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Global Agricultural Information Network

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SP2 - Prevent or Resolve Barriers to Trade that Hinder

U.S. Food and Agricultural Exports

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Report Highlights:

This report contains an unofficial translation of Morocco's [Law #28-07](#) on food safety. The law was later implemented through [Decree #2-10-473](#) to address articles 5, 7-10, and 12-15; [Decree #2-12-389](#) to address articles 16-20; and [Decree #2-15-219](#) to address article 21. The law was not notified to the WTO.

General Information: This report contains an unofficial translation of Morocco's [Law #28-07](#) on food safety. The law was later implemented through [Decree #2-10-473](#) to address articles 5, 7-10, and 12-15; [Decree #2-12-389](#) to address articles 16-20 and [Decree #2-15-219](#) to address article 21. The law was not notified to the WTO.

Law No. 28-07 on the safety of food products, promulgated by the Dahir No. 1-10-08 of 26 Safar 1431 (February 11, 2010)

([BO 5822](#) of 18/03/2010, page 214)

In view of the Constitution, especially Articles 26 and 58,

Decided the following:

Issued and will be published in the Official Bulletin, following the present dahir, [Law No. 28-07](#) on food safety, as adopted by the House of Advisors and the House of Representatives.

Law No. 28-07 on the safety of food products

TITLE I: PURPOSE, SCOPE AND DEFINITION OF CONCEPTS

Chapter I: Purpose and Scope

First article

Without prejudice to any other specific legislation relating to substandard, wayward, or dangerous establishments, public hygiene, the repression of fraud on goods, hygiene and the sanitary and qualitative inspection of live animals, animal products or products of animal origin, the marketing of fishery and aquaculture products and animal feed, this Law:

- establishes general principles for the safety of food and feed products;
- determines the conditions under which primary products, food products and animal feed must be handled, treated, transformed, packaged, conditioned, transported, stored, distributed, displayed for sale or exported as a safe product, whether fresh or processed, regardless of the processes and systems used for preservation, processing and manufacturing;
- provides for general requirements to allow only safe products to be placed on the market, in particular by laying down general rules on hygiene, sanitation, use of cleaning and disinfecting products, permissible contamination thresholds in primary products, food products for human consumption and animal feed to which they must respond, including those standards that are mandatory;
- indicates the mandatory rules for consumer information, in particular by labeling primary products, food products and animal feed and determining accompanying documents.

Article 2

The provisions of this Law covers all stages of production, handling, treatment, transformation, packaging, conditioning, transportation, storage, distribution, exposure to the sale and export of primary products, food products for human consumption and animal feed.

The following are excluded from the scope of this law:

- primary products intended for private household use and for the preparation, handling and domestic storage of food for private domestic consumption;
- medicines and all other similar products for preventive or therapeutic use in the fields of human or veterinary medicine, as well as cosmetic products;
- tobacco, products derived therefrom, as well as psychotropic substances and other similar substances which are the subject of specific legislation.

Chapter II: Definition of concepts

Article 3

For the purposes of this Law and the texts adopted for its application, the following definitions apply:

- 1. Primary product:** means any agricultural product intended for human consumption, grown, picked or harvested, and any animal products such as milk, honey or eggs and hunting products, fishing or collecting wild species and placing them on the market, as they are, without the use of special systems of preparation for their preservation other than refrigeration;
- 2. Food product:** any crop or animal product, raw or partially or fully processed, intended for human consumption, including beverages, gum and all products that have been used for the production and preparation or processing of food. This term does not cover plants before harvest and live animals, with the exception of those prepared for human consumption, as they are, such as shellfish, and does not cover drugs, cosmetics and tobacco;
- 3. Animal feed:** any substance including additives, partially or wholly processed or unprocessed and intended for oral consumption by animals;
- 4. Safe product or safe substance:** any primary product, food product or feed that does not pose a risk to human or animal health;
- 5. Placing on the market:** the holding of primary products and / or food products and / or animal feed for sale, distribution or assignment for free or for a fee;
- 6. Sales:** the handling, processing and storage of primary products, food products and animal feed at the point of sale or delivery to the final consumer, including distribution terminals, supermarkets, caterers, restaurants as a whole, businesses, wholesalers and distribution points;
- 7. Danger:** any biological, chemical or physical agent present in a primary product, a food product or feed, or a particular state of the primary product, food product or feed, such as oxidation, putrefaction, contamination or any other similar condition that may have an adverse effect on health;
- 8. Traceability:** the ability to trace through the food chain, the path of a primary product, a food product, an animal feed, the path of an animal producing primary products or food products, or that of a substance intended to be incorporated or capable of being incorporated into a primary product, a food product or an animal feed;

- 9. Final consumer:** the last consumer of a primary product or a food product that does not use it as part of a productive operation within the activities of an establishment or a food business;
- 10. Food business:** any public, semi-public or private enterprise that provides, for profit or not, activities related or related to the food chain;
- 11. Business in the animal feed sector:** any public, semi-public or private enterprise that provides, for profit or not, related activities or in relation to animal feed;
- 12. Food chain:** all stages of production, handling, processing, packing, packaging, transportation, storage, distribution, display for sale or export of food products from the production of primary products to their sale or delivery to the final consumer. It also includes the importation of such primary or food products;
- 13. Product unfit for consumption:** any primary product or food product which, without being spoiled or toxic, does not have all the necessary hygienic guarantees, taking into account certain undesirable elements that it contains, either by contamination or by degradation of its microbiological and / or chemical quality;
- 14. Commodity detrimental to health:** Any primary product or food product with immediate or probable short-, medium- or long-term toxic effects on the health of an individual or his descendants, or resulting in increased health sensitivities or any other form an identifiable sensitivity of an individual or a particular category of individuals to which the primary product or food product concerned is intended;
- 15. Precautionary principle:** a set of prudential measures to avoid risks that may be caused by the consumption of a primary product, a food product or an animal feed, in the absence of absolute scientific certainty for the purposes of to guarantee an acceptable level of security of said product or food;
- 16. Establishment:** any unit for the production, treatment, processing, packing, packaging, distribution, storage or preservation of food products, including slaughterhouses and their annexes, cutting plants, packing and packaging of meat, fish halls, floating fishing vessels and barges, collective catering establishments and animal by-products processing and feed processing units;
- 17. Operator:** the natural or legal person or persons required to comply with the provisions of this Law and the texts adopted for its application, in the establishment or enterprise of the food sector or the animal feed sector;
- 18. Mandated veterinarians:** veterinarians not under the responsibility of the agricultural department to which the competent authorities have entrusted animal health, veterinary pharmacy and sanitary controls of animal products, products of animal origin, and animal feed.

TITLE II: CONDITIONS FOR THE MARKETING OF FOOD PRODUCTS AND ANIMAL FEED

Chapter I: General conditions of placing on the market

Article 4

No primary product or food product may be placed on the domestic market, imported or exported, if it constitutes a danger to human life or health. Similarly, no animal feed can be imported, placed on the national market or exported or given to animals if it is dangerous.

Article 5

In order that no primary product, food product or animal feed constitutes a danger to human or animal life or health, it must be produced, handled, treated, processed, packed, packaged, transported, stored, distributed and offered for sale or exported under hygienic and sanitary conditions to preserve their quality and to ensure their safety. For this purpose, establishments and enterprises must be authorized or approved by the competent authorities, in terms of health, before they are put into operation, in the form and manner laid down by regulation.

However, establishments and undertakings whose entire production is directly intended for a final consumer for their own consumption are not subject to the above-mentioned authorization or approval. However, the operators of such establishments and undertakings remain responsible for food products and products intended for consumption and guarantee that they do not present any danger to the life or health of consumers.

Article 6

Primary products, food products and feeds placed on the domestic market or exported that meet the requirements laid down in accordance with the provisions of Article 5 above shall be considered as safe products,

However, the conformity of a primary product, a food product or an animal feed with the requirements applicable to it under the provisions of this Law or any other legislation specific to the safety of such products or food, does not prohibit the competent authorities from taking all appropriate measures to impose restrictions on its importation, placing on the national market or to require its withdrawal or to prohibit their export, if the said authorities, by virtue of the precautionary principle, have reasonable grounds to suspect that, despite such conformity, the product concerned constitutes or may constitute a danger to the life or health of consumers or animals.

Article 7

The health authorization or authorization provided for in Article 5 above shall be issued when the establishment, the undertaking or the means of transport concerned meets the conditions laid down in Articles 8 and 9 of this Law.

Where one or more of the conditions laid down for the issue of the health authorization or authorization referred to above are no longer fulfilled, the said authorization or approval shall be suspended for a specified period during which the beneficiary must take the necessary measures to ensure that these conditions are respected.

If, at the end of the period referred to above, the necessary measures have not been taken, the authorization or approval shall be withdrawn. Otherwise, the suspension of the authorization or approval is terminated.

Are fixed by regulation:

- the procedures for checking the conformity of primary products, food products, and animal feed with the provisions of this Law;
- the form and manner in which the health authorization or approval is granted, as well as the measures relating to its suspension or withdrawal.

Article 8

The conditions to ensure the quality and safety of primary products, food products, and animal feed, including:

- the establishment, design, layout, installation of equipment and operation of establishments and enterprises in which primary products, food products and animal feed are produced, prepared, stored, handled, processed, packaged and displayed for sale on the national market or for export;
- primary products;
- food products intended to be marketed locally or exported, at all stages of their handling;
- means of transport intended for the transport of primary products and perishable food products;
- the personnel of the establishments and undertakings responsible for the handling, storage, processing, packaging, distribution, marketing and transport operations, as the case may be.

The conditions for the use of cleaning and disinfecting products and the physical, chemical and biological contamination thresholds are also laid down by regulation.

The regulatory texts provided for in this article take into consideration the nature of the primary products, food products, and animal feeds considered.

Article 9

Operators of establishments and undertakings in the food sector and operators of establishments and undertakings in the animal feed sector must ensure that the primary products, food products, and animal feed they place on the market or that they intended for export comply with the requirements of this Law and do not present any danger to life or human or animal health.

To this end, they must set up, apply and maintain in their establishments or enterprises a self-monitoring program or follow a guide to good health practices approved by the competent authorities. The procedures for applying the said program or guide are laid down by regulation.

All the procedures decided in the framework of the execution of the measures envisaged above are registered by the establishment or the company in documents which must be kept for a minimum duration of 5 years, as from the date of their establishment and that must be presented whenever requisition agents provided for in Article 21 of this Law.

Article 10

If the operator of an establishment or a food business or an establishment or undertaking in the animal feed sector considers or has reason to believe that a primary product, a food product, or an animal feed does not comply with the requirements for qualifying it as a safe product, in accordance with the provisions of this Law, it must inform without delay the competent authorities, who shall take all appropriate measures to impose restrictions on its implementation in the domestic market or to require their withdrawal or to prohibit their export. In the case of withdrawal, the competent authorities shall

withdraw the product or food at the expense of the producer or the person responsible for placing it on the market.

In any case, it shall provide all information on the measures it has taken or continues to take to prevent, reduce or eliminate the risks to the final consumer and shall take all measures allowing close cooperation of its establishment or undertaking with the authorities in accordance with the procedures established by this Law and the texts adopted for its application.

Article 11

If, after its first placing on the market, it is established that:

- an animal producing primary products or food products;
- a primary product;
- a food product;
- an animal feed;
- an element and /or additive that can be incorporated into a primary product, a food product, or an animal feed,

presents or may present a danger to human or animal health, the competent authorities, under the provisions of Articles 23 and 24 of this Law, seize or consign it with a view to subjecting it to the investigations necessary to ensure its safety.

If the animal, the product, the feed, the element or the additive is part of a lot, the recall and consignment shall be carried out at one or more places for the purpose of checking all the constituent elements of the said lot.

Without prejudice to actions for liability, the costs incurred by the recall, seizure, consignment, checks carried out, including transportation, storage and analysis, as well as any costs of destruction, shall be borne by the operator concerned.

Chapter II: Animal Marking and Traceability of Substances, Primary Products, Food Products and Animal Feed

Article 12

Traceability of materials, primary products, food products, animal feeds, food producing animals and any substance intended to be incorporated or capable of being incorporated into a primary product, food product or animal feed, must be established at all stages of the food chain.

To this end, operators must be able to identify any establishment or undertaking to which they have supplied or assigned, as well as any person who has supplied or assigned to them a primary product, a food product, an animal feed or a production animal of primary products or food products or any substance intended to be incorporated or capable of being incorporated into primary products, food products or animal feed.

Article 13

Any operator or professional engaged in animal husbandry and whose production is exclusively intended for human consumption must make a declaration to the competent authorities to register his holding in the forms and methods laid down by regulation.

Article 14

Holders of animals whose production is intended for human consumption are required to carry out or to have their animals born on their farm or acquired without having been marked by the keeper of origin.

The holders concerned must maintain and properly fill in an animal husbandry register kept at the place where the animals are kept. The register is intended for the chronological identification of health and zoo technical information likely to facilitate the identification of live animals, their veterinary health inspection as well as that of animal or animal products and animal by-products derived from these same animals.

The following are fixed by regulation:

- animal marking procedures and the identification marks and the affixing of those marks;
- the particulars to be included in the abovementioned livestock register and the procedures for establishing the register and the conditions of its keeping.

The provisions of articles 13 and 14 of this Law do not apply to poultry farms which remain governed by the [Law No. 49-99](#) relative to the sanitary protection of the poultry farms, the control of the production and the marketing of poultry products promulgated by the dahir No. 1-02-119 of 13 rabii II 1423 (June 13, 2002).

Article 15

Producers of primary products of plant origin must have a register kept at the place of production of the said products on which are recorded factors of production such as chemical and organic materials used for the maintenance and management of the cultivation of crops aforementioned products.

The regulations to be entered in the register relating to the maintenance and management of the cultivation of the abovementioned products, as well as the terms and conditions of its establishment and the conditions of its keeping, shall be laid down by regulation.

Chapter III: Consumer Information

Article 16

All food products and animal feeds placed or to be placed on the national market or intended for export or import must be labeled in accordance with the provisions applicable to them under the provisions of this Law and the texts adopted for its application or under any other specific legislation or regulation applicable to it for the purpose of facilitating traceability.

Article 17

The labeling of a primary product, a food product or an animal feed placed on the national or exported market must be carried out in such a way as to enable its user, including the final consumer, to take cognizance of his characteristics.

Article 18

The constituent elements, characteristics and forms of the particulars and inscriptions to be included in the labeling media, including nutrition labeling and the documents accompanying the primary products, food products or animal feeds and the conditions and the details of their affixing are fixed by regulation.

Article 19

Where advertising for a primary product or a food product refers to a conformity certification, an agricultural quality mark, a protected geographical indication or a protected designation of origin, the presentation and labeling thereof must comply with the legislation in force.

Article 20

The national placing on the market or the importation of any primary product, any food product and any feed for which the labeling does not comply with the requirements of this Chapter and the texts adopted for the application of this Chapter shall be prohibited this Law.

Where the labeling of primary products, food products and animal feed is found to be non-compliant, producers or those responsible for placing them on the market shall be obliged to withdraw them within a time limit set by the competent authorities.

If the withdrawal is not made within the aforementioned period, the authorized agents referred to in Article 21 below shall enter the product concerned, at the expense of the producer or the person responsible for placing it on the market, and shall the investigation of the file in accordance with the provisions provided in the matter by the [Law No. 13-83](#) relating to the repression of frauds on the goods, promulgated by the dahir No. 1-83-108 of 9 moharrem 1405 (October 5, 1984).

TITLE III: JURISDICTION, RESEARCH AND FINDING OF OFFENSES

Article 21

Authorized agents under the authority of the National Office for Food Safety are responsible for the investigation and detection of infringements of the provisions of this Law and the texts adopted for its application, subject to the powers granted by law to the officers of the legal police and other public authorities. The mandated veterinarians may, under the control of the said office, be responsible for the same mission.

Article 22

In order to find and record infringements of this Law and the texts adopted for its application, the agents referred to in article 21 above may enter the establishments and enterprises defined in article 3 above during the day. They may also have access, at night, to such establishments and undertakings when they are open to the public or when they are in the exercise of their activities, subject to the provisions of the Code of Criminal Procedure.

The authorized agents may require the communication or seizure of documents of any kind, in any hand they may be, to facilitate the accomplishment of their mission and the provision of the necessary means for carrying out their inspections. They can collect all the information that makes it possible to assess whether or not the products are hazardous to the professionals who are required to provide them.

Article 23

The authorized agents referred to in Article 21 above may seize consignments, in the case of:

- primary products, food products or animal feed presenting a danger to human or animal health;
- falsified, corrupt, toxic or expired primary, food or feed products;
- primary products, food products or animal feed unfit for consumption;
- objects or apparatus capable of making falsifications.

Article 24

The authorized agents referred to in Article 21 above may hold the consignment, pending inspection results of:

- primary products, food products or animal feed that may be dangerous to human or animal health;
- primary products, food products or animal feed that may be falsified, corrupt, toxic or obsolete;
- primary products, food products or animal feed that may be unfit for human or animal consumption;
- objects or apparatus that can be used to make falsifications.

The seizure of the consignment may not exceed 20 days. In case of particular difficulties relating to the examination of the product in question, the competent public prosecutor may renew this measure twice for the same duration each.

TITLE IV: OFFENSES AND SANCTIONS

Article 25

Without prejudice to the provisions of the Code of Criminal Procedure or the special legislation applicable to products, one is punishable by two (2) to six (6) months imprisonment and a fine of 50,000 to 100,000 dirhams or one of these two sentences only, whoever:

- has placed on the national market, imported or exported any primary product, food product or feed for animals that is dangerous for life or human or animal health;
- has handled, treated, transformed, packaged, distributed, placed on the market or exported primary products, food products or feed from an establishment or undertaking without the authorization or the health authorization provided for in section 5 of this Law or to which the authorization or approval has been suspended or withdrawn;
- failed to comply with the provisions of Article 10 above when he was aware that the primary product, the food product or the feed did not meet the requirements for qualifying it as a safe product under the meaning of this Law.

Article 26

One is punished with a fine of 5,000 to 20,000 dirhams, whoever:

- has placed on the domestic market, whether exported or imported, a product or a food product not labeled in accordance with the conditions applicable to it under the provisions of this Law and the texts adopted for its application or by virtue of any other specific legislation or regulations;
- has not withdrawn any primary product, food product or animal feed from the national market within the time limit set by the competent authorities in accordance with the provisions of Article 20 of this Law.

Article 27

One is punished with a fine of 500 to 2,000 dirhams:

- any farmer or professional engaged in farming without registering his holding in accordance with the provisions of Article 13 of this Law;

- any animal keeper whose production is intended for human consumption who does not carry out the marking of his animals in accordance with the provisions of Article 14 of this Law.

Article 28

One shall be punished by fifteen (15) days to six (6) months imprisonment and a forfeiture of 5,000 to 100,000 dirhams or one of these two penalties only, whoever, by any means whatsoever, opposes the control provided for in Article 7 above or obstructs the investigation or detection of infringements of this Law, in violation of the provisions of Article 22 above.

TITLE V: TRANSITIONAL PROVISIONS

Article 29

Establishments and undertakings in the food or feed sector operating on the date of entry into force of this Law shall have one year from the date of entry into force of this Law to obtain the authorization or approval provided for in section 5 above.

The persons mentioned in articles 13, 14 and 15 of this law have a period of two (2) years from the date of publication of the regulatory texts relating to these articles in order to comply with them.

Article 30

All the contrary provisions are repealed from the date of entry into force of this Law. Regulations that are not inconsistent with the provisions of this Law shall remain in force until repealed within a maximum period of eighteen (18) months from the date of publication of this Law in the Official Bulletin.

Done at Tangier on 26 safar 1431 (February 11, 2010).

For countersigning: Prime Minister Abbas El Fassi.