FOOD AND DRUGS AUTHORITY

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Guideline on Processing of Import Permit and Clearance of Prepackaged Foods

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02/01/2019	01	Initial issue
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
01/07/2022	03	Insertion of clauses 3.2, 3.2.1, 3.2.3, 3.2.4 and 4.2.1
02/08/2023	04	General FDA format review
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Executive Summary

The purpose of this guideline is to provide importers of prepackaged foods 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 99 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 prepackaged foods.

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 99 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 human or animal consumption, distribution or to be offered for sale.

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

1.2 Scope

The purpose of this guideline is to provide importers of products 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.

2. Definitions and Abbreviations

a. FDA Food and Drugs Authority

b. eMDA Electronic Ministries Departments and Agencies

c. HS Code Harmonised System Code>

d. "***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.

e. ***"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.

f. "***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.

g. "***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.

h. ***"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. 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 obtain an electronic permit (eMDA document) 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

3.2.3 Application for import permit shall attract a verification fee at rates determined by the Authority and shall be dependent on the cost of the consignment (FOB amount). This verification fee is payable through any of these means: the bank, ghana.gov platform and approved points of entry prior to permit approval.

3.2.4 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 on-line. 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 prepackaged food products at the port of entry.

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

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

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

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

3.2.8.2 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

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

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

3.2.9 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;

3.2.9.1 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

1.1. 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.

1.2. Provision of false or misleading information in respect of clause 3.2 shall attract regulatory sanctions:

1.2.1. Where an applicant is found to have underdeclared the cost of a consignment (FOB amount) applicable to clause 3.2.3, he or she shall be made to pay the outstanding verification fee and 100% of the defaulted amount as administrative penalty for breach of clause 3.2.3.

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

1.3.1. **"Clearing under detention"** followed by registration of the product immediately the consignment leaves the port.
1.3.2. Seizure and Disposal of the product.
1.3.3. Order the re-export of the product at the cost of the importer
1.3.4. Administrative fines
1.3.5. 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

1.4. 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.