

File No. 15(6)2017/FLRS/RCD/FSSAI
Food Safety and Standards Authority of India
(A statutory Authority under the Ministry of Health and Family Welfare, Govt. of India)
FDA Bhawan, Kotla Road, New Delhi-110002

The 28th September, 2020

Subject: Direction under Section 16 (5) of Food Safety and Standards Act, 2006 regarding operationalisation of Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulations, 2020.

In exercise of the powers conferred under Section 92 of the Food Safety and Standards Act, 2006 (34 of 2006), FSSAI has framed the Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulations, 2018 and the same were approved by the Food Authority in its meeting held on 6th November, 2019.

2. These draft regulations were initially operationalised in exercise of the power vested with the Food Authority under Section 18 (2) (d) read with Section 16(5) of the Food Safety and Standards Act, 2006 with effect from 27th March 2020.

3. The draft regulations are in the process of being notified and the process of draft notification, consideration of comments, if any, that may be received thereon and the finalisation of these regulations are likely to take some more time. Meanwhile, it has been decided to re-operationalise the Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulations, enclosed herewith, w.e.f 27th September 2020.

4. The food business operators shall follow these revised regulations and the enforcement of these regulations shall commence only after the final regulations are notified in the Gazette of India, except the amendment in sub-regulation 2.1.9 which has already come into effect from 27th March 2020.

4. This issues with the approval of the Competent Authority in exercise of the power vested under Sections 18(2) (d) and 16(5) of Food safety and Standards Act, 2006.

Encl: As above



(Dr. Shobhit Jain)

Executive Director (CS)

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To

1. All Food Safety Commissioner.
2. All Authorized Officer, FSSAI.
3. All Central Designated Officers of FSSAI.
4. CITO, FSSAI- for uploading on the website.

Copy for information to:

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

Notice for operationalisation of Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulations, 2020.

1. The Food Safety and Standards Authority of India, hereby makes the following regulations operational with immediate effect. The Food business operators shall follow these revised regulations. The enforcement of these regulations shall commence only after the final regulations are notified in the Gazette of India, except the amendment in sub-regulation 2.1.9 which shall come into force with immediate effect.

2. In the Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011 (herein after refer as said regulations),- in regulation 2.1,

(1) in sub-regulation 2.1.9, in the proviso, the words “ equivalent to one-year license fee”, shall be substituted with words “of Rs. 1000 along with differential amount of annual fee in case of upgradation of license”;

(2) after sub-regulation 2.1.16, following sub-regulations shall be inserted, namely: -

“2.1.17: Fee and other charges

(1) The fee and other charges under these Regulations shall be as prescribed by the Food Authority in accordance with the Section 82 of the Act.

(2) The non-payment of prescribed fees and charges, action against FBO shall be initiated in accordance with sub-regulation 2.1.8.

2.1.18: Testing

(1) Manufacturing/Processing license holder shall implement and maintain a system of control to ensure the quality of his production or process by means of a specific plan of testing so that the food product or process comply with the relevant regulations/standard(s):

Provided that the Food Authority may specify the periodicity of the tests to be carried out on certain products or category of products.

Provided further that Food Authority may also specify the tests to be carried out in-house along with the required laboratory and the testing personnel.

2.1.19: Inspection and Audit

(1) Food Authority may by order provide a scheme of periodic inspections of the food businesses.

(2) The Commissioners of Food Safety shall draw plans for periodic inspections of food businesses in their respective jurisdiction on the basis of risk associated with food and the establishment.

(3) The Food Business operator, himself or on the direction of the Commissioner of Food Safety or Food Authority, shall be required to get a food safety audit done by one of the

third party auditing agencies/auditors recognized by FSSAI at its own cost. Food Business Operator shall grant access to the auditor and provide them all records requested by them.

(4) The Central Advisory Committee may approve inspection checklist for different kind of food businesses based on the requirements under schedule 4 of these regulations or any other requirements under the Act and rules and other regulations made there under or any direction issued by the Food Authority.

(5) The Registering Authority or any officer or agency specifically authorised for this purpose shall carry out inspection of the registered food business operators periodically or as approved by Commissioner Food Safety under clause 2.1.19(2).

(6) The Food Business operator, himself or on the direction of the Commissioner of Food Safety or Food Authority, shall be required to obtain hygiene rating for his food business as per the terms determined by the Food Authority.

Explanation – Hygiene rating shall be as per the framework approved by the Food Authority and is different from the audit mentioned in clause 2.1.19(3).

2.1.20 Food Safety Supervisor

Food Business Operators shall ensure training of Food Safety Supervisor under training programmes of FSSAI. Food Authority may by an order prescribe the requirements regarding the training of Food Safety Supervisor and also the minimum number of Food Safety Supervisors required for any Food Business Operator. Food Safety Supervisor shall supervise the food handlers and also ensure their training.

2.1.21 Scheme for Facilitators

(1) The Food Authority may empanel individuals/companies/organisations to facilitate the food business operators in applying for Registration/License and the related activities such as modifications, and submission of annual returns and annual declaration with such terms and conditions as may be determined by the Food Authority.

(2) The Food Authority may empanel individual auditors/agencies for implementing the clause 2.1.19(6). The Food Authority may prescribe by an order the requirements, conditions etc. for empanelling auditors for hygiene rating.”