

UNION OF THE COMOROS
Unity – Solidarity – Development

LAW NO. 12-_____/AU
On Food

Pursuant to the provisions of Article 19 of the Constitution of the Union of the Comoros of 23 December 2001, the Assembly has discussed and adopted the following Law:

TITLE I
GENERAL PROVISIONS, DEFINITIONS, GENERAL PRINCIPLES, GENERAL REQUIREMENTS, IMPLEMENTATION

CHAPTER I:
GENERAL PROVISIONS

Article 1: The purpose of this Law is:

- a. to protect consumers against foodstuffs and materials in contact with food which could endanger health;
- b. to ensure quality, hygiene and food safety throughout the food chain;
- c. to protect consumers against food-related fraud and deception;
- d. to define the criteria for control of local, imported and exported food products.

CHAPTER II:
DEFINITIONS

Article 2: For the purposes of this Law, the following definitions apply:

- a. **Foodstuffs:** any substance partly processed or raw, intended for human consumption, including beverages, chewing gum and all substances used to manufacture, prepare or process food, except for substances solely used in the form of medicines, cosmetics or tobacco.
- b. **Food additive:** any substance not normally consumed as a food by itself and not normally used as a typical ingredient of a foodstuff, whether or not it has nutritional value, the intentional addition of which to a foodstuff for a technological (or organoleptic) purpose at any stage in the manufacture, processing, preparation, treatment, packaging, wrapping, transport or storage of such food results, or may result (directly or indirectly) in it or its by-products becoming a component of or otherwise affecting the characteristics of such foodstuffs. The term does not include contaminants or substances added to foodstuffs to maintain or improve nutritional qualities.
- c. **Contaminant:** any substance not intentionally added to food but which is present in foodstuffs as a result of the production (including operations carried out in crop husbandry, animal husbandry and veterinary medicine), manufacture, processing, preparation, treatment, packaging, wrapping, transport or storage of such foodstuffs or as a result of environmental contamination. The term does not include insect fragments, rodent hairs and other extraneous matter.
- d. **Environmental contamination:** the term does not include insect fragments, rodent hairs and other extraneous matter.
- e. **Food hygiene:** all the conditions and measures required for the production, preparation, storage, conservation and distribution of foodstuffs in order to obtain products that are in good condition, safe, harmless and fit for human consumption.
- f. **Traceability of products:** the ability to follow the movement of any foodstuff throughout the specific production, processing and distribution phase(s).
- g. **Production:** all the operations consisting of breeding, harvesting, gathering, fishing, slaughtering, manufacturing, processing and packaging a foodstuff, including import and export.
- h. **Handling:** all the operations of preparing, processing, cooking, packaging, storing, transporting, distributing and selling food.

- i. **Materials in contact with food:** objects relating to the manufacture, use or packaging of foodstuffs (for example, utensils, crockery or packaging materials).
- j. **Food safety:** assurance that food is safe for consumers when it is prepared and/or consumed in accordance with the use for which it is intended.*
- k. **Salubrity of food:** assurance that the food is fit for human consumption in accordance with the use for which it is intended.
- l. **Certification:** procedure by which official certification bodies or officially recognized organizations provide written or equivalent assurance that foodstuffs or foodstuff control systems conform to the requirements. Certification of foodstuffs may, as appropriate, be based on a range of inspection activities, which may include continuous inspection of the production chain, auditing of quality assurance systems and examination of finished products.
- m. **Inspection:** examination of foodstuffs or foodstuff control systems, raw materials, as well as processing, and distribution, including in-process and finished product testing, in order to verify conformity with requirements.
- n. **Food control:** regulatory and mandatory implementation carried out by national regional or local authorities in order to protect consumers and guarantee the safety, purity and suitability for human consumption of all foods at the production, storage, processing and distribution stages; their conformity with quality and health safety requirements and, lastly, the accuracy and exactitude of their labelling in accordance with legal requirements.
- o. **Hazard:** a biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect.
- p. **Risk:** a function of the probability and severity of an adverse (negative) health effect consequential to a hazard(s) in food.
- q. **Risk analysis:** a process consisting of three components: risk assessment, risk management and risk communication.
- r. **Risk assessment:** a scientifically based process consisting of the following steps: (i) hazard identification, (ii) hazard characterization, (iii) exposure assessment, and (iv) risk characterization.
- s. **Risk management:** the process, distinct from risk assessment, of weighing policy alternatives, in consultation with all interested parties, taking into account risk assessment and other factors relevant to the health protection of consumers and the promotion of fair trade practices, and, if needed, selecting appropriate prevention and control options.
- t. **Risk communication:** the interactive exchange of information and opinions throughout the risk analysis process concerning risk, risk-related factors and risk perceptions, among risk assessors, risk managers, consumers, industry, the academic community and other interested parties, including the explanation of risk assessment findings and the basis of risk management decisions.
- u. **Sanitary quality of food:** positive characteristics of food quality, namely, the origin, colour, taste, texture, and method of processing the food in question.
- v. **Sanitary measure:** any measure applied within the territory of a country to protect animal or human health or life from risks arising from additives, contaminants, toxins or disease-causing organisms in foodstuffs or animal feed, or risks arising from diseases carried by food of animal or plant origin or by-products or risks arising from any hazard present in food.

- w. **Good agricultural practices:** practices of primary food producers (for example, farmers and fishermen) to be applied in order to produce healthy and safe agricultural products, in conformity with the laws and regulations on food.
- x. **Marketing:** the possession of foodstuffs or animal feed with a view to their sale, including offering for sale or any other form of assignment, either free of charge or against payment, as well as sale, distribution and others forms of assignment as such.
- y. **Food chain:** all production, transport and processing, sale and storage, preparation and consumption.
- z. **Primary production:** stages in the food chain which include, in particular, harvesting, slaughtering, milking and fishing.
- aa. **Catering:** preparation, storage and, where applicable, delivery of food for the purpose of consumption by the consumer on the site of preparation or on an adjoining site.
- bb. **Competent authority:** the Ministry or any other regional or local authority or any authority officially assigned such responsibility.
- cc. **Official control:** control carried out by a competent government body authorized to enforce the regulations.
- dd. **HACCP:** Hazard Analysis and Critical Control Points: system which defines, assesses and controls hazards which threaten food safety.
- ee. **Cleaning:** removal of impurities, residue, dirt, grease or any other foreign matter from food.

CHAPTER III: GENERAL PRINCIPLES

Article 3: All food-related activities shall be managed on a risk analysis basis.

Article 4: Control measures shall be coordinated in order to cover the entire food chain consistently. They shall be applied on a scientific and legal basis, fully independently and uniformly throughout the Union of the Comoros.

CHAPTER IV: SCOPE

Article 5: This Law applies to:

- a. agricultural, stockbreeding and fishing production to be used to manufacture foodstuffs and animal feed;
- b. processing, treatment, storage, transport, catering, distribution and sale of food and materials in contact with food;
- c. identification and appellation of foodstuffs and materials in contact with food, as well as related advertising;
- d. import, export and transit of foodstuffs and materials in contact with food;
- e. objective consumer information;
- f. fair trade;
- g. foodstuffs and materials in contact with food for personal use;

- h. the same provisions apply to foodstuffs and materials in contact with food in accordance with the international commitments made by the State.

This Law does not apply to substances and products subject to the legislation on medicines.

CHAPTER V: GENERAL REQUIREMENTS

Article 6: This Law provides for:

- a. the obligation to release safe foodstuffs for consumption;
- b. the obligation on any vendor or donor to provide the consumer with information on the composition, quality and price of the product;
- c. regulation of the production, circulation and possession of foodstuffs that are safe for human consumption;
- d. the prohibition of any falsification or any advertising which might mislead the consumer;
- e. issuance of directives on the conditions for import, inspection, slaughtering, warehousing and storage of food products, whether of animal, fisheries or plant origin;
- f. the guarantee that food is safe and fit for human consumption;
- g. the utilization of all the methods recommended as a means of improving the salubrity of food;
- h. issuance of directives on the preparation of specific codes that may be needed for certain sectors in the food chain, certain processes, or certain products, in order to develop special hygiene criteria in these areas.

Article 7: The production and sale of foodstuffs shall be subject to the following criteria and obligations:

- a. a certificate proving the existence of the facility and the possession of a professional permit;
- b. submission of a conformity certificate;
- c. the availability of suitable premises approved for the activity in question, separate from the domicile and accessible to inspectors;
- d. a guarantee of the sanitary quality of the food throughout the food chain and traceability of the products;
- e. assurance or obtaining assurance that, after purchase, the foodstuffs are transported with the care and diligence implied by the need to prevent deterioration;
- f. storing, maintaining or keeping foodstuffs in specially adapted premises, under proper conditions of hygiene;
- g. ensuring processing that follows HACCP approaches;
- h. respecting the time limit for consumption or the expiry date.

Article 8: Any foodstuffs or materials in contact with food shall be subject to control of their sanitary quality.

CHAPTER VI: IMPLEMENTATION

Article 9: The Comorian State guarantees the quality and sanitary safety of food.

Article 10: Producers shall be responsible for the sanitary quality of the products they sell.

Article 11: Control shall be carried out transparently by sworn officials, and the findings of official controls and inspections shall serve to inform and warn consumers.

Article 12: Laboratories shall provide the credibility required for sanitary and phytosanitary certification of foodstuffs. Laboratories which certify analyses shall comply with international accreditation standards and shall be autonomous scientific structures.

Article 13: In emergency situations, adequate measures shall be taken by the competent authorities.

TITLE II CONSUMER SAFETY

CHAPTER I: CONTROL OF THE HYGIENE OF PREMISES, FACILITIES AND TRANSPORT AND FOOD SAFETY

SECTION 1: HYGIENE OF PREMISES, FACILITIES AND TRANSPORT

Article 14: Premises and equipment shall be designed, built and situated in such a way as to minimize the risk of contaminating foodstuffs.

Article 15: Premises shall have an adequate supply of drinking water, drainage and waste disposal systems, sanitary facilities, proper equipment for controlling temperature, air quality and lighting for the storage of foodstuffs.

Article 16: The means used for packaging, transport, handling, distribution and storage shall guarantee the sanitary safety of the food.

Article 17: Persons in direct or indirect contact with food shall be in good health and equipped with the sanitary equipment for handling food and shall ensure an appropriate level of personal hygiene.

SECTION 2: FOOD SAFETY

Article 18: Products shall display the information needed to guarantee:

- a. correct and accessible information throughout the chain so as to allow operators to handle, present, store and prepare the product safely and correctly;
- b. details identifying the batch;
- c. sufficient information on food hygiene for consumers to enable them to understand the importance of the information given on the product;
- d. responsible choices adapted to the individual situation;
- e. the reliability of the information given on the label intended for professionals or traders, to be easily distinguished from the information intended for consumers, and the absence of contamination, proliferation or survival of bacteria of food origin by ensuring proper conditions for storage, preparation and use.

Article 19: All entities involved in the food chain shall comply with and apply the procedures for controlling the salubrity of food.

Article 20:

- a. if any hazard is likely to endanger consumers' health, measures taken by the Ministry responsible for production may suspend production, handling and marketing of a foodstuff definitively or for a fixed period and, if necessary, have the foodstuff destroyed in any place where it is to be found or intended for another use;
- b. the foodstuff may be sold when the cause of the hazard has ceased, unless another order is adopted deciding on its destination and ultimate fate, including rejection upon importation.

**CHAPTER II:
CONTROL OF THE USE OF FOOD ADDITIVES**

Article 21: Food additives used on the national territory of the Union of the Comoros shall be authorized and determined by regulatory means.

Article 22: On the basis of a toxicological or epidemiological assessment, the Comorian State shall determine by regulatory means those additives acceptable for various foodstuffs, as well as their maximum content.

Article 23:

- a. the Comorian State may decide on maximum concentrations and quantities lower than those required for the protection of health (tolerance levels), provided that this is technically feasible;
- b. it is totally prohibited to use additives in foodstuffs when they are not necessary for their manufacture, processing or storage or if there is no appropriate method for detecting them.

Article 24: The residual content of food additives in the finished product shall be controlled in relation to the maximum values authorized.

**CHAPTER III:
MONITORING OF LEVELS OF CHEMICAL, BIOLOGICAL
AND RADIOACTIVE CONTAMINATION**

Article 25: Monitoring systems to prevent any risk of food contamination by extraneous matter, harmful emissions, undesirable chemical substances or ionizing radiation shall be established by regulatory means.

Article 26: Biological specifications shall be based on sound scientific principles and indicate, where appropriate, follow-up procedures, the analytical methods and the limits for action.

Article 27: The maximum limits for all types of contamination shall be observed by producers, caterers and industrialists.

**CHAPTER IV:
SAFETY OF MATERIALS IN CONTACT WITH FOOD**

Article 28: Materials in contact with food shall be manufactured using materials that have no toxic effects when used for the intended purpose.

Article 29: Materials in contact with food shall not endanger health when used for their intended or usual purpose.

Article 30: Materials in contact with food shall be used in accordance with good hygiene practices.

**CHAPTER V:
WITHDRAWAL OF PRODUCTS UNFIT FOR CONSUMPTION,
SPOILED, TOXIC OR OUT-OF-DATE**

Article 31: The Ministry responsible for production shall monitor the conformity of food products on the market for the purpose of consumer safety. It shall monitor the system for the traceability of foodstuffs and introduce effective procedures for resolving any food safety problem and for rapid withdrawal from the market of any batch of finished products under investigation, as well as introducing a surveillance mechanism.

Article 32: Foodstuffs unfit for consumption, spoiled, toxic or out-of-date shall be inspected by sworn government officials, who shall draw up a report on the offences that led to the confiscation, seizure or withdrawal of the products followed by their destruction.

Article 33: Any consumer or consumer association may lodge a complaint with the competent authorities if it is suspected or found that products may endanger consumers' health.

**TITLE III
FOOD QUALITY**

**CHAPTER I:
VERIFICATION OF CONFORMITY OF PRODUCTS
WITH THE REGULATIONS IN FORCE**

Article 34: The procedures for verifying and assessing conformity shall be the subject of regulations.

Article 35: The Ministry responsible for production may undertake random and/or mandatory inspections. Samples may only be taken by sworn officials. The operational details shall be the subject of regulations.

Article 36: The Ministry responsible for production shall approve food control laboratories that verify conformity of products with the regulations in force and shall certify the food products analysed.

Article 37: If products are found not to be in conformity, the Ministry responsible for production shall recommend the appropriate remedial measures and/or draw up a report, notifying interested parties.

Article 38: The Ministry responsible for production shall reject any foodstuffs intended for export, import or transit if they are harmful to human, animal or plant health.

The Ministry may temporarily reject foodstuffs, whether or not they are suspected of being harmful, if they are the subject of controversy within the scientific community.

**CHAPTER II:
PRODUCTION, STORAGE, MARKETING AND INSPECTION
OF THE SALUBRITY OF FOODSTUFFS**

**SECTION 1:
PRODUCTION**

Article 39:

- a. any foodstuff of animal origin sold or put up for sale in the Union of the Comoros shall have been prepared in accordance with the rules of hygiene and shall be subject to inspection of its salubrity by qualified officials of the veterinary service;

- b. in areas where the veterinary service is not present, inspection of salubrity may be conducted by officials of the health service having received additional training for this purpose from the veterinary service and appointed by a joint order of the Ministers responsible for veterinary services and public health, respectively, as part of their responsibilities.

Article 40:

- a. sufficient precautions shall be taken in general to ensure that waste of human or animal origin is disposed of under such conditions as not to endanger public health or hygiene;
- b. water for irrigating crops shall not represent a risk for public health or hygiene in itself or through products for consumption;
- c. where measures are taken to combat plant and animal diseases, consideration shall be given to the possible risk of retention of toxic elements in the products harvested.

**SECTION 2:
STORAGE, SAFE HARVESTING,
TREATMENT AND TRANSPORT**

Article 41:

- a. the storage of spoiled, contaminated, counterfeit, corrupted or toxic foodstuffs or beverages or their display with a view of sale are prohibited;
- b. such products shall be confiscated, denatured and destroyed under the control of the veterinary service, at the expense of the offenders, and without prejudice to the penalties provided under Article 115 of this Law.

Article 42:

- a. equipment and containers used shall not present any risk for health. Reusable containers shall be capable of being cleaned, disinfected and maintained in such a way as to prevent contamination of the contents;
- b. harvesting and production operations and procedures shall conform to the rules of hygiene;
- c. products unfit for consumption shall be isolated and removed in such a way that they cannot contaminate food, drinking water or other products;
- d. the necessary measures shall be taken to protect foodstuffs from contamination by animals, insects, chemical or microbiological contamination agents in the course of handling, storage or display with a view to sale;
- e. transport equipment used for foodstuffs shall be designed and built in such a way as to be cleaned and maintained easily and shall not constitute a source of contamination for the products carried;
- f. special care shall be taken when transporting perishable foods in order to prevent their quality being spoiled or altered. Refrigerating equipment adapted to the nature of the products and the length of storage or transport shall be used and, if ice is to come into contact with the product, it shall be manufactured using drinking water.

Article 43: The premises used for storage and marketing and their surroundings shall be designed in such a way as to remain reasonably exempt from disagreeable odours, smoke, dust or other contaminating elements. They shall be sufficiently large to allow the intended activity and prevent any obstruction caused by equipment or staff. They shall be built according to the state of the art and kept in good condition. Their design shall include protection against penetration or infestation of rodents, birds or insects and shall enable easy and thorough cleaning.

Article 44:

- a. processes involving raw and dirty products shall be separated from those involving clean and ready-to-eat products at each delivery, storage and preparation phase;
- b. a sufficient volume of drinking water shall be provided for these processes. Standards for the potability of drinking water may not be lower than the international drinking water standards established by the World Health Organization. Ice shall be manufactured using drinking water handled and stored under conditions protecting it from any contamination;
- c. ducts and pipes for waste disposal shall be calibrated to respond to peak discharge and waste water shall be disposed of in such a way as not to contaminate drinking water supply networks. Waste water disposal systems shall be approved by the veterinary services;
- d. premises in which foodstuffs are stored and processed shall be well lit and ventilated and the necessary measures shall be taken to avoid condensation.

Article 45:

- a. all surfaces in contact with food shall be smooth, resistant, non-toxic, washable and non-absorbent;
- b. materials and utensils shall be designed in such a way that they can be cleaned thoroughly;
- c. materials and utensils used for non-edible materials shall be identified and reserved for such uses.

Article 46:

- a. buildings, equipment and utensils shall be kept properly clean. Waste shall be removed from work areas frequently and placed in suitable containers. Detergents and disinfectants used shall be appropriate for such use and comply with international standards;
- b. effective measures shall be taken to combat insects, rodents and all harmful animals in premises where food products are stored, processed or put up for sale.

Article 47:

- a. any person known to be suffering from a disease transmissible through food or carrying the germs of such a disease, or suffering from infected cuts or wounds, may not be authorized to work in any part of a food facility in a job where there is any likelihood that they may contaminate food through bacteria;
- b. staff called on handle, process or distribute foodstuffs shall observe the strictest personal hygiene. Their clothes and hair shall be appropriate to their jobs and kept clean.

**SECTION 3:
INSPECTION AND MARKETING**

Article 48: The slaughter of animals for meat intended for consumption shall take place on a site or in premises approved for this purpose by officials of the veterinary services.

Article 49:

- a. equipment and utensils used for the slaughter of animals for meat, butchering, processing and sale of meat shall comply with the provisions of Articles 42 and 45 of this

Law, and the premises, procedures and staff shall also comply with the provisions of Articles 44 and 47;

- b. conditions for storing chilled meat shall enable the temperature inside the carcasses and quarters to fall to a maximum of 10°C within twenty-four hours of slaughter and chilled meat and offal shall be kept at a temperature of 0° to +2°C.

Article 50: Any animal for slaughter shall be presented live for sanitary inspection. Poultry may be exempt from *ante mortem* inspection.

The *ante mortem* and *post mortem* inspections are conducted by one or more qualified officials, in accordance with the provisions of Article 39 of this Law.

Ante mortem inspection shall enable it to be decided whether the animals may be slaughtered for consumption.

Article 51: An indelible mark or stamp using food dye shall be affixed exclusively by qualified officials to meat recognized as safe and fit for human consumption.

Meat recognized as not fit for human consumption shall not bear any stamp but shall be confiscated and destroyed.

Article 52:

- a. Confiscation shall not give rise to any compensation. A certificate of confiscation shall be drawn up by the official who conducted the inspection, identifying the foodstuffs confiscated, by type and quantity, and indicating the reason for the confiscation.

This certificate shall be drawn up in duplicate, with the original being forwarded to the owner of the meat or goods confiscated.

- b. The official responsible for confiscation shall participate in the actual destruction of the foodstuffs by incineration, burial, immersion or any other acceptable environmentally friendly procedure that guarantees their withdrawal from consumption.
- c. Destruction shall be at the expense of the owner and in the presence of the police. A report on the destruction is drawn up in duplicate, one copy of which is forwarded to the owner of the foodstuffs confiscated.

Article 53: It is prohibited to possess any meat not bearing the health stamp with a view to sale or putting up for sale. Such food shall be confiscated without prejudice to the penalties provided in Article 119 of this Law. If, following inspection, the food is found fit for consumption, it may be handed over to the social services or distributed free of charge to charitable organizations.

Article 54: Foodstuffs shall undergo sanitary control at various stages in their marketing and it may occur several times until final sale for consumption.

**SECTION 4:
SPECIAL PROVISIONS ON HYGIENE AND INSPECTION
OF MARINE AND FRESHWATER PRODUCTS**

Article 55:

- a. the sale of species of fish, crustaceans or molluscs deemed to be toxic is prohibited;
- b. it is also prohibited to own or display with a view to sale fish, crustaceans or molluscs caught using prohibited gear or belonging to protected species such as turtles or manatees.

- c. finally, it is prohibited to sell immature fish, crustaceans or molluscs or those which have not reached the size for sale imposed by the regulations on fisheries products.

Article 56: Vessels shall permit rapid and efficient handling of fish, easy cleaning and disinfection and shall be constructed of materials that do not allow the fish to be harmed or contaminated, as defined in the regulations on fisheries products. Inspection of fisheries products shall be in accordance with the inspection handbook defined in the regulations on fisheries products.

Article 57:

- a. fresh unwrapped fish displayed for sale shall be kept cool with ice, even if it is displayed on a refrigerated slab. There shall be sufficient ice distributed in such a way as to keep the products at an internal temperature of 0° to +5°C. Water melting from the ice shall not be kept in contact with the products;
- b. fresh fish not displayed for sale shall be stored under ice. This provision shall apply to cold chambers;
- c. there shall be sufficient ice distributed in such a way as to keep the products at an internal temperature of 0° to +2°C. These provisions apply to fresh cephalopods;
- d. sprinkling or re-immersing marine products with fresh water or dirty sea water is prohibited;
- e. oysters, mussels or other shellfish, including sea urchins, displayed for sale or stored, shall be kept away from heat at a temperature of 5° to +15°C.

Article 58:

- a. only fish and other edible marine animals of market size presenting all the characteristics of perfect freshness and good quality and recognized as fit for freezing and refrigerated storage as defined in the regulations on fisheries products may be frozen either on board or on land;
- b. fish and other marine animals may only be frozen by means of blast freezing.

Article 59:

- a. salted, dried or smoked fish shall not contain any foreign matter (gravel, sand, insects) or alterations caused by insects, mites, mould or putrefaction;
- b. the fish shall be prepared, stored and sold under conditions that meet the criteria in this Law and the regulations on fisheries products.

**SECTION 5:
SPECIAL PROVISIONS ON MILK AND MILK PRODUCTS**

Article 60:

- a. the word "milk" without any indication as to the animal species from which it comes shall only apply to milk from cows. In all other cases, the species producing the milk shall be specified;
- b. milk intended for human consumption, either raw or after processing, shall come from female animals in perfect health;
- c. it shall be assumed that there is an intention to mislead if milk that has been skimmed, even partially, is put up for sale, displayed or sold for human consumption without indicating clearly that it is skimmed milk;

- d. milk shall be considered falsified if drinking water in any proportion has been added or any processing method liable to alter the milk's physical or chemical composition has been used other than filtering or heat processing for sanitation, when such processing is not permitted;
- e. adding water not suitable for drinking or any other unauthorized substance to milk in any proportion shall be considered falsification harmful to health;
- f. raw milk offered for sale to consumers either by producers or intermediaries shall:
 - not come from animals suffering from tuberculosis or contain any tubercle bacillus;
 - come from a farm with a drinking water supply;
 - be collected and transported in clean sanitized containers;
 - be clean and remain clean up to the time of sale to the consumer, which must occur within 24 hours of milking;
 - be cooled immediately after milking and kept at a temperature lower than +15°C until the time of sale to the consumer. These requirements shall not apply, however, to milk sold directly to consumers immediately after milking;
 - at the time of sale to consumers, not decolour methylene blue in less than three hours;
 - raw milk shall be sold to consumers within 24 hours of milking.

Article 61:

- a. Pasteurized milk shall not contain more than 100,000 live microbial bacteria per m³ when leaving the processing plant.

It shall be kept at a temperature of +10° C or lower and shall not contain more than 200,000 live microbial bacteria per m³ when sold to consumers (current regulations).
- b. Sterilized milk shall not contain any revivable microbial bacteria.
- c. Packaged pasteurized milk shall be sold to consumers within three days of packaging at the latest.

Article 62:

- a. condensed milk made by condensing fully or partially skimmed milk, whether or not with the addition of sugar, shall be packaged in containers sealed against liquids, gas or microorganisms, heat treated in order to destroy or totally suppress enzymes, on the one hand, and microorganisms and their toxins on the other, whose presence or proliferation could alter the product and make it unfit for sale;
- b. fully or partially skimmed milk powder, whether or not sweetened, shall not contain more than 4% humidity at the time the container is opened;
- c. the chemical composition and the expiry date shall be indicated on the packaging of preserved milk.

Article 63: The import, marketing, distribution and any practice relating to breastmilk substitutes, including infant formula and any other milk product, food or beverage, including food supplements for feeding bottles, shall be subject to the provisions of the code of law on the marketing and distribution of breastmilk substitutes in the Comoros.

Article 64: Yoghurt, curds, fermented milk, butterfat, jellified milk and flavoured milk shall be prepared in accordance with the relevant rules of hygiene. Packaged products shall be labelled and

the packaging shall include information on the product's composition, its manufacturer and the use-by date, which may not be later than twenty one days after the date of manufacture.

Such products shall be stored, transported and put on sale at a temperature not exceeding +8°C.

Article 65:

- a. ice cream shall not contain more than 300,000 aerobic mesophilic bacteria per ml or more than 100 coliform bacteria per ml and shall comply with the standards in force;
- b. in addition, they shall not contain any *Escherichia coli* or pathogenic bacteria, especially staphylococci in 0.1 ml and no salmonella, the number of bacteria per unit of volume means the number for the overrun product;
- c. ice cream with a marked after-taste (salty, metallic, rotten, mouldy, rancid, smoky, bitter) or an unusual smell or with impurities shall be considered unfit for consumption;
- d. after freezing and until delivery to the consumer, ice cream and sherbets shall be kept constantly at a temperature below -10°C.

SECTION 6:

SPECIAL PROVISIONS ON EGGS AND PRESERVED GOODS

Article 66: Hens' or ducks' eggs put up for sale for consumption shall be clean, intact, without any unpleasant odour. The air cell shall not exceed 9 mm and the eggs shall not contain an embryo.

Article 67:

- a. containers for preserved and semi-preserved goods, stored, displayed with a view to sale, put on sale or sold shall not show any external signs indicating alteration of the food concerned;
- b. if inspection shows a percentage of alteration exceeding 25% of any batch, the batch shall be withdrawn;
- c. containers for preserved and semi-preserved goods intended for human consumption shall indicate the following:
 - the country of origin, by means of a stamp or mould, either in the form of letters or symbols prescribed in the international agreements in force;
 - an indication of the date of manufacture in the same manner;
 - in addition to information on the name or trademark of the manufacturer, instructions for use, the name of the country of origin, the net weight of the product to be consumed, containers for semi-preserved goods shall indicate in font measuring at least four mm. "Store in a cool place" and "To be consumed by ...".

CHAPTER III:

IMPORT OF PRODUCTS OF ANIMAL ORIGIN

Article 68: It is formally prohibited to import meat, whether chilled, frozen, salted, dried, smoked, of domestic or wild cattle or swine and raw or smoked prepared meat products from a country suffering from contagious disease, emerging or cross-border animal diseases liable to affect human or animal health or the environment.

Article 69: Imported meat shall have been slaughtered in a facility under the control of the veterinary service in the country of origin. It shall have been inspected, recognized as fit for human consumption, and stamped by officials of the veterinary services. The packaging of boned or chopped meat shall bear the mark or reproduction of the health stamp.

Article 70: Imported meat shall be accompanied by a certificate identifying the goods and declaring that:

- a. they come from a country free of the diseases indicated in Article 68 of this Law;
- b. they meet the requirements of Article 68 of this Law.

Prepared meat products, other preserved goods, poultry and game, rabbits and hares shall also be subject to the same requirements.

Article 71: It is prohibited to import fresh, chilled or frozen lyophilized animal blood.

Article 72: It is prohibited to import by-products of animal origin:

- animal meal;
- bone meal;
- seed flour;

to be used for feeding land animals.

Marine products and by-products are excluded from this list.

Article 73: The import of bio-organic fertilizer prepared from horns or hooves shall be authorized provided that it is accompanied by a health certificate signed by an authorized health veterinarian declaring that the products come from animals free of the diseases indicated in Article 68 of this Law.

Article 74: The import of non-sterilized dairy products (fresh milk) is authorized subject to submission of a certificate drawn up by an authorized health veterinarian declaring that the products come from regions free of the diseases indicated in Article 68 of this Law.

Article 75: The import of raw or cured hides and skins is prohibited. The entry of dried unprocessed skins is subject to submission of a certificate drawn up by an authorized health veterinarian declaring that the products come from a region free of the diseases indicated in Article 68 of this Law.

Article 76: The import of nails, hooves or horns as trophies or for museums is authorized after they have been washed in an approved facility using an appropriate antiseptic. This operation shall be confirmed by the issue of a certificate drawn up by an authorized health veterinarian declaring that the products are free of the diseases indicated in Article 68 of this Law.

Article 77: The import of wool, bristles and hair is authorized after they have been washed in an approved facility using an appropriate antiseptic and/or dyed in an approved facility subject to submission of a certificate drawn up by an authorized health veterinarian declaring that the products are free of the diseases indicated in Article 68 of this Law.

Article 78: The import of waxes and fats of animal origin is subject to submission of a certificate declaring that:

- a. they have undergone heat treatment at a minimum of +70°C for 30 minutes;
- b. fats intended for consumption have been recognized as fit for use as food.

Article 79: Fish, crustaceans, molluscs and other marine and freshwater products imported fresh, frozen, salted or dried shall be accompanied by a certificate declaring that they have been inspected and found free of emerging and cross-border animal diseases notified in the OIE's aquatic animal health code.

Article 80: The import of frozen semen, ovules or sperm, fertilized eggs and embryos of domestic animals shall require authorization and be under the control of the veterinary services, provided

that the semen is exempt from transovarial disease. Such products shall be transported in accordance with the required standards.

Article 81: The certificates indicated in Articles 70, 73, 74, 75, 76, 77 and 78 shall be drawn up by an approved and authorized veterinarian belonging to the official veterinary service in the country of origin of the goods.

Article 82: The products of animal and fisheries origin indicated in Articles 70, 73, 74, 75, 76, 77, 78, 79 and 80 are not authorized to enter national territory without the required certificates.

- perishable foods shall be kept in refrigerated facilities consistent with their conservation requirements and legally approved for use as warehouses;
- non-perishable foods shall be kept in the customs service's warehouses;
- authorization for sale may only be given after submission of the official certificate indicated in the preceding Articles;
- the importer shall be responsible for storage charges.

If the certificate is not submitted within a maximum period of 30 days, the goods stored shall be confiscated or re-exported at the importer's expense.

Article 83: Officials of the veterinary service responsible for sanitary control and inspection of animals, fisheries products and by-products of animal or fisheries origin shall be sworn in.

CHAPTER IV: CONFORMITY OF AGRICULTURAL AND VETERINARY INPUTS

Article 84: All agricultural and veterinary inputs used shall be approved or certified by the competent authorities.

Article 85: The origin of inputs, in particular seeds of genetically modified organisms (GMOs), shall be specified by the producers and industrialists.

CHAPTER V: MONITORING AND CONTROL OF DISTINCTIVE SIGNS OF ORIGIN AND QUALITY

Article 86: Any product that is the subject of an appellation of origin, a label, a distinctive sign of geographical indication or quality shall be traceable.

Article 87: The competent authorities are responsible for the monitoring and control of appellations of origin, labels and distinctive signs of geographical indications or quality.

CHAPTER VI: RESPONSIBILITY OF PROFESSIONALS IN THE INTRODUCTION OF SELF-INSPECTION

Article 88: Professionals shall guarantee the quality of their products according to the regulations in force, as well as the general principles of hygiene and good sectoral practice guidelines.

Article 89: Professionals in the food industry who introduce self-inspection procedures may be eligible for incentives, in particular, technical assistance on product quality, from the ministerial departments concerned.

Article 90: Any person manufacturing, processing, distributing, importing or exporting foodstuffs shall ensure that self-inspection procedures are introduced and comply with the legal requirements. He shall be required to analyse them and have them analysed according to good manufacturing practice rules.

Article 91: Private facilities shall bear the cost of systematic control and the cost of any inspection requested. Official control costs shall be borne by the State.

Article 92: Self-inspection systems shall be approved by the competent authorities and shall not exclude official controls. The State issues the directives relating to self-inspection.

Article 93: Economic operators shall draw up traceability protocols for determining the origin and destination of foodstuffs they have put on the market. They shall forward these to the administration when requested, together with accompanying documents.

Article 94: Economic operators shall endeavour to introduce quality procedures consistent with their activities. For this purpose, they shall introduce self-inspection procedures in accordance with good practice guidelines, the HACCP method or any other appropriate measure. Quality procedures may be the subject of approval by the administration responsible for control.

CHAPTER VII: IMPORT OF FOODSTUFFS OF PLANT ORIGIN

Article 95:

- a. all imports of fresh foodstuffs of plant origin for commercial purposes shall require a permit authorizing the import and fulfilling the requirements in the regulations in force, notably the phytosanitary requirements defined in the phytosanitary law;
- b. food of plant origin covered by the provisions of this Law shall comply with the maximum limits in the national and international general standard for contaminants and toxins present in food for human and animal consumption (CODEX STAN 193-1995);
- c. such foodstuffs shall comply with the maximum limits for pesticide residues determined in the national and international standards and microbiological criteria established in conformity with the principles governing the establishment and application of microbiological criteria for foods (CAC/GL 21-1997);
- d. they shall be free of any unpleasant odour and/or taste, visible foreign matter or damage caused by pests affecting the general appearance of the food.

Article 96: All imported food products of plant origin shall be accompanied by a phytosanitary certificate signed by the competent services in the country of origin declaring that they are free of residues that might be harmful to human health. All imported food products of plant origin that have been spoiled shall be destroyed without prejudice to compensation.

Article 97: The import of food products of plant origin that are unprocessed or have undergone a single process such as milling, crushing, shelling, drying or pressing (grain, flour, white rice, bran, dried leaves ...) and which may create a risk of introducing and spreading pests shall require a prior phytosanitary import permit from the plant inspection service in the Ministry responsible for agricultural production.

Article 98: The body responsible for the control of foodstuffs of plant origin shall establish a quarantine service at the official entry level so as to avoid the risk of introducing pests.

TITLE IV OBJECTIVE INFORMATION FOR CONSUMERS AND FAIRNESS IN COMMERCIAL TRANSACTIONS

CHAPTER I: VERIFICATION OF LABELS AND PRESENTATION OF PRODUCTS

Article 99: Any person distributing pre-packaged foodstuffs shall include on the packaging information on the product's characteristics, instructions for use and conservation, together with the identity of the manufacturer.

Article 100: The presentation of products shall not mislead consumers.

Article 101: Sworn officials shall be responsible for verifying labels.

CHAPTER II: MISLEADING ADVERTISING

Article 102: The Comorian State shall ensure that the public is informed of matters affecting the protection of health. It shall inform the public of scientific knowledge of general interest relating to nutrition and foodstuffs, useful in particular for the prevention of disease and protection of health.

Article 103: The quality declared and all other indications on food shall be true. Advertising of foodstuffs and their presentation and packaging shall not mislead consumers.

Article 104: The following are considered to be misleading:

- any indication not consistent with the quantity and quality indicated on the label;
- any misleading advertising concerning foodstuffs;
- any imitation or confusion liable to mislead;
- any indication or presentation likely to give consumers wrong ideas concerning the composition, quality, production, shelf life, source, special effects and value of the food.

Article 105: Foodstuffs shall not be imitated for the purposes of deception, and shall not be manufactured, processed, distributed, designed or recommended in such a way as to mislead. Goods which are not foodstuffs shall not be stored, distributed, designed or presented in such a way as to be confused with foodstuffs.

CHAPTER III: VERIFICATION OF THE WEIGHT AND VOLUME OF GOODS

Article 106: The quantity indicated on the packaging, as well as all the provisions indicated in the legislation on metrology, shall be observed.

TITLE V BODIES FOR THE CONTROL OF FOODSTUFFS AND THEIR RESPONSIBILITIES

CHAPTER I: BODIES FOR THE CONTROL OF FOODSTUFFS

Article 107: The bodies responsible for controlling food products are:

- a. the veterinary service in the livestock directorate for the control of products of animal origin;
- b. the National Agricultural, Fisheries and Environmental Research Institute (INRAPE) for carrying out analyses at the request of other services;
- c. the National Codex Alimentarius Committee for monitoring application of the regulations and drawing up standards;
- d. the hygiene and sanitation service for monitoring food hygiene;
- e. the national certification and control office for fisheries products;
- f. the regional sanitary and phytosanitary control services for application of the regulations and monitoring control of food products within the country;
- g. the plant protection service;

- h. the National Metrology Office or department responsible for metrology;
- i. other bodies deemed competent and having been authorized by the competent authorities may be added to this group.

CHAPTER 2: RESPONSIBILITIES

Article 108: The responsibilities of each body shall be determined in the regulatory texts.

TITLE VI DETECTION, PROSECUTION AND SUPPRESSION OF OFFENCES AT THE REQUEST OF THE STATE, PROFESSIONALS OR CONSUMERS

CHAPTER I: DETECTION, PROSECUTION AND SUPPRESSION OF OFFENCES

Article 109: The sworn officials belonging to the services and bodies in a list to be drawn up in the regulatory texts shall be responsible for detecting, prosecuting and suppressing offences.

Article 110:

- a. The officials indicated in Article 109 of this Law shall enjoy free access to any site of production, packaging, storage or sale during working hours, and to vehicles used to carry foodstuffs in accordance with the conditions laid down in the Code of Criminal Procedure.
- b. They shall draw up a report to serve as *prima facie* evidence of the findings liable to constitute an offence and shall forward the report to the competent authority through official channels. They may request any administrative, commercial or technical documents relating to their inspections, require that the means necessary for their controls be made available and that advertisers provide all documents in support of the publicity message disseminated.
- c. Without prejudice to the special regulations applicable to inspection of the hygiene of meat, they shall have the authority to confiscate, seize, bring into conformity and change the destination of foodstuffs.

Article 111: Confiscation consists of prohibiting the owner from disposing of a foodstuff that is suspected of non-conformity or of being harmful while awaiting additional verification or a decision on the foodstuff.

Article 112: Seizure consists of dispossessing the owner of a counterfeit, corrupted, toxic or harmful foodstuff, together with the products, tools or equipment used for counterfeiting or deception and, where appropriate, placing them under guard.

The goods seized shall be destroyed whenever it is not possible to use them lawfully or economically.

Seizure may also apply to documents of any type, whosoever possesses them, liable to facilitate the performance of the tasks of the inspection officials indicated in Articles 52, 53 and 109 of this Law.

Article 113: Professionals (producers, traders, service suppliers) whose products are subject to control by government officials enjoy the guarantees needed to uphold their rights, notably *vis-à-vis* administrative or judicial authorities. If an anomaly or material element of an offence is the result of analysis of a sample by an official laboratory, interested parties may request a counter-expertise at their own expense.

CHAPTER II: SUPPRESSION OF OFFENCES

Article 114: Any person, whether or not party to the contract, who has misled or attempted to mislead the contractor by whatever means or process, even through the agency of a third party, in particular, regarding:

- the nature, species, origin, substantive qualities, quantity, composition or content of active principles of any foodstuff;
- the method and date of manufacture, the use-by date;
- the identity of the goods delivered other than those that are the subject of the contract;
- the suitability for use, the risks of using the product; or

the control tests carried out, the instructions for use or the precautions to be taken; shall be punishable by a minimum term of imprisonment of ten (10) months or a maximum of four (4) years and a fine of KMF four hundred thousand (400,000) to KMF ten million (10,000,000) or to only one of these penalties.

The penalties shall be doubled if the deception or attempted deception thus defined is harmful to human health. The same applies to repeat offences.

Article 115: The following shall be punishable by a minimum term of imprisonment of six (6) months or a maximum of five (5) years and a fine of KMF five hundred thousand (500,000) to KMF eight million (8,000,000) or to only one of these penalties:

- persons who counterfeit a foodstuff by subjecting it to an unauthorized process by adding, removing or replacing an ingredient or by treatment not specifically provided;
- persons who market a foodstuff which they know to be counterfeit or corrupted or not fit for consumption or harmful to consumer health;
- persons who produce or market a foodstuff that has been the subject of suspension under a regulatory text;
- persons who knowingly market or who possess without any legitimate reason products, tools or equipment capable of counterfeiting a foodstuff or misleading the contractor and those who encourage its use by any means such as: leaflets, notices, prospectuses, announcements, posters or instructions.

Article 116: Any person guilty of advertising of any type that is misleading or likely to mislead the public with regard to a foodstuff that does not correspond to the characteristics which the consumer could legitimately expect or the existence, origin, method and date of manufacture, price and terms of sale of the foodstuff or the scope of the commitments made by the advertiser, the identity, quality or capabilities of the manufacturer, resellers or suppliers, shall be punishable by the penalties provided in Article 114 of this Law.

Article 117: The penalties provided in Article 114 of this Law shall apply to any person who has deliberately made it impossible for the authorities indicated in Article 112 of this Law to fulfil their tasks, notably by refusing to transmit or dissimulating the documents indicated in Article 115 of this Law, by knowingly giving information that is false or likely to mislead the public, by possessing a confiscated or seized foodstuff without authorization or by not using it for the purpose imposed by the authorities or by avoiding the aforementioned penalties in whole or in part.

Article 118: In each case, the court may pronounce additional light sentences such as publication in full or in part in the newspapers it indicates, display in places it indicates, for example, shop entrances, factories and workshops of the person convicted, for a period not exceeding one month.

The court may also, in each case, order the confiscation or destruction of the tools or *corpus delicti*. It may also order the temporary or definitive closure of an establishment, prohibit the offender, either for a fixed period or definitively, from exercising any profession related to the

production or marketing of products identical or similar to those he was selling at the time of the offence.

Article 119: Offences other than those indicated in Articles 113, 114 and 115 of this Law, notably offences against implementing rules not to be confused with the offences cited above, constitute minor offences punishable by a fine of KMF 300,000 to KMF 3,000,000 and a term of imprisonment of up to three months, or to only one of these penalties.

Such offences may, however, be punished through administrative channels. For this purpose, the Minister concerned may either:

- close the case definitively if the offence is not proven;
- issue a warning to the primary offender; or
- offer the offender the opportunity for a transactional settlement.

Article 120: The transaction is the act by which the competent authority decides not to bring the matter before the courts provided that the offender:

- assigns the goods seized to the State; or
- pays a certain amount to the Treasury;
- pays a certain amount and relinquishes all or some of the goods seized to the State.

Article 121: Any person guilty of collective or individual food poisoning caused by the sale of foodstuffs (of animal or plant origin, preserved or other goods) leading to physical indisposition or death shall be punishable by a term of imprisonment of two (2) to ten (10) years and a fine of KMF five million (5,000,000) to KMF twenty million (20,000,000).

Article 122: Irrespective of the amount determined, if the party concerned does not comply with the terms of the transaction (failure to accept or to pay) and if the counter-claim submitted within the time limit has been rejected, the case shall be forwarded to the courts for judicial proceedings.

Article 123: The transaction possibility may not be granted for the offences indicated in Article 117 of this Law if they are repeated.

TITLE VII FINAL PROVISIONS

Article 124: All legislative provisions contrary to this Law are hereby repealed as concerns foodstuffs. Regulations and other texts that are not repealed shall remain in force until the enactment of new texts implementing this Law.

Deliberated and adopted in plenary session
of 25 December 2012

Secretaries

Mohamed SAID HOUMADI

Hassani MOUIGNI

President of the Assembly of the Union

Bourhane HAMIDOU