

F. No. 1 – 351/FSSAI/Imports/2013
Food Safety and Standards Authority of India
(Enforcement Division)
Ministry of Health and Family Welfare
FDA Bhawan, Kotla Road, New Delhi – 110002

The 21st January, 2015

ORDER
(Regarding Grant of license for Exporting FBOs)

Several Food Business Operators (FBOs) engaged in the manufacturing/ processing of Food Products entirely meant for Exports have expressed their concerns regarding the difficulty faced by them in obtaining FBO license without getting approvals for their products. It has been pointed out by these exporting manufacturers that an Indian food manufacturing/ processing industry is often asked by the authorities of the importing country if they have been granted the FBO license in their home country.

2. As per the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations 2011, a Food Business Operator has to specifically mention the product(s) which he proposes to manufacture in India for domestic consumption and the license is granted subject to such product(s) conforming to the Standards prescribed therefor, or in the alternative, after obtaining the specific Product Approval from FSSAI for the same.

3. The export of Food Products from India to other countries is subject to such product(s) meeting the standards/ specifications applicable in the importing country. However, this situation would operate only so long as the entire range of products is meant for exports and no part thereof is placed in the domestic market. This, *inter alia*, implies that in respect of food products meant for 100% exports, it should not be necessary that the food product(s) so manufactured should conform to the Indian Standards or seek Product Approvals in view of the fact that such food products are required to conform to the standards/ specifications and regulations of the importing country(ies).

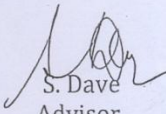
4. Keeping the aforesaid in view, it has been decided to create a separate distinct category of "**Exporting FBOs**" for grant of Licenses under the applicable regulations, without requiring submission of a certificate of conformity to the prescribed Indian Standards or insisting on 'Product Approvals' from such manufacturers qua such products. In this regard, I am directed to state that after due consideration of the matter, it has been decided that:

- (i) FBO license may be granted under the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations 2011 to the manufacturers

of food products meant for 100% exports of food product(s) as per the standards/ specifications of the importing countries without the need to submit a Certificate of conformity with Indian Standards or, in the alternative, seeking Product Approval for such food products(s). However, grant of FBO license to such manufacturers shall be subject to the condition that the FBO applying for a license for Exports under these regulations furnishes an **Undertaking** that in case he intends to place any part of the production of such food product(s) in the domestic market, he would have to submit a Certificate of compliance with Indian standards/ specifications or obtain prior Product Approval from FSSAI, as the case may be.

- (ii) In case a trading firm/ company applies for a FBO license for 100% export of food product(s), which otherwise require compliance with Indian laws, standards/ specifications, or a prior Product Approval from FSSAI, the trading firm/ company shall also be required to submit an **Undertaking** at the time of applying for a FBO license under these Regulations that in case he intends to release any part of the production of such food product(s) in the domestic market, he would have to submit a Certificate of compliance with Indian standards/ specifications or obtain prior Product Approval from FSSAI, as the case may be. This undertaking shall have to be furnished even if the trading firm/ company is a sister concern or a subsidiary of the company manufacturing the product(s).
- (iii) The above principle shall also apply in the case of firms /companies having their manufacturing / processing units located in the SEZs;

This issues with the approval of the Competent Authority in accordance with the powers vested in FSSAI under Section 16(5) and Section 89 of the Food Safety and Standards Act, 2006.



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