

**In the Name of God Almighty**



**Arab Republic of Egypt**

**Presidency of the Republic**

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<b>Issued on 13<sup>th</sup> of Jumada al-Thani 1440 A.H. Corresponding to 18<sup>th</sup> of February 2019 A.D.</b>	<b>Year 62</b>	

**Decree of the Prime Minister****No. 412 of the year 2019**

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**The Prime Minister**

After reviewing the Constitution,

After reviewing the Code of Criminal Procedure,

After reviewing the Law on the National Food Safety Authority (NFSA) enacted by Law No. 1 of the year 2017 and

After consulting with the State Council,

Decreed the following:

**Clause (1)**

The aforementioned Law on the National Food Safety Authority shall be governed by the provisions of the attached Executive Regulations. Any other provision contrary to what is stated in the attached Executive Regulations shall hereby be repealed.

**Clause (2)**

This decree shall be published in the Official Gazette and shall enter into force on the day following the date of publication.

Issued at the Cabinet of Ministers on: 13<sup>th</sup> of Jumada al-Thani 1440 A.H.

(Corresponding to 18<sup>th</sup> of February 2019 A.D.)

**Prime Minister****Dr. Mostafa Kamal Madbouly**

## Chapter (I)

### General Provisions

#### Article (1)

##### Definitions

The following terms shall, in the application of the provisions of the present Executive Regulations, have the meanings assigned thereto:

"**NFSA**" means the National Food Safety Authority.

"**Competent Authority**" means NFSA Chairman of the Board of Directors (COB).

"**Law**" means the Law on the National Food Safety Authority enacted by Law No. 1 of the year 2017.

"**Mandatory Technical Regulations**" means decisions taken by NFSA in order to determine the characteristics of food or methods and processes of production and management rules, which may include terms, symbols, data, wrapping, labelling as well as label requirements applied to a product or methods and processes of production or may be restricted to either of them. Compliance with such regulations is mandatory.

"**Hazard**" means any physical, biological, chemical or radiological agent in food with the potential to cause an adverse effect on human health.

"**Risk**" means a function of the probability of an adverse effect on human health and of the severity of that effect, consequential to a hazard.

"**Contamination**" means the introduction or occurrence of a contaminant in food.

"**Fraud**" means the act of falsification, counterfeiting and mingling of a particular product intended for sale or possessed for the purpose of handling by substantially altering, modifying and misrepresenting the essence, normal composition, weight or expiration date of the product with a view to changing the main characteristics of such product or hiding any defects in the fake or counterfeit product in order to appear identical to a genuine product in terms of shape and appearance, while in fact such product is different from the genuine product, without so declaring on labels so as to get the price difference between genuine and fake or counterfeit products and to realize the maximum financial gain rapidly and easily. It also means an intentional fraudulent marketing practice.

"**Deception**" means misrepresentation of the truth or concealment of a material fact causing someone to accept as true or factual what is false or fake.

"**Processing**" means any action that substantially alters the main characteristics of food in particular cooking, baking, heating, smoking, salting, maturing, drying, mixing, milling, parting, severing, packaging, canning, chilling, freezing, pickling, extraction, extrusion, irradiation, ozone treatment, thawing or a combination of those processes.

"**Manufacture**" means all food business activities from the stage of receipt of raw materials until a food product is distributed.

**"Food Business"** means any undertaking, whether for profit or not and whether public or private, permanent or temporary, performing any of the activities related to any stage of processing, production, manufacture, storage, preserving, packaging, wrapping, labelling, importation, exportation, transport, delivery, offering or displaying a product for sale to the final consumer or to another business. The definition also includes fixed, temporary or mobile food businesses as well as ruminant and poultry slaughterhouses.

**"Food Business Operators (FBOs)"** means the natural or legal persons responsible for ensuring that the requirements of the law and food safety related legislation are fulfilled within the food business under their control.

**"Food Handling License"** means permission granted by NFSA for a food business to work in the area of food handling after verifying compliance with all requirements of food handling set forth in the law and food safety related legislation.

**"Official Controls"** means controls performed by NFSA with a view to verifying compliance with the law and food safety related legislation.

**"Audit"** means a systematic and independent examination to determine whether activities and the results related thereto conform to planned arrangements and whether such arrangements are applied effectively so as to attain the objectives.

**"Inspection"** means the examination of any aspect of food so as to verify that such aspects comply with the legal requirements set forth in the law and food safety related legislation.

**"Monitoring"** means conducting a planned sequence of observations or measurements with a view to obtaining an overview of the state of compliance with the law and food safety related legislation.

**"Surveillance"** means a careful observation of one or more food businesses, FBOs or the activities performed by such businesses with a view to verifying compliance with the law and food safety related legislation.

**"Sampling for Analysis"** means taking a food sample or any other substance (including from the environment) relevant to food handling so as to verify through analysis compliance with the law and food safety related legislation.

**"Certificate of Compliance (COC)"** means a certificate issued by NFSA to provide assurance on compliance with the law and food safety related legislation, whether by using a paper or electronic certificate or by any equivalent means.

**"Wrapping"** means the placing of a foodstuff in a wrapper or container in direct contact with the foodstuff concerned and the wrapper or container itself.

**"Packaging"** means the placing of one or more wrapped foodstuffs in a second container and the latter container itself.

**"Label"** means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food.

**"Labelling"** means any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal.

**"Advertising"** means the dissemination of any information or data on any food product, publication through print media or a broadcast through electronic media, viz. audio-visual media, whether through positive or negative advertising or promotion for such product and whether directly or indirectly.

## **Article (2)**

### **Management of NFSA**

NFSA shall establish mandatory technical regulations that include the rules and requirements of food safety in accordance with international standards and such regulations shall be determined by a decision issued by NFSA Board of Directors (BOD).

## **Article (3)**

The competent authority shall, upon approval of BOD and the admission of the Board of Trustees, issue the administrative and financial rules and regulations required for performing NFSA's operations without being restricted to the laws and regulations applicable to the administrative machinery of the State.

## **(Chapter II)**

### **NFSA's Obligations**

## **Article (4)**

### **Risk Analysis**

NFSA shall establish the procedures required for the implementation of risk analysis system in order to provide a high level of protection of human life and health.

NFSA shall make a science-based risk assessment, where scientific evidence exists in an independent, impartial and transparent manner. The results of a risk assessment shall be taken into consideration in risk management and the results of the studies made by competent international organizations and bodies may be taken into account. Consumption patterns, consumer behavior in Egypt and other legitimate requirements related to the subject under consideration shall also be taken into account provided that protection of human life and health is ensured.

## **Article (5)**

### **Traceability**

NFSA shall develop a food traceability system that clarifies the obligations of all parties at all stages of production, processing, manufacture, packaging and handling until a product reaches a consumer.

## **Article (6)**

### **Labelling of Foodstuffs**

NFSA shall establish rules and procedures for the labelling of foodstuffs and no labelling, advertising or presentation of foodstuffs, including shape, appearance, packaging or the packaging materials used, the manner in which such foodstuffs are arranged, the setting in which they are displayed and the information which is made available thereon through whatever medium, may mislead or deceive consumers.

## **Article (7)**

### **Scientific Studies**

NFSA shall take actions necessary to collect, collate, analyze and summarize the scientific and technical data relevant to competence thereof and shall create a database that shall involve in particular the collection of data relating to:

- (a) food consumption and exposure of individuals to risks related to consumption,
- (b) incidence and prevalence of biological hazards,
- (c) contaminants in food,
- (d) residues and
- (e) determination of licensed and unlicensed food businesses.

To that end, NFSA shall cooperate with all bodies and organizations engaged in data collection, at both local and international levels.

Local authorities shall, upon request, notify NFSA of data collected and related to NFSA's operations.

## **Article (8)**

### **Official Controls**

NFSA shall perform official controls on food handling operations as follows:

1. verifying compliance of food businesses with the provisions of the law and food safety related legislation and performing official controls to ensure that the relevant requirements of such legislation are fulfilled by FBOs at all stages of food handling;
2. developing and applying a system of official controls to food businesses, use and storage of food as well as any process, material, substance or activity related to food, including activities related to transporting food and any activities required to attain the objectives as set forth in the law and food safety related legislation in addition to surveillance systems for food safety and other means of monitoring that cover all stages of food handling; and
3. undertaking official control tasks in general using appropriate methods and techniques such as monitoring, surveillance, verification, audit, inspection, product traceability, sampling, sample analysis and other methods and techniques of official controls and NFSA has the right to document non-compliance cases using all appropriate techniques and methods such as taking photographs.

NFSA shall perform official controls on food businesses without prior notice, except for audits where prior notification of FBOs is necessary.

NFSA shall perform official controls periodically, on a risk basis and with appropriate frequency so as to attain the objectives as set forth in the law, taking into account:

- (a) identified risks associated with food or a food business, use of food or any process, material, substance or activity that may influence food safety;
- (b) the previous record of FBOs in respect of compliance with the law and food safety related legislation;
- (c) the reliability of any checks conducted by a food business; and
- (d) any information that might indicate non-compliance.

#### **Article (9)**

NFSA shall cooperate and coordinate with the ministries concerned in respect of the issuance of mandatory technical regulations.

#### **Article (10)**

Both NFSA and the bodies concerned at the ministries shall implement coordination protocols among each other according to their spheres of competence.

#### **Article (11)**

##### **Employees Performing Official Controls**

NFSA shall ensure that all employees performing official controls receive, in accordance with responsibilities thereto entrusted, appropriate training so as to be able to fulfill the respective duties efficiently.

### **(Chapter III)**

#### **Obligations of FBOs and Food Handlers**

#### **Article (12)**

##### **Food Handling License**

- 1- Food businesses shall, prior to product handling, obtain a food-handling license from NFSA in accordance with requirements, including the fees payable, approved by NFSA/BOD in this regard.
2. Food businesses existing at the time of the enforcement of the present Executive Regulations shall submit an application for regularization of status to NFSA in accordance with the rules and procedures approved by NFSA/BOD.
3. All FBOs shall, by any means specified by NFSA, notify NFSA of all businesses under their control and shall also, on a regular basis, inform NFSA of up-to-date information on the businesses, including any significant change to the activities being performed thereby or the closure of any business.

4. NFSA/COB or any person so authorized may, in accordance with the administrative levels determined by COB, take decisions on destruction of food, suspension of licenses, stopping production, closure of food business establishments and re-exportation of any imported food in case such food is found to be harmful to human health or unfit for human consumption.

### **Article (13)**

FOBs and staff at all stages of food handling shall:

1. cooperate with NFSA in respect of the application of the law and food safety related legislation;
2. ensure that food at all stages of handling within the businesses under the control of FOBs fulfill the requirements set forth in the law and food safety related legislation, which are relevant to the activities of such businesses as well as must verify that such requirements are fulfilled and that the environmental criteria and limits are not exceeded;
3. comply with the following health measures depending on the nature of products:
  - (a) applying microbiological criteria for foodstuffs developed and established in accordance with the rules and requirements approved by NFSA,
  - (b) taking the procedures required for reaching the specified levels with a view to attaining the objectives as set forth in the law and food safety related legislation,
  - (c) fulfilling the temperature control requirements for foodstuffs,
  - (d) maintaining the cold chain for chilled and frozen food and
  - (e) taking and analyzing food samples by food businesses;
4. develop and apply an established procedure(s) based on the Hazard Analysis and Critical Control Point (HACCP) principles as well as continue to apply such procedures; and
5. ensure that the following procedures are taken:
  - (a) exercising appropriate supervision over food handlers within food businesses to ensure that good food handling practices are followed,
  - (b) ensuring that staff within food businesses are trained in the field of food safety and the relevant fields, in a manner consistent with the tasks thereto assigned and in accordance with the instructions provided by NFSA in this regard and
  - (c) training persons responsible for developing and implementing HACCP procedures in the appropriate field and implementing the HACCP system on a regular basis.

### **Article (14)**

#### **Genetically Modified and Irradiated Foods**

NFSA shall establish procedures and rules for registration and licensing the handling of foods for special dietary uses (FSDU), genetically modified foods (GMFs) and irradiated foods.

**(Chapter IV)****Article (15)****Food Export and Import Control**

NFSA shall solely control and conduct visual inspection and documentary checks on the imported and exported food and shall take food samples in order to be examined and analyzed in accredited laboratories. The Egyptian Customs Authority shall approve the decisions taken by NFSA in respect of food safety.

The results of examination issued by any other authority, in accordance with the definition of food set forth in the law, may not be accepted. The Egyptian Customs Authority shall also release all imported or exported food products from customs so long as NFSA takes a decision indicating the fulfillment of examination requirements and the fitness of imported consignments.

FBOs responsible for the importation or exportation of food consignments or the authorized representatives thereof shall pay the costs incurred by NFSA for performing the operations referred to in the present Executive Regulations.

**Article (16)**

NFSA shall establish the rules governing sampling and examination of samples taken from the consignments of imported and exported food, including visual inspection procedures and the analyses required to be conducted in the accredited laboratories contracted with by NFSA in light of potential risks, provided that NFSA/COB issues a decision on such rules and mandatory technical regulations in this regard.

**Article (17)****COC**

NFSA shall establish the requirements and rules governing the issuance of COC required to export the locally produced product. NFSA shall also have sole competence to issue such certificate in accordance with the rules established by NFSA/BOD in this regard.

NFSA shall, in accordance with the definition of food set forth in the law, accept the certificates issued by the competent authorities of the plant quarantine and veterinary quarantine at the Ministry of Agriculture and Land Reclamation in respect of plant and animal health respectively.

**(Chapter V)****Article (18)****Contracting with Laboratories**

NFSA shall contract with governmental accredited laboratories to examine food samples taken within the framework of performing the official controls. In case governmental accredited laboratories are incompetent to conduct specific tests required for performing such controls, NFSA may contract with private accredited laboratories in Egypt or abroad in order to conduct such tests.

Laboratories desiring to contract with NFSA for the purpose of examining food samples shall notify NFSA of the valid accreditation certificates thereto granted, including a statement of the accredited tests, the scope of accreditation and the level of precision and accuracy. NFSA shall be notified by such laboratories of any change or amendment to such certificates within a one-month term as of the date of change or amendment.

NFSA/BOD shall establish the procedures and requirements of contracting with laboratories as well as the procedures for updating the list of the contracted laboratories or examinations and tests by way of addition or omission.

## **(Chapter VI)**

### **Article (19)**

#### **Emergency Procedures**

NFSA shall develop food safety emergency plans, including measures to be taken without delay in case food is found to pose a significant hazard to humans.

Provisional risk management measures may, when the need arises, be adopted to ensure that food consumers are provided with an appropriate level of health protection in cases where the possibility of harmful effects on health is identified but scientific uncertainty persists. Such measures shall remain in force pending further scientific information for a more comprehensive risk assessment.

NFSA shall develop a general plan for food safety crisis management. This plan shall specify the types of situations involving direct or indirect risks to human health deriving from food, which are not likely to be prevented, eliminated or reduced to acceptable levels by provisions in place or cannot adequately be managed.

The general plan shall also determine the procedures required for crisis management, inter alia, the role of both the competent authorities and the strategic partners towards crisis management, the strategies for communication and ways of cooperation.

## **(Chapter VII)**

### **Appeal Against NFSA's Decisions**

#### **Article (20)**

##### **Appeal Committees**

An Appeal Committee or more shall, upon recommendation of NFSA/BOD, be formed by a decision issued by the Chairman of the Board of Trustees. Each committee shall be under the chairmanship of a Deputy Chairman of the State Council to be delegated in pursuance of the rules set forth in the Law on the State Council and shall include the membership of the following:

- a) a representative of NFSA to be designated by NFSA/COB,

- b) a representative of the Chamber of Food Industries to be designated by the Chairman of the General Federation of Egyptian Industries and
- c) a representative of the Federation of Egyptian Chambers of Commerce to be designated by the Chairman of the Federation.

The Appeal Committee may, in accordance with the nature of the appeal lodged, request the assistance of one or more specialized experts to be selected from the list of experts approved by NFSA/ BOD.

The Appeal Committee shall have sole competence to consider appeals lodged by parties concerned against NFSA's administrative decisions on food safety in accordance with the provisions of the law, other food safety related laws and the executive decrees related thereto.

### **Article (21)**

The Technical Secretariat of appeal committees shall be established at NFSA by a decision issued by COB.

The Technical Secretariat shall set the dates of the meetings of appeal committees and monitor the work thereof and shall develop appeal application forms.

The Technical Secretariat shall also prepare a list of the experts who can provide technical assistance to the appeal committees provided that such list is approved by NFSA/BOD. NFSA/COB shall, upon request of the Chairman of Appeal Committee indicating the required specialization, nominate experts.

The Technical Secretariat shall maintain a record of appeals lodged by parties concerned. The hour and date of receiving the appeals as well as the committee with a remit to consider such appeals shall be mentioned in the appeal record. Appellants shall be furnished with a document confirming the receipt of the appeal application and indicating the application number and the date of receipt.

### **Article (22)**

#### **Procedures of Appeal Registration and Determination**

1. Parties concerned shall appeal against NFSA's decisions within a fifteen-day term as of the date of notification or acknowledgment thereof.
2. The appeal application shall be made in writing or in electronic form by completing the form prepared for such purpose. The appeal application must in particular include the following data:
  - a. the name, capacity and address of the appellant,
  - b. the decision under appeal, the date of issuance and the date of notification or acknowledgment thereof,
  - c. an explanation statement of the appeal indicating the grounds of such appeal and

- d. supporting documentation for appeal, any other documents or papers requested by the Technical Secretariat.
3. The appeal application shall be addressed to NFSA/COB and shall be maintained in the appeal record of the Technical Secretariat.

### **Article (23)**

Lawsuits filed before the competent Administrative Court in order to obtain suspension of execution or annulment of NFSA's administrative decisions may not be accepted unless an appeal is filed before the Appeal Committee and a deadline specified for making a determination in respect of the appeal elapses.

### **Article (24)**

#### **Appeal Committees and Determination**

1. The appeal committees shall take all procedures required for considering the appeals lodged by parties concerned and may hold a hearing to discuss points of view thereof.
2. The appeal committees may confirm, repeal or amend the decision under appeal. The decisions of the appeal committees shall be final and reasoned and may not be challenged by either parties except by way of litigation.
3. The appeal committees shall, within a fifteen-day term as of date of submission of an appeal, make a determination in respect of the appeal and within a three-day term in case of expedited appeals established by a decision issued by COB.
4. The decisions of the appeal committees shall be adopted by the majority vote of the committee members. In the event of a tie, the side of the Chairman of the committee shall have the casting vote.
5. Parties concerned shall be notified of the decisions of the appeal committees.
6. NFSA/COB shall, upon approval of NFSA/BOD, take a decision on the financial remuneration due to the members of the appeal committees and to the experts providing assistance to such committees.

## **Chapter (VIII)**

### **Article (25)**

#### **Capacity of Judicial Officers**

Without prejudice to the powers granted to the judicial officers having general competence, the NFSA employees entrusted with implementing the provisions of the law and food safety related legislation shall solely possess the capacity of judicial officers to prove the offences committed in violation of the provisions of said laws and the executive decrees related thereto.

The judicial officers having general competence shall, in exercising the powers given as set forth in food safety related legislation, coordinate with NFSA provided that sampling, detention and destruction of food are made in the presence a NFSA judicial officer.

**Article (26)**

The NFSA employees having the capacity of judicial officers shall, upon recommendation of NFSA/COB and the approval of the competent minister, be designated by a decree issued by the Minister of Justice. Said employees have the right to prove the offences related to food safety and handling using all state-of-the-art techniques and methods such as taking photographs so as to fulfill the respective duties efficiently.

**Article (27)**

NFSA/COB shall, upon approval of NFSA/BOD, establish the rules and disciplines to be adhered to by NFSA judicial officers in performing the official controls on food businesses subject to the provisions of the law. All the powers specified in the food safety related laws shall be granted to such officers.

**Article (28)**

NFSA judicial officers shall continue to enjoy the capacity of judicial officers even on leave and public holidays and shall be deprived thereof by the end of service or suspension from work by judicial or administrative decisions.

**Article (29)**

The NFSA employees having the capacity of judicial officers shall, at the time of inspection, act in accordance with the judicial officer identification cards determining the capacity and the powers given and must show the relevant identification cards to parties concerned.

**Article (30)**

NFSA judicial officers have the right to inspect all food businesses and staff at all stages of food handling.

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