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Self-Declaration System to Replace Affidavits in FSSAI's FICS

Report Categories:

Sanitary/Phytosanitary/Food Safety

FAIRS Subject Report

Exporter Guide

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Report Highlights:

The Government of India's (GOI) Food Safety and Standards Authority of India (FSSAI) introduced new procedures for its Food Import Clearance System (FICS). Under the new process, exporters can "self-declare" the category for their respective exports from a prescribed list of "annexures" as a condition for obtaining a provisional 'No-Objection-Certificate' (NOC) from FSSAI. Previously exporters were required to provide a notarized affidavit to obtain an NOC under the FICS.

Executive Summary:

On April 9, 2015, FSSAI published on its website an order to update its procedures for the issuance of provisional NOCs for imported food consignments. NOCs are required by FSSAI as a pre-requisite for initiating the product approval process. According to the new requirements, exporters must self-declare on plain paper the intended end use of their specific product, based on a variety of categories. Previously, exporters were required to provide similar information on notarized affidavits. FSSAI expects that this action by the importers will ease the process of his/her application in the FICS.

General Information:

FSSAI's order, which is dated March 27, 2015, replaces the earlier requirement which stipulated that exporters' must provide notarized affidavits to obtain provisional NOCs under the FICS. Exporters are now required to provide the category, or annexure, which best describes how their consignment will be used in India on standard paper. The following provides the various categories of purpose that an exporter can choose:

- i. Food consignment meant for display purpose in trade fair/exhibition (Annexure 3)
- ii. Food consignment meant for personal use (Annexure 4)
- iii. Food consignment containing bulk packages and not having representative sample (Annexure 5)
- iv. Food consignment containing bulk packages and having representative sample (Annexure 6)
- v. Food consignment meant for research and development purposes (Annexure 7)
- vi. Food consignment for 100% export/re-export (Annexure 8)
- vii. Food consignment meant for sports events (Annexure 9)
- viii. Food consignment meant for accelerated clearance by accredited importer (Annexure 10)
- ix. Food consignment meant for accelerated clearance by importer (Annexure 11)

The full text of FSSAI's order dated March 27, 2015 is attached below and is also available on FSSAI's website: <http://www.fssai.gov.in/>.

(NOTE: Although the FSSAI order is dated March 27, 2015, it was not actually posted on FSSAI's website until April 9, 2015.)

File No. 1-1275/FSSAI/Imports/2015
Food Safety and Standards Authority of India
(Imports Division)
Ministry of Health and Family Welfare
FDA Bhawan, Kotla Road, New Delhi - 110002

The 27th March, 2015

Subject: Introduction of Self declaration system to substitute affidavits in the Food import Clearance System - reg.

With reference to Food import Clearance System, the Importers are required to submit 'Affidavits' on Non-judicial Paper for clearance of their consignments.

2. In view of the order of the Government of India Ministry of Health and Family Welfare vide O.M. No. Z.17015/1/2014-CDN-I dated 17th October, 2014 regarding the abolition of affidavits and promotion of self-certification and recognising the need for ease of business in this behalf, the Food authority has decided to substitute the 'Affidavit' with an 'Undertaking by way of Self Declaration' vide its order No. Z-16011/14/2014-E&A (Pt) dated 31st December, 2014.

3. Pursuant to the same, it is hereby informed that the 'Affidavit' as required to be submitted along with the application for Food import Clearance System hitherto, is hereby substituted with an 'Undertaking' on a plain paper. The formats for following undertaking are enclosed:-

Sl. No.	Prevalent Affidavits for Licensing & Registration	Proposed Undertaking formats
1.	Affidavit for issue of provisional NOC for imported food consignment with less than 07 days' shelf life as per the guidelines issued by FSSAI No. 1/2008/Import Safety/FSSAI-Vol. II dated 12.10.2011	Annexure 1
2.	Affidavit for issue of provisional NOC for frozen & chilled imported food consignment as per the guidelines issued by FSSAI No. 1/2008/Import Safety/FSSAI-Vol. II dated 12.10.2011	Annexure 2

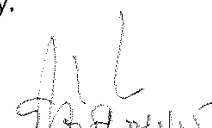
4. Additionally, for a hassle free application process, one new undertaking is hereby introduced. The format for the proposed undertaking is enclosed:-

Sl. No.	New Undertakings	Undertaking format
1.	Undertaking from importers imported food consignment meant for Display Purpose in Trade Fair/Exhibition	Annexure 3
2.	Undertaking from importers imported food consignment	Annexure 4

	meant for Personal Use	
3.	Undertaking from importers imported food consignment containing bulk packages and not having representative sample	Annexure 5
4.	Undertaking from importers imported food consignment containing bulk packages and having representative sample	Annexure 6
5.	Undertaking from importers imported food consignment meant for Research & Development purposes	Annexure 7
6.	Undertaking from importers imported food consignment meant for 100% Export/ Re- export	Annexure 8
7.	Undertaking from importers imported food consignment meant for Sports Events	Annexure 9
8.	Undertaking for imported food consignment meant for accelerated clearance by Accredited Importer	Annexure 10
9.	Undertaking for imported food consignment meant for accelerated clearance by Importer	Annexure 11

5. Accordingly, the importers applying for Food import Clearance System are requested to enclose the Undertaking by way of self-declaration as a replacement to the notarized Affidavit with immediate effect. The Authorised Officers will not accept the notarized affidavits after **31st March, 2015**.

This order issues with the approval of the Competent Authority.


(Bimal Kumar Dubey)
Director (Imports)

To

- (i) All Authorised Officers- for compliance
- (ii) AD(IEC),FSSAI – for uploading at Website
- (iii) NISG -for necessary changes in online FICS.

Annexure – 1

(Replacing affidavit as required by guidelines issued by FSSAI No. 1/2008/Import Safety/FSSAI-Vol. II dated 12.10.2011)

Declaration regarding issue of provisional NOC for imported food consignment with less than 07 days' shelf life

(To be printed on the Letterhead of the importing FBO/Importer/Company)

To

The Authorised Officer, FSSAI

_____ <Port of Import> _____.

Dear Sir,

I/We, _____, resident of _____ [As Proprietor/ Partner/ Managing Director/ Director/ Authorised Signatory of M/s _____] are importer of _____ <Name of food items> _____ having very short shelf-life (less than 7 days) in the consignment imported vide _____ <Bill of Entry> _____ dated _____ at _____ <Port location> _____ and request you to issue provisional NOC.

2. I/We hereby undertake to comply with the following terms and conditions on behalf of the importing firm/company as under:

- (i) I/We shall be fully responsible for complete product recall in case of non-conformity of the product after lab analysis and shall comply with all the norms for destruction/ re-export, as may be decided by the competent Authority;
- (ii) I/We do hereby certify that we have satisfactory food recall mechanism in place;
- (iii) In case of failure of product in lab analysis, I/We shall not be eligible to avail of the above mentioned facility in future and all subsequent imports of the product from the same manufacturer of the same source country or certified by the same lab will be subject to stringent 100% analysis irrespective of certificate issued by the source country prior to clearance by FSSAI Authorised Officer.
- (iv) In case of non-conformance of the product after lab analysis, I/We shall be liable for contravention of the FSSA Act, 2006 and Rules & Regulations made there under.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

Annexure – 2

(Replacing affidavit as required by guidelines issued by FSSAI No. 1/2008/Import Safety/FSSAI-Vol. II dated 12.10.2011)

Declaration regarding issue of provisional NOC for frozen & chilled imported food consignment

(To be printed on the Letterhead of the FBO/Importer/Company)

To

The Authorised Officer, FSSAI
____<Port of Import> ____.

Dear Sir,

I/We, _____ resident of _____ [as Proprietor/ Partner/ Managing Director/ Director/ Authorised Signatory of M/S _____ are importer of _____<Name of Food Items>_____ in the consignment imported vide _____<Bill of Entry>_____ dated _____ at _____<Port location>_____, request you to issue provisional NOC for the same.

I/We hereby undertake to comply with the following terms and conditions on behalf of the importing firm/company as under:-

- (i) The entire consignment under above mentioned Bill of Entry will be retained in a storage facility with the required temperature control system at _____<address of warehouse>_____ and no part of the consignment shall be released into the market prior to issuance of the NOC;
- (ii) Complete temperature log of the storage conditions shall be maintained and provided to FSSAI at the time of issue of NOC;
- (iii) Both Customs and FSSAI have the right to inspect the said storage facility at any time to ensure that the consignment is held securely till the clearance certificate (NOC) is provided by FSSAI;
- (iv) In the event of non-conformance to the above storage conditions, I/We shall be fully responsible to move the cargo back to Customs jurisdiction and comply with all the norms for destruction/ re-export as may be decided by the competent Authority;
- (v) In case of non-compliance of any of the above norms, I/We will not be eligible to avail of the above mentioned facility in future. Besides, I/We will be liable for contravention of the FSSA Act, 2006 and Rules & Regulations made there under.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

Annexure - 3

(New undertaking format proposed for imported food consignment meant for Display
Purpose in Trade Fair/Exhibition)

Declaration and undertaking by Importer

(To be printed on FBO/Importer/Company's Letterhead)

I/We, _____ [Proprietor/ Partner/ Managing Director/
Director/ Authorised Signatory of M/S _____ <with address>
_____ do hereby declare and undertake that:

1. I/We have imported the consignment of _____ < Name of product> _____
measuring _____<Weight/ Units> from _____<Country of origin of
consignment> _____ vide _____ <Bill of entry number> _____ dated _____ at
_____<Port location>_____;
2. The aforementioned Food Product is intended solely for the purpose of Display
only in the Trade Fair/Exhibition ____< mention the specific event> _____ and not
meant for any other commercial purpose.
3. The aforementioned food, apart from Display, is also intended to be used for the
purposes of Tasting and I/we undertake that no part of the said product shall be
released in the market for consumption purposes in any other manner;
4. I/We undertake that after conclusion of event, the opened packages of these
articles will be destroyed and the packed food will be re-exported to the country
of origin;
5. I/We shall furnish the details of the total quantity of the consignment imported
into India, the quantity consumed in the process of Tasting, the quantity destroyed
and the quantity being re-exported to the competent authority in respect of the
above said consignment after the conclusion of the Trade fair/Exhibition.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

Annexure – 4

(New undertaking format proposed for imported food consignment meant for Personal Use)

Declaration and undertaking by Importer

I/ We, _____, resident(s) of _____ do hereby declare and undertake that:

1. I/We have imported ____<Name of food> ____ from ____<country of origin of consignment> ____ vide ____<Bill of Entry number> ____ dated _____;
2. The above consignment of ____< Net weight or unit> ____ will be solely used for personal consumption;
3. No part of the aforementioned consignment will be sold/ released into the domestic market in any manner;
4. I am holding Passport Number _____ issued from ____<name of the country> ____ which is valid up to _____. (*Applicable in case of Foreigners/ NRIs only).
5. I shall be responsible and liable for any contravention of the FSSA Act, 2006 and Rules & Regulations made there under.

I affirm that all information given above is true and correct to the best of my/our knowledge and belief.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

Annexure – 5

(New undertaking format proposed for imported food consignment containing bulk packages
and not having representative sample)

Declaration and undertaking by Importer

(To be printed on Letterhead of the FBO/Importer/Company)

I/We, _____ [as Proprietor/ Partner/ Managing
Director/ Director/ Authorised Signatory of M/S _____], do
hereby declare and undertake that:

1. I/We are importer of _____ <Name of food> _____ from _____ <Country of
origin of consignment> _____ vide _____ < Bill of Entry number> _____ dated
_____;
2. The given consignment is aseptically packed and/or hygroscopic in nature and
does not contain any representative sample;
3. Hence, the FSSAI will not be held responsible for any damage observed before
or after sampling of the given consignment;
4. I/We shall be responsible and liable for any contravention of FSSA Act, 2006
and Rules & Regulations made there under.

I/We affirm that all information given above is true and to the best of my
knowledge and belief.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

Annexure - 6

(New undertaking format proposed for imported food consignment containing bulk packages and having representative sample)

Declaration and undertaking by Importer

(To be printed on FBO/Importer/Company's Letterhead)

I/We _____ [as Proprietor/ Partner/ Managing Director/ Director/ Authorised Signatory of M/S.....] do hereby declare and undertake that:

1. I/We are importer of _____ <Name of food> _____ from _____ < name of the country of origin of consignment> _____ vide _____ <Bill of Entry number> _____ dated _____;
2. The given consignment is aseptically packed and/or hygroscopic in nature and is accompanied with representative sample;
3. I/We hereby undertake that the representative samples provided with the consignment is/ are true representative of the imported food product;
4. I/We shall be fully responsible and liable for any contravention of FSSA Act, 2006 and Rules & Regulations made there under.

I/We affirm that all information given above is true and to the best of my knowledge and belief.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

(New undertaking format proposed for imported food consignment meant for Research & Development purposes)

Declaration and undertaking by Importer

(To be printed on FBO/Importer/Company's Letterhead)

I/We _____ [as Proprietor/ Partner/ Managing Director/ Director/ Authorised Signatory of M/S _____] do hereby declare and undertake that:

1. I/We are the importer _____ <Name of food> _____ from _____ <Country of origin of the consignment> _____ vide _____ < Bill of Entry number> dated _____
2. The above consignment is _____ <Net weight/ Quantity> _____ and will be used solely for _____ <purpose of consignment> _____.
3. The consignment will be exclusively used for Research & Development purposes for assuring the highest quality standards only and will not be utilized or released in the domestic market for human consumption even if it is for test marketing or market research purpose.
4. I/We shall be fully responsible and liable for any contravention of FSSA Act, 2006 and Rules & Regulations made there under.

I/We affirm that all information given above is true to the best of my/our knowledge and belief.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

Annexure – 8

(New undertaking format proposed for imported food consignment meant for 100% Export/
Re- export)

Declaration and undertaking by Importer

(To be printed on FBO/Importer/Company's letterhead)

I/We, _____ [Proprietor/ Partner/ Managing Director/
Director/ Authorised Signatory of M/S _____ <with address>
_____ do hereby declare and undertake that:

1. I/We have imported the consignment of _____ < Name of product> _____
measuring _____ <Weight/ Units> from _____ <Country of origin of consignment>
_____ vide _____ <Bill of entry number> _____ dated _____ at _____ <Port
location> _____;
2. The aforementioned Food Product is intended solely for the captive use/
production of value added products/ for use of our sister/ subsidiary companies
(subject to a defined relationship agreement between the two entities) for 100%
exports/ re- export.
3. I/We undertake that no part thereof will be supplied for domestic consumption.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

Annexure – 9

(New undertaking format proposed for imported food consignment meant for Sports Events)

Declaration and undertaking by Importer

(To be printed on FBO/Importer/Company's letterhead)

I/We, _____ [Proprietor/ Partner/ Managing Director/
Director/ Authorised Signatory of M/S _____ <with address>
_____ do hereby declare and undertake that:

1. I/We have imported the consignment of _____ < Name of product> _____
measuring _____<Weight/ Units> from _____<Country of origin of consignment>
_____ vide _____ <Bill of entry number> _____ dated _____ at _____<Port
location>_____;
2. I/We undertake that the aforementioned Food Product is intended solely for the
Sports Events.
3. I/We undertake that the food shall not be released for sale to any other person.
4. I/We undertake that the unused food shall be re-exported to Exporting country
after the event or it shall be destroyed.
5. I/We undertake that I shall submit the documentary proof thereof within thirty
days from the last day of event.
6. I/We undertake that the quantities of food imported is not more than the
quantities necessary for direct utilization by the persons concerned for the
duration of the stay or event, whichever is earlier.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

Annexure – 10

(New undertaking format proposed for imported food consignment meant for accelerated clearance by Accredited Importer)

Declaration and undertaking by Importer

(To be printed on FBO/Importer/Company's letterhead)

I/We, _____ [Proprietor/ Partner/ Managing Director/
Director/ Authorised Signatory of M/S _____ <with address>
_____ do hereby declare and undertake that:

1. I/We have imported the consignment of _____ < Name of product> _____
measuring _____ <Weight/ Units> from _____ <Country of origin of consignment>
_____ vide _____ <Bill of entry number> _____ dated _____ at _____ <Port
location> _____;
2. I/We undertake that the aforementioned Food Product has been imported and
cleared by me atleast five times amounting to a total of 2 crore of rupees or more in
the previous financial year.
3. I/We undertake to recall of the consignment in case of it being found non confirming
to the provision of Food Safety and Standards Act and Regulations therein.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____

Annexure – 11

(New undertaking format proposed for imported food consignment meant for accelerated clearance by Importer)

Declaration and undertaking by Importer

(To be printed on FBO/Importer/Company's letterhead)

I/We, _____ [Proprietor/ Partner/ Managing Director/
Director/ Authorised Signatory of M/S _____ <with address>
_____ do hereby declare and undertake that:

4. I/We have imported the consignment of _____ < Name of product> _____
measuring _____ <Weight/ Units> from _____ <Country of origin of consignment>
_____ vide _____ <Bill of entry number> _____ dated _____ at _____ <Port
location> _____;
5. I/We undertake that the food imported is in conformance with the provisions of Food
Safety and Standards Act 2006 and the Regulations made thereunder.
6. We furnish the bank guarantee for an amount _____ equivalent to double the
invoice value of the consignment for accelerated clearance of our consignment.
7. I/We undertake that in case of failure of the consignment, I/We forfeit the bank
guarantee in favour of the Government.
8. I/We undertake to recall of the consignment in case of it being found non confirming to
the provision of Food Safety and Standards Act and Regulations therein.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place: _____	Address: _____
Date: _____	Contact Nos: _____