

File No. 15(31)2020/FoSCoS/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
Food Safety Compliance System (FoSCoS) – <https://foscos.fssai.gov.in>

Dated, the 7th January 2021

Subject: Implementation of revised policy for Auto-generation of License/Registration and Auto-rejection of applications in case of non-response - reg.

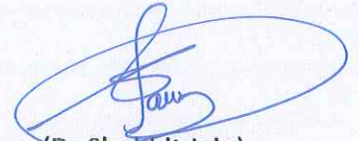
Reference FSSAI letter no. 15(6)2017/FLRS/RCD/FSSAI dated 24th May 2019.

2. Sub-regulation 2.1.4 and 2.1.6 of FSS (Licensing and Registration of Food Businesses) Regulations, 2011 stipulates that if a license is not issued within 60 days or the applicant has not received any intimation of inadequacy, then the applicant may commence his food business and the concerned licensing Authority shall not deny the applicant to commence such business. Similarly, in case of petty Food Businesses, as per sub-regulation 2.1.1, if registration is not granted, or denied, or inspection not ordered within 7 days or no decision is communicated within 30 days, the petty food business operator may start its business.
3. The matter of long pending applications of License/Registration was deliberated in the 25th meeting of CAC held on 13th April 2019 and subsequently, the policy for auto-generation of Licenses/Registrations in FLRS has been implemented w.e.f. 30.04.2019 (copy of order at F/1). However, consequent to pan-India lockdown due to COVID-19 pandemic, the same was suspended w.e.f 13th April 2020.
4. Meanwhile, a revised policy for Auto-generation of License and Registration (for KoBs other than Manufacturers) and Auto-rejection of applications in case of non-response within the stipulated time as per FSS (Licensing and Registration of Food Businesses) Regulations, 2011 was framed and approved by Food Authority in its 31st meeting held on 20th October 2020 (copy of approved policy is annexed). The auto-generation of License and Registration for Manufacturers shall be considered in due course.
5. It has been decided with the approval of Competent Authority to implement the provisions of revised policy w.e.f 1st February 2021 except those at Sr. No 4 & 7 relating to pending renewal applications which shall be done wef 1st April 2021. Commissioners Food Safety and Licensing/Registration Authorities can view the auto-generated Licenses/Registration through FoSCoS Reports and are requested to monitor the pendency status in their State so that auto-generation is at the minimum (ideally zero).

P.T.O

6. The ideal scenario is that no license or registration shall be auto-generated in any case. Auto-issuance of unattended applications of License and Registrations reflect badly on the performance of Food Safety Authorities. Commissioners of Food Safety have been advised from time to time, to regularly review the pendency and issue strict instructions to the Registering/ Licensing Authorities to attend the applications within specified timeline as per FSS (Licensing and Registration of Food Businesses) Regulations, 2011. In case of all new licenses/registrations that are generated automatically, the licensing authority must ensure that the premises are inspected; due documents are verified and that the license/registration as generated by system is correct, within a particular time frame. If any discrepancy, error or lacunae is detected, corrective actions needs to be initiated immediately.

Enclosure: As stated



(Dr Shobhit Jain)

Executive Director (Compliance Strategy)

Email: ed-office@fssai.gov.in

To -

1. Commissioners of Food Safety of all States/UTs and all Regional Directors, FSSAI
2. All Food Business Operators, Associations, Food Safety Mitra and other Stakeholders
3. Head (IT) – for uploading on website

Copy for information to -

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

Revised policy for Auto-generation of License/Registration and Auto-rejection of applications in case of non-response

S No	Type of Application for License/Reg	Kind of Business	Day of Auto-generation	Payment Mode
1.	New License or Modification of License – Application is at initial stage	All KoBs excluding Manufacturers*	76th day from filing of application , if no action has been taken by the authority	Online
2.	New License or Modification of License – Application is at Document Scrutiny Stage	All KoBs excluding manufacturers*	61st day from the last response by FBO on the queries raised by DO at any stage and no action has been taken by the authority.	-
3.	New License or Modification of License – Application is at Inspection Stage	All KoBs excluding manufacturers*	61st Day from date of making complete application by the FBO i.e application pending at the stage of inspection and no inspection has been conducted.	-
4.	Renewal of License – Application is with Authority	All KoBs other than Manufacturers*	(i) 16th day from submission of renewal application , if no action taken by the authority. (ii) 16th day from the allocation of inspection if no inspection has been conducted <u>Or last response of FBO</u>	Online – for case (i) (ii) -
5.	New Registration or Modification of Registration – Application is at initial/any stage of scrutiny	All KoBs excluding Manufacturers*	8th day from filing of application , if no action has been taken by the authority by way of raising any query.	Online or confirmation of receipt of payment

6.	New Registration or Modification of Registration – After the response of FBO to the queries of Registration Authority	All KoBs excluding manufacturers*	8th day from the last response by FBO on the queries raised by Registration Authority from Document Scrutiny or Inspection Stage and if no action has been taken by the concerned authority.	Online or confirmation of receipt of payment
7.	Renewal of Registration - Application is with Authority	All KoBs excluding Manufacturers*	(i) 8th day from submission of renewal application , if no action taken by the authority. (ii) 8th day of last response of FBO	Online or confirmation of receipt of payment
8.	Auto-rejection of Application for License or Registration (New, Renewal or Modification)	All KoBs	31st day from the queries raised by the concerned authorities on the application at any Stage of scrutiny/ inspection	-

* The risk and impact of Manufacturers as compared to other Kind of Businesses is considered high in food ecosystem and hence, proposed for exclusion from the auto-generation policy.

The ideal scenario is that no license or registration shall be auto-generated in any case. Auto-issuance of unattended applications of License and Registrations reflect badly on the performance of Food Safety Authorities. Commissioners of Food Safety have been advised from time to time, to regularly review the pendency and issue strict instructions to the Registering/ Licensing Authorities to attend the applications within specified timeline as per FSS (Licensing and Registration of Food Businesses) Regulations, 2011. In case of all new licenses/registrations that are generated automatically, the licensing authority must ensure that the premises are inspected; due documents are verified and that the license/registration as generated by system is correct, within a particular time frame. If any discrepancy, error or lacunae is detected, corrective actions needs to be initiated immediately.

Note*- Manufacturers/Processors (including Slaughter Houses and Meat Processing units) are presently kept out from the auto-generation methodology as the risk associated with Manufacturers/Processors is high and impact extends across the country, much beyond the manufacturing unit. Caterers, restaurants and other food service establishments are included in the auto-generation policy since the impact is usually localized and hence within jurisdiction of licensing authorities. **In case of retail meat shops, the license and registration is only for retail and not for the purpose of slaughtering and processing of meat.**

File No. 15(6)2017/FLRS/RCD/FSSAI
Food Safety and Standards Authority of India
(Regulatory Compliance Division)
FDA Bhawan, Kotla Road, New Delhi - 110002

Dated the 24th May, 2019

Subject: - Issue of FSSAI License and Registration in case of unattended applications - reg.

As per clause 2.1.4 and 2.1.6 of FSS (Licensing and Registration of Food Businesses) Regulations, 2011, if a license is not issued within 60 days or the applicant has not received any intimation of inadequacy, then the applicant may commence his food business and the concerned licensing Authority shall not deny the applicant to commence such business. Similarly, in case of petty Food Businesses, as per clause 2.1.1, if registration is not granted, or denied, or inspection not ordered within 7 days or no decision is communicated within 30 days, the petty food business operator may start its business.

2. FSSAI has received representations from Food Business Operators regarding non-issuance or non-processing of their License/Registration applications within stipulated timeframe as prescribed in FSS Act 2006 and Rules and Regulations made thereunder. This causes undue inconvenience and delays in commencing food businesses by FBOs.

3. The above matter was taken up with States/UTs and subsequently placed before the Central Advisory Committee in its 25th meeting held on 13th April 2019. It has been decided to issue License/Registration in case of unattended applications beyond the prescribed timeframe as under:

a) **Issue of Registration** on the 8th day of filing of application, if no action has been taken by Registering Authority in 7 days from the date of submission of application for registration.

b) **Issue of License** on the 61st day of filing of completed application, if no action has been taken by Licensing Authority on application for licence after issuance of Application ID (based on completed application) for 60 days. Also, if any application for licence remains unaddressed in DO's bin for more than 75 days, License will be issued on the 76th day of filing of initial application.

c) **Rejection of FBOs' application** on the 31st day from the day application is sent back to FBO for replying to the queries asked by Licensing Authority and the FBOs fail to reply within 30 days.

4. This has come into force on 30th April 2019 and necessary provision in this regard has been made in the online Food Licensing and Registration System (FLRS). Licensing/Registering Authorities can view the issued Licenses/Registration through FLRS Dashboard. However, FSSAI will also provide the details of such Licenses/Registration Certificates to Commissioners of Food Safety of all States/UTs for necessary action.

Yours sincerely



(Parveen Jargar)

Joint Director (RCD)

Tel No: 011-23237433

To,
Commissioners of Food Safety of all States/UTs
Head (IT) - for uploading on FSSAI website

Copy for info -
PA to CEO, FSSAI