

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Date: 4/16/2013

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India

Post: New Delhi

Amendments to the Food Safety and Standards Rules 2011

Report Categories:

Sanitary/Phytosanitary/Food Safety

FAIRS Subject Report

Exporter Guide

Product Brief

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Report Highlights:

The Food Safety and Standards Authority of India (FSSAI) has published a gazette notification amending the Food Safety and Standards Rules 2011. The amendments pertain to Chapter 2 - (i) food sampling and analysis (ii) the qualifications and duties of the Commissioner of Food Safety. FSSAI has invited comments from stakeholders by April 30, 2013.

General Information:

Introduction: This report summarizes the amendments to the Food Safety and Standards Rules 2011 established under the Food Safety and Standards Act, 2006.

The Food Safety and Standards Authority of India (FSSAI) has published a gazette notification amending the Food Safety and Standards Rules 2011. The amendments pertain to Chapter 2 - (i) food sampling and analysis (ii) the qualifications and duties of the Commissioner of Food Safety. FSSAI has invited comments from stakeholders by April 30, 2013.

Disclaimer: This summary is based on a *cursory* review of the subject announcement and therefore should not, under any circumstances, be considered a definitive interpretation of the regulation in question. This report therefore also offers no comment on implications for trade.

Details of the notification

- **Publication Date:** March 6, 2013
- **Copies of notification made public on:** April 10, 2013
- **Time period for receiving Comments/Suggestions:** April 30, 2013
- **WTO notification Date:** Not notified (as of April 16, 2013)

Products affected: Various food items

Agency in Charge: Department of Health, Ministry of Health and Family Welfare, Government of India.

Comments/suggestions should be addressed to:

Chief Executive Officer,
Food Safety and Standards Authority of India,
Food and Drug Administration Bhawan,
Kotla road, New Delhi. 110002
Email: rulesfssai@gmail.com

The amendment details are as follows:

“Chapter 2: Enforcement Structures and Procedures

2.1.2: Designated Officer

1. Qualification

(iii) (b) – At the time of commencement of these rules, the post of designated officer is held by any other officer of equivalent rank as additional charge basis such other officer shall continue to hold such additional charge till such time a whole time Designated Officer is appointed or for a period of one year* whichever is earlier.

*replaced by one and half year.

Clause 2.4: Sampling and Analysis

2.4.6: Appeal to the designated officer

1. When an appeal as provided under subsection 4 of section 46 is preferred to the Designated Officer by the Food Business Operator against the report of the Food Analyst, the Designated Officer, shall if he so decides, within thirty days from the receipt of such appeal after considering the material placed before him and after giving an opportunity to Food Business Operator to be heard shall forward one part of the sample to the referral lab. Such appeal shall be in Form VIII which shall be filed within 30 days * from the date of the receipt of the copy of the analysis report from the Designated Officer. Report of the referral laboratory shall be final in this regard. (*to be replaced by seven days).”

For further details see: [http://www.fssai.gov.in/Portals/0/Pdf/Gazetteenglish\(08-04-2013\).pdf](http://www.fssai.gov.in/Portals/0/Pdf/Gazetteenglish(08-04-2013).pdf)

Background:

On May 5, 2011, the GOI Ministry of Health and Family Welfare published the [final Food Safety and Standards Rules, 2011 vide Notification No. G.S.R. 362\(E\)](#) in the Indian official gazette. As stated in the notification, these rules came into force on August 5, 2011. These rules specify enforcement mechanisms, sampling techniques, and other legal aspects for implementing Section 91 of the Food Safety and Standards Act 2006.

For complete details, please refer to GAIN report [IN1172](#) and is also available on the FSSAI's website www.fssai.gov.in