

In the Name of Allah, the Most Merciful, the Most Compassionate



The Arab Republic of Egypt

The Presidency of the Republic

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Law No. 1 of 2017
On
Enactment National Food Safety Authority Law

In the Name of the People,

The President of the Republic,

The House of Representatives have approved the following Law and it is hereby enacted.

Clause (1)

The National Food Safety Authority (NFSA) shall be governed by the attached Law.

Clause (2)

The NFSA established under the provisions of Article (2) of the attached Law, shall solely undertake the functions assigned to ministries; public organizations; government bodies; and local administration units in respect of control of food handling, in food safety related legislation wherever these functions are set forth in these laws, regulations and regulatory decrees, and shall prepare proposals for the amendment thereof. Additionally, the NFSA shall have the competencies specified in the attached Law.

Clause (3)

The NFSA shall perform the functions assigned thereto within a period not exceeding one year from the date of entry into force of this Law. Such period may be extended for a similar period by virtue of a decree issued by the Prime Minister.

Bodies referred to in Clause (2) shall continue to perform the functions assigned thereto as specified in the laws and regulations pending performance of such functions by the NFSA.

The decrees and regulations issued for implementing the provisions of the laws related to food safety at the date of publication of the present Law shall remain in force pending the issuance of the regulations and decrees necessary for the implementation of the Law attached.

Clause (4)

The employees working in the ministries; public organizations; government bodies,; local administration units, and other competent bodies operating in the field of food control and handling regulation, who shall be designated by virtue of a decree issued by the Prime Minister upon a proposal submitted by the NFSA Chairman of the Board of Directors (BoD) following coordination with the ministers concerned, shall be duly

transferred to the NFSA. The transferred employees shall, at a minimum, retain their full job positions and financial benefits at the transferring date.

Clause (5)

The Prime Minister shall issue the executive regulations and decrees necessary for the implementation of the attached Law within a six-month term from the date of enforcement of the provisions thereof.

The Prime Minister shall also have the competence to issue and amend executive regulations of the food safety related laws in respect of food safety, upon approval thereof by the Board of Trustees.

Clause (6)

This law shall be published in the Official Gazette and shall come into force from the day following the date of the publication thereof.

This law shall receive the Stamp of the State and shall be implemented as a State law.

The Presidency of the Republic on:

11th Rabī` al-Ākhir, 1438 A.H.

9th January, 2017 A.D.

Abdel Fattah Al-Sisi

The Law of the National Food Safety Authority

(Chapter 1)

Definitions

Article (1)

The following terms shall, in application of the provisions of this Law, be deemed to have the meanings next to each:

1. **NFSA:** The NFSA established pursuant to the provisions of this Law,
2. **Competent Minister:** The Prime Minister,
3. **Board of Trustees:** The Board of Trustees of the NFSA,
4. **Board of Directors (BoD):** The BoD of the NFSA, and
5. **Food Safety Related Legislation:**
 - Law No.48of 1941 on Combating Fraud and Deception;
 - Decree Law No. 95of 1945 on Supply Affairs;
 - Law No. 132 of 1950 on Milk and Dairy Products;
 - Law No. 453 of 1954 on Industrial and Trade Facilities and Other Facilities Causing Annoyance, Harm And Risk to Health;
 - Law No. 684 of 1954 Regulating Bread Handling and Transportation;
 - Law No. 685 of 1954 Regulating Meat Transportation;
 - Law No. 44 of 1955 on Health Quarantine Measures;
 - Law No. 257 of 1956 Regulating Manufacture and Sale of Iced Products;
 - Decree Law of the President of the Republic No. 33 of 1957 concerning Street Food Vendors;
 - Law No. 10 of 1966 on Food Control and Regulation of Handling thereof;
 - Law No. 53 of 1966 on Enactment of the Law of Agriculture;
 - Law No. 118 of 1975 on Import and Export;
 - Law No. 4 of 1994 on the Environment; and
 - Law No. 155 of 2002 on Export Development.

Additional legislation related to food safety may, upon a proposal submitted by the NFSA Board of Trustees, be introduced by virtue of the Decree of the Prime Minister.

6. **Food:** Any product or substance intended for human consumption, whether primary, raw, semi-processed, wholly/partially processed or not processed, including beverages and bottled water or food additives and any substance containing water and gum, except for fodder, plants and crops before harvest, live animals and birds prior to their transport to slaughterhouses, sea creatures and farm-raised fish prior to fishing, pharmaceutical products and cosmetics, tobacco and its products, narcotic drugs and psychotropic substances.
7. **Food Handling:** Any operation or more of food production, manufacturing, offering and displaying for sale, storing, preserving, wrapping, transporting, delivering, importing exporting, or licensing or approving any of these activities.

8. **Food safety:** Food, and the environment of food handling, are free from any hazard in accordance with rules specified in this Law, food safety-related laws and decrees issued in implementation thereof.
9. **Special Foods:** Any foods that are prepared or formulated to meet specific nutritional or medical requirements according to the standards specified in the Codex Alimentarius, including infant and baby formula, products of weight loss/gain, tonics and appetizers.
10. **Irradiated Foods:** The processing of food products by ionizing radiation in order to, in particular, control foodborne pathogens, reduce microbial load and insect infestation, inhibit the germination of root crops, or extend the durable life of perishable produce.
11. **Genetically Modified Foods:** Foods that include, consist of or produced by what is known as genetically modified organisms (GMOs) , which are organisms whose genetic features are modified to make them acquire new features..
12. **Food Treatment Catalyst:** Any substance not used per se as an ingredient of food, rather it is used as a raw material for a special purpose during production or treatment of food or its ingredients, and which inevitably leaves residues or some components thereof in the food.
13. **Food Additive:** Any substance that is added to food during production, processing, treatment, packaging, wrapping or transporting for technical reasons, or to actually or probably, affect the characteristics of food.

This substance is not normally consumed as a food by nature, or per se , nor used as food ingredient whether it has nutritional value or not. The term does not include contaminants, or substances added to food for maintaining or improving nutritional characteristics.

14. **Food-Contact Substance:** Any substance in contact with food products or produced for use in contact with food products, including containers, packages and wrappings.
15. **Hazard:** Any physical, biological, chemical or radiological hazards in food.
16. **Risks:** Potential hazards in food.
17. **Traceability:** The ability to trace and follow a food through all stages of production, processing and distribution.
18. **Food Withdrawal:** The removal of an unsafe food from food chain except product in possession of consumer.
19. **Food Recall:** The process of removing an unsafe food from the market after sale, and advising the consumer to take the proper procedures, e.g. food return or disposal thereof.
20. **Codex Alimentarius:** Organization body affiliated to the United Nations established by agreement between the Food and Agriculture Organization (FAO) and World Health organization (WHO) in 1963. It issues food standards and constitutes a referral body of the World Trade Organization (WTO) in case of disagreement between Member States.

(Chapter 2)

NFSA Establishment, Objectives and Functions

Article (2)

A service body named "National Food Safety Authority" (NFSA) shall be established, shall have a public legal personality, and shall be affiliated to the President of the Republic. The NFSA shall be headquartered in Cairo, and shall establish branches in other governorates.

Article (3)

The objective of the NFSA is to fulfill the requirements of food safety to preserve human health and safety. The NFSA shall exercise all required functions and powers, and shall particularly:

1. Establish mandatory criteria (technical regulations) for food safety, in accordance with the applicable international criteria, provided that these criteria are not in contradiction with the national requirements. The NFSA Board of Directors shall issue a decree specifying such criteria.
2. Control food handling in accordance with the provisions of laws and decrees related to food safety, and in accordance with special programs to ensure that mandatory requirements and standards are fulfilled during all stages of food handling.
3. Set terms and rules governing the issuance of certificates necessary for exporting the locally produced food and control the issuance thereof, and verify that such certificates are in conformity with the said terms and rules.
4. Grant License for food handling and conduct inspections of food handling processes and employees working in the field thereof in order to ensure that provisions of relevant laws and decrees are in force.
5. Contract with the governmental accredited laboratories that are capable to run the required analytical tests effectively and efficiently. The NFSA may, in absence of accredited governmental laboratories, contract with other private accredited laboratories.
6. Control food imported or locally produced; prevent handling of food unfit for human consumption, and combat fraud and deception therein.
7. Establish the necessary procedures and measures for confronting emergencies alarming that food imported or locally produced can be exposed to hazards or risks as well as procedures for crisis management, alert, withdrawal and recall systems.
8. Establish the necessary procedures for risk analysis, assessment, use, management, education and awareness, and communication thereof, inter alia, determining inspection priorities in conformity with the principles of risk analysis, assessment, and management applied by the relevant international organizations.
9. Develop mandatory systems to ensure food safety, a system for traceability to be applied to food producers, manufacturers and other relevant food handlers, especially Hazard Analysis and Critical Control Point (HACCP), and take procedures necessary to recall a product. The BoD shall issue a decree on these systems.

10. Propose and express opinion on draft law and regulatory decrees on food safety and regulation of handling thereof.
11. Develop plans necessary for identifying the unlicensed food production units, propose appropriate solutions to tackle this phenomenon and work on regularizing the position of such units in order to operate legally.
12. Raise community awareness about food safety, and publish leaflets and printed materials on objectives of the NFSA, inter alia, the provision of necessary food safety information and data, in coordination with different media channels in this regard.
13. Develop systems and rules for food advertisement, and the mandatory labelling.
14. Cooperate and coordinate with the international and national bodies, organizations concerned with food safety and human health, and with competent bodies establishing the relevant criteria in order to achieve the objectives of the NFSA; and participate in the national and international conferences and organize thereof when necessary.
15. Regulate approval or rejection of special foods, genetically-modified foods, or foods containing components that are genetically modified or irradiated, so long as such cases are related to food safety, and regulate the use of food additives, treatment catalysts, and other food ingredients affecting the safety thereof in accordance with the applicable laws, the standards set by the Codex Alimentarius Commission and criteria adopted by international organizations.
16. Conduct studies and researches related to food safety, and collect relevant scientific and technical data.

(Chapter Three)

NFSA Management

Article (4)

The NFSA shall consist of the following:

1. Board of Trustees,
2. Board of Directors,
3. Executive Director, and
4. NFSA Employees.

Article (5)

The NFSA shall have a Board of Trustees headed by the competent Minister, and shall include membership of ministers concerned of Trade and Industry, Health, Agriculture, Environment, Tourism, Supply, and Internal Trade Affairs and two experts in field of food safety.

The Board of Trustees shall be established by virtue of a decree issued by the Prime Minister.

Article (6)

The Board of Trustees shall have the competence to set the general policies for the operation of the NFSA, approve the basic implementation plans of these policies, and

monitor and evaluate the work of the NFSA. The Board of Trustees may take decisions needed to meet the NFSA objectives in accordance with the provisions of the law.

The Board of Trustees shall particularly:

1. Draw up the general food safety policies,
2. Approve the plans necessary for improving and raising the food safety level, and the control plans for the food safety and fitness thereof for human consumption as well as the plan for awareness raising about the NFSA's objectives,
3. Approve rules, regulations and systems in respect of NFSA work progress recommended by the BoD to ensure that the NFSA performance is based on sound economic management,
4. Make an annual report to be submitted to the President of the Republic and House of Representatives (HoR) determining in particular, plans and activities of the NFSA, and achievements thereof as relevant to the objectives of this Law, and
5. Approve the proposed amendments of executive regulations of the relevant legislation before being issued by the Prime Minister.

Article (7)

The Board of Trustees shall convene in the presence of its Head or delegated representative thereof, at least once every three months or whenever necessary upon the invitation of its Head. Meetings are not deemed valid unless attended by majority of members. The Board's decrees shall be adopted by majority of attending votes.

The Chairman of the Board of the NFSA shall attend meetings of the Board of Trustees without having a vote counted.

Article (8)

The BoD of the NFSA shall be established by virtue of a decree issued by the competent Minister, as follows:

- The NFSA shall have a full-time Chairman of the Board with expertise of the NFSA functions and activities. The Chairman's appointment and financial remuneration shall be specified by virtue of a decree issued by the competent Minister,
- A representative of each of ministries concerned with Trade and Industry, Health, Agriculture, Interior, Environment, Tourism, Supply, and Internal Trade,
- Head of the Veterinary Services Department of the Armed Forces,
- The Chairman of the Consumer Protection Agency or representative thereof,
- The Chairman of the Veterinary Services or representative thereof,
- The Chairman of the Federation of Egyptian Chambers of Commerce or representative thereof,
- The Chairman of the Federation of Egyptian Industries or representative thereof, and
- Three experts to be nominated by the Board of Trustees.

The duration of membership of the BoD shall be a three- year term to be renewed for a similar period.

The decree on appointment of BoD members shall specify the financial remuneration thereof.

Article (9)

The BoD shall be the controlling authority of the NFSA affairs, shall be responsible for the disposition of affairs thereof, shall enjoy all powers and authorities to run the NFSA, shall take actions, as deemed necessary, to achieve the objectives thereof, and shall particularly:

1. Approve work systems of food inspectors, including their functions and responsibilities, the minimum requirement of inspectors' academic qualification, inspection phases, inspection report forms, and manual on sampling techniques and transportation,
2. Approve training and qualification programs for food inspectors, and approve programs for qualifying and training food handlers, taking into account the different levels thereof,
3. Approve the plans necessary to improve and raise food safety level and ensure that such food is fit for human consumption,
4. Approve a scheme of incentives and measures that apply to facilities and entities subject to the provisions of this Law, including the use of indicative signs of the levels of food safety and quality,
5. Approve the organizational structure of the NFSA, the criteria adopted to classify, group and describe jobs as well as the payroll system, without being restricted by the system of state civil servants,
6. Approve the administrative and financial rules and systems required for NFSA operations without being restricted by the laws and regulations applicable to the State administrative apparatus.
7. Draw up a draft annual budget for the NFSA and its closing account.
8. Accept grants, contributions and donations received by the NFSA from domestic and foreign sources subject to the requirements of the law.
9. Present an annual report to the Board of Trustees providing details on work development in the NFSA as well as on obstacles and the necessary recommendations.
10. Consider all the matters proposed and deemed by the Board of Trustees or the Chairman of the Board as falling within the NFSA's competence.

Article (10)

The NFSA BoD may form, among its members or others, standing or interim committees, each is responsible for a certain duty. Works and recommendations of such committees shall be presented to the BoD.

Article (11)

The NFSA BoD shall, upon an invitation from the Chairman of the Board, convene at least once every month and wherever requested by the competent Minister, NFSA

Chairman of the Board or eight members of the BoD. The meeting shall not be deemed valid unless attended by majority of members thereof.

Article (12)

Decrees of the BoD shall be issued by majority of votes of attending members and no delegation may be allowed in respect of attendance or voting and, in case of equal votes, the Chairman of the Board shall have the casting vote.

The BoD shall have the right to invite to the meetings those deemed necessary to be heard, or to use the expertise thereof without having their votes counted.

Article (13)

The Chairman of the Board shall manage the NFSA in accordance with the provisions of this Law and the implementing decrees thereof, and shall be responsible for implementing the general policy set for achieving the NFSA's objectives. The Chairman of the Board shall particularly:

1. Coordinate the cooperation with the international organizations concerned with food safety and human health,
2. Coordinate the activities of the NFSA with ministries, public organizations, government bodies and local administration units with a view to achieving the NFSA's objectives, and
3. Monitor implementation of the NFSA work plans.

The Chairman of the Board may delegate specific tasks to a BoD member or the NFSA's Executive Director.

The Chairman of the Board shall represent the NFSA before the courts and vis-à-vis third parties.

Article (14)

The NFSA's Chairman of the Board or his delegate according to different administrative levels determined thereby, may take the administrative procedures provided for in food safety-related laws to ensure realization of the NFSA's objectives.

The Chairman of the Board may particularly issue decrees and take the measures concerning food or facilities thereof, including decrees of destroying foods, suspending license, shutting down facilities or re-export any imported food if such food is found to be harmful to human health and unfit for human consumption. The NFSA may apply such decrees, and the party concerned, when necessary, shall pay the incurred expenses on the application thereof.

In all cases, the party concerned shall be notified of the decree, and the person committing an offence shall incur the expenses of publication of such decree.

Article (15)

The NFSA shall have a full time Executive Director whose appointment and financial treatment shall be specified by virtue of a decree issued by the competent Minister. The Executive Director shall attend meetings of the BoD without having a vote counted.

Article (16)

The Executive Director shall monitor the implementation of the policy and plans of the BoD, under the supervision of the Chairman of the Board. The Executive Director shall particularly:

1. Develop the control plans of food safety and ensure that food is fit for human consumption,
2. Develop food awareness and education programs and establish communication channels with consumers,
3. Prepare and supervise training programs for those responsible for implementation of food safety laws and regulations,
4. Propose the organizational structure of the NFSA, payroll system, draft bylaws, and decrees related to the technical, financial and administrative affairs, and propose criteria applied to classify, group, and describe jobs,
5. Prepare the annual draft estimated budget of the NFSA and closing account thereof, and
6. Develop periodical reports on the NFSA's activities to be submitted to the BoD.

(Chapter Four)

NFSA Financial System

Article (17)

The NFSA shall have an independent budget; the surplus thereof shall be carried over from one year into the next one. Such budget commences at the start of the State fiscal year and terminates at the end thereof, and shall have the following financial resources:

- 1- Appropriations allocated to the NFSA in the general budget of the State,
- 2- Grants, contributions and donations accepted by the BoD in a way consistent with the NFSA's objectives, and other donations, contributions and grants provided for in the international agreements and directed to food safety,
- 3- Fees of facilities inspection and activities, and issuance of certificates and licenses set forth in food safety related laws, this Law and the implementing decrees thereof, not exceeding EGP 20,000 and may be increased by 5% at maximum on a yearly basis, and categories of these fees shall be established by virtue of the BoD decree, and
- 4- Fees of the NFSA services.

(Chapter Five)

Complaints Against NFSA Decrees

(Article 18):

A complaints committee or more shall be formed by virtue of a decree issued by the Head of the Board of Trustees to receive complaints. Each committee shall be headed by a Deputy Chairman of the State Council delegated in accordance with the rules of State Council, and shall include membership of:

- A representative of the NFSA selected by the NFSA Chairman of the Board,
- A representative of the Chamber of Food Industries selected by the Chairman of the General Federation of Egyptian Industries, and
- A representative of the Federation of Egyptian Chambers of Commerce selected by the Chairman of the Federation.

A specialized expert or more, according to the nature of the complaint, may assist the committee. They shall be selected from the list of experts prepared by the NFSA and approved by the BoD.

The committee shall be responsible for considering complaints lodged by the parties concerned against the administrative decrees of the NFSA in respect of food safety, in accordance with the provisions of this Law, other relevant food safety laws, and implementing decrees thereof.

Complaint against a decree shall be filed within a 15-day term from the date of notifying the party concerned of the decree or acknowledgement. The complaint shall be decided upon within a 15-days term after the filing date except in cases where a rapid action is required. In such cases, complaints shall be decided upon within a period not exceeding a three-day term from the date of filing thereof. The Executive regulations of this Law shall identify procedures and rules applied to consider complaints.

The committee's decision on the complaints shall be final. Cases filled for annulling or suspending the NFSA's decrees shall not be accepted prior to filing a complaint and in case of elapse of the time specified for considering thereof. Appeals against the decision of the complaint committee shall be filed before the relevant administrative court.

(Chapter 6)

Authorization of Officers and Employees

Article (19):

Without prejudice to functions assigned to the judicial officers having general jurisdiction, the NFSA officers and employees implementing the provisions of this Law and food safety related legislation, shall, solely be authorized to prove any offence

committed in violation of the provisions of the said laws and decrees issued for the implementation thereof.

The said officers and employees shall be designated by virtue of a decree issued by the Minister of Justice, upon the approval of the competent Minister. The NFSA shall establish the controls to be adhered by the said officers and employees in conducting inspection of facilities subject to this Law, and investigation procedures of offences. The said officers and employees may, in application of the provisions of this Law, have all the powers specified in food safety related laws.

The judicial officers having general jurisdiction shall exercise functions in respect of food safety related legislation, coordinate with the NFSA, provided that evidence gathering and detections shall only be made in the presence an officer or employee of the NFSA or a representative thereof.