

Voluntary Report – Voluntary - Public Distribution

Date: October 19, 2022

Report Number: IN2022-0082

Report Name: India's FSSAI Issues Clarification Notice on its Requirement that Health Certificates Accompany Imports of Milk and Milk Products - Pork and Pork Products - Fish and Fish Products

Country: India

Post: New Delhi

Report Category: FAIRS Subject Report

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Report Highlights:

On September 26, 2022, the Ministry of Health and Family Welfare/Food Safety and Standards Authority of India (FSSAI) issued a clarification notice to its earlier notification F. No. 1829/Health Certificate/FSSAI/Imports (2021). The FSSAI clarification notice is in response to World Trade Organization (WTO) members having commented on the FSSAI Order of August 8, 2022, referencing the earlier FSSAI Notification No. 1829/Health Certificate/FSSAI/Imports (2021), that specify the requirements for health certificates and their format for milk and milk products, pork and pork products, and fish and fish products. The FSSAI communicates that it will proceed to accept for the import of milk and milk products, pork and pork products, and fish and fish products that use an integrated/single health certificate. This certificate must incorporate all FSSAI mandated food safety related requirements/attestations necessary for import clearance in India. The compliance date is unchanged and is effective November 1, 2022.

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 Foreign Agricultural Service (FAS) Office of Agricultural Affairs at the U.S. Embassy in New Delhi, 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: Use Google Chrome to access the links that do not open in Internet Explorer. Indian host sites will geo-block site access on a rolling basis].

GENERAL INFORMATION

On September 26, 2022, the Ministry of Health and Family Welfare/Food Safety and Standards Authority of India (FSSAI) issued a clarification notice to its earlier notification F. No. 1829/Health Certificate/FSSAI/Imports (2021) (see, Appendix I).

The FSSAI clarification notice is in response to World Trade Organization (WTO) members having commented on the FSSAI Order of August 8, 2022, referencing the earlier FSSAI Notification No. 1829/Health Certificate/FSSAI/Imports (2021), that specifies the requirements for health certificates and their format for milk and milk products, pork and pork products, and fish and fish products (see, Appendix II). The FSSAI clarification notice indicates that various WTO members remarked finding the FSSAI Order of August 8, 2022, and its specific requirements, as being duplicative in the sense that a sanitary/veterinary certificate for the foregoing products are already being issued by the exporting country's competent authority.

The FSSAI, however, is communicating through its clarification notice that it will proceed to accept for the import of milk and milk products, pork and pork products, and fish and fish products that use an integrated/single health certificate. This certificate must incorporate all the FSSAI mandated food safety related requirements/attestations necessary for import clearance in India. The compliance date also remains unchanged and is effective as of November 1, 2022.

The intent of the FSSAI measure is being widely interpreted by India's food and agricultural products trade partners as unnecessarily trade restrictive. The new FSSAI clarification does not provide any recourse from the previous notification of August 3, 2022 (see, [GAIN-INDIA IN2022-0069 – India's FSSAI Issues Notification Requiring Health Certificate to Accompany Imports of Milk and Milk Products – Pork and Pork Products – Fish and Fish Products](#)).

The FSSAI has verbally informed Post that an integrated/single health certificate will be required for milk and milk products used for and in nutraceutical products. The FSSAI clarifies that nutraceuticals are being classed as a food product; or at the least partly seen as a food that provides the human body with medical or health benefits (see, [Food Safety and Standards \(Health Supplements, Food for Special Dietary Use, Food for Special Medical Purpose, Functional Food and Novel Food\) Regulations, \(2016\)](#)).

Background:

The FSSAI notification F. No. 1829/Health Certificate/FSSAI/Imports (2021), requires that effective November 1, 2022, all milk, and milk products; pork and pork products; and fish and fish products,

imported into India need to be accompanied with a health certificate issued by the competent authority of the exporting country in the format published in the FSSAI notification as Annexure-I.

The full text of the current FSSAI clarification as well as previous notification F. No. 1829/Health Certificate/FSSAI/Imports (2021) are accessible on the FSSAI website located at: [FSSAI clarification dated August 3, 2020](#) and [Current Clarification dated September 26, 2022](#).

APPENDIX I: FSSAI CLARIFICATION ON REQUIREMENT OF HEALTH CERTIFICATE TO ACCOMPANY IMPORTS OF MILK AND MILK PRODUCTS – PORK AND PORK PRODUCTS – FISH AND FISH PRODUCTS

F. No. 1829/Health Certificate/FSSAI/Imports-2021

Food Safety and Standards Authority of India

(A Statuary Authority established under the Food Safety and Standards Act, 2006)

(Trade & International Cooperation Division)

FDA Bhawan, Kotla Road, New Delhi-110002

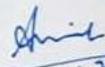
Dated: 26th September, 2022

Clarification

Subject: -Requirement of Health Certificate to be accompanied with the import of food consignments-reg.

With respect to order dated 3rd August, 2022 (copy enclosed), on the subject cited above, it is to clarify that order related to requirement of health certificate of Milk & Milk Products, Pork & Pork Products and Fish & Fishery products along with its format was notified to WTO on 18.08.2022 for the comments of WTO member countries. The comments have been received from various stakeholders which also states that Sanitary/Veterinary Certificate is already issued for these food products by exporting country Competent Authority.

In this regard, it is clarified that an integrated/single certificate incorporating food safety related requirements/ attestations is also accepted by FSSAI at the time of import clearance. It may be ensured that integrated certificate shall incorporate all the information as per format notified vide order dated 3rd August, 2022.


(Dr. Amit Sharma)
26/09/22
Director (Trade and IC)

APPENDIX II: FSSAI ORDER OF AUGUST 8, 2022

F. No. 1829/Health Certificate/FSSAI/Imports-2021

Food Safety and Standards Authority of India

(A Statuary Authority established under the Food Safety and Standards Act, 2006)

(Trade & International Cooperation Division)

FDA Bhawan, Kotla Road, New Delhi-110002

Dated: The 3 August, 2022

ORDER

Subject: - Requirement of Health Certificate accompanied with the import of food consignments-reg.

In exercise of the provisions of Food Safety and Standards (Import) Regulations, 2017, it has been decided that imported food consignments of following food categories as specified in FSS (Food Product Standards and Food Additives) shall be accompanied by a Health Certificate issued by Competent Authority of the exporting country as per the format attached at Annexure-I:

- i) Milk and Milk Products
- ii) Pork and Pork Products
- iii) Fish and Fish products

This order will be effective from 1st November, 2022 and this issues with the approval of the Competent Authority.


(Dr. Amit Sharma) 03/08/22
Director (Trade and IC)

Annexure-I

HEALTH CERTIFICATE FOR IMPORT OF MILK AND MILK PRODUCTS INTO INDIA

Country of dispatch:					
1. Consignor/exporter			2. Certificate number:		
Name:			3. Competent Authority and its contact details:		
Address:					
Tel. no.:					
4. Consignee/importer:					
Name:					
Address:					
Tel. no.:					
5. Country of origin:			ISO code:		
6. Country of destination:			ISO code:		
7. Place of loading					
8. Means of transport:			9. Declared point of entry:		
10. Conditions for transport/storage:			11. Total quantity:		
12. Invoice no. & Date					
13. Identification of food products as described below (multiple lines may be used for multiple products):					
a)	Description of the food including HS code:			Intended purpose	
b)	Producer/ manufacturer (name and address):		Approval number/s of establishment/s (Number/ Date/ Validity):		
c)	Name of the product	Lot no./Batch no.	Type of packaging	Number of packages	Net weight:
d)	Date of manufacture or Packaging:	Best before*		Date of Expiry	

14.	Temperature required during storage and transportation:		

15. Attestations **

The undersigned Authorised Official certifies that the product(s) described above satisfies the following requirement:

I. General conditions:

- a) The source animals shall not be fed with feed containing meat or bone meal including internal organs, blood meal and tissues of bovine or porcine origin materials except milk and milk products.
- b) Has/have not been manufactured using animal rennet.

II. Sanitary/Food Safety related:

- a) were manufactured at (an) establishment(s) that has/have been approved by, or otherwise determined to be in good regulatory standing with the Competent Authority in the exporting country.
- b) complies with the standards of milk and milk products as specified under the Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011.
- c) prepared, packed, held and transported prior to export under good hygienic conditions and an effective food safety control system, implemented within the context of HACCP systems where appropriate and in accordance with the requirements specified in Schedule 4, as applicable, of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 (India) and such other guidelines as specified from time to time under the provisions of the Food Safety and Standard Act, 2006.
- d) conforms to the microbiological requirements specified in Appendix 'B' of Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011. The milk had been processed to a temperature, which ensures destruction of organisms causing Tuberculosis, Listeriosis, Para tuberculosis, Q fever and Brucellosis.
- e) does not contain drug/ antibiotics/mycotoxins/pesticides/heavy metal residues etc., above the limits prescribed by the Food Safety and Standards (Contaminants, toxins and Residues) Regulations, 2011.
- f) contains only those food additives as specified in Appendix 'A' of Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011 within the limits specified.
- g) regular inspection/monitoring of checks in accordance with FSS Act, 2006, rules and Regulations made thereunder and as per the criteria specified by FSSAI.

16. Authorised official:	
Name:	Designation:
Date:	Signature:
Official stamp:	

* If any.
 ** Where it is not applicable, strikethrough the requirement.

This certificate is valid for 90 days from the date of issue.

HEALTH CERTIFICATE FOR IMPORT OF PORK AND PORK PRODUCTS INTO INDIA

Country of dispatch:					
1. Consignor/exporter		2. Certificate number:			
Name:		3. Competent Authority and its contact details:			
Address:					
Tel. no.:					
4. Consignee/importer:					
Name:					
Address:					
Tel. no.:					
5. Country of origin:			ISO code:		
6. Country of destination:			ISO code:		
7. Place of loading					
8. Means of transport:			9. Declared point of entry:		
10. Conditions for transport/storage:			11. Total quantity:		
12. Invoice no. & Date					
13. Identification of food products as described below (multiple lines may be used for multiple products):					
a)	Description of the food including HS code:		Intended purpose		
b)	Producer/ manufacturer (name and address):	Approval number/s of establishment/s (Number/ Date/ Validity):			
c)	Name of the product	Lot no./Batch no.	Type of packaging	Number of packages	Net weight:
d)	Date of manufacture or Packaging:	Best before*		Date of Expiry	
14.	Temperature required during storage and transportation:				

15. Attestations

The undersigned Authorised Official certifies that the product(s) described above satisfies the following requirement:

I. Sanitary/Food safety related:

- a) were manufactured at (an) establishment(s) that has/have been approved by, or otherwise determined to be in good regulatory standing with the Competent Authority in the exporting country.
- b) The pork or pork product(s) come(s) from animal(s) slaughtered in abattoirs/processing plant(s) where no meat other than pork has been processed during production of fresh meat or added to the meat products at any stage during production.
- c) complied with the standards of Pork and Pork products as specified under the Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011.
- d) prepared, packed, held and transported prior to export under good hygienic conditions and an effective food safety control system, implemented within the context of HACCP systems where appropriate and in accordance with the requirements specified in Schedule 4, as applicable, of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 (India) and such other guidelines as specified from time to time under the provisions of the Food Safety and Standard Act, 2006.
- e) conforms to the microbiological requirements specified in Appendix 'B' of Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011.
- f) does not contain drug/ antibiotics/mycotoxins/pesticides/ heavy metal residues etc., above the limits prescribed by the Food Safety and Standards (Contaminants, toxins and Residues) Regulations, 2011.
- g) contains only those food additives as specified in Appendix 'A' of Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011 and within the limits specified.
- h) regular inspection/monitoring of checks in accordance with FSS Act, 2006, rules and Regulations made thereunder and as per the criteria specified by FSSAI.

16. Authorised official:	
Name:	Designation:
Date:	Signature:
Official stamp:	

* If any.

** Where it is not possible, strikethrough the requirement

This certificate is valid for 90 days from the date of issue.

HEALTH CERTIFICATE FOR IMPORT OF FISH AND FISH PRODUCTS INTO INDIA

Country of dispatch:					
1. Consignor/exporter			2. Certificate number:		
Name:			3. Competent Authority and its contact details:		
Address:					
Tel. no.:					
4. Consignee/importer:					
Name:					
Address:					
Tel. no.:					
5. Country of origin:			ISO code:		
6. Country of destination:			ISO code:		
7. Place of loading					
8. Means of transport:			9. Declared point of entry:		
10. Conditions for transport/storage:			11. Total quantity:		
12. Invoice no. & Date					
13. Identification of food products as described below (multiple lines may be used for multiple products):					
a)	Description of the food including HS code and Species (scientific name):			Intended purpose	
b)	Producer/ manufacturer (name and address):	Approval number/s of establishment/s (Number/ Date/ Validity):			
c)	Name of the product	Lot no./Batch no.	Type of packaging	Number of packages	Net weight:
d)	Date of manufacture or Packaging:	Best before*		Date of Expiry	

15. Attestations **

The undersigned has certified that the product(s) described above satisfies the following Sanitary/ food safety related requirement:

- a) were manufactured at (an) establishment(s) that has/have been approved by, or otherwise determined to be in good regulatory standing with the Competent Authority in the exporting country
- b) complies with the standards of Fish and Fish Products as specified under the Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011
- c) prepared, packed, held and transported prior to export under good hygienic conditions and an effective food safety control system, implemented within the context of HACCP systems where appropriate and in accordance with the requirements specified in Schedule 4, as applicable, of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 (India) and such other guidelines as specified from time to time under the provisions of the Food Safety and Standard Act, 2006.
- d) conforms to the microbiological requirements specified in Appendix 'B' of Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011.
- e) does not contain drug/ antibiotics/mycotoxins/pesticides/heavy metal residues etc., above the limits prescribed by the Food Safety and Standards (Contaminants, toxins and Residues) Regulations, 2011.
- f) contains only those food additives as specified in Appendix 'A' of Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011 and within the limits specified.
- g) regular inspection/monitoring of checks in accordance with FSS Act, 2006, rules and Regulations made thereunder and as per the criteria specified by FSSAI.

16. Authorised official:	
Name:	Designation:
Date:	Signature:
Official stamp:	

* If any.

** Where it is not applicable, strikethrough the requirement.

This certificate is valid for 90 days from the date of issue.

Attachments:

No Attachments.