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**Date:** 6/17/2015

**GAIN Report Number:** IN5076

## India

**Post:** New Delhi

### Amendments to Legal Metrology Rules

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

Exporter Guide

FAIRS Subject Report

Food Processing Ingredients

Policy and Program Announcements

Trade Policy Monitoring

Retail Foods

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**Report Highlights:**

The Government of India (GOI) amended the Legal Metrology (packaged commodities) rules, 2011. This is 2015's first amendment to the Legal Metrology Rules.

## **Executive Summary:**

On May 14, 2015, the GOI, Department of Consumer Affairs published a notification in the Indian official gazette, amending the [Legal Metrology \(packaged commodities\) Rules, 2011](#). Important highlights of the amendment include: (a) Adopting the definition of retail packages as defined by the Food Safety and Standards Authority of India (FSSAI); and (b) Allow the use of stickers to include all labeling requirement data on imported food packages. The publication is not yet WTO notified, nor is there any reference to a specific comment period for domestic stakeholders. With the first amendment of 2015, these rules may now be called as Legal Metrology (packaged commodities)(First Amendment) Rules, 2015.

## **General Information:**

**DISCLAIMER:** The information contained in this report was retrieved from the Department of Consumer Affairs website <http://consumeraffairs.nic.in/>. The Office of Agricultural Affairs and/or the U.S. Government make no claim of accuracy or authenticity.

The Department of Legal Metrology, Ministry of Consumer Affairs, Food and Public Distribution amended the Legal Metrology (packaged commodities) Rules, 2011. Important highlights of the amendment include: (a) Adopting the definition of retail packages as defined by the Food Safety and Standards Authority of India (FSSAI); and (b) Allow the use of stickers to include all labeling requirement data on imported food packages.

## **Details of notification GSR 385 (E)**

Publication date: May 14, 2015

Date of implementation: Immediate

Comment period: comments have not been invited

WTO notification number and date: not notified to the WTO (as of June 17, 2015)

Ministry in-charge: Ministry of Consumer Affairs, Food and Public Distribution

Products affected: All packaged commodities

The full text of the notification is attached at the end of this report.

# MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

## (Department of Consumer Affairs)

### NOTIFICATION

New Delhi, the 14th May, 2015

**G.S.R. 385(E).**—In exercise of the powers conferred by sub-section (1) read with clause (j) of sub-section (2) of section 52 of the Legal Metrology Act, 2009 (1 of 2010), the Central Government hereby makes the following rules further to amend the Legal Metrology (Packaged Commodities) Rules, 2011, namely:—

1. (1) These rules may be called as the Legal Metrology (Packaged Commodities) (Amendment) Rules, 2015.

(2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.

2. In the Legal Metrology (Packaged Commodities) Rules, 2011 (hereinafter referred to as the said rules), in rule 2,—

(i) for clauses (bb) and (bc), the following clauses shall be substituted, namely:—

‘(bb) “industrial consumer” means the consumer who buys packaged commodities directly from the manufacturer or from an importer or from wholesale dealer for use by that industry and the package shall have declaration ‘not for retail sale’;

(bc) “institutional consumer” means the institution who hires or avails of the facilities or services in connection with transport, hotel, hospital or other organisation which buy packaged commodities directly from the manufacturer or from an importer or from wholesale dealer for use by that institution, and the package shall have declaration ‘not for retail sale’;

(ii) in clause (k), the following proviso shall be inserted, namely:—

“Provided that for the purposes of “retail food package”, the definition of the same contained in the rules or regulations made under the Food Safety and Standards Act, 2006 (34 of 2006) shall apply.”

3. In the said rules, in rule 6,—

(i) for sub-rule (2), the following sub-rule shall be substituted w.e.f 1<sup>st</sup> January, 2016, namely:—

“(2) Every package shall bear the name, address, telephone number, e-mail address of the person who can be or the office which can be contacted, in case of consumer complaints.”

(ii) after sub-rule (8), the following sub-rule shall be inserted, namely:—

“(9) Without prejudice to the provisions contained in this rule, it shall be permissible to affix a label on imported packages for making the declarations required under these rules.”

4. In the said rules, in rule 7,-

(i) in sub-rule (1), for the words 'five cubic centimeters or less' the words 'ten cubic centimeters or less' shall be substituted;

(ii) after sub-rule (4), the following sub-rule shall be inserted w.e.f. 1<sup>st</sup> January, 2016, namely:-

"(5) the area not including the top, bottom, flange at top and bottom of cans, and shoulders and neck of bottle and jars shall be determined as follows, namely:-

- (a) in the case of a rectangular package, where one entire side can properly be considered to be the principal display panel side, the product of the height multiplied by the width of that side.
- (b) in case of a cylindrical or nearly cylindrical package, 40 per cent of the product of the height of the package multiplied by the circumference.
- (c) in case of any other shaped package, 40 per cent of the total surface of the package, or an area considered to be a principal display panel of the package."

5. In the said rules, in rule 9, in sub-rule (3), the proviso shall be omitted.

6. In the said rules, in rule 10, in sub-rule (1), in the Explanation, for the words 'at which the factory is situated', the words 'at which the company or firm is registered' shall be substituted w.e.f. 1<sup>st</sup> January, 2016.

7. In the said rules, in rule 12, in sub-rule (7), for the figure, words and letters '5 cubic cm or less', the words 'ten cubic centimeters or less' shall be substituted.

8. In the said rules, in rule 13,-

(i) in sub-rule (5), the following Explanation shall be inserted, namely:-

*Explanation.*- For the purposes of this sub-rule, it is clarified that for indicating the unit for litre, the letter 'L' may be adopted to avoid confusion with the letter 'I' and figure '1'."

(ii) after sub-rule (5), the following sub-rule shall be inserted, namely:-

"(6) where there are number of packages of the same commodity in a prepackage, the number of packages and the quantity of each package shall be indicated as a supplementary quantity declaration in the package.

*Explanation.*- For the purposes of this sub-rule, where the net quantity of a package is one hundred grams, the number of packages multiplied by the net quantity of each package shall be separately indicated in numbers multiplied by its individual weight (i.e 10 number x 10 gram)."

9. In the said rules, in rule 26, in clause (a), the following proviso shall be inserted w.e.f. 1<sup>st</sup> January, 2016, namely:-

"Provided that the provisions of this clause shall not be applicable for tobacco and tobacco products."

10. In the said rules, in rule 32,-

(i) in sub-rule (1), for the figures and word '27 to 31', the figures and word '27 and 28' shall be substituted;

(ii) in sub-rule (2), the words 'either in the Act or in the rules' shall be omitted.

11. In the said rules, in rule 33, in sub-rule (1), the words 'of the compounding of a case or a Court decision stated in the application' shall be omitted.

12. In the said rules, in the Second Schedule, in the Table, for serial number 12 and the entries relating thereto, the following serial number and the entries shall be substituted, namely:-

2143 27 15-2

Sl. No.	Commodities	Quantities in which to be packed
	2	3
"1	Non-soapy detergents (powder)	Below 50 g no restriction, 50g, 75g, 100g, 150g, 200g, 250g, 400g, 500g, 700g, 750g, 800g, 1kg, 1.5 kg, 2 kg and thereafter, in multiples of 1 kg."

13. In the said rules, in the Third Schedule, after serial number 3 and the entry relating thereto, the following serial number and entry shall be inserted, namely:—

Sl. No.	Name of commodity
"4.	Camphor".

[F. No. WM-9(86)/2014]

G. GURUCHARAN, Add. Secy.

**Note:—** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* notification number G.S.R. 202(E), dated the 7th March, 2011 and last amended, *vide* notification number G.S.R. 870(E), dated the 4th December, 2014.