

Egypt's new risk-based system for food imports:

Country agreements:

Could NFSA provide additional explanations on how the system will work, notably:

1) Will agreements be valid for all types of products or will they be product specific?

NFSA response:

NFSA is currently developing a specific technical regulation with regards to the establishment of recognition agreements with foreign food competent authorities. At this time, NFSA is envisioning that these agreements can be valid for all types of products or be product specific. It is the prerogative of the foreign food competent authority and NFSA to determine the scope of the recognition agreement.

2) We understand that such agreements will be a unilateral decision of Egypt. Can NFSA confirm?

NFSA response:

The National Food Safety Authority shall conduct a fully or partially assessment on the performance and effectiveness of the control system on food handling applied by the competent authority/authorities in the exporting Country.

At the same time NFSA is more than willing to sign mutual recognition agreements with interested other countries.

3) The EU would appreciate if, in due course, it could have the opportunity to provide comments at an early stage of the definition of the necessary procedures. As explained during the meeting, while not being a country, the EU has a unique and highly integrated food safety system based on harmonised legislation and three layers of checks (business, national and EU oversight). The EU considers that Egypt should take into account the unique character of the food safety system of the 27 EU Member States and the high level of food safety provided by the EU regulatory framework, when defining the procedure to reach a country agreement status.

NFSA response:

In assessing full or partial performance of the control system applied by the competent authority/authorities to control food handling in the exporting State and its effectiveness, the nature of the European Union's harmonized control system will be taken into account by NFSA.

Definition of risk categories:

4) During the meeting, some indications were provided of what will be considered as low, medium and high-risk food (at least to start with, as we understand that this may evolve based on the

accumulated experience). Could Egypt share with the EU either the specific definition for each category or the comprehensive list of food products falling within each category?

NFSA response:

NFSA is still in the process of finalizing a food commodity risk table that categories food according to the inherent risk of the food to human health. Factors being considered are potential and likelihood of the food being contaminated with a food hazard (microbial, chemical, or physical), the severity of the food hazard to health, the treatment of the food to mitigate the presence of hazards. In accordance with NFSA's obligations under Decision No. 7 / 2020, the food commodity risk table will be published and made available to stakeholders.

5) Could Egypt clarify whether each and every shipment will need a pre-border notification to avoid the red channel?

NFSA response:

In accordance with Article (11) of decision No. 7 of 2020 which organizes and deals with Imported Food Consignments not Fulfilling Pre-Border Notification Requirements, Imported food consignments shall follow the Red Clearance Channel upon arrival at the customs points of the Arab Republic of Egypt in case where a pre-border notification of such consignments was not sent to NFSA or where such consignments do not fulfill the required requirements, including but not limited to providing a pre-border notification containing insufficient information or sending such notification outside the prescribed time period.

6) Since May 2020, fruit imported by sea into Egypt has been subject to 100% checks for pesticides residues. Could NFSA provide information on the results of these checks (% of products exceeding Egypt maximum residue limits, origin of the said products)? On the basis of this experience, could NFSA consider a reduction of the frequency of residue testing as this could serve as a test case for the new system NFSA is developing?

NFSA response:

The implemented measures are temporary measures, NFSA implemented such measures after data collection, and after processing such data, it was concluded on the basis of the percentage of contamination and the inspection, rates were lowered to 4%, 20%, 40%, 60%, 80%. These percentages will be revised on a regularly, based on the analysis of data accumulated and will be updated based on the percentage and level of contaminations and degree of risk.

Whitelisted processors and importers:

7) According to the document dated May 2020 and titled "NFSA's modernisation of Egypt food import control system", the "White list" will include "food importers attesting to their ability to

fulfil certain food safety obligations such as supplier verification and the ability to plan and recall products that entered the Egyptian market under their oversight”. The EU Food Law (Regulation 178/2002) provides that all EU food business operators are subject to traceability requirements and to official control. Does Egypt intend to take account of the legislation of the exporting countries when establishing the whitelist of processors and importers? Can it be envisaged that all EU businesses are considered by default as “whitelisted operators” given that they operate under the EU strict food safety regime?

NFSA response:

The National Food Safety Authority shall establish a white list of qualified food importers and most committed and distinguished Egyptian food importers in adhering to the requirements and rules issued by the authority, in particular: the application of requirements for storing food consignments and the ability to verify withdrawal / recall plans, including the traceability after their introduction into the Egyptian market, and their ability to verify the extent of their suppliers' compliance with the food safety requirements imposed by the exporting authorities.

In the future if NFSA intends to establish a whitelisted operators, it will take into consideration that they will operate under the EU strict food safety regime.

8) Does NFSA intend to develop specific rules for the establishment of the whitelist? If so, can NFSA indicate a tentative timeline?

NFSA response:

According to the texts of paragraphs 4 and 5 of Article (6) of decree No 6 of 2020, which set that the National Food Safety Authority shall establish a whitelist of qualified food importers among those licensed. These will benefit from facilitated clearance protocols for imported food consignments, resulting in the reduction of the customs hold period, and the application of reduced sampling frequencies (less than 100 percent) to these consignments, in accordance with a risk determination approach adopted to create distinct clearance lanes for food import consignments, set by the NFSA's Board of Directors.

NFSA intends to develop specific rules for the establishment of a whitelist for importers who comply with the requirements and rules issued by the authority, in particular: the application of requirements for storing food consignments and the ability to verify withdrawal / recall plans, including the tracking system and traceability after their introduction into the Egyptian market, and their ability to verify the extent of their suppliers' compliance with the food safety requirements imposed by the authority, and accordingly, they will be subject to lower inspection rates upon arrival at customs ports in the Arab Republic of Egypt. These guidelines will be available and published soon.

Scope of the risk-based import checks:

9) During the meeting, it was explained that NFSA was only responsible for food safety checks. Therefore, import conditions laid down in bilateral import certificates will remain unchanged. Could NFSA confirm that this understanding is correct?

NFSA response:

The Government of Egypt respects all its commitments with other governments and agencies. However, bilateral agreements should be updated, with the same terms, to make sure that NFSA is the counterpart, competent authority, according to provisions of law no. 1/2017 and its executive regulations. Then both parties of the agreement can discuss any amendments in the agreements, if needed.

10) For certain animal products (like fresh meat or dairy), import requirements include food safety conditions and animal health conditions. Could NFSA explain whether or not, for these products, other agencies (e.g. veterinary services) will be involved in the import checks? If so, will the risk-based approach (and the associated reduced frequency of checks) apply to the animal health checks for meat, dairy products, etc.?

NFSA response:

NFSA is the sole agency for all control activities required for release of imported food of animal origin products. NFSA coordinates with (e.g. veterinary quarantine) regarding this matter. There is a protocol signed between NFSA and the General Organization of Veterinary services (GOV's). [At this stage](#) it was agreed that GOV's will proceed in exercising the jurisdiction of examining epidemic situation of exporting country and issuing import permits for imported food of animal origin products.

11) There is a possible double registration for food products falling under both, Decree 6/2020 and Decree 43/2016. Both exporters and importers of the very same food articles need to be registered - exporters at GOEIC and importers at NFSA - creating a substantial and unnecessary burden. Could you please clarify how this problem will be solved?

NFSA response:

The scope of application of decree no. 43/2016 is completely different from decree no. 6/2020, which set the rules regulating food import licensing requirements which apply on food importers and food business establishments, carrying out the activity of importing food from abroad for re-using or offering for sale on the Egyptian market. Given that the stated objectives of the draft are to ensure the safety and quality of food.

Decree no. 43 /2016 is applied by the General Authority of Import and Export which have a registry including all factories and companies that their own brands or their distribution centers

eligible for exporting products described in the attached annex to the Arab Republic of Egypt. These imported products may only be released for trade if:

- a. from the production of registered factories or
- b. imported from companies with trademarks or distribution centers registered in this registry.

Moreover, Article 15 of the executive regulation of the Law no. (1)/2017 states that “NFSA shall solely control and conduct visual inspection and documentary checks on the imported and exported food and shall take food samples in order to be examined and analyzed in accredited laboratories. The Egyptian Customs Authority shall approve the decisions taken by NFSA in respect of food safety.

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

Concerning what has been raised above, we would like to affirm that the provisions of decree No. (6) of 2020 must be read in light of the provisions of Law No. (1) of 2017 regarding the issuance of the National Food Safety Authority Law and its Executive regulation No. 412 of 2019 issued by the Prime Minister’s decree.

12) Decree 6/2020 applies to food importers. Are there similar licensing requirements? applying to domestic food producers and retailers? If yes, could you please clarify the relevant legislation?

NFSA response:

Concerning what has been raised above, we would like to state that the provisions of decree No. (6) of 2020 must be read in light of the provisions of Law No. (1) of 2017 regarding the issuance of the National Food Safety Authority Law and its Executive regulation No. 412 of 2019 issued by the Prime Minister’s decree.

NFSA reiterates that the Arab Republic of Egypt is consistent with and committed to its international obligations regarding the of non-discriminatory treatment between the domestic product and the imported product.

A licensing mechanism for importing food that applies to importers has been introduced, as well as a mechanism for registering Egyptian food establishments and listing them in the whitelist if they meet the requirements for food safety issued by the National Food Safety Authority, which is updated periodically and posted on the website of the National Food Safety Authority.

According to Article 1 of The Prime Minister issued Decree No. 412/2019 promulgating the Executive Regulation of Law 1/2017 (the “Law”) regulating the National Food Safety Authority (“NFSA”), which defines:

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

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

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

Article 2 of the above-mentioned regulation stipulates that “NFSA shall establish mandatory technical regulations that include the rules and requirements of food safety in accordance with international standards, and a decree on such regulations shall be issued by the NFSA Board of Directors (BOD).”

Article 8 of the same regulations regarding Official Controls also dealt with “NFSA shall perform official controls in respect of the food handling as follows:

1. verification of compliance of food businesses with the provisions of the law and food safety related legislation and performing official controls to ensure the compliance of FBOs with the relevant requirements of such legislation at all stages of food handling.
2. establishing and implementing a system of official controls in respect of food businesses, use and storage of food and any process, material, substance or activity related to food, including activities related to transporting food, any activities required to attain the objectives as set forth in the law and food safety related legislation, surveillance systems for food safety and other means of monitoring that cover all stages of food handling; and

Article (12) regarding licensing of food handling also stipulated that:

1. Food establishments are obligated, before putting the product for circulation, to obtain a license for food handling from NFSA in accordance with the system approved by NFSA’s board of directors in this regard, including the fees to be paid.
2. The existing food establishments at the time of implementation of the provisions of this regulation shall submit a request to legalize their status to the authority in accordance with the rules, procedures and timetable approved by the authority’s board of directors.

The authority issues regulatory publications and a whitelist of food establishments, and it is updated periodically and published on its website.

From the foregoing, it is clear that the authority does not give preference to local food over imported food or impose incapacitating conditions or a burden on imported food without local food, and the supervisory distinction is not made between local and imported foods.

13) The licensing annual fee for food importers is four times bigger than for food importers for processing. What is the rationale for such a differentiation?

NFSA response:

As for what has been raised that the fees for issuing a license for a food importer increase four times compared to the fees prescribed for issuing a license for a food importer for food processing establishments already registered with the authority, we would like to note the following:

- a. For food processing establishments already registered with NFSA that import foods for production purposes or service requirements, the registration of an establishment with NFSA shall be deemed as licensing the establishment as a food importer who is included in the NFSA's lists, provided that the activity is established upon issuing a food handling license for an establishment. These food establishments pay an amount of (5,000 pounds) annually as an additional activity to import production supplies used in manufacturing, in addition to the prescribed fees for registering these establishments with the National Food Safety Authority, to be included in the whitelist with the authority, taking into account the definition of food establishments contained Article (1) of the Executive Regulations No. 412 of 2019 issued by the prime minister decree.
- b. According to the definition of a food establishment, which includes various and different food handling activities such as transportation, preservation, production, packaging, import and export; these different activities are licensed according to each activity separately, and the cost of licensing such activity varies according to the type of the activity and has nothing to do with the type of food.
- c. Based on the type and nature of the activity, and the food establishment may carry out more than one activity, and therefore the licensing costs depend on the number of activities that the food establishment carries out.
- d. These fees are in addition to the control activities carried out by NFSA regarding the handling of food in food establishments which varies from the nature of the activity of the establishment to another, such as tourist and hotel establishments that deal with local and imported food products, and therefore the cost of licensing differs from other establishments, as for the case of the supplier who gives his products directly to the consumer.

14) Are domestic food producers and retailers subject to equivalent licensing fees?

NFSA response:

As for what has been raised that domestic food producers and retailers are subject to equivalent licensing fees, we would like to note the following:

- a. Article (12) Food Handling License para (1) states that Food establishments shall, prior to product handling, obtain a food handling license from NFSA in accordance with requirements, including the fees payable, approved by NFSA/BOD in this regard.
- b. According to the definition of a food establishment, which includes various and different food handling activities such as transportation, preservation, production, packaging, import and export, and these different activities are licensed according to each activity separately, and the cost of licensing the activity varies according to the type of activity and has nothing to do with the type of food. Whether such food establishments are engaged in local market, export or import activities.
- c. Based on the type and nature of the activity, and the food establishment may carry out more than one activity, and therefore the licensing costs depend on the number of activities that the food establishment carries out.

15) Food import licenses are valid for 3 years. Could you please explain what is the rationale for charging annual fees?

NFSA response:

According to the text of Paragraph (2) of the Article 4 of the aforementioned decree, the importer shall, upon submitting the license application in writing or electronically, together with all documents and data, pay the annual fees determined for the license in the amount of twenty thousand pounds (20,000) EGP, and he shall be granted a valid license for a period of three (3) years.

The license shall be renewed at least two months before the end of the three-year period. Otherwise, the renewal application shall be deemed as a request for a new license.

In the event that the importer fails to fulfill his obligation to submit a renewal request to the NFSA or pay the annual fees, before the legal deadline has passed, the license will be suspended, and it is prohibited to start the activity of importing food except after obtaining a new license from NFSA.

Annual fees are based on the provision of article (17) of NFSA Law 1/2017 which stipulates that the fees for performing inspection of businesses and activities as well as for issuance of certificates and licenses as set forth in food safety related laws, the present law and the executive decrees related thereto, not exceeding EGP 20,000, such fees may be increased by 5% at maximum on a yearly basis and shall be defined by a decree issued by BOD.

Halal certification

16) During the presentation, it was mentioned that there was a plan to establish one company in charge of Halal certification. Could NFSA share more details in this respect, including the name of that company, the tentative date of its establishment, and a clarification whether all imported meat products would have to get Halal approval through that new company?

NFSA response:

An Egyptian company “ISEG Halal” has already been established and assigned as the sole agency to issue Halal Certificates and all meat products exported to Egypt has to be Halal approved by this company. Its website is <https://www.iseghalal.com/>

Nafeza system

17) Could NFSA provide more details on how and in how far the new mechanisms for food import control will be integrated into the NAFEZA system?

NFSA response:

NFEZA platform is an information platform to achieve integration and coordination of procedures and information between Competent Authorities involved in foreign trade and the trading community. NFSA I part of NAFEZA system as it relates to food safety and import control procedures.

The exchange of data between Competent Authorities involved in foreign trade and the trading community through the conclusion of a protocol between them whereby the data to be exchanged between the various entities (governmental and non-governmental) shall be agreed upon. The networking process shall be one of the national digital converters of the Government of Egypt and coordination of the electronic connection of the unified data center in the New Administrative Capital of Egypt.

In the event that this is not applicable, the specific method of networking is observed by the Competent Administration of the Egyptian Customs Authority, taking into account that the Head of the Egyptian Customs Authority will set sufficient time for non-State actors to begin digitization work so that the system of application of the single customs window can be fully implemented.

New NFSA legislation

18) The leaflet published by NFSA on the modernization of food import control mechanisms makes a reference to several pieces of legislation that are currently under development, incl. on the recognition of foreign competent authorities, prior notification requirements, and sampling and obligations of food business operators. Could NFSA inform the EU what is the state of development of each of these legislative acts, by when they are expected to be drafted, in which way stakeholders are consulted, and how the EU could be involved in this process?

NFSA response:

The National Food Safety Authority, in order to change the system for food safety and community culture in this regard, takes fast actions to control the markets, and your observation will be taken into account as much as possible in the future.