food, permitted food additives, colors etc., and their standards, microbiological requirements, and product standards. Again, FSSAI has noted that these regulations are a broad repackaging of the Prevention of Food Adulteration Rules, 1995 (www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf) and its amendments without any change. FSSAI has invited stakeholders to inform the Authority of any discrepancies or changes from the PFA Rules.

The draft of **Food Safety and Standards (Licensing/Registration of Food Business) Regulations, 2009** document, which has been put up separately but will eventually become part of the new Food Safety Standards regulations 2009, sets out procedures for registration and obtaining license for operating a food business in India. All India based food businesses, including manufacturers, retail chains, food catering services, slaughter houses, exporters and **all importers of food items are required to register their business with the FSSAI and obtain a license to operate.** Earlier, the FSSAI had uploaded on its website draft **Regulation on Food Recall Procedures** and **Self Regulation in Food Advertisement** for comments from stakeholders. These documents can also be accessed from: www.fssai.gov.in/Drafts/ViewDrafts.aspx