

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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Agenda Item 6

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

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COMMENTS FROM UGANDA

A. INFORMATION EXCHANGE ON FOOD LEGISLATION AND FOOD CONTROL MATTERS

(i) Official Agencies

At present, activities in food safety and control in the country are uncoordinated and scattered in different Government Ministries, and are being implemented by different agencies and authorities. The mandates for these agencies and Authorities are stipulated or provided for under different Laws and Regulations For example the Ministry of Health, which is the custodian of the main food legislation, has two agencies; namely Department of Environmental Health and National Drugs Authority (NDA). Department of Environmental Health co-ordinates food safety matters and supervises (on training and policy matters) the activities of semi autonomous Local Government units (Districts, Town Councils Municipalities and a City) who employ Health and Food Inspectors. NDA control the use and sale of drugs (Medical and Veterinary) and importation of food supplements. The Ministry of Agriculture, Animal Industry and Fisheries Resources has 5 Departments and 2 Authorities (UCDA & DDA) whose activities range from control of seeds, Phytosanitary matters, Agricultural chemicals, Animal Health, imports and exports of Animal products, production and marketing of food products. Under the Ministry of Tourism, Trade and Industry there is one department and two Authorities namely; Directorate of External Trade (DET), and Uganda National Bureau of Standards (UNBS) and Uganda Export Promotion Board (UEPB) respectively. DET handles WTO matters such as notification on SPS and TBT agreements. On the other hand UNBS is an apex body charged with Standardisation and implementation of Standards in trade and industry, import food inspection, and is a national inquiry point of SPS and TBT Agreements and a Codex Contact Point. UEPB promotes exportation of food and other products and issues certificates of origin where Uganda has preferential trade treatments e.g. EU and COMESA Regions. There are other Ministries whose agencies control among others, Water, Environment and Radioactive Contamination. The Local Governments units which include Districts, Town Councils, Municipalities have Public Health departments which carry out Food Inspections in food eating places, licensing food premises, meat inspections in abattoirs. This chain of inspectors is mainly Diploma Holders trained at the National School of Hygiene. The Local Government units also have production units, which carry out extension and Food control services in agricultural food production and Veterinary services. At this level degree holders such as Veterinary Surgeons and Agriculture Officers are employed up to the lowest unit of the District such as a sub-county.

THE UNBS IMPORT INSPECTION AND CLEARANCE SCHEME

In line with government policy of protecting the Ugandan public against substandard and potentially hazardous imported goods and promoting fair competition in trade, the minister of tourism, trade and industry issued the *unbs import inspection and clearance regulations 2002* on the 21st October 2002. Subsequent to this, the unbs put in place an import inspection and clearance scheme which began on the 1st of March 2003. The scheme requires all imported products whose standard specifications were declared compulsory under the provisions of unbs act 1983 to be inspected for conformity to the relevant Ugandan standard by unbs before release onto the Ugandan market.

National Codex Committee

National Codex Committee for Uganda was inaugurated in June 2002 during a FAO Workshop on responsibilities and functions of a NCC. The objective of setting this committee was to create an effective mechanism for considering the government's National Food Control requirements in relation to the work of Codex Alimentarius Commission (CAC) Food Standards Program.

The function of the NCC is to consider and discuss technical issues on food standard program such product specifications, safety issues, etc. NCC therefore advises the central government on application of various food standardisation and food safety matters arising out of the work of Codex Alimentarius Commission. The National Codex Contact point is Uganda National Bureau of Standards.

The NCC membership has been reviewed based on the recommendations made during the FAO/WHO training course, "Strengthening National Food Control Systems through Enhanced Participation in the Codex process", Bagamoyo, Tanzania, 22-26th March 2004.

(ii) Food Legislation

The Food and Drug Act of 1964 is still in force. However the National Drugs Authority transformed the component on Drugs into the Drugs Act, 1993. This left the Food Component hanging. This therefore calls for a national Food Safety Law that is modern and unified.

The current Food Act does not address the new technological developments in the food industry e.g. Safety of Genetically Modified Foods, International Food regulations as required by the World Trade Organisation (WTO), the EC and other international food markets. For example for food additives and contaminants, packaging and other sanitary and phytosanitary requirements are not covered in the current Food Act.

General constraints and Gaps in Food Control Systems

The current food control and safety system is severely hampered by obsolete food laws and the lack of resources required for building a sound food safety control infrastructure, including an adequate force, laboratory facilities, and necessary scientific expertise and research.

In most cases the above agencies have provisions under the legislation establishing them for creation of technical committees and working groups cutting across all concerned sectors for purposes of co-ordination and communication on matters of food control. This type of co-ordination is not effective due to lack of resources.

Food borne illness is recognised to be a significant public health problem in Uganda. Much of the burden of illness results from failures in basic food chain hygiene that occurs in food production, processing, storage, transportation, retailing, and handling in the home.

Achieving basic food hygiene is made difficult by the lack of necessary sanitation infrastructure in many areas of the country and segments of the food system.

List of food laws/acts in the country

EXISTING LAWS

1. Uganda National Bureau of Standards Act (1983)
2. The Uganda National Bureau of Standards (Certification) Regulations (1995)
3. The Uganda National Bureau of Standards (Import Inspection and Clearance) 2003

4. Food and Drugs Act (1964)
5. Fish Act (1964)
6. Public Health Act (1964)
7. Water Statute 1995
8. National Environment Statute 1995
9. Agricultural Chemicals (Registration and Control) Statute 1993
10. Fish Quality Assurance Rules 1998
11. The Animal diseases Act 1964
12. The Rabies Act 1964
13. Cattle Traders Act 1964
14. The Hides and Skins Act 1964
15. Meat Inspection Code of Uganda 1973
16. The Public Health Act (Meat and Milk Rules)
17. The Veterinary Surgeons Act 1964

Brief description and List of General food regulation, covering export/import, hygiene, labelling, additives, contaminants, residues (pesticides - veterinary drugs), approval- registration etc of food premises

Food and Act, 1964

This Act makes provisions for supply of safe food and the prevention of adulteration of foods and drugs in as composition, labeling as far, storage and handling are concerned.

Draft Food Bill (2003)

The Food Bill has been drafted based on FAO model and if passed it will cover it among other things, standards, and Codes of Good Practice, control of pesticide residues in food, Food Additives, importation and exportation of food, and warranty to mention but a few. The Draft Food Law has proposition for establishment of a central food control body to co-ordinate food control activities.

Public Health Act (1964)

This Act consolidates the law regarding the protection of public health. It provides for the safeguarding and promotion of sanitation and housing including storage of foodstuffs

The Uganda National Bureau of Standards Act 1983

The UNBS Act provides for formulation and Implementation of National Standards and enforce them in protection of the public against harmful ingredients, dangerous components, shoddy material and poor performance. Among other functions in this Act, UNBS is mandated to provide for the testing of locally manufactured or imported commodities with the view to determine compliance to standards and to adopt or endorse any regional or international standards.

The UNBS Act 1983 provides for the framework of implementing food standards in which the Director of the UNBS is empowered to appoint an Authorised Standards Inspectors with powers to enter premises, inspect and test any process, treatment and obtain any relevant information leading to prosecution of offenders.

The Act also provides for gazetting of National Standards as compulsory standards especially of goods that affect health safety such as foods and drugs.

It is important to note that Government Control Agencies can implement Standards elaborated by UNBS as compulsory Standards in their food control activities.

THE UGANDA NATIONAL BUREAU OF STANDARDS (CERTIFICATION) REGULATIONS 1995

These regulations establish third party certification of products and Quality systems in which UNBS issues permits to use a registered National Quality Mark on products conforming to Uganda Standards.

The regulations provide for suspension, withdraw or cancellation of a permit to use the National Quality Mark by the permit holder. They also provide for certification of quality systems such as HACCP, ISO: 9000 QMS. This scheme of certification is currently voluntary but plans are underway to make it compulsory for products whose compliance is mandatory.

The Uganda National Bureau of Standards (Import Inspection and Standards (Import Inspection and Clearance Regulations, 2002

These regulations require all importers of a product covered by a Compulsory Standard specifications including food (see list of food products in Annex 1) to apply to the Bureau for an Import clearance. The UNBS (Import Inspection and Clearance) Regulations 2003 prescribe system for Import Inspection regime whereby all food products are required to be inspected (list of food standards below) before allowed entry by Uganda Revenue Authority.

The regulations provide for recognition of quality marks of E. Africa Bureaus of Standards and Products conforming to E. Africa Harmonized Standards may not be subjected to inspection.

The Water Statute 1995

This Statute provides for the use protection and Management of water resources and supply; to provide for the construction of Water and Sewerage Authorities; and to

Facilitate the devolution of water supply and sewerage undertakings.

The statute provides to promote the rational management and use of the waters of Uganda through:

- (i) The progressive introduction and application of appropriate Standards and Techniques for investigation, use, control, protection, Management and Administration of water resources.
- (ii) The Co-ordination of all public and private activities, which may influence the quality, quantity distribution, use or management of water resources.
- (iii) The provision of a clean, safe and sufficient supply of water for domestic purposes to all persons.

The Weights and Measures Act 1969

This Act provides for matters concerning the laws relating to the use of weights and measures of goods and commodities including food in commerce and trade. It provides for offences and a framework for implementation such as appointment of inspectors of weights and measures and also examiners and powers of inspectors and entry.

UNBS is currently a corporate body implementing laws and rules in respect of weights and measures.

The Local Government Act 1997

This act provides for much function and powers that hither to be exercised only by the central government have been devolved to local government units. Devolution under the act makes local governments responsible for the delivery of essential services (e.g. Health and Food inspectors authorised persons at District level) in accordance with National/central Government policies, Guidelines and Standards. This Act provides for purposes of ensuring implementation of National policies and adherence to performance standards on the part of Local Governments, Ministries to inspect, Monitor and where necessary offer technical Advice, Support supervision and training with their respective sectors (section 97)

The Fish Act 1964

This act provides for the control of fishing, the conservation of fish, purchase, sale, marketing and processing of fish.

The Fish (Quality Assurance) Rules 1998

These rules provide for the Commissioner Fisheries Resources to designate Authorised Officers under the Fish. Act as fish Inspectors for purposes of implementation.

Fish inspectors are provided to enter inspect and search fish processing and distribution establishments. The fish Inspectors are authorized to do the issuance of fish sanitary certificates of any exports. It provides for approval of establishment and official fish landing sites, quality and self-tests by fish processing establishments based on GMP.

Manual of Standard Operating Procedures (SOP) in Fish Industry, June 2000

SOP Manual has fish inspection and Quality Assurance checklists related to hygiene and sanitary requirements at harvest, fish landing sites, vehicles, vessels stores and fish processing establishments. For purposes of control, monitoring and education to stakeholders, the Fisheries Department uses these checklists routinely.

Program for Monitoring Pesticides Residues and trace elements in water, sediment and Fish from L. Victoria June 2000

This document details a continuous plan to monitor level of residues and trace elements to ensure product safety by determination of levels in water, sediments and fish.

A Model Memorandum of Understanding (MOU) document

This document provides a standardized format of M.O.U, which is signed between District Authorities and Fisheries Department MAAIF. This format stipulates working relationship between local governments applicable to fisheries activities and Fisheries Department and provides for obligations of either party in respect of quality control of fishery products in the food chain such as inspection, testing and documentation.

UGANDA COFFEE DEVELOPMENT AUTHORITY (UCDA) STATUTE 1991

This statute establishes a Public Authority (UCDA) to promote and oversee the Coffee Industry as a whole by developing research and controlling the quality and improving the marketing of coffee.

Among other functions, the Statute provides for UCDA to set the quality control Standards under which coffee is produced in production and distribution chain and is sold. It provides for certification of Coffee exports and too liaise with research and extension services with other Agencies in Ministry of Agriculture Animal Industry and Fisheries (MAAIF).

The Dairy Industry Act 1998

This Act re-establishes a Public Authority (Dairy Development Authority (DDA). The law provides for DDA to undertake proper Co-ordination and efficient implementation of all Government Policies, which are designed to achieve and maintain sufficiency in the production of milk in Uganda.

DDA under this law is required to register and license milk processors, support dairy farmers' market organisers, advise government on milk standards and co-ordinate the enforcement of those standards in liaison with Uganda National Bureau of Standards.

The act also provides for control and regulates dairy and dairy related import and export activities in conformity with the External Trade Act, but without violating the Animal Disease Act.

The Dairy (marketing and processing of milk and milk products) Regulations, 2003

These regulations provide for the Authority to carry out registration to deal in milk or milk or milk products or Dairy equipment.

In this law inspection and quality control measures are stipulated. For example an inspector or officer may enter, take samples for test and require any information related to investigations. Conditions for issuance of permits and quality certificates are also provided.

The most distinct omission in Dairy Act and regulations mentioned above is the gazetting of Dairy authority Inspectors and officers carrying out inspection. However, the law provides for authority of an inspector in writing or appointment of officer of DDA.

The External Trade Act (Amendment) Decree 1974

This Decree amends section 7 of the External Trade Act 1964 and provides for the Minister responsible for Trade to order prohibiting absolutely, or reserve exclusively to any person, the import or export of any goods (including foods) or limit the import or export any goods from or to any country. The amendment provides for the Minister to make statutory instruments concerning prohibitions. One such incident in 1990's was when the Minister issued a ban (prohibition) of suspected radiated milk powder not to enter the country.

The National Environment Statute 1995

This statute provides for sustainable management of the environment; to establish an authority as co-ordinating, monitoring and supervisory body (National Environment Management Authority NEMA). Section 97 relates to offences for impact assessment, section 99 relates to Environmental Standards and guidelines and section 8 relates to offences for hazardous waste, materials, chemicals and radioactive substances. The food items especially imports declared by UNBS as substandard automatically becomes a waste under this statute and NEMA co-ordinates the disposal of waste foods.

The Animal Disease Act (Cap 218)

This relates to Disease of Animals, which includes steps for checking diseases of animals, which includes steps for checking diseases, powers of officers, infected areas, legal proceedings and penalties. This includes control of diseased imported or exported animals.

Code of Meat Inspection, Uganda 1973

This code provides for rules on conditions, facilities and other requirements for meat inspection, (ante-mortem and post-mortem) meat processing. This code covers control of meat, which is imported, or being exported (such as conditions such as the record of export slaughter- house in conducting canning operations).

The Cattle Traders Act (Cap. 224) 1964

This act provides for rules cited as the cattle traders licence, and for cattle export licence the cattle exporting areas Declaration Page. 3049. All issued by commissioner of Veterinary Services and Animal Industry.

General comment on legislation

Generally the above legislation covers to some extent directly or indirectly Export/Import, hygiene, Labelling, Additives, Contaminants, residues and approval of Food premises.

The food standards in Uganda are developed basing on Codex and ISO Standards so all the products aspects such as labelling, etc are incorporated into product standards.

(iv) Cooperation activities

No significant cooperation with other countries on food legislation and food control matters exists.

B. CONSUMER PARTICIPATION**Checklist of measurable objectives**

1. National Codex Contact Point established (Uganda national Bureau of Standards)
2. National Codex Committee established
3. Public consultations not usually held when developing national positions for Codex meetings due to financial constraints.
4. Have identified two consumer NGOs as members of the NCC.
5. The consumer NGOs participate in developing national positions for Codex meetings.
6. The two consumer NGOs participate in the Codex process at national level.

NIGERIA**A Information Exchange on Food Legislation and Food Control Matters.****i Official Agencies**

The Standards Organization of Nigeria (SON) is the government body with the official mandate to set and elaborate all National Standards (including food product standards) National Agency for Food & Drug Administration and Control [NAFDAC] is also involved in making food regulations.

The official primary agencies concerned with food safety and quality are the Standards Organization of Nigeria (SON), a parastatal of Federal Ministry of Industry and the National Agency for Food & Drug Administration and Control [NAFDAC], a parastatal of Federal Ministry of Health. These are -autonomous, self accounting government parastatals under the leadership of Directors-General assisted by Directors of the different specialized directorates/sections.

The Standards Organization of Nigeria (SON), the National Agency for Food Drug, Administration and Control (NAFDAC) and the Plant Quarantine Services [PQS] are involved in food safety and quality matters as it relates to import/exports. The Plant quarantine is under Federal Ministry of Agriculture. These agencies are at the ports of entry and land borders.

ii Food Legislation

The Nigerian Industrial Standard for semi-processed, processed and agricultural produce are updated and harmonized [elaborated, revised, adapted or adopted] in line with the Codex Standards requirements/national interests with the incorporation of the sanitary and phytosanitary measures. The regional updating and harmonization especially in the areas of Standardization of Agricultural produce is with the cooperation of African Regional Standards Organization [ARSO] based in Kenya.

iii. Cooperation Activities

Nigeria presently has bilateral cooperation with Ghana and South Africa while discussions are on with other West African countries for sub-regional cooperation. We have actively participated at Africa regional meetings of FAO/WHO Coordinating Committee meetings.

C. Consumer Participation

The National Codex Committee [NCC]/National Codex Contact Point [NCCP] organizes a quarterly meeting at its Secretariat—Standards Organization of Nigeria [SON] which is chaired by the Director-General of the National Agency for Food and Drug Administration and Control [NAFDAC]. There are twenty –six [26] permanent members / stakeholders drawn from the Public/Private and Non-Governmental Organizations including, Consumer organizations [public/private], consultants and accredited observers. This broad based National Codex Committee and the technical Sub-Committees provides the professional, technical, managerial and experiential resources for the promotion and protection of national interest in food Standards and Codex activities.

Checklist of Measurable Objectives

- 1) Nigeria has a Codex Contact Point, located in the Standards Organization of Nigeria.
- 2) Nigeria also has a functional National Codex Committee and the Codex Contact Point located within the Standards Organization of Nigeria as the Secretariat.
- 3) The National Codex Committee and its Technical Sub-Committees holds public consultations with relevant stakeholders when developing national positions for Codex meetings.
- 4) Consumer Protection Council of Nigeria is an agency of Government of Nigeria involved in Codex activities at the National level.