

Federal Law No. 10 of 2015

Issued on 03/11/2015

Corresponding to 21 Muharram 1437 H

ON FOOD SAFETY

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates,

After perusal of the Constitution,

The Federal Law No. 1 of 1972 on the Competencies of the Ministries and Powers of the Ministers, and its amendments,

The Federal Law No. 4 of 1979 on the suppression of fraud and deception in commercial transactions, and its amendments,

The Federal Law No. 5 of 1979 on agricultural quarantine, and its amendments,

The Federal Law No. 6 of 1979 on the veterinary quarantine, and its amendments,

The Federal Law No. 18 of 1981 on the regulation of commercial agencies, and its amendments,

The Federal Law No. 8 of 1984 on commercial companies, and its amendments,

The Federal Law No. 3 of 1987 promulgating the Penal Code, and its amendments,

The Federal Law No. 35 of 1992 promulgating the Criminal Procedure Law, and its amendments,

The Federal Law No. 37 of 1992 on trademarks, and its amendments,

The Federal Law No. 39 of 1992 on the production and trading of fertilizers and soil conditioners,

The Federal Law No. 41 of 1992 on pesticides, and its amendments,

The Federal Law No. 42 of 1992 on the production, import and trading of seeds and tubers,

The Federal Law No. 24 of 1999 on the protection and development of the environment, and its amendments,

The Federal Law No. 28 of 2001 on the Law on the Establishment of the Emirates Standardisation and Metrology Authority, and its amendments,

The Federal Law No. 1 of 2003 on the establishment of the Federal Customs Authority, and its amendments,

The Federal Law No. 24 of 2006 on consumer protection, and its amendments,

The Federal Law No. 5 of 2009 on organic inputs and products,

The Federal Law No. 8 of 2013 on the Prevention and Control of Contagious and Epidemic Animal Diseases,

And according to the suggestion of the Minister of Environment and Water, the approval of the Council of Ministers and the Federal National Council and the ratification of the Federal Supreme Council,

Issued the following Law:

Article 1 - Definitions

In application of the provisions of this Law, the following terms and expressions shall have the meanings stated beside them, unless the context requires otherwise:

State: The United Arab Emirates.

Ministry: The Ministry of Environment and Water.

Authority: The Emirates Standardisation and Metrology Authority.

Minister: The Minister of Environment and Water.

Competent Authority: Local authority specialised in food and feed safety in each Emirate.

Concerned Entities: Ministries, government departments and federal public bodies and institutions concerned with food and feed safety.

Establishment: The establishment licensed to trade food or feed whether through a fixed or movable, permanent or temporary facility.

Person in charge of the Establishment: Physical or legal person licensed and liable for the implementation of the provisions of this Law, the rules, regulations and decisions issued thereunder at the Establishment of which it is in charge.

Trading: The production, manufacturing, preparation, processing, filling, re-filling, packaging, transport, import, acquisition, storage, distribution, submittal, display, sale, export or re-export of food or feed at any food chain stage.

Licensed: Physical or legal person holding a valid licence to practice any activity related to the trading of food or feed.

Food: Any material or part of material, whether raw, primary, manufactured or semi-manufactured, intended for human consumption by eating or drinking, including beverages, bottled water, pickles, spices and chewing gums, as well as any material involved in the manufacturing, preparation and processing of food, excluding cosmetics, tobacco or materials used only as drugs.

Feed: Any material or part of material intended for oral animals' nutrition, whether raw, manufactured or processed and prepared in whole or in part, including the feed additives and products used for the animal's nutrition for the purpose of improving the quality of the food material produced from animal origins.

Feed Safety: Guarantee that the feed does not cause damage to the food produced from animal origins or to the humans' or animals' health as per its intended use.

Health of the Feed: All necessary conditions and measures to ensure the safety and validity of the feed used for animals' consumption, as per its intended use.

Initial Production: The stages preceding the manufacturing and processing of food, including the cultivation, harvest, breeding farm animals, milking, hunting wild animals, fishing, aquaculture, collecting and harvesting wild products.

Consignment: A certain amount of food, feed or both, including one or more batches covered usually by the same health certificate and other documents.

Consumer: Whoever uses food to satisfy his/her personal needs or the needs of others.

Technical Regulation: The document defining the characteristics of the service or product, the production methods, management systems, terminology, symbols, data, packaging, labelling and requirements of the label applied to the product or its production methods or those limited to any of them and with which the compliance is mandatory, according to the specifications and standards in force at the State.

Food Chain: All stages of food, starting from feed through initial production until arriving to the consumer, including the stages of manufacture, preparation, processing, packaging, filling, transport, storage, distribution, display and sale.

Food Safety: Guarantee that the food does not cause damage to the consumer upon trading or consumption, as per its intended use.

Health of the Food: All necessary conditions and measures to ensure the safety and suitability of food during all the food chain stages.

Food Suitability: Guarantee that the food is acceptable for human consumption as per its intended use.

Deceptive Food: Food described in a way that is contrary to the truth for the purpose of commercial promotion, including any inaccurate information in this regard.

Adulterated Food: The food to which other materials are added to the original components in order to reduce its quality or nutritional value, or of which the rich components are removed or any of the original information changed, without stating the same on the food label.

Rotten Food: The food that has undergone unintended changes in its external or gastronomic properties, such as the appearance, texture, smell, taste or flavour, rendering it unsuitable for human consumption or reducing its validity.

Harmful Food: The food containing risks originally or to which they were mixed at any stage of trading, rendering it non-conformant to the legislations and technical regulations in force at the State and adversely affecting the health of the consumer.

Food Label: Any statement, sign, or anything pictorial or descriptive, whether written, printed, drawn, decorated, stamped or glued on the food package, in addition to any document or information annexed to or accompanying the food.

Food Card: Any statement, sign, or anything pictorial or descriptive, whether written, printed, drawn, decorated, stamped or glued on the feed package, in addition to any document or information annexed to or accompanying the feed, including the explanatory information related to the characteristics, composition, nature, preparation, use or storage instructions of the feed.

Health Measures: Procedures applied in order to protect the consumer's health at the State from the risks caused by food additives, contaminants, toxins, pathogenic organisms in the food or from the risks of diseases transmitted by plants, animals, plant or animal products or risks from other food hazards.

Control: Mandatory regulatory activity aiming at protecting the consumer's health and ensuring food and feed safety during their trading at any stage of the food chain, ensuring their compliance with the health and quality requirements and their labelling in a clear and precise manner according to the provisions of this Law, as well as the issued rules, regulations and decisions.

Food Safety Systems: Structured scientific methods and ways aiming at pre-identifying the sources of risk, evaluating the same and taking control measures to ensure food safety.

Retaining: Procedures or measures taken by the competent or concerned authorities to confiscate the food or feed in the designated place until ensuring that they conform to the provisions of this Law.

Tracking: A set of procedures and measures aiming at tracking and following the movement of food and feed during all the trading stages thereof within the food chain.

Retrieval: The procedures and measures to be taken in order to retrieve the food or feed in case of their violation to the provisions of this Law. These procedures and measures include communicating with consumers or feed traders as soon as they receive them.

Withdrawal: The procedures and measures to be taken to retrieve the food or feed in case of their violation to the provisions of this Law during any stage of the food chain before reaching the end consumer.

Risks: Possibility of occurrence of adverse effects on the humans' health as a result of exposure to risk in the food or feed at any stage of the food chain.

Risk Analysis: Determining the potential risks in food or feed based on scientific grounds and setting necessary measures to manage the same. Such analysis includes three elements: Risk assessment, management and reporting.

Risk Assessment: Assessment of the possibility of occurrence of adverse effects and the severity of their impact on the consumer's health based on scientific grounds,

consisting of identifying and describing the risk sources in addition to the assessment of the exposure to the source of risk and description of risk.

Risk Management: Estimation of suitable alternatives, while taking in consideration the assessment of risk and other relevant factors in order to protect the consumer's health, encourage fair business practices and take into account the preventive and control options when necessary.

Food Additive: Any material not considered food or a part of the food components in itself, whether it has a nutritional value or not, and added intentionally for technical purposes, of which the addition results, directly or indirectly, into the fact that this material or its lateral product becomes a part of the food components or affects its properties.

Package: Any form of container through which the food or feed is preserved or packed for the purpose of sale as a single unit, including boxes, wraps and parcels.

Article 2 – Objectives of the Law

This Law aims to:

- 1- Ensure the safety and suitability of the traded food and control it during the food chain stages in order to verify the validity of the food for human consumption.
- 2- Protect the consumer's health by removing or reducing all the risks associated with food.
- 3- Protect the consumer from harmful, adulterated, deceptive or inappropriate food.
- 4- Ensure the safety and health of traded feed.
- 5- Facilitate the movement of food trade.

Article 3 – Scope of Application

The provisions of this Law shall be applied on the following:

- 1- Establishments.
- 2- Consignments imported into the country or passing through its territories (transit) after inspection by the Ministry and the competent authorities.
- 3- Food at all the food chain stages.

Article 4 - Competencies and Powers

Taking into account the provisions of the legislations in force, the competent authorities shall be liable for the verification of food safety in the food chain. The

Ministry shall unify the procedures and supervise the same in coordination with the competent authorities and the concerned entities, so as to achieve the following:

1- Development of the necessary policies, strategies and legislations to ensure food safety through the food chain and organise the trading thereof in a way enhancing food security and supporting national economy.

2- Organisation of the food and feed trading activities, including import, export and re-export.

3- Organisation of advertisements related to the traded food.

4- Contribution to the consumer's awareness of food safety, and the Ministry shall notify of the nature of risk of any food, if any.

5- Management of crises, accidents, risks and warnings related to the food and feed safety.

Article 5 – Systems

The Ministry shall establish the following systems, in coordination with the competent authority and the concerned entities:

1- Rapid Alert System for Food and Feed (RASFF) at all the food chain stages in order to report any direct or indirect risk to the consumer's health.

2- Tracking, withdrawal and retrieval management system of food and feed.

3- Food and feed crises and accidents management system.

4- Food and feed safety monitoring system.

5- Control and inspection system of traded food and feed and their establishments.

6- Any other relevant systems.

Article 6 - Health and Precautionary Measures

1- The Ministry shall, in coordination with the competent authorities and the concerned entities, set the health measures, provided that the following is taken in consideration upon preparation and implementation of such measures:

a- Relying on scientific principles and evidence based on the principle of risk analysis for all the stages of the food chain aiming at protecting the consumer's health. These principles shall be implemented with all transparency, objectivity and independence.

b- Relying on international standards, guidelines and recommendations in case of non-availability of sufficient scientific evidence.

c- Not distinguishing between local and imported food and feed.

2- The Ministry and the competent authority shall take the necessary precautionary measures towards any food, materials or activities related to the same that may damage the consumer's health, and review such measures within a reasonable period of time based on risk analysis.

Article 7 - Licence and Registration

1- It shall be prohibited to exercise any commercial, industrial or professional activity in the State related to the trading of food or feed, including the initial production facilities, before obtaining the prior official consent of the competent authority, in accordance with the systems in force.

2- The food and feed manufacturers, producers and importers shall register their products before trading. The Implementing Regulation to this Law shall specify the registration conditions, procedures and entities.

Article 8 – Import

1- It shall be prohibited to import any food or feed for the first time unless it is approved by the Ministry within a national system for accreditation and registration announced by the Ministry and entering into effect from the date of entry into force of this Law.

2- It shall be prohibited to import any food or feed through the State's ports, without being accompanied with the required documents and certificates according to the provisions of this Law, and the rules and regulations issued thereunder.

3- The risk analysis system for the control of imported food and feed shall be adopted at all the State's border crossings according to the provisions of this Law, the rules and regulations issued thereunder, the mandatory standard specifications and technical regulations.

Article 9 - Obligations of the Person in charge of the Food Establishment

Without prejudice to the provisions of the Consumer Protection Law, the person in charge of the food establishment shall:

1- Apply the food safety systems based on the analysis of the risk sources approved at the State.

2- Ensure food health, safety and suitability for human consumption.

3- Facilitate the tasks of the competent employee during the performance of his work of supervision, inspection and auditing.

4- Provide the required authenticated records reflecting his commitment to this Law and the rules and regulations issued thereunder.

5- Train and rehabilitate his workers in the field of food health and safety according to the approved standards.

6- Ensure the medical fitness of his workers.

7- Notify the Ministry and the competent authorities of any food under his supervision that may pose a risk to the consumers' health.

8- Track the food traded in his establishments according to the regulation issued in this regard, determine its places of distribution and storage and provide the related records.

9- Ensure the accuracy and validity of the data of the food card related to the food under his supervision to facilitate the tracking process.

10- Withdraw and retrieve the food in case it was proved unsafe for human consumption, it violates the provisions of this Law and the rules and regulations issued thereunder or the mandatory standard specifications and technical regulations, and notify the competent authority and the Ministry of the same.

11- Provide any detailed information to the Ministry, the relevant entities or the competent authorities related to the food traded at the establishment.

12- Any other obligations specified by the Implementing Regulations.

Article 10 - Obligations of the Feed Establishment

The person in charge of the feed establishment shall:

1- Ensure the safety of the feed under his supervision.

2- Ensure the application of the general rules for the feed health, as determined by the Implementing Regulations to this Law.

3- Apply good manufacturing practices and methods based on the principles of risk analysis system and critical control points approved by the State.

4- Provide the required authenticated records reflecting his commitment to this Law and the rules and regulations issued thereunder.

5- Provide qualified persons to deal with the feed.

6- Notify the Ministry and the competent authorities of any feed under his supervision that may cause damage to the animals' or humans' health.

7- Track the feed traded under his supervision according to the regulations issued in this regard, determine its places of distribution and storage and provide the related records.

8- Ensure the accuracy and validity of the data of the feed card related to the feed under his supervision to facilitate the tracking process.

9- Withdraw and retrieve the feed in case it was proved unsafe, it violates the provisions of this Law and the rules and regulations issued thereunder or the technical regulations, and notify the competent authority and the Ministry of the same.

10- Provide any detailed information to the Ministry or the competent authorities related to the feed traded at the establishment.

Article 11 - Control and Inspection

The Ministry and the competent authorities shall control the food and feed in the food chain stages and establishments, through the following:

1- Compel the establishment to provide copies of the documents and certificates before commencement of inspection thereon.

2- Take samples of the food and feed according to the risk analysis system related to the food and feed that are imported, manufactured locally or in the markets and analyse them if necessary at the approved laboratories to verify their validity and compliance with the mandatory standard specifications, the technical regulations and the provisions of this Law.

3- Detain any food or feed from which laboratory test samples are taken, until the issuance of results.

4- If the results of the external inspection or laboratory test of the sample show that it violates the mandatory standard specifications, the technical regulations and the provisions of this Law, the competent authorities shall take all necessary actions in this regard.

5- Any other procedures deemed necessary by the Ministry or the competent authority to conduct the control and inspection process.

Article 12 – Trading of the Food and Feed

1- The traded and imported food and feed shall comply with the technical regulations, the legislations in force at the State, the mandatory standard specifications and any conditions or standards stated in any bilateral agreement with the exporting country.

2- The establishment shall be prohibited to trade in rotten, harmful, adulterated, deceptive food, food violating the technical regulations or inappropriate food, as determined by the Implementing Regulations to this Law and the regulations issued thereunder.

3- It shall be prohibited to trade in feed that causes damage to the humans' or animals' health, or the feed that violates the technical regulations and the provisions of this Law, as determined by the Implementing Regulations hereto.

4- It shall be prohibited to dispose of or change the data or components of the retained food or feed without the written consent of the competent authority as determined by the Implementing Regulations to this Law and the rules issued thereunder.

Article 13

1- The Ministry and the competent authorities may request detailed information related to any food or feed traded from the establishment, including its composition, method of use and any scientific and research information related thereto. The Ministry may ban the entry or trading of any food or feed on a permanent or temporary basis if required by the public interest, and shall inform the public of the same.

2- The Ministry and the competent authorities shall preserve the confidentiality of the information related to food and feed in terms of composition, method of use and any other important information.

Article 14- Penalties

Without prejudice to any more severe penalty set forth in another Law:

1- Whoever trades, at any food chain stage, in adulterated, harmful or rotten food, shall be punished by imprisonment for a period not less than three months and a fine not less than (100,000) one hundred thousand Dirhams and not exceeding (2,000,000) two million Dirhams or by either penalties.

2- Whoever trades, without licence, in food containing pork or its derivatives or products, alcohol or other materials that violate the provisions of Islamic Sharia'a, shall be punished by imprisonment for a period not less than one month and a fine not less than (50,000) fifty thousand Dirhams and not exceeding (500,000) five hundred thousand Dirhams or by either penalties.

3- Whoever trades, promotes, contributes or publishes a false description of any food in order to deceive the consumer, shall be punished by a fine not less than (10,000) ten thousand Dirhams and not exceeding (100,000) one hundred thousand Dirhams.

4- Whoever disposes of any food or feed retained under the provisions of this Law, the rules and regulations issued thereunder, shall be punished by imprisonment for a period not less than three months and not exceeding two years and a fine not less than (100,000) one hundred thousand Dirhams and not exceeding (300,000) three hundred thousand Dirhams or by either penalties.

5- Without prejudice to Clause 1 of this Article, whoever trades in any food or feed that violates the technical regulations issued in implementation to the provisions of this Law shall be punished by a fine not less than (10,000) ten thousand Dirhams and not exceeding (100,000) one hundred thousand Dirhams.

6- Whoever attempts to commit any of the crimes punishable by this Law shall be punished by the penalty of the full crime.

7- Whoever violates any provision other than the provisions stated in the above penalties shall be punished by a fine not less than (10,000) ten thousand Dirhams.

8- In case of repetition, the penalty shall be doubled in all cases.

Article 15 - Judicial Officers

The employees specified by a decision from the Minister of Justice, under agreement with the Minister or head of the competent authority, shall act as judicial officers as per the crimes occurred in violation to the provisions of this Law, its Implementing Regulation and the decisions issued pursuant thereto.

Article 16 - Rectification of the Situation

The establishment covered by the provisions of this Law shall rectify its situation according to the provisions hereof within (6) six months from the date of entry into effect of the same. The Council of Ministers may extend this period for a similar non-renewable period.

Article 17 - List of Administrative Measures

1- Each of the Ministry and the competent authority may take any of the following measures and penalties:

Warning.

b- Close the establishment that violates the provisions of this Law in an administrative manner for a period not exceeding three months. It shall have the right to issue decisions allowing these establishments to resume their work before expiry of the period of administrative closure in case of removal of the subject of violation.

c- Close the establishment definitively and ask the concerned entity to withdraw its licence in case of failure to remove the reasons of violation after expiry of the period of administrative closure.

2- The establishment may appeal the decision of temporary or final closure within thirty days from the date of being notified of the decision, as determined by the Implementing Regulations to this Law.

3- The criminal action shall not be set in motion for the crimes set forth in Clauses 2, 5 and 7 of Article 14 without a written request from the Ministry or the competent authority.

4- Reconciliation may be made for the crimes set forth in Clauses 2, 5 and 7 of Article 14 before referring the case to the competent authority against an amount not exceeding (100,000) one hundred thousand Dirhams per each crime.

5- The Council of Ministers shall issue a decision stating the rules of reconciliation and the financial amount for the reconciliation of each of the crimes set forth in Clause 4 of this Article.

Article 18 – General and Final Provisions

The Ministry shall be the competent authority to communicate with the countries, international and regional organisations concerning the measures related to the safety of food and feed.

Article 19

The provisions of this Law shall apply to the territory of the State including free zones.

Article 20

The Council of Ministers shall – upon the Minister's suggestion – issue the implementing regulations to this Law within six months from the date of issuance thereof.

Article 21

Any provision that is contrary to or inconsistent with the provisions of this Law shall be cancelled. The regulations and decisions in force before the entry into effect of this Law shall continue to be valid until the issuance of the regulations and decisions replacing them.

Article 22

This Law shall be published in the Official Gazette and shall enter into effect six months after the date of publication thereof.

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Khalifa bin Zayed Al Nahyan

President of the United Arab Emirates

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