

DRAFTING NOTE

AGRICULTURE, PLANT AND ANIMAL HEALTH, AND FOOD SAFETY ACT 2026

1. Status and purpose of this note

This drafting note is explanatory and is not part of the proposed Assembly Act. It identifies the legislative need, the relationship with earlier Eritrean law, the principal matters retained, the modernization choices made and the place of the draft within the emerging constitutional statute book. The instrument remains a consultation draft and should be finalized only after legal, institutional, fiscal and public review.

2. Legislative need and prior law

The supplied corpus contains fragmented agricultural, veterinary, plant-health and food-control measures rather than one modern farm-to-market statute. Eritrea needs an integrated framework suited to food security, pastoral and sedentary production, trade and climate stress.

3. What the draft retains

The draft retains quarantine, disease control, inspection, certification and protection of crops, livestock and consumers as necessary public functions.

4. What the draft updates and modernizes

It replaces fragmented command administration with risk-based One Health governance, traceability, laboratory standards, electronic certificates, emergency safeguards, farmer consultation, pastoral mobility protections and proportionate sanitary and phytosanitary controls.

5. Constitutional, code and treaty fit

The draft is framed under the Constitution of Eritrea 1997 and must be read with the Civil Code, Penal Code, Civil Procedure Code and Criminal Procedure Code of Eritrea 2015 where those Codes govern. It is also coordinated with the other institutional, financial, commercial, land, labour, administrative and sectoral drafts in this collection. References to international or regional standards guide compatibility and implementation; they do not bypass the Treaty-Making Act or convert an unincorporated instrument into domestic law.

6. Scope and organization

The principal divisions address preliminary provisions; institutions and coordination; agricultural policy, services and markets; seeds and plant propagating material; plant health and quarantine; animal health and welfare; feed and veterinary products; fertilizers, pesticides

and agricultural chemicals; food safety and hygiene; food information, traceability and recall; and the concluding enforcement, transitional and final provisions.

7. Transition, implementation and consultation

The draft preserves lawful accrued rights, completed transactions, pending proceedings and institutional continuity where appropriate, while preventing temporary savings from preserving unconstitutional coercion or indefinite executive discretion. Before enactment or issuance, authentic predecessor instruments and amendments should be verified, cross-references and fiscal capacity confirmed, implementing regulations and digital systems prepared, and affected institutions, professions, communities and the public given a practical opportunity to comment.

CONSULTATION DRAFT — NOT ENACTED LAW

ACT NO. ____/2026

AGRICULTURE, PLANT AND ANIMAL HEALTH, AND FOOD SAFETY ACT 2026

(ACT)

AN ACT TO ESTABLISH A MODERN FRAMEWORK FOR AGRICULTURAL DEVELOPMENT, PLANT AND ANIMAL HEALTH, SEEDS, FEED, FERTILIZERS, PESTICIDES, FOOD SAFETY, INSPECTION, TRACEABILITY, AGRICULTURAL MARKETS, TECHNOLOGY AND RELATED MATTERS.

PREAMBLE

WHEREAS Articles 8 and 21 of the Constitution of Eritrea require sustainable management of natural resources, balanced development, improved livelihood, health, education and social justice;

WHEREAS secure food, productive farming, pastoralism, fisheries-linked markets and safe agricultural products are essential to liberty, health, employment, trade and national resilience;

WHEREAS agricultural law should assist farmers, pastoralists, cooperatives and enterprises rather than use licensing, compulsory delivery, price control or public corporations to displace lawful private initiative;

WHEREAS the Plant Quarantine Proclamation 156/2006, pesticide regulations in Legal Notice 114/2006, milk-processing standards in Legal Notice 113/2006 and related instruments should be verified, preserved where technically sound and modernized within one coherent framework;

WHEREAS climate change, drought, pests, animal disease, unsafe inputs, foodborne illness and weak traceability require risk-based regulation, capable laboratories, regional cooperation and responsible technology;

NOW, THEREFORE, the National Assembly of Eritrea enacts as follows:

CHAPTER I
PRELIMINARY PROVISIONS

Article 1 — Short title

This Act may be cited as the Agriculture, Plant and Animal Health, and Food Safety Act 2026.

Article 2 — Objects

1. increase sustainable agricultural productivity, resilience and rural livelihood;
2. protect plant, animal and human health through proportionate risk-based controls;
3. ensure safe, honestly described and traceable food;

4. support competitive markets, cooperatives, small producers and responsible investment;
5. regulate seeds, feed, fertilizers, pesticides and veterinary products according to evidence;
6. facilitate legitimate domestic, regional and international trade;
7. protect land, water, biodiversity, pastoral mobility and future generations; and
8. enable transparent digital administration and accountable use of technology.

Article 3 — Application

1. This Act applies to agricultural production, plant and animal health, inputs, primary products, food businesses and related imports, exports and markets.
2. It binds public bodies, public enterprises, cooperatives and private persons.
3. Wildlife, fisheries, water allocation, land tenure, labour, competition, environmental pollution and general public health remain governed additionally by their respective Acts.

Article 4 — Definitions

1. “animal” includes livestock, poultry, bees and another domesticated or captive animal prescribed for this Act;
2. “competent authority” means the body assigned a function by this Act;
3. “food” means a substance intended for human consumption, including drink, but excluding a medicinal product;
4. “food business” means an undertaking carrying out a stage of production, processing, storage, transport, distribution or sale of food;
5. “input” includes seed, planting material, feed, fertilizer, soil conditioner, pesticide and veterinary product;
6. “operator” means the person responsible for compliance in an undertaking;
7. “pest” includes a plant, animal, organism or pathogen harmful to plants, animals, food, agriculture or the environment; and
8. “traceability” means ability to identify and follow a product, animal, input or material through relevant stages.

Article 5 — Constitutional and treaty interpretation

1. The Constitution prevails, and powers shall be exercised consistently with equality, property, livelihood, due process, information and judicial review.
2. This Act shall, so far as its text permits, be interpreted consistently with constitutionally valid obligations binding Eritrea concerning food, plant health, animal health, trade, environment and labour.
3. An international standard may guide scientific judgment but does not create domestic coercive power unless incorporated by law.

Article 6 — Relationship with other legislation

1. The Land Act governs Community Land Rights and tenure, and the Water Resources and Services Act governs water allocation.

2. The Environmental Protection and Climate Resilience Act governs environmental assessment, pollution, biodiversity safeguards and hazardous waste.
3. Food, competition, customs, standards, local-government and public-health authorities shall coordinate without duplicating licenses.
4. An authorization under this Act does not grant land, water, building, environmental or business approval.

Article 7 — Governing principles

1. food and nutrition security;
2. farmer, pastoralist and consumer dignity and choice;
3. science and precaution proportionate to risk;
4. prevention and control at source;
5. farm-to-table responsibility and traceability;
6. animal welfare and prudent antimicrobial use;
7. open and competitive markets with targeted social protection;
8. climate resilience, soil and water stewardship; and
9. transparency, participation and effective review.

CHAPTER II INSTITUTIONS AND COORDINATION

Article 8 — Agriculture and Food Authority

1. The Agriculture and Food Authority is established as an independent statutory body with legal personality.
2. It shall administer technical regulation under this Act and shall not produce, trade or hold a financial interest in regulated agricultural goods.

Article 9 — Functions of Authority

1. administer plant health, animal health, input and food-safety systems;
2. maintain registers, surveillance and traceability;
3. conduct inspection, laboratory coordination and risk communication;
4. support local implementation and producer compliance;
5. facilitate sanitary and phytosanitary trade certification; and
6. publish standards, decisions, data and annual reports.

Article 10 — Governing Board

1. A Board shall oversee strategy, independence, finance and institutional performance.
2. Members shall be selected through a public merit process for expertise in farming, pastoralism, veterinary medicine, plant science, food science, nutrition, law, trade, consumers and local government.
3. A majority shall not be serving executive officials, and conflicts, appointment, tenure and removal shall be transparent.

Article 11 — Chief officers

1. The Board shall appoint through open competition a Director-General, Chief Plant Health Officer, Chief Veterinary Officer and Chief Food Safety Officer.
2. Each chief officer shall possess relevant professional qualifications and protected technical independence.
3. A disagreement between technical advice and final policy shall be recorded and published where public safety or trade is materially affected.

Article 12 — Local implementation

1. The Authority may accredit qualified provincial, county or municipal units for defined functions.
2. Delegation shall be written, published, resourced, supervised and revocable for failure.
3. Village and pastoral institutions may assist surveillance and local service but shall not be made criminal-enforcement agents against their members.

Article 13 — Scientific Advisory Council

1. An independent Council shall advise on emerging risks, standards, disease, pests, nutrition, biotechnology and climate.
2. Membership shall include universities, laboratories, professional bodies, producers, consumers, women and community knowledge holders.
3. Advice, uncertainty, minority views and interests shall be published, subject to narrow lawful confidentiality.

Article 14 — One-government coordination

1. The Authority shall coordinate with health, environment, water, customs, standards, trade, local government and emergency institutions.
2. A joint inspection shall use one plan and record where practicable and shall not multiply fees or contradictory orders.
3. A memorandum cannot alter statutory power or create an unpublished obligation.

Article 15 — Annual report

1. The Authority shall submit an annual report to the National Assembly and publish it within six months after year end.
2. The report shall address production risks, disease, pests, food safety, inputs, inspections, trade, enforcement, laboratories, complaints and finance.
3. The Auditor General shall audit public resources under applicable law.

CHAPTER III

AGRICULTURAL POLICY, SERVICES AND MARKETS

Article 16 — National agricultural strategy

1. Government shall publish a costed five-year strategy for crops, livestock, pastoralism, irrigation, soil, markets, research, extension, nutrition, climate and risk.
2. It shall distinguish government duties from activities properly undertaken by farmers, cooperatives and competitive enterprises.
3. Targets, assumptions, finance and progress shall be measurable and publicly reviewed.

Article 17 — Freedom of agricultural enterprise

1. A person may produce, process, store, transport and trade agricultural goods subject to laws protecting health, environment, labour, competition and consumers.
2. No producer shall be compelled to deliver goods to a public corporation or politically selected buyer except under an Assembly Act governing a narrowly defined emergency acquisition with compensation.
3. Administrative planning shall not replace voluntary markets or lawful contracts.

Article 18 — Extension services

1. Public extension shall provide practical, evidence-based advice on production, climate, soil, water, pests, animal health, business and food safety.
2. Services shall be accessible to women, youth, smallholders, pastoralists, persons with disabilities and remote communities.
3. Public advice shall disclose commercial sponsorship and shall not force purchase from a favored supplier.

Article 19 — Research and innovation

1. Public agricultural research shall address Eritrean soils, climates, crops, breeds, pests, nutrition and markets and publish non-protected results.
2. Partnerships with universities, communities, diaspora and enterprises shall use fair intellectual-property and benefit terms.
3. Research involving people, animals, genetic resources or environmental release shall receive lawful ethics and biosafety review.

Article 20 — Agricultural cooperatives

1. Farmers, pastoralists, processors and traders may form voluntary democratic cooperatives under cooperative and commercial law.
2. A cooperative may aggregate inputs, finance, production, storage, processing and marketing without becoming an administrative arm of government.
3. Membership, accounts, patronage benefits and exit shall be transparent and fair.

Article 21 — Market information

1. The responsible ministry shall publish timely prices, volumes, weather, crop, livestock, input, storage and trade information.
2. Methods and uncertainty shall be disclosed, and data shall not be manipulated to justify a restriction or favored purchase.
3. Information shall be available electronically and through accessible rural channels.

Article 22 — Weights, grades and contracts

1. Agricultural transactions shall use lawful weights and measures and clearly disclosed grades where applicable.
2. A buyer shall provide a record of quantity, grade, price, deductions and payment date.
3. Unfair rejection, secret deduction, false grading and delayed payment are subject to commercial, competition and consumer law.

Article 23 — Strategic food reserves

1. A strategic reserve may be maintained by law for severe shortage, emergency and humanitarian response.
2. Stock acquisition and release shall use transparent rules, rotation, quality control, audit and competition safeguards.
3. The reserve shall not be used secretly to reward supporters, suppress ordinary prices or finance unrelated expenditure.

Article 24 — Agricultural risk management

1. Government may facilitate weather information, savings, insurance, guarantees and disaster support under transparent fiscal law.
2. Support shall use objective loss and vulnerability criteria and avoid permanent dependence or political selection.
3. A public guarantee or subsidy requires appropriation and disclosure.

CHAPTER IV SEEDS AND PLANT PROPAGATING MATERIAL

Article 25 — Seed policy

1. Seed regulation shall protect identity, germination, purity, health and honest description while preserving farmer access and diversity.
2. Requirements shall be proportionate to commercial scale and risk.
3. Farmer-managed and community seed systems shall not be prohibited merely because they are not industrial systems.

Article 26 — Variety registration

1. Commercial representation of a new protected or officially recommended variety may require registration based on identity, performance or value appropriate to its claim.
2. Registration shall not be required for private research, conservation, farmer exchange or sale honestly described as an unregistered local variety unless a serious risk exists.
3. Decisions and supporting non-confidential data shall be public.

Article 27 — Seed certification

1. Certification may verify generation, field inspection, sampling, testing, labeling and traceability for prescribed commercial classes.
2. Alternative quality-declared systems may be authorized for small producers and local markets.
3. A certificate shall not guarantee agronomic success beyond tested attributes.

Article 28 — Seed labeling and sale

1. Commercial seed shall state species, variety where claimed, lot, weight, germination, treatment, producer, origin and date as prescribed.
2. False identity, adulteration, concealed treatment and materially misleading performance claims are prohibited.
3. A seller shall preserve samples and records proportionate to risk.

Article 29 — Farm-saved seed and exchange

1. A farmer may save, use, select and exchange seed according to applicable intellectual-property and biosafety law.
2. Non-commercial customary exchange shall not require a commercial dealer license.
3. Regulation shall protect against dangerous pest transmission without destroying viable community seed systems.

Article 30 — Genetic diversity and seed banks

1. Public policy shall conserve local varieties, crop wild relatives and useful genetic diversity in situ and in secure collections.
2. Communities contributing material or knowledge shall receive attribution and lawful benefit-sharing.
3. Access shall respect the Environmental Protection and Climate Resilience Act and valid treaty obligations.

CHAPTER V

PLANT HEALTH AND QUARANTINE

Article 31 — Plant-health duty

1. A person controlling plants, plant products or regulated articles shall take reasonable measures to prevent introduction and spread of quarantine pests.
2. Duty depends on risk, knowledge, scale and control and does not impose impossible surveillance on subsistence farmers.
3. Suspected serious outbreaks shall be reported promptly.

Article 32 — Pest-risk analysis

1. A phytosanitary measure shall be based on documented pest-risk analysis using available science and stated uncertainty.
2. The measure shall be no more trade-restrictive than reasonably necessary and shall recognize equivalent protection where demonstrated.
3. Emergency measures shall be reviewed promptly and expire unless confirmed.

Article 33 — Import requirements

1. A prescribed plant, product or regulated article may require a phytosanitary certificate, permit, treatment, inspection or approved origin.
2. Requirements shall be published and electronically accessible before enforcement except for an urgent newly identified risk.
3. Customs shall coordinate release with the Authority without duplicate declarations.

Article 34 — Points of entry and inspection

1. High-risk consignments shall enter through designated points with suitable inspection, sampling, treatment and secure holding capacity.
2. Inspection shall be timely, risk-based and protect product integrity.
3. The importer may obtain a split sample or review where practicable.

Article 35 — Interception and disposition

1. A non-compliant consignment may be treated, reconditioned, re-exported, redirected, destroyed or released under conditions according to risk.
2. The decision shall be recorded with reasons and review rights, and avoid destruction where a safe lawful alternative exists.
3. Costs are borne by the responsible operator unless official error caused them.

Article 36 — Domestic quarantine

1. The Authority may declare an infested area and regulate movement of specified plants, products, soil, equipment or vehicles.

2. The order shall map scope, identify the pest, state measures and duration and provide participation and review.
3. Restrictions shall protect basic livelihood and permit safe movement where equivalent controls exist.

Article 37 — Eradication and control

1. A response may include surveillance, sanitation, treatment, removal, movement control, biological control and public information.
2. Destruction of healthy property shall be used only where necessary and compensation shall be paid where the Constitution or this Act requires.
3. Community cooperation shall be supported through information, inputs and fair loss arrangements.

Article 38 — Phytosanitary export certification

1. The Authority shall provide timely inspection and phytosanitary certification for exports meeting destination requirements.
2. A certificate shall be secure, traceable and issued without favoritism.
3. A false certificate or improper inducement is prohibited and shall be reported.

Article 39 — Surveillance and pest status

1. The Authority shall maintain surveillance systems and publish pest status and outbreak information necessary for protection and trade.
2. Absence claims shall rely on adequate evidence and documented methods.
3. Farm and location data shall be protected to the extent compatible with public safety and trade integrity.

CHAPTER VI ANIMAL HEALTH AND WELFARE

Article 40 — Chief Veterinary Officer

1. The Chief Veterinary Officer shall lead national veterinary surveillance, certification, emergency response and professional coordination.
2. Technical disease notifications and trade certificates shall be based on evidence and protected from political alteration.
3. Material public-health risk shall be communicated promptly.

Article 41 — Animal identification and premises

1. Prescribed species, holdings, markets, slaughter facilities and movement points shall be registered proportionately to risk.
2. Identification may use tags, brands, electronic devices, group records or another appropriate method.

3. Systems shall accommodate pastoral mobility and shall not require a fixed private title as a condition of animal ownership.

Article 42 — Notifiable diseases

1. Regulations may list notifiable animal diseases based on severity, spread, public health, livelihood and trade.
2. An owner, veterinarian, laboratory or market operator shall report a reasonable suspicion promptly.
3. Reporting in good faith shall not by itself establish fault or confiscation liability.

Article 43 — Surveillance and investigation

1. The Authority may conduct risk-based surveillance, testing, epidemiological investigation and tracing.
2. Entry, sampling and data collection shall respect property, privacy, safety and pastoral practice.
3. Results, uncertainty and material control recommendations shall be communicated to affected persons.

Article 44 — Disease-control measures

1. Measures may include isolation, quarantine, movement conditions, vaccination, testing, treatment, market control, cleaning and humane destruction.
2. A measure shall be necessary, proportionate, time-limited and adapted to species, disease and livelihood.
3. A whole region or ethnic or livelihood group shall not be stigmatized because of an outbreak.

Article 45 — Compensation for compulsory destruction

1. An owner whose animal or product is compulsorily destroyed for public disease control shall receive prompt fair compensation according to published valuation unless the owner intentionally caused or concealed the risk.
2. Payment shall be budgeted in advance for official eradication programs.
3. A valuation dispute may be independently reviewed without delaying an urgent humane measure.

Article 46 — Animal movement

1. Prescribed movement may require identification, health certification, route, destination and cleaning measures.
2. Controls shall facilitate legitimate pastoral movement, markets and trade and use digital or group certification where suitable.
3. An emergency movement ban shall provide access to feed, water, veterinary care and safe alternatives.

Article 47 — Import and export of animals

1. Imports shall satisfy published risk-based veterinary requirements and may be inspected, quarantined, treated, re-exported or refused.
2. Exports meeting destination requirements shall receive timely certification.
3. Measures shall recognize equivalent systems and valid regional arrangements where protection is maintained.

Article 48 — Veterinary services

1. Reserved diagnosis, prescription, surgery and certification shall be performed by qualified registered professionals.
2. Community animal-health workers may provide defined services under training, referral and supervision, especially in remote pastoral areas.
3. Professional regulation shall protect competence without creating an urban monopoly over basic care.

Article 49 — Animal welfare

1. A person responsible for an animal shall provide water, suitable feed, shelter or climate protection, humane handling and necessary care according to species and circumstances.
2. Transport, markets and slaughter shall minimize avoidable pain, fear and injury.
3. Standards shall be realistic, progressive and enforceable and respect legitimate cultural practice subject to prevention of cruelty.

Article 50 — Slaughter and humane killing

1. Commercial slaughter shall occur in an authorized facility or under an approved rural or emergency arrangement.
2. Animals shall be handled and killed by competent persons using humane methods compatible with lawful religious practice.
3. Unfit animals and specified risk material shall be managed safely.

Article 51 — Zoonoses and One Health

1. Animal, human and environmental authorities shall coordinate surveillance and response for zoonotic and antimicrobial risks.
2. Data and samples shall be shared under privacy, biosafety and professional safeguards.
3. Joint plans shall identify responsibility, communication and emergency thresholds.

CHAPTER VII

FEED AND VETERINARY PRODUCTS

Article 52 — Feed safety

1. Feed shall be safe, suitable for the intended species and honestly described.
2. Prohibited contaminants, adulterants, specified animal material and drug residues shall be controlled by evidence-based standards.
3. A feed operator shall maintain hygiene, formulation and traceability records proportionate to risk.

Article 53 — Feed registration and labeling

1. A prescribed commercial feed or additive may require product registration based on composition, safety and claimed function.
2. Labels shall state intended species, ingredients or analytical constituents, directions, warnings, lot, date and responsible supplier.
3. Ordinary on-farm mixing for one's own animals shall not require product registration unless a serious risk arises.

Article 54 — Veterinary product authorization

1. A veterinary medicine, vaccine or biological product requires authorization based on quality, safety, efficacy and benefit-risk.
2. The Authority may recognize a reliable foreign assessment while retaining Eritrean pharmacovigilance and supply control.
3. Substandard, falsified, expired or unauthorized products are prohibited.

Article 55 — Prescription and distribution

1. Prescription-only veterinary products shall be supplied on a lawful prescription and through authorized channels.
2. Retail and wholesale conditions shall protect storage, records, advice and recall.
3. Emergency access in remote areas may use supervised community distribution without abandoning safety.

Article 56 — Antimicrobial stewardship

1. Medically important antimicrobials shall not be used for routine growth promotion or as a substitute for hygiene and husbandry.
2. Use shall follow diagnosis, prescription, withdrawal periods and resistance surveillance as prescribed.
3. Government shall publish an integrated antimicrobial-resistance plan.

CHAPTER VIII

FERTILIZERS, PESTICIDES AND AGRICULTURAL CHEMICALS

Article 57 — Fertilizer quality

1. Commercial fertilizer and soil conditioner shall meet declared nutrient, contaminant, weight and labeling standards.
2. Registration may be required for novel or higher-risk products but not for ordinary compost or traditional soil amendment used locally unless contaminated.
3. False nutrient claims and adulteration are prohibited.

Article 58 — Pesticide authorization

1. A pesticide may be manufactured, imported, distributed or commercially used only if authorized for specified uses.
2. Assessment shall consider efficacy, human and animal health, environment, residues, resistance, application conditions and feasible alternatives.
3. A highly hazardous pesticide shall be refused or restricted where risk cannot be acceptably controlled in Eritrean conditions.

Article 59 — Pesticide labeling and packaging

1. A pesticide shall carry durable understandable labels stating active ingredient, use, dose, hazards, protective measures, first aid, storage, disposal, lot and expiry.
2. It shall not be packaged in a food or beverage container or in a manner attractive to children.
3. Relevant local-language and pictorial warnings shall be required.

Article 60 — Licensing of pesticide businesses

1. Prescribed manufacture, formulation, import, wholesale, commercial application and disposal require risk-based licensing.
2. Requirements shall cover competent staff, secure premises, records, emergency capacity and insurance where appropriate.
3. Small retail and community access shall be facilitated only where safe controls exist.

Article 61 — Use and protection

1. A user shall follow the label, protect workers and bystanders, prevent drift and contamination and observe re-entry and harvest intervals.
2. Employers shall provide training, protective equipment, washing, medical response and exposure records under labour law.
3. Aerial or high-risk application requires specific safeguards and notice.

Article 62 — Integrated pest management

1. Public programs and license decisions shall promote prevention, resistant varieties, cultural and biological controls and targeted chemical use.
2. Extension shall help producers reduce unnecessary pesticide dependence.
3. A pesticide supplier shall not present routine calendar spraying as legally required where it is not.

Article 63 — Storage, transport and disposal

1. Agricultural chemicals shall be stored and transported separately from food, feed and drinking water under hazard controls.
2. Empty containers and obsolete stocks shall be collected, decontaminated or destroyed through authorized systems.
3. Burial, open burning or reuse of a pesticide container for domestic purposes is prohibited.

Article 64 — Residues and monitoring

1. Maximum residue limits shall be evidence-based, published and coordinated with food and export standards.
2. The Authority shall conduct risk-based residue monitoring and investigate repeated exceedance.
3. A producer shall receive the result, method and opportunity for confirmatory review where practicable.

Article 65 — Adverse effects and review

1. A registrant and professional user shall report serious unexpected health, environmental or efficacy effects.
2. The Authority may vary, suspend or cancel authorization on new evidence through fair procedure, with urgent interim action where necessary.
3. Commercial confidentiality shall not conceal a material safety risk.

CHAPTER IX FOOD SAFETY AND HYGIENE

Article 66 — General food-safety duty

1. A food-business operator shall ensure that food under its control is safe, suitable and honestly presented.
2. Primary producers shall apply reasonable hygiene and contamination controls proportionate to their activity.
3. Compliance with a specific standard does not excuse concealment of a known material hazard.

Article 67 — Risk analysis

1. Food-safety measures shall use risk assessment, risk management and transparent risk communication.
2. Precautionary action may be taken where credible serious risk exists despite uncertainty and shall be reviewed as evidence develops.
3. Economic interest shall not override an unacceptable health risk.

Article 68 — Registration and approval

1. Every food business shall be registered through the general business-registration system, with food-risk information shared to the Authority.
2. A slaughterhouse, dairy plant, seafood processor, infant-food facility and another prescribed high-risk establishment requires prior technical approval.
3. Low-risk and home-based businesses shall use simplified proportionate requirements.

Article 69 — Hygiene management

1. A food business shall maintain clean premises, safe water, pest control, temperature control, waste management, trained handlers and prevention of cross-contamination.
2. A prescribed business shall use a hazard-analysis and critical-control system appropriate to its process.
3. Records shall be sufficient to demonstrate control without imposing unnecessary paperwork on microenterprises.

Article 70 — Food handlers

1. A food handler shall receive practical hygiene training and report a condition reasonably likely to contaminate food.
2. Medical exclusion shall be based on risk, protect privacy and income rights under labour law and last no longer than necessary.
3. A blanket health-certificate market unconnected to actual risk is prohibited.

Article 71 — Microbiological and chemical standards

1. Regulations may set limits for pathogens, toxins, contaminants, residues, additives and processing aids using current evidence.
2. Standards shall identify sampling, method and interpretation and allow reasonable transition unless immediate safety requires otherwise.
3. Testing shall be performed by competent laboratories.

Article 72 — Milk and dairy products

1. Milk intended for sale shall be produced, collected, transported, processed and stored under hygiene and temperature controls appropriate to its use.

2. A dairy plant shall verify source, treatment, composition, adulteration, residues and microbiological safety.
3. Traditional dairy products may be produced and sold under proportionate safe methods rather than prohibited merely for lacking industrial scale.

Article 73 — Meat and slaughter hygiene

1. Animals for commercial slaughter shall receive ante-mortem and post-mortem inspection according to risk.
2. Facilities shall control sanitation, temperature, carcass handling, specified risk material, condemnation and traceability.
3. Emergency and home slaughter shall be regulated proportionately and shall not place unsafe meat in commerce.

Article 74 — Fish and seafood safety

1. Fish and seafood businesses shall control harvest area, time and temperature, histamine, toxins, contamination and cold chain according to species and market.
2. Competent authorities shall coordinate landing, vessel, processing and export controls under maritime and fisheries law.
3. Unsafe harvest areas shall be closed on evidence and reopened promptly when criteria are met.

Article 75 — Street, market and small-scale food

1. Local authorities shall provide water, sanitation, waste, layout and practical hygiene support in markets and vending areas.
2. Licensing shall be simple, affordable and focused on real risk rather than exclusion of livelihood.
3. Enforcement shall prioritize correction and education unless immediate danger, fraud or repeated serious breach exists.

Article 76 — Food additives and fortification

1. An additive may be used only for an authorized technological purpose within prescribed limits and shall not conceal spoilage or inferior quality.
2. Mandatory fortification requires public-health evidence, technical feasibility, monitoring and lawful regulation.
3. Fortification policy shall consider local diets, small mills, cost and risk of excessive intake.

Article 77 — Novel food and biotechnology

1. A prescribed novel food or genetically modified food requires proportionate premarket safety assessment.
2. Assessment shall address intended change, composition, toxicity, allergenicity, nutrition and environmental authorization where relevant.

3. The decision, evidence summary, labeling requirements and monitoring shall be public.

Article 78 — Food for infants and vulnerable persons

1. Food intended for infants, young children, patients or nutritionally vulnerable persons shall meet heightened composition, hygiene and marketing standards.
2. False health claims, harmful promotion and interference with lawful breastfeeding protection are prohibited.
3. Emergency food assistance shall meet safety and cultural suitability requirements.

CHAPTER X FOOD INFORMATION, TRACEABILITY AND RECALL

Article 79 — Food labeling

1. Prepacked food shall state identity, ingredients, allergens, net quantity, responsible operator, lot, date, storage and use information as prescribed.
2. Information shall be accurate, legible and understandable and shall not conceal origin or material treatment.
3. Small packages and local products may use proportionate alternative presentation without omitting essential safety information.

Article 80 — Claims and advertising

1. A nutrition, health, natural, organic, climate or origin claim shall be truthful, substantiated and not materially misleading.
2. A claim shall not imply that ordinary food prevents or cures disease without lawful authorization.
3. Marketing to children and vulnerable consumers may be restricted proportionately to protect health.

Article 81 — Allergens and date marking

1. Specified allergens shall be declared clearly and cross-contact shall be controlled.
2. A use-by date shall be used where safety may deteriorate; a best-before date shall indicate quality.
3. Relabeling an expired or unsafe food to extend sale is prohibited.

Article 82 — Traceability

1. A food and feed operator shall identify immediate suppliers and customers and maintain lot or batch records proportionate to risk.
2. Prescribed high-risk products shall have enhanced animal, farm, processing or distribution traceability.
3. Records shall be available promptly to competent authorities and protected from unrelated use.

Article 83 — Withdrawal and recall

1. An operator who knows or reasonably suspects that a product is unsafe shall stop distribution, notify the Authority, trace it and withdraw or recall it.
2. Public warning shall be timely, accurate, understandable and proportionate to risk.
3. The responsible operator bears reasonable recall and disposal cost.

Article 84 — Authority-ordered recall

1. The Authority may order withdrawal, recall, detention, treatment, relabeling or destruction where voluntary action is inadequate.
2. An urgent order may take immediate effect and shall receive prompt review.
3. Safe redirection, reprocessing or donation shall be preferred to destruction where lawful and not misleading.

Article 85 — Foodborne-illness surveillance

1. Health, laboratory and food authorities shall coordinate detection, investigation, source tracing and public communication.
2. Patient and commercial data shall be protected while enabling necessary response.
3. Outbreak findings and corrective lessons shall be published after immediate risk permits.

CHAPTER XI IMPORTS, EXPORTS AND TRADE FACILITATION

Article 86 — Import controls

1. Imported food, animals, plants and inputs shall meet Eritrean requirements providing the same level of protection as domestic goods.
2. Controls shall be risk-based, coordinated with customs and use advance electronic information where available.
3. A domestic producer shall not receive disguised protection through a false safety measure.

Article 87 — Recognition and equivalence

1. The Authority may recognize a foreign system, certificate, laboratory or control where equivalent protection and reliable oversight are demonstrated.
2. Recognition shall be documented, reviewable and capable of suspension for material failure.
3. Regional cooperation shall reduce duplication without lowering protection.

Article 88 — General export certification

1. The Authority shall certify compliant exports accurately and within published service periods.

2. An exporter is responsible for destination requirements and truthful records.
3. Public certification services shall be available without political or enterprise favoritism.

Article 89 — Border detention and appeal

1. A detained consignment shall receive a written reason, safe custody and prompt testing or disposition.
2. The operator may request confirmatory testing or expedited review where deterioration or trade loss is likely.
3. Official error causing unjustified loss may attract compensation under ordinary law.

Article 90 — Electronic certificates

1. The Authority may issue and verify secure electronic sanitary, phytosanitary and origin-related certificates.
2. Systems shall preserve authenticity, signatures, timestamps, revocation and interoperability.
3. A paper or assisted route shall remain during transition and system failure.

CHAPTER XII LABORATORIES, INSPECTION AND ENFORCEMENT

Article 91 — Official laboratories

1. Official testing shall be performed by accredited or otherwise demonstrably competent laboratories using validated methods and quality controls.
2. The Authority may recognize university, private, foreign and regional laboratories transparently.
3. A regulator shall not manipulate sampling or method to produce a desired result.

Article 92 — Reference laboratory and proficiency

1. A national reference function shall coordinate methods, confirmation, training, proficiency testing and emergency diagnostics.
2. Where national capacity is absent, a reliable external reference laboratory may be used.
3. Material limitations and uncertainty shall accompany results.

Article 93 — Inspectors

1. The Authority may appoint trained inspectors with written identification, defined jurisdiction and integrity duties.
2. Inspection shall be risk-based, recorded and respectful of property, privacy, privilege, biosecurity and occupational safety.
3. Inspector performance shall not depend on penalties, seizures or closures imposed.

Article 94 — Entry, sampling and warrants

1. An inspector may enter regulated business premises at a reasonable time, inspect, photograph, sample and copy relevant records.
2. Entry into a dwelling, forcible entry or intrusive search requires a judicial warrant except to address immediate serious danger.
3. Sampling shall preserve chain of custody and a split sample where practicable.

Article 95 — Improvement and prohibition notices

1. An improvement notice shall state facts, law, corrective action, time and review rights.
2. A prohibition notice may stop an activity presenting imminent or serious risk and shall receive prompt independent review.
3. A notice shall be proportionate and varied or withdrawn where evidence changes.

Article 96 — Seizure and disposition

1. An inspector may detain or seize a product reasonably suspected to be dangerous, fraudulent or material evidence.
2. A judicial order is required for extended detention or destruction unless urgent deterioration or danger makes delay unreasonable.
3. Inventory, storage, samples and disposition shall be documented.

Article 97 — Administrative penalties

1. A Schedule enacted by the National Assembly may establish proportionate administrative penalties for specified contraventions.
2. Assessment shall consider risk, harm, fault, benefit, cooperation, recurrence and enterprise size.
3. Liability requires notice, opportunity to respond, reasons and independent appeal.

Article 98 — Criminal referral

1. Evidence reasonably indicating knowing or reckless placement of seriously unsafe food or an input on the market, spread of a controlled serious disease, falsification of a certificate, obstruction of an inspector or breach of a judicial order shall be referred for investigation where the conduct may constitute an offence under the Penal Code or another Assembly Act.
2. Criminal liability arises only under a law that defines and classifies the offence; this Act does not by itself create an unclassified offence or penalty.
3. A minor technical breach without material risk should ordinarily be corrected administratively, and criminal referral does not displace recall, civil, administrative, restorative or protective remedies under this Act.

Article 99 — Organizational and officer liability

1. An organization bears civil and administrative liability for conduct of its directing mind, authorized agent or employee within assigned functions, subject to lawful defences.
2. Criminal liability of an organization or officer arises only as provided by the Penal Code or another Assembly Act expressly defining that liability.
3. Responsible parent or controlling persons may be liable where separate personality is abused to evade recall, compensation or remediation.

Article 100 — Civil remedies

1. The Authority, Advocate General, affected person or qualifying public-interest organization may seek injunction, recall, correction, restoration or lawful compensation.
2. A court may order testing, disclosure, treatment, destruction, refund, monitoring and publication of correction.
3. Public enforcement does not extinguish a consumer, worker, farmer or community claim.

CHAPTER XIII DIGITAL SYSTEMS AND RESPONSIBLE TECHNOLOGY

Article 101 — Digital administration

1. Registration, applications, certificates, traceability, laboratory results, notices and recalls shall progressively use secure interoperable systems.
2. Assisted in-person and offline channels shall remain available where connectivity, literacy, disability or language requires.
3. System failure shall preserve rights, deadlines and movement of safe perishable goods.

Article 102 — Farm and operator data

1. Data collection shall be necessary, proportionate and governed by clear purpose, access, retention and correction rules.
2. Individual farm, herd and commercial data shall not be sold or used for unrelated taxation, surveillance or political profiling without legal authority.
3. Aggregate non-sensitive data should be open for research, planning and innovation.

Article 103 — Artificial intelligence

1. Artificial intelligence may assist disease detection, forecasting, translation, inspection targeting, grading and traceability.
2. No automated system may finally destroy property, cancel authorization, determine an offence, deny compensation or decide an appeal.
3. Material systems shall be validated, explainable, secure, tested for unequal error and subject to accountable human review.
4. A person may correct data and challenge an automated contribution to a decision.

Article 104 — Precision agriculture and remote services

1. Public policy may support sensors, satellite information, drones, digital extension, tele-veterinary services and efficient irrigation according to law.
2. Technology programs shall be interoperable, affordable and avoid locking producers into one supplier.
3. Drone, privacy, professional and environmental requirements remain applicable.

CHAPTER XIV REVIEW, APPEALS AND FINAL PROVISIONS

Article 105 — Internal reconsideration

1. A materially affected person may request prompt reconsideration based on error, new evidence or changed circumstances.
2. Reconsideration does not suspend urgent safety action unless the Authority or Tribunal orders.
3. A reasoned decision shall issue within a published period.

Article 106 — Agriculture and Food Tribunal

1. An independent Agriculture and Food Tribunal is established to hear appeals under this Act.
2. Members shall be appointed through a transparent merit process and include legal, scientific, agricultural, veterinary and consumer competence with protected tenure.
3. The Tribunal shall be separate from ministries, the Authority and public agricultural enterprises.

Article 107 — Standing and powers

1. An applicant, operator, farmer, pastoralist, consumer, worker, community, local government or genuine public-interest organization has standing.
2. The Tribunal may confirm, vary, suspend or set aside a decision, remit it with directions and grant interim protection.
3. Procedure shall be accessible, timely and proportionate, and decisions shall be reasoned and public.

Article 108 — Court review

1. A party may appeal to the competent court on law as prescribed by court legislation.
2. Constitutional and supervisory judicial review remains available and shall not be excluded by regulation or contract.
3. A court may grant effective preventive, corrective and compensatory relief within its jurisdiction.

Article 109 — Regulation-making authority

1. The President may, on recommendation of the Authority and responsible Minister, make regulations necessary for matters expressly delegated by this Act.
2. Draft regulations shall identify authority, evidence and impact and allow at least sixty days for public comment except for a temporary emergency measure.
3. Regulations may prescribe technical standards, risk lists, procedures, records, hygiene, certification, traceability and transition consistent with this Act.

Article 110 — Limits on delegated power

1. A regulation may not create a tax, compulsory acquisition, imprisonment, unlegislated offence or penalty, final automated decision, exclusion of courts or compulsory delivery to a public buyer.
2. It may not extinguish Community Land Rights, create a named commercial monopoly, authorize unsafe food or inputs, or waive requirements for a favored enterprise.
3. An incorporated technical standard shall be identifiable and reasonably accessible.

Article 111 — Legacy-law audit

1. Within eighteen months the Authority and Legislative Revision Unit shall compare authentic texts of Proclamation 156/2006, Legal Notices 113/2006 and 114/2006 and related agricultural instruments against this Act.
2. Useful technical provisions may continue temporarily if published, consistent with this Act and remade lawfully within eighteen months.
3. Obsolete public-corporation, monopoly, compulsory-delivery and inconsistent provisions shall be identified in a repeal and savings schedule for the National Assembly.

Article 112 — Existing authorizations and businesses

1. A lawful authorization existing at commencement continues temporarily subject to registration and alignment with this Act.
2. A business shall receive reasonable time and technical guidance to comply unless an immediate serious risk requires action.
3. Accrued rights, liabilities, recalls and proceedings are preserved.

Article 113 — Implementation plan

1. Within six months the Authority shall publish a three-year plan for staffing, laboratories, border facilities, local services, digital systems, surveillance and producer support.
2. The plan shall identify appropriations, external assistance, milestones and capacity risks.
3. Limited capacity shall determine sequencing but shall not justify secrecy, discrimination or tolerance of imminent serious harm.

Article 114 — Commencement

1. Articles 1 to 24, 31, 40 to 45, 51, 66, 67, 79 to 85 and 91 to 114 commence thirty days after publication in the Gazette.
2. Remaining Articles commence on dates appointed by published regulation within eighteen months, and any Article not appointed by then commences automatically.
3. A commencement regulation may arrange transition but may not postpone urgent disease reporting, food-safety action, information, appeal or court review.

Made at Asmara, this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA