DECREE-LAW No. 26/2016

of 29 June

CREATES THE AUTHORITY OF INSPECTION AND SUPERVISION OF ECONOMIC, SANITARY AND FOOD ACTIVITIES, I.P.

The Program of the VI Constitutional Government establishes as one of its priorities the relaunch of consumer protection policy, improvement of the living conditions of the population and the regulation of economic activities. To this end, it is essential to review the legal norms on food safety and consumer services, with particular emphasis on food quality controls as well as hygiene and health conditions in public establishments and places, with the aim of eliminating, reducing or preventing risks to public health and health problems.

In addition, it is also important to discipline and control the exercise of econo

Article 5
Attributions

b) Verify the conformity of the quality of the water for public consumption, bottled, of the public grid, or of reservoirs and springs used by the population, in accordance with the legislation on the matter;

c) Prohibit the manufacture, storage, distribution or marketing of foodstuffs, and proceed to destroy them under the law;

d) Verify the conformity of hygiene and health conditions of vehicles for the transport of foodstuffs and establishments of slaughter, processing, manufacturing, distribution, handling, sale and placing of foodstuffs for public consumption;

e) Supervise the places where any industrial, commercial, agricultural or service activities are carried out;

f) Monitor the marketing chain of products of plant origin and products of animal origin, including fishery and aquaculture products;

g) Monitor the quality, authenticity, composition, food additives and other similar substances, and the labeling of foodstuffs and feedingstuffs;

h) Supervise ports and airports;

i) Supervise tourist enterprises and establishments of any nature, travel agencies, leisure and public places of entertainment and performing arts;

j) Supervise restaurants and similar establishments;

k) Order the suspension of activities or the closure of places of production and sale of food or services, as well as the closure of establishments and places of public use, in accordance with the law;

l) Take samples at the places where they carry out inspections and send for laboratory analysis by the competent authorities;

m) Issue technical opinions, recommendations and warnings on matters related to human nutrition, animal health and welfare, plant health and genetically modified organisms, in articulation with the competent entities in scientific and laboratory matters;

n) Collect and analyze data that allow the characterization and evaluation of risks that have a direct or indirect impact on the elimination, reduction or prevention of risks in the food chain;

o) Monitor national technical participation in the different international bodies for food quality control;

p) Propose the definition of the strategy for communicating risks in the food chain and health problems within its competence, proposing contents, means of dissemination and communication target groups;

5. AIFAESA shall share with the Ministry of Commerce, Industry and Environment information on inspections and supervisions carried out in the areas of metrology and standardization relevant to the definition of standardization rules, metrology and quality control, unit measurement and physical magnitude standards and the development of standardization and metrology systems.

6. AIFAESA and the relevant quarantine and biosafety services in the inspection and supervision activities in the areas covered by AIFAESA, at border inspection posts.

7. In cooperation with the Ministry of Foreign Affairs and Cooperation and with the prior authorization of the Prime Minister, AIFAESA establishes cooperative relations with foreign

b) The Assistant Inspector General;

c) The Sole Auditor.

Article 10
Services

AIFAESA exercises its competences through the following services:

a) Department of Administration and Finance;

b) Department of Operational Planning, Food Risks and Laboratories;

c) Department of Operations;

d) Department of Metrology and Standardization;

e) Department of Legal Affairs and Administrative Offenses;

f) Deconcentrated services.

Section II
Bodies

Article 11
Inspector General

1. AIFAESA is headed by an Inspector General.

2. The Inspector General shall be appointed by order of the Prime Minister to carry out his/her duties for a period of three years, renewable once.

3. It is incumbent upon the Inspector General to:

   a) Represent AIFAESA in national or international institutions or bodies;

   b) Direct, coordinate and guide the services, as well as approve the regulations and norms of operation necessary for their proper functioning;

   c) Approve and submit for superior approval, the AIFAESA Strategic Plan, the Annual Plan, the Budget, as well as the Supply Plan;

   d) Submit to the Prime Minister for approval and transmission to the Planning and Monitoring Unit and to the Ministry of Finance, the Physical Execution Evolution Report of the AIFAESA Strategic Plan, the Annual Plan, the Budget, and the Procurement Plan, as well as the Budget Execution Reports;

e) Decide on the leasing and acquisition of goods and services within the scope of his/her competences;

f) Decide on the ban on the manufacture, storage, distribution or marketing of food products which are not in conformity with the law;

g) Decide on the suspension of activity or the closure of establishments and places that jeopardize public health, in accordance with the law;

h) Apply the fines and penalties provided for by law, in the areas within his/her competence;

i) Communicate to the entities responsible for licensing, through SERVE, the infractions committed by economic agents;

j) Order the filing of administrative offense proceedings, whose investigative powers are entrusted to AIFAESA, under the terms of the law;

k) Exercise the other powers provided for in this diploma or determined by law.

4. The remuneration of the Inspector General is fixed by Government Decree.

Article 12
Assistant Inspector General

1. The Assistant Inspector General shall assist the Inspector General in the performance of his/her duties.

2. The Assistant Inspector General shall be appointed by order of the Prime Minister, acting on a proposal from the Inspector General, for the exercise of his/her functions for a period of three years, renewable once.

3. The Assistant Inspector General shall exercise the powers delegated to him/her by the Inspector General.

4. The remuneration of the Assistant Inspector General is fixed [( )]

a) Supervise the economic and financial management of AIFAESA, in particular through the promotion of internal audits;

b) Examine accounts, balance sheets and accounting documents, issuing technical opinion which is forwarded to the Inspector General;

c) Exercise internal control, being able, therefore, to carry out the examination of books, documents, accounting and administrative bookkeeping and other measures deemed necessary;

d) Analyze the accounts for the previous year;

e) Deliberate, every six months, on the balance of accounts, accompanied by summary information on the activities of AIFAESA.

3. The Sole Auditor is appointed by joint order of the Prime

b) Providing support to the operational activity developed by the inspection and supervision teams;

c) Analyzing samples in coordination with other entities competent to carry out laboratory tests;

d) Carrying out forensic evidence and other evidence requested by national or international public entities;

e) Conducting studies on operational activity and design and optimize operational methodologies, elaborating technical standards for the execution of inspection and supervision tasks, with a view to preventing and repressing infractions within the scope of AIFAESA's competences;

p) Planning and recommending the participation of AIFAESA servic en meetings, natia l and international, within the scope of the matters within its competence;

q)

l) Collecting samples at the places where inspections are carried out and send them to the Operational Planning, Food Risks and Laboratories Department, for laboratory analysis by the competent entities;

m)

f) Monitor and participate in standardization meetings promoted by international organizations;

g) Perform such other tasks as may be determined by the Inspector General.

Article 18
Department of Legal Affairs and Administrative Offenses

It is incumbent upon the Department of Legal Affairs and Administrative Offenses to:

a)

Chapter IV
Amendments, revocations, transitional and final provisions

Article 27
Amendment to Decree-Law no. 21/2015 of 8 July

Article 10 of Decree-Law no. 21/2015, of 8 July, is replaced by the following:

"Article 10
Attributions and competences

1. (...).

2. (...):

"Article 3
General competence

It is incumbent upon the Sanitary Surveillance Authority to enforce all the norms that have as their object the defense of public health and to collaborate with the Authority of Inspection and

b) (...);

c) (...);

d) (...);

e) Provide support to the Authority of Inspection and Supervision of Economic, Health and Food Activities in inspections and supervisions of the hygienic conditions of importation, exportation and breeding of animals, preparation, transport, storage and sale of meat and products of animal origin. "

Article 30

Amendment to Decree

Article 22

In addition to the compulsory indications provided for in current legislation, the packaging must display externally, in clearly visible characters and printed in innocuous and indistinguishable ink, the indications of the registration number of the establishment in the Directorate-General of Livestock and Veterinary and the trademark of AIFAESA.

Article 32

Administrative and police authorities may be called upon to provide any assistance requested by AIFAESA or the competent services of the Ministry of Agriculture and Fisheries for the application of the measures ordered under this Regulation, to cooperate in their implementation in all that is necessary and to watch over their full observance. "

Article 32
Amendment to Decree-Law no. 32/2015 of 26 August

Article 14 of Decree-Law no. 32/2015, of 26 August, is replaced by the following:

‡ $ U W L F O H
Directorate-General for Tourism

Article 37
Entry into force

This decree-law shall enter into force on the day following its publication.

The Prime Minister,

_____

Dr. Rui Maria de Araújo

Promulgated on 06. 24. 2016

Be it published

The President of the Republic,

_____

Taur Matan Ruak