



# CHAPTER 5

## Licensing and Registrations of Food Businesses

- A. As per Section 31 of Food Safety & Standards Act, 2006 and Regulation 2.1 of all Food Business Operators in the country have to be registered or licensed in accordance with the procedures laid down.

### Salient Features:

1. No person shall commence or carry on any food business except under a license.
2. In addition to the Designated Officer, Registering authority can also issue registration certificate.
3. Unified Licensing procedures for both centre and state and through the country- Single Window
4. Categorised into Central License, State License and Registration.
5. Introduction of exhaustive Safety, Sanitary and Hygienic conditions mandatory for registration/licensing.
6. Less inspections, more audit of system
7. Emphasis on Monitoring, Self-compliance and Surveillance.

### Authorities responsible for Licensing & Registration of Food Business

#### Registration Authority

Food safety officer or any official in panchayat, municipal Corporations or any other local body or panchayat Area notified by the state Food Commissioner for the purpose of registration

#### State Licensing Authority

Designated officer appointed under section 36 (1) of FSS Act by the Food Safety Commissioner of the state or UT for the purpose of Licensing and Monitoring

#### Central Licensing Authority

Designated officer appointed by the chief Executive officer of the Food Authority of India in his capacity as food Safety Commissioner.

### Food Licensing and Registration System (FLRS)

Under the Food Safety and Standards Act, 2006, every Food Business Operator has to take License/Certificate to commence business. Food Licensing & Registration System (FLRS) has been developed under the guidelines laid down under Food Safety and Standards (Licensing & Registration of Food Businesses) Regulation, 2011.

FLRS is a web based system to facilitate Food Business Operators across the country to apply for License/Registration Certificate online and track their application status through the various stages of processing. FLRS is being used by FSSAI Regional and Sub-Regional Offices and State Governments to process applications online. It is hosted on a secure data centre at NIC and available 24X7 to all stakeholders. FLRS allows FBOs to check their premises eligibility to the location or the activity being conducted on that premise. FLRS

sends automatic alerts on email and sms to the FBOs at different intervals to facilitate faster processing of applications and allowing the FBOs to maintain continuity of their license/registration certificates.

The Designated Officers and FSOs are provided with user ID and password to access FLRS. Once Registration/License is applied on FLRS, the applications is pushed to the bin of DO. DO confirm the receipts of fee to FBO and scrutinises the documents uploaded with the Application. DO may send back application to the bin of FBO in FLRS in case of incompleteness or for clarification.

On the receipt of a complete application including the additional information if asked for, the Licensing Authority shall issue an Application ID number to each applicant that will be referred to in all future correspondence between the Licensing Authority and the applicant.

After the issue of Application ID number the Licensing Authority may direct the Food Safety Officer or any other person or agency specially designated for such functions to inspect the premises in the manner prescribed by the Food Safety and Standard Authority of India in accordance with these Regulations. Such Inspecting Officer or person may issue a notice to the applicant, if it deems fit, guiding food business operator on necessary steps to be taken or changes or alteration to be made in the premises in order to ensure general sanitary and hygienic conditions as specified in Schedule 4. The applicant shall carry out the required steps, changes or alterations and intimate the Licensing Authority within 30 days or such period as may be allowed by the Licensing Authority.

Within a period of 30 days from receipt of an inspection report excluding the time taken by the applicant in complying with the advice, if any, given in the inspection report and verification thereof, the concerned Licensing Authority shall consider the application and may either grant license or reject the application. Provided that before refusing license an applicant shall be given an opportunity of being heard and the reasons for refusal shall be recorded in writing.

Live URL- <http://foodlicensing.fssai.gov.in/>

FAQs - <https://foodlicensing.fssai.gov.in/PDF/FAQN.pdf>

How to apply - [https://foodlicensing.fssai.gov.in/how\\_to\\_apply.html](https://foodlicensing.fssai.gov.in/how_to_apply.html)

Help Desk – Toll free Number 1800112100, email – [licensing@fssai.gov.in](mailto:licensing@fssai.gov.in)

## B. Petty Food Business Operator

"Petty Food Operator" means any food business operator, who

- (a) manufactures or sells any article of food himself or a petty retailer, hawker, itinerant vendor or temporary stall holder; or distributes foods including in any religious or social gathering except a caterer; or
- (b) such other food businesses including small scale or cottage or such other industries relating to food business or tiny food businesses with an annual turnover not exceeding Rs 12 lakhs and/or whose
- (c) production capacity of food (other than milk and milk products and meat and meat products) does not exceed 100 kg/ltr per day or
- (d) procurement or handling and collection of milk is up to 500 litres of milk per day or
- (f) slaughtering capacity is 2 large animals or 10 small animals or 50 poultry birds per day or less.

### C. Process of Registration of Petty Food Business

1. Every petty Food Business Operator will register themselves with the Registering Authority by submitting an application for registration in Form A along with a fee of Rs. 100/-.
2. The petty food manufacturer has to follow the basic hygiene and safety requirements provided in Part I of Schedule 4 of these Regulations and provide a self attested declaration of adherence to these requirements with the application in the format provided in Annexure-1.
3. The Registering Authority will consider the application and may either grant registration or reject it with reasons to be recorded in writing or issue notice for inspection, within 7 days of receipt of an application for registration.
4. In the event of an inspection being ordered, the registration will be granted by the Registering Authority after being satisfied with the safety, hygiene and sanitary conditions of the premises as contained in Part II of Schedule 4 within a period of 30 days. 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 manufacturer may start its business, provided that it will be incumbent on the Food Business Operator to comply with any improvement suggested by the Registering Authority even later. The registration cannot be refused without giving the applicant an opportunity of being heard and for reasons to be recorded in writing.
5. The Registering Authority will issue a registration certificate and a photo identity card, which has to be displayed at a prominent place at all times within the premises or vehicle or cart or any other place where the person carries on sale/manufacture of food in case of Petty Food Business.
6. The Registering Authority or any officer or agency specifically authorized for this purpose carries out food safety inspection of the registered establishments at least once in a year. Provided that a producer of milk who is a registered member of a dairy Cooperative Society registered under Cooperative Societies Act and supplies or sells the entire milk to the Society shall be exempted from this provision for registration.

### D. List of documents required for a Registration Certificate

1. Photo of Food Business Operator
2. Document for Identity Proof like Ration Card, Voter ID Card, PAN Card, Driving License, Passport, Aadhar Card, Senior Citizen Card, Department Issued ID Supporting Documents (if any):- NOC by Municipality/Panchayat, Health NOC

### E. Online System of Registration

Food Safety & Standards Authority of India has launched an online system for registration and licensing via Food Licensing & Registration System (FLRS), in order to facilitate the Food Business Operators to apply for registration or license and track their status from any corner of the world. This system sends alerts/ emails to the Food Business Operators for timely processing of the application and also to maintain continuity of the certificate.

### F. Mode of payment:

All fees and charges payable are to be paid via pay order, challan or demand draft or any online mode of payment as may be prescribed in this regard, by the concerned Food Safety Commissioner.

### G. Validity and Renewal of Registration

Regulation 2.1.7 mentions the provisions for validity and renewal of a registration certificate issued to a food business operator.



- (a) A Registration granted may be valid and subsisting, for a period of 1 to 5 years as chosen by the Food Business Operator, from the date of issue of registration subject to remittance of fee applicable for the period and compliance with all conditions of registration. The renewal fee for one year is equivalent to one year registration fee.
- (b) Any application for the renewal of a registration granted will be made in Form A not later than 30 days prior to the expiry date indicated in the license.
- (c) The Registration will continue to be in force till such time that the orders are passed on the renewal application which in no case shall be beyond 30 days from the date of expiry of registration.
- (d) Any Registration for which renewal has not been applied for within the period above shall expire and the Food Business Operator will have to stop all business activity at the premises. The Food Business Operator will have to apply for fresh Registration if he wants to restart the business.

## H. Suspension or Cancellation of Registration Certificate

Section 32 of the Food safety & Standards Act, 2006 and the Regulations 2.1.8 of Licensing & Registration of Food Businesses, 2011 details the reasons and process to be followed by the Registering Authority in suspension or cancellation of a registration certificate.

- (a) The Registering Authority in accordance with the provisions of Section 32 of the Act may, after giving the concerned Food Business Operator a reasonable opportunity of being heard, suspend any registration in respect of all or any of the activities for which the registration has been granted under these Regulations after recording a brief statement of the reasons for such suspension, if there is reason to believe that the Food Business Operator has failed to comply with the conditions within the period mentioned in any Improvement Notice served under Section 32 of the Act. A copy of such statement shall be furnished to the concerned Food Business Operator whose Registration has been suspended.
- (b) The registering, may direct an inspection of the Food Business Operator's premise(s) within a reasonable period which shall not be less than 14 days from the date of order of suspension.
- (c) In the event that the Registering is of the opinion, on a review of the inspection report, that the Food Business Operator has still failed to rectify the defects or omissions or comply with the conditions of the improvement notice causing the suspension, such authority may cancel the registration of the Food Business Operator after giving him an opportunity to show cause as provided under Section 32 (3) of the Act.
- (d) Notwithstanding anything contained in these Regulations, the Registering Authority may suspend or cancel any registration or license forthwith in the interest of public health for reasons to be recorded in writing.
- (e) A suspension or cancellation of registration shall not entitle the Food Business Operator for any compensation or refund of fee(s) paid in respect of the registration certificate or renewal thereof.
- (f) After a period of 3 months from the date of cancellation above the Food Business Operator may make fresh application for Registration to the concerned authority if all observations made in the improvement notice have been complied with.

## I. Modifications, Expansion or Changes in premise(s) after grant of Registration

- (a) The Food Business Operators can take modifications, expansion or changes in the existing premise after grant of a registration certificate, only after necessary approval from the Registering Authority. In such cases the Food Business Operator has to pay a fees equivalent to one year's registration fees at one instance.

- (b) Food Business Operators has to ensure that the Registering Authority always has up-to-date information on their food business establishments and will inform the relevant Authority of any modifications or additions or changes in product category, layout, expansion, closure, or any other material information based on which the certificate was granted and such information will be conveyed before the changes occur.
- (c) Provided that any change that alters the information contained in the registration certificate will require an approval or endorsement in registration prior to start of business with such changes. The Food Business Operator will submit the original license to the Registering Authority along with a fee equivalent to one year license fee for effecting necessary changes. The Registering Authority may approve and issue an amended license incorporating such changes in activities within 30 days from the date of receipt of such information. While approving the afore mentioned changes the concerned Registering Authority takes into account the feasibility of carrying on the business and the legal and other relevant aspects of the desired modifications or additions or changes in activities and, if required, may order an inspection of the premises before granting the approval.

#### **J. Transfer of Registration Certificate in case of Death**

- (a) In the event of death of the holder of a Registration certificate, such certificate will subsist for the benefit of the legal representative or any family member of the deceased or until the expiry of: —
- (b) the period of 90 days from the date of death of the holder of a Registration certificate or license; or
- (c) such longer period as the Designated Officer may allow, for reasons to be recorded in writing.
- (d) The legal representative or family member of the deceased holder of the registration certificate will apply to the concerned Authority for transfer of such certificate in his favour.
- (e) The registering Authority, may, after making such enquiry as it may deem fit, either approve the transfer of the Registration certificate if satisfied that the applicant is the legal representative, or refuse the request.
- (f) The Registering Authority cannot not refuse the request without giving the applicant an opportunity of being heard and for reasons to be recorded in writing.
- (g) Upon filing of application for transfer and pending the decision of the authority, the registration will continue to be in force.

#### **K. Duplicate Registration Certificate**

The Food Business may apply for a duplicate registration certificate to the Registering Authority in lieu of the original lost, destroyed, torn, defaced or mutilated. In this condition he has to pay a fee equivalent to one tenth of the fees payable for one year, which is equal to Rs. 10/- only.

#### **L. Appeal**

A Food Business Operator aggrieved by an order of the Registering Authority can prefer an appeal to the concerned Designated Officer or the Food Safety Commissioner, as per provisions laid down under Section 31(8) and 32 (4) of the Act.

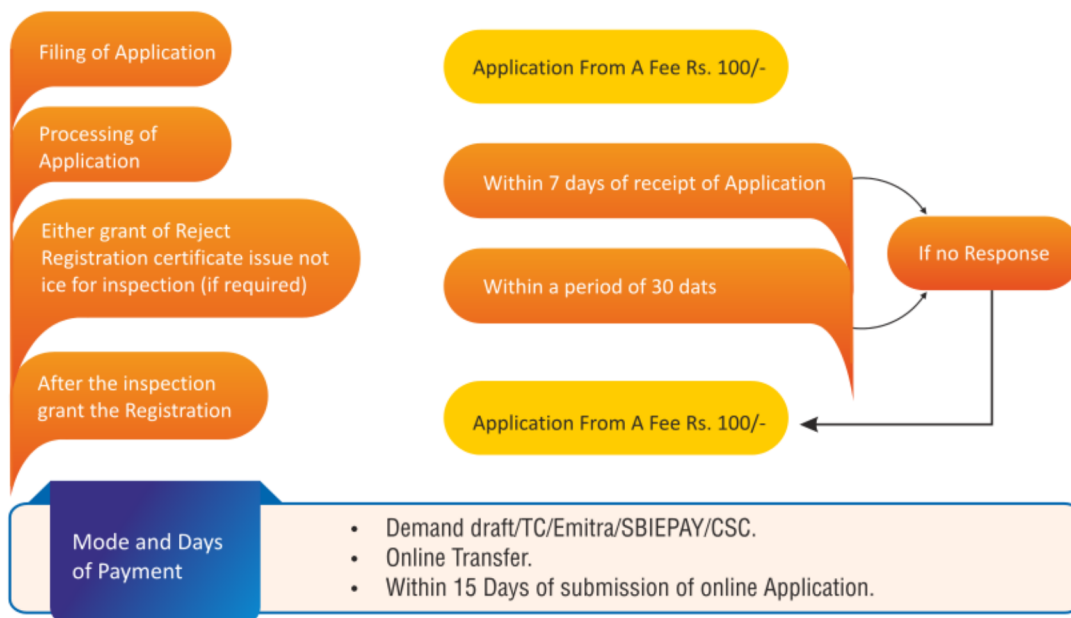
### M. Food Business Operator to be bound by directions or order

- (a) Every Food Business Operator to whom any direction or order is issued in pursuance of any provisions of this regulation is bound to comply with such directions or regulations and any failure on the part of the Food Business Operator to comply with such direction or order shall be deemed to be contravention of the provisions of these Regulations and will attract legal action under the provisions of the Act.
- (b) Every manufacturer, distributor or dealer selling an article of food to a vendor shall give guarantee either separately or in the bill, cash memo, or label a warranty in Form E.

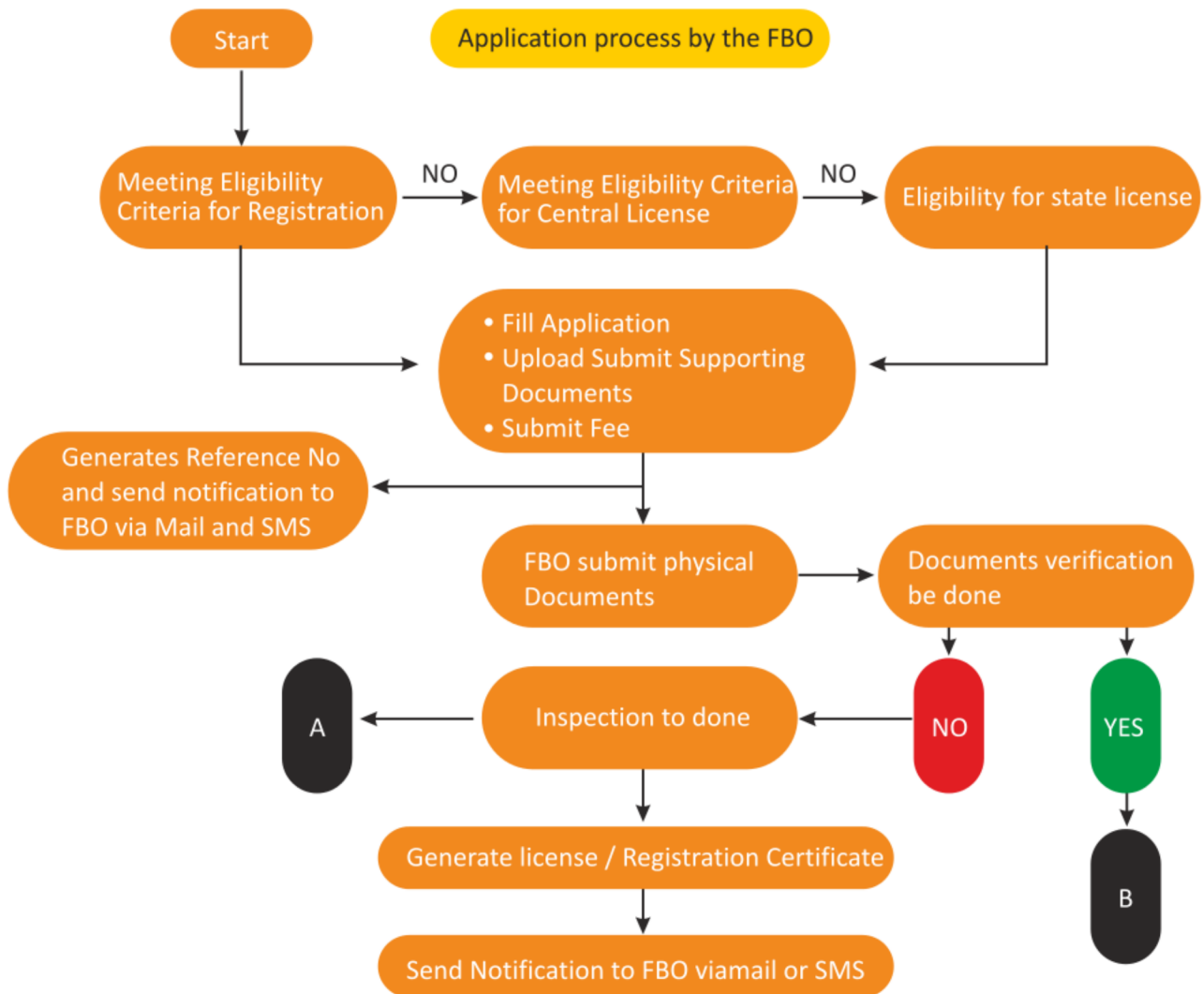
### N. Food Business Operators under purview of Central Licensing & State Licensing

Food Safety Officers on the directions of the Designated Officers carry out inspections of both Food Business Operators under the purview of the Central Licensing Authorities and State Licensing Authorities. They also carry out enforcement activities in the area assigned to them, hence it is required that the Food Safety Officers should have information regarding the food licensing.

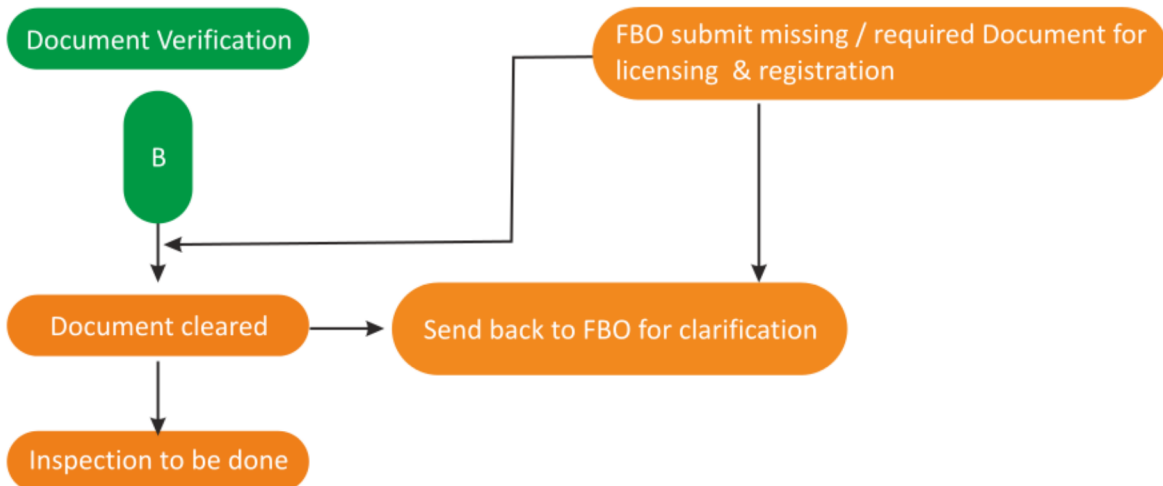
### Procedure for Registration of Food Businesses



### FOOD LICENSING & REGISTRATION SYSTEM FLRS



### FOOD LICENSING & REGISTRATION SYSTEM FLRS Role of food Safety Officer





## SCHEDULE 1

[See Regulation 2.1.2 (3)]

### A. List of food business falling under the purview of Central Licensing Authority

1. Dairy units including milk chilling units equipped to handle or process more than 50,000 litres of liquid milk/day or 2500 MT of milk solid per annum.
2. Vegetable oil processing units and units producing vegetable oil by the process of solvent extraction and refineries including oil expeller unit having installed capacity more than 2 MT per day.
3. All slaughter houses equipped to slaughter more than 50 large animals or 150 or more small animals including sheep and goats or 1000 or more poultry birds per day.
4. Meat processing units equipped to handle or process more than 500 kg of meat per day or 150 MT per annum.
5. All food processing units other than mentioned under (I) to (IV) including re-labellers and re-packers having installed capacity more than 2 MT/day except grains, cereals and pulses milling units
6. 100% Export Oriented Units.
7. All Importers importing food items including food ingredients and additives for commercial use.
8. All food business operators manufacture any article of food containing ingredients or substances or using technologies or processes or combination thereof whose safety has not been established through these regulations or which do not have a history of safe use or food containing ingredients which are being introduced for the first time into the country.
9. Food Business Operator operating in two or more states.
10. Food catering services in establishments and units under Central government Agencies like Railways, Air and airport, Seaport, Defence etc.

B. List of food business falling under the purview of State Licensing Authority - Apart from the list of Food Business Operators mentioned above in Schedule I, the rest Food Business Operators fall under the category of State License.

Further, in addition to the above an advisory was issued by the Food Authority dated 05 March, 2012 wherein eligibility criteria for Central Licensing, State Licensing and Registration was categorised.

### C. Conditions of License

It is pertinent to mention the conditions of license in this manual as the Food Safety Officers should be aware of the conditions of license as he has to play an active role in the inspection of licensed premises as per the directions of the designated Officer.

All Food Business Operators have to ensure that the following conditions are complied with at all times during the course of its food business. Food Business Operators have to:

1. Display a true copy of the license granted in Form C shall at all times at a prominent place in the premises.
2. Give necessary access to Licensing Authorities/ Inspecting Authorities/ Food Safety Officers of the concerned area or their authorised personnel to the premises
3. Inform Authorities about any change or modifications in activities /content of license.

4. Employ at least one technical person to supervise the production process. The person supervising the production process shall possess at least a degree in Science with Chemistry/Bio Chemistry/Food and Nutrition/ Microbiology or a degree or diploma in food technology/ Dairy technology/ dairy microbiology/ dairy chemistry/ dairy engineering/ oil technology /veterinary science /hotel management & catering technology or any degree or diploma in any other discipline related to the specific requirements of the business from a recognized university or institute or equivalent.
5. Furnish periodic annual return (1st April to 31st March), within upto 31st May of each year. For collection/ handling/ manufacturing of Milk and Milk Products half yearly returns also to be furnished as specified (1st April to 31st September before 30th November and 1st October to 31st March).
6. Ensure that no product other than the product indicated in the license/ registration is produced in the unit.
7. Maintain factory's sanitary and hygienic standards and worker's Flygiene as specified in the Schedule - 4 according to the category of food business.
8. Maintain daily records of production, raw materials utilization and sales separately.
9. Ensure that the source and standards of raw material used are of optimum quality.
10. Food Business Operator will not manufacture, store or expose for sale or permit the sale of any article of food in any premises not effectively separated to the satisfaction of the licensing authority from any privy, urinal, sullage, drain or place of storage of foul and waste matter.
11. Ensure Clean-In-Place systems (wherever necessary) for regular cleaning of the machine & equipments.
12. Ensure testing of relevant chemical and/or microbiological contaminants in food products in accordance with these regulations as frequently as required on the basis of historical data and risk assessment to ensure production and delivery of safe food through own or NABL accredited /FSSAI notified labs at least once in six months.
13. Ensure that as much as possible the required temperature should be maintained throughout the supply chain from the place of procurement or sourcing till it reaches the end consumer including chilling, transportation, storage etc.
14. The manufacturer/importer/distributor will buy and sell food products only from, or to, licensed/registered vendors and maintain record thereof.

#### **D. Other conditions of License**

1. Proprietors of hotels, restaurants and other food stalls who sell or expose for sale savouries, sweets or other articles of food shall put up a notice board containing separate lists of the articles which have been cooked in ghee, edible oil, vanaspati and other fats for the information of the intending purchasers.
2. Food Business Operator selling cooked or prepared food has to display a notice board containing the nature of articles being exposed for sale.
3. Every manufacturer [including ghani operator] or wholesale dealer in butter, ghee, vanaspati, edible oils, Solvent extracted oil, de oiled meal, edible flour and any other fats have to maintain a register showing the quantity of manufactured, received or sold, nature of oil seed used and quantity of de-oiled meal and edible flour used etc. as applicable and the destination of each consignment of the substances sent out from his factory or place of business, and shall present such register for inspection whenever required to do so by the Licensing Authority

- The producer or manufacturer of vegetable oil, edible oil and their products is eligible for license under this Act, only when he has own laboratory facility for analytical testing of samples.

### E. Issue of Duplicate License

- Where a license is lost, destroyed, torn, defaced or mutilated, the applicant may apply for a duplicate copy of license during the validity period, accompanied with a fee amounting to 10% of the applicable License fee.
- On receipt of such an application, the Licensing Authority grants a duplicate copy of the license, as the case may be to the applicant with the word "Duplicate" appearing prominently thereon.

## SCHEDULE - 3

(See Regulation 2.1.3)

### Fee For Grant/ Renewal Of License / License Fee Per Annum In Rupees

|  |   |            |
|--|---|------------|
| Fees for License issued by Central Licensing Authority |   | Rs 7500/-  |
| Fees for License issued by State Licensing Authority   |   |            |
| 1.   | Manufacturer /Miller  |            |
|  | (a) Above 1MT per day Production or 10,001 to 50,000 LPD of milk or 501 to 2500 MT of milk solids per annum   | Rs. 5000/- |
|  | (b) Below 1 MT of Production or 501 to 10,000 LPD of or 2.5 MT to 500 MT of milk solids per annum milk  | Rs. 3000/- |
| 2.   | Hotels -3 Star and above  | Rs. 5000/- |
| 3.   | All Food Service providers including restaurants/boarding houses, clubs etc. serving food, Canteens (Schools, Colleges, Office, Institutions), Caterers, Banquet halls with food catering arrangements, food vendors like dabba wallas etc. | Rs. 2000/- |
| 4.   | Any other Food Business Operator  | Rs. 2000/- |

The fees paid by any applicant for a license is not be refundable under any circumstances.