

Decision of the Board of Directors of the National Food Safety Authority

No. (2) of the Year 2020

On

Registration of Conformity Assessment Bodies Issuing Certificates of Conformity for Imported Food Consignments

Board of Directors (BOD)

After reviewing the Constitution,

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

Law No. 1 of the Year 2017 on the Enactment of the Law on the National Food Safety Authority (NFSA) and the Executive Regulations issued by the Decree of the Prime Minister No. 412 of the Year 2019,

Decree of the President of the Republic No. 72 of the Year 1995 Approving the Accession of the Arab Republic of Egypt to the World Trade Organization (WTO) and to the Agreements Included in the Final Document Containing the Results of the Uruguay Round of Multilateral Trade Negotiations (MTN) and the Schedules of Commitments of the Arab Republic of Egypt on Goods and Services Signed in Marrakesh in the Kingdom of Morocco on 15 April, 1994,

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

Decree of the Minister of the Trade and industry No. 991 of the Year 2015 on Some Goods Imported Under Special Conditions,

Decree of the Minister of Trade and Industry No. 992 of the Year 2015 on the Rules Regulating the Registration of the Plants Eligible to Export Products to the Arab Republic of Egypt and Amendments thereto, and

Approval of NFSA/BOD in the session held on 29 January, 2020

Decided the following:

Article (1)

Definitions

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

“NFSA” shall mean The National Food Safety Authority.

“CABs” shall mean conformity assessment bodies issuing certificates of conformity (COCs) for imported food consignments.

“Tracks” shall mean procedures represented in symbols (green, yellow, orange or red) that are assigned by NFSA for the purpose of releasing food consignments upon arrival at any Egyptian port, with a view to accelerating the procedures of customs release where there is a high probability that food consignments are in conformity with requirements.

Article (2)

CABs Registration Requirements

1. A record for the registration of CABs issuing certificates of conformity (COC) shall be kept at NFSA.

Applicant CABs shall fulfil the following registration requirements:

- a. Applicant CABs shall have at least a five-year experience in managing international conformity assessment programs applied on imported food consignments to be proven by at least five contracts concluded in different countries as evidence of experience,
 - b. Applicant CABs shall have an online conformity assessment system that connects NFSA requirements, the state of conformity of products and exporters with a view to facilitating the transfer of required data between parties,
 - c. Applicant CABs shall be certified to ISO/IEC 17065 (Conformity Assessment - Requirements for Bodies Certifying Products, Processes and Services), and to ISO 9001 (Quality Management Systems),
 - d. Applicant CABs shall provide NFSA with a statement of the accredited laboratories certified to ISO 17025 (General Requirements for the Competence of Testing and Calibration Laboratories), to which CABs send samples for testing, and shall submit the certificates of accreditation granted to such laboratories indicating the scope of accreditation,
 - e. Applicant CABs shall provide NFSA with a statement of the references and instructions on physical inspection and sampling methods to be applied to food consignments exported to the Arab Republic of Egypt depending on the type of the product identified by NFSA to be examined by such CABs,
 - f. Applicant CABs may not, by way of subcontracting, delegate any task thereto assigned to other CABs unless such CABs are granted written approval from NFSA.
2. In case where Applicant CABs have authorized branches/agents in the Arab Republic of Egypt, CABs shall submit a request for registration to NFSA indicating the name, brand name and head office of parent CABs, and shall complete the application for registration prepared for that purpose, and shall provide the following documents:
 - a. Name, brand mark and trade name of CABs,
 - b. Tax Card,
 - c. Commercial Register,
 - d. Statute, articles of incorporation and names of partners,
 - e. Activities conducted by applicant CABs (physical inspection/sampling/others),
 - f. International accreditation certificates granted to CABs in the fields of conformity assessment, inspection and auditing (indicating scope of accreditation, date of accreditation and accreditation renewal date),
 - g. Official correspondence address and e-mail, and
 - h. Evidence that the prescribed registration fees are duly paid.

Article (3)

Obligations of CABs Issuing COCs

CABs shall:

1. apply NFSA's rules governing conformity assessment conducted on each product in the imported food consignments subject to inspection, and updates thereof, and the COCs issued by such CABs may not be accepted unless CABs comply with such rules,
2. issue certificates and reports in the form and format that fulfil NFSA's requirements,
3. issue COCs for food shipments exported to the Arab Republic of Egypt,
4. allow NFSA at any time to check and inspect CAB offices, branches and laboratories as well as the laboratories contracted with by CABs at home and abroad with a view to verifying that such offices, branches and laboratories fulfil NFSA's requirements.
5. provide NFSA with the forms used in various activities, (including but not limited to forms for food consignment physical inspection, sampling, COC for food consignments, etc.) so that such forms can be reviewed and approved by NFSA, and in case where CABs wish to change such forms, CABs shall obtain NFSA's approval for the forms amended.

Article (4)

Procedures for Registration of CABs Issuing COCs

1. NFSA shall examine the documents submitted by applicant CABs and shall notify such CABs that whether or not such documents fulfil NFSA's requirements.
2. In case where the documents submitted by CABs fulfil NFSA registration requirements, CABs shall be registered and included in lists of NFSA-registered CABs, and the products contracted by NFSA in order for each CAB to conduct conformity assessment activities as well as the countries wherein CABs are authorized to conduct such activities shall be specified and published on the NFSA website.
3. NFSA shall periodically verify the conformity assessment activities conducted by NFSA-registered CABs with a view to assessing such CABs through conducting announced or unannounced on-site verification visits.

Article (5)

Subject to a decision by NFSA Chairman of the Board (COB), in case where CABs, during registration period, are found to be in violation of the provisions provided for in this Decision or where the imported food consignments are found not to be in conformity with the applicable legislation and the technical regulations issued by NFSA, in particular the maximum residue limits (MRLs) and the chemical and microbiological contaminant limits, NFSA is entitled to:

- serve a notice of warning on CABs in case of first-time violation,
- in case where a violation recurs, suspend dealing with such CABs for a period not exceeding one year.

- in case where suspension is repeated twice, remove such CABs from the lists of the NFSA-registered CABs.

Article (6)

Financial Obligations

1. CABs shall pay a fee of L.E 20.000 (Twenty Thousand Egyptian Pounds or equivalent in the foreign currency approved by the Central Bank of Egypt (CBE)) in return for the annual registration with NFSA, and such fee shall be increased by 5% on an annual basis.
2. CABs shall to NFSA pay 25% of the fees paid by exporter for each shipment in return for reviewing and approving inspection results.
3. CABs or CABs branches shall into NFSA's account at the CBE deposit an insurance amount of L.E. 500.000 (Five Hundred Thousand Egyptian Pounds or equivalent in the foreign currency approved by the CBE) with a view to ensuring that CABs comply with the provisions provided for in this Decision.
4. The registration of CABs shall be valid for a one-year term, and CABs shall take the procedures required to renew the registration at least two months prior to the registration expiration date.

Article (7)

NFSA/COB may conclude agreements and memoranda of understanding (MOUs) with international, regional and Arab bodies and authorities on mutual recognition of food safety control systems with a view to providing the required level of protection.

Article (8)

Any other provision contrary to what is stated in the present Decision shall hereby be repealed and the present Decision shall enter into force as of date of publication in the Supplement of the Official Gazette (Al-Waqae Al-Misriyya).

Chairman of the Board of Directors

Dr. Hussein Mansour

Attachment No. 1

List of Imported Food Goods to be Granted COCs by NFSA- registered CABs

No.	H.S. Code	Goods
1	-04.03-04.02-04.01 04.06-04.05	Milk and milk products for direct consumption (other than baby milk) intended for retail sale in packages, not exceeding 2 kg
2	of chapter 8	Preserved and dried fruits for direct consumption intended for retail sale in packages, not exceeding 2 kg
3	of chapter 15	Oils and fats intended for retail sale in packages, not exceeding 2 kg
4	17.04	Sugar confectionery
5	of 18.06	Chocolate and other food preparations containing cocoa for direct consumption intended for retail sale in packages, not exceeding 2 kg
6	of 20.09	Fruit juices intended for retail sale in packages, less than 10 kg.
7	22.02-22.01	Natural, mineral and carbonated water
8	1001	Wheat
9	-82.11.91 -82.11.10 -44.19 -39.24-82.15 -73.23 -69.12-69.11 76.15.10-74.18.10	Food contact materials