

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

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## India

**Post:** New Delhi

### **WTO Notified Draft Regulations Relating to Food Additives**

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

Exporter Guide

FAIRS Subject Report

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**Report Highlights:**

On August 5, 2015, India notified to the World Trade Organization (WTO) a draft regulation related to food additives. The deadline to provide comments is October 4, 2015.

## General Information:

**DISCLAIMER:** The information contained in this report was retrieved from the Government of India (GOI) and WTO websites: <http://www.fssai.gov.in/> and [www.wto.org](http://www.wto.org). The Office of Agricultural Affairs and/or the U.S. Government make no claim of accuracy or authenticity.

The GOI's Food Safety and Standards Authority of India (FSSAI) published [Food Safety and Standards \(Food Products Standards and Food Additives\) Amendment Regulations, 2015](#) pertaining to standards for food additives (See GAIN [IN5096](#)). The draft regulations generally define and establish how food additives can be used in food products, whether or not they have previously been permitted by the Food Standards and Food Additives Regulations, 2011.

On August 5, 2015, India notified the draft regulations to WTO for comments (WTO Notification Number: G/SPS/N/IND/108). The deadline to provide comments is October 4, 2015. The implementation date starts with effect from the ensuing January 1 or July 1 of the year, as the case may be, subject to a minimum of 180 days from the date of final notification of the regulations in the Official Gazette.

Comments/suggestions should be addressed to:

The Chief Executive Officer  
Food Safety and Standards Authority of India  
Food and Drug Administration Bhawan  
Kotla Road, New Delhi – 110 002  
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Some of the major highlights of the 2015 draft Regulations in comparison to the Regulations, 2011 are listed below.

1. Regulation 3.1 relating to Food Additives has been replaced with a new one and the food categories have been defined as per the Food Category Code.
2. The new draft Regulations not only consolidates the date for the use or the restriction of additives in foods, but also defines the Acceptable Daily Intake (ADI), maximum use level, justification for the use of food additives and Good Manufacturing Practices (GMP).
3. Appendix 'A' relating to the list of food additives and their maximum levels allowed has been revised. The standards for various additives have been drafted to harmonize with the global food standards of Codex.

4. The carry-over of food additives from raw material or ingredient for foods that belong to the following categories is not allowed, unless a food additive provision in the specified category is mentioned in these regulations.
  - Infant Formulae; follow-up formulae, and formulae for special medical purposes for infants
  - Complementary foods for infants and young children
5. The food category system (FCS) has been introduced to assign food additive uses and is based on the following principles.
  - It is hierarchical, meaning, when an additive is recognized for use in a general category, it is recognized for use in all its sub-categories, unless otherwise stated. Similarly, when an additive is recognized for use in a sub-category, its use is recognized in any further sub-categories or individual food items mentioned in a sub-category.
  - It is based on product descriptors of food items as marketed, unless otherwise stated.
  - It takes into consideration the carry-over principle. The FCS does not need to mention compound food items specifically; example prepared meals, such as pizza, because they may contain all the additives endorsed for use in their components, unless the compound food items need an additive that is not endorsed for use in any of its components.
  - It is used to simplify the reporting of food additives uses for assembling and forming these regulations.
6. The various food additives have been divided into functional classes and clearly defined along with their purpose of use.
7. The list on the use of food additives in food products has been made simpler and user-friendly in the new draft regulations by including both the food category codes as well as the INS numbers. In the 2011 regulations, the list was sorted out by the INS number only and no food category code was given.