FOOD AND DRUGS AUTHORITY

GUIDELINES FOR THE IMPORTATION AND EXPORTATION OF PRODUCTS DECLARED AS PERSONAL EFFECTS

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1 Table of Contents

1.0. INTRODUCTION

Effective regulation of the importation and exportation of internationally traded products is key in ensuring the protection of the health and safety of consumers around the world. Clearance of products meant for personal effects, as carried out by 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 items meant for personal effects.

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 122 of the Public Health Act, Act 851 of 2012 and in order to ensure the safety and quality of imported products, these guidelines apply to all products imported for personal consumption and not offered for sale or distribution.

Despite the above, all products to be imported shall comply with existing Ghana Standards.

The purpose of these guidelines is to provide importers of personal effects with the requirements of the Food and Drugs Authority (FDA) and 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

2.0. GLOSSARY

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

“Authority” means the Food and Drugs Authority

“Product” means Pharmaceutical Products, Vaccines, other Biological Medicinal Products, Herbal Medicines, Food Supplements, Homeopathy, Raw Materials, cosmetics, medical devices food products and all other products regulated by FDA.

"Non-compliant product/non-conformance" means unregistered, banned, substandard**,** falsified/ counterfeit and any other product that shall be determined by the Authority.

"Approved port" means Tema Harbour, Kotoka International Airport and any other sea or air borders, as may be approved by the Authority.

"Further regulatory action" refers to all actions taken by the authority to bring non-complying products into compliance. Such actions may include detention, safe disposal, re-exportation, reworking, relabelling, rebagging, sorting, etc.

"Personal effects" means any FDA regulated product imported by an individual or a group of individuals for their own use or use for a person or animal under one's own care or use by a person or animal one is travelling with, and not meant for sale to the public. For drugs, medical devices, and other health products, imported quantity shall not exceed 90-day supply or a single course of treatment based on the product's direction for use, or it's use shall not require direct oversight or administration by a trained operator. For food products, cosmetics, and household chemical substances, imported quantity shall also not exceed 90-day supply or 0.25 MT (which is equivalent to 25 pieces of 10 kg rice) whichever is applicable. Any imports beyond these specified quantities shall not be approved as personal effect but for commercial purpose and therefore shall be subjected to administrative fines and registration protocols per the approved FDA fees and charges (LI 2386, 2019).

3.0. REQUIREMENTS

3.1 SPECIFC Requirements

3.1.0 Only an individual or a group of individuals shall be permitted to import products declared as personal effects. Companies registered with the Registrar General's Department as an importer of FDA regulated product shall not be permitted to import personal effects.

3.1.1 Individuals who engage in consolidated imports of personal effects shall register with the Food and Drugs Authority (FDA) at an approved annual rate.

3.1.2 The products declared as personal effects shall not be put on the shelf for sale or distribution to the public.

3.1.3 The product shall be wholesome and fit for the purpose for which it was manufactured, meet all the requirement of FDA Labelling Guideline (FDA/FERD/GL-REG/2013/01) and shall have at least two-thirds of its shelf-life intact at the time of clearance from the port of entry.

3.2 GENERAL REQUIREMENTS

3.2.1. Importers of products declared as personal effects shall be required to secure an eMDA permit on the ICUMS system. The following information must be submitted at the "item details" column on the eMDA portal;

a. Full names (including Brand Name) of the products
b. Name, phone number of the authorized person (Freight forwarder)
c. Product quantities and batch numbers

3.2.2 The following information shall 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 including GP address
d. Phone #, Fax # and E-mail addresses of both the importer and the exporter

3.2.3 Only approved electronic permits (eMDA) shall be used for clearance of personal effects.

3.2.4 Permits issued for importation of personal effects shall be presented to customs only once.

3.2.5 Importation of personal effect by a particular importer shall not exceed four imports per year

3.2.6 All incoming consignments of personal effects shall be physically inspected, at the port of entry, including post entry applications.

3.2.6.1 Consignments in compliance with the Law, except for registration status 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 cannot be reasonably brought into conformance shall either be re-exported or destroyed under the FDA's supervision, at the expense of the importer.

3.2.6.4 All consignments of personal effects shall attract verification fees as follows:
- Within limit specified by definition – GHC 50.00
- Outside limit specified by definition – approved fees and charges shall apply per LI 2386, 2019

3.2.7 Physical inspection of incoming consignments of personal effects may be carried out at the importer's premises if so determined by customs or FDA or on request by the importer;

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

4. SANCTIONS AND PENALTIES

4.1. The Authority, in accordance with Part 7, Section 129 of the Public Health Act, Act 851 of 2012, may impose a sanction/penalty for the breach of these guidelines.

4.2. Where a consignment arrives and the product(s) contravene any section of this guideline, the following sanctions may apply:

a) Seizure and Disposal of the product at the cost of the importer.
b) Order the re-export of the product at the cost of the importer.
c) Administrative fines
d) Prosecution of the importer in accordance with the provisions of the Public Health Act.

5.0. APPENDIX

5.1. Change History

SN.	Date	Ver No.	Description of Change (section)
1.	16/08/2021	01	First issue