

Voluntary Report – Voluntary - Public Distribution

Date: January 04, 2022

Report Number: IN2021-0144

Report Name: FSSAI Extends the Validity of No-objection Certificates for Imported Alcoholic Beverages

Country: India

Post: Mumbai

Report Category: Beverages, Wine, FAIRS Subject Report, Sanitary/Phytosanitary/Food Safety, Exporter Guide

Prepared By: Dhruv Sood

Approved By: Lazaro Sandoval

Report Highlights:

On November 9, 2021, the Food Safety and Standards Authority of India (FSSAI) issued a directive clarifying that all imported consignments of alcoholic beverages bottled in origin and in bulk, containing more than ten percent alcohol with no expiry date will be issued a no-objection certificate (NOC) with a validity of 300 days. The NOC will be issued according to Food Safety and Standards (FSS) Import Regulations 2017 and may be revalidated based on visual inspection if the consignment is at the port beyond 300 days. On November 24, the Central Board of Indirect Taxes and Customs issued standing instructions to all customs officials based on the FSSAI directive.

Disclaimer: The information contained in this report was retrieved from the Central Board of Indirect Taxes and Customs website <https://www.cbic.gov.in/index>. The Office of Agricultural Affairs and/or the U.S. Government make no claim of accuracy or authenticity. This summary is based on a cursory review of the subject announcement and therefore should not be viewed under any circumstance, as a definitive reading of the regulation in question, or of its implications for U.S. agricultural export trade interests. 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.

General Overview

On November 9, 2021, the Food Safety and Standards Authority of India (FSSAI) issued a directive clarifying that all imported consignments of alcoholic beverages bottled in origin and in bulk, containing more than ten percent alcohol with no expiry date will be issued a no-objection certificate (NOC) with a validity of 300 days.

Background

On July 22, 2021, the Maharashtra Customs Commissioner issued an order detailing the procedure for filing an ex-bond bill of entry. According to this procedure, ex-bonding, or the removal of imported goods from a bonded warehouse, is not allowed without the issuance of a no-objection certificate (NOC) from relevant participating government agencies (PGAs). The relevant officers will verify the NOC validity before providing the out of charge (OOC) clearance. The order provided an example of the Government of India's (GOI) Food Safety and Standards Authority of India (FSSAI) as a PGA. Previously, FSSAI was issuing NOCs with a validity of one month from the date of issuance.

Additional Cost Burden for Importers of Alcoholic Beverages

Many importers store goods in bonded warehouses due to the high tariffs incurred on alcoholic beverages. The duration of a product in a bond varies on its shelf-life and demand. Once an importer is ready to ex-bond the products out of the bonded warehouse, they must present a NOC. FSSAI's previous short validity for NOC was a great concern for local stakeholders as it interrupted the importation of alcoholic beverages that add value to the country's processing and hospitality sectors. The short validity imposed additional costs on importers due to resampling and retesting costs for products that have already been cleared by FSSAI. In September 2021, FAS India submitted a written request to FSSAI asking for an extension of the validity of NOCs based on the actual shelf life of the product. According to contacts, local stakeholders also reached out to authorities to seek a resolution of this issue at that time.

Details of Notification:

Type of Regulation: Office Order/Instructions

Public Notice Date: November 24 ,2021

Proposed Date of Adoption: November 9, 2021

Notifications Text as published: The full text of this notification can be accessed on the Central Board of Indirect Taxes and Customs, Ministry of Finance (F.No. 401/86/2021-Cus-III) and is pasted below as Appendix-I

- [Direction under Section 16 \(5\) of Food Safety and Standards Act, 2006 regarding extension of validity of the NOC for the Alcoholic Beverages Bottled in Origin & in Bulk-reg](#) – November 24, 2021

Products Affected: All categories of imported liquor

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

Implementing Agency: Central Board of Indirect Taxes and Customs, Ministry of Finance, Government of India

Additional Public Notifications

- [PN-023-17-Subject: Procedure for filing warehouse Bills of Entry in cases where PGA NOC is required.](#) – March 1, 2017
- [PN-182-16 - Sub:- Procedure in respect of clearance of import FCL \(Full Container Load\) containers involving Participating Government Agencies \(PGAs\)-reg.](#) – December 23, 2016

Appendix I – Ministry of Finance, Central Board of Indirect Taxes and Customs, Direction F.No. 401/86/2021-Cus-III

Instruction No. 24/2021-Customs

F.No. 401/86/2021-Cus-III
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Indirect Taxes & Customs)

North Block, New Delhi
Dated, 24th November, 2021

To

All Principal Chief Commissioner/ Chief Commissioner of Customs/ Customs (Preventive).
All Principal Chief Commissioner/ Chief Commissioner of Central Excise & Customs.
All Principal Chief Commissioner of Customs/ Customs (Preventive).
All Principal Commissioner/ Commissioner of Central Tax & Customs.

Subject: - Direction under Section 16 (5) of Food Safety and Standards Act, 2006 regarding extension of validity of the NOC for the Alcoholic Beverages Bottled in Origin & in Bulk-reg

Madam/Sir,

Reference is invited to F.No. TIC-B05/1/2021-Imports-FSSAI dated 9th November, 2021 issued by Food Safety and Standards Authority of India, New Delhi on the above-mentioned subject (copy enclosed).

2. It is stated that for the imported consignments of Alcoholic Beverages Bottled in Origin & in Bulk, containing more than 10 percent alcohol which does not have an expiry date, the NOC issued as per the FSS (Import) Regulations, 2017 shall have a validity of 300 days. For consignments lying at ports customs area beyond 300 days, on payment of visual inspection fee, visual inspection may be carried out for re-validation of NOC.

3. It is requested that necessary action may be taken to sensitize officers under your jurisdiction regarding the matter.

4. The difficulties, if any, may be brought to the notice of the Board.

5. Hindi version follows.

Encl: as above

Yours faithfully,


(Kevin Bohan)

Under Secretary to the Government of India

Copy for necessary action to:

The Additional Director General,
National Customs Targeting Centre (NCTC),
Mumbai 13, Sir Vithaldas Thakersey Marg,
Opp. Patkar Hall, New Marine Lines, Mumbai-400020

File No. TIC-B05/1/2021-IMPORTS-FSSAI

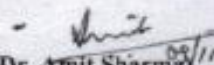
File No. TIC-B05/1/2021-IMPORTS-FSSAI
Food Safety and Standards Authority of India
(A Statutory Authority Established under the Food Safety and Standards Act, 2006)
FDA Bhawan, Kotla Road, New Delhi – 110002

Dated, the 09th November, 2021

Subject: Direction under Section 16(5) of Food Safety and Standards Act, 2006 regarding extension of validity of the NOC for the Alcoholic Beverages Bottled in Origin & in Bulk- reg.

To further facilitate trade and ease of doing business reforms, it has been decided that for the imported consignments of alcoholic beverages bottled in origin & in bulk, containing more than 10 percent alcohol which does not have an expiry date, the NOC issued as per the FSS (Import) Regulations, 2017 shall have a validity of 300 days. For consignments lying at ports/Customs area beyond 300 days, on payment of visual inspection fee, visual inspection may be carried out for re-validation of NOC.

2. The directions shall be valid till further orders in this regard. This issues with the approval of Competent Authority in exercise of the power vested with Food Authority under Section 16(5) of the FSS Act, 2006.


(Dr. Amit Sharma) 09/11/21
Director (Trade and IC)

To,

- All Authorised Officers, FSSAI – for compliance of above order
- Director (Customs) & Commissioner (Single Window Project, CBIC)- with a request to circulate to all officials of Customs Department working as Authorised Officers for compliance.

Copy for information to-

- ED (Compliance), FSSAI-HQ
- Advisor (Standard), FSSAI-HQ
- Head (Regulation/Codex), FSSAI-HQ
- Advisor (QA), FSSAI-HQ
- CITO, FSSAI-HQ (for uploading on FSSAI website)

Attachments:

No Attachments.