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## India

### FAIRS Product Specific

# Foreign Trade Policy Amendment Makes GMO Declaration Mandatory for Imported Food Products 2006

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**Report Highlights:**

The Annual Supplement to the Indian government's Foreign Trade Policy (2004-2009) announced by Commerce and Industry Minister on April 7, 2006, calls for approval from the government's Genetic Engineering Approval Committee (GEAC) for imports of genetically modified (GM) food, food additives, or any food product that contains GM material which is being used either for industrial production, environmental release, or field application. Also, import consignments containing GM products should carry a declaration that the product is genetically modified, failure of which the importer is liable to penal action under the Foreign Trade (Development and Regulation) Act, 1992.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
New Delhi [IN1]  
[IN]

**Introduction:** On April 7, 2006, the Ministry of Commerce and Industry announced the Annual Supplement to the government's Foreign Trade Policy (2004-2009), which contains new requirements on imports of GM food, food additives, or any food product that contains GM material which is being used either for industrial production, environmental release, or field application. Accordingly, imports of such products would require prior approval from the government's GEAC. Furthermore, import consignments containing GM products will have to carry a declaration to that effect, failure of which would make the importer liable to penal action under the Foreign Trade (Development and Regulation) Act, 1992 (<http://dgftcom.nic.in/exim/2000/ftdract.htm>). This amendment, which became effective April 1, 2006, has not been notified to the WTO.

**Disclaimer:** This summary is based on a  *cursory* review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural exports to India.

**Type of Regulation:** Final

**Important Dates:**

**Publication Date:** April 7, 2006

**Effective Date:** April 1, 2006

**Time period for receiving**

**Comments/suggestions:**

**Not applicable**

**Products Affected:**

Various food products containing GMOs

**Agency in Charge:**

Director General of Foreign Trade  
Department of Commerce  
Ministry of Commerce and Industry

Proposed Changes:

Quote

The following conditions will be added in Chapter 1A: General Notes regarding Import Policy:

18. Import of Genetically Modified Food, Feed, Genetically Modified Organism (GMOs) and Living Modified Organisms (LMOs) will be subject to the following conditions:

(a) The import of GMOs / LMOs for the purpose of (i) R & D; (ii) Food; (iii) Feed; (iv) Processing in Bulk and (v) For Environment release will be governed by the provisions of the Environment Protection Act, 1986 and Rules 1989.

(b) The import of any Food, Feed, raw or processed or any ingredient of food, food additives or any food product that contains GM material and is being used either for Industrial production, Environmental release, or field application will be allowed only with the approval of the Genetic Engineering Approval Committee (GEAC).

(c) Institutes / Companies who wish to import Genetically Modified material for R & D purposes will submit their proposal to the Review Committee for Genetic Modification (RCGM) under the Department of Bio-Technology. In case the Companies / Institutes use these Genetically Modified material for commercial purposes, approval of GEAC is also required.

(d) At the time of import all consignments containing products which have been subjected to Genetic Modification will carry a declaration stating that the product is Genetically Modified. In case a consignment does not carry such a declaration and is later found to contain Genetically Modified material, the importer is liable to penal action under the Foreign Trade (Development and Regulation) Act, 1992.

Unquote

Source: <http://164.100.9.245/exim/2000/not/not06/not0206.htm>

Post Comment: On March 10,2006, the Department of Health, Ministry of Health and Family Welfare, Government of India, issued a draft notification proposing amendment to the "Prevention of Food Adulteration (PFA) Rules" regarding labeling of genetically modified food, which was not notified to the WTO. (See IN6024).

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