

The New Jordanian Food Law

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On 16 June 2015, the Food Law No. 30 of 2015 (the “Food Law”) was published in the official gazette issue No. 5345, replacing the Interim Food Control Law No. 79 of 2001.

Article 3 of the Food Law states that the Jordanian Food and Drug Administration (the “JFDA”) shall be the sole authority entrusted to supervise imported and local food in all of its stages in order to ensure its safety and quality.

The Role and Powers of the JFDA

In accordance with the Food Law, the role of the JFDA includes:

- Enforcing health measures and the Jordanian technical regulations, regardless of whether the food in question is locally produced or imported;
- Conducting compatibility tests on food for its compliance with the standard specifications and technical regulations;
- Prohibiting the circulation or import of any food before being tested and proven suitable and fit for human consumption and in conformity with the health safety terms currently in force;
- Granting health certificates for the purposes of exporting locally produced food, in accordance with the technical regulation and health measures currently in force;
- Carrying out inspections on places in which food is circulated as well as inspecting the workers of such a place;
- Supervising the implementation of good manufacturing practises and risk analysis systems;
- Organizing food announcements;
- Assigning specialists to conduct studies and research on food, its components and its nutritious value as well as publishing the same and awarding such specialists;
- Cooperating with official and non official entities, universities, Jordanian scientific centres as well as Arabic, regional and international organizations in the fields of food control, disease, health measures and technical regulations.
- Issue publications related to the technical regulations and health measure as well as distributing and selling the same;
- To work alongside the relevant entities in setting in place national food standards as well as the review of such standards.
- Drafting memorandums of understandings with municipalities and any other entity of relevance in the field of food control. Article 16 of the Food Law states that “it is prohibited to import any food or to circulate any food within Jordan if it is adulterated, falsely described or food that is unfit for human consumption” [unofficial translation]. By virtue of the Food Law, circulation is defined as all stages of food production, manufacturing, preparation, treatment, packaging, wrapping, processing, transporting, possessing, storing, distributing, offering to sell, sale, gifting or donating the same. For these purposes, the Food Law grants the Director-General the power to take any of the following actions:
 - Seizure of any adulterated foods or food with a false description, in preparation for its withdrawal and prohibiting its circulation. Seizure of food quantities that is proven to be harmful to health, either by physical inspection, epidemiological and/or laboratory evidence, in preparation for its withdrawal and prohibiting its circulation.
 - Prevent the presentation of food that is in violation of health conditions or which is in danger of

being contaminated. Any such food presented shall be seized and prohibited from being circulated.

- Prevent change to food that is stored in free zone areas that would lead to a breach of the information contained in the statement certificate (except for food in production, where such manufacturing process had been approved by the competent authority).

In addition to the above, Article 21 stipulates that the Director-General must issue an order for the destruction of meat and its derivatives, dairy products of all types and any other type of food which is circulated locally, that is of fast decay or prone to spoilage, if it is proven by physical inspection that the food is spoiled. Such destruction shall be on the expense of the owner. Moreover, the Director-General must also order the destruction of any other type of food, if it is proven by laboratory test to be unfit for human consumption or that the food is in violation of the technical regulations.

Where the food is imported the Director-General must decide whether to re-export the food to the country which the food had been imported from, and such re-exportation shall be at the importer's expense. In the event that the concerned party does not re-export such shipment within a period not exceeding sixty days from the the date of the decision being informed to the concerned party, then the Director-General must order the destruction of the food at the expense of the importer. This also applies to food which is adulterated or falsely described.

This notwithstanding, Article 21 further states that : [unofficial translation]"If the food is proven to not be in conformity with the technical regulations, then the Director General must seize the food for reprocessing, if it is viable to do so, and after completion of reprocessing, the Director General shall grant permission to re-enter the product if it is in conformity with the technical regulations after such reprocessing."

Appealing a JFDA decision

The process for appealing a decision by the Director General of the JFDA is set out in the 'Instruction for Reviewing Objections over Food Control Measures for the year 2015' (the "Instructions"), which issued pursuant to the Food Law. The Instructions state in Article 4 that, upon the decision of the Director General of the JFDA, an objection review committee is formed to review objections made against the JFDA's procedures and decisions with respect to:

- The inspection over storage of food products;
- The extent to which the JFDA complies with the health guidelines;
- The physical inspection on food quantities;
- The sampling methods;
- The sample size, its extraction method and the way it is transported to the laboratories;
- The laboratory test results; and
- The laboratory test result's conformity with the Jordanian stand specifications and technical regulations pertaining to food products.

Such committee is comprised out of:

- The President of the Committee (who must be an employee of the JFDA);
- Three qualified specialists in the food industry from the JFDA, one of whom shall be appointed the Vice-President of the Committee;
- A representative of the Ministry of Agriculture;
- A representative of the Ministry of Industry and Trade;
- A representative of the Jordanian Chamber of Industry;
- A representative of the Jordanian Chamber of Commerce; and
- A representative of the Traders of Food Products Union.

Article 5 of the Instructions stipulate how such an objection is submitted and reviewed. It states that the concerned party may object to any procedure or decision within two weeks of being notified of the same, such objectors, or whomever they authorize, must fill in an objection review request and attach any supporting documents. The objection is then submitted to the JFDA to be forwarded to the objection review committee. The committee then reviews the objection and passes its recommendation to the Head of the Food Directorate within the JFDA, who shall then pass the same on to the JFDA's Director-General for a decision to be issued in that respect. Such a decision would be issued within one month, as of the date of submitting the objection.

Article 20 of the Food Law further provides that any decision taken by the Director General shall be appealable before the Administrative Court. However, such appeal must be made within 60 days of the concerned party being notified of the Director General's decision.

Conclusion

The Food Law has strict measures with regards to food imports and circulation, but it does allow for appeals to be lodged against JFDA's decisions, either by objections to the Objection Committee or by challenging the decision before the Administrative Court. Furthermore it is important to note that Article 11 of the Food Law states that when health measurements are put into force, these standards are to be applied without distinction or prejudice, on both imported and locally produced food, but only to the extent necessary to provide the due level of protection to the public's health and without being a barrier to trade. The regulations made pursuant to the Food Law are to be reviewed periodically so companies dealing in the food industry must be sure to keep up to date at all times.