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India

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India Enforces the New Food Safety Law

Report Categories:

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

On August 5, 2011, India fully implemented the [Food Safety and Standards Act, 2006](#). The Act officially repeals the regulatory framework established by the previously existing eight food laws, consolidating them into the Food Safety and Standards Rules and Regulations 2011- under a single regulator- The Food Safety and Standards Authority of India.

General Information:

On August 5, 2011, India fully implemented the [Food Safety and Standards Act, 2006](#). The Government of India (GOI) officially repealed the regulatory framework established by the previously existing eight food laws, consolidating them into the Food Safety and Standards Rules and Regulations 2011- under a single regulator- The Food Safety and Standards Authority of India. For further details please see the [notification F.No.P-15025/41/2011-DFQC](#), issued by the Ministry of Health and Family Welfare on August 4, 2011.

Background:

On May 5, 2011, the GOI Ministry of Health and Family Welfare published the [final Food Safety and Standards Rules, 2011 vide Notification No. G.S.R. 362\(E\)](#) in the Indian official gazette. As stated in the notification, these rules came into force on August 5, 2011. These rules specify enforcement mechanisms, sampling techniques, and other legal aspects for implementing Section 91 of the Food Safety and Standards Act 2006.

On August 1, 2011, the Ministry of Health and Family Welfare published the final Food Safety and Standards Regulations, 2011 vide Notification No. F.No. 2-15015/30/2010 in the Indian official gazette. The Food Safety and Standards Regulations, 2011, came into force on August 5, 2011. These regulations contain labeling requirements and standards for packaged food, permitted food additives, colors, microbiological requirements, etc. These regulations officially transpose the [Prevention of Food Adulteration Rules, 1954](#) as amended. The final Food Safety and Standards Regulations, 2011, as published in Indian Official Gazette (Notification No. F.No. 2-15015/30/2010) on August 1, 2011 is available on the FSSAI's website (www.fssai.gov.in):

- [Food safety and Standards \(Licensing and Registration of Food businesses\) regulation, 2011](#)
- [Food Safety and standards \(Packaging and Labeling\) regulation, 2011](#)
- [Food safety and standards \(Food product standards and Food Additives\) regulation, 2011 \(part I\)](#)
- [Food safety and standards\(Food product standards and food additives\) regulation, 2011 \(part II\)](#)
- [Food safety and standards \(Prohibition and Restriction on sales\) regulation, 2011](#)
- [Food safety and standards \(contaminants, toxins and residues\) regulation, 2011](#)
- [Food Safety and Standards \(Laboratory and sampling analysis\) regulation, 2011](#)

Note: The implementation of the 2006 Food Safety and Standards Act formally repeals the regulatory framework established by the [Prevention of Food Adulteration Act \(PFA\), 1954](#), the [Fruit Products Order, 1955](#), the [Meat Food Products Order, 1973](#), the [Vegetable Oil Products \(Regulation\) Order, 1998](#), the [Edible Oils Packaging \(Regulation\) Order 1988](#), the [Solvent Extracted Oil, De-Oiled Meal and Edible Flour \(Control\) Order, 1967](#), [Milk and Milk Products Order, 1992](#), and the [Essential Commodities Act, 1955](#).

Chronology of Notifications:

1. **May 20, 2010:** India notified draft of 'Food Safety and Standards Rules 2010' to the WTO as [G/SPS/N/IND/68](#).
2. **July 19, 2010 :** Comment period ends on WTO notified draft of 'Food Safety and Standards Rules 2010'
3. **July 7, 2010:** India notified draft of 'Food Safety and Standards Regulations 2010' to the WTO as [G/SPS/N/IND/69](#).

4. **September 5:** Comment period ends on WTO notified draft of 'Food Safety and Standards Regulations 2010'.
5. **October 20, 2010:** Ministry of Health and Family Welfare notifies draft of 'Food Safety and Standards Regulations, 2010', in the official gazette of India.
6. **November 20, 2010:** Comment period ends on gazette notified draft of 'Food Safety and Standards Regulations, 2010'.
7. **January 19, 2011:** Ministry of Health and Family Welfare notifies draft of 'Food Safety and Standard Rules, 2010', in the official gazette of India.
8. **February 19, 2011:** Comment period ends on gazette notified draft 'Food Safety and Standard Rules, 2010'.
9. **May 5, 2011:** Ministry of Health and Family Welfare notifies final 'Food Safety and Standard Rules, 2011', in the official gazette of India.
10. **July 7, 2011:** The Food Safety and Standards Authority of India (FSSAI) posted draft 'Food Safety and Standards (Import) Regulations', 2011 on its website inviting comments. The comment period ended August 8, 2011.
11. **August 1, 2011:** Ministry of Health and Family Welfare notifies final 'Food Safety and Standard Regulations, 2011', in the official gazette of India.
12. **August 4, 2011:** Ministry of Health and Family Welfare notifies that the central government repeals the previously existing eight food laws.
13. **August 5, 2011:** The Food Safety and Standards Rules, 2011 and The Food Safety and Standards Regulations, 2011 came into force.

Comments:

Per the new regulations, the food business operator, who can be a *“food processor, manufacturer, exporter, or importer, shall ensure that the food he is handling meets all the standards laid under the FSSAI’s Food Safety and Standards Regulations 2011.”* All food operators including importers will be required to hold an FSSAI license, to conduct business in India. Indian exporters must also be licensed. FSSAI does not require licensing of foreign companies to export food products to India.

Important GAIN Reports for reference:

- IN1165: [FSSAI Releases Draft Food Safety and Standards \(Import\) Regulations](#)
- IN 1145: [FSSAI Releases Revised Draft Regulations on Food Recall Procedures](#)
- IN1113: [FSSAI Publishes Food Safety and Standard Rules 2011](#)
- IN1104: [FSSAI: Towards Implementing Food Safety Standards in India](#)
- IN1095: [FSSAI Guidelines for Imported Food Clearance at Sea Ports](#)
- IN1092: [FSSAI Drafts New Approach for Implementing Food Standards](#)
- IN1070: [FSSAI Seeks Comments on New Indian Food Safety Law](#)