

**Voluntary Report** – Voluntary - Public Distribution

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**Report Name:** Egypt Applies Recognition Agreements for Food Safety

**Country:** Egypt

**Post:** Cairo

**Report Category:** Agricultural Situation, Sanitary/Phytosanitary/Food Safety

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**Report Highlights:**

On December 19, 2021, Egypt’s National Food Safety Authority (NFSA) released Decision No. 10/2021, the Provisions of Recognition of the Control System Applied by the Exporting Country Competent Authorities in the Context of Imported Food Control. The decision was made effective the day following its publication in the Egyptian Chronicles – Annex 1: unofficial translation is included herein.

## **DECISION NO. 10/ 2021**

**RECOGNITION OF THE CONTROL SYSTEM APPLIED BY THE EXPORTING COUNTRY EXPORTING FOOD CONSIGNMENT TO EGYPT:** The purpose of establishing a recognition agreement with countries exporting food products to Egypt is to allow the optimum level of protection for the consumer against the risks of food imports, whilst enhancing the efficiency of their final release. This is intended to be implemented through the adoption of preventive measures based on the risk level of food imports, and by following appropriate procedures for the release of these food imports.

The decision sets out criteria listed in Appendix I of the decision, for conducting overall or partial equivalence assessment of the performance and effectiveness of the food control system applied by the Exporting Country Competent Authority (ECCA), including the operations performed in order to verify the compliance of food exports to Egypt.

In a final step prior to assessment, a “recognition memorandum of understanding” shall be established and signed between NFSA and the ECCA. The agreement is set in respect of food control system applied by ECCA and recognized by NFSA as equivalent to ensure compliance with the Egyptian food safety and quality requirements.

**The National Food Safety Authority**

**Decision of the Board of Directors No. (10) of the Year 2021**

**On**

**the Provisions of Recognition of the Control System applied by the Exporting Country Competent Authorities in the Context of Imported Food Control**

**Board of Directors (BOD)**

After reviewing the Constitution,

Law No. 118 of the Year 1975 on Import and Export and the Executive Regulations,

Law No. 121 of the Year 1982 on the Importer Register and amendments thereto,

Law No. 1 of the Year 2017 on the enactment of the Law on the National Food Safety Authority (NFSA),

Law No. 207 of the Year 2020 on the Enactment of Law on Customs and the Executive Regulations,

Decree of the Prime Minister No. 1433 of the Year 2017 on the Formation of NFSA/BOD,

Decree of the Prime Minister No. 412 of the Year 2019 on the Enactment of the Executive Regulations Implementing the Law on NFSA,

Decision of NFSA/BOD No. 2 of the Year 2020 on Registration of Conformity Assessment Bodies (CABs) Issuing Certificates of Conformity (COCs) for Imported Food Consignments,

Decision of the NFSA/BOD No. 6 of the Year 2020 on the Technical Regulations Governing Food Import Licensing,

Decision of the NFSA/BOD No. 7 of the Year 2020 on Risk-Based Food Import Control System, and

Approval of NFSA/BOD at the meeting held on /11/2021

**Decided the following:**

**Preamble**

The present Decision is made within the framework of the role performed by NFSA, being the sole authority entrusted with the control of food imports, and the development of food import control systems, including the provision of optimum level of protection for the consumer against the risks of food imports whilst enhancing the efficiency of the final release of food imports by adopting preventive measures based on the risk level of food imports, and by taking appropriate procedures for the release of food imports,

In accordance with the provisions of Article No. 2 of Law No. 1 of the Year 2017 and the Executive Regulations implementing this law issued by Decree of the Prime Minister No. 412 of the Year 2019, which stipulates that

NFSA shall solely exercise the competence previously vested in ministries and organizations in respect of the control of food handling in accordance with the provisions of the food safety related laws and decisions, of verification that food safety requirements and controls are fulfilled in all food handling operations, and of the development of control systems on food imports destined for the Arab Republic of Egypt, and in accordance with the provisions of Article No. 4 of the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), and the Decision on the implementation of such Article, and

In accordance with Codex Alimentarius Commission (CAC) Guidelines for Food Import Control Systems (CAC/GL 47 – 2003), Principles for Food Import and Export Inspection and Certification (CAC/GL 20 – 1995), Principles and Guidelines for The Exchange of Information Between Importing and Exporting Countries to Support The Trade in Food (CAC/GL 89 – 2016), Guidelines for the Development of Equivalence Agreements Regarding Food Imports and Export Inspection and Certification Systems (CAC/GL 34 – 1999), Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC/GL 26-1997), Guidelines for the Assessment of the Competence of Testing Laboratories Involved in the Import and Export Control of Food (CAC/GL 27 – 1997), Guidelines on the Judgement of Equivalence of Sanitary Measures associated with Food Inspection and Certification Systems (CAC/GL 53 – 2003), and which urge the adoption of risk-based food import and export inspection systems, provide special guidance on avoidance of duplication of food import control activities, and urge the cooperation between the competent authorities in the exporting and importing countries in the field of conformity assessment and compliance verification of food destined for international trade, FAO/WHO Food Control System Assessment Tool is relied upon in the practices of conducting an overall or partial assessment of performance of the control functions performed by exporting country competent authority (ECCA) with a view to documenting system effectiveness in preparation for conclusion of equivalence or mutual recognition agreement.

### **Article (1)**

#### **Definitions**

The following terms shall, in the application of the provisions of this Decision, have the following meanings set forth next to each:

“**NFSA**” shall mean the National Food Safety Authority.

“**Food Imports**” shall mean the food imported into the Arab Republic of Egypt in accordance with the definition of “Food” provided for in Law No. 1 of the Year 2017 on the Enactment of Law on NFSA, as well as production inputs and food-contact materials.

“**NFSA-Registered Conformity Assessment Bodies (CABs)**” shall mean a third party entrusted with the task of verifying and documenting compliance of food imports with the requirements set by NFSA, and of issuing COCs. NFSA-registered CABs are either included in the list of bodies whose food safety control systems are approved by NFSA, or included in the list of NFSA-registered CABs issuing COCs for imported food consignments in accordance with the Decision of NFSA/BOD No. 2 of the Year 2020, and such lists shall be published on the NFSA website.

**“Food Safety and Quality Requirements”** shall mean the technical regulations on food safety and quality requirements issued by NFSA with a view to ensuring compliance of food in accordance with the provisions of Law No. 1 of the Year 2017 and the Executive Regulations implementing this law, and the applicable international food standards, including standards issued by CAC, and approved by NFSA.

**Exporting Country Competent Authority (ECCA)** shall mean counterpart competent authority responsible for food handling control in the exporting country, with which NFSA concludes a recognition memorandum of understanding in respect of the performance of food control system applied by ECCA in accordance with food safety and quality requirements issued by NFSA.

**“Audit”** shall mean a systematic and functionally independent examination to determine whether activities and related results comply with planned objectives.

**“Certificate of Conformity (COC) Issuance”** shall mean a result of a series of measures taken by NFSA to ensure the compliance of food consignments with food control requirements whether laid down or recognized by NFSA as food safety and quality requirements.

**“Issuance of an Officially Recognized COC for Food Imports”** shall mean the issuance of a certificate officially approved or recognized by NFSA as a way of attaining the same objectives set by NFSA in order to ensure food safety or considered as equivalent to NFSA’s food import control system as well as the issuance of an attestation stating that compliance is verified.

**“Hazard”** shall mean any physical, biological, chemical or radiological agent in food.

**“Risk”** shall mean potential hazards in food.

**“Risk Assessment”** shall mean a scientifically based process consisting of the following steps: (i) hazard identification, (ii) hazard characterization, (iii) exposure assessment, and (iv) risk characterization.

**“Risk Analysis”** shall mean a process consisting of three components: risk assessment, risk management, and risk communication.

**“Traceability”** shall mean the ability to trace and follow food through all stages of production, processing, and distribution.

**“Food Withdrawal”** shall mean an action taken to remove a food product from the supply chain except for the product possessed by the consumer.

**“Food Recall”** shall mean an action taken to retrieve a food product after being sold, where the consumer is advised to take a proper procedure such as returning or destroying the product.

**“Recognition Memorandum of Understanding”** shall mean an official document signed between the NFSA and ECCA in respect of equivalence of food control system applied by ECCA in order to verify the compliance of food exports destined for Egypt with the Egyptian food safety and quality requirements, to NFSA’s system with a view to attaining the objectives set by NFSA to ensure food safety.

**(Article 2)**

NFSA shall make an overall or partial equivalence assessment of the performance and effectiveness of the food control system applied by ECCA (in accordance with Appendix I), including the operations performed in order to verify the compliance of food exports to Egypt with NFSA's food safety and quality requirements and /or the equivalence of procedures taken by ECCA to the NFSA's procedures in order to attain the latter's food safety objectives.

**(Article 3)**

NFSA and ECCA shall agree on an overall or partial assessment of the performance of food control system and the elements thereof in addition to the methodologies followed to implement the assessments. NFSA and ECCA may limit the assessment to specific food exports and agricultural food products destined for the Arab Republic of Egypt.

**(Article 4)**

NFSA and ECCA shall set a framework for the overall or partial assessment of performance of food control system applied by ECCA, and ensure the equivalence thereof to NFSA's controls and requirements, including establishing the future procedures, rules and steps, as well as setting a timetable for the whole assessment.

In case that the framework for the overall or partial assessment of performance of food control system is agreed upon, international best practices, including the CAC guidelines in particular the Guidelines for the Development of Equivalence Agreements Regarding Food Imports and Export Inspection and Certification Systems (CAC/GL 34-1999), and guidance from the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO) (2019) on food control system assessment shall be taken into account.

**(Article 5)**

NFSA shall take interim measures to perform rapid assessments of the control system applied by ECCA for approving measures to verify the compliance of food consignments exported to Egypt with the NFSA's food safety and quality requirements. NFSA shall, as appropriate, update the assessment results of the functions performed by ECCA when conducting detailed assessments.

**(Article 6)**

The recognition memorandum of understanding concluded between NFSA and ECCA in the context of food import control system shall include:

- The scope of food control functions, food commodities and, where appropriate, geographical coverage of production and manufacturing areas, for which the recognition of satisfactory performance has been established and documented;
- The validity period of the recognition memorandum of understanding;
- The procedures, rules and conditions for evaluating the entire food control system and its components, and the effectiveness thereof; and
- The obligations for exchanging information related to import and export control and verification of conformity, including requirements for communication of electronic COC /Health Certificate (HC).

**(Article 7)**

ECCA shall be deemed a NFSA accredited party fulfilling the requirements set out in NFSA Decision of the Board of Directors No. 7 on Risk-Based Food Import Control System. NFSA shall approve the COCs issued by ECCA.

NFSA shall publish and update the list of ECCA with which NFSA has concluded recognition memorandums of understanding on NFSA's website.

**(Article 8)**

NFSA shall amend/update its assessment approach of ECCA's food control functions in the context of food import control system. Such amendments shall be communicated to NFSA's trading partners and stakeholders including publication of updates to the guidelines on the assessments of food control functions performed by ECCA available on NFSA's website.

**(Article 9)**

NFSA shall suspend/voke the recognition memorandum of understanding concluded with ECCA. Such suspension/revocation shall be preceded by consultations and discussions to be held between NFSA and the relevant ECCA with a view to reaching a mutually satisfactory solution.

Suspension/revocation of the recognition memorandum of understanding signed by NFSA and a given EECA, and termination arrangements shall be notified to the relevant ECCA, with a rationale of this decision, two months before suspension/revocation.

NFSA shall amend the list of the EECA with which NFSA has concluded recognition memorandum of understanding in the context of food import control system, and shall make such list available on the website.

**(Article 10)**

NFSA shall, in exceptional circumstances, suspend the approval of COC/HC related to conformity verification of imported food consignments with the NFSA's food safety and quality requirements, and issued by ECCA, for a specified period of time, and NFSA shall notify the food business operators (FBOs) thereof.

**(Article 11)**

BOD may amend or add any other appendices to the present Decision.

**(Article 12)**

This Decision shall be published in the Supplement to the Egyptian Official Gazette (Al-Waqae Al-Misriyya), and shall enter into force on the day following date of publication. Any provision contrary to the provisions of this Decision shall be repealed.

Chairman of the Board of Directors

**Dr. Hussein Mansour**

## **Appendix No. (1)**

### **Assessment Criteria for Food Control Functions Performed by ECCA**

When assessing the food control functions performed by ECCA, the international practices as well as CAC guidelines in particular Guidelines For Food Import Control Systems (CAC/GL 47-2003), Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995), Principles and Guidelines for the Exchange of Information between Importing and Exporting Countries to Support the Trade in Food (CAC/GL 89-2016), Guidelines for the Development of Equivalence Agreements Regarding Food Imports and Export Inspection and Certification Systems (CAC/GL 34-1999), Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC/GL 26-1997), and Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems (CAC/GL 53-2003)” shall be taken into account to be used as guidance.

The assessment approach aims to cover conformity assessment and enforcement functions that affect the control of food consignments before and during exporting, and other various related functions. The approach is also used to verify that ECCA, whose performance is to be assessed, is an authority that performs food control activities, which are science based, and according to risk analysis in a manner that attains food safety objectives aligned with NFSA’s food safety and quality requirements.

An effective ECCA is to anchor its programs and operations in a robust legislative and regulatory framework that enables the authority to “develop, establish, implement, and enforce a national food control system”. Food safety decisions of the exporting country shall also be based upon the application of the Risk Analysis Principle. Effective food control operations for setting standard and conformity assessment procedures shall be developed supported by a focused scientific capacity and resources for risk assessment.

The main bases for assessing the performance of ECCA to determine the authority’s ability to perform food control functions in general, and food exports in particular, shall include the following:

- (A) Ability to set and update food safety and quality requirements in accordance with the CAC standards, including legislation and requirements related to approvals issued before handling foods in the market (such as pesticide residues, veterinary drug residues, chemical and microbial contaminants, and additives) or hygienic measures applied during food production and manufacture, or procedures to prevent food fraud and deception, and food safety related legislation, and to comply with the requirements;
- (B) Ability to develop food control systems within the framework of a preventive approach related to FBOs, to apply these systems in the food production sector, and to support the adoption of national preventive food safety and quality management scheme based on international standards, including requirements for traceability of foods (whether produced locally or imported);
- (C) Ability to develop and implement inspection programs for locally produced, handled and imported foods, and to propagate the concept of food safety culture and systems among inspectors and FBOs in order to focus on risk-based interventions;
- (D) Ability to manage food incidents (such as foodborne disease outbreak management), while supporting procedures and updating application protocols;



- (E) Ability to demonstrate an effective food recall system based on risk analysis rules.
- (F) Ability to demonstrate an effective role of ECCA in the decision-making process, and to enhance cooperation with other food competent authorities, as well as with stakeholders.
- (G) Ability to rely upon a robust and reliable infrastructure for food testing and inspection laboratories (whether governmental or private), whose results can be relied upon, with a view to supporting conformity assessment procedures, to perform enforcement operations, and to support risk assessments and standard setting;
- (H) Ability to demonstrate the contribution in international food standard-setting processes, and to rely upon international standards when developing national food control measures;
- (I) Ability to provide and support trained specialists in the fields of food safety and quality sciences, and to base the design and operations of food control functions on a robust scientific capacity, while providing the necessary tools and data systems; and
- (J) Ability to demonstrate that the efforts exerted to promote a culture of learning and continuous improvement through training, education and competency enhancement of food control personnel and the regulated parties.

NFSA and ECCA shall develop an assessment framework, which includes the scope of the assessment, the food control functions to be taken into account, performance indicators, and the documentation of the achievements.

NFSA shall update Appendix No. (1) by adding further guidance to be gathered according to food control functions assessment performed by NFSA in cooperation with ECCA.

The following table provides further guidance on the performance indicators that shall be taken into account when assessing the performance of the regulatory food programs used by ECCA. Performance indicators are used as illustrative examples, and can be updated with other measures.

<b>Performance Indicators</b>	
<b>1. Establishing Food Safety And Quality Requirements</b>	
<b>Indicator</b>	<b>Demonstration of Achievements</b>
Food safety and quality requirements accessible to all stakeholders and partners	(Web-enabled) documents provided upon request describing food safety and quality requirements
Food safety and quality requirements benchmarked against Codex standards and international legislation, and where differences exist, such differences are justified by a risk assessment rationale or a clear rationale	Documents/publications referring to food safety and quality requirements identifying references to Codex
Risk assessments supporting standards/ technical requirements developed and accessible	Risk Assessments published or made available for food safety and nutrition requirements, in particular for those differing from Codex
Processes and protocols to develop food safety and quality requirements are clear/ accessible to all stakeholders	Documents / Notes / Minutes corroborating the existence of food requirements decision-making processes/procedures – for example: minutes of Codex Committee meetings
Decision-making process/Governance for food requirements discussion and adoption available to all stakeholders	WTO notifications for standards
<b>2. Preventive Control and Traceability Regulatory Requirements</b>	
<b>Indicator</b>	<b>Demonstration of Achievements</b>
Technical regulations /Technical requirements imposed on FBOs to adopt preventive measures such as requirements to adopt prerequisite programs, preventive controls/HACCP and traceability measures, including through recognition of third-party food safety and quality management schemes management programs	Regulations/ Technical guidance documents provided to FBOs on preventive controls, prerequisite programs and traceability across the supply chains
Importer and exporter requirements to adopt preventive measures demonstrating their ability to control their supply chains	Import/Export control regulations or guidance documents specific to preventive measures

<b>3. Food inspection</b>	
<b>4. Food safety incident management</b>	
<b>5. Recalls</b>	
<b>Indicator</b>	<b>Demonstration of Achievements</b>
Workforce dedicated to compliance and enforcement, including to inspection of domestic establishments, imported food, food products destined to export	Documented human resource capacity
Inspection – domestic/import and export – protocols and procedures, including procedures to recognize/accredit third party inspection organizations or certification bodies (COC/HC)	<ul style="list-style-type: none"> <li>- Documents specific to protocols, procedures specific to inspection of domestic establishments, import and exports</li> <li>- Inspection reports</li> <li>- Notification reports and records of inspection outcomes.</li> </ul>
Procedures and protocols for food recalls (including follow-up on effectiveness) and food incident management (including foodborne illness outbreaks)	Reports/publications/web postings associated with food withdrawals and recalls, food incidents and / or outbreak management
Information exchange procedures and systems for the rejection of imported food in the case results of border inspection indicate the non-compliance of food consignment with the requirements of the importing country	Reports/information management systems for recording and managing non-compliance of food consignment with the requirements of the importing country
Food control studies for foods handled in the market to assess food risks	(Web-enabled) technical reports/documents provided upon request showing the results of food control studies for foods handled in the market in respect of various food risks.
<b>6. Effective Food Regulatory Governance and Decision-Making Process</b>	
<b>Indicator</b>	<b>Demonstration of Achievements</b>
Clear roles and responsibilities within and / or between food competent authorities	<ul style="list-style-type: none"> <li>- Documented committee structures in support of food (regulatory) decision-making: terms of reference, minutes, reports, procedures/protocols, internal guidelines, etc.</li> <li>- Documented notification/engagement with</li> </ul>

	trading partners for food regulatory decisions
<b>7. Operations of Food Testing and Inspection Laboratories</b>	
<b>Indicator</b>	<b>Demonstration of Achievements</b>
Reliance on food laboratory results issued by reliable food testing and inspection laboratories	Results of food testing in support of food regulatory decisions
Coverage of food safety, quality and nutrition parameters with laboratory analysis	Plans / reports of food monitoring activities in support of food regulatory functions – risk assessments, standard setting, compliance verification and enforcement
Timely Mobilization of Food Laboratory Infrastructure (Whether Internal or Contracted) to Address Food Regulatory Requirements / Decisions	Documented food testing capacity with: <ul style="list-style-type: none"> <li>a. A list of accredited laboratories,</li> <li>b. A list of official laboratory methods of analysis used for food inspection and limits of estimation, and</li> <li>c. Laboratory accreditation reports showing the efficiency, methods, techniques and capabilities of the laboratory to conduct food analyses.</li> </ul>
<b>8. Contribution to International Standards</b>	
<b>Indicator</b>	<b>Demonstration of Achievements</b>
Participation in prioritized Codex committees / work	- Codex committee preparatory documents / reports/records of contribution  - Documents of national Codex governance (national Codex committee): TOR, reports
Reliance on Codex to develop national food decisions	Document showing use of Codex standard as a reference source for food decisions
<b>9. Trained / Competent Workforce Anchored in Science</b>	
<b>10. Learning Culture</b>	
<b>Indicator</b>	<b>Demonstration of Achievements</b>
Availability of training programs and learning	Documented learning programs and associated documents: training material plans / reports of

curricula	delivery
- Competency-based assignment of responsibility - Focusing on scientific disciplines	Human resources plan with indication of identified competencies associated with key positions
Availability of a continuous education program, planned and executed for the benefit of key personnel	Examples of job descriptions with identification of key (technical) competencies for food regulatory positions
Result-based Organizational Learning Framework	Evaluation of learning plans and their impact on organizational performance

**Attachments:**

No Attachments.