

**Food Act (Import and Export of Food) Regulations, 2023**

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**FOOD ACT, 2014**

**Food Act (Import and Export of Food) Regulations, 2023**

In exercise of the powers conferred by section 38 read with section 5 (3) (e) and Section 18 of the Food Act, 2014, the Minister of Health hereby makes the following regulations —

**Part I - Preliminary**

**Citation**

1. These regulations shall be cited as the Food Act (Import and Export of Food) Regulations, 2022 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

**Interpretation**

2. In these regulations, unless the context otherwise requires—

“Act” means the Food Act, 2014;

“Authority” means the Public Health Authority;

“Authorised Officer” means any public officer or any other person appointed by the Public Health Commissioner as per section 4(1) of the Act; and also includes any person authorised by the public health commissioner to act as an authorised officer as per section 19 (1) and (2) of the Act;

“Balance shelf-life” means the difference between the date of manufacture or date of production and the shelf life;

“Codex standard” means an international standard adopted by the Codex Alimentarius Commission;

“Competent Authorities” means authorities in the country of import or export of food mandated to certify food as fit for human consumption;

“Country of export” means the country where the food is physically shipped for export to Seychelles;

“Country of origin” means the country where the food was manufactured;

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“Examination” involves visual verification and sensory evaluation to determine compliance to requirements;

“Food for personal use” means food imported by a person for personal or household consumption and shall not be offered for sale to the public;

“Food recall” means the action taken to remove food, which is unsafe or may pose a health risk to the consumer, from sale and distribution, including such food that is already possessed by consumers;

“Food recall plan” means the procedures and arrangements that an importer or exporter of food shall have in place to implement a food recall;

“HACCP” means a Hazard Analysis and Critical Control Point system approved by the Authority and put in place by a food enterprise to manage and minimize food risk hazard;

“Health Certificate” means the official written document signed and issued by a competent authority in the country of origin or export, containing full details of the food safety related status of a consignment of foodstuffs destined for export and in compliance with the conditions specified by the relevant authority of the importing country;

“High-risk food” means food classified as such by the Authority because of its ability to contain or easily support growth of pathogenic micro-organisms; or contains chemical toxicants; or has been implicated by epidemiological evidence to be frequently implicated in causation of food borne illness;

“Low-risk foods” means food classified as such by the Authority as food that is unlikely to contain pathogenic micro-organisms and will not normally support their growth because of food characteristics and foods that are unlikely to contain harmful chemicals;

“packing list” means the itemized list of food giving the description, quantity and weight of each imported food;

“Processed food” means the product, resulting from the application of physical, chemical or biological processes to a primary food commodity;

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“Shelf life means” the best before or expiration or sell by- date placed on a pre-packaged food by a manufacturer, processor or packer or any such date fixed under any regulations under the Act;

“Visual inspection” means the process of inspection by the authorised officer and includes assessment of the physical condition of the entire food consignment; assessing alignment of accompanying documents with the food items; and food label assessment.

### **Application**

3. These regulations shall apply to all processed food imported into or exported out of Seychelles for sale; with the exemption of the import and export of food products of plant and animal origin that is provided for under the Animal and Plant Biosecurity Act, 2014; and export of fishery products that is provided for under the Export of Fishery Products Act, 1996.

## **Part II - Food Importation**

### **Imported food to conform to requirements**

4.(1) No person shall import any processed food for sale into Seychelles unless the food complies with the requirements of this regulation .

(2) Where food is not specifically covered by the requirements of subregulation (1), the provisions of the **Codex Standard** relevant to that food shall apply.

(3) All food falling under the requirements of subsection (1) to be imported into Seychelles shall have a balance shelf life of not less than 50% of its displayed shelf life indicated on its label remaining at the time of import.

### **Food Importation Approval Document**

5.(1) No person shall be allowed to import food specified in the first schedule to these regulations unless the food has been approved by the Authority for importation.

(2) Any person intending to import food specified in the first schedule to these regulations shall prior to importation apply for a Food Importation Approval Document (FIAD) from the Authority, and the application shall be accompanied with a prescribed fee.

(3) The application under sub-regulation (2) shall be in the form prescribed in the second schedule to these regulations, and shall include the following information —

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- (a) details of the food to be imported (product name, brand name, quantity);
  - (b) country of origin of the food product(s);
  - (c) country of export of the food if not the same as country of origin;
  - (d) name and address of the manufacturer;
  - (e) name and address of the exporter or supplier;
  - (f) any other information as may be requested by the Authority from time to time.

(4) The Authority shall assess the application and issue a Food Importation Approval Document (FIAD) to the importer specifying import conditions

5.(1) The Food Importation Approval Document (FIAD) shall be in the form prescribed in the third schedule to these regulations and shall specify the following import requirements—

- (a) consignments of food specified in the first schedule to these regulations shall be accompanied with an original Health Certificate issued by the competent authority in the country of origin or export attesting —
  - (i) to the compliance of the food to requirements in regulation 5 (2) and (3);
  - (ii) that the food was prepared and handled under a food safety control system implemented within the context of HACCP principles;
  - (iii) that the food was manufactured at an establishments that has been approved by the competent authority in the country of origin or export;
- (b) food Import Certificate (for dairy and dairy products) issued by the competent authority in the country of origin or country of export;
- (c) certificate of conformity (original copy) where equivalence agreements are established between Seychelles and the country of origin or export;

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- (d) the Authority, may where deemed necessary, request for a particular food to be accompanied by a certificate of analysis;
  - (e) any other import conditions as may be imposed by the Authority from time to time.

(2) A Food Importation Approval Document (FIAD) shall be valid for a period of twelve (12) months from the date of issue provided that the product is of the same brand and origin and shall not be transferable.

(3) Where there is a change in the information provided by the importer in sub-regulation (3) with respect to the brand and origin of the food, the importer shall re-apply for a new food importation approval document from the Authority.

(4) The Authority shall from time to time review the risks associated with imported food and adopt a risk-based approach for approval and clearance of food consignments by profiling the risk associated with the food; compliance history of the importer; the food manufacturer; country of origin; and any other parameters deemed fit for profiling the risk associated with the food commodity.

(5) The Authority shall maintain and continuously update a register of importers of food, providing details of the importer, type of food imported, food manufacturer, country of origin or country of export of the food, and compliance history of the importer

### **Inspection of food consignments**

**6.(1)** An authorised officer shall confirm the conformance of a food imported under the requirements of regulation 5 by —

- (a) verifying the accompanying documents; and
- (b) basing on the risk category of the food and as deemed necessary perform visual inspection of the food consignment, and take samples for analysis or examination.

(2) Notwithstanding sub-regulation (1)(b), as far as practicable, every consignment of food specified in the first schedule shall be subjected to visual inspection before they are cleared for importation into the country.

(3) The Authority, may, under exceptional circumstances where it makes it impracticable to inspect a food consignment at the port of entry due to the nature of the food or the conditions at the port of entry at the time of import, authorize a conditional release of the consignment for inspection at the owner's premises or a specified location.

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(4) For purposes of regulation (4), the importer will make a request for the conditional release of the consignment to the Authority, accompanied with a prescribed fee.

(5) An importer granted conditional release shall comply with all the inspection, sampling and clearance requirements within these regulations, and shall not distribute, sell, use or transfer the consignment either in part or in whole to any person or any place until the food consignment is cleared as fit for human consumption by an authorised officer.

#### **Clearance of food at the point of entry**

7.(1) Where any food fails to meet the requirements in regulation 6(1), the importer shall be issued a Non-Conformance Report rejecting entry of the food into the country.

(2) The non-conformance report in sub-regulation (1) shall be in the form prescribed in the fourth schedule to these regulations and shall —

- (a) provide the grounds of rejection clearly stating non-conformance to the specific provisions of these regulation made thereunder;
- (b) indicate the appropriate action to be taken by the importer who shall bear any associated cost thereof.

#### **Relabeling**

8.(1) All food products imported into the country for sale shall be labelled in accordance with the Food Act (Labelling of pre-packed foods) regulation 2019.

(2) Where an imported pre-packaged food is found to conform to other requirements of the Act and regulations made thereunder, including import conditions, but fails to meet the labelling requirements in sub-regulation (1), the Authority, may upon receiving a request from the food importer, authorise re-labelling of the food product.

(3) The request for re-labelling under subregulation (2) shall be made in writing in the name of the importer and specifying the name of his or her enterprise as applicable to the Authority and shall —

- (a) specify in details the food which is subject to the application;
- (b) contain a sample of the food subject to re-labelling;

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- (c) contain the proposed label to be placed on the food subject to the re-labelling.

(4) An importer subject of a request under this regulation shall not request for re-labelling for any food product more than once.

- (5) The importer shall be liable to pay a prescribed fee for relabeling.

#### **Handling of rejected food**

9. The Authority shall, for any food issued with a non-compliance report under these regulations, instruct the importer as the case may be to —

- (a) re-export the food to the country of origin or country of export; or
- (b) immediately subject to the section 22 of the Act, destroy the food where findings of the—
  - (i) laboratory analysis show presence of microbiological organisms, physical or chemical contaminants with the potential to cause a significant risk to public health;
  - (ii) visual inspection and examination show that the food contains in whole or in part filthy, putrid or decomposed substance that makes the food unfit for human consumption.

(2) Activities under sub regulation (1) shall be carried out at the cost of the food importer .

(3) The importer shall pay a prescribed fee for the destruction activity.

#### **Exemptions with respect to food imported for personal use**

10.(1) These regulations shall not apply to any person bringing into the country food for his or her personal use.

- (2) The exemption in sub-regulation (1) applies to food under the control of the Authority as provided in the first schedule of these regulations.

### **Part III - Exportation of food**

#### **Inspection and certification of food for exports**

11.(1) All processed food intended for export shall—



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- (a) be manufactured in an establishment having a food safety management system based on HACCP principles or GMPs, GHPs, GFPs and other prerequisite approved by the Authority;
  - (b) meet the requirements of the Act and regulations made there under or relevant Codex Standard where the food is not specifically covered by requirements in the Act and regulations there under.
- (2) The Authority shall upon a request from the food exporter or importing country, or when deemed necessary by the Authority, issue a health certificate to accompany the food consignment.
- (3) For purposes of subregulation (2), the food exporter shall make an application to the Authority for a Health Certificate within a period of —
- (a) at least fifteen (15) working days prior to the exportation of the food; or
  - (b) seven (7) working days where the application is made in respect to food that has been inspected before and is being exported to the same country as before.
- (4) The application for a Health Certificate shall be accompanied with —
- (a) detailed description of the food product to be exported including;
  - (b) product name; and brand name;
  - (c) quantity of the food, total number of batches per consignment, lot/batch codes and number of lots or packages per batch;
  - (d) detailed requirements and import conditions of the importing country;
  - (e) name, address, and contact of the food establishment manufacturing the food for export;
  - (f) approval status of the food manufacturing establishment;
  - (g) name, address, and contact of the importer;
  - (h) destination country for the export;

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- (i) expected date of export and point of exit;
  - (j) proof of payment of the prescribed fee for inspection and certification of exports;
  - (k) any other information as may be requested by the Authority.

(5) The exporter shall pay a prescribed fee for the inspection and issuance of health certificate as specified in the fifth schedule.

(6) An authorised officer, shall upon receipt of the application, verify the accompanying documents, physically inspect the food consignment; and where necessary take samples for analysis and examination.

#### **Part IV -General Provisions**

##### **Denial, revocation, or cancellation**

**12.(1)** The Authority may —

- (a) deny issuance of a Food Importation Approval Document to an importer where —
  - (i) the importer provided false information for purposes of obtaining the Food Importation Approval Document;
  - (ii) the Authority has sufficient information implicating the food proposed for importation as likely to cause health hazards to the consumers.
- (b) revoke or cancel a Food Importation Approval Document where —
  - (i) the importer contravenes the provisions of these regulations, the Food Act and regulations made thereunder;
  - (ii) the Authority has sufficient reason to believe that the food no longer conforms to the requirements of regulation 4 sub-regulation (1) and (2);
  - (iii) the food product has been notified by a relevant Competent Authority or international body to have been implicated in food borne incidence either in the country of origin or any other country.

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- (2) Any decision of the Authority made with respect to subregulation (1) shall be communicated to the importer in writing.

### **Appeals**

**13.(1)** Any person aggrieved by a decision of the Authority made under these regulations may, within 28 days of the decision, make an appeal in writing to the Appeals Board in accordance with section 37 of the Act.

- (2) The Authority shall give effect to the decision of the Appeals Board.

### **Managing food recall and food safety emergencies**

**14.(1)** The Food Authority may, —

- (a) prohibit, suspend or restrict importation of any food where there is evidence that the food constitutes a serious health hazard or has the potential to cause health hazards to the consumer;
- (b) suspend importation of a food from a specific country or region based on risk perception or outbreak of disease associated with the food in that country or region;
- (c) instruct the food importer or exporter, as the case may be, for the immediate recall of the food from the market where there is information that the food constitutes or has the potential to cause health hazards to the consumer.

(2) The food importer or exporter shall be responsible for the recall of a food product from the market once it is proven to cause health hazards to consumers.

(3) Every food importer or exporter shall have a food recall plan specifying detailed procedures and arrangements necessary to conduct a food recall.

### **Fees**

**15.** All fees levied under these regulations shall be as prescribed in the seventh schedule to these regulations.

### **Offenses and penalties**

**16.** Any person who contravenes these regulations commits an offence and shall be liable on conviction to a fine not exceeding SCR50,000 or to imprisonment for a period not exceeding 2 years or to both such fine and imprisonment.

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## **FIRST SCHEDULE**

### **HIGH RISK FOOD**

#### **DAIRY PRODUCTS and ANALOGUES**

##### *Examples*

Milk and dairy-based drinks e.g. {plain Milk; plain buttermilk; Dairy-based drinks, flavored and/or fermented ( e.g. chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks);

Fermented and renneted milk products (plain): e.g. (fermented milks (plain); (fermented milk (plain), not heat-treated after fermentation ; fermented milks (plain), heat-treated after fermentation); Renneted milk (plain);

Cream (plain) and the likes (cream analogs): e.g. {Pasteurized cream (plain); Sterilized and UHT creams; whipping and whipped creams; reduced fat creams (plain); Clotted cream (plain); Cream analogues}.

cheese and analogs: e.g. {Unripened cheese; Ripened cheese (Ripened cheese, includes rind, Rind of ripened cheese, Cheese powder (for reconstitution; e.g. for cheese sauces); Whey cheese; Processed cheese (Plain processed cheese, Flavored processed cheese, including those containing fruits, vegetables, meat, etc.); Cheese analogues; Whey protein cheese}

Dairy-based desserts: e.g. {pudding, fruit or flavored yoghurt}

Whey and whey products, excluding whey cheese e.g. {Liquid whey and whey products; dried whey and whey products}

Milk for manufacture

Dairy-based frozen desserts: e.g. {ice cream}

Condensed milk and analogues (plain) (evaporated/reconstituted milk) (Condensed milk (plain); Beverage whiteners)

Milk powder and cream powder and powder analogues (plain)

#### **PROCESSED MEAT AND MEAT PRODUCTS, INCLUDING POULTRY AND GAME**

##### *Examples*

Processed meat, poultry and game products in whole or cuts: e.g. {Heat-treated processed meat, poultry and game products (canned); Frozen processed meat; poultry and game products (marinated pork/ beef/ chicken cuts)}

Processed comminuted meat, poultry and game products: e.g. {Heat-treated processed meat, poultry and game products (canned); Frozen processed meat, poultry and game products (nuggets, patties, dumplings, salami, meat loaf, hotdog)}

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Processed meat, poultry and game products in whole or cuts: e.g. {Non-heat treated processed meat, poultry and game products (cured, fermented, chilled, salted, dried)}

Processed comminuted meat, poultry and game products: e.g. {Non-heat treated processed meat, poultry and game products (cured, fermented, chilled, salted, dried)}.

## **PROCESSED FISH AND FISH PRODUCTS, INCLUDING MOLLUSCS, CRUSTACEANS AND ECHINODERMS**

### *Examples*

Frozen and frozen battered fish, fish fillets and fish products, including molluscs, crustaceans and echinoderms; including value added products (battered, marinated, smoked, spiced, fish and squid balls preparations)

Frozen minced and creamed fish products, including molluscs, crustaceans and echinoderms

Cooked and/or fried fish and fish products, including molluscs, crustaceans and echinoderms (Cooked fish and fish products, Cooked molluscs, crustaceans and echinoderms, fried fish and fish products, including molluscs, crustaceans and echinoderms)

Fully preserved, including canned or fermented fish and fish products, including molluscs, crustaceans and echinoderms

Smoked, dried, fermented, and/or salted fish and fish products, including molluscs, crustaceans and echinoderms

Semi-preserved fish and fish products, including molluscs, crustaceans and echinoderms (marinated and/or in jelly; pickled and/or in brine, fish paste)

Processed fish and fish products, including molluscs, crustaceans and echinoderms. E.g. Smoked, dried, fermented, and/or salted fish and fish products, including molluscs, crustaceans and echinoderms

## **EGG AND EGG PRODUCTS**

### *Examples:*

Liquid egg products;

Frozen egg products (e.g. frozen eggs, frozen egg whites, frozen egg yolks);

Dried and/or heat coagulated eggs products (e.g. dried eggs, dried egg whites, dried egg yolks)

Preserved eggs, including alkaline, salted and canned eggs (salted eggs, century eggs)

Egg-based desserts (e.g. custard)

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## SECOND SCHEDULE

### APPLICATION FOR FOOD IMPORTATION APPROVAL DOCUMENT

(To be filled in Duplicate)

#### PART A:

Name and physical address of the importer .....

Tel. No. ....

Expected date of arrival of food consignment.....

Expected mode of transport: ship/air/motor vehicle,.....

Expected point of entry .....

Previous Permit number and date of issue (if any).  
.....

I here by apply for authorization to import the food products detailed below

S N	Produ ct name	Bran d nam e	Quantity ordered (Litre/Kg/ No)	Count ry of origin	Name and physical address of manufactu rer	Count ry of Export	Name and physical address of exporter/supp lier

Fees paid SCR..... Receipt No.....

Date..... Signature of applicant and stamp .....

Note: This Form is for a single consignment only.

**Attestation by the Applicant:** I'm fully aware of the requirements of the Food Act and Regulations made thereunder with respect to importation of food

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### THIRD SCHEDULE

#### FOOD IMPORTATION APPROVAL DOCUMENT (FIAD)

Approval No.....

Permission is hereby **granted** to M/S.....of physical address..... and having premises at .....village/town to import the food items detailed below into Seychelles provided that the import conditions in this permit are met.

Product name	Brand name	Quantity ordered (Litre/Kg/No)	Country of origin	Name and physical address of manufacturer	Country of Export	Name and physical address of exporter or supplier
<b>General entry conditions</b>						
<ol style="list-style-type: none"><li>1. The food consignment to be accompanied with a copy of the approved Food Importation Approval Document</li><li>2. The food must conform to the Food Act (Labelling of Pre-Packaged Foods) Regulations, 2019</li><li>3. The food must have a remaining shelf life of not less than 50% at the time of import</li></ol>						
<b>Specific entry conditions</b>						
<ol style="list-style-type: none"><li>1. The food specified in <i>Schedule I</i> shall be accompanied with an original Health Certificate issued by the competent authority of the country of origin or export attesting the that the food meets the following requirements:<ol style="list-style-type: none"><li>a) Complies with the requirements in regulation 4 (1) &amp; (2);</li><li>b) The food was prepared and handled under a food safety control system implemented within the context of Hazard Analysis Critical Control Points (HACCP) System principles</li><li>c) The food was manufactured at an establishments that has been approved by the competent authority in the country of origin or export</li></ol></li><li>2. Food Import Certificate (for dairy and dairy products) issued by the competent authority in the country of origin or country of export</li></ol>						
Additional conditions ( where applicable) *						
Date of issue			Name, stamp and signature of Authorised Officer			

**THIS PERMIT IS VALID FOR TWELVE (12) MONTHS FROM THE DATE OF ISSUE**

\*Additional import conditions, if any, as shall be determined by the Authority

## FOURTH SCHEDULE

### NON CONFORMANCE REPORT (NCR)

NCR No: .....

**To**

M/s (Details of Importer):

Physical address:

Telephone number:

Food Importation Approval Document No:

**The** food consignment imported on this day ..... from (country) ..... through..... entry point; invoice no .....; Bill of lading/airway bill No..... was inspected on this day ..... and was found **Not to conform** to the requirements provided under the Food Act and the regulations made thereunder; or applicable Codex Standards.

SN	Product name	Brand name	Batch No.	Quantity (Litre/Kg/No)

Product (s) detailed above are denied entry into the country on following grounds:

1. ....

2. ....

This is to therefore request you to make immediate arrangements to (tick appropriate box)-

- a. Re-export of the food to the country of origin or export\*
- b. Destroy the food\*

*\* The cost of re-exportation or destruction is to be borne by the importer*

Enclosed: Inspection report/Certificate of analysis

.....  
**Date**

.....  
**Signature of Authorised Officer**

*Declaration by the importer*

*I acknowledge receipt of the non-conformance report and shall comply to the instructions therein*

.....  
**Date**

.....  
**Signature of Importer**



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## FIFTH SCHEDULE

### FEES

No	Item	Fee (SCR)
1.	Application for Food Importation Approval Document (FIAD)	<b>1,500/year/</b> same brand and origin and shall not be transferable
2.	Conditional release of a food consignment	<b>800</b>
3.	Relabeling of food	<b>5000</b>
4.	Destruction of condemned food	<b>1,000for certificate /500 per trip to landfill</b>
5.	Inspection and certification of exports	<b>1,000</b>

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MADE this ..... day of February, 2023.

**PEGGY VIDOT  
MINISTER OF HEALTH**