

Dated, the 23rd June, 2021

ORDER

Subject: Directions under section 16 (5) of FSS Act, 2006 regarding giving relaxations to the FBOs during the prevailing COVID-19 conditions– reg.

Reference to FSSAI order of even no. 15(6)/FLRS/RCD/FSSAI dated 20th April, 2021 (Copy annexed).

2. The following relaxations granted through above mentioned order shall cease **w.e.f. 30th June, 2021:**

(a) *Permission to temporarily operate food business (other than Manufacturers) on the basis of 17-digits Application reference number.*

(b) *In case of Manufacturers, they are allowed to operate their food businesses with higher capacity, on the basis of application for modification of License.*

(c) *Limited inspections and e-inspections allowed.*

3. However, in view of prevailing operational issues, FSSAI has decided to extend the relaxations up to **31st August 2021** for the following provisions:

(d) *Extension for timeline for submission of online Annual Returns through FoSCoS.*

(e) *Waiver of late fee for renewing the license.*

4. All Licensing authorities are directed to widely publicise the online submission of Annual Return mandatorily through FoSCoS (<https://foscos.fssai.gov.in/>) and may initiate necessary action against defaulter food businesses after the last date of submission.

5. This issues with the approval of the competent authority.

Encl: As stated.

Yours sincerely,


(Inoshi Sharma)

Executive Director (CS)

Email: cd-office@fssai.gov.in

To,

1. All Food Businesses Operators, Associations, Food Safety Mitra and other stakeholders
2. Commissioner of Food Safety of All States/ UTs and Directors of all Regional Offices, FSSAI
3. CITO- to upload on FSSAI's website

Copy for information to -

1. PPS to Chairperson, FSSAI- For information
2. PS to CEO, FSSAI - For information
3. Head (RCD)

No. 15 (6)2020/FLRS/RCD/FSSAI
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety and Standards Act, 2006)
(Regulatory Compliance Division)
FDA Bhawan, Kotla Road, New Delhi - 110002

Dated, the 20th April, 2021

ORDER

Subject: Directions under section 16 (5) of FSS Act 2006 regarding giving relaxations to the FBOs during the prevailing COVID-19 conditions- reg.

To ensure uninterrupted food services/supply during the present prevailing COVID -19 conditions across the country, FSSAI has decided to facilitate the FBOs and ensure ease of doing business by providing following relaxations:

a. **Permission to temporarily operate food business (other than Manufacturers) on the basis of 17-digits Application reference number:** All FBOs except Manufacturers are allowed to temporarily operate their food business on the basis of application. This may be for new licence/ registration or modification of existing licence / registration to add a kind of business (other than manufacturer). Such FBOs shall be required to apply by making online application with prescribed fee through online mode on FoSCoS and possess a valid receipt of application having seventeen-digit application reference number. FBO shall be required to inform by email to the concerned Licensing / Registration Authorities/ Commissioner of Food Safety about commencing his food business enclosing a scanned copy of the application in Form M enclosed. The same needs to be signed by proprietor/director/partners or a senior employee of the applicant. The contact details of Commissioner of Food Safety is available at <https://www.fssai.gov.in/cms/commissioners-of-food-safety.php> while the details of Licensing and Registering Authorities are available under 'Know Your Officer' utility on the homepage of FoSCoS (<https://foscoss.fssai.gov.in>).

The said relaxation is available to only to those applicants who have the requisite permission from State/ relevant local authorities to operate in the lockdown/ restrictions/ curfew etc. The FBO shall cease his operations at the premises related to food unless he has obtained a valid FSSAI licence/ registration as applicable, within 30 days after the expiry of this relaxation.

b. **In case of Manufacturers, they are allowed to operate their food businesses with higher capacity, on the basis of application for modification of License:** Such FBOs shall be required to apply for modification of FSSAI license by making online application with prescribed fee through online mode on FoSCoS and possess a valid receipt of application having 17-digits application reference number.


20/4/21

c. **Limited Inspections and e-inspections allowed:** No pre-inspections are required for issuance of new FSSAI license/registration except in case of manufacturing of high risk food product viz. Milk and milk products, slaughter houses, meat and meat products etc. Similarly no routine inspections are required to be done. However, food safety authorities can conduct e-inspections in case of select cases on basis of risk profiling eg milk and milk products, slaughter houses, meat and meat products etc or in case of any food emergency/ incidents and complaints as per the existing provision of FSS Act, 2006, rules and regulations made thereunder.

d. **Extension for timeline for submission of online Annual Returns through FoSCoS:** The timeline for submission of online annual yearly returns (D-1) for the period 2020-21 due for submission on or before 31st May, 2021 has been extended till 30th, June 2021. The same has to be filed mandatorily through online mode i.e. through Food Safety Compliance System, FOSCOs (for detailed instructions, refer FSSAI order number 15(31)2020/FoSCoS/RCD/FSSAI dated 18th Dec 2020).

e. **Waiver of late fee for renewing the license:** It has been decided to waive off the late fee, in case, renewal of license is not applied as early as 30 days before the expiry of license [refer Regulation 2.1.7(2) and 2.1.7(4) of FSS (Licensing and Registration of Food Businesses) Regulations 2011]. This late fee ranges from Rs. 100 to Rs. 3000. No late fee for renewal of Licenses shall be charged till 30th June 2021, i.e. no late fee for renewal application (as stipulated under the said regulation) will be charged for licenses, if filed on or before 30th June 2021. As the process for renewal of license and registration is completely online and renewals can be filed as early as 180 days prior to expiry of license and registration, food businesses are advised to file the renewal application well in time to avoid expiry of their licenses and registrations and causing unnecessary hassle to themselves. It is clarified that the late fee applicable on renewals applied after 30th June 2021 will be charged as per the provisions in FSS (Licensing and Registration of Food Businesses) Regulations 2011.

2. The above relaxations shall cease w.e.f. 30.06.2021 irrespective of the status of lockdown/ curfew/ containment at any location.

3. Commissioners of Food Safety are advised to supervise the above relaxations which are for the facilitation of the food business operators in public interest. Once, the relaxations expire/ are over, Food Safety Commissioner must ensure that the FBOs who have availed the permission of operating without licensing/ registration/ modification based on 17-digit Application Reference Number (ARN) generated on FoSCoS, cease operations within 30 days from the end of the relaxation, unless licence/ registration has been obtained by them. Food Safety Commissioners shall also ensure that the applications shall be processed on priority and approvals granted expeditiously for the license/ registration(s) applied.


20/4/21

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

Encls:- As stated



(Dr Shobhit Jain)
Executive Director (CS)
Email: ed-office@fssai.gov.in

To -

1. All Food Business Operators
2. Commissioner of Food Safety of all States/UTs
3. All Directors, Regional Office, FSSAI
4. Commissioner Single Window, CBIC- For circulating to field formation of Customs working as Authorised Officers.
5. All Central Licensing Authority, FSSAI
6. All Authorised Officers, FSSAI
7. CITO, FSSAI: For uploading on FSSAI website.

Copy for information to -

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

FORM- M

To

State: _____

Subject: Intimation and declaration regarding commencing of food business activities during the lockdown period by possessing the valid receipt of application having _____ (17-digits) Application Reference Number (ARN) for FSSAI license/registration - reg.

Madam/ Sir,

I am in business of _____ (nature of business) and the details of my business are as below:

- A) Name of entity:
- B) Type of entity:
- C) Address of premise of food business operations:
- D) Details of responsible person
 - i) Name:
 - ii) Mobile:
 - iii) Alternate mobile/ landline
 - iv) Email ID:
- F) Kind of Business:
- G) Category (as per Food Category System) of food being handled:
- H) Application Reference Number (ARN) generated from FLRS (17-digits):

General declaration and undertaking:

- i. I hereby undertake that I shall maintain all hygiene requirements in my operation including extra precautions required to prevent spread of COVID19. I shall follow all requirements of Food Safety and Standards Act 2006 and Rules and Regulations made therein. I shall only handle food which is permissible under the FSS Act, 2006.
- ii. I hereby declare that I have the requisite permission to operate in the lockdown and my operation shall be limited only for essential items and supplies, as permitted by authorities.

- iii. I shall be responsible for the compliance of the FSS Act 2006 and Rules and Regulations made therein, at the said premises.
- iv. I shall not undertake any manufacturing of food products in the said premises, without a valid FSSAI License or Registration.
- v. I understand that the said permission is only for the period of lockdown. I shall cease my activities at the premises related to food, unless I have a valid FSSAI license/registration as applicable, within 30 days of the end of lockdown.
- vi. I understand the permission being availed does not in any way grant any approval to operate in lockdown. I am liable for violation of the directions regarding lockdown if found culpable. The permission shall also not be construed as waiver/ compliance of any other requirement by any other government agency/ department or law required for operations.

Date:

Place:

(Signature of Authorised Signatory)

Name:

Address:

Email:

Mobile: