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GAIN Report

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POLICY

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India

Post: New Delhi

India Extends Ban on Milk and Dairy Product Imports from China

Report Categories:

Sanitary/Phytosanitary/Food Safety

FAIRS Subject Report

Exporter Guide

Dairy and Products

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Report Highlights:

The Government of India extended the ban on milk and dairy product imports from China for one year. The ban has been in place since 2008.

Executive Summary:

The Government of India extended the ban on milk and dairy products from China until June 23, 2016 or until further notice, whichever is earlier. The notification also prohibits chocolates and chocolate products, candies, confectionary, and food preparations made with fluid milk or dairy solids as an ingredient. The ban has been in place since 2008.

General Information:

Disclaimer: This summary is based on a *cursory* review of the subject announcement and, therefore, should not under any circumstances be viewed as a definitive interpretation of the regulation in question, or of its implications for U.S. agricultural trade interests.

The Department of Commerce, Ministry of Commerce and Industry, Government of India extended the ban on milk and dairy product imports from China until June 23, 2016 or until further notice, whichever is earlier (See GOI [Notification](#)). The notification also prohibits chocolates and chocolate products, candies, confectionary, and food preparations made with fluid milk or dairy solids as ingredients. The notification is in accordance with the Food Safety and Standards Authority of India's (FSSAI) [advisory](#), which provides minutes from the review and discussion by the Government of India on whether to continue implementing the ban.

The ban was first implemented in September 2008, and has been in effect for almost seven years. Please refer to GAIN reports [IN1057](#), [IN1106](#), [IN2001](#), [IN3061](#) and [IN4058](#) for further information.

Further details, including the notification, are below.

Government of India (GOI) Notification No.: 12 /2015-2020

GOI Publication Date: June 24, 2015

Date of Implementation: Immediate

Date of Expiry: June 23, 2016 or until further orders, whichever is earlier

WTO Notification Date: Not notified (as of June 26, 2015)

Products Affected: Milk and dairy products including chocolates and chocolate products, candies, confectionary, and food preparations with fluid milk or dairy solids as an ingredient.

GOI Agency in Charge: Department of Commerce, Ministry of Commerce and Industry, Government of India.

Proposed Changes: Notification (Text as published is attached)

To be published in the Gazette of India Extraordinary Part-II, Section - 3, Sub-Section (ii)

Government of India
Ministry of Commerce & Industry
Department of Commerce
Udyog Bhawan, New Delhi

Notification No. 12 /2015-2020
Dated the 24th June, 2015

Subject: - Prohibition on import of milk and milk products from China.

S.O. (E): In exercise of powers conferred by Section 3 of FT (D&R) Act, 1992, read with paragraph 1.02 and 2.01 of the Foreign Trade Policy, 2015-2020, as amended from time to time, the Central Government hereby, makes the following amendment in ITC (HS) 2012, Schedule 1 (Import Policy):

2. The prohibition on import of milk and milk products (including chocolates and chocolate products and candies/ confectionary/ food preparations with milk or milk solids as an ingredient) from China is effective till 23/06/15 as per the Notification No. 84 (RE-2013)/2009-2014 dated 23/06/2014.

3. The matter has been reviewed and the prohibition on import of milk and milk products, as mentioned in paragraph 2 above, from China is extended for one more year, i.e., till 23.6.2016 or until further orders, whichever is earlier.

4. Effect of this Notification:

Prohibition on import of milk and milk products (including chocolates and chocolate products and candies/ confectionary/ food preparations with milk or milk solids as an ingredient) from China is extended for one more year, i.e., till 23.6.2016 or until further orders, whichever is earlier.

(Pravir Kumar)
Director General of Foreign Trade
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(Issued from F.No.01/93/180/898/AM99/PC-2 (A))

File No. 1-13/FSSAI/DP/2008
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety and Standards Act, 2006)
(International Coordination Division)
Ministry of Health & Family Welfare, Government of India
FDA Bhawan, Kotla Road, New Delhi - 110002

The 22nd June, 2015

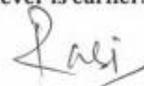
Subject: Advisory on Ban on import of Milk and Milk products from China

The Government of India (Directorate General of Foreign Trade, Ministry of Commerce and Industry) had initially imposed a ban on import of milk and milk products from China vide notification no. 46 dated 24.09.2008 for three months. The ban for three months was imposed as an interim measure to enable other Departments to put in place suitable measures to restrict import of contaminated milk products in the country. The ban was extended vide notification No. 67 dated 01.12.2008 for another six months upto 23.06.2009. The import of chocolates and chocolate products and candies/ confectionary/ food preparations with milk and milk solids as an ingredient were also included in the ban.

2. The ban was further extended vide Notification No. 111 (RE-2008)/2004-2009 dated 16.06.2009 upto 23.12.2009; vide Notification No. 22/2009-2014 dated 23.12.2009 upto 23.06.2010, which continued to be further extended vide various Notifications bearing No. 49/2009-2014 dated 24th June, 2010, Notification No. 16 (RE-2010)/ 2009-2014 dated 3rd January, 2011 upto 23.12.2011; Notification No. 91 (RE-2010)/2009-2014 dated 26th December, 2011 upto 24.06.2012; Notification No. 4 (RE-2012)/2009-2014 dated 2nd July, 2012 upto 23rd June, 2013; Notification No. 23 (RE-2013)/2009-2014 dated 18th June, 2013 upto 23rd June, 2014; and Notification No. 84 (RE-2013)/2009-2014 dated 23rd June, 2014 upto 23rd June, 2015.

3. The issue was reviewed in a meeting held in the FSSAI on 18.06.2015 with the concerned Departments/Ministries of the Government of India wherein it was recommended to extend the ban on import of Milk and Milk Products from China for a further period of one year. Accordingly, the following advisory is issued:

"Ban on import of Milk and Milk products, including chocolates and chocolate products and candies/confectionaries/food preparations with milk and milk solids as ingredients from China may be extended for a period of one year i.e. upto 23rd June, 2016, unless the safety risk assessment is undertaken based on availability of credible reports and supporting data in respect of the said products, whichever is earlier."



(Rakesh Chandra Sharma)
Director

File No. 1-13/FSSAI/DP/2008
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety and Standards Act, 2006)
(International Coordination Division)
FDA Bhawan, Kotla Road, New Delhi - 110002

22nd June, 2015

Subject: Minutes of the meeting held to review the ban on import of Milk and Milk products from China - regd.

A meeting of the Committee comprising representatives of the concerned Departments was held on the 18th June, 2015 at 04.00 P.M. under the Chairmanship of Shri Y.S. Malik, CEO, FSSAI to review the ban on import of dairy products from China. The list of participants is placed at **Annexure-1**.

2. The meeting commenced with welcome remarks from the CEO, FSSAI. It was mentioned that the import of Milk and Milk Products from China was banned in September, 2008 due to the presence of Melamine contamination. The said ban had been extended year-on-year on the basis of annual review by the Committee.

3. The CEO, FSSAI observed that the issue of ban on imports of the said Milk and Milk Products from China could be reviewed on the following grounds:

- (i) As to whether any representation/request had been received from China to re-consider the ban on import of Milk and Milk Products or the dairy products, with or without any supporting documents/data;
- (ii) As to whether the Food Authority had sufficient data and evidence to re-assess the safety risks identified and associated with the products at the time when the ban was imposed in the first instance and continued thereafter on year to year basis; and
- (iii) the corrective action taken qua the defects noted at the time of imposition of ban, if any, and as to whether pursuant to any such corrective actions, the products were now compliant with the Standards prescribed under the Indian law.

4. Having made the above observations, the CEO invited comments/ views from the members of the Committee. Different members observed as under:

- (i) The representative from NDDDB, Anand, stated that China should give credible information to remove the ban and unless they share the information to substantiate that the milk and milk products of China

were safe for human consumption, there was no occasion to review the ban imposed earlier. He specifically alluded to the critically sensitive target consumer groups e.g. dairy products meant for the infants and or those used in infant food products, and numerous other foods where the safety parameters could not be glossed over;

- (ii) The representative from NDRI endorsed the views expressed by the NDDDB representative. As a matter of fact, she added that the milk and milk products had not been allowed to be imported from China for a number of years and since no formal proposal had been received by the FSSAI with the supporting safety parameters, the safety of these products could not be assumed.
- (iii) The representative of the Director General of Foreign Trade was of the view that there was no scientific basis to revisit the ban imposed on Chinese milk and milk products.
- (iv) The representative of MEA informed that any decision for lifting the ban should be guided by the safety and risk evaluation as opined by the technical experts in the field. He also added that the MEA had not received any representation or reference in this behalf from China.
- (v) The Committee noted that the Joint Secretary, Dairy, DADF had communicated her views by email which were reiterated by the representative from DADF. The Committee noted that the Department had primarily advanced its arguments on economic considerations and the likely adverse effect on the Indian farmers in the event of the ban being lifted.
- (vi) JS, Commerce observed that Commerce could not overlook the safety concerns associated with the said products and since the FSSAI had no request for a review or any data to support safety/ risk assessment, there was no reason for a review of the ban imposed earlier.

4. The CEO observed that, as a matter of principle, the FSSAI or a decision on the subject could not be influenced by any economic considerations. The FSSAI was mandated to assess the safety and wholesomeness of the food products and their conformity with the prescribed food standards. As a matter of fact, serious concerns were voiced on a number of Chinese products entering the Indian market by way of mis-classification and through the grey markets. The Committee

members were emphatic that sampling and testing of food products entering India through the imports should be undertaken meticulously.

5. After detailed discussion, all the participating members were of the opinion that in absence of: (i) any formal reference and representation from the Chinese side, (ii) non-availability of scientific data and standards to undertake the safety/ risk assessment, (iii) knowledge if the defects which led to imposition of ban in the first instance had been cured/ corrected , and (iv) knowledge about the safety of milk and milk products from China due to continued ban for the last about 7 years and their conformance to the Indian Standards, there were no grounds to review the ban imposed earlier.

6. Having regard to the observations as recorded above, the Committee unanimously decided to recommend that the ban on import of dairy products from China may be extended for a further period of one year or until credible evidence or representation to the contrary was made available.

7. The meeting concluded with a vote of thanks to all the participants.

List of Participants:

1. Shri Sudhanshu Pandey, Joint Secretary, Department of Commerce, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi.
2. Shri S.P. Roy, Joint Director General, Directorate General of Foreign Trade.
3. Shri C. Sen, AC (DD), Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture, Krishi Bhawan, New Delhi.
4. Shri Sunil Bakshi, DGM (QA), National Dairy Development Board, Anand.
5. Shri Ankit G. Montangane, US (China), Ministry of External Affairs.
6. Shri U.S. Vanjari, Joint Commissioner (Food), FDA, Maharashtra, Mumbai.
7. Dr. Latha Sabikhi, Head (Dairy Technology division), NDRI, Karnal.

Officials from FSSAI:

1. Shri Y.S. Malik, CEO
2. Shri B.K. Dubey, Director
3. Mrs. Meenakshi, Scientist
4. Dr. A.K. Sharma, Consultant
5. Dr. S.C. Khurana, Consultant
6. Shri Sanjay Gupta, Assistant Director
7. Shri Abhishek Lall, Assistant Director
8. Ms. Priyanka Sharma, Technical Officer