

# FOOD-LAW-ERA

FSSAI ! LAWS ! UPDATES ! CIRCULARS ! COMPLIANCE !

*Food Safety*

*Regulations*

*Circulars - Updates*

*Compliance Management*

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# FOOD-LAW-ERA

MONTHLY FOOD LAWS NEWSLETTER



# "FOOD-LAW-ERA"

## 05<sup>TH</sup> EDITION !! MAY, 2021

### Food Sector / Industry in India



The Food Processing Industry (FPI) is of enormous significance as it provides vital linkages and synergies that it promotes between the two pillars of the economy, i.e. agriculture and industry. India is the world's second largest producer of fruits & vegetables after China but hardly 2% of the produce is processed. India is a major producer of several agricultural/food items in the world but only less than 10 per cent of that is processed. Demand for processed food items is set to increase in India in the coming years providing opportunities for greater value addition, lower wastages and alternative employment opportunities.

Analysis of corporate data shows that food processing firms have been profitable, but the value addition component needs to increase significantly.

#### ❑ Relaxations to the FBOs due to Covid-19 Pandemic

FSSAI has decided to facilitate the FBOs and ensure ease of doing business by providing following relaxations due to spike in the cases related to the Covid-19 Pandemic:



**Note:** *The below stated relaxations shall cea status of lockdown/ curfew/ containment at any locaoun.*

Sl.	Relaxations	Impact of Relaxations
1	<b>Permission to temporarily operate food business (other than Manufacturers) on the basis of 17-digits Application reference number:</b>	a. All FBOs except Manufacturers are allowed to temporarily operate their food business on the basis of application. b. Such FBOs shall be required to apply by making online application with prescribed fee through online mode on FosCoS and possess a valid receipt of application having seventeen-digit application reference number. c. FBO shall be required to inform by e-mail to the concerned Licensing / Registration Authorities/

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		<p>Commissioner of Food Safety about commencing his food business enclosing a scanned copy of the application in Form M enclosed.</p> <p>d. The same needs to be signed by proprietor/director/partners or a senior employee of the applicant.</p> <p>e. The contact of a. details of Commissioner Food Safety is available at <a href="#">Click Here</a></p>
2.	<b>In case of Manufacturers, they are allowed to operate their food businesses with higher capacity, on the basis of application for modification of License:</b>	Such FBOs shall be required to apply for modification of FSSAI license by making online application with prescribed fee through online mode on FoSCos and possess a <b><u>valid receipt of application having 17-digits application reference number.</u></b>
3.	<b>Limited Inspections and e-inspections allowed:</b>	<p>a. No pre-inspections are required for issuance of new FSSAI license registration except in case of manufacturing of high risk food product viz. Milk and milk products, slaughter houses, meat and meat products etc.</p> <p>b. Similarly no routine inspections are required to be done.</p> <p>c. However, food safety authorities can conduct e-inspections in case of select cases on basis of risk profiling eg milk and milk products, slaughter houses, meat and meat products etc or in case of any food emergency/ incidents and complaints as per the existing provision of FSS Act, 2006, rules and regulations made thereunder.</p>
4.	<b>Extension for timeline for submission of online Annual Returns through FoSCoS</b>	<ul style="list-style-type: none"> <li>The timeline for submission of online <b>annual yearly returns (D-1)</b> for the period 2020-21 due for submission on or before 31st May, 2021 has <b><u>been extended till 30th, June 2021.</u></b></li> <li>The same has to be filed mandatorily through online mode i.e. through Food Safety Compliance System, FOSCOS (for detailed instructions, refer FSSAI order number 15(31)2020/FoSCoS/RCD/FSSAI dated 18th Dec 2020).</li> </ul>
5.	<b>Waiver of late fee for renewing the license:</b>	<p>a. It has been decided to waive off the late fee, in case, renewal of license is not applied as early as 30 days before the expiry of license [refer Regulation 2.1.7(2) and 2.1.7(4) of FSS (Licensing and Registration of Food Businesses) Regulations 2011].</p> <p>b. This late fee ranges from Rs. 100 to Rs. 3000. No late fee for renewal of Licenses shall be charged</p>

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		<p>till 30th June 2021, i.e. no late fee for renewal application (as stipulated under the said regulation) will be charged for licenses, <b><u>if filed on or before 30th June 2021.</u></b></p> <p>c. As the process for renewal of license and registration is completely online and renewals can be filed as early as <b><u>180 days prior to expiry of license and registration,</u></b> food businesses are advised to file the renewal application well in time to avoid expiry of their licenses and registrations and causing unnecessary hassle to themselves.</p> <p>d. <i>It is clarified that the late fee applicable on renewals applied after 30h June 2021 will be charged as per the provisions in FSS (Licensing and Registration of Food Businesses) Regulations 2011.</i></p>
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## □ Regulatory Updates:

Lots of Amendments came in from time to time (including Covid-19 Relaxations) in this sector / industry and some key amendments are reproducing here for your kind perusal:

### Of the month of April 2021



Sl.	Particulars	Relevant Link (s)
1	Link Officers of Authorised Officer for FSSAI [Updated on:01-04-2021]	<a href="#">Click Here</a>
2	Direction under Section 16 (5) of Food Safety and Standards Act, 2006 dated 05th April 2021 regarding operationalisation of Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulations, 2020 [Updated on:05-04-2021]	<a href="#">Click Here</a>
3	Corrigenda for Food Safety and Standards (Foods for Infant Nutrition) Regulations, 2020 [Updated on:05-04-2021]	<a href="#">Click Here</a>
4	Method for Determination of Iron Filling in Tea [Updated on:07-04-2021]	<a href="#">Click Here</a>
5	Guidance for grant of license for manufacture / processing of Tapioca Sago and other Starches in the same premises [Updated on:12-04-2021]	<a href="#">Click Here</a>
6	SOP for applying +F Enforcement Certificate for Fortified food products in FoSCoS [Updated on:13-04-2021]	<a href="#">Click Here</a>
7	FSSAI issue directions for facilitating food businesses during the prevailing COVID-19 conditions [Updated on:20-04-2021]	<a href="#">Click Here</a>
8	Relaxations to the FBOs during the prevailing COVID-19 conditions [Updated on:20-04-2021]	<a href="#">Click Here</a>
9	Functional of Essential Services in FSSAI in view of preventive measures to contain the spread of novel Corona Virus (COVID-19)	<a href="#">Click Here</a>



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10	Functional of Essential Services in FSSAI in view of preventive measures to contain the spread of novel Corona Virus (COVID-19) [Updated on:20-04-2021]	<a href="#">Click Here</a>
11	Implementation of policy for Auto-generation of Licenses and Registration in case of non-response by authorities within stipulated time Version 2.0 [Updated on:27-04-2021]	<a href="#">Click Here</a>

## ❑ Spices Board of India

Sl.	Particulars	Relevant Link (s)
1	Schedule for conducting auctions at E-auction Centre at Puttady and Bodinayakanur for the period from 01.04.2021 to 18.05.2021	<a href="#">Click Here</a>
2	Circular - Renewal of Registration as Exporter of Spices – reg.	<a href="#">Click Here</a>

## ❑ *Key Notification in Brief:*

### 1. **SOP for applying +F Endorsement Certificate for Fortified food products in FoSCoS**

FSSAI has notified the Food Safety and Standards (Fortification of Foods) First Amendment Regulations, 2020 on 18th December 2020 which will be **implemented w.e.f. 1<sup>st</sup> July 2021**. The said regulations provide standards for fortified processed foods in addition to earlier notified five staples Milk, Edible Oil, Rice, Wheat Flour and Salt for fortification

2. In view of the above, the provision for applying endorsement of Fortified food products in FSSAI License/Registration in Food Safety Compliance System (FoSCoS) has been modified to provide coverage to processed foods in the following listed Food Product Categories (FPC):

Sl.	Food products which are covered under the FSS (Fortification of Foods) First Amendment Regulations, 2020 for which endorsement can be obtained	Food product category in FoSCoS
1	Milk	01-Dairy products and analogues, excluding products of food category 2.0
2	Edible Oil	02 - Fats and oils, and fat emulsions
3	Fortified Fruit Juices	04 - Fruits and vegetables (including mushrooms and fungi, roots and tubers, fresh pulses and legumes, and aloe vera), seaweeds, and nuts and seeds
4	Rice, Wheat Flour and Maida, Fortified Cereal Products	06-Food Product Category-06 Cereals and cereal products, derived from cereal grains, from roots and tubers, pulses, legumes and

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		pith or soft core of palm tree, excluding bakery wares of food category 7.0
5	Fortified bakery wares	07 - Bakery products
6	Salt	12 salts, spices, soups, salads and protein Products

FBOs will be required to upload test reports showing levels of fortificants in the fortified food product from a FSSAI notified/NABL accredited Lab against each product for +F endorsement to substantiate the claim made for fortification. The grant of +F endorsement certificate by the concerned Designated Officer (DO) or Registering authority (RA) shall be based on the verification of the application submitted by the FBO.

Further, in order to provide ease of doing business, it has been decided to discontinue with the renewal process of +F endorsement certificate by the FBOs. The validity of +F endorsement certificate shall now be as follows:

In case of License	In case of Registration
" +F endorsement certificate is valid till license {License No.} is valid or the product in license is endorsed."	" +F endorsement certificate is valid till <b>Registration Certificate (RC no.)</b> is valid or the food product category in the registration certificate is endorsed."

## 2. FSSAI - Guidance for grant of license for manufacture/processing of Tapioca Sago and other Starches in the same premises.

FSSAI has issued guidance regarding issue of allowing manufacturing of Tapioca Sago and Maize Globules or Blended Starch Balls in the same premises while addressing the concerns related to the adulteration of Tapioca Sago with other source of starch viz. maize.

FSSAI has clarified that there is no prohibition on manufacturing of Tapioca Sago and other standardized starches as per FSSR in the same premises after appropriate inspection and verification of the FSMS plan and layout of the premises. However, care should be taken to rule out any chances of operational mixing or combined storage or package of these products. The FBOs shall ensure clearly demarcated separate areas for receipt of raw material, storage and packaging and distinct processing lines, if these products are being manufactured in the same premises and the States/UTs with high density of such Sago manufacturers shall keep a strict vigil on adulteration by way of regular surveillance and inspections of these premises.

The standards of Tapioca Sago and Maize Starch have already been specified under Food Safety and Standards (Food Products Standards and Food Additives Regulations), 2011. The FBOs shall ensure strict compliance with the specified standards as per the FSSR.

The combination of standardized products to formulate a Proprietary Product is allowed in cases of mixes of starches, till the time it is complying with the sub-regulation 2.12 of FSS (Food Products Standards and Food Additives) Regulations, 2011.

***FBO should ensure that there is no confusion regarding the identity of the product (with Sago or Tapioca products), either in calligraphy or pictorials on the label of such products.***

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## ❑ Compliance Mechanism under FSSAI

### ➤ Mandatory Compliance w.e.f. 1st April 2021

Online submission of Annual Returns on Food Safety Compliance System (FOSCOS - <https://foscoss.fssai.gov.in>) shall be made mandatory for food businesses involved in manufacturing and importing of food products, wef FY 2020-21 (*window for return filing for FY 2020-21 will open wef 1" April 2021 onwards*).



## ❑ Extension for timeline for submission of online Annual Returns through FoSCoS

The timeline for submission of online **annual yearly returns (D-1)** for the period 2020-21 due for submission on or before 31st May, 2021 has **been extended till 30th, June 2021.**

## ❑ Corporate News

### 1. **FSSAI makes BIS certification mandatory for packaged drinking water companies**

FSSAI had laid down the procedures for issuing FSSAI license to packaged drinking water and mineral water makers.

- ❑ **Applicability :** FSSAI said that as per Section 31 of FSS Act 2008, all Food Business Operators (FBOs) have to obtain license/ registration before commencement of any food business. It will come into effect from April 1, 2021.
- ❑ **Prohibition & Restrictions Rules:** Food Safety and Standards (Prohibition and Restriction on Sales) Regulations 2011 state that no person should manufacture, sell or exhibit for sale, packaged drinking water and mineral water except under the Bureau of Indian Standards (BIS) certification mark.
- ❑ **FSSAI Concluded:** FSSAI decided to make BIS license/application for BIS license a precondition for issuing FSSAI license.

### 2. **FSSAI urges CII to spread awareness about the one stop digital portal for new licensing launched last July**

The Food Safety & Standards Authority of India (FSSAI) has urged CII to spread awareness about the one stop digital portal for new licensing that it had launched last July. Col Pramod Shahaji Dahitule, regional director, eastern region, FSSAI said this at the 6th Food Processing Conclave organised by CII. "The foremost challenges were to burst rumours, provide safe



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and wholesome food and regain exports." Col Pramod Shahaji Dahitule, regional director, eastern region, FSSAI, said. **FSSAI has been prompt in adopting different strategies to deal with the pandemic.** (To read more [Click here](#))

### **3. Regulatory bodies need to be more vigilant to ensure food safety, quality: FSSAI chairperson**

Regulatory bodies need to be more vigilant to ensure food safety and quality, Food Safety and Standards Authority of India (FSSAI) Chairperson Rita Teatia has said.

It is important to have harmonised Codex standards for spices products in global trade and this is a work that needs the highest priority to ensure the safety and quality of the spices and culinary herbs being traded across the world, Rita Teatia emphasised.

To develop and expand worldwide standards for spices and culinary herbs and to consult with other international organisations in the standards development process, CCSCCH was formed in 2013 with support of more than 100 countries, with India as the host country and Spices Board India as the secretariat for organising the sessions of the committee.

### **4. FSSAI says import clearance and testing services of labs are essential services**

- The Food Safety and Standards Authority of India (FSSAI), on Tuesday, clarified that import clearance and testing services of notified laboratories are essential services during the prevailing Covid pandemic conditions.
- It added that it has taken several measures to facilitate the continuity of food business operations as the country battles with the second wave of the pandemic.
- To enable quick expansion of logistic supply chains, warehouses, retail outlets and food service establishments, it has allowed food business operators to temporarily operate their businesses on the basis of a valid receipt of FSSAI licence or registration application based on the 17- digit Application Reference Number (ARN) generated during online application and fee payment on FoSCoS.

### **5. FSSAI writes to states for ensuring no disruption in food supply chain amid curfews**

- FSSAI has written to states to ensure there is no disruption in food supply chain amid curfews and semi-lockdown in many parts of the country. The Food Safety and Standards Authority of India (FSSAI) clarified that food testing and import clearance of food items are an essential service.
- Routine inspections are not required except in high risk products like milk and meat.
- To facilitate the continuity of food business operations during the prevailing COVID-19 outbreak, FSSAI said it has taken immediate steps to ensure un-interrupted food services/ supply.



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- Food regulator FSSAI on Tuesday said it has written to states to ensure there is no disruption in food supply chain amid curfews and semi-lockdown in many parts of the country.
- "No routine inspections are required to be done, except in case of high-risk food product viz. milk and milk products, slaughter houses, meat and meat products, etc," FSSAI said.

## 6. US wants technical cooperation with FSSAI

In submission to WTO, says India should withdraw, defer order till 'less burdensome' alternatives are found

The US wants to engage in technical cooperation with the Food Safety and Standards Authority of India (FSSAI) to develop alternatives to the 'non-GM (genetically modified) origin and GM free certificates' that have been mandated by India for certain agricultural imports. It has sought withdrawal of the order or a delay in its implementation till "less burdensome" alternatives could be discussed.

In August last year, the FSSAI published an order specifying that every consignment of 24 identified food products, which include pineapples, apples, wheat, rice, tomato, potato, maize, melon, plum, papaya, potato, egg plant, bean, among others, need to be accompanied by a non-GM-origin-cum-GM-free certificate issued by Competent National Authority of the exporting country. The order was to be implemented on January 1, 2021, but was deferred by three months. (*To read more – [Click Here](#)*)

### □ **Disclaimer:**

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KNOWLEDGE SHARING

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*Always be yourself and have faith in yourself. Do not go out and look for a successful personality and try to duplicate it."*

*— Bruce Lee*

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