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## India

**Post:** New Delhi

### **FSSAI Seeks Comments on New India Food Safety Law**

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

**Approved By:**

David Leishman

**Prepared By:**

Ritambhara Singh

**Report Highlights:**

On July 7, 2010, [the Food Safety and Standards Authority of India \(FSSAI\)](#) notified the final draft of the Food Safety and Standards Regulations, 2010 to the WTO ([G/SPS/N/IND/69](#)). **The comment period ends September 5, 2010.** The draft is also subject to approval by the Ministry of Health & Family Welfare prior to final publication in the Gazette of India. While the publication date is not yet known, the Regulations will likely take effect within 90 days of publication in the Gazette, possibly before the end of the 2010 calendar year. The FSSAI has also published new rules regulating trans fatty acids, energy drinks, caffeine and genetically modified foods. However, these regulations have not yet been notified to the WTO.

## General Information:

### Author Defined:

#### Background

The [FSSAI](#) was established under [Food Safety and Standards Act, 2006](#), which consolidates the administration of various food safety acts and orders under a single authority. The implementation of the 2006 Act formally repeals the regulatory framework established by the [Prevention of Food Adulteration Act, 1954](#), the [Fruit Products Order, 1955](#), the [Meat Food Products Order, 1973](#), the [Vegetable Oil Products \(Control\) Order, 1947](#), the [Edible Oils Packaging \(Regulation\) Order 1988](#), the [Solvent Extracted Oil, De-Oiled Meal and Edible Flour \(Control\) Order, 1967](#), and the [Milk and Milk Products Order, 1992](#). The 2006 Act created the FSSAI as an independent statutory authority and as the single reference point for all matters relating to India's food safety standards. The FSSAI is headquartered in New Delhi. It has regional offices in West Bengal, Maharashtra, Tamil Nadu, Uttar Pradesh, Punjab and Assam. The FSSAI also oversees the Central Food Laboratories, setting procedures and guidelines for laboratory accreditation. For further information, please refer to the organizational chart (Annex I) and the FSSAI website: <http://fssai.gov.in>

### Draft Food Safety and Standards Rules and Regulations, 2010

*Note: Copy and paste all the links in the browser to access the documents online.*

According to Section 92 of the 2006 Act, “*The Food Authority may, with the previous approval of the Central Government and after previous publication, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.*” In the gradual transition toward full implementation of the 2006 Act, FSSAI introduced new draft regulations on December 11, 2009. The draft [Food Safety and Standards Regulations, 2010](#), emphasized the goal of integrating existing acts, rules and orders into a more coherent and streamlined regulatory framework. The FSSAI maintains that “*no new standard has been introduced since this will require detailed risk assessment, examination of risk management options, consideration by the Panels/Committee and approval by the Authority.*”

For further information, please refer to the following FSSAI documents):

[http://www.fssai.gov.in/Website/portals/0/Introduction\\_to\\_FSS\\_Rules\\_2010.pdf](http://www.fssai.gov.in/Website/portals/0/Introduction_to_FSS_Rules_2010.pdf)

[http://www.fssai.gov.in/Website/Portals/0/Introduction\\_to\\_FSS\\_%20Regualtions\\_2010.pdf](http://www.fssai.gov.in/Website/Portals/0/Introduction_to_FSS_%20Regualtions_2010.pdf)

With the publication of the Food Safety and Standards Regulations, 2010, the FSSAI initiated a consultation process with domestic stakeholders. On July 7, 2010, after nearly six months of review, the FSSAI notified the final draft of the Food Safety and Standards Regulations, 2010 to the WTO ([G/SPS/N/IND/69](#)). **The comment period ends on September 5, 2010.** The draft is also subject to approval by the Ministry of Health & Family Welfare prior to final publication in the Gazette of India. While the publication date is not yet known, the Regulations will likely take effect within 90 days of publication in the Gazette, possibly before the end of the 2010 calendar year.

### Other Pending Draft Regulations

The FSSAI has also published the “**Draft of Operationalizing the Regulation of Genetically Modified Foods in India**”, the “**Revised draft of Regulation of Energy drinks, and Caffeine**”, and the “**Revised Draft on Regulation of Trans Fatty Acids in Partially Hydrogenated Vegetable Oils**”, inviting comments from domestic stakeholders. The comment period on the three drafts ended on July 14, June 30, and June 7, 2010 respectively. However, these regulations have yet to be notified to the WTO, and therefore have not yet been published in the official Gazette of India. The three regulations are expected to also become part of the new Food Safety Standards regulations 2010. The full text of the drafts are available on the FSSAI website:

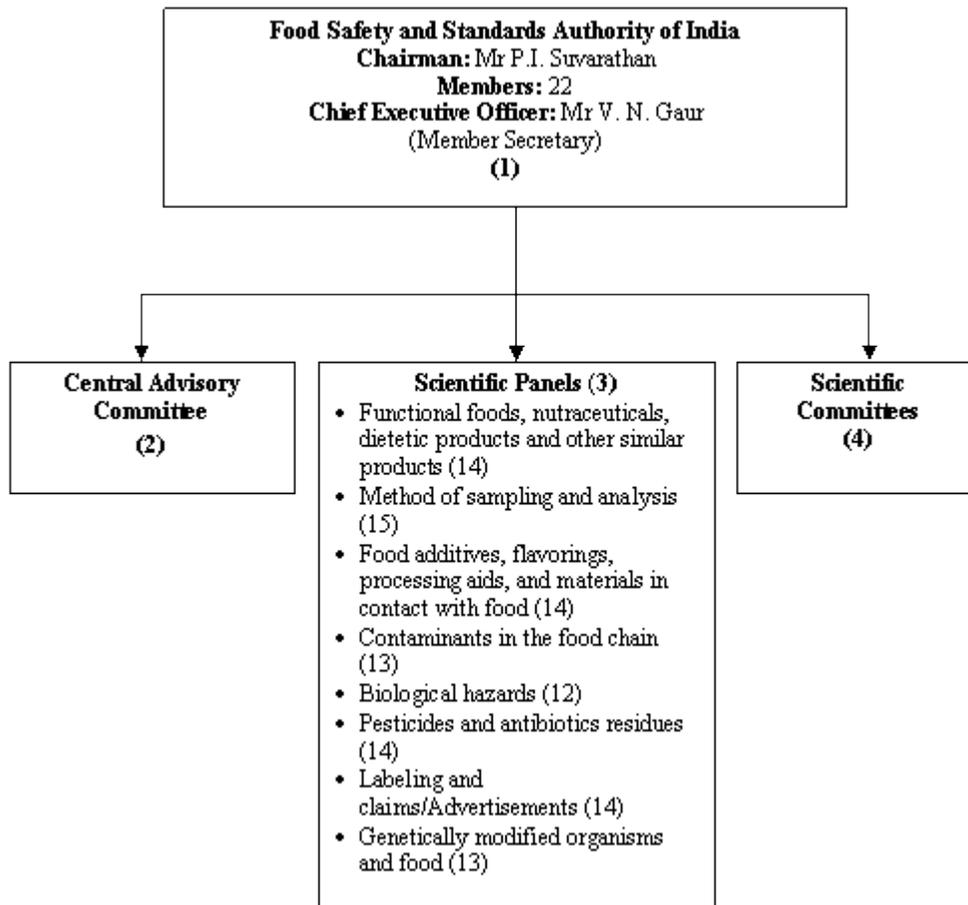
[FSSAI interim regulations on operationalizing GM food](#)

[FSSAI regulations of energy drink and caffeine revised](#)

[FSSAI regulations of trans-fatty acids](#)

**Disclaimer:** This report is based on a cursory review of the subject announcement, and therefore should not, under any circumstances, be viewed as a definitive reading of the regulations in question.

**Annex I: The Food Safety and Standards Authority of India: Organizational Chart**



**Note:** Figures in parenthesis against the name of 8 scientific panels is the number of members in the respective panel

(1) Members comprise 7 ex-officio members, 2 representatives each from food industry and consumer organizations. Besides it comprises 3 eminent food technologists/Scientists, 5 representatives of states (not yet nominated), 2 representatives from farmer's organization and one representative of retailers' organization. For the FSSAI member list, visit:

[http://www.fssai.gov.in/website/Portals/0/Members\\_of\\_Authority.pdf](http://www.fssai.gov.in/website/Portals/0/Members_of_Authority.pdf)

(2) The Chief Executive Officer of the FSSAI is the *ex officio* Chairman of Central Advisory Committee. The committee comprises two member representatives each from food industry, Agriculture, Consumers, and Research bodies and food laboratories. It is also comprised of State Food Safety Authorities represented by State Commissioners for Food safety. The Committee will meet regularly at the invitation of the Chairperson, not less than three times a year. For member list please visit: <http://www.fssai.gov.in/Portals/0/Pdf/Cental.pdf>

(3) Scientific Panels consist of independent scientific experts and would invite relevant industry and consumer representatives in its deliberations. For details visit: <http://www.fssai.gov.in/Portals/0/Pdf/Members.pdf>

(4) Scientific Committees are comprised of the Chairperson of the respective Scientific Panels and six independent scientific experts not belonging or affiliated to any of the Scientific Panels. For details visit:

<http://www.fssai.gov.in/Portals/0/Pdf/Members.pdf>