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India

Export Certificate FAIRS Report

Food and Agricultural Import Regulation and Standards

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Report Highlights:

Export certification requirements for imports of food products, including packaged foods, in India are evolving, complex, and non-transparent. A recent amendment to the Foreign Trade Policy (2004-2009) regulations specifies new requirements on imports of food containing genetically modified (GM) ingredients, which include prior approval of the GM event and compulsory declaration at the time of importation.

Includes PSD Changes: No
Includes Trade Matrix: No
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SECTION I: LIST OF REQUIRED EXPORT CERTIFICATES

Products	Title of Certificate	Attestation required on Certificate	Purpose	Requesting Ministry
Plants and Plant Products	Phytosanitary Certificate	Additional declaration per the specific conditions mentioned in the import permit. 1/	Prevent introduction of exotic pests and diseases.	Ministry of Agriculture
Animals and Animal Products	Sanitary Health Certificate	Additional declaration per the specific conditions mentioned in the import permit. 2/	Prevent introduction of exotic pests and diseases, and avoid human health risks due to microbial & chemical contamination.	Ministry of Agriculture

Notes:

1/ For specific conditions applicable for different commodities, please refer to the Plant Quarantine (Regulation of Imports Into India) Order 2003, as amended, at:
www.plantquarantineindia.org/PQO_amendments.htm

2/ The specific conditions applicable for different dairy and animal products may not be readily available. However, general procedures for the importation of livestock and related products to India under the Livestock Importation Act, 1898, are available at:
<http://dahd.nic.in/order/livestockimport.doc>

Processed Food Products

India's current import regulations do not require any specific export certificates from the country of origin for imports of processed food products, including products in consumer packages. However, all processed food and beverages products imported into India should meet requirements under various domestic food laws, such as:

- o The Prevention of Food Adulteration (PFA) Act, 1954, and PFA Rules of 1955, as amended.
- o The Standards and Weights and Measures Act, 1976
- o Meat Food Products Order, 1992
- o Milk and Milk Products Order, 1992
- o Fruit Products Order, 1955

Imported food products such as milk powder, condensed milk, and infant food should comply with Indian quality standards (<http://bis.org.in/cert/man.htm>)

Domestic food laws/standards apply equally to domestic and imported products. At the port of entry, the food products are sampled and tested by inspectors from the Ministry of Health, and the consignment is cleared only if it meets the requirements of the domestic laws/standards. Details on Indian food laws are available in our "Food and Agricultural Import Regulations and Standards Country Report 2006" (IN6066), which can be accessed via the USDA/FAS website: www.fas.usda.gov.

Foods With Genetically Modified (GM) Ingredients

On April 7, 2006, the Directorate General of Foreign Trade (DGFT), Ministry of Commerce and Industry, announced amendments to the Foreign Trade Policy (2004-2009) regulations, which includes new requirements on imports of GM foods, food additives, or any food products that contains GM ingredient (refer IN6030 for details)¹. Accordingly, all 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. Furthermore, imports of such products will require prior approval from the government's Genetic Engineering Approval Committee (GEAC). The GEAC approval is required for the GM event in the food consignment, and the approval can be used for multiple shipments. The new rules became effective July 7, 2006.

SECTION II: PURPOSE OF EXPORT CERTIFICATES

Historically, India maintained a highly restrictive import market for food and agricultural products. Although quantitative import restrictions on most agricultural products were removed effective April 1, 2001, non-tariff barriers, including phytosanitary and sanitary restrictions, were introduced.

Imports of plants and plant products are subject to a "Bio-security & Sanitary-Phytosanitary Import Permit" issued by the Department of Agriculture and Cooperation, Ministry of Agriculture, per the conditions of the Plant Quarantine (Regulation of Imports into India) Order (PQO) 2003, as amended. The importer applies for an import permit and submits it to the exporter, who in turn acquires the required phytosanitary certificate from the exporting country's authorities. The relevant authority in the country of export issues the phytosanitary certificate based on the specific conditions as stated on the import permit.

Imports of animals and animal products (including meat and meat products) are subject to a "Sanitary Import Permit" issued by the Department of Animal Husbandry and Dairying, Ministry of Agriculture, per the conditions of the Livestock Importation Act, 1898. The relevant authority in the country of export must issue a sanitary certificate based on the specific conditions as stated on the import permit.

SECTION III: SPECIFIC ATTESTATION REQUIRED ON THE EXPORT CERTIFICATE

The attestation for both of the above mentioned export certificates should meet all specific conditions stated in the respective import permits. These conditions vary from commodity to commodity, and may change over time.

SECTION IV: GOVERNMENT CERTIFICATE LEGAL ENTRY REQUIREMENTS

The original export certificates should accompany each individual export consignment of the product at the time of entry into India. The government of India does not accept export declarations by suppliers or manufacturers as proof of compliance. However, in certain cases, the Government of India may allow export certificates containing specific declarations from the import permit by organizations accredited by the government of the exporting country. The government of the exporting country has to apply to the Ministry of Agriculture for this special approval.

¹ On May 4, 2006, government deferred the implementation of the new regulation up to July 7, 2006. On July 20, 2006, government exempted imports of soybean oil from the provisions of the regulations till March 31, 2007.

SECTION V: OTHER CERTIFICATION OR ACCREDITATION REQUIREMENTS**Certificate of Origin**

A certificate of origin issued by the relevant authority of the exporting country's government, state government, industry association, or manufacturer/supplier should accompany the export consignment of all food and agricultural products, including processed and packaged food.

This certificate should mention the order number, container number, port of discharge, buyer's name, and product description, in addition to a declaration along the following lines:

"The undersigned for (relevant organization) declares that the following mentioned goods as consigned above (or below) are the products of the United States of America (or any country of origin). We hereby certify the goods to be of United States of America (or any country) origin."

Importer Declaration of GM Food

The DGFT has made it mandatory that importers of GM food and ingredients should submit a declaration to the effect that the imported consignment contains genetically modified products. The importer has to provide particulars of the prior GEAC approval (number and date) of the specified GM event in consignment declaration. There is no official prescribed format for such a declaration.