

Voluntary Report – Voluntary - Public Distribution

Date: April 05, 2021

Report Number: IN2021-0042

Report Name: India - Requirement of a Certificate of Non-Genetically Modified and GM-Free Status for Apple Consignments - A Workaround Solution

Country: India

Post: New Delhi

Report Category: Agricultural Situation, Agriculture in the News, Biotechnology and Other New Production Technologies, Exporter Guide, FAIRS Subject Report, Policy and Program Announcements, Sanitary/Phytosanitary/Food Safety, SP1 - Expand International Marketing Opportunities, SP2 - Prevent or Resolve Barriers to Trade that Hinder U.S. Food and Agricultural Exports, Fresh Deciduous Fruit, Fresh Fruit

Prepared By: Radha Mani, Agricultural Assistant, and Mariano J. Beillard, Senior Regional Agricultural Attaché

Approved By: Mariano Beillard, Senior Regional Agricultural Attaché

Report Highlights:

Effective March 1, 2021, the Food Safety and Standards Authority of India (FSSAI) requires a certificate for Non-Genetically Modified (GM) and GM-Free status for all apples, all origins being imported into the country. The certificate will be issued by the Washington State Department of Agriculture, in the format prescribed by the FSSAI, as the authorized regional government authority.

DISCLAIMER: The information contained in this report was retrieved from the Food Safety and Standards Authority of India's (FSSAI) website <http://www.fssai.gov.in>. The U.S. Embassy in New Delhi – Foreign Agricultural Service (FAS) Office of Agricultural Affairs (OAA), USDA and/or the U.S. Government make no claim of accuracy or authenticity. The Government of India has not officially endorsed this report. Import approval for any product is subject to local rules and regulations as interpreted by Indian officials at the time of product entry. [Note: Readers may use Google Chrome to access the links if they do not open in Internet Explorer].

GENERAL INFORMATION

On August 21, 2020, the [Food Safety and Standards Authority of India \(FSSAI\)](#) issued Order, Requirement of Non-GM cum GM Free Certificate Accompanied with Imported Consignment Reg., effective January 1, 2021, mandating a new requirement for all food imported consignments containing any of 24 specific foods:

Table 1: FSSAI, Imports, List of 24 Specific Foods Requiring a Non-GM cum GM Free Certificate

Annexure 1	
Sr. No.	Crops
1.	Alfalfa (<i>Medicago sativa</i>)
2.	Apple (<i>Malus x Domestica</i>)
3.	Argentina Canola (<i>Brassica napus</i>)
4.	Bean (<i>Phaseolus vulgaris</i>)
5.	Chicory (<i>Cichorium intybus</i>)
6.	Cowpea (<i>Vigna unguiculate</i>)
7.	Egg Plant (Brinjal) <i>Solanum melanogoa</i>
8.	Flax seed <i>Linum usitatissimum L</i>
9.	Maize (<i>Zea mays</i>)
10.	Melon (<i>Cucumis melo</i>)
11.	Papaya (<i>Carica papaya</i>)
12.	Pineapple (<i>Ananas comosus</i>)
13.	Plum (<i>Prunus domestica</i>)
14.	Polish canola (<i>Brassica rapa</i>)
15.	Potato (<i>Solanum tuberosum</i>)
16.	Rice (<i>Oryza sativa</i>)
17.	Safflower <i>Carthamus tinctorius L</i>
18.	Soybean (<i>Glycine max</i>)
19.	Squash (<i>Cucurbita pepo</i>)
20.	Sugar beet (<i>Beta vulgaris</i>)
21.	Sugarcane (<i>Saccharum sp</i>)
22.	Sweet pepper (<i>Capsicum annum</i>)
23.	Tomato <i>Lycopersicon esculentum</i>
24.	Wheat (<i>Triticum aestivum</i>)

Source: FSSAI – Requirement of Non-GM cum GM Free Certificate Accompanied with Imported Consignment Reg., Order, August 21, 2020.

This trade disruptive, non-science-based order requires that each consignment must now be accompanied by a certificate attesting that the product(s) is of non-Genetically Modified (GM) origin and does not contain genetically modified organisms. The Food Safety and Standards Authority of India specified the requirement of certification by the “competent authority in the exporting country.” Following the order’s initial publication in August 2020, the FSSAI issued a series of clarifications, including a revised implementation date and permitting certification from regional authorities.

Table 2: FSSAI, Order and Clarifications – Non-Genetically Modified Origin/ No GM Organisms

On August 21, 2020	FSSAI issues an order mandating that effective January 1, 2021, specific food consignments exported to India must include a “non-GM origin and GM free certificate,” issued by the competent authority in the exporting country. The order applies to all imports of the listed 24 products, regardless of whether genetically engineered (GE) varieties of those products are in commercial production and/or are being exported to India, including U.S.-origin apples (i.e., Red Delicious) variety (see, Appendix – I).
October 12, 2020	FSSAI clarifies that its order is applicable to only food products listed in Annex-I of its order and does not apply to processed food products in general (see, Appendix - II).
December 3, 2020	FSSAI extends its implementation date of the order to March 1, 2021 (see, Appendix – III)
February 8, 2021	FSSAI clarifies that the implementation of its order will apply to all consignments with a bill of lading dated March 1, 2021. It also informs the permissible tolerance limit for the adventitious presence of GMOs (GE) at one percent (see, Appendix – IV).
February 24, 2021	FSSAI publishes a clarification indicating acceptable certifying authority options. These include: (1) Non-GM origin cum GM-free attestation on the phytosanitary or health certificate for each consignment provided all required information and declaration specified in the FSSAI’s order of August 21, 2020, are included or (2) Non-GM origin cum GM Free Certificate issued by an authorized regional (i.e., state level) government authority of the exporting country in the specified format (see, Appendix – V).

WORKAROUND SOLUTION

The [Washington State Department of Agriculture \(WSDA\)](#), as an authorized regional government authority, will provide a certificate as per India’s FSSAI requirements for the shipment of apples. The certificate will reference as well the federal [U.S. Department of Agriculture \(USDA\) - Animal and Plant Health Inspection Service \(APHIS\)](#) phytosanitary certificate number (see, Appendix - VI) which will continue to be issued as usual.

For additional guidance and requirements for the non-GM and GM-Free status certificate for apples, as well as contact information, see the Northwest Horticultural Council link: <https://nwhort.org/export-manual/countries-toc/india/>.

APPENDIX I – FSSAI – REQUIREMENT OF NON-GM CUM GM FREE CERTIFICATE ACCOMPANIED WITH IMPORTED CONSIGNMENT REG., ORDER, AUGUST 21, 2020.

1-1764/FSSAI/Imports/2018(Part-1)
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety & Standards Act, 2006)
FDA Bhawan, Kotla Road, New Delhi-110 002

Dated, the 21st August, 2020

ORDER

Subject: Requirement of Non-GM cum GM free certificate accompanied with imported food consignment-reg.

Sub-regulation 12(2) of Food Safety and Standards (Import) Regulations, 2017 specifies that "the Food Authority may issue order or advisory or guideline as it deems fit, from time to time for ensuring the safety and wholesomeness of articles of food imported into India and such prohibitions and restrictions shall be informed to the customs immediately".

2. In exercise of above said provision, to ensure that only Non GM food crops are imported into India, pending framing of regulations related to Genetically Engineered or Modified as envisaged in section 22 of the Food Safety and Standards Act, 2006, it has been decided that every consignment of imported food products mentioned in Annexure - I shall be accompanied with a Non-GM origin cum GM free certificate as per format of Annexure-II, issued by Competent National Authority of the exporting country.

3. This order shall be effective from 1st January, 2021 and this issues with the approval of the Competent Authority.


(Dr. Amit Sharma)
Director, Imports
FSSAI, HQ

Copy for information & necessary action to:

1. All Authorised Officers of FSSAI -for compliance.

2. Additional Director General, Risk Management Division, Central Board of Excise and Customs(CBEC).
3. Director, Customs - for circulating to all officials of Customs who has been nominated as Authorised Officers.
4. Commissioner (Single Window), CBEC - for circulating to all officials of Customs who has been nominated as Authorised Officers.
5. Executive Director (Compliance Strategy/Training).
6. Advisor (QA), FSSAI.
7. Advisor (Standards), FSSAI.
8. Head (Regulation/Codex), FSSAI- for obtaining WTO-TBT comments.
9. Head (RCD), FSSAI.
10. Head (Legal/GA), FSSAI.
11. CITO, FSSAI (for uploading on FSSAI website).

Annexure 1

Sr. No.	Crops
1.	Alfalfa (<i>Medicago sativa</i>)
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24.	Wheat (<i>Triticum aestivum</i>)

CERTIFICATE FOR NON-GM ORIGIN AND GM FREE STATUS

Certificate No. _____

Date: _____

It is hereby certified that the product described below is NON-GM origin and does not contain genetically modified organism (GMO) and also not genetically modified.

- 1. Name and address of exporter :
- 2. Name and address of manufacturer :
- 3. Name & address of consignee :
- 4. Description of product :
- 5. Invoice no. and date :
- 6. Lot No./batch No. :
- 7. Expiry date of product, if any :
- 8. Quantity of Product :
- 9. Manufacturing/production date & code/packing date :
- 10. Number & type of packing (container/grade)bulk/others) :
- 11. Date of shipment & place :
- 12. Probable date of loading :
- 13. Place of loading :
- 14. Country of export :
- 15. FOB value :

Date of Issue:

Place of Issue:

Signature of authorized officer

Name & Designation:

Stamp/ Seal of the competent authority
of exporting country

APPENDIX II – FSSAI – ORDER, REQUIREMENT OF NON-GM CUM GM FREE CERTIFICATE ACCOMPANIED WITH IMPORTED CONSIGNMENT REG. – CLARIFICATION, OCTOBER 12, 2020

File No. 1-1764/FSSAI/Imports/2018 (Part – 1)
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety and Standards Act, 2006)
(Imports Division)
FDA Bhawan, Kotla Road, New Delhi – 110002

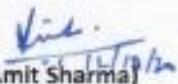
The 12th October, 2020

CLARIFICATION

Subject: Requirement of Non GM cum GM free certificate to accompany imported food consignments - reg

With respect to the order dated 21.08.2020 (copy attached) on the above subject it is clarified that the order is presently applicable only to food crops mentioned in annexure 1 of the order and not to processed food products in general. The order has been notified on 02.09.2020 for the comments from WTO- TBT member countries. Comments received from different member countries will be examined before the order comes into effect.

Encl: As above


(Dr. Amit Sharma)
Director (Imports)
Email- dramit.sharma@fssai.gov.in

To,
All Stakeholders

APPENDIX III – FSSAI – ORDER, REQUIREMENT OF NON-GM CUM GM FREE CERTIFICATE ACCOMPANIED WITH IMPORTED CONSIGNMENT REG. – CLARIFICATION, DECEMBER 3, 2020

File No. 1-1764/FSSAI/Imports/2018(Part-1)
Food Safety and Standards Authority of India
(A Statutory Authority Established under the Food Safety and Standards Act, 2006)
FDA Bhawan, Kotla Road, New Delhi – 110002

The 03rd December, 2020

ORDER

Subject: Requirement of Non GM cum GM free certificate to accompany imported food consignments- reg.

With respect to the order dated 21.08.2020 (copy attached) on the above subject it is to state that the date of implementation of said order has been extended by two months and same will be now effective from 01st March, 2021.

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

Encl: As above


(Dr. Amit Sharma)
Director (Imports)

To,
All Stakeholders

APPENDIX IV – FSSAI – ORDER, REQUIREMENT OF NON-GM CUM GM FREE CERTIFICATE ACCOMPANIED WITH IMPORTED CONSIGNMENT REG. – CLARIFICATION, FEBRUARY 8, 2021

F. No. 1764/FSSAI/Imp/2019 (Part 1)
Food Safety and Standards Authority of India
[A statutory authority established under the Food Safety and Standards Act, 2006]
(Imports division)
FDA Bhawan, Kotla Road, New Delhi – 110002

The 08th February, 2021

CLARIFICATION

Subject: Requirement of Non GM cum GM free certificate to accompany imported food consignments – reg.

With respect to order dated 21.08.2020 and 03.12.2020 (copy attached) on the above cited subject, following is clarified:

- (i) The requirement of Non GM cum GM free certificate is applicable to consignments which are despatched from exporting country on or after 1st March, 2021.
- (ii) The tolerance limit for adventitious presence (AP) of GMOs at 1% is permissible in imported food crop consignments as listed in Annexure 1 of the order dated 21.08.2020.

This issues with the approval of the Competent Authority.


(Dr. Amit Sharma)
Director (Import)
Email: dramit.sharma@fssai.gov.in

To,
All Stakeholders

APPENDIX V – FSSAI – ORDER, REQUIREMENT OF NON-GM CUM GM FREE CERTIFICATE ACCOMPANIED WITH IMPORTED CONSIGNMENT REG. – CLARIFICATION, FEBRUARY 24, 2021

File No. 1764/FSSAI/Imports/2019(Part-1)
Food Safety and Standards Authority of India
(A statutory authority established under the Food Safety and Standards Act, 2006)
(Imports division)
FDA Bhawan, Kotla Road, New Delhi – 110002

The 24th February, 2021

CLARIFICATION

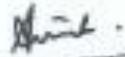
Subject: Requirement of Non GM origin cum GM free certificate to accompany imported food consignments – reg.

With respect to FSSAI order dated 21.08.2020 and subsequent clarifications issued on 03.12.2020 and 08.02.2021 (copy attached) on the above cited subject, following is further clarified:

- (i) Non GM origin cum GM free attestation on phytosanitary/ health certificate for each consignment is also accepted provided it contains all the information and declaration as mentioned in the format issued by FSSAI vide order dated 21.08.2020.
- (ii) Non GM origin cum GM free certificate issued by authorized regional government authorities as per the prescribed format are accepted.

Further, it is also clarified that digital signatures on the above stated certificate are accepted.

This issues with the approval of the Competent Authority.


24/02/21
(Dr. Amit Sharma)
Director (Import)

Email: dramit.sharma@fssai.gov.in

To,
All Stakeholders

APPENDIX VI – WSDA CERTIFICATE OF NON-GM ORIGIN AND GM FREE STATUS

	Washington State Department of Agriculture Commodity Inspection Division PO Box 42560 Olympia WA 98504-2560 (360) 902-1931
<h3>Certificate for Non-GM Origin and GM Free Status</h3>	
For products covered by U.S. Federal Phytosanitary Certificate number: _____	
It is hereby certified that the product described in the phytosanitary certificate cited, is of Non-GM origin, does not contain genetically modified organisms (GMO), and is not genetically modified.	
1. Name and Address of Exporter:	
2. Name and Address of Manufacturer:	
3. Name and Address of Consignee:	
4. Description of Product:	Fresh apple fruit
5. Invoice Number and Date:	
6. Lot Number:	
7. Expiry Date of Product (if any):	
8. Quantity of Product:	
9. Manufacturing /Production /Packing Date:	
10. Number and Type of Packing (container, bulk, other):	
11. Date of Shipment and Place:	
12. Probable Date of Loading:	
13. Place of Loading:	
14. Country of Export:	USA
15. FOB Value:	
	_____
	Place of Issue (City)

	Date of Issue

	Name of Authorized Officer

	Signature

AG09-6028 (N/3/21) DRAFT 5

Attachments:

No Attachments.