Addis Ababa City Government Food, Medicine and Health Care Administration and Control Authority Establishment Proclamation

WHEREAS, it is necessary to protect the Addis Ababa City residents from unsafe, inefficacious and poor quality modern and traditional medicines;

WHEREAS, it is found necessary to prevent from food poisoning and contamination which is hazardous to health and caused by food supplied to the public in the City in different ways;

WHEREAS, it is necessary to avert health problems due to substandard health institutions, incompetent and unethical health professionals, poor environmental health and communicable disease;

NOW, THEREFORE in accordance with Article14(1)
(a) of the Revised Charter of Addis Ababa City Government Proclamation No.361/2003 and Article 55(1) of the Federal Government Food, Medicine and Health Care Administration and Control Proclamation No.661/2009 the City Council proclaimed as follows:
1. **Short Title**

This Proclamation may be cited as the “Addis Ababa City Government Food, Medicine and Health Care Administration and Control Authority Establishment Proclamation No. 30/2012.”

2. **Definition**

In this proclamation unless the context otherwise requires:


2. “Food” means any raw, semi-processed or processed substance for commercial purpose or to be served for the public in any way intended for human consumption that includes water and other drinks, chewing gum, supplementary food and any substance which has been used in the manufacture, preparation or treatment of food, but does not include tobacco and substances used only as medicines;

3. “Medicine” means any substance or mixture of substances used in the diagnosis, treatment, mitigation or prevention of a disease in human and includes narcotic drugs, psychotropic substances and precursor chemicals, traditional medicines. Complementary or alternative medicine, poisons, blood and blood products, vaccine radio active pharmaceuticals, cosmetics and sanitary items and medical instruments;

4. “Health professional” means a physician who is licensed by the executive organ to examine and diagnose human disease and treat them by drug or surgical operations or any other health professional who is authorized to perform such activities;
5. “Medical practitioner” means a physician who is licensed by the concerned organ to examine and diagnose human diseases and treat them by drug or surgical operations or any other health professional who is authorized to perform such activities.

6. “Health institution” means any governmental, non-governmental or private institution that carry out promotive, preventive, curative and rehabilitative or medicine trade or services;

7. “Health related controllable institution” means any public place including schools, prisons, day care centers, geriatric centers, or pension centers, nurseries, market place, gyms, massage centers, recreation centers, food producing and processing areas, barber and beauty salons;

8. “Pharmacy professional “means a pharmacist druggist or pharmacy technician licensed by an appropriate organ;

9. “Certificate of competency” means a work license issued for a person to carry out food, medicine, health or health related services or trade in accordance with standards set;

10. “License” means a Certificate issued for a health professional to provide medical or other health related services;

11. “City” means Addis Ababa City;

12. “Authority” means the Addis Ababa City Food, Medicine and Health Care Administration and Control Authority established in accordance with this proclamation;

13. “Person” means any physical or juridical person.

4. In this Proclamation, unless the context require otherwise, any expression in the masculine gender shall also apply to the feminine gender.

Part two

Establishment, Objectives, Organization, Powers and Functions

4. Establishment

1. The Addis Ababa City Government Food, Medicine and Health Care Administration and Control Authority (hereinafter referred to as the “Authority”) is hereby established as an autonomous government office having its own legal personality;
2. The Authority shall be accountable to the Mayor of the City.

5. **Head Office**
   1. The Authority shall have its head office at the City level, and
   2. It shall have offices at sub city and woreda level.

6. **Objectives**
   The objectives of the Authority shall be:
   - To protect the health of consumers in Addis Ababa City by ensuring; food safety and quality, the safety, efficacy, quality and proper use of medicines, competence and ethics of health professionals, medical practitioners and pharmacy professionals, the standard of health institutions; and the hygiene and environmental health protection suitability for individual and community health.

7. **Organization of the Authority**
   The Authority shall have
   1. At city level
      a. General Assembly
      b. Managing Board
      c. General director and deputy general directors and
      d. Necessary staff
   2. At sub city level
      a. Office
      b. Executive committee and
      c. Necessary staff
   3. At woreda level
      a. Office and
      b. Necessary staff

8. **Powers and Functions of the Authority**
   The Authority shall have the following powers and functions to:
   1. Ensure the safety and quality of food, safety of efficacy quality and proper use of medicines, competence and work procedure of health professionals, hygiene, environmental health and fulfillment of standards of control in health and health related institutions.
11. take necessary measure against health professionals who commit breach of ethics.
12. organized quality control laboratory necessary to carry out its duty;
13. employ, administer and dismiss personnel of the Authority in accordance with the civil service law of the City Government;
14. serve as the secretariat of the general assembly;
15. collect appropriate payment for services it renders;
16. Own property, conclude contract sue and be sued in its name;
17. provide the necessary support to sub city and Wereda food medicine, health care administration and control office with a view to harmonizing the city, sub city and Wereda regulatory system.

9. **Powers and Functions of the Director General**

1. The Director General being the chief executive officer of the Authority, shall direct and administer the activities of the Authority;

2. Without prejudice to the generality of the provision of sub article (1) of this Article, the Director General shall;
   a. implement power and function of the Authority specified under Article 8 of this proclamation;
   b. prepare and submit to the Mayor, annual and budget plan of the Authority and implement the same upon approval;
   c. effect payments in accordance with the approved budget and work plan of the Authority;
   d. represent the authority in its dealing with third parties;

3. The Director General may delegate part of his powers and functions to Deputy Director Generals and employees of the Authority to the extent necessary for efficient performance of the Authority.
10. Powers and Functions of Deputy Director General
The Deputy Director General shall:
1. assist the Director General in planning, organizing, directing and coordinating the activities of the Authority; and
2. perform other activities specifically assigned to him by the Director General.

11. Power and Function of the Managing Board
The board shall:
1. supervise and control intuitions under supervision of the Authority;
2. decide on matters arising out of execution of regulation and directives that require direction or submit same to the Mayor with its opinion;
3. approve the structure and human resource plan of the Authority upon investigation;
4. approve implementation plan budget and report submitted to the mayor;
5. deliberate on and decide issues that are submitted by the Director General.

12. Members of the Board
1. The board shall be composed of persons extracted from the executive and municipal service organs of the City Government, members of the the general assembly, non-government organs who are concerned with food, medicine, health care administration and control; the members, including the chair person shall be appointed by the Mayor;
2. Their number shall be determined, as may be necessary, determined by regulation to be issued to implement this proclamation.

13. Meeting of the Board
1. The board shall meet one in month provided however that emergency so requires it may meet at any time at the call of chair person;
2. There shall be quorum if more than half of the members are present;
3. The board shall pass its decision by majority vote in case of a tie, however, the chairperson shall have casting vote;
4. Notwithstanding the provisions of this Article the Board may issue its meeting procedure.

14. Members of General Assembly

The general assembly which deliberate on matters related to by the food medicine healthcare and control, which is chaired by the Mayor and composed of the following members, is hereby established proclamation;
1. Chief Manager of the City
2. Head of Bureau of Trade and Industry Development
3. Director of Occupational Competency Assessment and Certification Center
4. Director of Technical and Vocational Education and Training Agency.
5. Director of Higher Education Commission Relevance and Quality Agency
6. Head of Bureau of Health
7. Head of Bureau of Culture and Tourism
8. Head of Justice Bureau
9. Director of Environmental Protection Authority
10. Commissioner of Addis Ababa Police Commission,
11. Chief Executive of sub city
13. Chairperson of pharmacy professionals Association
14. Chairperson of Laboratory profession Association
15. Chairperson of physicians Association
16. Chairpersons of Nursing Profession Association
17. Chairperson of Public Health professionals Association
18. Chairperson of veterinary Association
19. Chairperson of Private Clinics and Diagnostic Centers Association
20. Chairperson of Drug Retailers Association
21. Chairperson of Traditional Medicine Practitioners Association
22. Chairperson of Addis AbabaYouth Association
23. Chairperson of Addis Ababa Women Association
24. Chairperson of Addis Ababa Residents Forum
25. President of Addis Ababa Chamber of Commerce
26. Chairperson of Hotels and Restaurants Association
24. Director General and members of Managing Board of the Authority
25. Chairperson of union of Consumer Associations
26. Manager of Addis Ababa Water and Sewerage Authority
27. Other members to be appointed by the Moyer, as may be necessary.

15. Power and Function of the General Assembly
The Assembly shall:
1. advise the Authority on policy and strategic issues;
2. establish technical committees, as may be necessary;
3. Submit opinions on the annual performance report and other information of the Authority.

16. Meeting of the General Assembly
1. Regular meeting of the general assembly shall be once in a year, however; there shall be a meeting where emergency so requires;
2. There shall be quorum where more than half of the members are present;
3. Decision of the general assembly shall pass by majority vote; however, in case of a tie, the chairperson shall have a casting vote;
4. It may issue internal regulation of its meeting producer.

17. Power and Function of the Sub-City Office
1. Prepare work programme and submit to the Sub-City executive committee of food, medicine, healthcare administration and control, implement same upon approval;
2. Execute regulatory standards prepared by the Federal Government and harmonized to the existing Situation of the City;
3. Issue renew, suspend and revoke certificate of competency of primary hospital, special clinics, diagnostic center and specimen collection sites, drug stores, micro and small scale enterprises food production centers and distributors;

4. Inspect and control that the health professionals working under the institution listed in sub (3) of this Article discharge their duties in accordance with the set requirements and ethical standards;

5. Follow up and control proper disposal of expired foods, medicines, and their raw materials in health and health related institution with the Sub-City;

6. Inspect and follow up distribution prescription, dispensing, use, recording and reporting of narcotic drugs psycho tropic substance and precursor chemicals, in health institutions situated in the Sub-City;

7. Follow up and control the fulfillment of necessary hygienic requirements in the health related institutions with in the sub-city;

8. Inspect and follow up that the quality of water supply for the public is up to the standard;

9. Keep and organize data as regards food, medicine, environmental health care, health professionals, health and health related institutions under control within the sub city;

10. Employ, administer and dismiss employee of the office according to the civil service law;

11. Follow up and control the implementation of sound and air pollution prevention on the basis of standard set by the Federal Food, Medicine and Health Care Administration and Control Authority with the view to care health of the public and private individuals;

12. Perform other legal activities that enable attain its objectives.

18. **Power and Function of Head of the Sub-City Office**

The head of sub city office being appointed by chief executive of the respective sub city shall have the following power and duties to;

1. direct and administer the office
2. Without prejudice to the generality of sub article (1) of this Article, head of the Sub-City office shall:
   a. Implement power and function of the office specified under Article 17 of this proclamation;
   b. Prepare and submit annual and budget plan of the office to the executive committee; implement same up on approval;
   c. Prepare and submit annual performance and financial report of the office to the executive committee and the Director General of the Authority;
   d. Represent the office in its relation with third parties;
   e. Attend in the meeting of the executive committee;
   f. Submit financial and performance report of the office approval by the executive committee to the chief executive of the respective sub city and Director General of the Authority;
3. Delegate his powers and functions to the employees of the office partially or fully to the extent that it is necessary to facilitate works of the office, however, where the agent may work for more than 30 days, the agency shall be priory approved by chief executive of the respective sub city.

19. Power and Function of the Executive Committee
The committee shall:
1. Supervise that institutions oversighted by the office are working keeping the standard and in coordinated manner;
2. Approve the work program and budget report to be submitted to the chief executive;
3. Discuss and decide on matters provided by the head of the office.
20. Executive Committee Member

1. Member of the committee shall be composed of persons extracted from relevant organization and shall be appointed by the chief executive;
2. Number of members of the committee shall be 5 or 7.

21. Meeting of the Executive Committee

Meeting of the committee shall be held in accordance with the procedures stated under Article 13 of this proclamation.

22. Power and Function of Woreda Office

1. Prepare work program of food, medicine and health care administration and control of the resection Wereda and submit to the chief executive of Wereda; implement same upon approval;
2. Execute regulatory standards prepared by the Federal Government and harmonized with the existing situation of the City;
3. Issue , renew, suspend and revoke competency certificate of primary and medium clinics, drug stores, food processing institutions within the respective Wereda;
4. Inspect and control that the health professionals working under the institutions listed in sub Article (3) of this article discharge their duties in accordance with the set requirements and ethics standards;
5. Follow up and control proper disposal of expired medicine, foods and their raw materials in health and health related institution accountable to the Wereda;
6. Prevent and Control illegal food, medicine and health service and take appropriate measure;
7. Follow up and control the fulfillment of necessary hygienic and environmental health service requirements in controllable health related institutions under the wereda;
8. Keep and organize data regarding food, medicine, environmental health care, health professionals and health and health related institutions in the woreda;
8. የወረዳ መስቀል የት የጋለች የጋላች የሚፈጠር የሚጠቀበት ያሇ የምወረዳ የሚገኝ ያሇ የሚያስችል. የሚያስችል የሚያስችል

9. Follow up and control the implementation of standards set by the federal food, medicine and health care administration and control Authority to prevent sound and air pollution for the protection of the public;

10. administer and control employee of the office according to the civil service law of the city;

11. Collect fee for the service it delivers in accordance with appropriate law;

12. Perform other legal activities that enable achieve its objectives.

23. Power and Functions of Head of Wereda Office

The head of woreda office being appointed by chief executive of the respective wereda, shall have the following power and function to;

1. Direct and administer the Wereda office

2. Without prejudice to the generality of sub article (1) of this Article the Head of the Wereda office shall;

a. implement the powers and functions of the woreda office stated under Article 22 of this proclamation;

b. prepare and submit annual activity and budget plan of the office and submit to the woreda chief executive; implement same up on approval;

c. Submit annual financial and performance report to the woreda chief executive and subsidy food, medicine and health care administration and control office;

d. Represent the office in its relation with third parties;

24. Inspectors

The Authority or office shall assign inspectors to implement the provisions of this proclamation and other regulation and directives related with food, medicine and health care administration and control; the particular functions shall be determined by regulation issued to implement this proclamation.
25. **Budget**

The budget of the Authority or Office shall be allocated by the City Government.

26. **Books of Account**

1. The Authority or office shall keep complete and accurate books of accounts in accordance with the finance laws of the city Government;
2. The books of accounts and other financial documents of the Authority or the office shall be audited annually by the Auditor General or by an auditor designated by him.

27. **Transfer of Rights and Obligations**

1. The right and obligation assigned to Health Bureau per Article 29(6) (7) (8) (12) (13) (14) and.
2. Not withstanding the provision of Article 29 Sub Article 9 of proclamation No 15/2001 as regards the conclusion contracts and signing with Non Governmental charity organization that conduct programs of medical service and follow up the implementation of same issue; The renewal and inspection of professional license of clinics established by charity organization shall be transferred to the Authority;
3. Rights and obligations of the Bureau in relation to the powers and functions stated under the provisions of sub-article 1 and 2 of this Article shall be transferred to the Authority.

28. **Power to Issue Regulation**

The City Government Cabinet may issue regulation for implementation of this proclamation;

29. **Effective Date**

This proclamation shall enter into force as of its publication on the Addis Negari Gazzette.

Done at Addis Ababa this 16th day of February, 2012

Kuma Demeksa
Mayor of Addis Ababa City
Part Three
Miscellaneous Provisions

25. Budget

The budget of the Authority or Office shall be allocated by the City Government.

26. Books of Account

1. The Authority or office shall keep complete and accurate books of accounts in accordance with the finance laws of the city Government;

2. The books of accounts and other financial documents of the Authority or the office shall be audited annually by the Auditor General or by an auditor designated by him.

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3. Rights and obligations of the Bureau in relation to the powers and functions stated under the provisions of sub-article 1 and 2 of this Article shall be transferred to the Authority.

28. Power to Issue Regulation

The City Government Cabinet may issue regulation for implementation of this proclamation;

29. Effective Date

This proclamation shall enter into force as of its publication on the Addis Negari Gazette.

Done at Addis Ababa this 18th day of February, 2012

Kuma Demeksa
Mayor of Addis Ababa City