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PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF SCIENCE AND TECHNOLOGY
[Pakistan Halal Authority (PHA)]

NOTIFICATIONS

Islamabad, the 29th November, 2021

S. R. O. 1708(I)/2021.— In exercise of the powers conferred by section 34 of the Pakistan Halal Authority Act, 2016 (VIII of 2016) the Authority, with previous approval of the Federal Government is pleased to make the following regulations, namely:—

1. **Short title and commencement.**—(1) These regulations shall be called the Pakistan Halal (Certification Marks) Regulations, 2021.

(2) They shall come into force at once.

2951(1—35)

Price: Rs. 60.00

2. **Definitions.**—(1) In these regulations, unless there is anything repugnant in the subject or context, —

- (a) **“Act”** means the Pakistan Halal Authority Act, 2016 (VIII of 2016);
- (b) **“applicant”** means a person or company or firm who apply on prescribed form to be registered or recognized as a halal certification marks logo of the Authority;
- (c) **“export”** means any article or process exported from Pakistan with the description or representation of being a halal article or process unless it bears the halal logo of the Authority, having been affixed after the requisite compliance and authorization of the Authority;
- (d) **“fee”** means fees prescribed in Schedule to these regulations for issuance or renewal of halal certificate or authorizing the use of halal logo;
- (e) **“Halal facilitation centre”** means halal facilitation centre to provide regarding halal products, process and services related activities for traders, customers, consumers and others;
- (f) **“Halal certification marking”** means the certification marking of the entire process of halal conformity assessment including audit, inspection, testing and evaluation to establish that an article or process comply to halal standard and requirement;
- (g) **“import”** means any article or process imported into Pakistan with the description of being a halal article or process unless it has been certified by the exporting country and recognized by the Authority;
- (h) **“registration”** means registration of halal certification body duly accredited by national or international accreditation body, as the case may be, and registered with Pakistan Halal Authority;
- (i) **“verification”** means verification or conformation by Authority through the provision of objective evidence that specified requirements have been fulfilled.

(2) A word or expression used in these regulations but not defined herein shall have the same meaning assigned to it in the Pakistan Halal Authority Act, 2016 (VIII of 2016).

3. **Licence to use Halal logo of the Authority.**—(1) No manufacturer or exporter of the halal articles shall use halal logo of the Authority on their product or services without first obtaining a licence from the Authority in this behalf.

4. **Application for a licence.** — (1) Each application for a licence shall be duly filled, signed and accompanied by:—

- (a) application fee as prescribed by the Authority;
- (b) certificate of compliance to relevant halal standards by accredited halal certification body;
- (c) details of the brands or products under certification applied for halal logo;
- (d) self-evaluation – cum – declaration on specified form; and
- (e) test report from recognized accredited laboratory or notified laboratory that product or article is not contaminated with any haram ingredients.

(2) For every category of articles or products separate licence shall be required.

5. **Initial scrutiny of licence application.**—(1) On receipt of an application for a licence and its enclosures by the Authority, the same shall be numbered in order of its receipt and acknowledged to the applicant.

(2) The Authority shall, after scrutinizing the application process the application subject to sub-regulation 4;

(3) After initial scrutiny of the application for licence under sub-regulation (2), the Authority may require any further information or data from the applicant for substantiating the information contained in the application within the specified time not exceeding thirty days. In case of non-submission of the requisite information or data within specified time, the application may be summarily rejected.

(4) After scrutiny of information gathered under sub-regulation (3), the Authority may further process the application or reject the same after recording reasons in writing and communicating the same to the applicant.

6. **Inspection.**—After processing of application for licence under sub-regulation (4) of regulation 5 and being satisfied on initial scrutiny report, the Authority may direct an inspector to conduct unit inspection, market monitoring and collect samples from open market or production unit and send to the accredited or notified laboratory for testing or verification of halal status of the product or article, however, further quality characteristics related to halal may also be verified in the testing.

7. **Final scrutiny.** — (1) After receiving test report, the application with all the documents shall be forwarded to the Director General for further processing.

(2) After examining the case, if the Director General is satisfied, he may grant the licence to the applicant or may require further scrutiny and analysis of the case.

(3) If, the Director General requires further scrutiny and analysis, he may refer the case to the concerned officer who shall re-examine the case or conduct further verification in the light of the observation of the Director General and re-submit his report to the Director General within fourteen days:

Provided that the Director General may call for any other information or record through specified mode giving not less than fourteen days for providing such information or record. In case the information or record is not provided, the application may be rejected.

(4) After receipt of report under sub-regulation (3), if the Director General considers that a case is not fit for the grant of licence, he may give the applicant a reasonable opportunity of being heard either in person or through a duly authorized representative and may either grant the licence or reject the application.

8. **Grant of licence.** — (1) Where the Director General is satisfied that application is fulfilling all required criteria, for using halal logo, he may approve grant of licence authorizing use of halal logo in respect of the article or process subject to such terms and conditions, as he may deem fit to specify.

(2) A licence shall be granted on specified form for a period not exceeding one year.

(3) Where licence is granted, it shall be published by the Authority in any manner as deemed appropriate, specifying particulars of the licence and such particulars shall be entered in a data base unit or a register maintained for this purpose.

(4) The Director General may, during the period of validity of the licence, and by thirty days notice to a licensee and affording the licensee the opportunity of explaining his position, alter any terms and conditions subject to which the licence has been granted.

(5) The licence shall be non-transferable.

9. **Renewal of licence.**—(1) The Director General may, renew a licence, if an application on specified form is made by the licensee at least thirty days before expiry of the licence.

(2) The licence may be renewed for a further period of two years on every occasion, if the licensee is eligible for the same.

(3) Where any action under any provision of the Pakistan Halal Authority Act, 2016 (VIII of 2016) and rules and regulations made thereunder is pending against the licensee, renewal of his licence may be deferred for such period as deemed appropriate by the Director General.

(4) In case the Director General decides not to renew any licence, he shall give the licensee, a notice of not less than fourteen days of his intention to do so.

(5) The licensee may submit his explanation, if any, within aforesaid notice period and the same shall be considered by the Director General and a hearing shall be given to him within fourteen days from the date of receipt of such explanation.

(6) In case of failure of the licensee to submit his explanation within the prescribed time limit or the explanation submitted by him is not found satisfactory, the Director General may, on expiry of the notice period, allow the licence to lapse and an intimation together with the reasons thereof in writing, shall be sent to the licensee under acknowledgement.

(7) The licensee shall not use halal logo, in case his licence lapses or its renewal is deferred under sub-regulation (3).

10. **Conditions of licence to use halal logo.**—(1) The halal logo is an evidence of halal standard compliance and shall only be used by the licensee having valid licence for such articles or process for which the licence has been granted, however no licensee shall use halal logo unless the article conforms to the relevant halal standard.

(2) The licensee shall print the halal logo and licence number in a prominent manner that is easily visible and distinct on the article or the label thereon or container or the label thereof.

(3) No person, other than that who is in possession of a valid licence, shall make a publicity through advertisements, commercials, sales promotion leaflets, price-lists or the like that his article is halal or make such a declaration on the article as under sub-regulation (2).

(4) In any case of suspension, cancellation, withdrawal and expiry of licence and any pending process thereto, the licensee shall forthwith stop marking his articles or processes with the halal mark:

Provided that in case of pending application for renewal or withdrawal of licence on the request of licensee under clause (b) of sub-regulation (1) of regulation (13), he shall continue to use halal logo unless directed by the Director General not to do so.

11. Suspension of a licence. —(1) Subject to the provisions of the Pakistan Halal Authority Act, 2016 (VII of 2016), the licence may be suspended with or without a penalty for a limited period in any of the following cases, namely, —

- (a) non-conformity with the requirements of such a nature that immediate cancellation or withdrawal is not necessary;
- (b) non-payment of any fees specified by the Authority;
- (c) improper use of the licence or halal logo; and
- (d) non-compliance with any directives issued by the Authority in relation to halal determination and halal compliance.

(2) A licence may be suspended by the Director General on written request from the licensee, if the operations in his premises can no longer be carried on due to any reason beyond his control that may include but not restricted to —

- (a) natural calamities such as flood, fire, earthquake etc.;
- (b) a lock-out; or
- (c) closure of operations directed by the court or such other competent authority.

(3) The suspension of licence shall be communicated to the licensee through specified mode ensuring acknowledgement of receipt and the communication shall specifically mention, —

- (a) licence number;
- (b) description of article, its brand name;
- (c) date of suspension;

- (d) duration of suspension;
- (e) reasons of suspension;
- (f) remedial measure to undo suspension; and
- (g) time frame for taking remedial measures.

(4) When the period of suspension is over or the conditions to be fulfilled by the licensee are met with, the Director General shall, prior to the restoration of the licence, satisfy himself by verification or otherwise that the conditions and requirements as stipulated in the suspension order have been complied with.

12. Cancellation of a licence. — (1) The Director General may cancel the licence on any of the following grounds, namely:-

- (a) non-conformance of article or process established after in-house or independent testing;
- (b) expired licence;
- (c) non-availability of testing personnel or arrangements therefor;
- (d) significant modifications in the manufacturing process, plant, machinery etc., without prior evaluation and approval of the Authority;
- (e) relocation of plant and machinery;
- (f) non-payment of any fee specified by the Authority;
- (g) prolonged closure of factory;
- (h) marking of halal on the products which are not halal or not covered under the licence scope;
- (i) non-compliance to any of the terms and conditions of the licence;
or
- (j) any other condition as defined by the Authority.

(2) Before the Director General cancels any licence, he shall give the licensee a notice of not less than fourteen days of his intention to cancel the licence, alongwith a statement of the reasons for doing so:

Provided that in case of expired licence even if a notice under sub-regulation (2) is not served upon or no renewal application is received, the licence shall be deemed to have been cancelled after sixty days of its expiry.

(3) On receipt of notice under sub-regulation (2), the licensee may submit an explanation to the Director General within notice period and where an explanation is submitted, the Director General may consider it and give hearing to the licensee within fourteen days from the date of receipt of such explanation.

(4) Where no explanation is submitted, the Director General may, on expiry of fourteen days of receipt of notice by the licensee, cancel the licence without any further notice.

(5) In case the licensee submits an explanation and the Director General is satisfied with contention of the licensee during the personal hearing under sub-regulation (3) he shall withdraw the notice or cancel the licence.

13. Withdrawal of licence. —(1) A licence may be withdrawn on the following grounds, namely, —

- (a) in case the licensee fails to comply with any of the provisions of the Pakistan Halal Authority Act, 2016 (VIII of 2016) and regulations; or
- (b) written request of the licensee expressing the reasons for which he does not wish to continue with the licence.

(2) Where the Director General decides to withdraw a licence at his own initiative under sub-regulation (1) the procedure prescribed in regulation 12 shall be followed.

14. Publication of registered licence. — When a licence is suspended or cancelled or withdrawn, the Authority shall publish, on official website, the particulars of the licence so suspended or cancelled or withdrawn.

15. Fees. — (1) All the fees payable under the Act shall be paid to the Authority within the time and manner as specified, from time to time, by the Authority.

(2) Where a licensee fails to pay the fee or any part thereof within stipulated time as specified under sub-regulation (1) he shall in addition to the fee payable, pay late payment charges at the rate of ten percent over and above the fee of that year.

(3) No fee or part thereof paid to the Authority on account of application fee, licence fee or any other fee against cancelled, withdrawn and for renewal of licence in no circumstances shall be refunded.

(4) Notwithstanding cancellation or withdrawal of licence under these regulation, the licensee shall be liable to clear all sums payable to the Authority at the time of cancellation or withdrawal of the licence.

16. Non-payment of marking fee. — (1) The Authority may through a notice of not less than fourteen days direct the licensee to stop marking the articles or process with the halal logo:

Provided that even after expiry of the notice period where the licensee continues to mark the articles with halal logo, the Authority after serving another notice of seven days may stop manufacturing of such articles:

Provided further that the Authority after expiry of the notice period shall initiate action for recovery of outstanding dues in a manner as prescribed under section 28 of the Act.

(2) The resumption of marking of article with halal logo shall be permitted after the dues have been paid in full or in part as agreed by the Authority.

17. Revision of halal standard. — In case any halal standard for which licence has been granted has been revised, the Authority shall notify such revision to respective licensee specifying therein the effective date from which the standard shall come into effect:

Provided that transition period for conformance of article or process to the revised halal standard shall not be less than sixty days or specified by the recognized standard body from the notification sent to the licensee:

Provided further that in case revision of standard is done on account of human health, safety and environmental concerns, the Authority may require immediate conformance with the revised halal standard.

18. Procedure for inspection. — (1) The Authority shall depute an Inspector to conduct an inspection for grant, renewal or monitoring of a valid licence with regard to halal status of an article or process with the halal standards and compliance with the terms and conditions of the licence.

(2) The Authority may, on request of the Inspector or otherwise associate with him any person who has adequate technical qualification, experience and knowledge in that field or task assigned to the Inspector.

(3) Subject to the provision of the Act, the Inspector shall observe following procedure, namely, —

- (a) for inspection of the premises of the licensee or applicant, he shall whenever possible, give reasonable notice of visit to the licensee or applicant;
- (b) if during an inspection or market monitoring it is required to take one or more samples of any articles, material or substance, the same shall be done in presence of the licensee or the applicant or their agent;
- (c) the samples drawn under clause (b) for each article or item shall be three in number and shall be affixed with official seal and label containing complete information of the article, material or substance;
- (d) one sample out of samples as drawn under clause (b) shall be left with the licensee or the applicant and the rest shall be deposited with the Authority for further processing;
- (e) give a receipt for a sample taken and retain a duplicate copy of the receipt duly signed by the person in whose presence the sample is drawn; and
- (f) in case the licensee objects to the sampling by the Inspector or demands a joint sampling the three joint samples shall be drawn each affixed with official seal along with the identification of the person drawing samples with the Inspector and the process by which sample is drawn.

(4) The Inspector may take samples of articles marked with the halal logo from the godowns or any such premises of any agent of the licensee or from the articles put up for sale in the open market by the licensee or his agent.

(5) The Inspector shall submit to the Authority a detailed report of every inspection made by him incorporating impression of the seal and details of identifications of the sample.

(6) The Authority shall arrange at least two inspections a year in respect of each licensee.

19. Procedure for inspection in case of unauthorized use of halal logo. — Where there are reasons to believe that a halal logo has been or is being used in violation of any provision of the Act, rules and regulations, the Authority may direct its Inspector to make an inspection in accordance with these regulation and take necessary action as deemed appropriate.

20. **Report of seizure and detention.**— (1) Where any Inspector makes any seizure or detention of the article or process, as the case may be, he shall within twenty-four hours of seizure or detention make full report of all the particulars of such seizure and detention to the Authority.

(2) The Authority on such report may confirm the seizure or detention or otherwise. If the same is not confirmed the Inspector shall forthwith comply with the direction of the Authority.

(3) On the confirmation of seizure or detention, the Authority shall give directions with regard to the custody of articles seized or detained.

21. **Certificate of conformance for export of articles and import of a articles.**—(1) The Authority may issue a certificate of conformance for exported or imported consignments bearing halal logo as per Act.

(2) Every application for certificate of conformance shall be made on specified form duly filled and accompanied by, —

- (a) application fee as prescribed by the Authority;
- (b) details of the consignments;
- (c) halal certification of accredited certification body;
- (d) inspection and sampling certificate by an accredited inspection agency; and
- (e) test report of the accredited laboratory.

(3) On the receipt of application for certificate of conformance alongwith enclosures the Authority shall scrutinize the application and process it further:

(4) The Authority may verify status of Accreditation body, halal certification body and testing laboratory for their competency to undertake relevant activities.

(5) Where the Authority is satisfied, it may issue certificate of compliance to release the consignment.

(6) The Authority, if required, may select randomly any consignment to draw sample for testing in terms of verification of halal status of that consignment.

(7) If the importer fails to provide the halal certificate by an accredited certification body, the Authority may direct an inspector to take random sample from the consignment for testing purpose and send it to any accredited laboratory for assessing as per relevant halal standard, while the consignment shall be detained by the Authority.

(8) After report of testing, as the case may be, the Authority may issue certificate of compliance accordingly.

(9) The charges of the laboratory testing shall be borne by importer or supplier if necessary.

22. Register of licence. — The Authority shall maintain a register of licences which shall record in respect of each licence the following information, namely:—

- (a) name, address and business of each licensee;
- (b) licence number date of its issue and validity;
- (c) the article or process covered by the licence;
- (d) information regarding, renewal, suspension, withdrawal or cancellation of the licence;
- (e) the number of licences held by each licensee;
- (f) fees payable and paid by the licensee; and
- (g) copy of the certificate by the halal certification body.

23. Registration of halal certification body. — (1) Subject to the provisions of the Act, any halal certification body duly accredited by national or international accredited body may apply to the Authority for grant of registration.

(2) The accreditation body shall be the member of Standards and Metrology Institute of Islamic Countries (SMIIC) and International halal Accreditation Forum (IHAF) or any other recognized halal accreditation forum.

(3) The Accreditation Body shall comply with the policies and procedures specified by SMIIC and IHAF or any other halal accreditation forum.

24. Application for registration.—(1) Every application for registration shall be made on specified form duly filled-in and accompanied by.

- (a) registration fee as prescribed by the Authority; and
- (b) copy of the recognized accreditation certificate.

(2) A halal certification body recognized by the Authority shall have the right to use the logo of Pakistan Halal Authority.

25. Scrutiny of halal certification body registration application.—

(1) On receipt of an application for registration and its enclosures by the Authority, the same shall be numbered in order of its receipt and acknowledge to the applicant.

(2) After initial scrutiny of application for registration under sub-regulation (2), the Authority may require, any further information or data from the applicant for substantiating the information contained in the application within the specified time not exceeding thirty days. In case of non-submission of the requisite information or data within specified time the application may summarily be rejected.

(3) After scrutiny of information gathered under sub-regulation (2), the Authority, may further process the application or reject the same after recording reasons in writing and communicating the same to the applicant.

(4) The Authority may direct inspector for visit to verify the provided information in connection with accreditation status and scope as halal certification body.

(5) After examining the case if the Authority is satisfied it may grant the licence to the applicant or may require further scrutiny and analysis of the case.

(6) In case the Authority requires further scrutiny and analysis, it may refer the case to the concerned officer who shall re-examine the case or conduct further verification in the light of the observation of the competent authority and submit his report to the competent authority:

Provided that the Authority may call for any other information or record through a notice in writing giving not less than fourteen days for providing such information or record. In case the information or record is not provided the application may be rejected.

(7) After the receipt of report under sub-regulation (2) if the Authority considers that the case is not fit for the halal certification body registrations, it may give the applicant a reasonable opportunity of being heard either in person or through a duly authorized representative and may either grant the licence or reject the application.

26. **Grant of halal certification body registration.**— (1) Where the Authority is satisfied, that the application is a fit case for registration as halal certification body, the Authority may approve grant of registration authorizing registration of halal certification body subject to such terms and conditions, as the Authority may deem fit to specify.

(2) A registration shall be granted on specified form for a period not exceeding one year.

(3) Where registration is granted, it shall be notified by the Authority in any manner as deemed appropriate, specifying particulars of the certification body and such particulars shall be entered in a register maintained under these regulation.

(4) The Authority may, during the period of validity of the registration, on thirty days' notice to a licensee, and affording the licensee the opportunity of explaining his position, alter any terms and conditions subject to which the registration has been granted.

(5) The registration shall be non-transferable.

27. **Renewal of Registration.**—(1) The Authority may renew the registration if an application on specified form is made at least ninety days before expiry of the registration validity.

(2) The registration may be renewed for a further period of two years.

(3) Where any action under any provision of the Act is pending against the registered body, renewal of registration may be deferred for such period as deemed appropriate by the Authority.

(4) In case the Authority decides not to renew any registration of halal certification body, it shall give notice of not less than fourteen days of its intention to do so.

(5) The registered halal certification body may submit its explanation, if any, within aforesaid notice period and the same shall be considered by the Authority and a hearing shall be given to it within fourteen days from the date of receipt of such explanation.

(6) In case of failure of the registered certification body to submit its explanation within the prescribed time limit or the explanation submitted by it is not found satisfactory, the Authority may, on expiry of the notice period, allow the registration to lapse and an intimation together with the reasons thereof in writing, shall be sent to the registered halal certification body under acknowledgement.

28. **Suspension of a Registration.**—(1) The registration may be suspended for a limited period in any of the following cases, namely:—

- (a) non-conformity with the requirements of such a nature that immediate cancellation or withdrawal is not necessary;
- (b) non-payment of any fees specified by the Authority;
- (c) improper use of the registration mark;
- (d) contravention of the product certification scheme and articles or processes being described halal under the Act, rules and regulations; and
- (e) non-compliance with any directives issued by the Authority in relation to articles or processes being described halal.

(2) A registration may be suspended by the Authority on written request from the registered halal certification body, if the operations in its premises can no longer be carried on, due to any reason beyond its control that may include but not restricted to —

- (a) national calamities such as flood, fire, earthquake, etc.;
- (b) a lock-out; or
- (c) closure of operations directed by the court or such other competent authority.

(3) The suspension of registration shall be communicated to the registered certification body through any mode ensuring acknowledgement of receipt and the communication shall specifically mention,—

- (a) registration number;
- (b) description of article or process, its brand name;
- (c) date of suspension;
- (d) duration of suspension;
- (e) reasons of suspension;
- (f) remedial measure to undo suspension; and
- (g) time frame for taking remedial measures.

(4) When the period of suspension is over or the conditions to be fulfilled by the registered halal certification body are met with, the Authority shall, prior to the restoration of the registration, satisfy itself by verification or otherwise that the conditions and requirements as stipulated in the suspension order have been complied with.

29. Cancellation of a registration. — (1) The Authority may cancel the registration on any of the following grounds, namely, —

- (a) non-conformance of article or process established after in-house or independent testing;
 - (b) expired registration;
 - (c) non-availability of skillful personnel or arrangements therefor; or
 - (d) non-payment of any fee specified by the Authority.
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