

Unofficial Translation

Law No (13) of 2002 amending some articles of Republican Decree No (38) of 1992 on “control over food and organization or its circulation.

We have issued the following Law:

Article (1) amends articles (1,2,5,6,9,10,11,14,15,18,19,20,21,22) of Republican Decree by Law No. (38) of 1992 on “control of Food and its Circulation”.

Article (1) this law shall be called (Law of Control of Food and its Circulation)

Article (2)) For the purposes of applying this law, the following terms and phrases shall have their corresponding meanings unless context suggests otherwise.

Ministry: Ministry of Public works and Urban Development

Minister: Minister of Public Works and Urban Development

Sector: Municipality and Environment at the Ministry of public works and Environment

Publicity: any means through which promotion to sale or dispose of food whether directly or indirectly.

Publicity: any means for promoting the sale or disposal of any food, either directly or indirectly.

Competent employee: observers, food inspectors and health officers and veterinarians in charge of supervision and inspection of food.

Competent Authority: General Directorate of Environmental Health, Ministry of Public Works and Urban Development Department offices and branches in the administrative units.

Committee: Technical Advisory Committee or its subsidiaries designated under the provisions of this law.

Circulation : the process of engaging in any commercial, industrial or agricultural producer, dealing with the import, export, sale, transfer, advertising, display or possession of the purpose of sale or barter or gift.

Accredited laboratory: it is the official or approved laboratory by the Yemeni Standards, Metrology and Quality Control Authority and entrusted conduct examinations and tests and laboratory findings pursuant to the provisions of this law and its implementing regulations.

Package: anything that food is placed in whether in whole or part.

Store (place): anywhere fixed or not fixed with attachments and used for the purpose of trading or sale of any food.

Food standards: some or all of the descriptions that denote function or levels of food quality or in respect of composition, color or shape or taste or smell, or feature the distinctive features or the minimum or maximum levels of additives or color illustrations or packing label.

Food: any substance produced or manufactured food or drink for human consumption, including chewing materials.

item: Any substance used in food processing or food preservation.

Unsanitary conditions: the conditions in which dietary exposure to pollution that makes it harmful to health.

Chapter Two

Administration and implementation

Responsibilities of the technical consultative committee

Article 5: The Technical Advisory Committee is authorized to perform the following:

1. Propose policies and plans relating to aspects of the regulatory and inspection to food and topics that may arise in implementing the provisions of this law and its complementary regulations.
- 2. Monitor the implementation of the provisions of this law and its implementing regulations provided it does not contradict enforced laws.
- 3 - coordinate supervisory and inspection work of food with other
- Competent bodies
- 4 - Carry out any other functions assigned by the Minister pursuant to the provisions of this law.

Article (6): The Committee meets at least once every month and the Minister or Chairman of the Committee may call it to convene whenever necessary. The meetings of the Committee shall only be valid if they are attended by more than half of its member, and its decisions are taken by an absolute majority of those present. When the votes are equal, the casting vote shall be that of the Chairman. In the case of absence of one of the members of the Committee for more than three consecutive meetings without an excuse, his/her ministry or Authority shall be notified accordingly and asked to nominate someone else.

Article (9): In order to implement the provisions of this law, the Competent Employee may exercise the following powers, provided that the same does not conflicting with the Law of Standards, Metrology and Quality Control:
A - access to public places and shops which are suspected of having the any item or food being processed, or preserved or stored, or packed, and may check these articles and take samples from them in accordance with the provisions of this Law and the laws in effect, provided that the same are conducted during working hours and commissioned by the competent authority.

B – stop, search or seize any means of transport suspected of transporting

any food or item which fall under the purview of this law and may take samples for inspection and analysis in the laboratory, subject to paragraph (c) of Article (11).

C - open and examine any package suspected of containing an item or food contrary to the provisions of this law, at an accredited laboratory.

D - Access registration books and documents relating to items or food related to the implementation of the provisions of this law and may take copies of them or make a summary of the facts that violate the law.

E – Any item or food suspected of violating the provisions of this law may be seized and shall remain in custody until examination and laboratory analysis determine their fitness for human and that they are not in violation of the provisions of this Law or other laws in effect, subject to paragraph (c) of Article (11) of this Act, provided that testing and analysis are conducted within the period defined by the Regulation. ns.

Article (10): In case of seizure of any food item suspected of violating the provisions of this law and its implementing regulations, the following steps shall be taken.

A –the food or item violating this law shall be destroyed by the orders of the Competent Employee and approval of the owner or person in charge of his work and in the presence of a representative from the Office of the Attorney General.

B - In case the owner or person in charge of the his work do not respond (yield) to order of the Competent Employee to destroy or dispose of the item or food in violation of the to the provisions of this Law. The Competent Employee shall write a report of the facts and to send the item or food to the Official Laboratory to determine if it were fit for human consumption or not.

C - in case of the owner or the person in charge of his work refuse to carryout the directives of the competent employee to destroy or dispose of the item or foods in violation of this law without having to be tested in the laboratory, the competent employee shall write a report on the violation and refer the violation to the Office of the Attorney General.

Article (11): A - any item or food or a sample taken to be tested or analyzed shall be sent to an accredited laboratory within a period not exceeding 24 hours. In all circumstances, the same shall be conducted in a method set forth in the Regulations of this law.

B - The (competent authority) shall release and allow the circulation of the item or food if the laboratory test deem the item suitable for human consumption and is not in violation of the provisions of this law and other laws in effect

C - in the case of the seizure and storage of any item or food, the same shall be stored at the same place or the location where the item were seized, if appropriate storage facilities are available.

D - Any one who removes changes or alters the place or location of seized food or item, or intervened in any way without reference to, or permission from the Competent Authority shall be liable to punishment.

Article (14): The administration of the accredited department or the competent employees working in them should test and analyze the samples taken or sent to them and write a certificate or a laboratory report as fast as practically possible, and show the result on forms prepared for this purpose and to be submitted to the agency or competent authority through the formal channels prescribed by the rules and regulations. The Regulation shall specify the maximum period for testing a sample.

Article (15): The results of the examination conducted by the accredited laboratory are considered reliable, in case of opposition, the test shall be redone and its result shall be final, subject to the provisions of Paragraph (b) of Article (9) and no violation to them.

Article (18): Every producer, distributor or wholesaler of any item or food is prohibited from selling the same item or food to another retailer unless he the product bears its nature and quality the item and it is fitness for human consumption.

Article (19): importation or any item or food is prohibited if more than half the validly period has elapsed or contains any item or food that do not comply with the provisions of this law or any other law in effect in the Republic. The competent authority shall obligate the concerned person to re-export the violating item and food abroad at the time it specifies, if this is not met, the items shall be destroyed at the expense of the concerned person.

Article (20): the following shall be considered in violation of this law:

- a- Anyone who brings, prepares or offers with the intention of selling, or has donated and traded in food containing any toxic or harmful substance or food consists wholly or partly of any material that is damaging to human health or contains strange material or material unfit for human consumption or adulterated food or food whose marketing validity has expired.
- b- B- any one who illustrates in the label or packet or process or promotes a food in a false, misleading or deceptive manner in respect of its characteristics, nutrition value or its material, quality or composition.
- c- Article(21) in cases of proven violations by any person or the violations stated in this law, the Minister, or his authorized representative, may withdraw the license from such person, or close the store for a period not exceeding one week and refer the violator to the Office of the Attorney General.

Article (22): A - Without prejudice to any severer penalty provided for by laws any person who violates the provisions of this law shall be punished with imprisonment for a term not exceeding two months or a fine of not less than (10,000) ten thousand Riyals and not less than half the value of the goods and not more than value of the goods or food or item in violation of the provision of this Law. Whichever is greater, in addition to suspending his license for a period not exceeding six months? In the case of repeated violation, the punishment provided for in this Article shall be doubled.

B – Anyone who refuses or obstructs or impedes the procedures taken by the Competent Employee to implement this Law shall be imprisoned for a term not exceeding one month or a fine of not more than (20.000) twenty thousand Riyals. Or conceals any information required from him about the violating goods.

Article (2): A new article shall be added numbering (1 bis) which provides as follows:

Article (1 bis): This law aims to protect consumers from health hazards resulting from the use of unfit foods.

Article (3): Articles (3.4) shall be merged into a single article under number (3) which provides as follows:

Article (3): For the purposes of implementing the provisions of this Law:

A - A Technical advisory Committee shall be formed in the Ministry Chaired by the competent Deputy Minister with representatives from the following ministries: (Ministry of Public Health and Population - Ministry of Industry and Commerce - Ministry of Agriculture and Irrigation - Ministry of Fish Wealth - Ministry of Electricity and Water - Chamber of Commerce and Industry).

B - Sub-committees shall be formed in the provinces chaired by the Secretary-General of the Local Council and the membership of the local Director Generals of relevant ministry Offices, the Chamber of Commerce and Industry, and representatives of the relevant authorities.

C - The Technical Committee and subcommittees in the secretariat of the capital and the provinces may form a committee or sub-committees from among its members to perform any work as necessity dictates, and have the right to seek the assistance from whoever it deems fit to provide advice provided that they have no right to vote when attending the meetings.

This Law comes into effect from the date of its issuance and shall be published in the Official Gazette.

March 10, 2002