

FOOD PROCESSING/SAFETY & STANDARDS

-COPY OF

NOTIFICATION Dated 4th March, 2011

(Published in the Gazette of India on 10th March, 2011)

In exercise of the powers conferred by sub-section (1) of section 92 and clause (d) of sub-section (2) of section 92 of the Food Safety and Standards Act, 2006 (34 of 2006), the Food Safety and Standards Authority of India, with the previous approval of the Central Government, hereby makes the following regulations the procedure of the Scientific Committee and Scientific Panels, namely:

1. Short title and commencement.-(1) These regulations may be called the **Food Safety and Standards Authority of India (Procedure of Scientific Committee and Scientific Panels) Regulations, 2010.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-(1) In these regulations, unless the context otherwise requires,

- (a) "Act" means the Food Safety and Standards Act, 2006 (34 of 2006);
- (b) "Chairperson" means the Chairperson of the Food Authority;
- (c) "Chief Executive Officer" means the Chief Executive Officer appointed under section 9 of the Act.
- (d) "Food Authority" means Food Safety and Standards Authority of India established under section 4 of the Act;
- (e) "Member" means member of the Scientific Committee or the Scientific Panel and includes the Chairperson of the Scientific Committee or the Scientific Panels, as the case may be;
- (f) "Scientific Committee" means the Scientific Committee constituted by the Food Authority under section 14 of the Act;
- (g) "Scientific Panel" means the Scientific Panel established by the Food Authority under section 13 of the Act;
- (h) "Schedule" means a Schedule appended to these regulations.

(2) Words and expressions used in these regulations and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. Appointment of members of Scientific Committee and Scientific Panels and their terms of office.

(1) The Food Authority shall ensure high level of collective scientific competence and expertise before appointing any member, to fulfil the mandate of the Scientific Committee and Scientific Panels so as to reflect the diversity of scientific problems and approaches in India.

(2) No member shall be appointed to the same panel for more than two consecutive terms.

(3) The term of office of a members nominated at a later date, shall continue till the expiry of their term of three years.

(4) Each Scientific Panel shall consist such number of members not exceeding fifteen, as may be considered appropriate by the Food Authority.

4. Working Groups.-(1) The Scientific Committee may create Working Groups consisting of the members of the Scientific Committee & or Scientific Panels whenever it deem necessary, particularly, in specific cases, and also include therein such number of external experts having experience and expertise in the subject not exceeding one-third of total members of such working groups, with the prior approval of Chairperson, in such manner as the Chairperson may decide.

(2) Scientific Committee shall entrust the Working Groups with tasks which are clearly defined and also to undertake necessary preparatory work in relation to a draft opinion:

Provided that the Scientific Committee and Scientific Panels shall ensure that the tasks are completed within a specific period of time.

(3) The Scientific Committee or Scientific Panels, as the case may be, shall coordinate the functioning of the working group.

(4) The meetings, of the Working Groups shall be presided over by a Member of the corresponding Scientific Committee or Scientific Panel, as the case may be, and submit report to the Scientific Committee or Scientific Panel, as the case may be.

(5) The names of members of Working Group, its terms of reference and proceedings of meetings shall be made public in such manner as may be determined by the Food Authority.

5. External Experts.-The Scientific Committee or the Scientific Panel, may invite other external experts from list of experts or after carrying out a search for the required competence, possessing particular and

relevant scientific knowledge in deliberation of the Working Groups.

6. **Rapporteurs.**-The Scientific Committee or Scientific Panel or Working Group may designate one or more rapporteurs from among their members or external experts with the approval of the Chairperson who shall ensure that draft reports or opinions are prepared, within a specific time period.
7. **Delegation of responsibilities.**-If the chairperson of the Scientific Committee or Scientific Panel is not in a position to perform his function, shall elect amongst its members its new chairperson who shall thereafter perform the functions of the chairperson of such of the Scientific Committee or Scientific Panel.
8. **Requests for Scientific advice.**-(1) The Chief Executive Officer shall make requests for advice to the Scientific Panel in following manner, namely:

(a) for safety in use of food additives, flavourings, processing aids and materials in contact with food; associated subjects concerning the safety of other deliberately added substances to food and questions related to the safety of the processes the **Panel on food additives, flavourings, processing aids and materials in contact with food;**

(b) for safety in use of pesticides, veterinary drugs, antibiotics residues as well as their residues in food; associated subjects concerning the safety of food from pesticides and antibiotics the **Panel on pesticides and antibiotics residues;**

(c) for genetically modified organisms, such as micro-organisms, plants and animals, their deliberate release into the environment and genetically modified foods, including products derived from genetically modified organisms the **Panel on genetically modified organisms and foods;**

(d) for organic foods, functional foods, nutraceuticals, dietetic products, human nutrition and food allergens, and other associated subjects such as novel foods including their toxicity and safety the **Panel on functional foods, nutraceuticals, dietetic products and other similar products;**

(e) for biological hazards related to food safety and food-borne diseases, toxins, microbiology, food hygiene and associated waste management the **Panel on biological hazards;**

(f) for contaminants in foods, associated areas and undesirable substances such as natural toxicants, mycotoxins and residues of non authorised substances not covered by any other Panel the **Panel on contaminants in the food chain;**

(g) for packaging and labelling safety and provisions; including the safety aspects related to packaging material, name of the food and any special requirement to ensure that the consumer is not deceived or misled about the nature of the food including nutritional labelling claims made on behalf of products the **Panel on labelling and claims/Advertisements;**

(h) for all aspects of analytical methods used in food and sampling of food; including the test methods required to ensure that the commodity conforms to requisite standards the **Panel on method of analysis and sampling;**

(i) the Scientific Committee for tasks on multi-sectorial issues falling within the competence of more than one Panel, and on issues which do not fall within the competence of any of the Scientific Panels.

(2) A scientific opinion shall comprise of the query posed by the Food Authority or any stakeholder or issues of public interest and any other terms of reference and the scientific reasoning, background and the opinion of the Scientific Committee or Scientific Panel or working group.

(3) The final scientific opinion received under sub-regulation (2) shall be published within a period of one week on the Food Authority's website.

9. Meetings of the Scientific Committee/ Panel.-(1) The Scientific Committee and Scientific Panels shall prepare a schedule of their meetings for the forthcoming calendar year in consultation with Chairperson and publish it in Food Authority website.

(2) The notice of a meeting of the Scientific Committee or Scientific Panels or Working Group shall be given to their members within not less than ten working days before the date of the meeting and notice of cancellation of meeting shall also be given within not less than two working days before the date of the meeting.

(3) In case of urgency, meetings of the Scientific Committee or Scientific Panels or Working Group may be called at short notice with the prior approval of the Chairperson.

10. Quorum and Consensus.-(1) The quorum at a meeting of the Scientific Committee or Scientific Panel shall be one-third of its total number of members and no business shall be transacted unless the quorum is present.

(2) If, at any time, the number of members at a meeting is less than the number of members specified in sub-regulation (1), the person presiding shall adjourn the meeting after informing the members of the date, time and place of the adjourned meeting and it shall thereupon at such adjourned meeting the members present shall, discuss and dispose of the business intended to be transacted at the original meeting.

(3) The Scientific Committee and Scientific Panel shall adopt opinions by a majority if a consensus of their members cannot be arrived.

11. Agenda.-(1) The draft agendas of the meetings of the Scientific Committee or Scientific Panels shall be

drawn up and circulated to members at least ten days before the date of meeting.

(2) The agenda shall be adopted at the beginning of the meeting and the business not included in the agenda shall not be transacted at a meeting of the Scientific Committee or Scientific Panel except with the permission of the chairperson of the Scientific Committee or Scientific Panel, as the case may be.

(3) With the permission of the chairperson of the Scientific Committee or Scientific Panel or Working Group, urgent questions may be added to the agenda at any time before the end of the meeting, or items on the agenda may be deleted or carried over to a subsequent meeting.

(4) Wherever possible, documents including reports and draft opinions prepared by a Rapporteur or external expert shall be made available to the members of the Scientific Committee or Scientific Panel or Working Group and external experts one week before the meeting.

(5) The chairperson of the Scientific Committee or Scientific Panels shall fix the time limit and prioritize the work to ensure with such time-limits the delivery of scientific opinions.

12. Risk-related issues raised by the Scientific Committee or Panels.-(1) The Scientific Committee and the Scientific Panels shall bring into the notice of the Chief Executive Officer any specific or emerging issue falling within its remit which in its opinion may pose an imminent or potential risk to consumer health.

(2) The Chief Executive Officer shall determine the action to be taken including, if appropriate, a request for a scientific opinion or report on the matter and shall inform the Scientific Committee and the Scientific Panel.

13. Access to meetings.-The chairperson of the Scientific Committee or Scientific Panel may authorise any officer of the Food Authority to be present in its meetings and the officer so authorised shall assist for the purpose of clarification or information but shall not seek to influence discussions.

14. Business by Circulation.-(1) In the case of an urgent nature and where circumstances do not allow discussion at a meeting, if the chairperson of the Scientific Committee or Scientific Panel, as the case may be, so directs, a draft opinion or a statement may be referred to its members by circulation of papers.

(2) Any proposal or draft opinion or statement circulated under sub-regulation (1), on being approved by one-third of members of the Scientific Committee or Scientific Panel, as the case may be, shall have effect and binding as if such proposal or draft opinion or statement were decided by the majority of members at meeting.

(3) If the proposal or draft opinion or statement is not approved as specified in sub-regulation (2), the same shall be placed on the agenda for the next meeting of the Scientific Committee or Scientific Panel.

(4) Each proposal or draft opinion or statement circulated under this regulation and the result of such circulation shall be included in the minutes of the following meeting.

15. Accelerated Procedures.-(1) In this case the response may take the form of a statement or opinion by the Food Authority adopted either by the Scientific Committee or the relevant Scientific Panel, the development and adoption of the statement or opinion shall be undertaken by the Scientific Committee or the Scientific Panel, as the case may be, as far as possible in accordance with the Terms of Reference, under the Chief Executive Officer's direction and taking into account the limited time allocated for the response to the query.

(2) The chairperson of the Scientific Panel or the Scientific Committee, as the case may be, shall be informed of the query and the process and the experts from the Scientific Panel or Scientific Committee or any external experts may be consulted before finalising the statement under sub-regulation (1).

16. Adoption of scientific opinions.-(1) The Scientific Committee and Panels shall adopt the scientific opinions at their plenary meetings or, the procedures specified in regulation 15 or regulation 16.

(2) The Scientific Committee or Scientific Panel may adopt a preliminary opinion to be published on the Food Authority's website inviting scientific comments and suggestions within a period specified therein and shall take into consideration the comments received in forming its final opinion.

(3) The opinions of the Scientific Committee and Scientific Panels may include any minority opinion.

17. Technical Hearings.-(1) The Scientific Committee may organise scientific hearings with individuals, petitioners or other stakeholder representatives if considered necessary for the completion of a scientific opinion.

(2) Hearings shall be indicated clearly in the draft agenda of the meetings in which it took place.

(3) The Scientific Committee shall not take any decisions during such hearings.

18. Minutes.-(1) The Scientific Committee and Scientific Panels shall prepare draft minutes of plenary meetings and meetings of working groups, which shall be the followings, namely:-;

(a) the list of participants;

(b) a summary of discussions, including important minority view points and aged actions; and

(c) a record of decisions taken and opinions adopted.

(2) The draft minutes shall be circulated to its members for comments and adopted not later than the next meeting.

(3) The minutes shall be posted on the Food Authority's website after their adoption.

19. Secretariat of the Scientific Committee and the Panels.-(1) The Food Authority shall be responsible for providing necessary support to facilitate the efficient functioning of the Scientific Committee and Scientific Panels and shall ensure compliance with the rules of the Food Authority.

20. Confidentiality.-(1) The members of the Scientific Committee, the Scientific Panels and the Working Groups and the external experts participating in the Working Groups, or acting as observers, shall not divulge to third party any information, specifically, identified by the Food Authority as "restricted or confidential".

(2) Members of the Scientific Committee or Scientific Panels or Working Groups and external experts participating in the Working Groups, or acting as observers, shall sign a declaration of interests in Schedule I.

(3) The members of the Scientific Committee, the Scientific Panels and Working Groups and external experts participating in the Working Groups, or acting as observers, shall even after their duties have ceased, not disclose information of the kind covered by the obligation of professional secrecy.

21. Independence.-(1) The members of the Scientific Committee, the Scientific Panels and Working Groups and external experts shall undertake to act independently of any external influence make a Declaration of Commitment in Schedule II and an Annual Declaration of Interests in Schedule III indicating either the absence of any interests which might be considered prejudicial to their independence or any direct or indirect interests which might be considered prejudicial to their independence.

(2) The members of the Scientific Committee, Scientific Panels and Working Groups and external experts, at each meeting shall make a Specific Declaration of Interests in Schedule IV which might be considered prejudicial to their independence in relation to the items on the agenda.

22. Reimbursement of expenses.-(1) Travel and subsistence expenses incurred by members of the Scientific Committee or Scientific Panel or Working Groups or external experts or Rapporteurs in connection with meetings relating to the Scientific Committee or Scientific Panels or Working Group as the case may be, shall be reimbursed by the Food Authority.

(2) Members of the Scientific Committee, the Scientific Panel and the working group and external experts shall be entitled to a payment of two thousand rupees for each day of meeting attended by him to defray other costs, involved in their contribution to and participation in the work of the Scientific Committee or Scientific Panel, or Working Group, as the case may be.

SCHEDULE I

[See regulation 20 (2)]

The Food Safety and Standards Authority of India

DECLARATION CONCERNING CONFIDENTIALITY

Name: _____

Position:

- Member of the Food Authority
- Member of the Central Advisory Committee
- Member of the Scientific Committee
- Member of a Panel on _____
- Member of a Working Group on _____
- other expert (external) on _____

I hereby declare that I am aware of my obligation to respect confidentiality. I know that I am obliged not to divulge information acquired as a result of my activities in Food Safety and Standards Authority, if the information is subject to a request for confidentiality and I hereby undertake not to divulge any such confidential information. I shall also respect the confidential nature of the opinions expressed by other Members of the bodies indicated above or other experts during discussions in meetings or provided in written form.

Done at: _____ on this _____ day of _____

Signature _____

SCHEDULE II

[See regulation 21 (1)]

The Food Safety and Standards Authority of India

DECLARATION OF COMMITMENT

Name: _____

Position:

- Member of the Food Authority
- Member of the Central Advisory Committee
- Member of the Scientific Committee
- Member of a Scientific Panel on _____
- Member of a Working Group on _____
- Expert (external) on _____

Pursuant to Section 4 of the Food Safety and Standards Act, 2006 establishing the Food Safety and Standards Authority of India, I hereby undertake to make all reasonable efforts to attend and participate in the meetings of the Food Authority and to act independently and in public interest, without being influenced by any external influence.

Done at: _____ on this _____ day of _____

Signature: _____

SCHEDULE III

[See regulation 21 (1)]

**The Food Safety and Standards Authority of India
ANNUAL DECLARATION OF INTEREST**

(Please note that high quality of scientific expertise is by nature based on prior experience and that therefore having an interest does not necessarily mean having a conflict of interest)

Name: _____

Position:

- Member of the Food Authority
- Member of the Central Advisory Committee
- Member of the Scientific Committee
- Member of a Panel on _____
- Member of a Working Group on _____
- other expert (external) on _____

Information on direct or indirect interests of relevance to the mandate of the Authority:

(1) Direct interests (financial benefits arising from, for example, employment, contract work, investments, fees etc.)

(2) Indirect interests (indirect financial, e.g., grants, sponsorships, or other kind of benefits):

(3) Interests deriving from the professional activities of the Member and his/her close family Members:

(4) Any membership role or affiliation in organizations/bodies/club with an interest in the working of the Authority:

(5) Other interests or facts that the undersigned considers pertinent:

Declaration: I declare that the information provided above is true and complete.

Done at: _____ on: _____ Signature: _____

(Please attach additional sheets whenever required)

Guidelines for Annual Declaration of Interest

- Any financial interests or benefits, including holding of stocks and shares, equity, bonds, partnership or property interests relevant to the Authority's mandate. Financial interests connected with a pension or investment scheme contracted prior to membership and/or interests in unit trusts or similar arrangements would not, in principle, be of particular interest, providing that the Member has no influence on financial management.
- Professional experience in the last five years in a field relevant to the Authority's mandate. This should include all work, irrespective of whether the activities have been subject to regular or occasional remuneration (Board membership, executive or non-executive directorship, employment, consultancy, contractual interests, and traineeship).
- Interests the member may have had in the past or ongoing legal proceedings relevant to the Authority's mandate, with an indication of their implications, are to be declared.
- All assistance and support received by private and public undertakings or bodies are to be declared, where they are associated with direct or indirect pecuniary or material benefit and which have a bearing on the topic of the Panel/Committee. These include grants for study or research, fellowships or sponsorships for the last 5 years.
- Participation in public interest groups, professional societies, clubs and organizations which may have an

agenda relevant to the Authority's mandate is to be declared. The role and position held is to be set out clearly.

- Close family member includes spouse or partner and dependent children living in the same household.
- When declaring interests, member should consider statements of personal opinion on issues relevant to the questions addressed by the Food Authority (e.g. Publications, public statements); employment or family (e.g. the possibility of any indirect advantage or any likelihood of pressure could arise from the member's employer, business associates or immediate family members).
- The Food Authority recognizes that scientific expertise underpins the fulfillment of its mandate and tasks and that the quality of such expertise is inherently based on prior experience. An "interest" declared is not automatically considered to be a conflict of interest. Interests of an intellectual nature are considered as indispensable to safeguard the quality and overall balanced objectivity of the scientific work.
- The details of interests declared may be kept confidential by the Food Authority unless its disclosure is necessary to establish objectivity and independence of the Member involved.

SCHEDULE IV
[See regulation 21 (2)]

The Food Safety and Standards Authority of India

SPECIFIC DECLARATION OF INTERESTS

(Please note that high quality of scientific expertise is by nature based on prior experience and that therefore having an interest does not necessarily mean! having a conflict of interest)

Name: _____

Profession: _____

- Meeting of the Food Authority
- Meeting of the Central Advisory committee
- Meeting of the Scientific Committee
- Meeting of Panel on _____
- Meeting of the Working Group on _____

Meeting dates	_____
Venue	_____

S. No.	Agenda Items	Whether the member has a conflict of interest. (YES/NO) If yes, please provide details to enable the chair to take a decision.

Declaration: I declare that the information provided above is true and complete.

Done at: _____ on this _____ day of _____.

Signature: _____

Sd/
(V.N. Gaur)
Chief Executive Officer

F.1-61/FSSA/2009-DFQC

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Issued by: Food Safety and Standards Authority of India New Delhi

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