

Khalifah Bin Zayed Al Nahyan
Ruler of Emirate of Abu Dhabi

Law No. (02) for the year 2008 in respect of Food within the Emirate of Abu Dhabi

We, Khalifah Bin Zayed Al Nahyan, Ruler of Abu Dhabi,

- Having perused law No. (1) for the year 1974 in respect of reorganizing the government body of Abu Dhabi and amendments thereof.
 - And law No. (2) for the year 1971 in respect of the national consultative council and amendments thereof.
 - And law No. (5) for the year 1998 in respect of issuance of licenses in the Emirate of Abu Dhabi.
 - And law No. (2) for the year 2005 in respect of establishing Abu Dhabi Food Control Authority and amendments thereof.
 - And federal law No. (4) for the year 1979 in respect of combating fraud and cheating in the commercial dealings.
 - And federal law No. (5) for the year 1979 in respect of agricultural quarantine and amendments thereof.
 - And federal law No. (6) for the year 1979 in respect of veterinary quarantine and amendments thereof.
 - And federal law No. (3) for the year 1987 in respect of lawand amendments thereof.
 - And federal law No. (18) for the year 1981 in respect of organizing commercial powers of attorney and amendments thereof.
 - And federal law No. (35) for the year 1992 in respect of issuance of criminal proceedings law and amendments thereof.
 - And federal law No. (37) for the year 1992 in respect of law trademarks and amendments thereof.
 - And federal law No. (28) for the year 2001 in respect of establishing Emirates Authority for Standardization and Metrology.
 - And federal law No. (1) for the year 2003 in respect of establishing Federal Customs Authority.
 - And federal law No. (24) for the year 2006 in respect of the consumer protection.
 - And pursuant to the proposal submitted to the Executive Council and approved by it,
- Hereby issue the following law:

Definitions

Article (1)

The following words and phrases shall have the meaning hereby assigned to them unless the context requires otherwise:

The State: The state of the United Arab Emirates.

The Emirate: The Emirate of Abu Dhabi.

The Authority: Abu Dhabi Food Control Authority

Board of Directors: Board of Directors of the Authority

Director General: Director General of the Authority

Food: substance, whether processed, semi-processed or raw, which is intended for human consumption, inter-alia drink, chewing gum and any substance which has been used in the manufacture, preparation or treatment of “food” but does not include cosmetics or tobacco or substances used only as drugs.

Person: The private or public natural or corporate person.

Consignments: Quantity of food imported to or exported from the Emirate of Abu Dhabi.

Food Label: Any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached to, a container of food

Food Chain: This includes all stages of foodstuff production, processing, preparation, manufacturing, packing, transporting, storing, distributing, displaying, servicing and selling it to consumers.

Establishment: Any building(s) or areas(s), fixed or mobile, in which food is handled at any stage of food chain.

Licensee: A person with valid license for operating any activity related to food and its handling.

Food Establishment in Charge: The natural or legal person(s) responsible for ensuring that the requirements of food law are met within the food business under their control

Handling: Any operation in the preparation, processing, cooking, packaging, storage, transportation, distribution, selling and service of food or donating for the purpose of human consumption.

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Harmful food: Food that contains risks throughout any stage of its handling, resulting in failure to comply with standards and may have negative effect on human health, whether it is local or imported.

Adulterated food: Food where certain materials are added to its original ingredients for the purpose of reducing its quality and nutritional value or the food where some of its nutrient contents have been removed without disclosing this in its food label.

Quality: Level of which food is idiosyncratic, or distinctive in meeting the consumer needs and desires or interests, or meeting the requirements of standard specifications.

Advertisement: promoting the food for the purpose of selling or dispersing it directly or indirectly, whether it is printed, or in audio or visual form or otherwise.

Food safety: The sum of Health measures and procedures undertaken in order to protect the public health against any possible risks in such food.

Food safety system: the systematic scientific methods and techniques used for the purpose of proactively identifying hazards, and further evaluating them and enforce appropriate measures to protect food.

Verification: The regular monitoring activities carried out to ensure compliance to the requirements stated in the food safety systems.

Traceability: The ability to follow the movement of a food -including raw materials- throughout all stages of its handling within the food chain.

Recall: Withdrawal of the food from the market, when proven unfit for human consumption, including communication with consumers.

Health precautions: Routine and/or preventive measures that are necessary to protect the food and ensure its safety and suitability for human consumption throughout the food chain.

Good Manufacturing practices: The set of safety and quality practices implemented in food production, that are in harmony with the standards, regulations and decisions issued under this law to ensure food safety and quality.

Hazard: A biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect

Risk: the probability of an adverse human health effect and the severity of that effect, consequential to a hazard(s) in food.

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Standards: The mandatory parameters pertaining to Food, that are approved on federal level, or GCC, regional, or international in terms of their physical, chemical, or biological characteristics, ingredients, purity, permitted limit of impurities and added materials.

Food control: A compulsory organizational activity conducted by the Authority for the purpose of protecting the consumer, ensuring safety and quality of food and its handling based on the regulations and decisions of the Authority.

Food additive: Any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological purposes, and result in or may be expected to result, (directly or indirectly), in it or its by-products becoming a component of or otherwise affecting the characteristics of such food.

Consumer: person using the food in order to meet his/her personal needs or those of others.

Officer in-charge: It refers to the person who has the capacity of judicial power in accordance to the provisions of this law.

Food Suitability: The condition in which food is acceptable for human consumption according to its intended use and meets the Food safety and quality requirements.

Risks analysis: Identifying risks in food on scientific basis and developing the necessary precautions to manage them. This consists of three components : risk Assessment, risk management and risk communication.

Chapter One

General Provisions

Article (2)

The Authority is the designated body in regulating food and its handling throughout the food chain, in coordination with the related authorities in the state and the Emirate, in a way that achieve the following:

- 1- Protecting the consumer's health against any health hazards resulting from consuming food that are not in compliance with the standards.

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- 2- Organizing the activities pertaining to food handling throughout the food chain and ensure their compliance with the standard specifications, requirements and regulations issued by the Authority.
- 3- Enhancing the consumer's confidence in the Emirate control systems and contributing to raising the level of food awareness in such a manner that enables the consumer to make an informed right decision.
- 4- Setting the necessary technical frameworks and required legislations for organizing food trade and enhancing the competency of the food industry and trading sectors in a manner that would support the national economy.

Article (3)

It is prohibited to handle food within the Emirate unless obtaining a prior license for practicing such activity in accordance with the issued bylaws based on this law.

Article (4)

The licensee shall abide by the bylaws, regulations, decisions and circulars issued by the Authority in the area of food registration.

Article (5)

All food establishments shall ensure the medical fitness of its food handlers and shall acquire the health practice card in accordance with the bylaws issued in this respect.

Article (6)

- The food establishment in charge shall be responsible for the following:
 - 1- Tracing the food handled within the Emirate and identify its distribution locations.
 - 2- Ensuring the accuracy of food labeling displayed in the markets in order to facilitate its tracing process.
 - 3- Recalling food in case where proven that it is unfit for human consumption.
- The Authority shall set the rules governing the process of food recall in such a manner that would protect human health.

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Article (7)

The food establishment in charge shall ensure the food safety and quality for human consumption, as well as his/her legal and civil obligation for the performance of his/her agents, subordinates and employees as specified in the present law, bylaws, decisions and circulars issued under the same. The food establishment in charge shall particularly, be responsible of the following:

- 1- Providing the required documented records, which reflect compliance to the present law, and the related bylaws, regulations and decisions.
- 2- Training the food handlers working in the establishment in the areas of health and food safety and is further committed to any training programs issued by the Authority.
- 3- Inform the Authority on any food, under its responsibility, that may pose a risk to consumer's health and the undertaken preventive measures to protect consumer against health risks.

Article (8)

It shall be prohibited to do any of the following:

- 1- Adulterating food or handle any harmful or deteriorated food
- 2- Handling food containing pork, its products or any alcoholic components without a prior permission
- 3- Removing, altering or intervening, in any way, in any detained food without the written permission from the Authority

Chapter Two

Management, Implementation and Responsibilities of the officer in-charge

Article (9)

The Authority shall be responsible on examining and inspecting all imported food consignments received via the Emirate borders of entry as well as the exported ones in accordance with the bylaws, regulations and decisions issued in this regard.

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Article (10)

- 1- The Authority shall prepare, review, approve and issue all necessary health precautions, in accordance with the principles recognized in the related international agreements that the state ratified.
- 2- Subject to the Board of Director's approval, the Director General may propose agreements with the Arab, regional and international organizations pertaining to mutual recognition of health precautions and food control measures and its requirements.

Article (11)

- 1- Upon the recommendation of the Director General, the Board of Directors may form a (Consultation Committee) composed from qualified and experienced members in food handling throughout the food chain, provided that they are representing public and private sectors' agencies, universities and the civil society organizations. The committee's recommendations shall be submitted to the Director General.
- 2- The Director General may formulate working groups emanating from the consultation committee, and specialized in technical aspects of food safety.
- 3- The consultation committee shall provide the necessary support for the Director General.

Article (12)

The Director General may delegate his powers specified herein to some senior Authority staff members.

Article (13)

- 1- The Director General may assign any person he deems appropriate to provide him with detailed information on any material used in the handling of food including its composition, method of use and any other research scientific information in this respect.
- 2- It is prohibited to disclose any information obtained by the Authority based on the previously mentioned assignment. It is also prohibited to release any information related to individuals career without the prior written approval from the person in

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charge, except for the information related to the official work under the provisions hereunder.

Article (14)

- The officer-in-charge, while carrying out his/her duties and identifying himself or herself, shall execute the following duties and responsibilities:
 - 1- Inspect any establishment and the employees during the official working hours to ensure the food safety and quality and that meeting the establishment requirements and conditions issued by the Authority.
 - 2- Examine any of the establishment documents or records and acquire required copies.
 - 3- Obtain any necessary information to be provided by the establishment officer.
- Based on the inspection and examination results, the officer-in-charge may undertake any of the actions below stated:
 - 1- Issue warnings
 - 2- Issue Violation Orders
 - 3- Withdraw samples for lab testing
 - 4- Detain the food when in doubt of being unfit for human consumption
 - 5- Release food into the market when detention causes are waved
 - 6- Destroy or confiscate food in case proven that it is unfit for human consumption
 - 7- Recommend to the Director General the Closure of Establishment or withdrawal of the operating license

Chapter Three
Legal Proceedings and Penalties

Article (15)

The Authority designated employees have the judicial powers for inspecting food and establishments to verify their compliance to provisions of this law, regulations and decisions issued accordingly shall have the right to issue violation orders to the

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provisions of this law, regulations and decisions issued accordingly, and to refer violators to the competent judicial authorities in accordance with the applicable procedures.

Article (16)

Without prejudice to any stricter penalty specified in any other law:

- 1- A penalty of a minimum period of three month imprisonment and/or a fine of minimum AED 30,000/- and not exceeding AED 200,000/- , in case where harmful food has been intentionally handled.
- 2- A penalty of a minimum period of two month imprisonment and/or a fine of minimum AED 15,000/- and not exceeding AED 100,000/-, in case where adulterated food has been intentionally handled.
- 3- A penalty of a minimum period of one month imprisonment and/or a fine of minimum AED 15,000/- and not exceeding AED 100,000/-, in case where handling food containing pork or its products or any alcoholics without prior permission.
- 4- A penalty of a fine minimum of AED 10,000/-, in case where food is promoted or marketed in manner that may mislead the consumer.
- 5- A penalty of a fine minimum of AED 5,000/-, in cases other than the above mentioned.
- 6- Under all circumstances, the penalty shall be doubled where crime is repeated.

Chapter Four
Closing Provisions

Article (17)

- Provisions of this law, regulations, rules and decisions issued shall be applied to all establishments handling food and food related activities within the Emirate.
- The Authority shall issue decisions pertaining to the grace periods granted to the existing establishments in order to reconcile their status in accordance with provisions of this law, and the related decisions issued accordingly.

Article (18)

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The board of directors shall, issue the executive bylaw, decisions, circulars and regulations that are necessary for the implementation of the provisions of this law, based on the recommendation of the Director General, particularly in identifying cases in which food is considered to be harmful or adulterated, and the mechanism for managing food that is safe and proves fitness to human consumption, yet fails to comply with set standards upon its arrival to any border of entry within the Emirate, as well as the fees and charges incurred by the services provided where the board of directors deems necessary to be collected. In addition to specifying all regulations pertaining to Food marketing and documents required as well as the required health certificates for various imported food types.

Article (19)

Provisions of this law shall not prejudice the international agreements endorsed by the state.

Article (20)

Any provision in conflict or contrary to the provisions hereof shall be repealed.

Article (21)

This law shall come into force three months following its promulgation in the Official Gazette.

Khalifah Bin Zayed Al Nahayan –
Ruler of Abu Dhabi

Issued by us in Abu Dhabi on 20th of January 2008, corresponding to 12th of Muharram, 1429 Hijri