

FRAGRANCES & FLAVOURS ASSOCIATION OF INDIA

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Circular No.2011-2012/10

18<sup>th</sup> January, 2012

Dear Members,

**Sub: New Food Safety & Standards Act.**

A new food safety and Standard Act come into force from 5<sup>th</sup> August, 2011.

We are pleased to send herewith the information on Food Safety and Standard (Licensing and Regulation of Food Business) Regulation 2011 for the information of members.

With regards,

**K.K.R.MURTHY**

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**Sub: Food Safety & Standards (Licensing & Regulation of Food Business) Regulations 2011.**

**Ref: Application of FSSAI Act of 2006 and Rules there under of 2011.**

Indian Food new food law was born in 2006 and final regulation came in existence in the year 2011. The Food Safety and Standards Regulations, 2011 have been released now in seven chapters and are effective from 5<sup>th</sup> of August, 2011. The new food law will have major impact on the food industry and food traders.

**It is mandatory for Flavouring Compound manufacturers to buy from only those suppliers, importers, traders, aroma chemical suppliers, manufacturers who have a valid FSA license and sell only to those with a valid license for sake of traceability.**

The FSS act 2006 compels the licensing/registration of every single entity in the food business. The entities have been categorized as petty food manufacturers and food business operators depending upon their manufacturing capacities.

**Petty food manufacturers for e.g. street food vendors or small food business operators with annual turnover less than Rs.12 lakhs per annum will fall under the purview of registration and it is mandated that these petty food manufacturers**

must register with the Registering Authority. The list of business which fall under the purview of Central Licensing Authority are enlisted in Schedule 1 of the Food Safety and Standards (Licensing and Registration) Regulations 2011.

### SCHEDULE 1

[see Regulation 2.1.2(3)]

List of food business falling under the purview of Central Licensing Authority

- I. Dairy units including milk chilling units equipped to handle or process more than 50,000 liters of liquid milk/day or 2500 MT of milk solid per annum.
- II. Vegetable processing units and units producing vegetable oil by the process of solvent extraction and refineries including oil expeller unit having installed capacity more than 2 MT per day.
- III. All slaughter houses equipped slaughter more than 50 large animals or 150 or more small animals including sheep and goats or 1000 or more poultry birds per day.
- IV. Meat processing units equipped to handle or process more than 500 kg of meat per day or 150 MT per annum.
- V. All food processing units other than mentioned under (I) to (IV) including relabellers and repackers having installed capacity more than 2 MT/day except grains, cereals and pulses milling units.
- VI. 100% Export Oriented Units.
- VII. All Importers importing food items including food ingredients and additives for commercial use.
- VIII. All food business operators manufacturing any article of food containing ingredients or substances or using technologies or processes or combination thereof whose safety has not been established through these regulations or which do not have a history of safe use or food containing ingredients which are being introduced for the first time into the country.
- IX. Food Business Operator operating in two or more states.
- X. Food catering services in establishments and units under Central government Agencies like Railways, Air and airport, Seaport, Defense etc.

**To apply/renew a license under the FSSA Act, the following needs to be done.**

- Firstly it needs to be checked if the business falls under schedule 1. In case yes, then the license needs to be taken from the Central Licensing Authority.

- The existing PFA licenses can be converted into the license/registration under these regulations by making an application to the licensing authority after complying with the conditions of License and Schedule 4.
- The license can be taken for a period of 1 to 5 years as per the requirement. The application for renewal of license needs to be made in the manner prescribed in Form B, not later than 30 days prior to the expiry date indicated in the license, if not it would attract a late fee of Rs.100/- per day of delay.
- Food Business Operators should ensure that all conditions of license as provided in Annexure 2 of Form B in Schedule 2 as well as the Safety, Sanitary and hygienic requirements provided in the schedule 4 are periodically complied with.

### **Application for License to the Licensing Authority:**

- Application is to be made in Form B of schedule 2 to the concerned licensing authority accompanied with
  - 1) Self attested declaration in the format provided in Annexure-1
  - 2) Copies of documents mentioned in Annexure 2 of schedule 2
  - 3) Applicable fees prescribed in schedule 3

A license shall be issued by the licensing authority within a period of 60 days from the date of issue of an Application ID number. FBO can commence food business if the Licensing Authority does not issue a license within 60 days from the date of making the application or does not intimate of any inadequacy or inspection report indicating defects.

**According to offences and penalties in chapter 9 of FSS Act 2006, section-63, which refers punishment for carrying out business without license. It is punishable with imprisonment for a term which may extend to six months and also with a fine may extend to 5 lakh rupees.**

The Licensing Authority needs to be updated about modifications in product category, layout, expansion, closure or any other information on the basis of which the license was granted before the said change occurs. If the said change is likely to alter the information contained in the license certificate then an approval in license prior to the start of business with such changes shall be required for which one need to submit the original license to the Licensing Authority along with license fee. The same should be approved by the Licensing Authority within 30 days.

Annual Return need to be filled every year before 31<sup>st</sup> May either electronically or in a physical form as prescribed in Form D-1, provided in schedule 2 of the Regulations in respect of each class of food products handled.

Separate return needs to be billed for every license issued under the Regulations Delay in filing of returns beyond 31<sup>st</sup> May attracts penalty of Rs.100/- per day.

For more details of FSS Acts and Regulations may visit their website [www.fssai.gov.in](http://www.fssai.gov.in) or in respective FDA Offices.

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Dear Members,

It seems that lot of our members have changed their Email ID as the mail are bounced back. We will appreciate if you could spare the time the fill out the following information and return it to us at the earliest.

Name of the Firm or Company :

Correspondence Address :  
(if changed)

Telephone Nos. :

Fax Nos. :

**Email ID** :

Look forward your earliest response.

Thanks and regards,

K.K.R.MUTHY