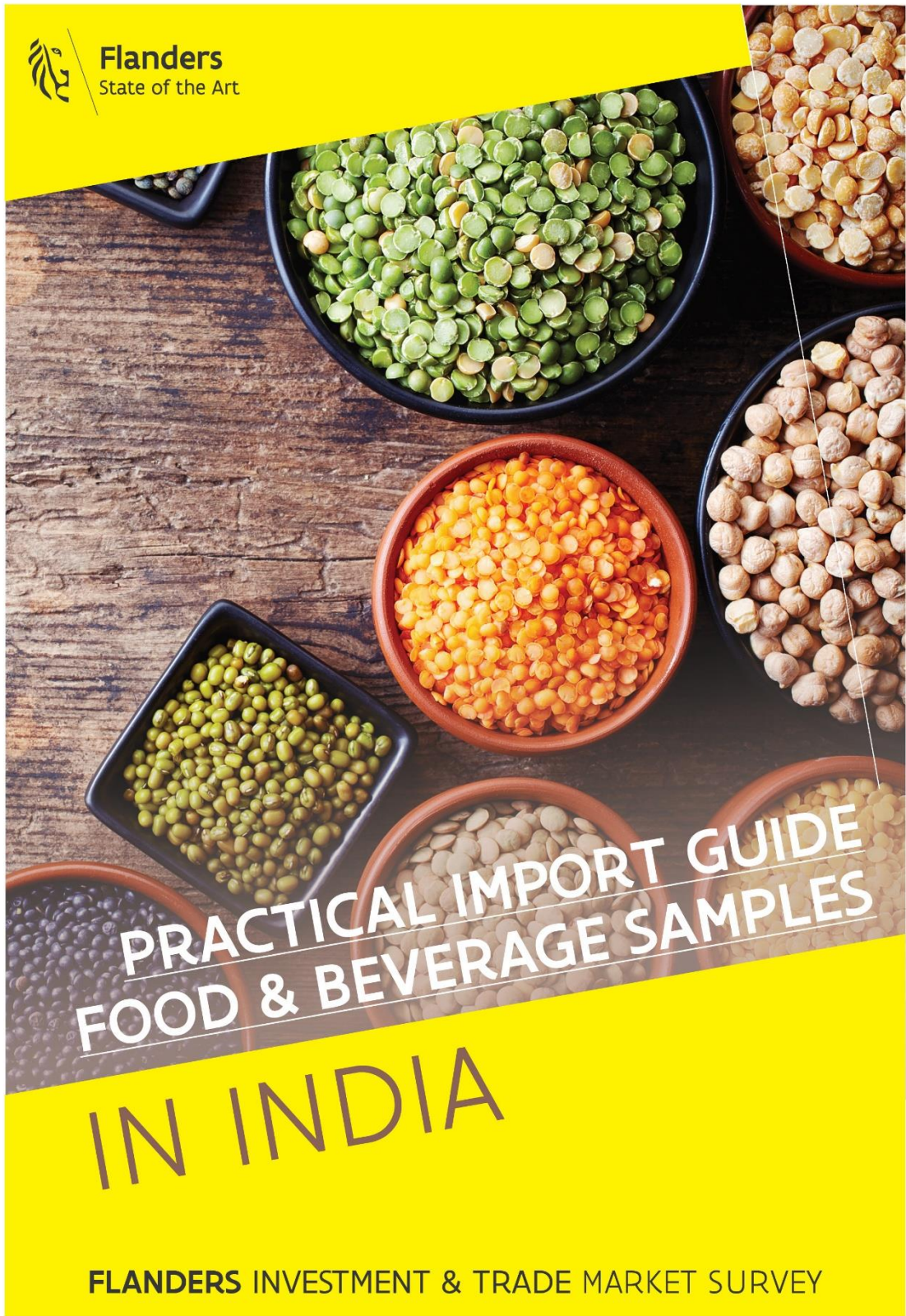




Flanders
State of the Art



**PRACTICAL IMPORT GUIDE
FOOD & BEVERAGE SAMPLES**

IN INDIA

FLANDERS INVESTMENT & TRADE MARKET SURVEY

PRACTICAL IMPORT GUIDE FOOD & BEVERAGE SAMPLES INDIA

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Objective

The following document is a practical guide which clarifies regulations and legislation applicable for food and beverage products exported to India as **samples**.

India is an interesting market for the Food and Beverage industry, however there are challenges especially concerning the import procedures and labelling laws. Food safety laws in India have been effective under the FSSAI (Food Safety and Standards Authority of India) since 2011, the laws and policies for the industry are still evolving and adapted.

FSSAI (www.fssai.gov.in) and **Indian customs** (<http://cbec.gov.in>) are two agencies that play a critical role from the legislative perspective. It is very important for Flemish exporters to work with Indian importers/distribution agents who are familiar with the laws governing the products being imported. **FAVV** (Federaal Agentschap voor de Veiligheid van de Voedselketen) handles the export of products from Belgium. It is an important agency at the federal level that deals directly with the Indian government on matters concerning export. The local market knowledge of the Indian importer/distribution agent is fundamental to the successful export of any food and beverage consignment to India.

1) Key Agencies involved in THE import of F&B-products

1.1) India

- **Food Safety and Standards Authority of India (FSSAI)**, <http://fssai.gov.in>, is an autonomous body established under the Ministry of Health & Family Welfare, following the Food Safety and Standards Act 2006. This Act is responsible for formulating the standards of products and the labelling legislation. It samples and controls each consignment arriving in India. If the food products are not as per FSSAI-regulations, the consignment will be rejected and will not be allowed into India. Flemish businesses exporting food products to India must be aware of the FSSAI procedures and regulations relating to food product import.

Other government departments in India working in tandem with FSSAI:

- **Ministry of Agriculture, Department for Plant Quarantine Organization:** this department publishes the Plant Quarantine Order. If you take a look at the link you will come across products allowed to be exported from Belgium to India (<http://plantquarantineindia.nic.in/PQISPub/pdf/files/pgorder2015.pdf>). The Department is also responsible for the issuance of the import permits;

- **Ministry of Agriculture, Department of Animal Husbandry and Dairying & Fisheries:** (<http://dahd.nic.in>). This department is responsible for issuing the conditions for the certificates pre-requisite for import;
- **Ministry of Consumer Affairs, Food & Public Distribution, Department of Consumer Affairs:** (<http://consumeraffairs.nic.in/home.aspx>). The Department is responsible for legal metrology. The Department defines the content of the labelling, but for food and beverages FSSAI-regulations supersede this legislation. The legal metrology is only superseding FSSAI for MRP (maximum retail price), consumer care details and net weight.

1.2) Belgium

- **FAVV** (www.afsca.be/home-en/) is a federal agency responsible for plant and animal products, finished food, beverages and food safety for items exported from Belgium. FAVV co-operates with other federal and regional agencies for exportation of F&B-products.

2) Thumb rules for importing samples

- Is your product permitted to be imported in India?;
- Is your product labelling compliant with the Indian legislation?;
- Is the potential Indian importer a professional ? Does he have pertinent local market knowledge to assist you with market compliance and regulations for import? Does the potential Indian importer have an FSSAI number?

Important notes :

° the documentation required for import can vary from port to port and from product to product.

° alcoholic beverages have much more specific legislation in comparison to food items.

- **All regulations applicable for the import of food and beverages in India are also applicable for the import of samples;**
- These regulations apply to the defined standards of food and beverage, to the labelling on the packages and certificates needed (like for plant and plant products or for animal products);
- The main exemption on this rule is **food imported for the purpose of exhibitions and tastings**, subject to certain conditions. This exemption cannot be used for sending samples to a potential Indian importer;
- Food and beverages (not for plant or animal products) can be send to an individual who will not use the goods for commercial purposes.

Samples = same legislation as other products

except for individual use and exhibitions

this exception is **not applicable for animal and plant products**

2.1) Is your product permitted to be imported in India?

2.1.1) Processed food: defined standards for products

FSSAI has definitions for several products. In the past the Authority used to define very specific standards but today they are tending towards international standards.

FSSAI launched a quick access portal where the general standards, metal contaminants and information on food additives allowed in the products can be found.

<http://fssai.gov.in/quickaccess/getSubCategoryList?productid=0&productname=>

If your product is not matching with the defined standards, the potential importer can ask for a NOC (Non-Objectionable Certificate) with FSSAI. This procedure is quite time consuming.

2.1.2) Fresh fruit and vegetables

Fruit and vegetables can only be exported from Belgium to India if they are mentioned in the Plant Quarantine Order (PQO). In this Order the additional declarations required to be incorporated into the phytosanitary certificate and the special conditions of import are also defined.

Apples and pears can be exported from Belgium to India. The Belgian authorities launched a Pest Risk Analysis for cucumber, tomato, raspberry, bell peppers and strawberry. This demarche is going to be pre-requisite to open the Indian market for these Belgian products.

2.1.3) Meat and dairy products

Meat and dairy products can only be exported from Belgium to India if you can show a certificate agreed by the Belgian and Indian authorities. The concerned products can be found on the website of the FAVV (www.favv-afsc.fgov.be/exportderdelanden/productendierlijkeoorsprong/default.asp#Indi).

India has a specific certificate for pork meat, milk and dairy products and a global certificate for poultry.

Important note : **beef cannot be imported into India.**

2.2) Is your labelling compliant with the Indian legislation?

Two mandatory requirements for all kind of packaging are:

- All products should have a **minimum of 60% shelf life** remaining at the time of entry into India;
- All information should be written in **English**.

2.2.1) Labelling requirement in case of pre-packaged food (or pre-packed food), including multi-piece packages

Eight mandatory data on the product labels are required when goods enter India. The following data have to be mentioned on imprints (and not on stickers) when the goods arrive at the border. If the data are not written on the labels, the goods cannot be imported.

1. Name of the product;
2. Manufacturer's name and address;
3. Date of Manufacture (production date);
4. Lot/Batch number;
5. List of Ingredients (in descending order – not required in case of a single ingredient);
6. Net quantity (volume content);
7. Best consumed before, or Use by date, or Date of Expiry (not necessary if % of alcohol > 10%).
8. Nutritional Information (values). For alcoholic beverages no nutritional information but % of alcohol has to be mentioned.

Some data can be written on a sticker added in a bonded warehouse. Some labelling can be done in a bonded warehouse provided permission was requested prior to the goods being checked by FSSAI. Stickers are allowed.

1. Importers FSSAI License number;
2. Customer care info;
3. Importers Name & Address;
4. Veg/non veg-logo (not needed for alcoholic beverages).

2.2.2) Labelling requirements in case of wholesale packages

Five mandatory data are required on the product label when goods enter India. These data have to be on imprints (not on stickers) when the goods arrive at the border. If these data are not on the labels, the goods cannot be imported.

1. Name of the product;
2. Manufacturer's name and address;
3. Date of manufacture (production date);
4. List of ingredients (in descending order – not required in case of a single ingredient);
5. Best consumed before, or Use by date, or Date of Expiry (not necessary if % of alcohol > 10%).

Data that can be mentioned on a sticker which is added in a bonded warehouse.

Some labelling can be done in a bonded warehouse provided permission was requested prior to the goods being checked by FSSAI. Stickers are allowed.

1. Importers FSSAI License number;
2. Importers name & address.

2.2.3) Labelling requirement in case of primary food

Five mandatory data on the product label are required when goods enter India.

These data have to be put on imprints (not on stickers) when the goods arrive at the border. If these data are not mentioned on the labels, the goods cannot be imported.

1. Name of the product;
2. Manufacturer's name and address;
3. Date of packing.

Some data can be mentioned on a sticker which is added in a bonded warehouse. Some labelling can be done in a bonded warehouse provided permission was requested prior to the goods being checked by FSSAI. Stickers are allowed.

1. Importers FSSAI License number;
2. Importers Name & Address.

2.3) Is the potential Indian importer a professional?

The importer has to be registered with FSSAI. His license number must be mentioned on the product (sticker allowed, see labelling FSSAI). FSSAI has recently published a manual on import. This can help you to check if your potential importer knows the food & beverage business.

<https://ics.fssai.gov.in/pdf/User%20Reference%20Manual%20of%20FICS%20for%20CHA%20and%20Importer.pdf>

Exemption Certificate for items/products imported for trade fairs/exhibitions/tastings

In addition to the above legislation the potential Indian importer needs to submit exemption certificate **FORM No 10 (as per the format given below)** for purpose of import of F&B-samples for trade fairs/exhibitions:

FORM- 10

[See regulation 7 (5)]

(For imported food consignment meant for Display Purpose in Trade Fair/Exhibition)

Declaration and undertaking by Importer

(To be printed on FBO/Importer/Company's Letterhead)

I/We, _____ [Proprietor/ Partner/ Managing Director/ Director/ Authorised Signatory of M/S _____ <with address> _____ do hereby declare and undertake that:

2. I/We have imported the consignment of _____ < Name of product> _____ measuring _____ <Weight/ Units> from _____ <Country of origin of consignment> _____ vide _____ <Bill of entry number> _____ dated _____ at _____ <Port location> _____ ;
3. The aforementioned Food Product is intended solely for the purpose of Display only in the Trade Fair/Exhibition_< mention the specific event> _____ and not meant for any other commercial purpose.
4. The aforementioned food, apart from Display, is also intended to be used for the purposes of Tasting and I/we undertake that no part of the said product shall be released in the market for consumption purposes in any other manner;
5. I/We undertake that after conclusion of event, the opened packages of these articles will be destroyed and the packed food will be re-exported to the country of origin;
6. I/We shall furnish the details of the total quantity of the consignment imported into India, the quantity consumed in the process of Tasting, the quantity destroyed and the quantity being re-exported to the competent authority in respect of the above said consignment after the conclusion of the Trade fair/Exhibition.

	Signatures of the Importer with Stamp/ Seal
	Name: _____
Place : _____	Address: _____
Date : _____	Contact Nos: _____

All products used for exhibition shall bear an additional non-detachable label or sticker stating: **'For Exhibition purpose only'** and **'Not for sale'** and the importer must maintain the bills of material:

- of the items imported for exhibition;
- of the items consumed for tasting purposes or destroyed items;
- of the items for re-export to the country of origin at the end of the exhibition (fair or event) and shall be liable to submit such details on demand by the Authorised Officer.

The exhibitor must place a placard prominently displaying **'For Tasting Only'** near the products imported for the exhibition/trade fair. The unconsumed portion of the articles of food, which have been opened for tasting, shall be destroyed after the exhibition by the Food Importer as per the procedure.

The unopened and unconsumed articles of food shall be re-exported in securely packed condition under intimation to the Authorised Officer by the Food Importer.

2.4) Brief Overview of the process once the goods arrive at (air)port of entry – Storage in bonded warehouse (no payment of taxes)

FSSAI: 100% sampling check

- 2 samples per batch (1 for checking – 1 as backup). If only one sample is used, the warehouse gives the other sample back;
- Labelling (first check): if this is not ok, the goods can't be imported;
- Testing of product;
- Result after 4 to 7 days.
 - ✓ If the product is not approved, a test with the second sample can be done. If the product fails the second sample test, the product can't be imported;
 - ✓ If the product is approved, a "No Objection Certificate (NOC)" is issued and the shipment can be cleared.

Customs: Bill of entry for inbounding in warehouse.

3) Important Contacts

BELGIAN CUSTOMS ATTACHÉ – FEDERAL PUBLIC SERVICE

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The practical guide has been drafted in consultation with the Customs Attaché's office in New Delhi.

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