

F. No14(9) 2017/Authority Meeting/RCD/FSSAI  
Food Safety and Standards Authority of India  
(A Statutory body under Ministry of Health & Family Welfare, Government of India)  
(Regulatory Compliance Division)  
FDA Bhawan, Kotla Road, New Delhi-110002

Dated the, 6<sup>th</sup> July, 2021

To

1. The Commissioner of Food Safety of All States/UTs
2. All Central Licensing Authorities (Delhi/Mumbai/Chennai/Kolkata/Guwahati)
3. All Regional Directors of FSSAI

**Subject: - Enforcement of FSS Act, 2006 & Rules/Regulations made thereunder in respect of the Food Business Operators having Central Licenses-Reg.**

Sir/Madam,

As per the provisions of Section 29 (1) of FSS Act, 2006 the Food Authority and the State Food Safety Authorities shall be responsible for the enforcement of the Act. Further, Section 29 (5) of the Act *inter alia* states that orders may provide for the giving of assistance and information by any authority concerned in the administration of the regulations or orders or any provisions of this Act, to any other authority so concerned, for the purposes of their respective duties under them.

2. In view of above provisions and in suppression of the directions issued by FSSAI vide Letter No. 1(56)/2016/Advisory/FSSAI dated 12.06.2013, it has been decided that for the enforcement of FSS Act, 2006 & Rules/Regulations made thereunder in respect of the Food Business Operators having Central Licenses the following shall be followed:

- (i) All inspections of the Food Business Operators having Central Licenses shall be carried out by the Central Food Safety Officers (CFSOs). The State FSOs shall on request provide all feasible assistance to the CFSO concerned in this regard.
- (ii) The inspection of an FBO having Central License may be done by the State FSO in emergency matters/to investigate food safety incident or on the request of the concerned CLA or Regional Director of FSSAI. In such cases of inspection of the centrally licensed premises by the State FSOs, the inspection report shall be submitted to the concerned CLA and further action on the same shall be taken by the concerned Central Licensing Authority (CLA) as per the provisions of FSS Act, 2006 & Rules/Regulations made thereunder.
- (iii) In case, samples are taken by the State FSO during such inspection or otherwise from the premises of Centrally Licensed FBOs, the consequent proceedings once the lab report is received and is final, shall be undertaken by the Central Licensing Authority (CLA). The State FSO/Designated Officer (DO) shall provide all information/records to the CLA and also provide all assistance to the CLA in this regard.
- (iv) As regarding the launching of adjudication/prosecution proceedings, the mechanism for both State and Centrally licensed units shall continue to be the same i.e. Adjudicating Officers appointed by the State and Food Safety Appellate Tribunals established by the respective State Governments. This also applies to instances wherein other Central Government officials are entrusted with the responsibilities of the CLA/CFSO such as in Railways, Sea Ports and Airports etc.

3. This issues with the Approval of the Competent Authority.

Yours sincerely,

  
(Inoshi Sharma)

Executive Director (Compliance Strategy)

Copy to:-

1. CITO, FSSAI-for uploading on FSSAI website immediately.