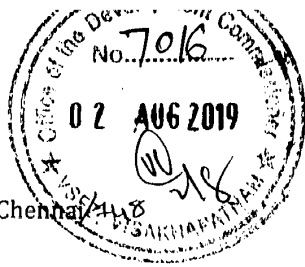


Order / All orders
Shr
Shr



Ref: F.No 2 (P-6) / RC / FSSAI / SRO / Chennai

Date: 11-07-2019

Dear Sir,

Pt. put up in the case in the all Provice Board for info to all

Sub :- Obtaining License under Food Safety and Standards Act 2006 -Mandatory Requirement for all Food Business Operators in the Food Supply Chain including EXPORTER OF FOOD - Request for ensuring the same from your Stakeholders - reg

This is regarding the subject cited above.

As you aware that the Food Safety and Standards Act 2006 and Rules, Regulations came into effect on 05-08-2011 throughout the Country with a mandate of ensuring availability of safe and wholesome food for human consumption. Food Safety and Standards Authority of India is statutory Regulatory Autonomous Organization established under this act as a Apex Food Safety Regulator of the Country.

Every Food Business operator in the Food Supply Chain from Manufacturer to Repacker, Relabeller, Storage, wholesaler, Distributor, Supplier, Retailer, Transporter, Marketer, Importer, Caterer, E-commerce shall have to obtain the license under the FSS Act and carrying out the Food Business without valid License is the contravention of the FSS Act. This also includes the Business of Primary Food (agriculture or horticulture or animal husbandry and dairying or aquaculture in its natural form) by any person other than Farmer.

Further, vide Order dated 21-01-2015, FSSAI, New Delhi has instructed that every Exporter of Food/Food Items viz Manufacturer Exporter(Export Only), Manufacturer Exporter (Domestic and Export), 100 % Export Oriented Unit, Merchant Exporter shall have to obtain Valid License under FSS Act.

It is stated that the Food Exporters and Food Importers shall have to obtain ONLY CENTRAL LICENSE from respective FSSAI Regional offices and other Food Business categories as stated above, shall obtain either central / state based on the Installed Capacity and or Turn over.

As a Participatory Government Agency in the Food Trade (Export / Import Clearance), your organization is hereby requested to ensure that all Food Business Operators, specifically all Food Exporters possess valid License under FSS Act and further any approval/ registration of all such firms through your organization, be processed after ensuring such mandatory compliance under FSS Act.

Encl: Orders Issued by FSSAI

With Regards

Yours Sincerely

P. MUTHUMARAN
Director (South)

Food Safety and Standards Authority of India
Southern Regional Office, Chennai

To

The Development Commissioner
Visakhapatnam Special Economic Zone, Duvvada,
Visakhapatnam, 530046

F. No. 1 - 351/FSSAI/Imports/2013
Food Safety and Standards Authority of India
(Enforcement Division)
Ministry of Health and Family Welfare
FDA Bhawan, Kotla Road, New Delhi - 110002

The 21st January, 2015

ORDER
(Regarding Grant of license for Exporting FBOs)

Several Food Business Operators (FBOs) engaged in the manufacturing/ processing of Food Products entirely meant for Exports have expressed their concerns regarding the difficulty faced by them in obtaining FBO license without getting approvals for their products. It has been pointed out by these exporting manufacturers that an Indian food manufacturing/ processing industry is often asked by the authorities of the importing country if they have been granted the FBO license in their home country.

2. As per the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations 2011, a Food Business Operator has to specifically mention the product(s) which he proposes to manufacture in India for domestic consumption and the license is granted subject to such product(s) conforming to the Standards prescribed therefor, or in the alternative, after obtaining the specific Product Approval from FSSAI for the same.

3. The export of Food Products from India to other countries is subject to such product(s) meeting the standards/ specifications applicable in the importing country. However, this situation would operate only so long as the entire range of products is meant for exports and no part thereof is placed in the domestic market. This, *inter alia*, implies that in respect of food products meant for 100% exports, it should not be necessary that the food product(s) so manufactured should conform to the Indian Standards or seek Product Approvals in view of the fact that such food products are required to conform to the standards/ specifications and regulations of the importing country(ies).

4. Keeping the aforesaid in view, it has been decided to create a separate distinct category of "**Exporting FBOs**" for grant of Licenses under the applicable regulations, without requiring submission of a certificate of conformity to the prescribed Indian Standards or insisting on 'Product Approvals' from such manufacturers qua such products. In this regard, I am directed to state that after due consideration of the matter, it has been decided that:

- (i) FBO license may be granted under the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations 2011 to the manufacturers



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of food products meant for 100% exports of food product(s) as per the standards/ specifications of the importing countries without the need to submit a Certificate of conformity with Indian Standards or, in the alternative, seeking Product Approval for such food products(s). However, grant of FBO license to such manufacturers shall be subject to the condition that the FBO applying for a license for Exports under these regulations furnishes an **Undertaking** that in case he intends to place any part of the production of such food product(s) in the domestic market, he would have to submit a Certificate of compliance with Indian standards/ specifications or obtain prior Product Approval from FSSAI, as the case may be.

- (ii) In case a trading firm/ company applies for a FBO license for 100% export of food product(s), which otherwise require compliance with Indian laws, standards/ specifications, or a prior Product Approval from FSSAI, the trading firm/ company shall also be required to submit an **Undertaking** at the time of applying for a FBO license under these Regulations that in case he intends to release any part of the production of such food product(s) in the domestic market, he would have to submit a Certificate of compliance with Indian standards/ specifications or obtain prior Product Approval from FSSAI, as the case may be. This undertaking shall have to be furnished even if the trading firm/ company is a sister concern or a subsidiary of the company manufacturing the product(s).
- (iii) The above principle shall also apply in the case of firms /companies having their manufacturing / processing units located in the SEZs;

This issues with the approval of the Competent Authority in accordance with the powers vested in FSSAI under Section 16(5) and Section 89 of the Food Safety and Standards Act, 2006.


S. Dave
Advisor

Ph: 011-23237436

To:

- (i) Food Safety Commissioners of all States / UTs;
- (ii) All Central Licensing Authorities of FSSAI;
- (iii) All border inspection and port offices / AOs of FSSAI;
- (iv) All other border inspection and PHOs / APHOs;
- (v) All Food Business Operators and Trade Associations;
- (vi) Chairpersons of APEDA, MPEDA, Spices/ Tea/ Coffee Boards, PHARMEXCIL;
- (vii) All Referral Laboratories;
- (viii) All FSSAI recognized laboratories;

- (ix) NISG to make suitable provisions in the FLRS
- (x) FSSAI web-site

Copy also for information to:

- (i) Secretary, Department of Consumer Affairs, Krishi Bhawan, New Delhi;
- (ii) Secretary, Department of Commerce, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi;
- (iii) Secretary, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi;
- (iv) Secretary, Ministry of Food Processing Industries, panchsheel Bhawan, August Kranti Marg, Asian Games Village, New Delhi;
- (v) Secretary, DIPP, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi;
- (vi) Chairman, CBEC, Ministry of Finance;
- (vii) PPS to Chairperson, FSSAI
- (viii) PS to CEO, FSSAI
- (ix) All Directors in FSSAI





File No.15(6)2017/FLRS/RCD/FSSAI
Food Safety and Standards Authority of India
(A Statutory body under Ministry of Health and Family Welfare)
(Regulatory Compliance Division)

FDA Bhavan, Kotla Road,
New Delhi-110 002
Dated, the 12th April, 2018

To

- i. Shri Paban K. Borthakur, Chairman,
Agricultural & Processed Food Products
Export Development Authority (APEDA),
3rd Floor, NCUI Building 3, Siri Institutional Area,
August Kranti Marg, (Opp. Asiad Village),
New Delhi, India - 110 016.
- ii. Shri Santosh Kumar Sarangi, Chairman,
Export Inspection Council of India (EIC),
YMCA Building jay singh road,
New Delhi, Delhi 110001.

Subject: Licensing of Food Businesses (Exporting FBOs) under Food Safety & Standards Act, 2006- reg.

Sir,

It has come to the notice of Food Safety and Standards Authority of India (FSSAI) that Food Products are being allowed to be exported by Agricultural & Processed Food Products Export Development Authority (APEDA) and Export Inspection Council of India (EIC) without obtaining mandatory FSSAI Central License under FSS Act, 2006 Rules and Regulations made thereunder.

2. In this context it is pertinent to mention here that FSSAI vide order No. 1-351/FSSAI/Imports/2013 dated 21.01.2015 has decided to create a separate category for "Exporting FBOs" for grant of FSSAI Licenses (Copy enclosed) and also mandated to obtain FSSAI License to carry out Food Business Activity i.e Export of Food Products.

3. Further, Food Safety and Standards Act, 2006 along with the Rules & Regulations made thereunder, provides the statutory framework for regulating, inter alia, the manufacture, storage, distribution and sale of food so as to ensure its safety. Section 31 (1) of the FSS Act, 2006- "No person shall commence or carry on any food business except under a licence" read with Section 3(10) of FSS Act, 2006 "Food Business" means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of manufacture, processing, packaging, storage, transportation, distribution of food, import and includes food services, catering services, sale of food or food ingredients. Therefore, all Food Business exporter involved in export of Food Products are, required to obtain FSSAI Central Licences to be able to continue food business activities.