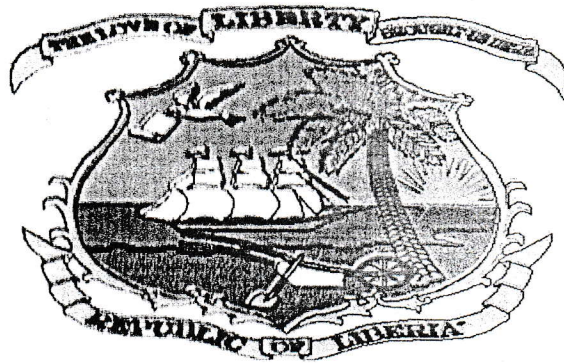


TITLE XX, LIBERIA CODE OF LAWS AS REVISED (20xx)



An Act to Amend the Executive Law of Liberia to create a National Food and Feed Quality and Safety Act of 2017

Approved XXXX, 20XX

Ministry of Foreign Affairs

Published by Authority

XXXX, 2017

TABLE OF CONTENTS

PART ONE: GENERAL PROVISIONS.....	5
Chapter One: Title.....	5
Chapter Two: Objectives and Scope	5
Chapter Three: Definitions.....	5
PART TWO: PRINCIPLES OF FOOD LAW	9
Chapter Four: Risk Assessment	9
Chapter Five: Risk Communication	10
Chapter Six: Risk Management.....	10
Chapter Seven: Activities Included in Risk Analysis	10
Chapter Eight: Precautionary Principle.....	11
Chapter Nine: Transparency.....	11
PART THREE: GENERAL REQUIREMENTS FOR FOOD SAFETY	11
Chapter Ten: Food Safety Requirements	11
Chapter Eleven: Feed Safety Requirements.....	12
Chapter Twelve: Regulations regarding safety of food	13
PART FOUR: International Trade in Food and Feed.....	14
Chapter Thirteen: Imported Food and Feed	14
Chapter Fourteen: Food and Feed exported from the Republic of Liberia	14
PART FIVE: Licensing.....	14
Chapter Fifteen: Licensing of Establishments	14
Chapter Sixteen: License Conditions	15
Chapter Seventeen: Suspension and Cancellation of License.....	15
Chapter Eighteen: Fees for Award and Renewal of Licenses.....	15
18.1 An appropriate fee shall be payable to the Liberia Food Authority in respect of each application for a license and each subsequent application for renewal of a license granted under Chapter 15 of this Act.	15
PART SIX: SAFETY RESPONSIBILITIES OF FOOD AND FEED BUSINESS OPERATORS	16
Chapter Nineteen: General Responsibility for Safety of Food and Feed	16
Chapter Twenty: Responsibilities with respect to food or feed not in compliance.....	16

Chapter Twenty-one: Requirements for Traceability of Food and Feeds.....	17
Chapter Twenty-two: Requirement for a System to Control Food Safety Hazards.....	17
Part Six: Regulations of Food Quality	18
Chapter Twenty-three: Scope of Regulation of Food Quality	18
Part Seven: Declarations and Labeling	18
Chapter Twenty-four: Labeling, False and misleading descriptions.....	18
Chapter Twenty-five: Official Control of Safety of Food and Feed	19
Part Eight: General Principles of Inspection.....	20
Chapter Twenty-seven: Content of Inspections	20
Chapter Twenty-eight: Health and Hygiene Inspection of Persons in Contact with Food and Feed	21
Chapter Twenty-nine: Sampling for Laboratory Analysis	21
Part Nine: Provisions for Official Control of Food Quality	21
Chapter 30: Official Control of Food Quality	21
Chapter 31: General Principles of Inspection	21
Chapter 32: Content of Inspections	21
Part Ten: GENERAL PROVISIONS FOR OFFICIAL CONTROL OF FOOD	22
Chapter Thirty-three: Action in Case of Contraventions	22
Chapter Thirty-four: Annual Inspection Program and Report	22
Chapter Thirty-five: Laboratory Analysis of Samples	23
Part Eleven: Official Testing and Reference Laboratories	23
Chapter Thirty-six: Accreditation of Official Testing Laboratories	23
Chapter Thirty-seven: Nomination of Reference Laboratories	23
Part Twelve: EMERGENCIES AND CRISIS MANAGEMENT	24
Chapter Thirty-eight: Emergency Measures for Ensuring Safety of Food and Feed	24
Chapter Thirty-nine: General Plan for Crisis Management	24
39.1 An institutional arrangement would facilitate a regular updating of the Government c Liberia and the population on food safety matters and actions when there is a food safety crisis: An Inter-Ministerial Food Safety Emergency Committee would comprise the three Minister of Health, Agriculture and Commerce with the Food Authority as secretary to said Committee Additional Ministers or particular stakeholders may be invited, based on the nature of th	

emergency, provided the essentials of urgent action and technical expertise are both considered. This committee would meet as necessary in the case of a food safety crisis.....	24
Part Thirteen: FOOD AUTHORITY OF THE REPUBLIC OF LIBERIA	25
Chapter 40: The Food Authority	25
Chapter 41: Organization of the Authority	25
Chapter 42: Composition, Appointment and Terms of Board of Directors	25
Chapter 43: Criteria for Appointment of Board of Directors Members.....	26
Chapter 44: Duties of the Board of Directors	26
Chapter 45: Director General	27
Chapter 46: Scientific Committee	27
Chapter 47: Scientific Opinions	28
Chapter 48: Diverging Scientific Opinions	29
Chapter 49: Stakeholder Consultative Forum	29
Chapter 50: Fees and Expenses	30
PART FOURTEEN: POWERS AND RESPONSIBILITIES OF COMPETENT AUTHORITY	30
Chapter 51: Authorized Officers	30
Chapter 52: Powers of Authorized Officers	31
Chapter 53: Duties and Responsibilities of Authorized Officers and Members of Competent Authorities	32
PART FIFTEEN: OFFENSES AND DEFENSES	33
Chapter 54: Offenses	33
Chapter 55: Due Diligence Defense	33
Chapter 56: Appeals	33
PART SIXTEEN: NOMINATION OF COMPETENT AUTHORITY	34
Chapter 57: Nomination of Competent Authority.....	34
Chapter 58: Food Control Advisory Committee	34
PART SEVENTEEN: REPEALS AND AMENDMENTS	35
Chapter 59: Repeals and Amendments	35

PREAMBLE

Whereas, the consumption of food is a universal aspect of human existence;

Whereas, the right to enjoyment of life is assured to all Liberians as an integral promise contained in our nation's Constitution;

Considering, that the presence of food that is safe and adequate is essential to life and contributes to its enjoyment;

Whereas, a large number of health conditions can be caused, prevented, managed or otherwise influenced by what and how we eat;

Whereas, international bodies including FAO, WHO and the WTO have derived a number of international protocols, conventions and indices that set guidelines for food safety and food safety laws;

Whereas, the AU and ECOWAS have set up regional guidelines of best practices that enhance food safety in their member nations.

Whereas, Liberia as a responsible member of the international community is obligated to take action for the adoption of comparable guidelines in order to protect its citizens and those of other nations resident or transiting in its territory by ensuring the wholesomeness of food products in domestic use and sent out into international commerce;

NOW THEREFORE, IT IS HEREBY ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF LIBERIA, IN LEGISLATURE ASSEMBLED:

PART ONE: GENERAL PROVISIONS

Chapter One: Title

This Act shall be cited as the Food Law of Liberia of 2017.

Chapter Two: Objectives and Scope

This Act is to:

- 2.1 Establish the general principles to ensure safety and quality of food and feed at the national level. It shall institute the structures and mechanisms for Food Safety in the Republic of Liberia;
- 2.2 Apply to all activities and all areas of the safety and quality of foods and feeds affecting the health of consumers. It shall apply to all stages of production, processing, and distribution of food commodities, which are undertaken in the course of a food business.

Chapter Three: Definitions

For the purposes of this Act, these definitions apply:

3.1 'Food' (or foodstuff) shall mean any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans. Articles including liquids used as nutriment for human consumption or use, alcoholic and non-alcoholic beverages, chewing gum, ice and articles used for components of any such article. 'Food' includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment. It includes water after the point where:

- 3.1.1 in the case of water supplied from a distribution network, the point, within premises or an establishment, at which it emerges from the taps that are normally used for human consumption;
- 3.1.2 in the case of water supplied from a tanker, at the point at which it emerges from the tanker;
- 3.1.3 in the case of water put into bottles or containers intended for sale, at the point at which the water is put into the bottles or containers;
- 3.1.4 in the case of water used in a food-production undertaking, at the point where the water is used in the undertaking.

'Food' shall not include:

- 3.1.5 feed;
- 3.1.6 live animals unless they are prepared for placing on the market for human consumption;
- 3.1.7 plants prior to harvesting;
- 3.1.8 medicinal products within the meaning of Liberia Medicines and Health Products Regulatory Authority of 2010;
- 3.1.9 tobacco and tobacco products as defined in the Public Health Law of Liberia;
- 3.1.10 narcotic or psychotropic substances within the meaning of the United Nations Single Convention on Narcotic Drugs, 1961, and the United Nations Convention on Psychotropic Substances, 1971 and the definitions enshrined in the Liberia Controlled Drugs and Substances Act of 2014;
- 3.1.11 Residues and contaminants.

3.2 "Eating place" means an establishment, other than a restaurant, where food is served, sold and eaten on the premises. The term includes, but is not limited to, school lunch rooms, dining rooms of clubs or associations, and eating places maintained in factories or offices for personnel employed in such places.

3.3 "Food handler" means an employee of or other person working in a food establishment who prepares, mixes, cooks, bakes, preserves, bottles, packs or handles food, or whose duties or the circumstances under which he works in such an establishment are such as may effect public health.

3.4 "Off-the-premises retail food processing establishments" means a bakery, box lunch store, or store selling box lunches, food counter, food stand, street stalls, waiter markets, food cart, caterer, or other type of retail food establishment which manufactures, mixes, processes, pickles, slices and packages or prepares food for off-the-premises consumption, but does not include a restaurant or eating place.

- 3.5 **"Restaurant"** means a public establishment where food is served, sold and eaten on the premises. The term includes, but is not limited to, buffets, lunch rooms, lunch counters, night clubs, bars, cafeterias, grillrooms, hotel dining rooms and cook shops.
- 3.6 **"Authorized Officer"** means any public officer designated by the competent authority to be an officer authorized under Chapter 52 of this Act.
- 3.7 **"Competent Authority"** means the Liberia Food Authority.
- 3.8 **"Establishment"** means any premises engaged in placing food on the market, including, premises where products are prepared, processed (including slaughtered) packaged or stored. It includes every place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packed, handled, stored, manufactured, offered for sale or sold. The term includes but is not limited to food processing establishments, slaughter houses, public markets, distilleries, wineries, breweries, establishments engaged in the manufacture and production of non-alcoholic beverages, refrigerated and dry warehouses, bakeries, restaurants and eating places, caterers, food counters, food stands, food carts, retail food stores, and vehicles; and weapons or utensils appertaining to such food establishments.
- 3.9 **"Feed business operator"** means the natural or legal persons responsible for ensuring that the requirements of this Act are met within the feed business under their control;
- 3.10 **"Feed business"** means any undertaking whether for profit or not and whether public or private, carrying out any operation of production, manufacture, processing, storage, transport or distribution of feed including any producer who produces, processes or stores feed for feeding to animals on his own holding.
- 3.11 **"Feed"** (or feeding stuff) means any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals.
- 3.12 **"Final consumer"** means the ultimate consumer of a foodstuff who will not use the food as part of any food business operation or activity.
- 3.13 **"Food business operator"** means the natural or legal persons responsible for ensuring that the requirements of this Act are met within the food business under their control.
- 3.14 **"Food business"** means any undertaking, whether for profit or not and whether public or private carrying out any of the activities related to any stage of production, processing and distribution of food.
- 3.15 **"Food quality"** means the aggregate characteristics of a food product that bear on its ability to satisfy the needs of final consumer. In the context of this Act this shall not relate to characteristics, which affect the health of the final consumer as determined under Chapter 10 of this Act. It shall include characteristics relating to the economic interests of the final consumer.
- 3.16 **"Genetically Modified Organism (GMO)"** means any biological entity capable of reproducing itself or transferring genetic material, except the human species, whose genetic material has been modified in a way which is produced neither naturally in the environment nor by natural recombination.
- 3.17 **"Hazard"** means a biological, chemical or physical agent in, or condition of, food or feed with the potential to cause an adverse effect on human health.

- 3.18 **"Labeling"** shall mean any words, particulars, trademarks, brand name, pictorial matter or symbol relating to a food and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such foodstuff.
- 3.19 **"Novel foods"** means foods and food ingredients which have not hitherto been used for human consumption to a significant degree within Liberia and which fall under the following categories:
- 3.19.1 foods and food ingredients consisting of or isolated from micro-organisms, fungi or algae;
 - 3.19.2 foods and food ingredients consisting of or isolated from plants and food ingredients isolated from animals, except foods and food ingredients obtained by traditional propagating or breeding practices and having a history of safe food use;
 - 3.19.3 foods and food ingredients containing or consisting of genetically modified organisms;
 - 3.19.4 foods and food ingredients produced from, but not containing, genetically modified organisms;
 - 3.19.5 foods and food ingredients to which has been applied a production process not currently used, where that process gives rise to significant changes in the composition or structure of the foods or food ingredients which affect their nutritional value, metabolism or level of undesirable substances.
 - 3.19.5 foods and food ingredients with a new or intentionally modified primary molecular structure;
- 3.20 **"Official control of food"** means an inspection by the competent authority of the compliance with provisions of this Act followed by measures to ensure that any contraventions are corrected.
- 3.21 **"Placing on the market"** means the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves undertaken within the territory of Liberia whether or not intended for sale on the domestic market or for export.
- 3.22 **"Pre-packaged foodstuff"** shall mean any single item for presentation as such to the ultimate consumer and to the mass caterers, consisting of a foodstuff and the packaging into which it was put before being offered for sale, whether such packaging encloses the foodstuff completely or only partially, but in any case in such a way that the contents cannot be altered without opening or changing the packaging.
- 3.23 **"Primary production"** means the production, rearing or growing of primary products including harvesting, milking and farmed animals' production prior to slaughter. It also includes hunting and fishing and the harvesting of wild products.
- 3.24 **"Retail"** means the handling and/or processing of food and its storage at the point of sale or delivery to the final consumer, and includes distribution terminals, catering operations, factory canteens, institutional catering, restaurants and other similar food service operations, shops, supermarket distribution centers and wholesale outlets.
- 3.25 **"Risk analysis"** means a process consisting of three interconnected components: risk assessment, risk management and risk communication.
- 3.26 **"Risk Assessment"** means the process of identifying, defining and determining the extent of risks involved by means of a scientifically based process consisting of the

following steps: (i) hazard identification, (ii) hazard characterization, (iii) exposure assessment, and (iv) risk characterization.

- 3.27 **Risk Assessment Policy** means documented guidelines on the choice of options and associated decisions for their application at appropriate points in the risk assessment such that the scientific integrity of the process is maintained.
- 3.28 **"Risk communication"** means the interactive exchange of information and opinions throughout the risk analysis process as regards hazards and risks, risk-related factors and risk perceptions, among risk assessors, risk managers, consumers, feed and food businesses, the academic community and other interested parties, including the explanation of risk assessment findings and the basis of risk management decisions.
- 3.29 **"Risk management"** means the process, distinct from risk assessment, of weighing policy alternatives in consultation with interested parties, considering risk assessment and other legitimate factors, and, if need be, selecting appropriate prevention and control options.
- 3.30 **"Risk"** means a function of the probability of an adverse health effect and the severity of that effect, consequential to a hazard.
- 3.31 **"Stages of production, processing and distribution"** means any stage, including import, from and including the primary production of a food, up to and including its storage, transport, sale or supply to the final consumer and, where relevant, the importation, production, manufacture, storage, transport, distribution, sale and supply of feed.
- 3.32 **"Traceability"** mean the ability to trace and follow a food, food-producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of production, processing and distribution.

PART TWO: PRINCIPLES OF FOOD LAW

Chapter Four: Risk Assessment

- 4.1 In order to achieve the general objective of a high level of protection of human health and life, measures applied under this Act shall be based on risk assessment except where this is not appropriate to the circumstances or the nature of the measure.
- 4.2 Risk assessment should be conducted in accordance with specific Regulations stating the Principles Relating to the Role of Food Safety Risk Assessment and should incorporate the four steps of the risk assessment, i.e. hazard identification, hazard characterization, exposure assessment and risk characterization.
- 4.3 Risk assessment shall be done using the available scientific evidence and undertaken in an independent, objective and transparent manner.
- 4.4 The responsibility of conducting a risk assessment shall be functionally separate from the risk management component in order to ensure the scientific integrity of the assessment.
- 4.5 Experts responsible for risk assessment should be selected in a transparent manner on the basis of their expertise, experience, and their independence with regard to the interests

involved. The procedures used to select these experts should be documented including a public declaration of any potential conflict of interest.

- 4.6 The scope and purpose of the particular risk assessment being carried out should be clearly stated and in accordance with risk assessment policy.

Chapter Five: Risk Communication

- 5.1 The Working Principles of Risk Analysis require that the risk analysis process is fully transparent and thoroughly documented and that the results are made available to all stakeholders.
- 5.2 Risk communication shall ensure that:
- the Government of the Republic of Liberia
 - persons responsible for risk management
 - authorized officers responsible for official control of food and feed safety
 - food and feed business operators
 - Consumers receive timely, reliable, independent, objective and comprehensible information about food hazards and associated risks.

Chapter Six: Risk Management

- 6.1 Risk Management shall ensure that:

6.1.1 Prevention and control measures taken to reduce, eliminate or avoid a risk to health from the consumption of food shall take into account the results of risk assessment.

6.1.2 Such measures shall be effective, equitable and proportionate.

- 6.2 Risk management shall ensure that the appropriate prevention and control measures are applied at the point of the feed and food supply chain where they can be most effective in reducing or eliminating the risk

Chapter Seven: Activities Included in Risk Analysis

In addition to risk assessment, risk communication and risk management, risk analysis shall include the following activities:

- 7.1 Providing the Government of the Republic of Liberia, the agricultural and food industries and consumers the best possible scientific opinions in relations to food hazards
- 7.2 Promoting and coordinating the development of uniform risk assessment and official control methodologies in the fields related to safety of food and feeds
- 7.3 Commissioning scientific studies necessary for the accomplishment of risk assessment in fields related to safety of food and feeds
- 7.4 Searching for, collecting, collating, analyzing and summarizing scientific and technical data in the fields related to safety of feed and feeds
- 7.5 Undertaking action to identify and characterize emerging risks in the fields related to safety of food and feeds

- 7.6 Providing scientific and technical assistance, when requested to do so by the Government, in relation to emergency procedures referred to under Chapter 38 and 39.

Chapter Eight: Precautionary Principle

- 8.1 In specific circumstances where, following an assessment of available information, the possibility of harmful effects on health is identified but scientific uncertainty persists, the "Precautionary Principle" shall be applied wherein provisional risk management measures necessary to ensure a high level of health protection may be adopted, pending further scientific information for a more comprehensive risk assessment.
- 8.2 Measures adopted on the basis of Section 1 shall be proportionate and no more restrictive of internal or external trade than is required to achieve an appropriate level of health protection, regard being had to technical and economic feasibility and other factors regarded as legitimate in the matter under consideration. The measures shall be reviewed within a reasonable period of time, depending on the nature of the risk to life or health identified and the type of scientific information needed to clarify the scientific uncertainty and to conduct a more comprehensive risk assessment.
- 8.3 Where precautionary measures under Section 1 of this Chapter are implemented in good faith and in accordance with Section 2 of this Chapter and subsequent removal of scientific uncertainty indicates that they were not required to ensure health protection, the Competent Authority shall not be held liable for any subsequent losses incurred as a result of the measures.

Chapter Nine: Transparency

- 9.1 There shall be open and transparent public consultation, directly or through representative bodies, during the preparation, evaluation and revision of risk management measures, except where the urgency of the matter does not allow it for the protection of consumer health.
- 9.2 Without prejudice to the applicable provisions of the Freedom of Information Act of 2010, where there are reasonable grounds to suspect that a food or feed may present a risk for human or animal health, then, depending on the nature, seriousness and extent of that risk, public authorities shall take appropriate steps to inform the general public of the nature of the risk to health, identifying to the fullest extent possible the food or feed, or type of food or feed, the risk that it may present, and the measures which are taken or about to be taken to prevent, reduce or eliminate that risk.

PART THREE: GENERAL REQUIREMENTS FOR FOOD SAFETY

Chapter Ten: Food Safety Requirements

- 10.1 Food shall not be placed on the market if it is unsafe.
- 10.2 Food shall be deemed to be unsafe if it is considered to be:
- 10.2.1 Injurious to health;

10.2.2 Unfit for human consumption;

10.3 In determining whether any food is unsafe, regard shall be had;

10.3.1 To the normal conditions of use of the food by the final consumer and at each stage of production, processing and distribution; and

10.3.2 To the information provided to the final consumer, including information on the label, or other information generally available to the final consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods.

10.4 In determining whether any food is injurious to health regard shall be had;

10.4.1 not only to the probable immediate or short-term and long-term effects of that food on the health of a person consuming it, but also on the subsequent generations;

10.4.2 to the probable cumulative toxic effects;

10.4.3 to the particular health sensitivities of a specific category of consumers, where the food is intended for that category of consumers

10.5 Where any food which is unsafe is part of a batch, lot or consignment of food of the same class or description, it shall be presumed that all the food in that batch, lot or consignment is also unsafe, unless following a detailed assessment, there is no evidence that the rest of the batch, lot or consignment is unsafe.

10.6 Food which complies with specific regulations governing food safety shall be deemed to be safe insofar as the aspects covered by the specific regulations are concerned.

10.7 Conformity of a food with specific provisions applicable to that food shall not bar the Competent Authority from taking appropriate measures to impose restrictions on it being placed on the market or to require its withdrawal from the market where there are reasons to suspect that, despite such conformity, the food is unsafe.

Chapter Eleven: Feed Safety Requirements

11.1 Feed shall not be placed on the market or fed to any food-producing animal if it is unsafe.

11.2 Feed shall be deemed to be unsafe for its intended use if it is considered to:

11.2.1 have adverse effect on human or animal health; or

11.2.2 Make the food derived from food-producing animals unsafe for human consumption.

11.3 Where a feed which has been identified as not satisfying the feed safety requirement is part of a batch, lot or consignment of feed of the same class or description, it shall be presumed that all of the feed in that batch, lot or consignment is so affected, unless following a detailed assessment including scientific testing, there is no evidence that the rest of the batch, lot or consignment fails to satisfy the feed safety requirement.

- 11.4 Feed which complies with specific regulations governing feed safety shall be deemed to be safe insofar as the aspects covered by the specific regulations are concerned.
- 11.5 Conformity of a feed with specific provisions applicable to that feed shall not bar the Competent authority from taking appropriate measures to impose restrictions on it being placed on the market or to require its withdrawal from the market where there are reasons to suspect that, despite such conformity, the feed is unsafe.

Chapter Twelve: Regulations regarding safety of food

At the request of the Competent Authority, the Ministry of Health, the Ministry of Agriculture or the Ministry of Commerce may by regulation make provisions for:

- 12.1 requiring, prohibiting or regulating the presence in food or feed of any specified substance, or any substance of any specified class, and generally for regulating the composition of food or feed;
- 12.2 securing that food is fit for human consumption and meets such microbiological or other standards as may be specified by or under the regulations;
- 12.3 requiring, prohibiting or regulating the use of any process or treatment in the preparation of food or feed;
- 12.4 securing the observance of hygienic conditions and practices in connection with the carrying out of commercial with respect to food and feed;
- 12.5 imposing requirements or prohibitions as to the labeling, marking, presenting or advertising of food, the descriptions which may be applied to food, and the language used;
- 12.6 securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to contact materials which are intended to come into contact with food intended with human consumption;
- 12.7 the application of internal systems applied by food business operators for ensuring the safety of food placed on the market by them;
- 12.8 ensuring that the safety measures applied to imported and exported food and feed are at least equivalent to those foods produced within the Republic of Liberia;
- 12.9 prohibiting, or limiting subject to specified conditions ---
 - 12.9.1 the sale for human consumption; or

12.9.2 The use in the manufacture of products for sale for such consumption of food derived from specific food or feed sources, however defined, whether by species, place of origin, nature, subsequent treatment or other characteristic.

12.10 Regulating the treatment and disposal of any food ---

12.10.1 Which is unfit for human consumption; or

12.10.2 Which fails to comply with the regulations; or

12.10.3 Which, though not unfit for human consumption, is not intended for, or is prohibited from being sold for, such consumption.

12.11 For matters with respect to food or feed as appears to be necessary for the purpose of ensuring that such food or feed complies with food safety requirements or in the interest of the public health.

12.12 Prohibiting or regulating the placing on the market of novel foods or for defining procedures for approval prior to placing on the market of any such foods.

12.13 Matter relating to any other issues deemed necessary for the implementation of this Act.

PART FOUR: INTERNATIONAL TRADE IN FOOD AND FEED

Chapter Thirteen: Imported Food and Feed

Food and feed imported into the Republic of Liberia for placing on the market shall comply with the relevant requirements of this Act; or, where a specific agreement exists between the Republic of Liberia and the exporting country, imports from such countries shall comply with the requirements contained therein which shall be at least equivalent to the relevant requirements as stated in this act.

Chapter Fourteen: Food and Feed exported from the Republic of Liberia

Food and feed exported or re-exported from the Republic of Liberia for placing on the market of another country shall comply with the relevant food safety requirements of this Act, unless otherwise required by the authorities of the importing country or established by the laws in force in the importing country.

PART FOUR: LICENSING

Chapter Fifteen: Licensing of Establishments

15.1 The Liberia Food Authority may enforce regulations made under the powers granted in Chapter 12, the classes of establishment, which shall be subject to a license granted under this Act.

- 15.2 A license granted in accordance with Section (1) in respect of an establishment shall authorize that establishment to store, process, package or place food on the market for a defined period and for such products and processes as may be specified in the license.

Chapter Sixteen: License Conditions

- 16.1 Every establishment requiring a license under this Act shall be subject to any general operating and management requirements which may be prescribed by the Authority, including conditions relating to:
- 16.1.1 The design, layout and construction of premises
 - 16.1.2 The design and construction of any equipment used, including means of transport
 - 16.1.3 The conduct of any person entering area in which food or feed is handled
 - 16.1.4 The design and application of internal system for ensuring the safety of food placed on the market.
- 16.2 In specifying any conditions applied to the award of a license the Authority may make reference to existing legislation.
- 16.3 Where it is considered to be expedient for ensuring the safety of food, the conditions of any license granted in accordance with Chapter 15 may be varied at any time and without notice by the written order of the competent authority.

Chapter Seventeen: Suspension and Cancellation of License

- 17.1 Any license granted in accordance with Chapter 15 may be suspended or cancelled at any time and without notice by the written order of the competent authority:
- 17.1.1 Where an establishment contravenes this Act or any regulations made thereunder or in contravention of any of the conditions of the license.
 - 17.1.2 Where such action is deemed necessary or expedient for the purpose of protecting public health.

Chapter Eighteen: Fees for Award and Renewal of Licenses

- 18.1 An appropriate fee shall be payable to the Liberia Food Authority in respect of each application for a license and each subsequent application for renewal of a license granted under Chapter 15 of this Act.
- 18.2 The schedule of fees shall be prescribed by the Liberia Food Authority and will be published annually by the Competent Authority.
- 18.3 Fees received by the Liberia Food Authority under this Chapter will be used to cover the costs or part of the costs of the official control of safety and quality of food and feed.

PART FIVE: SAFETY RESPONSIBILITIES OF FOOD AND FEED BUSINESS OPERATORS

Chapter Nineteen: General Responsibility for Safety of Food and Feed

- 19.1 Food and feed business operators and establishments at all stages of production, processing and distribution within the businesses under their control shall be responsible for ensuring that foods or feeds to be placed on the market satisfy the requirements of this Act and regulations made under it which are relevant to their activities.
- 19.2 Food and feed business operators shall verify that such requirements are met.

Chapter Twenty: Responsibilities with respect to food or feed not in compliance

- 20.1 If a food business operator or feed business operator considers or has reason to believe that a food or feed which it has imported, produced, processed, manufactured or distributed is not in compliance with the food safety requirements, it shall immediately initiate procedures to prevent the product reaching the market or where the food or feed has left the immediate control of that initial food business operator withdraw the food or feed in question from the market and inform Competent Authority thereof.
- 20.2 Where the product may have reached the final consumer, the operator shall effectively and accurately inform the final consumers of the reason for its withdrawal, and if necessary, recall from consumers, products already supplied to them when other measures are not sufficient to achieve a high level of health protection.
- 20.3 A food or feed business operator responsible for retail or distribution activities which do not affect the packaging, labeling, safety or integrity of the food or feed shall, within the limits of its respective activities, initiate procedures to withdraw from the market products not in compliance with the food safety requirements and shall participate in contributing to the safety of the food or feed by passing on relevant information necessary to trace a food or feed, cooperating in the action taken by producers, processors, manufacturers and the Competent Authority.
- 20.4 A food or feed business operator shall immediately inform the Competent Authority if it considers or has reason to believe that a food or feed which it has placed on the market may be injurious to human health. Operators shall inform the Competent Authority of the action taken to prevent risks to the final consumer and shall not prevent or discourage any person from cooperating, in accordance with national law and legal practice, with the Competent Authority, where this may prevent, reduce or eliminate a risk arising from a food or feed.
- 20.5 Food or feed business operators shall collaborate with the Competent Authority on action taken to avoid or reduce risks posed by a food or feed which they supply or have supplied.

Chapter Twenty-one: Requirements for Traceability of Food and Feeds

- 21.1** The traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into a food or feed shall be established at all stages of production, processing and distribution.
- 21.2** Food and feed business operators shall be able to identify any person from whom they have been supplied with a food, feed, a food-producing animal, or any substance intended to be, or expected to be, incorporated into a food or feed. To this end, such operators shall have in place systems and procedures which allow for this information to be recorded and made available to the Competent Authority on demand.
- 21.3** Food and feed business operators shall have in place systems and procedures to identify the other businesses to which their products have been supplied. This information shall be made available to the Competent Authority on demand.
- 21.4** Food or feed which is placed on the market or is likely to be placed on the market shall be labeled or otherwise identified through relevant documentation or other information to ensure its traceability.
- 21.5** Items, which by reason of use shall come into contact with food or have a high likelihood of getting into contact with food are covered by the rules of traceability described in this Chapter.

Chapter Twenty-two: Requirement for a System to Control Food Safety Hazards

- 22.1** Food business operators and establishments shall implement a system of controls within their operations based on the following principles:
 - 22.1.1** Identification of food safety hazards associated with their products and processes, and identification of critical points in their establishment on the basis of the manufacturing processes used;
 - 22.1.2** Establishing and implementing methods for monitoring and checking such critical points, and for taking corrective actions to prevent or minimize the risk of hazards arising;
 - 22.1.3** Taking samples for analysis for the purpose of checking, cleaning and disinfection methods and for the purpose of checking compliance with the food safety requirements established by this Act and regulations made under this Act.
 - 22.1.4** Keeping a written record or a record register in an indelible fashion of the preceding points with a view to making them available to the Competent Authority. The results of the different checks and test will be kept for a period of at least two years.
- 22.2** If the results of the controls referred to Section 1 of this Chapter reveal the existence of a significantly elevated risk to the health of consumers then the food will be considered to

be not in compliance with the food safety requirements of this Act and shall be treated as such under the provisions of Chapter 20.

PART SIX: REGULATIONS OF FOOD QUALITY

Chapter Twenty-three: Scope of Regulation of Food Quality

- 23.1 Operators of food businesses and consumers shall generally be permitted to buy and sell food of any quality provided that the requirements of this Chapter and Chapters 19 to 22 inclusive of this Act, and regulations under this Act are met.
- 23.2 Notwithstanding Section 1 of this Chapter, the Authority may enforce regulations relating to the quality of food and feed where necessary:
 - 23.2.1 to prevent:
 - 23.2.1.1 Fraudulent or deceptive practices;
 - 23.2.1.2 The adulteration of food; and
 - 23.2.1.3 Any other practices which may mislead the final consumer.
 - 23.2.2 To otherwise protect the economic interests of consumers
 - 23.2.3 To allow consumers to make informed choices in relation to the foods they consume.
 - 23.2.4 Without prejudice to the economic interest of the final consumer, in the interests of introducing order to the marketing of food
- 23.3 Regulations introduced under this Act may establish detailed requirements relating to the:
 - 23.3.1 Classification, grading and denomination of food
 - 23.3.2 Organoleptic properties and composition of food
 - 23.3.3 Types and quantities of raw materials, additives and other materials used in the primary production and processing of food
 - 23.3.4 Nature of the technological procedure which are applied in primary production and processing
 - 23.3.5 Origin of the food or ingredients used in food
 - 23.3.6 Any additional data or specific indications which should be specified in product declarations, labels or such other documentation as deemed appropriate.

PART SEVEN: DECLARATIONS AND LABELING

Chapter Twenty-four: Labeling, False and misleading descriptions

- 24.1 All pre-packaged foods shall be labeled.
- 24.2 The labeling and methods for labeling used must not:
 - 24.2.1 Be such as could mislead the purchaser to a material degree, particularly:

- 24.2.1.1 As to the characteristics of the foodstuff and, in particular, as to its nature, identity, properties, composition, quantity, durability, origin and provenance, method of manufacture or production;
 - 24.2.1.2 By attributing to the foodstuff effects or properties which it does not possess;
 - 24.2.1.3 By suggesting that the foodstuff possesses special characteristics when in fact all similar foodstuffs possess such characteristics.
- 24.1.2 Subject to specific regulations as may be introduced regarding foodstuff for particular nutritional uses, attribute to any foodstuff the property preventing treating or curing a human disease, or refer to such properties.
- 24.1.3 Be in a language other than English unless accompanied by a statement in English of information required by this Act or regulations made thereunder.
- 24.2** The prohibitions or restrictions referred to in Section 1 shall also apply to:
- 24.2.1 The presentation of foodstuffs, in particular their shape, appearance or packaging, the packaging materials used, the way in which they are arranged and the setting in which they are displayed;
 - 24.2.2 Advertising.
- 24.3** Regulations shall be made to provide for:
- 24.3.1 Requiring certain information regarding food to be declared on the label when the food is pre-packaged or by another means in the case of other food
 - 24.3.2 Requiring certain information regarding other foods to be declared in any other manner
 - 24.3.3 Prohibiting specific claims or types of claim regarding food
 - 24.3.4 Establishing common meanings of the name under which food is placed on the market.

Chapter Twenty-five: Official Control of Safety of Food and Feed

- 25.1** Official control of safety of food and feed shall comprise one or more of the following operations followed by any consequential actions under Chapter 33.
- 25.1.1 Inspection;
 - 25.1.2 Sampling and analysis;
 - 25.1.3 Medical examination and inspection of staff health and hygiene;
 - 25.1.4 Examination of written and documentary material;
 - 25.1.5 Examination of the records described in Section 22.1.4;
 - 25.1.6 Licensing of establishments under Chapter 15
- 25.2** The Liberia Food Authority established by Chapter 40 shall be the Competent Authority responsible for the implementation of official controls under this Chapter.

PART EIGHT: GENERAL PRINCIPLES OF INSPECTION

Chapter Twenty-six: Inspection

- 26.1 Inspections for official control of safety of food and feed shall be carried out:
 - 26.1.1 Regularly and according to priorities determined by risk assessment;
 - 26.1.2 Where non-compliance is suspected.
- 26.2 Inspections shall be carried out using means proportionate to the end to be observed.
- 26.3 Inspections shall cover all stages of production, manufacture, import into the Republic of Liberia, export, processing, storage, transport, distribution and retail trade.
- 26.4 Wherever practicable, inspection shall be carried out without prior warning.

Chapter Twenty-seven: Content of Inspections

- 27.1 Inspections for official control and safety of food and feed shall include an on-site investigation by an authorized officer of:
 - 27.1.1 The state and use which is made of the site, establishment, offices, plant surroundings, means of transport, machinery and equipment of food and feed business operators particularly in relation to license conditions specified under Chapter 16;
 - 27.1.2 Raw materials, ingredients technological aids and other products used for the preparation and production of food and feed;
 - 27.1.3 Semi-finished food;
 - 27.1.4 Finished food and feed products;
 - 27.1.5 Materials and articles intended to come into contact with food;
 - 27.1.6 Cleaning and maintenance products and processes and pesticides used by food business operators in the course of their business;
 - 27.1.7 Processes used for the manufacture or processing of food and feed;
 - 27.1.8 Labeling and presentation of food;
 - 27.1.9 Preserving methods.
- 27.2 The operations enumerated in Section 1 above may, where necessary, be supplemented by:
 - 27.2.1 Interviews with food business operators and with persons working for that establishment;
 - 27.2.2 The reading of values recorded by measuring instruments installed by the establishment;
 - 27.2.3 Measurements carried out by the Competent Authority, with its own instruments or with instruments installed by the establishment;
 - 27.2.4 Information contained in written and documentary material held by food and feed business operators.

Chapter Twenty-eight: Health and Hygiene Inspection of Persons in Contact with Food and Feed

- 28.1** Persons who handle food and feed products or materials which come into contact with them shall be subject to a hygiene inspection, including a periodic medical examination with frequency and content to be prescribed by regulation.
- 28.2** The inspection referred in Section 1 of this Chapter shall establish whether such persons comply with regulations concerning health status, personal cleanliness and clothing.

Chapter Twenty-nine: Sampling for Laboratory Analysis

Samples of food and feed and other substances and materials used in the production, processing, packaging and placing on the market of food and feed may be taken by the Competent Authority for analysis to provide information for the purposes of official control of safety of food and feed.

PART NINE: PROVISIONS FOR OFFICIAL CONTROL OF FOOD QUALITY

Chapter 30: Official Control of Food Quality

- 30.1** Control shall comprise one or more of the following operations followed by any consequential actions under Chapter 34.
- 30.1.1 Inspection;
 - 30.1.2 Sampling and analysis;
 - 30.1.3 Examination of written and documentary material.
- 30.2** Control shall be undertaken throughout the supply chain.

Chapter 31: General Principles of Inspection

- 31.1** Inspection for official control of food quality shall be carried out:
- 31.1.1 Regularly;
 - 31.1.2 Where non-compliance is suspected.
- 31.2** Inspections shall be carried out using means proportionate to the end to be observed.
- 31.3** Whenever practicable, inspections shall be carried out without prior warning.

Chapter 32: Content of Inspections

- 32.1** Inspections for official control of food quality shall include an investigation by an authorized officer of:
- 32.1.1 The composition of finished food products;
 - 32.1.2 Veracity and compliance of labeling, declaration and claims regarding food;
 - 32.1.3 Conditions of primary production and processing insofar as they relate to food quality

- 32.2 The operations enumerated in Section 1 may, where necessary, be supplemented by:
- 32.2.1 Interviews with the food business operator and with persons working for that undertaking
 - 32.2.2 Measurements carried out by the Competent Authority, with its own instruments, or with instruments installed by the undertaking;
 - 32.2.3 Information contained in written and documentary material held by food and feed business operators.
- 32.3 Samples of food may be taken for the purposes of analysis to provide information for the purposes of official control of food quality.

PART TEN: GENERAL PROVISIONS FOR OFFICIAL CONTROL OF FOOD

Chapter Thirty-three: Action in Case of Contraventions

Where an authorized officer discovers or suspects a contravention of the provisions of this Act, he shall without prejudice to proceedings taken under Chapter 54, take the necessary measures on behalf of the Competent Authority, to ensure that the contravention is corrected by the food business operator

Chapter Thirty-four: Annual Inspection Program and Report

- 34.1 The Food Authority shall prepare an annual program of official control activities, specifying:
- 34.1.1 The number and type of inspections to be carried out;
 - 34.1.2 The criteria applied in drawing up the program.
- 34.2 The Food Authority will prepare an annual report on official control activities, specifying:
- 34.2.1 The number and type of inspections carried out in relation to the program;
 - 34.2.2 The number and type of infringements identified; and
 - 34.2.3 Actions taken in the case of non-compliance.
- 34.3 Where the Food Authority delegates responsibilities to other bodies under Chapter 57(5) the annual plans and report shall specify the information set out in Sections 1 and 2 of this Chapter in relation to each body to which responsibilities are delegated.
- 34.4 The annual program and annual reports of the Food Authority shall be subject to the approval of the Board.
- 34.5 The annual programs and annual plans approved under this Chapter shall be published by the Food Authority

Chapter Thirty-five: Laboratory Analysis of Samples

- 35.1 Samples collected for analysis under Chapter 29 and 35 for the purpose of official control shall be analyzed by an official testing laboratory designated by the Food Authority.
- 35.2 Official testing laboratories may be either private or public sector bodies.
- 35.3 Samples collected under Chapter 29 and 35 for the purpose of official control shall be selected and transmitted to the official laboratory by an authorized officer of the Food Authority or a body to which responsibilities have been delegated.
- 35.4 The costs of the analyses will be borne by the Food Authority or the body to which responsibilities have been delegated.
- 35.5 The Food Authority shall maintain and publish a list of the official testing laboratories authorized for different types of analysis in connection with office control. This list shall be published annually in the Official Gazette of the Republic of Liberia.

PART ELEVEN: OFFICIAL TESTING AND REFERENCE LABORATORIES

Chapter Thirty-six: Accreditation of Official Testing Laboratories

- 36.1 The official testing laboratories nominated by the Competent Authority for the purposes of analysis in support of official control must comply with the General Requirements for the Competence of Calibration and Testing Laboratories laid down in ISO Standard 17025.
- 36.2 Detailed regulations for the assessment and accreditation of official testing laboratories will be established by international standards and the national quality infrastructure.
- 36.3 The accreditation and assessment of testing laboratories referred to in this Chapter may relate to individual tests or groups of tests.
- 36.4 The testing laboratories nominated by the Competent Authority will participate in appropriate proficiency testing schemes.
- 36.5 Any deviation in the way in which the standard referred to in Section 1 is applied shall be appropriate and shall be adopted only with the specific approval of the Competent Authority.

Chapter Thirty-seven: Nomination of Reference Laboratories

- 37.1 For each test required for the purposes of official control of food and feed safety or food quality, the Competent Authority responsible for official control shall nominate one laboratory as a reference laboratory for that test.

37.2 Reference laboratories nominated under this Chapter shall be responsible for the following duties:

- 37.2.1 Advising the Competent Authority on the nomination of official laboratories whose task it is to conduct analyses for the purpose of official control
- 37.2.2 Coordinating and supporting, including the offering of training and other services, the activities of official laboratories in respect of the technical standards and methodologies of the testing services which they undertake
- 37.2.3 Organizing and participating in comparative tests of standardized samples on a national and international basis, with a view to monitoring the proficiency of official laboratories
- 37.2.4 Ensuring that all official laboratories maintain internal systems of quality assurance (to include method of validation, recordkeeping, reagent storage, safety, and routine calibration of equipment)
- 37.2.5 Disseminating information from the reference laboratories to the Competent Authorities and other laboratories carrying out the testing of food and feed, whether or not for the purposes of official control

PART TWELVE: EMERGENCIES AND CRISIS MANAGEMENT

Chapter Thirty-eight: Emergency Measures for Ensuring Safety of Food and Feed

38.1 Food safety risks tend to be greater in times of disasters and emergencies and there is normally a lack of resources to address such risks in these events. Further, the safety and wholesomeness of food/feed donations and gifts are sometimes of particular concern. There is also limited coordination among the relevant agencies, including private sector and NGOs to mitigate and manage these risks.

38.2 During periods of economic "down turns" there is the tendency to engage in undesirable food safety practices along the food chain. As emergency preparedness measures, Government shall:

- 38.2.1 Strengthen collaborative mechanisms to address the current approach to food safety in times of disasters and emergencies;
- 38.2.2 Monitor food safety standards by applying appropriate risk assessment measures;
- 38.2.3 Provide the necessary resources to address basic food safety requirements during disasters/emergencies;
- 38.2.4 Develop appropriate food safety systems to address emerging food safety risks.

Chapter Thirty-nine: General Plan for Crisis Management

- 39.1 An institutional arrangement would facilitate a regular updating of the Government of Liberia and the population on food safety matters and actions when there is a food safety crisis. An Inter-Ministerial Food Safety Emergency Committee would comprise the three Ministers of Health, Agriculture and Commerce with the Food Authority as secretary to said Committee. Additional Ministers or particular stakeholders may be invited, based on the nature of the emergency, provided the essentials of urgent action and technical

expertise are both considered. This committee would meet as necessary in the case of a food safety crisis.

PART THIRTEEN: FOOD AUTHORITY OF THE REPUBLIC OF LIBERIA

Chapter 40: The Food Authority

- 40.1 It is hereby established under this Act, an autonomous agency to be known and called The Food Authority of Liberia.
- 40.2 The Authority is a legal person established under the Executive Branch of the Government of Liberia.
- 40.3 The Authority shall be financed from the national budget, by fees charged for approval of establishments and from grants, aid and the like.
- 40.4 The Authority reports to the President of the Republic of Liberia

Chapter 41: Organization of the Authority

- 41.1 The Authority shall comprise:
 - 41.1.1 A Board of Directors;
 - 41.1.2 A Director General and his or her staff;
 - 41.1.3 A Stakeholder Consultative Forum;
 - 41.1.4 An independent Scientific Committee.

Chapter 42: Composition, Appointment and Terms of Board of Directors

- 42.1. The Board of Directors shall be comprised of seven (7) members appointed by the President, and shall include:
 - 42.1.1 Chairperson
 - 42.1.2 Director General of the Authority
 - 42.1.3 One representative of primary food producers
 - 42.1.4 One representative of the tourism and hospitality sector
 - 42.1.5 One representative of the transport and distribution sector
 - 42.1.6 One representative of a Consumers' Association
 - 42.1.7 One representative to be chosen by the President
- 42.2 Members of the Board of Directors shall have a term of office of three years, which may be renewed once.
- 42.3 The Board of Directors may invite other individuals of recognized prestige and scientific and technical competence to participate in the work of the Board. Such individuals will be without voting rights.

Chapter 43: Criteria for Appointment of Board of Directors Members

43.1 In considering the appointment of the Board of Directors of the Authority, the President shall:

43.1.1 Take into account the need to ensure representation of all organizations and groups holding a valid interest in the safety of food and feeds and ensuring that an appropriate range of skills and experience is available among the members of the Authority; and

43.1.2 Consider whether any person it is proposed to appoint has any financial or other interest which is likely to prejudice the exercise of his duties.

Chapter 44: Duties of the Board of Directors

44.1 The Board of Directors shall:

44.1.1 Make decisions by a majority of its members, with the Chairperson having the casting vote

44.1.2 Approve and adopt the procedural internal rules of the Authority and its component parts including its own rules of procedure.

44.1.3 Adopt the Authority's financial regulation which specifies the procedure for drawing up and implementing the Authority's budget for financing from the State Budget.

44.1.4 Meet at the invitation of the Chairperson or the Director General or at the request of at least one third ($\frac{1}{3}$) of its members.

44.1.5 Ensure that the Authority carries out its functions and performs the tasks assigned to it under this Act.

44.1.6 Adopt before end of each year the Authority's program of work for the subsequent year. It shall also adopt a revisable multi-annual program.

44.1.7 Ensure that work programs of the Authority are consistent with the Government's legislative and policy priorities in the area of food safety.

44.1.8 Adopt, before beginning of each year, the general report on the Authority's activities for the previous year.

44.1.9 Make available to the public as soon as practicable, the agendas and minutes and associated papers of the meetings of the Board of Directors, the Scientific Committee and the Stakeholder Consultative Forum, including the internal rules of the Authority the procedural rules of the Board of Directors and the Financial regulation of the Authority.

44.1.10 Define a code of ethics for authorized officers and members of Competent Authorities which inter alia defines conflicts of personal and professional interest.

44.2 The Authority shall provide the Secretariat to the Board.

Chapter 45: Director General

- 45.1 The Director General and Deputy Director General will be appointed by the President after consideration and interview of a list of qualified candidates selected and proposed by the Board of Directors, the Minister of Health and the Minister of Agriculture, following a call for expression from candidates published in the national media.
- 45.2 The tenure of Director General and Deputy Director General will be for a period of five (5) years which shall be renewable.
- 45.3 The Director General and Deputy Director General may be removed from office by a majority of the Board of Directors.
- 45.4 The Director General shall be the legal representative of the Authority and shall be responsible for:
 - 45.4.1 The day-to-day administration of the Authority;
 - 45.4.2 Drawing up a proposal for the Authority's work program;
 - 45.4.3 implementing the work programs and the decisions adopted by the Board of Directors;
 - 45.4.4 Ensuring the provision of appropriate scientific, technical and administrative support for the Scientific Committee and the Scientific Panels;
 - 45.4.5 Ensuring that the Authority carries out its tasks in accordance with the requirements of this Act;
 - 45.4.6 The preparation of the statement of revenue and expenditure and the execution of the budget of the Authority;
 - 45.4.7 Ensuring that the Authority is adequately staffed for the performance of its functions;
 - 45.4.8 Developing and maintaining contact with relevant ministries and agencies.
- 45.5 Each year, the Director General shall submit to the Board of Directors for approval:
 - 45.5.1a draft annual report covering all the activities of the Authority for the previous year;
 - 45.5.2 Draft programs of work;
 - 45.5.3 The draft annual accounts for the previous year;
 - 45.5.4 The draft budget for the coming year.
- 45.6 The Director General shall, following adoption by the Board of Directors, publish the annual report and the programs, accounts and budget and shall submit them to Government.
- 45.7 The Director General shall approve all financial expenditure of the Authority and report on the Authority's activities to the Board of Directors.

Chapter 46: Scientific Committee

- 46.1 The Scientific Committee shall be responsible for developing and proposing the scientific opinions of the Authority, including the assessment of food safety risks, and requesting information and research directed at providing information for the assessment of food safety risks.

- 46.2 The Scientific Committee will adopt its working procedures, in relation to the preparation of scientific opinion on matters of food and feed safety. These procedures shall be in conformity with international best practices and will relate in particular to:
- 46.2.1 The existence of any working groups to consider specialized subjects;
 - 46.2.2 The manner in which tasks and requests for scientific opinions are assigned to the Scientific Committee;
 - 46.2.3 The creation and organization of the working groups of the Scientific Committee and the possibility of external experts being included in those working groups;
 - 46.2.4 The possibility of observers being invited to meetings of the Scientific Committee and the working groups;
 - 46.2.5 The possibility of organizing public hearings.
- 46.3 The Scientific Committee shall be composed of six independent scientific experts with relevant qualifications and experience; whose term of appointment will be for three (3) year period which may be renewal.
- 46.4 The members of the Scientific Committee shall be appointed by the President, acting upon a proposal from the Director General, following a call for expressions from candidates published in the national media and relevant scientific journals.
- 46.5 The Scientific Committee shall choose a Chair and a Vice-Chair from among their members.
- 46.6 Where a subject on which the Scientific Committee is to give an opinion does not fall within the competence of its members, the Scientific Committee shall request the Board of Directors to appoint an ad hoc working group for this purpose.
- 46.7 The Scientific Committee shall provide an opinion by a majority of their members. Minority opinions shall be recorded.
- 46.8 The representatives of the Food Authority shall be entitled to be present in the meetings of the Scientific Committee and the working groups. If invited to do so, they may assist for the purposes of clarification or information but shall not seek to influence discussions.

Chapter 47: Scientific Opinions

- 47.1 The Scientific Committee shall issue a scientific opinion:
- 47.1.1 At the request of the Board of Directors, in respect of any matter within its mission and in all cases where national legislation makes provision for the Scientific Committee to be consulted;
 - 47.1.2 On its own initiative, on matters falling within its mission.

- 47.2 Requests referred to in Section 47.1 above shall be accompanied by background information explaining the scientific issue to be addressed.
- 47.3 The Scientific Committee shall issue scientific opinions within the time limit specified in the requests for opinions, except in duly justified circumstances.
- 47.4 Where different requests are made on the same issues or where the request is not in accordance with Section 47.2, or is unclear, or where it has already delivered an opinion on a specific topic and it concludes that there is no new information to be considered, the Scientific Committee may either refuse or propose amendments to a request for an opinion in consultation with the Director General. Justification for any refusal shall be given to the Board of Directors.

Chapter 48: Diverging Scientific Opinions

- 48.1 The Scientific Committee shall exercise vigilance in order to identify at an early stage any potential source of divergence between its scientific opinions and the scientific opinions issued by other bodies carrying out similar tasks whether in the Republic of Liberia or elsewhere.
- 48.2 Where the Scientific Committee identifies a potential source of divergence, it shall contact the body in question to ensure that all relevant scientific information is shared and in order to identify potentially contentious scientific issues.

Chapter 49: Stakeholder Consultative Forum

- 49.1 The Stakeholder Consultative Forum shall be composed of between twelve (12) and twenty-four (24) representatives of organizations and groups holding a valid interest in the safety of food and feeds.
- 49.2 The members of the Stakeholder Consultative Forum shall be appointed by the Board of Directors from a list of candidates following publication in the national media of a call for expressions of interest in membership of the Forum.
- 49.3 Members of the Board of Directors, the Scientific Committee or employees of the Government of Liberia may not be voting members of the Stakeholder Consultative Forum. However, the Director General shall be an ex-officio member of the Stakeholder Consultative Forum.
- 49.4 The Stakeholder Consultative shall advise the Director General in the performance of his duties under this Act, in particular in drawing up a proposal for the Authority's work program. The Director General may also ask the Stakeholder Consultative Forum for advice on the priorities of requests for scientific opinions.
- 49.5 The Stakeholder Consultative Forum shall constitute a mechanism for an exchange of information on potential risks and the pooling of knowledge. It shall ensure close

cooperation between the Authority and organizations and groups holding a valid interest in the safety of food and feeds.

- 49.6 In particular the Stakeholder Consultative Forum will assist:
 - 49.6.1 in facilitating communication in those circumstances where the Authority needs to cooperate with another organization on the fulfillment of its functions;
 - 49.6.2 In the development and promotion of networks of organizations operating within the fields of food and feed safety;
 - 49.6.3 Risk communication where the Authority identifies or otherwise obtains information of an emerging risk.
- 49.7 The Stakeholder Consultative Forum shall nominate a Chairperson and Vice Chairperson from amongst their membership. It shall meet regularly at the invitation of the Chair or at the request of at least a third of its members, and not less than four times per year.
- 49.8 The operational procedures of the Stakeholder Consultative Forum shall be specified in the Authority's internal rules and shall be made public.
- 49.9 The Authority shall provide the technical and logistic support necessary for the Stakeholder Consultative Forum and provide the Secretariat for its meetings.
- 49.10 The Stakeholder Consultative Forum may invite representatives from other relevant bodies to take part to participate in the work of the Forum. Such individuals will be without voting rights.

Chapter 50: Fees and Expenses

- 50.1 Members of the Board of Directors and Stakeholder Consultative Forum shall be reimbursed by the Authority for the justifiable expenses in undertaking their responsibilities on behalf of the Authority, but will not otherwise receive any payment for their services.
- 50.2 Members of the Scientific Committee shall receive a fee for their services and shall be reimbursed for their expenses in undertaking responsibilities on behalf of the Authority.
- 50.3 Amounts of expenses and fees paid by the Authority to named individuals participating in the Board of Directors, the Stakeholder Consultative Forum, the Scientific Committee shall be stated in the annual accounts of the Authority.

PART FOURTEEN: POWERS AND RESPONSIBILITIES OF COMPETENT AUTHORITY

Chapter 51: Authorized Officers

- 51.1 The Competent authority may authorize any public officer to act as an authorized officer for the purposes of implementing the responsibility of the competent authority under this Act.

- 51.2 The powers of the authorized officer shall be limited to the jurisdiction of the competent authority by which he/she is authorized.
- 51.3 The Competent authority shall issue to every person authorized to act as an authorized officer a certificate of his authority.

Chapter 52: Powers of Authorized Officers

- 52.1 An authorized officer may:
- 52.1.1 At any reasonable hour or whenever works is in progress in any establishment and search that establishment for the purposes of determining the existence, nature and extent of any trade or business in food or feed.
 - 52.1.2 Examine any food or feed product in any establishment to which he believes this Act applies, take samples thereof and examine anything which he believes is used or capable of being used for the preparation of any food or feed.
 - 52.1.3 Stop search or detain any vehicle, vessel or aircraft in which he believes that any food or feed to which this Act applies is conveyed, examine the food or feed and take samples thereof;
 - 52.1.4 Open and examine any receptacle or package which he believes contains any food or feed to which this Act applied, examine the article and take samples thereof;
 - 52.1.5 Call for any books, documents or other records in any medium which he believes contain any information relevant to the enforcement of this Act with respect to any food or feed, make copies thereof and take extracts therefrom;
 - 52.1.6 Seize and detain for such time as may be necessary, any food or feed by means of, or in relation to which, he/she believes the Act, or the conditional of an approval issued under this Act, have been contravened;
 - 52.1.7 Exercise any other lawful functions assigned to him/her by the Competent Authority.
- 52.2 An authorized officer shall in the exercise of his/her powers under Section (1) if required by any person affected thereby, produce his certificate of authority issued by him/her under Chapter 51.
- 52.3 An authorized officer shall release any food or feed seized by him/her under Section (1) of this Chapter where he/she is satisfied that the provisions of this Act in relation to the food or feed have been complied with.
- 52.4 Where any authorized officer is unable to obtain the consent required under Section (4) for the destruction or disposal of the food or feed referred to under that section, he/she may after the issue of written notice to the owner or the person in whose possession the food or feed was at the time of seizure, arrange for the destruction or disposal of the food or feed.
- 52.5 Where an authorized officer is unable to obtain the consent required under Section 4 for the destruction or disposal of the food or feed referred to under that Section, he/she may

after the issue of written notice to the owner or the person in whose possession the food or feed was at the time seizure, arrange for the destruction or disposal of the food or feed.

52.6 The owner or occupier or person in charge of any establishment entered into by an authorized officer pursuant to Section 52.1 or any employee found therein or any person who when requested to give information or any assistance to an authorized officer:

52.6.1 Fails to give the information or assistance reasonably requested; or

52.6.2 Knowingly makes any statement which he knows or believes to be false or does not believe to be true is guilty of an offense under the Penal Laws of Liberia.

52.7 Any person who willfully obstructs an authorized officer in the execution of his functions under this Act is guilty of an offence under the Penal Laws of Liberia.

52.8 Any person who without the written permission of an authorized officer, removes, alters or interferes in any way with any food or feed seized under this Act is guilty of an offense under the Penal Laws of Liberia.

Chapter 53: Duties and Responsibilities of Authorized Officers and Members of Competent Authorities

53.1 No information relating to any individual business which is obtained by the Competent authority during the course of official control under this Chapter, or of risk analysis, shall, without the previous consent in writing of the person carrying on the business, be disclosed except:

53.1.1 In accordance with directions of the Director General, so far as may be necessary for the purposes of the Act; or

53.1.2 For the purposes of any proceedings for an offense against the order or any report of those proceedings; and any person who discloses any such information in contravention of this Section shall be guilty of an offense under Chapter 12 of the Penal Law of Liberia.

53.2 Any authorized officer or member of a Competent Authority who becomes aware of a conflict between his personal and professional interests defined in accordance with Section 44.1.10 shall limit his professional duties so as to reduce or eliminate such conflict.

53.3 In the case of a conflict of interest involving the head of a Competent Authority, the declaration shall be made to the Board.

PART FIFTEEN: OFFENSES AND DEFENSES

Chapter 54: Offenses

- 54.1 Any person who contravenes the provisions of this Act shall be guilty of an indictable offense under the Laws of Liberia.
- 54.2 Where this Act defines an offense not already described in the existing Laws of Liberia, they shall be subject to a fine not exceeding US\$25,000.00 or imprisonment not exceeding five years or both..
- 54.3 Nothing in this Act shall be construed as precluding a party injured by a violation of this Act from seeking civil remedy under the laws of Liberia.

Chapter 55: Due Diligence Defense

- 55.1 In any proceedings for an offense under any of the preceding provision of this Act it shall be a defense for the person charged to prove that he/she took all reasonable precaution and exercised all due diligence to avoid the commission of the offense by himself or by a person under his/her control.
- 55.2 A person charged with an offense under this Act, who neither:
 - 55.2.1 Prepared the food in respect of which the offense is alleged to have been committed; nor
 - 55.2.2 Imported it into the Republic of Liberia shall be taken to have established the defense under Section 1 if he/she satisfies the requirement that
 - 55.2.3 the commission of the offense was due to an act or default of another person who was not under his/her control, or to reliance on information supplied by such a person; and
 - 55.2.4 That he carried out all such checks of the food in question as were reasonable in all the circumstances, or that it was reasonable in all the circumstances for him to rely on checks carried out by the person who supplied the food to him.

Chapter 56: Appeals

- 56.1 Where the Competent Authority has taken action to ensure that an alleged contravention is corrected by a food or feed business operator, the food or feed business operator may appeal on the basis that:
 - 56.1.1 The act or omission in question does not contravene the provisions of this Act.
 - 56.1.2 The measures taken by the Competent Authority are not proportionate to the contravention.
 - 56.1.3 That in the case of food destroyed or disposed of under Chapter 53(5), that the food was not unfit for human consumption.

56.2 The onus of proof in the case of appeal is on the food or feed business operator.

PART SIXTEEN: NOMINATION OF COMPETENT AUTHORITY

Chapter 57: Nomination of Competent Authority

- 57.1 In respect of risk analysis, risk communication and risk management in relation to the safety of food and feeds, the Competent Authority is the Food Authority.
- 57.2 In respect of official control in relation to the safety of food and feed, the Competent Authority is the Food Authority.
- 57.3 In respect of official control at the level of primary production and subsequent processing of food regarding regulations governing food quality under this Act, the Competent Authority is the Food Authority.
- 57.4 In respect of official control at retail level regarding regulations governing food quality under this Act, the Competent Authority is the Food Authority.
- 57.5 The Competent Authority nominated by this Chapter may delegate some or all of their responsibilities to another public body subject to:
- 57.5.1 Authorization of the Board, after taking the advice of the Food Control Advisory Committee specified in Chapter 58.
 - 57.5.2 Clear definition of the scope of delegation
 - 57.5.3 Adequate arrangements being in place for the monitoring of the implementation of the delegated responsibilities, including the preparation of annual inspection plans and reports according to Chapter 34 which are subject to the approval of the delegating authority.

Chapter 58: Food Control Advisory Committee

- 58.1 There is hereby established the Food Control Advisory Committee with the responsibility for:
- 58.2.1 monitoring and implementation of food and feed laws and regulations with a view to ensuring that they meet national objectives and comply with international commitments
 - 58.2.2 Advising the Government of the Republic of Liberia on the performance of the Food Authority and its structures, including the delegation of responsibility to other bodies under Section 57.5.
 - 58.2.3 Advising the Government of the Republic of Liberia on policy with regard to food safety and quality matters.

- 58.2 The composition of the Food Control Advisory Committee shall include the Ministers of Health, Agriculture, and Commerce and Industry.
- 58.3 The publication of regulations in respect of food and feed safety and in respect of food quality under this Act shall be undertaken by the Authority, subject to the advice of the Food Control Advisory Committee.
- 58.4 The Authority will provide secretariat services to the Food Control Advisory Committee.

PART SEVENTEEN: TRANSITIONAL PROVISIONS

Chapter 59: Transition

The Inter-Ministerial Food Safety Emergency Committee mentioned in Chapter 39, headed by the Minister of Health shall immediately upon the passage of this Act convene as the organizing committee of the Liberia Food Authority. The first order of business shall be the nomination of candidates for the Board of Directors, to include the Director General to the President for appointment.

The Committee, including the Director General shall nominate to the Board candidates for Deputy Director General for Technical Services and Deputy Director General for Administration. The Deputy Director General for Technical Services shall be the Principal Deputy and shall oversee the Departments of Food; Beverages; International Trade; and Final Consumption Services. The Deputy Director General for Administration shall oversee the Departments of Administration; Finance; and Logistics.

The Organizing Committee shall determine units and personnel and assets of their agencies to be incorporated into the Food Authority at its formation, who shall remain on the payroll during the transition.

The transition would be completed within the period of a single year.

Article 60: Effective Date

This Act takes effect immediately upon publication into handbills.

ANY LAWS TO THE CONTRARY NOTWITHSTANDING