

File No. TIC-C-503(T)/1/2022-IMPORTS-FSSAI
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

Dated, the 27th Oct., 2022

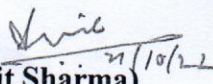
Subject: Direction under Section 16(5) of Food Safety and Standards Act, 2006 regarding implementation of testing of non-conforming parameters by Referral laboratory for samples taken from imported consignment-reg.

Reference is drawn to sub-regulation 10(5) of Food Safety and Standards (Import) Regulations, 2017, wherein FORM-2 has been referred for laboratory analysis report by the notified laboratory or referral laboratory and section C (related to conclusion) of the Form specifies that “the sample conforms to the specifications laid down for all the parameters in the Act and the rules and regulations made thereunder”.

2. In case if the imported consignment fails at the level of primary laboratory, sample is referred to referral laboratory for re-analysis and according to this provision, referral laboratory test all the parameters specified in the FSS Regulations. These takes much time and results in delay in the clearance/decision w.r.t. imported consignments. This also causes inappropriate utilization of resources, which can be utilized for other pending samples; and make it possible to initiate action timely as per FSS Act.

3. In view of the above, for the samples taken from imported consignment referred to referral laboratory on request of Importers, it has been decided that only parameters, results of which in primary laboratory found non-conformance to the limit specified in the FSS Regulations and the applicable safety parameters not tested by primary lab, if any, will be tested by the referral laboratory. The analysis report issued by referral lab shall be final.

4. The directions shall be valid till further orders in this regard. 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.


(Dr. Amit Sharma)
Director (T&IC)

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To,

- Advisor (QA), FSSAI-HQ – with a request to circulate the same to all referral laboratories.
- All Authorised Officers, FSSAI – for compliance of above order
- Joint Secretary (Customs), CBIC- with a request to circulate to all officials of Customs Department working as Authorised Officers for compliance.

Copy to-

- CITO, FSSAI-HQ (for uploading on FSSAI website)