

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



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The Presidency of the Republic

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Law No. 1/2017
On
Promulgating National Food Safety Authority Law

In the Name of the People,

The President of the Republic,

The House of Representatives passes the following Law and it is enacted by us.

Article (1)

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

Article (2)

The NFSA established pursuant to the provisions of Article (2) of the attached Law shall solely undertake the functions of food control and regulation of its handling prescribed by food safety related laws to ministries, public organizations, governmental authorities, and local administration units wherever these functions are mentioned in relevant food safety laws, regulations and decrees, and shall prepare proposals for the amendment thereof. Additionally, the NFSA shall have the competencies stated in the attached Law.

Article (3)

The NFSA shall be able to perform its functions within a period not exceeding one year from the date of entry into force of this law. Such period may be extended by virtue of a decree issued by the Prime Minister for a similar period determined by said decree.

Bodies aforementioned in Article (2) shall continue to discharge their affirmed functions as stated in laws and regulations until the NFSA begins performing the functions thereof.

The decrees and regulations issued to enforce the provisions of the laws related to food safety at the date of publication of this Law shall continue to be enforced pending the issuance of the regulations and decrees necessary for the enforcement of the Law attached.

Article (4)

The employees working in the Ministries, public organizations, governmental authorities, local administration units and other bodies responsible for 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 concerned ministers, shall be

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

Article (5)

The Prime Minister shall issue the executive regulations and decrees necessary for the implementation of the attached Law within six months from the enforcement of the provisions thereof.

Prime Minister shall also be responsible for issuing and amending executive regulations of the relevant food safety legislation in relation to food, upon approval thereof by the Board of Trustees.

Article (6)

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

This law shall be stamped with the State Seal and be executed as one of its laws.

The present Law was issued by the Presidency on 11 Rabī` al-Ākhir 1438 A.H.

(Corresponding to 9 January 2017 A.D.).

Abdel Fattah Al-Sisi

The National Authority for Food Safety Law

(Chapter 1)

Definitions

Article (1):

In application of the provisions of this Law, the following terms and expressions shall 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.
5. **Food Safety Related Legislation:**
 - Law No.48/1941 on combating fraud and deception;
 - Decree Law No. 95/1945 concerning supply affairs;
 - Law No. 132/1950 concerning milk and dairy products;
 - Law No. 453/1954 concerning industrial and trade facilities and other facilities causing annoyance, harm and risk to health;
 - Law No. 684/1954 regulating bread handling and transportation;
 - Law No. 685/1954 regulating meat transportation;
 - Law No. 44/1955 concerning health quarantine measures;
 - Law No. 257/1956 regulating manufacture and sale of iced products;
 - Presidential Decree Law No. 33/1957 concerning street food vendors;
 - Law No. 10/1966 concerning food control and regulation of its handling;
 - Law No. 53/1966 promulgating the Law of Agriculture;
 - Law No. 118/1975 concerning import and export;
 - Law No. 4/1994 concerning the environment; and
 - Law No. 155/2002 on export development.

Additional legislation relevant to food safety may be added by virtue of a Prime Minister Decree based on a proposal submitted by the NFSA Board of Trustees.

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 including water and gum, except for fodder and 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 one operation or more of food production, manufacturing, offering and displaying for sale, storing, preserving, wrapping, transporting, delivering, or importing or exporting; or licensing or approving any of these activities.

8. **Food safety:** food, and the environment in which is handled, are free from any hazard according to rules set forth in this Law, food safety-related laws and decrees issued in implementation of said laws.
9. **Special Foods:** Any foods that are prepared or formulated to meet specific nutritional or medical requirements according to what is provided for in the Codex, 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, among other things, 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 or consist of or produced by what is known as genetically modified creatures which are organisms whose genetic features were modified to make them acquire new features.
12. **Food Treatment Catalyst:** any substance not used per se as a component 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 its (substance) components 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, impact the characteristics of food.

This substance is not normally consumed as a food by itself, 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 qualities.

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 that reached to consumer.
19. **Food Recall:** The removal of an unsafe food from the market upon sale when it may have reached the consumer and the notification of the consumer to take suitable 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) during disputes between Member States.

(Chapter 2)

NFSA Establishment, Objectives and Functions

Article (2):

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

Article (3):

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

1. Set mandatory food safety criteria, in accordance with the applicable international criteria, provided that these criteria are not in contradiction with the national requirements. The NFSA BoD shall issue a decree specifying such criteria.
2. Control food handling in accordance with the relevant food safety laws and decrees and in accordance with special programs to ensure that mandatory standard conditions and specifications are fulfilled during all stages of food handling.
3. Set procedures and conditions for issuing certificates necessary for exportation of locally produced food, control the issuance of these certificates, and check the extent of their compliance with the aforesaid rules and conditions.
4. License, inspect and control food handling and the workers in this field, to make sure that provisions of relevant laws and decrees are fulfilled.
5. Contracting governmental accredited laboratories that are capable to run required analytical tests effectively and efficiently. The NFSA might contract other private accredited laboratories in case of unavailability of accredited governmental laboratories.
6. Control food imported or produced locally, prohibit handling of food unfit for human consumption, and combat fraud and deception in this regard.
7. Set the necessary measures and procedures for emergencies that threaten food imported or produced locally with exposure to hazards or risks, as well as procedures for crisis management and warning, withdrawal and recalling systems.
8. Set the necessary procedures for risk assessment, analysis, use, management, communication and awareness including setting inspection priorities, while taking into account the methods of risk assessment, analysis and management followed by the relevant international organizations.
9. Develop mandatory systems that ensure food safety, develop a system for traceability and require food producers, manufacturers and other food handlers to implement these systems especially Hazard Analysis and Critical Control Point (HACCP), and to take measures necessary to recall a product. The BoD shall issue a decree on these systems.
10. Propose and give opinion on relevant draft laws and regulatory decrees concerning food safety and food handling regulation.

11. Set plans necessary for identifying existing unlicensed food production units, propose appropriate solutions to address their problems and improve their status to integrate them in the legitimate system.
12. Raise community awareness about food safety, and issue pamphlets and other publications on objectives of the NFSA including the provision of necessary food safety information and data, in coordination with different media channels in this regard.
13. Develop protocols and rules for food advertising, and the mandatory labelling criteria.
14. Cooperate and coordinate with international and national bodies and organizations concerned with food safety and human health and with bodies responsible for developing relevant criteria in a manner that contributes to achieving the goals of the NFSA; Participate in national and international conferences and organizing them when necessary.
15. Regulate approval or rejection of special foods, genetically-modified foods, or foods containing components that are genetically modified or irradiated where they relate to food safety, and set rules regulating the use of food additives, treatment catalysts and other ingredients of which food is composed and which affect its safety according to Codex Commission criteria and standards adopted by international bodies.
16. Conduct studies and research 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.
4. NFSA Employees.

Article (5):

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

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

Article (6):

The Board of Trustees shall set the general policies for the functioning of the NFSA, approve the main implementation plans of those policies, and follow up on and

evaluate the work of the NFSA. The Board of Trustees may take whatever decisions needed to meet the NFSA objectives according to 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 developing and promoting the food safety level, and the control plans for the safety of food and its fitness for human consumption as well as the plan for awareness about the NFSA's goals.
3. Approve rules, regulations and systems recommended by the BoD that are required for NFSA operations to make sure that the NFSA is operating according to sound economic management rules.
4. Develop an annual report to be submitted to the President and House of Representatives (HoR) including, in particular, plans and activities of the NFSA, and its achievements as relevant to the objectives of this Law.
5. Approval of 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 when necessary upon the invitation of its head. Meetings are not deemed valid unless attended by majority of members. The Board's decisions shall be adopted by majority of attending votes.

The head of the NFSA BoD shall attend meetings of the Board of Trustees without having his vote counted.

Article (8):

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

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

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

The decree on appointing BoD members shall specify their financial remuneration.

Article (9):

The BoD shall be the authority controlling the NFSA affairs and shall be responsible for the disposition of its affairs, enjoy all powers and authorities to run the NFSA and take whatever actions it considers necessary to achieve its goals and shall particularly be competent to do the following:

1. Approve work systems of food inspectors including their functions and responsibilities, the minimum requirement of inspectors' academic qualification and training, inspection phases, inspection report forms, procedures of taking and transporting samples.
2. Approve training and qualification programs for food inspectors and also approve programs for qualifying and training food handlers considering their various levels.
3. Approve the plans necessary to improve and develop food safety and control over fitness for human consumption.
4. Approve a scheme of incentives and measures that apply to facilities and entities subject to the provisions herein including the use of signs indicative of 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 a salary structure, without being restricted by the payroll 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 administration.
7. Draft the annual budget for the NFSA and its closing account.
8. Accept donations, grants and contributions the NFSA receives from domestic and foreign sources. Legal procedures and requirements organizing this issue should be fulfilled.
9. Present an annual report to the Board of Trustees providing details on work development in the NFSA, obstacles and recommendations to overcome them.
10. Consider all the issues perceived by the Board of Trustees or the BoD Chairman as connected to the NFSA's jurisdiction.

Article (10):

The NFSA BoD may form, among its members and others, permanent or temporary committees, to be responsible for a certain duty each. Recommendations of such committees shall be presented to the BoD.

Article (11):

The NFSA BoD shall convene by an invitation from its Chairman at least once every month and if so requested by the Competent Minister, or NFSA BoD Chairman or eight members of the BoD. The meeting shall be deemed valid only if attended by majority of its members.

Article (12):

Decisions of the BoD shall be issued by majority of votes of attending members and no delegation could be done in terms of attendance or voting and, in case of equal votes, the Chairman shall have the casting vote.

The BoD shall have the right to invite to the meetings those whose experience is seen needful without having their votes counted.

Article (13):

Chairman of the Board shall assume responsibility for the administration of 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 cooperation with the international organizations concerned with food safety and human health.
2. Coordinate the activities of the NFSA with ministries, public agencies, governmental institutions and local administration units with a view to achieving the NFSA's objectives.
3. Monitoring implementation of the NFSA work plans.

The Chairman of the Board may delegate specific tasks for the NFSA's Executive Director or any of the BoD members.

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 anyone he delegates according to different administrative levels he determines shall have the right to take any of the administrative procedures and measures provided for in food safety-related laws to ensure realization of the NFSA's objectives.

The Chairman shall be particularly competent to issue resolutions and take any of the measures concerning food or its facilities, including condemning foods, suspending license, shutting down facilities or re-export any imported food if it is found out that such food is hazardous, harmful or unfit for human consumption. The NFSA may take these measures at the expense of the concerned party when necessary.

In all cases the concerned party is notified of the decision, and the decision shall be published at the expense of the person committing the violation.

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 his vote counted.

Article (16):

The executive director, under the supervision of the Chairman of the BoD, shall follow up on the implementation of the policy and plans of the BoD. The executive director shall particularly:

1. Develop the control plans of food safety and food suitability for human consumption.
2. Develop food awareness 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, personnel payroll, draft bylaws and decrees related to the technical, financial and administrative issues, and propose criteria employed to classify and describe jobs.
5. Prepare the annual draft estimated budget of the NFSA and its closing account.
6. Develop periodical reports on the NFSA's activities and present them to the BoD.

(Chapter Four)

NFSA Financial System

Article (17):

The NFSA shall have an independent budget, of which the surplus shall be moved from one year to the next, that commences at the start of the State fiscal year and terminates at its end and shall have the following financial resources:

- 1- Appropriations allocated to it in the general budget of the State.
- 2- Donations, subsidies and grants accepted by the BoD in a way consistent with the NFSA's goals, and other donations, subsidies and grants provided for by international agreements and directed to food safety.
- 3- Fees of inspection of facilities and activities and issuance of certificates and licenses set out in food safety related laws, this Law and the implementing decrees thereof provided that said fees are not exceeding EGP 20,000. There could be annual increase that doesn't exceed 5% and categories of these fees shall be established by the BoD.
- 4- Fees of the NFSA services.

(Chapter Five)

Complaints Against NFSA Decrees

(Article 18):

One or more committees shall be formed by virtue of a decree issued by the Head of the Board of Trustees to receive complaints. Said committee shall be headed by a deputy director from the State Council delegated according to the rules of State Council, and shall the following members:

- Representative of the NFSA designated by the NFSA Chairman.
- Representative of the Chamber of Food Industries chosen by the Chairman of the General Federation of Egyptian Industries.
- Representative of the Federation of Egyptian Chambers of Commerce chosen by the Chairman of the Federation.

The committee may be assisted by one or more specialized experts, according to the nature of the complaint. They shall be chosen from among the list of experts proposed by the NFSA and approved by the BoD.

The committee shall be responsible for considering complaints of concerned parties against the administrative decrees of the NFSA concerning food safety, according to the provisions of this Law and other relevant food safety laws and their implementing decrees.

Complaint against a decree shall be filed within 15 days from the date of notifying or informing of the decree. The complaint shall be decided upon within 15 days following its filing except in cases which require rapid action. In these cases, complaints shall be decided on in no more than three days from the day of filing the complaint. The Executive regulations of this Law shall identify procedures and rules applied to examine complaints.

The committee's decision on the complaints shall be final. Claims for annulling or suspending the NFSA's decrees shall not be accepted unless a complaint is filed against said decrees and legal dates for decision making have passed. Appeals against the decision of the complaint committee shall be filed in the relevant Administrative Court.

(Chapter 6)

Judicial Arrest

Article (19):

Without prejudice to authorities delegated to judicial arrest officers of general nature, only NFSA employees implementing the provisions of this law and food safety related laws, shall, solely, have the capacity of the judicial arrest officer to detect the crimes committed in breach of the provisions of said laws and decrees issued in implementation thereof.

Said employees shall be designated by virtue of a decree issued by the Minister of Justice in agreement with the Competent Minister. NFSA shall establish the controls that said employees shall implement in dealing with facilities subject to this Law as well as violations investigation procedures.

For the purpose of implementing the provisions of this Law, said employees shall have all the powers provided for in food safety related laws.

The judicial arrest officers of general nature shall implement provisions of food safety related laws in coordination with the NFSA, provided that investigation and detention actions shall only take place in the presence of a NFSA judicial arrest officer or one of its representatives.