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Committee on Sanitary and Phytosanitary Measures

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INDIA'S NEW REQUIREMENTS FOR ANIMAL FEED IN THE FOOD SAFETY AND STANDARDS ACT, 2006 (DATED 27 JANUARY 2020)

SUBMISSION BY THE UNITED STATES

The following document, received on 26 June 2020, is being circulated at the request of the delegation of the United States.

1.1. The United States is concerned with India's new directive on animal feed adopted on January 27, 2020, with a July 27 implementation date. This measure was notified in part as [G/SPS/N/IND/249](#) on 26 February 2020.

1.2. We believe this measure will have a significant impact on trade in feed ingredients, and potentially on trade in meat and dairy products derived from livestock fed such ingredients in another country.

1.3. The Food Safety and Standards Authority of India (FSSAI) in January 2020 published this measure in two parts:

- Part One, entitled "Direction under 16(5) of Food Safety and Standards Act, 2006 regarding compliance of commercial feeds/feed materials intended for food producing animals with the relevant BIS standards" is available on the FSSAI website.¹ This measure has not been notified the WTO.
- Part Two of this measure, entitled "Direction under 18(2)(d) read with section 16(5) of Food Safety and Standards Act, 2006 regarding operationalisation of Food Safety and Standards (Food Products Standards and Food Additives) amendment Regulations, 2020" is also available on the FSSAI website.² Part Two was notified as [G/SPS/N/IND/249](#).

1.4. The United States has both procedural and substantive concerns. First, the United States is concerned that India has issued these measures in final, without proper notification or opportunity to comment and have our comments taken into account.

1.5. Further, the United States is concerned that a 6-month transition period prior to entry into force is insufficient for exporters to adjust supply chains, particularly in light of the COVID-19 pandemic. We urge India to delay implementation of this directive until it is notified for comment and to provide a transition period sufficient to allow operators to adjust supply chains without undue disruption.

¹See:

https://fssai.gov.in/upload/advisories/2019/12/5def78627ba0eDirection_Feed_Animal_BIS_10_12_2019.pdf

See also:

https://fssai.gov.in/upload/advisories/2020/01/5e313047e761aDirection_Meat_Milk_Feed_29_01_2020.pdf

And:

https://www.fssai.gov.in/upload/advisories/2020/01/5e32c60fd8801Corrigendum_Direction_Meat_Milk_Feed_30_01_2020.pdf

²https://www.fssai.gov.in/upload/advisories/2020/01/5e31306a72882Direction_FSS_Product_Animal_Feed_29_01_2020.pdf

1.6. With respect to substantive concerns, Part One of the measure appears to make mandatory a voluntary guidance document from 2009 entitled, "Indian Standard, Compounded Feeds for Cattle - Specification." According to this 2009 document, India only allows for import those feed types listed in the document.

1.7. This list, which appears not to have been updated for many years, omits many commonly used feed ingredients such as distiller's dried grains with solubles (DDGS), alfalfa, timothy hay, and several types of essential supplemental vitamins. Please clarify if there is a process by which such feed products may be added to the list. Could the United States or other trade partners submit a list of products to be considered?

1.8. We request that India clarify if this regulation will also apply to domestic farms that manufacture feed, and, if so, how Indian regulators will monitor and enforce such requirements.

1.9. Turning to Part Two, we note that the January 27 directive includes language that amends requirements for meat and meat products and dairy products as detailed in the 2011 FSSAI Food Product Standards and Food Additives regulations.

1.10. The last Food Additive compendium is dated 29 March 2019 and includes the text in Part Two, notified to the WTO on 26 February 2020. We ask that India take steps to ensure that any changes to its FSSAI Food Additive requirements that could impact imported products be notified to the WTO at an early and appropriate stage.
