FOOD AND DRUGS AUTHORITY

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Guideline on Processing of Import Permit and Clearance of Personal Effects

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Document Revision History

Date of Revision	Version Number	Changes made and/or reasons for revision
15/07/2021	01	Initial issue
01/07/2022	02	Insertion of clauses 3.2.3, 3.2.4 and 4.2
02/08/2023	03	General FDA format review
03/06/2025	04	General FDA format review

Guideline on **Processing of Import Permit and Clearance of Personal Effects**

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Executive Summary

The purpose of this guideline is to provide importers of personal effects with the requirements of the Food and Drugs Authority (FDA) and also provide a comprehensive procedure for bringing their activities into compliance with Part 7, section 122 of the Public Health Act 2012, Act 851. The guideline gives information, guidance and adherence to the processing of import permit.

Detailed in this guideline are the processes and procedures involved in the application for and issuance of electronic permits as well as the inspection and release of imported personal effects.

1. Introduction (background)

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. Processing of import permit for 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.

This guideline outlines the processes and procedures involved in the application for and issuance of electronic permits as well as the inspection and release of imported products.

This guideline is hereby promulgated for information, guidance and strict adherence by all concerned.

1.1 Legal Basis

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.

1.2 Scope

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.

2. Definition and Abbreviations

a. FDA Food and Drugs Authority
b. eMDAs electronic Ministries Departments and Agencies
c. **"Authority"** means the Food and Drugs Authority
d. **"Product"** means Pharmaceutical Products, Vaccines, other Biological Medicinal Products, Herbal Medicines, Food Supplements, Homeopathy, and Raw Materials.
e. **"Non-compliant product/non-conformance"** means unregistered, banned, substandard**,** falsified/ counterfeit and any other product that shall be determined by the Authority.
f. **"Approved port"** means Tema Harbour, Kotoka International Airport and any other sea or air borders, as may be approved by the Authority.
g. **"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, re-bagging, sorting, etc.

h. **"Personal effects"** means any FDA regulated item imported by an individual or a group of individuals for their own consumption and not for sale to the public. Any consignment of FDA regulated product of net weight up to a maximum of 2.0 MT declared as personal effect shall be approved. This quantity is equivalent to 200 pieces of 10 kg rice. If the total net weight exceeds 2.0 MT, it will not be approved as personal effects for that individual but for commercial use and will be subjected to administrative fines as required by FDA fees and charges (LI 2386, 2019). For a consolidated consignment, the net weight shall not exceed 2.0 MT for each individual importer.

3. Requirements

3.1 GENERAL Requirements

3.1.1. 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.

3.1.2. The individual or group of individuals who seek to import products declared as personal effects shall register with the Food and Drugs Authority (FDA) as an importer of such products.

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

3.1.4. The product may not necessarily be a registered product with the Authority.

3.1.5. However, 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.

3.1.6. The authority in the execution of its legal mandate as entrenched in Part 7, section 135 of the Public Health Act 2012, Act 851, may detain and subject consignments of cosmetics and condoms declared as personal effects to laboratory testing for monitoring and surveillance of hydroquinone with its derivatives and sub-standard condoms respectively. The importer is therefore expected to wait and cooperate with FDA to be satisfied with the laboratory results before the consignment may be released.

3.1.6.1 On account where a test is positive (e.g. hydroquinone tested positive or condoms found to be sub-standard), the whole

consignment shall be disposed of at the cost of the importer following FDA approved fee schedule (LI 2386, 2019).

3.1 APPLYING FOR IMPORT/CLEARANCE PERMIT

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 name (including Brand Name) of the product
b. Name, phone number of the authorized person

1.1.2. 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

1.1.3. Application for import permit shall attract a verification fee to be determined by the Authority and shall be dependent on the declared FOB on the invoice accompanying the consignment (s). This verification fee is payable at the approved point of entry prior to permit approval.

1.1.4. Processing of a clearance permit and accompanying invoices may take up to 24 hours or one working day after payment of requisite fees

Response/Feedback

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

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

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

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

3.2.7.1 Consignments in compliance with the Law, except for registration status shall be released to the importer.

3.2.7.2 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

3.2.7.3 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.

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

3.2.8 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;

3.2.8.1 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 an applicant is found to have altered the FOB applicable to clause 3.2.3, he or she shall be made to pay the required verification fee in addition to 100% of the defaulted amount as administrative fine for breach of clause 3.2.3.

4.3 Where a consignment arrives and the product(s) contravene subsection 3.1.5 of this guideline, the following sanctions may apply:

4.3.6 **"Clearing under detention"** followed relabelling.

4.3.7 Seizure and Disposal of the product.

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

4.3.9 Administrative fines

4.3.10 Prosecution of the importer in accordance with the provisions of the Public Health Act.

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

4.4 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.