

**LEGISLATIVE DECREE
N° 1062**

THE PRESIDENT OF THE REPUBLIC

WHEREAS:

The Congress of the Republic, by means of Law N° 29157, has appointed in the Executive Power the duty to legislate over specific matters, with the purpose of facilitating the implementation of the Peru-United States Trade Promotion Agreement and to support the economical competitiveness for its exploitation, being among the matters included in such appointment the improvement of the regulatory framework, as well as the improvement of competitiveness of agricultural production and of the fishing and marine activity. Pursuant to what's established in Article 104 of the Political Constitution of Peru.

With the approving vote of the Council of Ministers; and
With the responsibility of informing the Congress of the Republic;

I have issued the following Legislative Decree:

**LEGISLATIVE DECREE THAT APPROVES
THE FOOD SAFETY LAW**

PRELIMINARY TITLE

Article I.- Purpose

This law has the purpose of establishing the applicable legal framework to guarantee the safety of foods intended for human consumption with the purpose of preserving people's life and health, acknowledging and ensuring the rights and interests of the consumers and promoting competitiveness of the economical agents involved throughout the food chain, including animal feed, subject to constitutional and legal regulations.

Article II.- Principles that sustain the food safety policy

1. The food safety policy is fundamentally sustained in the following principles, without prejudice of the validity of other general principles of the Law.

1.1. Principle of healthy and safe nutrition.-

Competent authorities, consumers and economical agents involved throughout the food chain have the general obligation of acting with respect and promoting the right to a healthy and safe nutrition, in accordance to the General Principles of Food Hygiene of the Codex Alimentarius. The safety of foods destined for human consumption is a basic function of public health, and, as such, it integrates the basic content of the constitutionally acknowledged right to health.

- 1.2. Competitiveness principle.-** All of the food chain players and competent authorities must try to find a competitive and responsible development, based on food safety of internal as well as for export consumption, since this is an essential condition for competitiveness.

- 1.3. Comprehensive cooperation principle.-** National, regional and local level competent authorities, the consumers and economical agents who participate in any of the food chain phases have the duty of cooperating and acting in an integrated way to count with safe foods.

- 1.4. Industry's social responsibility principle.-** Economical agents involved in any of the food chain phases are directly responsible for the production, elaboration and trade of safe, healthy and adequate foods for human consumption.

- 1.5. Transparency and participation principle.-** All the food chain players and, specially, the consumers, must count with appropriate participation mechanisms and of easy access in food safety topics. It's the national, regional and local competent authorities' duty to offer in a timely, reliable and transparent way, all the necessary information for the food chain players to perform such participation.

- 1.6. Principle of decisions based on scientific evidence.-** Decisions in matters of food safety and the measures for food risks management must be supported on the risks assessment in an objective, transparent and independent way.

- 1.7. Principle of care or precaution.-** when, in regards to food safety, scientific data is insufficient, non concluding or uncertain, or when a preliminary scientific assessment draws suspicion that reasonable motives exist to fear hazardous potential effects to human health, provisional risk management measures can be adopted, which will not more than necessary constrain trade to achieve its objective, these must be revised in a reasonable time frame.

- 1.8. Principle of facilitating foreign trade.-** Competent authorities and all the players of the food chain must ensure the safety of foods that are object of international trade and, at the same time, to favor free trade, avoiding the creation of unnecessary obstacles to trade exchange.

- 1.9. Simplicity principle.-** All administrative procedures related to food safety for national trade or for international trade, brought to competent authorities of national, regional and local level, must be simple and dynamic, eliminating all unnecessary complexity or formality, demanding only those requirements that are indispensable and proportional to the public health purposes intended to comply.

- 1.10. Principle of preventive focus.-** Competent authorities will prioritize educational activities and of food safety policy and legislation diffusion, as well as the promotion activities of quality assurance systems. Therefore, agreements can be signed with consumer's associations, professional associations, guilds, universities, and other educational activities.

2. The aforementioned principles will also serve as interpretative criteria to solve issues that can come about during the application of the standards in matters of food safety, as parameters of generating general complementary dispositions, and to fulfill gaps in the organization.

3. The relationship of the previously stated principles is not of a specific law.

TITLE 1

GENERAL PROVISIONS

Article 1.- Object

This law has the purpose of ensuring the safety of foods destined for human consumption, to protect the life and health of people, with a preventive and comprehensive focus, throughout the food chain, including animal feed.

Article 2.- Definitions

For purposes of interpreting and applying this Law, its Regulations and complementary dispositions, the definitions contained in the Annex of this Law will be used.

Article 3.- Application Scope

This Law is applicable to all individuals or corporations, factual associations, autonomous assets, subject to public or private law, profitable or non-profitable, who directly or indirectly participate in any of the phases of the human consumption food chain throughout the national territory.

TITLE II OF THE FOOD SAFETY

CHAPTER I OF THE CONSUMER RIGHTS AND PROVIDER OBLIGATIONS

Article 4.- Consumer rights

Every person has a right to:

1. Consume safe foods. In the case of foreign origin foods, import will only be allowed for those where the production, trade and consumption is permitted in the country of origin for not comprising a risk to public health.
2. Receive from the providers the necessary information to make a decision or to choose an option a well informed in obtaining foods, as well as to have an adequate use or consumption of these.
3. Receive protection against fraudulent or deceitful practices.
4. Receive protection against production, import, fractioning, trade or free transfer of altered, contaminated, adulterated or falsified foods, or foods not appropriate for human consumption, by the corresponding agency.
5. Compensation for damages and losses, consequence of the consumption of the foods offered in the market.

Article 5.- Provider obligations

The providers must offer healthy and safe foods, being directly responsible for the safety of the foods, in such sense obligated to:

1. Comply with sanitary and quality standards approved by the Health Authority at national level, the standards of this Law, its Regulation and complementary dispositions, and, wherever applicable, the labeling standards.
2. Ensure that the staff that intervenes in all and any of the phases of the food chain complies in performing it according to the General Principles of Food Hygiene of the Codex Alimentarius.
3. Ensure that the post harvest management, the manufacturing and elaboration, fractioning, storage and retailing of foods is done in facilities that meet the conditions of location, installation and appropriate sanitary

and safety operation, according to the General Principles of Food Hygiene of the Codex Alimentarius.

4. Guarantee and respond, in the case of processed industrially canned foods, for the content and shelf life indicated on the container for the product. Such containers must be safe for food.
5. Offer information, in the case of industrially processed foods nationally manufactured, in understandable terminology in Spanish and in conformity with the legal measuring unit system. Referring to industrially processed foods of foreign manufacture, information related to the product, warranty conditions, warnings and foreseeable risks, as well as attention to be followed in case of damage, must be offered in Spanish.
6. Adopt, in case of presence in the market of foods which afterwards are found to have unforeseen risks, the reasonable measures to eliminate or reduce the hazard, such as notifying this circumstance to the competent authorities, recalling the food, dispose its replacement, and timely inform the consumers about the precautions.

CHAPTER II OF THE SURVEILLANCE AND CONTROL OF FOOD SAFETY

Article 6.- Hygienic and sanitary safety

The production, import and trade of foods destined for human consumption is subject to sanitary surveillance, to guarantee its safety, to protect health.

The maximum limit standards for pesticide and pharmaceutical residues (LMR) of veterinary use, chemical, physical and microbiological contaminants for foods destined for human consumption established by the Health Authority at national level, are of mandatory compliance, as a safeguard for human life and health.

Each sector must perform the sanitary hygienic surveillance of the food chain, according to their competency, including animal feed.

Article 7.- Food Safety

1. Only safe foods can be sold.
2. Food is considered to be safe when:
 - a) It's not harmful to health;
 - b) It's qualified as appropriate for human consumption by the competent sanitary authority; and,
 - c) It doesn't cause harm when it's being prepared and/or consumed according to its intended use.
3. When a non-safe food belongs to a batch or a lot of foods of the same kind or description, it's assumed that all foods contained in that batch or lot are not safe, unless a detailed assessment proves the opposite.
4. Distribution, trade or consumption of foods of unknown or doubtful origin, damaged or declared not appropriate for human consumption by the competent sanitary authority, is prohibited.

Article 8.- Animal feed safety

1. Trading and the use of non-safe animal feed in the feeding of animals destined for food production is prohibited.
2. An animal feed is considered to be safe when it doesn't have harmful effects to animals destined for human consumption.
3. When non-safe animal feed belongs to a batch or a lot of feed of the same kind or description, it's assumed that all feed contained in that batch or lot are not safe, unless a detailed assessment proves the opposite.

Article 9.- Traceability

In all stages of production, transformation, distribution and trade, of food, animal feed, animals destined for food production and of any other substance destined to be incorporated in a food or in animal feed or likely to be so, traceability must be ensured.

As part of an integrated food safety control, traceability measures can be used to improve risk management and offer reliable information to the consumers. Also, these measures can help to ensure the authenticity of a product and alongside contribute to improve its quality.

Article 10.- Food Safety Surveillance and Control

Production sites and facilities related to food production could be object, at any moment, of sanitary surveillance and control to verify the application of a quality assurance system based on hazard analysis and critical control points (HACCP).

Article 11.- Official Certification for Safety in Agricultural Foods of production or of primary processing.

1. The agricultural foods of production or of primary processing of national origin can receive an official certificate issued by National Authority on Agricultural Safety or by a certification agency, pursuant to the requirements that the Sectoral Regulation establishes.
2. The agricultural foods of production or of primary processing coming from abroad must have an official certificate issued by the Competent Authority of the exporting country or from an authorized certification agency, pursuant to the requirements that the Sectoral Regulation establishes.

Article 12.- Sanitary Records of industrially manufactured foods

All industrially manufactured foods, of national or foreign production, can only be sold having previously a Sanitary Record issued by the General Direction of Environmental Health.

TITLE III OF THE COMPETENT AUTHORITIES

Article 13.- Permanent Multisectoral Commission on Food Safety

The Permanent Multi-sectoral Commission on Food Safety was created with the purpose of coordinating sectoral activities and with civil society to guarantee the safety of human consumption foods, throughout the food chain, throughout the national territory; with the purpose of protecting the life and health of people, with a preventive focus.

The Permanent Multi-sectoral Commission on Food Safety is constituted by the Health (chair), Agriculture and Production ministries assigned to the Health Ministry, which is in charge of proposing the Commissions' working regulation.

The Permanent Multi-sectoral Commission on Food Safety will coordinate and perform follow-up of the enforcement of this Law with the different government levels. In the same manner, will coordinate and will exchange information with the consumers and economical agents involved in any of the food chain stages.

The Permanent Multi-sectoral Commission on Food Safety will oversee that the authorities at all levels of government apply exhaustive procedures including quick recall of altered, contaminated, adulterated or falsified foods, or foods not appropriate for human consumption, by the corresponding agency.

The other aspects not included in this article, will be regulated in the Regulation of this law.

Article 14.- National competent authority in health

The Health Ministry through its General Direction of Environmental Health is the Health Authority of national level and has exclusive competency in the technical, standardizing and super-surveillance aspects as far as safety of foods destined for human consumption, industrially manufactured foods, of national or foreign production, except fishing and marine foods.

The National Health Authority performs its competencies in safety of foods for human consumption of national origin, import and export, contributing to protect the health of the consumers, promoting the reduction of food borne diseases.

Article 15.- Duties of the Competent Authority in health at national level

These are the duties of the Health Authority at national level in matters of food safety in foods industrially manufactured, except fishing and marine foods:

1. To establish general hygiene standards throughout the food and drink chain for human consumption
2. To establish conditions, requirements and procedures for the sanitary record, plant permits and sanitary certificate for food and drink export destined for human consumption
3. To establish the standards for sanitary surveillance, security measures, Offences and sanctions of facilities for manufacturing, storage and fractioning or foods for human consumption, and of group feeding services, hospitals and of passengers in transportation means, except those dedicated to the processing of hydro-biological products.
4. To standardize the national Traceability system and carry out all pertaining to its competency scope, in the traceability system in coordination with the other competent authorities.
5. To establish maximum limit standards (MLS) for pesticides and pharmaceuticals for veterinary use, chemical, physical and microbiological contaminants in foods destined for human consumption, as a safeguard for human life and health.
6. To manage the international equivalency and harmonization of food standards, for an acknowledgement of the countries with which industrially manufactured foods are traded, promoting the application of the *Codex Alimentarius* standards.
7. To resolve national sanitary alerts and those coming from abroad regarding industrialized foods and authorize its consumption.
8. To perform risk analysis of industrialized foods, which have been spotted as risky for health by scientific entities and authorize its consumption and propose management activities and risks communication regarding products.
9. To perform sanitary surveillance of manufacturing, storage and fractioning facilities of foods for human consumption, and of group feeding services, hospitals and of passengers in transportation means, except those dedicated to the processing of hydro-biological products.
10. Others that the Health Ministry establishes in the complementary Regulations and dispositions of this Law.

Article 16.- National competent authority in agriculture sanitation

The National Agriculture Sanitation Service – (SENASA, Spanish acronym) is the National Agriculture Sanitation Authority and has exclusive competency in the technical, standardizing, and of surveillance aspects in matters of safety of agricultural foods of production or of primary processing destined for human consumption and animal feed, of national or foreign production.

The National Agriculture Sanitation Authority will perform its competencies in agro-food safety of production or of primary processing contributing to the health of the consumers and promoting competitiveness of national agriculture, through the safety in agricultural production.

Article 17.- Duties of the National competent Authority in agriculture sanitation

These are the duties of the National Agriculture Sanitation Authority in matters of food safety in agricultural foods of production or of primary processing:

1. To promote and facilitate the implementation and execution of a quality assurance system based on hazard analysis and critical control points (HACCP) and its prerequisites, with the purpose of ensuring safe products and to foster competitiveness of national agriculture.
2. To issue technical protocols related to compliance of food safety standards of production or of primary processing.
3. To perform and maintain, a traceability system pertaining to its competency scope, in coordination with the other competent authorities.
4. To certify, by request, the safety of foods of production or of primary processing for national market and for foreign trade.
5. To manage the international equivalency and harmonization of food standards, for an acknowledgement of the countries with which agricultural foods are traded, of production or of primary processing.
6. Others that are established in the complementary Regulations and provisions of this Law.

Article 18.- National competent authority in fishery sanitation

The Peruvian Fishing Institute of Technology – ITP is the National competent Authority in Fishery Sanitation and has exclusive competency in the technical, standardizing, and of surveillance aspects in matters of safety of fishing and marine foods destined for human and animal consumption.

Article 19.- Duties of the National competent Authority in fishing sanitation

These are the duties of the National Fishing Sanitation Authority in matters of food safety in fishing and marine foods:

1. Perform sanitary surveillance of the capture, extraction or collection, transportation and processing of hydro-biological products as well as the hygienic conditions of the unloading areas for these products.
2. Award Sanitary Official Certification of fishing and marine foods.
3. Issue technical protocols related to the compliance of the sanitary standards, as well as the permits, licenses,

authorizations and concessions in the fishing and marine scope.

4. Perform and maintain, a traceability system pertaining to its competency scope, in coordination with the other competent authorities.
5. To manage the international equivalency of the sanitary standard, for an acknowledgement of the countries with which fishing and marine foods are traded.
6. Others that are established in the complementary Regulations and provisions of this Law.

Article 20.- Role of the Regional Governments and of the Local Governments

Regional Governments and Local Governments must apply this law within the scope of its territorial circumscription and pursuant to its organic laws.

Regional Governments and the Local Governments must carry out necessary actions to implement and diffuse the National Food Safety Policy, as well as coordinating and collaborating with national competent authorities for the functioning of the surveillance and control system.

The surveillance and control of the internal trade of agricultural foods, of production or of primary processing is a task of the Local Governments, in conformity with the provisions in Law N° 27972 – Organic Law of the Municipalities, which will execute the procedures deriving from the specific regulations that the National Agriculture Sanitation Authority issues in these matters.

The surveillance and control of food transportation, as well as the surveillance of trade, elaboration and retail of foods facilities dedicated to fractioning and feeding services for passengers in transportation means, are tasks of the Local Governments, in conformity with the provisions in Law N° 27972 – Organic Law of the Municipalities.

TITLE IV OF OFFENCES AND SANCTIONS

Article 21.- Sanctionary Regulatory Power

The offences and sanctions to the provisions of this Law, its Regulation and complementary provisions will be known and applied nationally by the Health Authority, the National Agriculture Sanitation Authority, the national Fishing Sanitation Authority, Regional Governments and the Local Governments, within their scope. Also, the coactive execution of the obligations derived from this law, pertains to them.

By regulation, offences to the provisions of this Law will be classified and corresponding sanctions will be established.

Article 22.- Sanctions and complementary measures

Offences to this Law established in its complementary regulation and provisions will be sanctioned expressed in fractions or whole amounts of the current applicable tax unit (UIT, spanish acronym), and calculated at the moment of its payment in cash. Also, along with the sanction, complementarily the following can be provided:

1. The denial, suspension or cancellation of the corresponding records, permits, certificates or authorizations.
2. The seizure, destruction or final disposition of the products object of the offence.
3. The closure of facilities.

4. The publication of imposed sanctions in the Official Journal "El Peruano" or other written press media of national or regional circulation.

In case of re-incidence, the imposed penalty will be doubled and, if this is the case, additional complementary measures will be applied.

The competent authorities are entitled for the execution of complementary measures, to impose coercive penalties, reiterated for a sufficient period of time to comply what was ordered, in conformity with the provisions in the complementary regulations and provisions. Coercive penalties are independent of the sanctions that can be imposed with that purpose and compatible with them, for which they do not impede the competent authorities to impose a different sanction at the end of the proceeding, if this is the case.

Each sectoral regulation will establish the procedures for the application of the sanctions in its competency scope required to have in account the severity of the offence and harm caused to people's health, the offenders' financial capability and the re-incidence or repetitiveness condition. Also, each sectoral regulation will establish the penalty scale to be applied.

FINAL COMPLEMENTARY PROVISIONS

FIRST.- Entry into effect

This law will enter into effect the next day after its publication in the Official Journal El Peruano.

The lack of regulation of any of the provisions of this law will not be impediment for its validity and enforcement.

SECOND.- Participative delegation

National, regional or local competent authorities, by agreement or decision of their maximum authority, can delegate or authorize the performance of its duties to other public or private institutions, to optimize and drive the application of this law.

TRANSITORY COMPLEMENTARY PROVISIONS

FIRST.- Regulation

The Regulation will be approved by Means of Supreme Decree countersigned by the Ministries of Agriculture, Health and Production and in a timeframe of ninety (90) working days starting from the date of validity of this law.

The sectoral regulations will be issued by the corresponding sectors, in a sixty (60) day timeframe starting from the date of the publishing of the Regulation of this law.

SECOND.- Transitory regulation

Procedures initiated before the validity of this Law, will be governed by the previous standard until its conclusion. Nonetheless, applicable to the ongoing processing is the provisions of this Law that acknowledge the rights or powers of the administered before the administration.

THIRD.- Authorizations and records awarded under the preexisting regulations

Authorizations, certificates, permits and records issued under the preexisting regulation will not be affected by the validity of this Law.

FOURTH.- Endorsement of the health authority

The competent authorities in safety of foods for human consumption, will adapt their regulations to the provisions of this law, which must be endorsed by the health authority, according to what's established in article 126 of Law N° 26842.

FIFTH.- Validity of the surveillance Regulation and sanitary control of foods and beverages

Be aware that the Regulation for surveillance and sanitary control of foods and beverages, approved by Supreme Decree N° 007-98-SA and its amendments, maintains validity, except articles 88 subparagraph c) and 93 related to hydro-biological origin products, since regulated by Law N° 28559.

Likewise, while the regulations and complementary provisions of this Law are issued, standards contained in Supreme Decree N° 040-2001-PE, Supreme Decree N° 007-2004-PRODUCE and its corresponding amendments, supplements and complementary standards, with its sanctions, will continue to be applied, in all that does not oppose to this Law.

SIXTH.- Reference to revoked dispositions

References contained in the legal system to the preexisting regulation which is revoked in view of this Law, is understood to be replaced by this one for all legal purposes.

COMPLEMENTARY REPEALING PROVISIONS

UNIQUE.- Generic repeal

This law is of public order and repeals all legal, regulatory and administrative provisions, of equal or inferior status, that oppose or contradict it, as well as for absorption, those provisions that regulate identical matters of a given rule of this Law.

WHEREAS:

I order to publish and comply, informing the Congress of the Republic.

Issued at the Presidential Palace, in Lima, on June 27th of 2008.

ALAN GARCIA PEREZ
Constitutional President of the Republic
JORGE DEL CASTILLO GALVEZ
President of the Council of Ministers
LUIS CARRANZA UGARTE
Minister of Economy and Finances
ISMAEL BENAVIDES FERREYROS
Minister of Agriculture
RAFAEL REY REY
Minister of Production
VERONICA ZAVALA LOMBARDI
Minister of Transportation and Communications
In charge of the Ministry of Health office

ANNEX

The WHO sanitary and phytosanitary agreement.- Establishes basic rules for the standardization of food safety, animal health and vegetable preservation.

Food.- All processed, semi-processed or raw substance, destined for human consumption, including beverages, gum and any other substances used in the manufacturing, preparation or treatment of foods, but doesn't include cosmetics, nor tobacco or substances used only as medication.

Agricultural Food.- Vegetable or animal origin food produced traditionally or conventionally in the field, except those of fishing or marine origin.

Fishing origin Food.- Is the species captured from water environments, destined for human or animal consumption, or as raw material for the industry.

Marine origin Food.- Are all fishing products, bred and grown under human control or captured during young stages and kept in captivity, until achieving commercial sizes and offered in the market as food products.

Manufactured Food.- Those prepared culinarily, raw, precooked or cooked, of one or several foods of animal or vegetable origin, with or without the addition of other substances, which must be duly authorized. Can be canned or not and ready for its consumption.

Industrially processed Foods (manufactured food).- Refers to all foods transformed from raw material of vegetable, animal or mineral origin, or a combination of these, using physical, chemical or biological procedures or a combination of these that contain food additives, to obtain foods destined for human consumption.

Risk analysis.- A process consisting of three (03) components: risk assessment, risk management and risk communication.

Food chain.- Phases of food from primary production up to final consumption.

Codex Alimentarius.- The *Codex Alimentarius* is a food code and the compilation of standards, practice codes, directives and recommendations of the Codex Alimentarius Commission.

Risk communication.- Interactive exchange of information and opinions on risk among the risk evaluators, risk managers, consumers and other interested parties.

Risk assessment.- A scientific based process consisting of the following phases: i) hazard identification, ii) hazard characterization, iii) exposure assessment, and iv) risk characterization.

Phase.- Any procedure, operation or stage of the food chain, including raw material, from primary production up to final consumption.

Risk management.- The process of weighing the different possible policies in view of risk assessment results and, if applicable, chose and apply adequate control options, including regulatory measures.

Food hygiene.- All conditions and necessary measures to ensure food safety and the suitability of foods in all phases of the food chain.

Food safety.- The guarantee that foods will not cause harm to the consumer when these are prepared and/or consumed according to its designated use.

Hazard.- Any agent of biological, chemical or physical nature present in food or otherwise the condition it's in, which can cause an adverse effect to health.

Animal feed (food for animals): all simple or compound, processed, semi-processed or non-processed material, which is used directly in the feeding of animals destined for human consumption.

Process.- Group of successive phases in the manufacture or transformation of a substance.

Primary process.- Is the food chain phase applied to primary production, of foods not subject to transformation. This phase includes: division, cutting, selecting, slicing, deboning, mincing, skinning or de-hiding, milling, chopping, cleaning, degreasing, de-husking, grounding, pasteurizing, refrigerating, freezing, ultra-freezing or thawing.

Primary production.- Phases of the food chain up until, for example: harvest, culling, hunting, milking, fishing included.

Traceability/tracing of products in the food chain.- the capacity to follow the displacement of a food throughout one or several specific stages of its production, transformation and distribution.

Risk.- A function of the likelihood of a harmful effect to health and the severity of this effect, as result of a hazard or hazards in foods.

Food supply assurance.- when everyone always has the physical and financial access to sufficient safe and nutritious foods to satisfy their nutritional needs and their food preferences in order to have an active and healthy life.

Transformation.- any action that substantially alters the initial product, including the thermal, smoking, curing, maturing, drying, marinating, extraction or extrusion treatments or a combination of these procedures.

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EXECUTIVE POWER

LEGISLATIVE DECREES

ERRATUM SLIP

LEGISLATIVE DECREE N° 1062

By Official Action No 405-2008-SCM-PR the Secretary of the Council of Ministers requests the publication of the Erratum Slip of Legislative Decree N° 1062, published in the June 28, 2008 edition.

In the Annex:

STATES:

Industrially manufactured foods (manufactured foods).- Refers to all those foods transformed from raw material of plant, animal or mineral origin or a combination of these, using physical, chemical or biological procedures or a combination of these, that contain food additives to obtain foods intended for human consumption.

MUST STATE:

Industrially Manufactured Foods (manufactured foods).- Refers to all those foods transformed from raw material of plant, animal or mineral origin or a combination of these, using physical, chemical or biological procedures or a combination of these, to obtain foods intended for human consumption.

STATES:

Primary processing: Is the food chain phase applied to primary production, of foods not subject to transformation. This phase includes: division, cutting, selecting, slicing, deboning, mincing, skinning or de-hiding, milling, chopping, cleaning, degreasing, de-husking, grounding, pasteurizing, refrigerating, freezing, ultra-freezing or thawing.

MUST STATE:

Primary processing: Is the food chain phase applied to primary production, of foods not subject to transformation. This phase includes: division, cutting, selecting, slicing, deboning, mincing, skinning or de-hiding, milling, chopping, cleaning, degreasing, de-husking, grounding, refrigerating, freezing, ultra-freezing or thawing.

Bylaws for the Food Safety Act Are Approved

SUPREME DECREE N 034-2008-AG.

THE PRESIDENT OF THE REPUBLIC

WHEREAS:

Legislative Decree 1062 approved the Food Safety Act;
The First Transitory Complementary Provision of the
aforementioned law states that by means of a Supreme
Decree, the Bylaws will be approved within a period of ninety
(90) business days after the date that the Law took effect;
It is appropriate for the Bylaws to the Food Safety Act to
be approved;
Based on Number 8 of Article 188 of the Political
Constitution of Peru, Number 1, Article 6, Number 2 Section
e) of Article 8 and Number 3 of Article 11 of Law 29158 - the
Constitutional Law of the Executive Branch;

HEREBY DECREES:

Article 1. Approval

The Bylaws to the Food Safety Act are hereby approved,
consisting of four (4) titles, three chapters, thirty-nine (39)
articles, four final complementary provisions, six (6)
transitory complementary provisions, and one (1) appendix;
they are an integral part of this Supreme Decree.

Article 2. Repeal

All of the provisions that are not in line with this Supreme
Decree are hereby repealed.

Article 3. Endorsement

This Supreme Decree will be endorsed by the Ministries
of Agriculture, Health, and Production.

Issued in Government House in Lima on the 16th day of
December 2008.

ALAN GARCIA PEREZ

Constitutional President of the Republic

CARLOS LEYTON MUÑOZ
Minister of Agriculture

OSCAR UGARTE UBILLUZ
Minister of Health

ELENA CONTERNO MARTINELLI
Minister of Production

INDEX

TITLE I GENERAL PROVISIONS

TITLE II FOOD SAFETY

CHAPTER I CONSUMER RIGHTS AND VENDOR OBLIGATIONS

CHAPTER II FOOD SAFETY MONITORING AND CONTROL

CHAPTER III FOOD AND CATTLE FEED SAFETY

TITLE III COMPETENT AUTHORITIES

TITLE IV INFRACTIONS AND SANCTIONS

FINAL COMPLEMENTARY PROVISIONS

TRANSITORY COMPLEMENTARY PROVISIONS

APPENDIX

BYLAWS TO LEGISLATIVE DECREE 1062, THE FOOD SAFETY ACT

TITLE I

GENERAL PROVISIONS

Article 1. Purpose

The purpose of these Bylaws is to establish the general
standards and procedures to apply and enforce Legislative
Decree 1062 -- the Legislative Decree that approves the
Food Safety Act in line with the General Principles of
Hygiene of the *Codex Alimentarius*.

Article 2. Definitions

The terms used in these Bylaws should be interpreted
based on the definitions contained in Legislative Decree No.
1062 and the Appendix to these Bylaws. When these Bylaws
mention the Act, it should be understood to mean Legislative
Decree No. 1062.

Article 3. Realm of Application

The Provisions in the Act and these Bylaws constitute
standards to be applied publicly to all entities, whether
individuals or companies, de facto companies, autonomous
trusts, or any other entity, whether governed by public or
private law, whether for profit or not, that directly or indirectly
participate in any of the stages in the food chain for human
consumption throughout the national territory.

TITLE II

FOOD SAFETY

CHAPTER I:

CONSUMER RIGHTS AND VENDOR OBLIGATIONS

Article 4. The Right to Consume Safe Foodstuffs

Consumers have the right to safe food. To enforce this
right, the consumer may:

a. Demand and claim information that is truthful,
objective, comprehensible, broad, and detailed for all the
foodstuffs on the market by means of a labeling system,
timely communication by the health authority or advertising,
including alerts;

b. Receive protection from the competent authority,
which must verify, by monitoring food safety, the truthfulness
of the information contained on the labels.

c. Demand that the competent authority, for foods not fit
for human consumption, apply hygiene safety measures to
avoid their use or consumption; and

d. Make effective mechanisms available as provided by
the vendors and the authorities to enable claims to be
channeled and attended to.

Article 5. Claims

Any individual or company may file a claim with the
competent authorities about any acts that they consider to
go against the Act, these Bylaws and other legal provisions,
as pertinent; the claims should reveal the facts, signs,
circumstances and evidence that make it possible for the
competent authority to verify them to apply the hygiene
safety measures as pertinent. Said authority must issue a
pronouncement in response to the party filing the claim, who
must be properly identified.

The competent authorities will establish procedures to
attend to claims filed by consumers.

Article 6. Publication of Sanctions and Alerts

It is in the public interest to protect the health of
consumers; therefore, any information about sanctions
arising from an infraction of the food safety standards must
be broadcast by the competent authorities through
institutional portals or other suitable media to safeguard the
consumers, once the administrative remedies have been
exhausted.

Food safety alerts that imply a risk to health that the
competent health authority has available will be
communicated to the consumers through institutional portals
or other media, in observance of the principles of appropriate
hazard communications.

Article 7. Access to Information

Any information related to food safety that the competent authorities have in their possession may be provided to consumers after a request is filed in line with the provisions in the Singular Ordered Caption of the Law on Transparency and Access to Public Information, approved by means of Supreme Decree no. 043-2003-PCM and its bylaws, with the reserves set forth in the referenced standards.

Article 8. The Vendors' Obligation to Supply Safe food and Cattle Feed

Vendors are directly responsible for the safety of the foodstuffs and cattle feed that they supply.

Vendors must comply with the safety standards in applying the General Principles of Hygiene and Good Agricultural Practices, Good Fishing and Aqua Farming Practices, Good Manufacturing Practices, the Hazard Analysis and Critical Control Point (HAACP) System and other standards established by the competent authorities.

Failure to comply with the provisions indicated in this article will entail administrative liability for the offenders, regardless of their civil and criminal liability.

CHAPTER II

FOOD SAFETY MONITORING AND CONTROL

Article 9. Health Monitoring

9.1. Any food chain for human consumption and cattle feed will be subject to safety monitoring, whether officially or at the request of a party. Safety monitoring will be carried out due to reasons involving inspections, claims, alerts, or traceability, among other reasons.

9.2. The owners and parties responsible for the food establishments must carry out sanitary and safety control measures for the products they prepare. The control will be based on the General Principles of Hygiene of the *Codex Alimentarius* and when pertinent, the Hazard Analysis and Critical Control Point (HAACP) System, as well, which will be used as a reference guide for safety monitoring.

9.3. The parties responsible for places and establishments subject to safety monitoring must provide the pertinent facilities to the competent authorities for them to engage in safety monitoring.

9.4. Safety monitoring encompasses physical and document inspection, as well as taking samples if needed, and will be performed by an official inspector based on the procedures established by the competent authorities.

9.5. The official inspector is an authorized employee who has fulfilled the requirements established by the competent authority at the national level.

9.6. Any physical inspection will be recorded in a set of minutes that must be signed by the properly identified party being inspected, who will receive a copy of said minutes. If the party being inspected refuses to sign the minutes, the Authorities will proceed as set forth in the General Administrative Proceedings Law - Law No. 27444.

9.7. Any samples taken as part of the monitoring work carried out by the health authority must be analyzed in the authority's own laboratories in existence at the regional and local levels, subject to authorization by the national health authority to ensure their suitability.

Any analytical determinations that cannot be completed in the laboratory belonging to the monitoring health authority laboratory or to any of the health authorities in the country may be completed in other laboratories within or outside the country, when they have been properly authorized to do so. The results may be deemed to be official by the health authority in charge of overseeing them.

Article 10. Safety Monitoring for Production and Primary Processing of Foods Originating in Animals and Vegetables and Animal Feed

Safety monitoring for production and primary processing of foods of agricultural / livestock origin and animal feed to be used in producing foods for human consumption, monitoring of physical, chemical and biological contaminants that may affect these foods and feed, and monitoring water for agricultural irrigation are the responsibility of the National Agrarian Safety Service -SENASA, which will formulate the specific norms.

Article 11. Safety Monitoring for Food and Feed Originating in Fishing and Aqua Farming

Safety monitoring for food and feed originating in fishing and aqua farming that occurs at all stages in the food chain that includes monitoring physical, chemical, and biological contaminants that may affect the food and feed is the responsibility of the Technological Fishing Institute - ITP through the National Fishing Safety Service Department - SANIPES. That authority will be in charge of formulating the specific norms.

Article 12. Safety Monitoring for Foods Prepared Industrially (Manufactured)

Safety monitoring for foods prepared industrially (manufactured) that includes monitoring physical, chemical, and biological contaminants that may affect these foods, according to Article 6 and sections 3, 5 and 9 of Article 15 of the Law, is the responsibility of the Ministry of Health through the General Environmental Health Department - DIGESA.

Article 13. Safety Monitoring of Prepared Foods, Marketing Establishments, and Food and Feed Outlets.

13.1 The Local Governments are responsible for monitoring the safety of:

- a. Foods prepared for human consumption;
- b. Transportation of foods and feed;
- c. The marketing establishments and outlets for foods and feed; and
- d. Marketing, preparing, and distribution of foods in public streets and spaces.

13.2 The Local Governments must report to the competent authorities about situations that involve a safety alert for tracing and other purposes in the interest of public health.

Article 14. Monitoring Signage, Information and Advertising of Foods and Feed

In matters relating to food safety, the monitoring of signage, information and advertising of foods and feed, as well as fraudulent or deceptive practices is the responsibility of the Competent Authorities.

Article 15. Safety Monitoring for Foods to Be Used in Social Welfare Programs and High-Risk Populations

15.1. The competent authorities will prioritize safety monitoring for food and food establishments to be used in social welfare programs in support of populations subject to high sanitary risk.

15.2. The administrative entities for social food programs must notify the competent authority promptly of any irregularity related to safety in supplying these foods that may imply a risk to the public health, and take immediate actions to mitigate the pertinent risk.

Article 16. Safety Monitoring for Donated Foods and Animal Feed

16.1. Entities that receive donations of domestic and foreign food and feed are responsible for notifying the competent authorities so the safety may be evaluated prior to shipping.

16.2. If the donations of food and feed are declared to be unsuitable for consumption by the competent authority, the authority will set the measures for final disposal based on national standards.

Article 17. Traceability

The traceability of foods and feed must include all the stages in the food chain. The parties in charge of each of these stages must set up systems and procedures to be able to fulfill this purpose, providing the information to the competent authorities when they request it.

Implementing traceability as a risk management instrument is considered to be an integral part of safety monitoring. The specific standards and functions for each Sector will be proposed and approved by the Permanent Food Safety Multi-Sector Commission.

Article 18. Traceability Procedures

The competent authorities in the nation will prepare and propose the procedures to trace the food and feed for which they are responsible to the Permanent Food Safety Multi-Sector Commission. The procedures will be based on the traceability principles in the *Codex Alimentarius*.

The traceability procedures will include all the stages in the food chain, including feed for animals for human consumption.

The traceability must include information on the raw material and supply vendors for food and feed, as well as their use. A record will be kept with the name or denomination, the vendor's address, the products supplied, the date of receipt, etc., to be able to apply the preventive and corrective measures when the results of the safety evaluation show evidence that the products are not fit or are a risk for the consumer.

Article 19. Procedure for Handling Safety Alerts

Each sector will establish procedures to handle national and international safety alerts based on their competency. They will apply the principles of risk analysis.

Article 20. Information about Safety Alerts

The ways to handle and deal with safety alerts must come from a report issued by the party issuing the alert with a copy to the Permanent Food Safety Multi-Sector Commission for appropriate follow-up.

Article 21. Vendor Obligations Related to Health Risks

Vendors are responsible for promptly notifying the competent authority of any health risk for a food or animal feed supplied and the corrective actions taken. Likewise, under the supervision of the authorities, they are to report these events to consumers based on the provisions in Article 19 of these bylaws.

Article 22. Official Food and Animal Feed Safety Certification

The competent authorities nationally establish the official procedures to certify domestic and foreign food and animal feed in line with domestic and international standards and guidelines. The certifications will be based on a verification of the safety control systems by the competent authority. The certification includes the issuance of an official document.

Article 23. Safety Record for Industrially Prepared Foods

The General Environmental Health Department - DIGESA of the Ministry of Health is responsible nationally for Health Registration for industrialized and semi-prepared foods that are sold in the country, with the exception of fish and aqua farming products, which is the responsibility of the Technological Fishing Institute -- ITP through the National Fishing Safety Service Department -- SANIPES. Registered products are subject to safety monitoring by the competent authority.

Article 24. Health Safety Measures

Any preventive and control action constitutes a health safety measure when it is immediately executed by the Competent Authorities when faced with any hazard or risk related to public health.

The authorities may hand down the following health safety measures in any of the stages in the food chain:

- a. Immobilization;
- b. Recall food and animal feed from the market;
- c. Suspension of business;
- d. Temporary establishment closure;
- e. Forfeiture or confiscation;
- f. Appropriation; and
- g. Final disposal.

CHAPTER III

FOOD AND ANIMAL FEED SAFETY IN INTERNATIONAL COMMERCE

Article 25. Bringing Food and Animal Feed into the Country

When food or animal feed enters the country as an import, through international transit or in any other customs

mode, it will be subject to the provisions established by the competent national authorities within the realm of their competency.

In the Unified Administrative Procedures Text - TUPA, the competent authorities nationally will include an official safety certification from the country of origin or its equivalent for each shipment of food or animal feed as a requirement for imports to ensure their safety.

Article 26. Exports of Food and Animal Feed

The competent authorities nationally will issue an official safety certificate for food and animal feed within the realm of their competency based on the requirements that are established in the pertinent sector standards.

Traceability must make it possible for the competent authorities nationally to act on notifications by their counterparts in the importing company due to the detection of safety hazards or failure to comply with the entry conditions or other binding actions related to safety.

Article 27. Support for Other Institutions Linked to International Commerce

The National Customs Authority, the National Anti-Drug Department, and the National Port Authority must provide the support needed to the competent authorities nationally to ensure that the shipments subject to safety control for domestic and international trade strictly comply with the regulations that they establish.

Article 28. Free Marketing or Sale Certificate

The Free Marketing or Trade Certificate - CLV (in Spanish) is the official document issued by the competent authority nationally that certifies that a food or animal feed may be freely sold in the country.

Article 29. Food and Animal Feed Rejected by the Country of Destination

Food and animal feed that are rejected in the country of origin and then re-enter the national territory are subject to first being evaluated by the competent authority nationally, which will determine what will ultimately be done with it.

TITLE III COMPETENT AUTHORITIES

Article 30. Functions of the Permanent Food Safety Multi-Sector Commission

The functions of the Permanent Food Safety Multi-Sector Commission are the following:

- a. Propose the national policy on food and animal feed safety;
- b. Promote synchronization and equivalency of the national standards with international standards on food and animal feed safety.
- c. Coordinate the monitoring and tracking activities for food and animal feed safety for which the competent authorities nationally are responsible;
- d. Propose an inter-sector rapid health alert system based on traceability;
- e. Help in reconciling any conflict between competencies between the national, regional, and local authorities for matters related to food and animal feed safety.
- f. Identify sources of technical aid for handling, developing and investigating cross-cutting issues related to food and animal feed safety.
- g. Convene, when it is deemed pertinent, specialized entities in the public, private, and academic sectors, experts, consumer organizations, etc;
- h. Issue a technical stance on projects related to regional standards on matters related to food safety.

Article 31. Competent Authorities at the Regional Level

The competent authorities at the regional level are exclusively responsible for defining, leading, regulating, and managing national and sector food and animal feed safety policies. The policies are to be exercised based on technical standards and the Law, taking into account any publications by international organizations on matters related to food and animal feed safety.

The Ministry of Health, through the General Environmental Health Department - hereinafter known as DIGESA -- is the national health authority. It has exclusive

competency as it relates to technical, regulatory and oversight issues in matters related to the safety of food to be used for human consumption that is prepared industrially, whether domestic or foreign, with the exception of foods from fishing and aqua farming. It contributes to protecting the health of consumers and promotes a decrease in food transmitted diseases (FTD).

The National Agrarian Safety Service -- hereinafter SENASA -- is the national authority on agrarian safety. It has exclusive competency as it relates to technical issues, standards, and oversight related to the safety of agricultural-livestock foods for primary production and processing targeting human consumption and animal feed, whether produced nationally or abroad. The National Agrarian Safety Service exercises its powers related to agricultural food safety for primary production and processing by contributing to protecting the health of consumers and promoting the competitiveness of domestic agriculture through agricultural - livestock production safety.

The Technological Fishing Institute of Peru -- hereinafter ITP -- through the National Fishing Safety Service -- hereinafter SANIPES -- is the national fishing safety authority and has exclusive competency as it relates to technical issues, standards, and oversight related to the safety of food and animal feed based on fishing and aqua culture.

The competent authorities nationally should have an alert system to notify the involved parties of any health problem that may arise to apply a Rapid Alert System based on the information about Food Transmitted Diseases (FTD).

Article 32. Functions of the Regional Governments

According to Article 20 of the Law, the regional governments are responsible for the implementation and execution of national and sector policies on the safety of food and animal feed in the regional setting within the framework of these bylaws and the sector bylaws.

Therefore, their functions are:

- a. Perform monitoring related to the safety of food and animal feed within the territorial boundaries and be entrusted with delegating or transferring the competent authority at the national level;
- b. Establish regional standards about functions transferred by the competent authorities nationally related to matters of food safety. They must be viewed favorably by the Permanent Food Safety Multi-Sector Commission and be underwritten by the competent authority nationally.
- c. Determine when infractions are committed and when to apply sanctions for cases where the functions are transferred by the competent authorities nationally and based on Title IV of these bylaws.
- d. Apply safety measures related to foods and animal feed.
- e. Declare, broadcast and take preventive and corrective actions about situations related to health alerts within the territorial boundaries;
- f. Promote and broadcast the national policy on food and animal feed safety in the region;
- g. Strengthen the technical skills related to food and animal feed safety in the regional and local governments in the region.
- h. Encourage and support research on issues related to food and animal feed safety to promote regional competitiveness.

Article 33. Functions of the Local Governments

According to Article 20 of the Act, the following are functions of the local governments, in addition to those functions established in Article 13 of these bylaws:

- a. Regulate issues related to food and animal feed safety in the areas of their competency in line with the national and regional standards;
- b. Apply safety measures related to foods and animal feed.
- c. Broadcast and take preventive and corrective actions about situations related to health alerts within the jurisdictional boundaries;
- d. Promote and broadcast the national policy on food and animal feed safety in their location;

e. Strengthen the technical skills related to food and animal feed safety.

f. Provide training about good practices related to food and animal feed safety within the area of their competency;

g. Determine when infractions are committed and when to apply sanctions within the area of their competency and based on Title IV of these bylaws.

Article 34. Delegation and Authorization of Functions

The competent authorities may delegate and authorize the exercise of their functions to individuals or companies from the public and private sectors to provide services related to the food safety issues that they determine. In such cases, they must regulate the provisions to include audits of delegated services by the pertinent competent authority. The power to issue rulings is the exclusive competency of the competent authority.

The persons or entities to whom these functions are delegated should not have any conflict of interest and will be responsible for the suitability of the services provided and for the information contained in the reports that are issued in exercising said delegation.

Article 35. Simplification of the Procedures Related to the Competent Authorities

The procedures related to the competent authorities must be imbued with the maximum dynamism possible to avoid procedural actions that make it difficult for them to be performed, such that they must comply with the provisions indicated in law 27444 - the General Administrative Proceeding Law, and Law 29060 -- the Law on Silent Administration and any modifications thereto.

Without prejudice to the contents of the preceding paragraph and in accordance with the First Temporary, Complementary and Final Provision of Law 29060 -- the Law on Silent Administration, the procedures taking place with the competent authorities related to food and animal feed safety are subject to negative administrative silence because they have to do with issues involving public health.

The regional and local governments must also comply with this provision when they apply the Act, these bylaws, and the sector bylaws.

TITLE IV

INFRACTIONS AND SANCTIONS

Article 36. Infractions and Categorization Criteria

Any conduct that involves an action or omission that means total or partial breach of the provisions in the Act, these bylaws, and the sector bylaws will be considered to be an infraction.

The health authorities at the national level will categorize the infractions by means of bylaws, taking into account these criteria, which are not exhaustive in nature:

- a. The food's suitability for human consumption;
- b. The animal feed's suitability for animal consumption;
- c. Safety conditions in the places related to production and establishments for their preparation, storage, transportation, division, manufacturing, distribution and commercialization;
- d. The suitability and accuracy of the documentation submitted or required by the safety authority;
- e. Notification to the authorities about safety alerts;
- f. The performance of safety inspections;
- g. Compliance with the mandatory safety prevention and control procedures;
- h. The use of sanitary authorizations issued by the health authorities;
- i. Information and publicity about consumer safety issues;

The technical competency of the staff in the production area and assurance of safety when dealing with production establishments.

Article 37. Sanctions and Complementary Measures

The sanctions imposed by the competent authorities will be applied without prejudice to any civil and/or criminal actions that may be applicable.

Any remedy after the infraction is committed will not hold the offender harmless from the application of any pertinent sanctions.

In addition to the measures indicated in Article 22 of the Act, the competent authorities may impose the suspension of business as a complementary measure for the sanction.

Article 38. Preventive Measures Within the Sanction Proceeding

If the competent authorities so deem necessary, they may apply the health safety measures set forth in Article 24 of these bylaws within the sanction proceeding.

Article 39. Offender Registry

Each competent authority will administer a national offender registry which will be made public through institutional portals for each sector or by means of some other medium, if the authority deems it to be necessary.

FINAL COMPLEMENTARY PROVISIONS

1: Payment of Fees for Services Provided by the Competent Authorities

Any private or public individuals or companies that are members of Diplomatic Representations or Non-Governmental Organizations, de facto companies, autonomous trusts, or any other entity are subject to paying fees for the services that are provided by the competent authorities, except when there is an express law or international pact subscribed to by Peru.

2. Strengthening Food and Animal Feed Safety Monitoring

The competent authorities, as they see fit, must allocate a part of the fine payments caused by breach of the Act, these bylaws or the sector bylaws to strengthening food and animal feed safety monitoring all along the food chain.

3. Specific Regulation. The sector bylaws issued by the competent authorities at the national level related to the safety of food for human consumption and animal feed will be in line with the provisions in these bylaws and the fourth complementary transitory provision of the Act.

4: Facilitation of Trade in Food and Animal Feed

Measures related to food and animal feed safety are a legitimate concern for public health; since they are technical and scientific in nature, they are not pseudo-tariff or bureaucratic barriers based on the WTO's Agreement on Sanitary and Phytosanitary Measures and other international agreements that the country has taken on related to the matter.

TRANSITORY COMPLEMENTARY PROVISIONS

1: Obligation to Update the TUPA

The Competent Authorities are responsible for updating the Unified Administrative Procedures Text -- TUPA -- based on the provisions set forth in the Act, these bylaws, and the sector bylaws.

2. Transitional Regulation

The proceedings begun prior to these Bylaws taking effect will be governed by the previous norms until they end. Nevertheless, the provisions in these bylaws that recognize the rights and powers of the public in relation to the administration will be applicable to any proceedings in process.

3. Rights Granted Under the Pre-Existing Norms

The authorizations, licenses, certificates, permits, records and other rights granted under the pre-existing norms will not be affected by these bylaws taking effect.

4: References to Overturned Provisions

The references contained in the legal ordinances about the pre-existing norms that were overturned because of these bylaws will be held to be replaced by these bylaws for all legal intents and purposes.

5: The Permanent Food Safety Multi-Sector Commission and Regulation of Its Functions

The sectors making up the Commission will officially designate its representatives within a period of thirty (30) calendar days after the publication of these bylaws.

The Ministry of Health, in exercising the presidency, will install the Commission and propose the bylaws on its

functioning within a period of no more than sixty (60) calendar days after the Commission is installed.

6: Food for Human Consumption and Animal Feed Obtained by Bio-Technological Means

The Permanent Food Safety Multi-Sector Commission will establish the criteria for the national standards related to monitoring and tracking the safety of food for human consumption and animal feed obtained by bio-technological means (genetically modified organisms -- GMO)

APPENDIX

Safety Alert. A situation where the competent safety authority declares that a food is a risk for human consumption and that it implies making decisions about the corrective and preventive measures that should be applied to avoid a food transmitted disease (FTD) and/or damage to the consumer's health occurring. It is also applicable to animal feed.

Suitable Food. A food is suitable when it matches the characteristics of safety and suitability and the characteristics established in the safety standard approved by the Competent Authority.

Auditing of Delegated Services. This is a systematic functional evaluation that the Competent Authority carries out with the purpose of determining whether the activities and their results and effects are in line with the foreseen purposes.

Forfeiture or Confiscation A preventive safety measure or complementary measure to the sanction applied by the competent authority that consists of the State permanently taking ownership of the food or animal feed.

Shipment. A defined quantity of food and animal feed that is transported from one area to another under the auspices of the Official Safety Certificate. A shipment may be made up of one or more batches or lots.

Monitoring. Any action carried out by the competent authorities to check the veracity of the information provided by the public within the framework of the provisions in the Act, these bylaws, and the sector bylaws.

Seizure. A measure that consists of forcefully taking possession of the food and animal feed in any of the stages along the food chain by the competent authorities while its actual legal situation is determined.

Immobilization. A measure that consists of applying a prohibition on moving, using, or consuming, under safety conditions and the seal of the competent authority, food and animal feed whose nature or condition is doubtful in relation to which there is a history that leads to believing that its use or consumption may be harmful or hazardous to health, inasmuch as tests are run to determine their nature or condition.

Inspection. An inspection is a test of the food products or the food control system, raw materials, their preparation and distribution, including tests run during preparation and the finished product to find out whether they are in line with the requirements established in the safety standards.

Genetically Modified Organisms (GMO). These are living organisms whose genetic characteristics have been deliberately manipulated by bio-technical means in laboratories to provide them with some specific characteristic. They are commonly called transgenics.

Primary Processing in the Fishing and Aqua Farming Sector. This is small scale processing that uses simple facilities and techniques where manual labor predominates.

Vendors. Any individual or company, de facto companies, autonomous trusts, or any other entity related to public or private law that may be for profit or not that directly or indirectly supplies raw materials or supplies, food, and animal feed in any of the stages in the food chain.

Hazard Analysis and Critical Control Points. This is a system that makes it possible to identify, evaluate, and track hazards that are significant for food safety.

Safety Monitoring. Observations and measurements of safety control parameters that are systematic and ongoing, carried out by the competent authority to prevent, identify, and/or eliminate hazards and risks all along the food chain.