

science, engineering and medical fields. Laboratories must apply for renewal of accreditation at least six months prior to the certificates' expiration date. Decision on accreditation may be appealed to the NABL, and may lead to an investigation; the NABL's decision is final.

3.102. The BIS runs a Laboratory Recognition Scheme for BIS product-testing needs for certification purposes in line with IS/ISO/IEC 17025:2005 (general requirements for the Competence of Testing and Calibration Laboratories). Once laboratories are recognized under this scheme, they are subject to audits to ensure continued compliance with requirements of IS/ISO/IEC 17025 and other terms and conditions. Recognition is granted for three years, renewable for similar periods, and there are two surveillance visits during this period. As at 22 January 2015, 14,570 laboratories had been recognized under this scheme. In addition, specialized test facilities available with 46 laboratories of national eminence are also utilized as and when required.

### 3.1.12.5 Labelling

3.103. The Legal Metrology Act 2009, the Legal Metrology (Packing Commodities) Rules 2011, and Food Safety and Standards (Packaging and Labelling) Regulations 2011 regulate labelling requirements in India.<sup>77</sup> There is no mandatory labelling requirement for genetically modified products. The Food Safety and Standards (Packaging and Labelling) Regulation 2011, notified on 10 July 2013, stipulates that domestic manufacturers are obliged to display the licence number and the FSSI logo on the label from 1 January 2015. The authorities state that the Regulations are not notified to the WTO since they are not intended to be applied to India's trading partners. If relevant products are imported, importers are allowed to affix labels with respect to the licence number and FSSI logo on the products.

### 3.1.13 Sanitary and phytosanitary requirements

3.104. The main changes to SPS measures in India since 2011 included the full implementation of the Food Safety and Standards Act 2006 on 5 August 2011 by way of, *inter alia*, adoption of four regulations related, for example, to Food Safety and Standards (Food Product Standards and Food Additives) Regulation 2011, Food Safety and Standards (Prohibition and Restriction on Sales) Regulation 2011, Food Safety and Standards (Contaminants, Toxins and Residues) Regulation 2011, and Food Safety and Standards (Laboratory and Sampling Analysis) Regulation 2011. In 2013, new standards on titanium dioxide in chewing gum, olive oil, and trans-fat acids in partially-hydrogenated vegetable oils were issued.<sup>78</sup>

3.105. The FSSA covers, *inter alia*, food standards, general procedures for sampling, analysis of food, powers of authorized officers, nature of penalties and other parameters related to food. It also deals with parameters relating to food additives, preservatives, colouring matters, packing and labelling of foods, prohibition and regulations of sales. In addition to FSSA, SPS matters are governed and enforced through the Livestock Importation Act 1898, Destructive Insects and Pests Act 1914, Plant Quarantine (Regulation of Import into India) Order 2003, and Standards on Weights and Measures (Packaged Commodities) Rules 1977.

3.106. The FSSA is intended to increase transparency of the scientific basis upon which India's SPS measures are adopted through, *inter alia*, harmonization with international standards. As Sections 16 and 18 of the Act prescribe, draft standards compiled by the FSSAI need to be reviewed by scientific panels. Currently, nine such panels are established, including panels on pesticide residues, contaminants, labelling, and fish and fish products, comprising experts not employed by the FSSAI. They review drafts and give opinions, which will then be reviewed by a scientific committee established under Section 8 of the Act, comprising chairs of the nine panels and other experts. The scientific committee is chaired by an eminent scientist (the current Chair is the ex-Director General of the Indian Council of Medical Research). After the scientific committee has given recommendations on the draft, the FSSAI authority (i.e. its board) gives approval to be sent to the Ministry of Health and Family Welfare for approval by the Minister. Then the draft will be sent for legal vetting by the legislative department to seek consistency with existing legislation and constitutional requirements. After the legal vetting, the draft will be sent for translation into

<sup>77</sup> See WTO (2011), Chapter III(2)(ix) for details.

<sup>78</sup> FSSAI Notifications Nos. 4/15015/30/2011, 7 June 2013; 5/15015/30/2012, 12 July 2013; and P.15014/1/2011, 27 June 2013.

English and Hindi. Then the draft will be notified for comments by the general public (and also notified to the Committee on SPS Measures of the WTO). Comments are considered by the FSSAI and if any changes based on scientific considerations are made, the draft will be returned to the panels and the scientific committee. Otherwise, the draft will go through ministerial approval and legislative vetting to be finalized and notified. The authorities state that, with the aim of aligning India's SPS-related standards with the Codex, the scientific review has been conducted and the formal adoption procedure of standards is continuing. In the Committee on SPS Measures, concerns were raised regarding, *inter alia*, import restrictions on apples, pears and citrus, import conditions for pork and pork products, and import requirements for blueberries and avocados during the period under review.<sup>79</sup>

3.107. The Food Safety and Standards Authority of India (FSSAI), established under FSSA, is mandated to establish standards for articles of food and to regulate their manufacture, storage, distribution, sale and import with a view to ensuring availability of safe and wholesome food for human consumption, and contributing to the development of international technical standards for food, sanitary and phytosanitary standards. Other main institutions involved in the establishment and implementation of SPS measures are the Ministry of Health and Family Welfare, the Department of Animal Husbandry, Dairying, and Fisheries in the Ministry of Agriculture; the Directorate of Plant Protection, Quarantine and Storage in the Ministry of Agriculture; the BIS; and other state government agencies. India's national enquiry points under the WTO SPS Agreement are: the Department of Animal Husbandry, Dairying, and Fisheries for animal health and related issues; the Ministry of Health and Family Welfare for food safety related issues; and the Department of Agriculture and Cooperation for plant health or phytosanitary issues. Between 2011 and 2014, India made 23 notifications to the Committee on SPS Measures.<sup>80</sup>

3.108. When FSSA is framing standards and procedures of an SPS nature, all regulations notified under FSS regulations are sent to the WTO and also published. A total of 60 days is provided to the WTO Members and all stakeholders for comments on draft notifications. After having considered comments and after having received the approval of the Food Authority, the Ministry of Health, and the Ministry of Law, the final notification is issued to the public.

3.109. Imports of animal products into India require sanitary import permits (SIPs) issued by the Department of Animal Husbandry, Dairying and Fisheries; permits must be obtained prior to shipping from the country of origin. The Department issues SIPs for livestock products based on an import risk analysis. Permits are valid for one year or six months depending on the nature of the products, and may be used for multiple consignments. A SIP is not a licence, but a certificate verifying that India's sanitary requirements are fulfilled. Imports of live animals and animal products falling under the restricted items as per Export-Import Policy require an import licence issued by the Director General of Foreign Trade after an import risk analysis is conducted by the Department of Animal Husbandry, Dairying and Fisheries for such import. Imports of animal products are only allowed through designated ports where animal quarantine and certification services are available (Amritsar, Bangalore, Chennai, Delhi, Hyderabad, Kolkata, and Mumbai). Imports of fish products are allowed through the sea port of Vishakhapatnam (in the State of Andhra Pradesh), the sea port and airport of Kochi, and the land customs station at Petrapole (for imports from Bangladesh only).

3.110. Imports of plants and plant materials are regulated under the Destructive Insects and Pests Act 1914, the Plant Quarantine (PQ) (Regulation of Import into India) Order 2003, and international conventions. During the period under review, Plant Quarantine (Regulations of Import into India) (Second Amendment) Order 2014 and Plant Quarantine (Regulation of Import into India) (Third Amendment) Order 2014 were issued. The Directorate of Plant Protection, Quarantine & Storage is entrusted with the implementation of Plant Quarantine Regulations issued under the Act.

3.111. The authorities consider it imperative to conduct all plant quarantine inspections as per international standards/guidelines. Accordingly, the National Standards for Phytosanitary Measures for Important Activities have been developed and adopted to facilitate the export and import of agricultural commodities. To streamline plant quarantine activities, efforts have been made to fully computerize plant quarantine stations for speedy and transparent functioning. The web-based

<sup>79</sup> WTO documents G/SPS/R/ series since 8 May 2013.

<sup>80</sup> WTO documents G/SPS/N/IND/71-93.

Plant Quarantine Information System (PQIS) is operational and providing online plant quarantine services.<sup>81</sup> Plants and plant products may only enter Indian territory through designated ports and other border points, including 39 seaports, 15 airports, 11 post offices, and 14 land frontier stations. In addition, 63 inland container depots and container freight stations are designated for import of plants and plant products.

3.112. Inspection of agricultural commodities for exportation is carried out to meet the requirements of importing countries under the International Plant Protection Convention (IPPC) of FAO. As per the revised text of IPPC and the model certificate prescribed thereunder, phytosanitary certificates are issued. The Directorate has been working to develop the system of e-certification for phytosanitary requirements.

3.113. Plants and seeds that require post-entry quarantine are listed in Schedules V and VI of the PQ Order 2003. These plants and seeds must be grown in post-entry quarantine facilities established by and at the cost of the importer, and approved and certified by the inspection authority. The quarantine period is determined based on the type of plant material and time taken by the plant material to grow to the stage where symptoms of disease appear.

3.114. Sampling and testing of consignments to prevent the risk of exotic pests is undertaken according to the International Standards for Phytosanitary Measures No. 23 and 31.<sup>82</sup> If commodities are found free from pests, they are cleared for import. If not, they must undergo fumigation with the accredited fumigation operators according to Schedules V, VI, and VII of PQ Order 2003.<sup>83</sup> Fumigation is done at the importer's cost.<sup>84</sup>

3.115. Imports of GM food, feed, and organisms, and living modified organisms for R&D, food, feed, processing in bulk are governed by the Environment Protection Act 1986 and Rules 1989, unchanged since India's previous Review.

3.116. India regularly participates in the activities of Codex Alimentarius. The authorities state that India intends to recognize equivalence of its trading partners' SPS measures based on Codex Guidelines, provided that it receives proposals from them; no such proposals have been received by India to date.

## 3.2 Measures Directly Affecting Exports

### 3.2.1 Export procedures and requirements

3.117. As in the case of imports, since 2011 the main changes in India's customs procedures for exports have concerned *inter alia* the adoption in 2011 of self-assessment with a view to facilitating trade, and the adoption of a risk management system.<sup>85</sup> Under the self-assessment system, an exporter must assess the applicable customs duties, which may be verified by Customs. In addition, under a risk management system on exports introduced in 2013, the consignment may be examined, assessed or cleared without examination and assessment by Customs, based on associated risks. In the event the declaration by an exporter is found to be incorrect, it may be reassessed by Customs. The authorities indicate that currently around 80% of consignments are cleared without intervention by Customs.

<sup>81</sup> With a view to disseminating information on plant quarantine regulations, procedures and practices, a website (<http://www.plantquarantineindia.nic.in>) has been set up. All plant quarantine stations dealing with phytosanitary issues, have been linked through the website and relevant PQIS (Plant Quarantine Information System software) has been developed.

<sup>82</sup> Guidelines for Inspection (ISPM23)2005, and Methodologies for Sampling of Consignments (ISPM31)2009, International Plant Protection Convention. Viewed at: <https://www.ippc.net/en/core-activities/standards/ispm/#588>.

<sup>83</sup> There are 357 registered fumigation agencies for methyl bromide fumigation and 157 for aluminium phosphide fumigation.

<sup>84</sup> Fumigation generally takes 24 hours with methyl bromide, and 7 to 10 days with aluminium phosphide.

<sup>85</sup> Central Board of Excise & Customs (2011). Relevant changes have been made to Sections 17 and 50 of the Customs Act 1962. Shipping Bill (Regulations) 2011 concerning the introduction of self-assessment in Customs were issued.