

File No. Stds/Organic/02/2017
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety and Standards Act, 2006)
FDA Bhawan, Kotla Road, New Delhi - 110002

25 July, 2018

ORDER

Subject: Import of Organic Foods under Food safety and Standards (Organic Foods) Regulations, 2017-reg.

The Food Safety and Standards (Organic Foods) Regulations, 2017 have been notified under the provisions of the Section 22 of the Food Safety & Standards Act, 2006 (FSS Act, 2006) in the Gazette of India on 29.12.2017. Food Business Operator were required to comply with all the provisions of these Regulations by 1st July, 2018.


2. Food products imported into India and claimed to be organic are required to comply with the applicable provisions laid under the Food Safety and Standards Act, 2006 and Regulations made there under in addition to the provisions of FSS (Organic Foods) Regulations, 2017 (copy enclosed).

3. Further, vide Direction issued under Section 16(5) of FSS Act, 2006 dated 29.06.2017 (copy enclosed) which was uploaded on FSSAI website, it has been decided to allow the use of non-detachable sticker with respect of FSSAI's organic logo as required under regulation 5 (1) of Food Safety and Standards (Organic Foods) Regulations, 2017, up to 30th September, 2018.

4. In case the imported food consignment is not complying to the above said regulations and instructions, the same shall be rejected and the importer/CHA shall be advised to follow the due procedure of Review Application as stated in Chapter XI of FSS (Import) Regulations, 2017. However the import consignments claimed as organic food items, which were exported before 01.07.2018 but reached on or after 01.07.2018 may be given relaxation for compliance to FSS (Organic Foods) Regulations, 2017.

This issues with the approval of the Competent Authority.

Encl: As above


25/7/18
(Suneeti Toteja)
Director (Imports)

To-

3. **All Authorised Officers, FSSAI**
4. **Shri S.P. Sahu, Commissioner (SW), CBEC** – For circulation to all Authorised Officers from Customs for compliance.

(2) उप-विनियम (1) में विनिर्दिष्ट जैविक खाद्य परेषण के साथ समतुल्यता करार के निबंधनों के अधीन आने वाले किसी प्रत्यायित प्रमाणन निकाय द्वारा जारी संब्यवहार प्रमाणपत्र संलग्न होगा।

पवन अग्रवाल, मुख्य कार्यकारी अधिकारी

[विज्ञापन-III /4/असा. /372/17]

MINISTRY OF HEALTH AND FAMILY WELFARE
(FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA)

NOTIFICATION

New Delhi, the 29th December, 2017

No. CPB/03/Standards/FSSAI/2016.— Whereas the draft Food Safety and Standards (Organic Foods) Regulations, 2017, were published as required under sub-section (1) of section 92 of the Food Safety and Standards Act, 2006 (34 of 2006), vide notification of the Food Safety and Standards Authority of India number CPB/03/Standards/FSSAI/ 2016, dated the 19th June, 2017, in the Gazette of India, Extraordinary, Part III, Section 4, inviting objections and suggestions from persons likely to be affected thereby before the expiry of period of thirty days from the date on which the copies of the Official Gazette containing the said draft regulations were made available to the public;

And whereas copies of the said Gazette were made available to the public on the 22nd June, 2017;

And whereas objections and suggestions received from the public in respect of the said draft regulations have been considered by the Food Safety and Standards Authority of India;

Now, therefore, in exercise of the powers conferred by clause (e) of sub-section (2) of section 92 read with sub-section (2) of section 16 and section 22 of the said Act, the Food Safety and Standards Authority of India, with previous approval of Central Government, hereby makes the following regulations, namely:—

REGULATIONS

CHAPTER I

General

1. **Short title and commencement.**— (1) These regulations may be called the Food Safety and Standards (Organic Foods) Regulations, 2017.
- (2) They shall come into force on the date of their publication in the Official Gazette and Food Business Operator shall comply with all the provisions of these regulations by 1st July, 2018.
2. **Definitions.**— (1) In these regulations, unless the context otherwise requires,—
 - (a) “Act” means the Food Safety and Standards Act, 2006 (34 of 2006);
 - (b) “Accreditation body” means any agency recognised as such by the Food Safety and Standards Authority of India or recognised under the National Programme for Organic Production for accreditation of certification bodies;
 - (c) “Accredited Certification Body” means organisation duly accredited by an Accreditation body for certification of organic products and for granting the right to use the certification mark to the food business operators on behalf of the Accreditation body;
 - (d) “Claim” means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing and composition;
 - (e) “Food Authority” means the Food Safety and Standards Authority of India established under section 4 of the Food Safety and Standards Act, 2006;
 - (f) “National Programme for Organic Production” means a programme of the Government of India which provides an institutional mechanism for implementation of the National Standards for Organic Production with a third-party certification control system as notified by the Director General of Foreign Trade under the Foreign Trade (Development and Regulation) Act, 1992(22 of 1992);
 - (g) “Organic food” means food products that have been produced in accordance with specified standards for organic food production;
 - (h) “Participatory Guarantee System for India” means a quality assurance initiative by the Department of Agriculture Co-operation and Farmer’s Welfare, Ministry of Agriculture and Farmer’s Welfare, Government of India for organic production which emphasizes the participation of producers, consumers and other stakeholders and operate outside the framework of third party certification.

(2) All other words and expressions used herein and not defined but defined in the Act or rules or regulations made there under shall have the meanings assigned to the same in the Act or rules or regulations respectively.

CHAPTER II

Organic Food Labelling and Certification

3. **Manufacture, pack, sell etc., of organic food.**— No person shall manufacture, pack, sell, offer for sale, market or otherwise distribute or import any organic food unless they comply with the requirements laid down under these regulations.

4. **Applicability of the systems.**— (1) The organic food offered or promoted for sale shall also comply with all the applicable provisions of one of the following systems, namely:—

- (i) National Programme for Organic Production (NPOP);
- (ii) Participatory Guarantee System for India (PGS-India).
- (iii) Any other system or standards as may be notified by the Food Authority from time to time.

(2) The Organic food which is marketed through direct sales by the small original producer or producer organisation, as determined by the Food Authority from time to time, to the end consumer shall be exempted from the provisions of the systems referred in sub-regulation (1).

5. **Labelling.**— (1) Labelling on the package of organic food shall convey full and accurate information on the organic status of the product. Such product may carry a certification or quality assurance mark of one of the systems mentioned in regulation 4 in addition to the Food Safety and Standard Authority of India's organic logo.

(2) All organic foods shall comply with the packaging and labelling requirements specified under the Food Safety and Standards (Packaging and Labelling) Regulations, 2011 in addition to the labelling requirements under one of the applicable systems mentioned in regulation 4.

6. **Traceability.**— shall be established upto the producer level as applicable under the systems mentioned in regulation 4 and it shall include any other requirements prescribed by the Food Authority to maintain the organic integrity of the food product.

7. **Requirement to comply with the provision of the other regulations made under the Act.**— Without prejudice to the provisions of these regulations, all organic food shall comply with the relevant provisions, as applicable, under the Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011. The organic food shall also comply with relevant provisions, as applicable under the Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011 except for residues of insecticides for which the maximum limits shall be 5% of the maximum limits prescribed or Level of Quantification (LoQ) whichever is higher.

8. **Display.**— The seller of organic food either exclusively or as part of his retail merchandise shall display such food in a manner distinguishable from the display of non-organic food.

CHAPTER III

Imports and Reciprocity

9. **Import of organic food.**— (1) Organic food imports under bilateral or multilateral agreements on the basis of equivalence of standards between National Programme for Organic Production and the organic standards of the respective exporting countries shall not be required to be re-certified on import to India subject to their compliance with the provisions of the Act, the rules and regulation made there under.

(2) The organic food consignments referred to in sub-regulation.—(1) shall be accompanied by a transaction certificate issued by an Accredited Certification Body covered under the terms of the equivalence agreement.

PAWAN AGARWAL, Chief Executive Officer

[Advt.-III/4/Exty./372/17]

F. No. Standards/Organic/Misc-02/FSSAI-2018
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety & Standards Act, 2006)
(Regulation division)
FDA Bhawan, Kotla Road, New Delhi-110 002

Dated, the 29th June, 2018

Subject: Direction under Section 16 (5) of Food Safety and Standards Act, 2006 regarding compliance of Food Safety and Standards (Organic Foods) Regulations, 2017 published in the Official Gazette of India on dated 29th December, 2017 vide Notification No. CPB/03/Standards/FSSAI/2016.

Reference is drawn to Food Safety and Standards (Organic Foods) Regulations, 2017 published in the Official Gazette of India on dated 29th December, 2017 vide Notification No. CPB/03/Standards/FSSAI/2016. As per the notification, the Food Business Operator are required to ensure compliance of their existing and new products with all provisions of these regulations by 1st July, 2018 and Food Business Operator shall also comply with various regulations notified under Food Safety and Standards Act, 2006.

2. Based on various representations received from stakeholders and review of preparedness of the implementation of the above regulation, it has been decided to allow the use of non-detachable sticker with respect to FSSAI's Organic Logo as required in regulation 5(1) up-to 30th September, 2018.

3. The Food Business Operator manufacturing/processing or handling Organic Food shall have to obtain license under Food Safety and Standards Act, 2006 or get the organic food endorsed in their existing license through FLRS till 30th September, 2018.

4. Further, for the purpose of sub-regulation (2) of regulation 4 of said regulations, it is clarified that the small original producer or producer organisation may be same as for 'petty food manufacturer' under the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, which is the businesses with an annual turnover not exceeding Rs 12 Lakhs per annum..

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


P. Karthikeyan

Assistant Director (Regulations/Codex)

To

1. All Food Safety Commissioner
2. All Authorised Officer, FSSAI
3. All Central Designated Offices of FSSAI

Copy for information to:

1. PPS to Chairperson, FSSAI
2. PS to CEO, FSSAI
3. All Directors, FSSAI