FOOD AND DRUGS AUTHORITY

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Guideline on Processing of Export Permit And Clearance of Prepackaged Foods

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Lastly, we commend the dedication of the FDA Management Team for their continuous support in strengthening regulatory frameworks to ensure public health and safety.

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 products.

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 exported prepackaged foods.

1.0 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 exported products.

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

1.1 Legal Basis

This guideline is issued pursuant to the provisions of the Public Health Act, 2012 (Act 851), specifically under Part Seven.

The legal basis for this guideline includes but is not limited to the following sections of the Public Health Act, 2012 (Act 851): Section 99 and Section 129.

This guideline should be read in conjunction with the Public Health Act, Act 851, relevant Ghana Standards, and the applicable Fees and Charges Instrument (LI 2481, 2023) that governs regulatory service charges by the FDA.

1.2 Scope

In exercise of the powers conferred on the Food and Drugs Authority (FDA) by Part 7, section 99 of the Public Health Act 851, 2012, these guidelines apply to all prepackaged foods that are to be exported from Ghana and are for the adherence by all exporters of these products.

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

The purpose of these guidelines is to regulate and monitor the export of prepackaged food products so as to ensure their safety and quality and also provide a comprehensive procedure for bringing their activities into compliance with the law.

2.0 Definitions and Abbreviations

FDA	Food and Drugs Authority
eMDA	Electronic Ministries Departments and Agencies
HS Code	Harmonised System Code

*"**inspection**"* is the examination of prepackaged food products in order to verify that they conform to requirements.

"***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.

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

"unwholesome products" means products that are unfit for human consumption and include expired products or products whose parts are broken or containers are leaky etc.

3.0 Requirements

3.1 General Requirements

3.1.1 Only businesses duly registered with the Registrar General Department shall be permitted to export pre-packaged foods.

3.1.2 Pre-packaged foods to be exported must first be registered with the Food and Drugs Authority under Part 7, section 97 of the Public Health Act 851, 2012.

3.1.3 A person shall not be permitted to export prepackaged foods unless issued with an export permit by the Food and Drugs Authority.

3.2 Applying for Export/Clearance Permit

3.2.1 An applicant shall, for a clearance to export prepackaged food products shall submit the following:

a. An application letter in writing addressing to:

The Chief Executive
Food and Drugs Authority
P.O. Box CT 2783
Cantonments- Accra.

b. Batch numbers, quantities per batch, pack sizes and total quantity.

3.2.2 Exporters shall be required to secure an electronic permit (eMDA) for all exports/consignments of prepackaged food products. The

following information must be submitted at the “item details” column on the eMDA portal during application;

- Full name (including Brand Name) of the product
- FDA Product registration number (in full)
- Name and contact number of Authorized Person

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

- Appropriate HS Code for the product
- Unit of the quantity (ml, L, kg etc)
- Full Address of Exporter (including location address)
- Phone #, Fax # and E-mail addresses of both Importer and Exporter
- ‘For Export’ must be indicated at the ‘Purpose of Import/Export’ Column.

3.3 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.

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

3.3.2 Permits issued for exportation of products shall be presented to Customs only once.

3.3.3 The FDA shall prior to clearance, conduct inspection of the consignment to ensure compliance to the Law.

3.3.4 Export clearance will attract appropriate fee as per the FDA approved fee schedule (LI 2481, 2023).

3.3.5 The applicant shall be held responsible for any consignment of prepackaged food found to be non-compliant after the consignment has been inspected, passed and an export permit issued by the Food and Drugs Authority, or if the consignment or part of the consignment, is concealed.

3.3.6 Any consignment, batch or lot of products found to be non-compliant shall be refused an export permit. Consignments whose non-compliance(s) could be brought into conformance would be reconsidered by the Authority when duly reworked.

3.3.7 Any consignment, batch or lot of products found to be unwholesome shall be quarantined and safely disposed of under the supervision of the Food Drugs Authority.

3.3.8 The Food and Drugs Authority shall charge a fee as stated in the Food and Drugs Authority fee schedule for the supervision of safe disposal of unwholesome consignments (LI 2481, 2023).

4.0 Sanctions And Penalties

The Food and Drugs Authority may impose a fine for the breach of these guidelines in accordance with Section 129 of the Public Health Act 851 of 2012.