

File No. 15(31)2020/FoSCoS/RCD/FSSAI
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety & Standards Act,
2006)

(Regulatory Compliance Division)
FDA Bhawan, Kotla Road, New Delhi-110002

Dated, the 7th August, 2021

Subject: Mandatory online submission of Annual Return by Food Businesses wef FY2020-21-reg.

Reference FSSAI Order number 15(31)2020/FoSCoS/RCD/FSSAI dated 18th December 2020 [copy enclosed] mandated the online submission of Annual Returns through Food Safety Compliance System (FoSCoS-<https://foscos.fssai.gov.in>) for food businesses involved in manufacturing and importing of food products, w.e.f. FY 2020-21. All Licensing Authorities have been directed to refrain from insisting physical submission of annual returns and ensure that FBOs are well informed and facilitated to file the online returns only through FoSCoS.

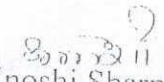
2. The matter was also discussed in 32nd meeting of CAC held on 29th June 2021, wherein it has been decided that Licensing Authorities shall organise special camps in their area of jurisdiction and spread awareness for online submission of Annual Returns by Manufacturers/Importers only through FoSCoS. Licensing Authorities shall also ensure 100% implementation of the said order by the Food Businesses under their jurisdiction by 31st August 2021.

3. As per clause 2.1.13(3) Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, any delay in filing return beyond 31st May of each year shall attract a penalty of Rs. 100 per day of delay. Licensing Authorities are directed to ensure its enforcement and shall impose penalty on defaulter FBOs in case of non-submission of Annual Returns for FY 2020-2021 till extended date 31st August, 2021. A list of such FBOs can be accessed through FoSCoS (<https://foscos.fssai.gov.in/>) and bulk email reminder regarding Non submission of online return may also be sent to sensitize FBOs to submit annual return online through FoSCoS only.

4. Further, the provision for submission of online Penalties accrued on FBOs due to non-submission of Annual Returns is in advance stage of development in FoSCoS and expected to be live soon. All authorities may direct FBOs to use this functionality to pay online penalty in case they fail to submit their Online Returns by 31st August 2021.

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

Yours sincerely,


(Inoshi Sharma)

Executive Director (CS)

Email: ed-office@fssai.gov.in

To,

1. Commissioner of Food Safety of All States/ UTs
2. Directors of all Regional Offices, FSSAI
3. CTO- for uploading on website.

Copy for information to -

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

Dated, the 18 December 2020

Subject: Mandatory online submission of Annual Return by Food Businesses wef FY 2020-21 - reg.

Clause 2.1.13 (1) of Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 mandates –

“Every manufacturer and importer who has been issued a license shall on or before 31st May of each year, submit a return electronically or in physical form as may be prescribed by the concerned Food Safety Commissioner, in ‘Form D-1’ provided in Schedule 2 of these Regulations to the Licensing Authority in respect of each class of food products handled by him during the previous financial year.

Provided however that every licensee engaged in manufacturing of milk and/or milk products shall file half yearly returns for the periods 1st April to 30th September and 1st October to 31st March of every financial year in the form D-2, as provided in Schedule-2 of these regulations. Such returns will be filed within a month from the end of the period.”

2. In the absence of any online provision for Food Business Operators to file returns online, presently, the returns (whether annual or half-yearly) are being submitted physically to the authorities. In the CoVID pandemic phase, the same has been facilitated by allowing the submission by email and the last date has been extended till 31st December 2020 vide FSSAI order number 15(6)2020/FLRS/RCD/FSSAI dated 31st July 2020. However, FBOs are required to maintain the record of submission of returns. An inadvertent lapse of non-submission or loss of submission proof renders FBOs liable for hefty penalties.

3. The revised format of Annual Return has already been incorporated in Food Safety Compliance System (FoSCoS) and utility for online submission of Annual Return is being used by food business voluntarily. The provision of mandatory online submission of returns would not only facilitate the food business operators but also ensure ease of doing business and help in creation of national level database. It would further lead to other benefits such as:

- The food business need not maintain receipts and records of physical nature.
- FBOs shall be saved from inadvertent penalties [laid down under clause 2.1.13 of existing FSS (Licensing and Registration of Food Businesses) Regulations, 2011.
- Reminders for submission of annual returns would be sent digitally.
- Country/State-wise analysis of data would be possible.
- Updated data would be available, as till now all analysis is based on the data provided by the food businesses at the time of obtaining of license.
- For food businesses involved in manufacturing of milk and milk products, the half-yearly return (Form D2) shall be discontinued. They shall be required to file the annual return for manufacturers as per the revised format online.

- The new returns are compliance specific and based on the conditions of license and clauses as laid down in the existing Food Safety and Standards Regulations. This would help in targeted enforcement activities with limited staff.

4. In view of the above, it is decided that **online submission of Annual Returns on Food Safety Compliance System (FoSCoS – <https://foscos.fssai.gov.in>) shall be made mandatory for food businesses involved in manufacturing and importing of food products, wef FY 2020-21 (window for return filing for FY 2020-21 will open wef 1st April 2021 onwards)**. All licensing authorities are directed to refrain from insisting physical submission of returns and ensure that FBOs are well informed and facilitated to file the returns online on FoSCoS.

5. This issues with the approval of the Competent Authority.



(Dr Shobhit Jain)

Executive Director (Compliance Strategy)

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To

1. Commissioner of Food Safety of all States/UTs and all Central Licensing Authorities
2. CITO, FSSAI – for uploading on FSSAI website.

Copy for information to -

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