

WORLD TRADE
ORGANIZATION

G/SPS/GEN/16*

17 June 1997

(97-2481)

Committee on Sanitary and Phytosanitary Measures

Original: Spanish

COMMUNICATION FROM PERU

The following communication has been received from the Permanent Mission of Peru.

The Permanent Mission of Peru to the United Nations Office and Other International Organizations at Geneva presents its compliments to the Secretariat of the World Trade Organization (WTO), and with reference to paragraph 1 of Annex B of the Agreement on the Application of Sanitary and Phytosanitary Measures, has the honour to transmit herewith the text of Supreme Decree No. 001-97-SA: Sanitary/Hygienic Regulations on Food and Beverages for Human Consumption, published in the Official Journal "El Peruano" on 17 May 1997.

*This document annuls and replaces document G/SPS/GEN/15, distributed on 17 June 1997 in Spanish only.

Supreme Decree No. 001-97-SA

The President of the Republic

Considering

That it is the responsibility of the State to enact provisions for the regulation, supervision and sanitary/hygienic control of all stages in the food chain for the purpose of guaranteeing the safety of food and beverages for human consumption, so as to protect consumer health and facilitate security of trade in those products.

That it is appropriate to lay down health standards to facilitate international trade in food and beverages, in accordance with scientific and technological advances, market integration and economic globalization.

In accordance with Article 194 of Legislative Decree No. 17505 - Sanitary Code; and with the approval of the Council of Ministers;

Decrees

Article 1. The attached "Sanitary Regulations on Food and Beverages for Human Consumption", consisting of 13 (thirteen) articles, are hereby approved.

Article 2. The Sanitary Regulations on Foodstuffs approved by Supreme Decree No. 112-63-DGS and amended by Supreme Decree No. 014-84-SA; the "Regulations on control of factories producing aerated water and sweetened aerated water", approved by Supreme Decree No. 49-66-DGS and amendments thereto, Ministerial Resolution No. 077-95-PCM, setting up the Committee responsible for implementing standards relating to food manufacture and trade, and other laws and regulations inconsistent with the Regulations approved by this Supreme Decree are hereby repealed.

Article 3. This Supreme Decree shall take effect from the day following its publication.

Article 4. This Supreme Decree shall be endorsed by the Chairman of the Council of Ministers and by the Minister of Health.

Government House, Lima, 14 May 1997.

Alberto Fujimori Fujimori
President of the Republic

Alberto Pandolfi Arbulu
Chairman of the Council of Ministers

Marino Costa Bauer
Minister of Health

Sanitary/Hygienic Regulations on Food and Beverages for Human Consumption

Article 1. Food and beverages for human consumption shall be subject to the rules, supervision and hygienic and sanitary control established by the health authority at every stage or phase of the food chain, with the aim of protecting the health of consumers and facilitating security of trade.

Article 2. The function of health authority shall be vested in the Ministry of Health through the General Directorate of Environmental Health (DIGESA), with jurisdiction throughout the national territory and with sanitary powers covering:

- (a) Hygiene and health related aspects of food and beverages in the food chain, including the operations and processes carried out in the installations and means of transport used in handling and marketing;
- (b) knowledge of issues and problems relating to the health and occupational safety of persons working in each of the stages of the food chain, as well as consumer health;
- (c) the authority to enact standards and regulations in respect of sanitary/hygienic monitoring and control;
- (d) the use of the police force and the assistance of any judicial, political or administrative authority for appropriate enforcement purposes in the exercise of its functions;
- (e) the power to authorize - for reasons of health and hygiene and to protect public health - the confiscation and destruction of food or beverages or the closure of installations and/or the exclusion of persons from the operations they carry out at every stage of the food chain.

Article 3. In order to ensure optimum compliance with the regulations and subject to prior technical clearance, the health authority may delegate functions to the regional or subregional executive directorates of environmental health and to the health departments of the municipalities, and it may also entrust technical operations to authorized institutions or firms in the public or private sector.

Article 4. The sanitary/hygienic monitoring and control of food and beverages intended for human consumption shall be based on the following principles:

- (a) Prevention of diseases transmitted by food and beverages through action to ensure the safety of food and beverages;
- (b) satisfactory sanitary conditions in installations and means of transport used at each stage in the food chain;
- (c) sound hygienic practices in all operations and processes carried out at each stage in the food chain;
- (d) development of independent hazard analysis and critical control points at each stage in the food chain.

Article 5. The following systems shall be set up to achieve the objectives of these Regulations through decentralized and deconcentrated functions and tasks and pursuant to the principles of

sanitary/hygienic monitoring and control of food and beverages for human consumption; they shall be regulated by the Ministry of Health by ministerial resolution.

- (a) The system of epidemiological monitoring of diseases transmitted by food and beverages, to prevent the occurrence of diseases and control the factors which trigger them;
- (b) the system of sanitary authorization to regulate the domestic or foreign marketing of food and beverages in general.

Article 6. The system of epidemiological monitoring of diseases transmitted by food and beverages shall consist of:

- (a) Compulsory notification by any public or private health establishment of diseases caused by the intake of any food or beverage to the department appointed by the health authority at national level;
- (b) periodical sampling to assess the sanitary quality of food and beverages of epidemiological significance;
- (c) epidemiological information for consumers.

Article 7. The system of sanitary authorization shall consist of:

- (a) Sanitary certification of installations used for the development of operations or processes concerning food and beverages;
- (b) approval of the hygiene programme based on hazard analysis and critical control points for each process, depending on the type of food or beverage;
- (c) sanitary certification based on sampling and batch analysis of food and beverages of epidemiological significance.

Article 8. All food and beverages for human consumption intended for export shall be subject to official sanitary certification.

Article 9. Provisions of specific relevance to this Supreme Decree shall be issued by ministerial resolution of the Ministry of Health, on the proposal of the DIGESA, particularly with regard to:

- (a) The procedures for obtaining sanitary authorization;
- (b) the procedures for the official sanitary certification of exports;
- (c) definitions and general principles of hygiene;
- (d) the principles and content of hazard analysis and critical control points (HACCP);
- (e) codes of hygienic practice for each category of foodstuffs.

Article 10. The DIGESA shall preside over the National Committee of the Codex Alimentarius. For the revision and harmonization of sanitary regulations, technical committees shall be established with the participation of the private sector, organizations representing producers and traders, professionals of recognized repute and the Peruvian University. Account shall be taken, in the revision process,

of the international standards applicable to the subject, particularly those of the Codex Alimentarius and the World Trade Organization (WTO).

- The DIGESA shall issue regulations governing the organization and functioning of the National Committee of the Codex Alimentarius, which shall be approved by ministerial resolution of the Ministry of Health.

Article 11. For the protection of public health, the health authority may promulgate the following preventive measures:

- (a) Confiscation: i.e. the withdrawal, for purposes of destruction, of food and beverages that do not meet safety standards, with no possibility of compensation or damages.
- (b) Partial or total suspension of business: i.e. the interruption of activities and operations carried out in a food plant which does not conform to sanitary and hygienic requirements.

The suspension of business shall be lifted if and when the grounds or facts which led to its imposition are remedied.

If the suspension of business is not lifted within one (1) year of its being imposed, any sanitary authorization previously granted shall be revoked.

- (c) Exclusion of workers: i.e. the withdrawal or removal of a worker from the activities he performs when his state of health constitutes a public health hazard, for as long as the problem persists.

Article 12. Infringements of these Regulations and of the specific sanitary rules arising therefrom shall be subject to the following penalties:

- (A) Warning and/or reprimand: applicable to infringements defined as minor, which do not jeopardize public health and where the causes thereof are corrected within a short period of time.
- (B) Fine: a pecuniary sanction imposed in accordance with the seriousness of the offence and determined on the basis of the fiscal unit subject to taxation (Unidad Impositiva Tributaria - UIT).
- (C) Publication of penalties: to set an example, and provided that there is some element of risk to health and repetition of similar offences, the health authority may order publication of the penalties imposed.

Article 13. The application of administrative penalties shall be no bar to criminal procedures.