FOOD AND DRUGS AUTHORITY

GUIDELINES FOR PROCESSING OF IMPORT PERMIT AND CLEARANCE OF PREPACKAGED FOODS

Document No.	:	FDA/IEC/GL-POP/2019/03
Date of First Adoption	:	2nd January 2019
Effective Date	:	2nd January 2020
Version No.	:	02

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1.0. INTRODUCTION

Effective regulation of the importation and exportation of internationally traded goods is key in ensuring the protection of the health and safety of consumers around the world. Clearance of imported prepackaged food products, as carried out by the Food and Drugs Authority (FDA), typically involves permit issuance and inspection, both of which are mandated by the Public Health Act, Act 851 of 2012.

These guidelines outline the processes and procedures involved in the application for and issuance of electronic permits as well as the inspection and release of consignments of imported prepackaged foods.

These guidelines are hereby promulgated for information, guidance and strict adherence by all concerned

1.1. Scope

In exercise of the powers conferred on the Food and Drugs Authority by Part 7, section 99 of the Public Health Act, Act 851 of 2012 and in order to ensure the safety and quality of imported prepackaged food, these guidelines apply to all prepackaged food imported for human or animal consumption, distribution or to be offered for sale.

Despite the above, all prepackaged food products to be imported shall comply with existing Ghana Standards, Food Technology – Labelling of Pre-packaged Foods (GS 46 : 2004).

The purpose of these guidelines is to provide importers of prepackaged food with the requirements of the Food and Drugs Authority (FDA) and also provide a comprehensive procedure for bringing their activities into compliance with the law.

1.2. Abbreviations

FDA	Food and Drugs Authority
eMDA	electronic Ministries Departments and Agencies
HS	Harmonised System Codes

2.0. GLOSSARY

For the purpose of these guidelines, unless the context otherwise requires,

"***label***" means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food;

"non-compliant/non-conforming product" means any or all of these; product is unregistered, unwholesome, banned, has too short a shelf life or does not conform to labelling rules.

"***prepackaged food***" means a food substance packaged or made up in advance in a container, ready for offer to the consumer, or for catering purposes;

"***rejected food product***" means the prepackaged food was deemed unfit to be distributed, sold or used in the country for reasons which may include the product being found to be fake, adulterated or contaminated; and

"requirements" means the criteria relating to trade in food, covering the protection of public health, the protection of consumers and conditions of fair trade.

3.0. REQUIREMENTS

3.1. General Requirements

3.1.1. Only businesses duly licensed by the Food and Drugs Authority as an importer in accordance with Part 7, section 122 (1) of the Public Health Act, Act 851 of 2012 shall be permitted to import products.

3.1.2. Pre-packaged foods to be imported, distributed or sold for local consumption must first be registered with the Food and Drugs Authority under Part 7, section 97 of the Public Health Act, Act 851 of 2012.

3.1.3. However, if by chance the consignment arrives and it's not duly registered, a pseudo registration number (temporary code) shall be issued to the importer for permit application and clearance of the consignment from the port.

3.1.4. Such consignments shall be cleared under detention followed by registration of the product immediately the consignment leaves the port.

3.1.5. Pre-packaged food to be imported for distribution or sale for local consumption shall have at least two-thirds of its shelf-life intact at the time of clearance from the port of entry.

3.2. Applying for Import/Clearance Permit

3.2.1. Importers shall be required to secure an eMDA permit for all imports/consignments of prepackaged food products prior to importation. The following information must be submitted at the "item details" column on the eMDA portal during application;

a. Full name (including Brand Name) of the product
b. FDA Product registration number (in full)
c. Name, phone number of the authorized person
d. Name, address and relevant details of manufacturer (in case of raw materials)

3.2.2. The following information should also be provided or selected at the appropriate column:

a. Appropriate HS Code for the product
b. Unit of the quantity (for e.g. ml, L, kg)
c. Postal and location address of importer
d. Phone #, Fax # and E-mail addresses of both the importer and the exporter

Response/Feedback

The applicant must monitor the status of the application on-line. Applicants are expected to go beyond the track status to approval history by opening the document.

3.2.3. Only approved electronic permits (eMDA) shall be used for clearance of prepackaged food products at the port of entry.

3.2.4. Permits issued for importation of products shall be presented to Customs only once.

3.2.5. In the event that goods short-land, a new permit must be processed for importation/clearance of the short-landed goods.

3.2.6. All incoming consignments of prepackaged food shall be physically inspected at the port of entry, including post entry applications;

3.2.6.1. Consignments in compliance with the Law shall be released to the importer;

3.2.6.2. Non-conforming consignments shall be detained under modalities determined by the FDA if they can be reasonably brought into conformance with the Law at the importer's expense; or

3.2.6.3. Consignments that are rejected shall either be re-exported or destroyed under the FDA's supervision, at the expense of the importer.

3.2.6.4. Inspection of the consignment at the port of entry will attract verification fee as per the FDA approved fee schedule (LI 2386, 2019).

3.2.7. Physical inspection of incoming consignments of prepackaged food may be carried out at the importer's premises if so determined by Customs or the FDA or on request by the importer;

3.2.7.1. Inspection of the consignment at the importer's premises will attract premises inspection fee as per the FDA approved fee schedule (LI 2386, 2019).

4.0. SANCTIONS AND PENALTIES

4.1. The Food and Drugs Authority may impose a fine for the breach of these guidelines in accordance with Section 110 of the Public Health Act, Act 851 of 2012.

4.2. Where a consignment arrives and the product(s) is not duly registered by the Authority, the following sanctions may apply:

4.2.1. **"Clearing under detention"** followed by registration of the product immediately the consignment leaves the port.

4.2.2. Seizure and Disposal of the product.

4.2.3. Order the re-export of the product at the cost of the importer

4.2.4. Administrative fines

4.2.5. Prosecution of the importer in accordance to the provisions of the Public Health Act.

NB: Notice of Detentions "Conditional Release of consignment" shall be issued to all non-compliant products

4.3. A person who removes, alters or interferes with a detained consignment without the authority of an authorised officer commits an offence in accordance with part 7, section 136 (2) of the Public Health Act, Act 851 of 2012.

5.0. APPENDIX

Change History

SN.	Date	Ver No.	Description of Change (section)
1.	02/01/2019	01	Initial issue
2.	02/01/2020	02	• Insertion of sections 3.1.3, 3.1.4, 3.2.6.4, 3.2.7.1., 4.2 & 4.3. • Change of document number and logo