

Decision of the Board of Directors of the National Food Safety Authority
No. (6) of the Year 2020
On
The Technical Regulations Governing Food Import Licensing

Board of Directors (BOD)

After reviewing the Constitution,

Law No. 66 of the Year 1963 on the Enactment of the Law on Customs,

Law No. 118 of the Year 1975 on Import and Export and the Executive Regulations issued by decree No.770 of the year 2005,

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

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

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

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

Approval of NFSA/BOD at the meeting held on 25/6/2020

Decided the following:

(Article 1)

Definitions

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

“**Food**” shall mean any product or substance, whether raw, processed, partially processed, semi-processed or unprocessed, which is intended for human consumption, including beverages, bottled water or water added to food, any substance containing water and chewing gum, except for feed, plants and crops before harvesting; live animals and birds before entering slaughterhouses; sea creatures and farm-raised fish before fishing; pharmaceutical products and cosmetics; tobacco and tobacco products; and narcotic substances or psychotropic substances.

“**Food-Contact Material**” shall mean any substance that come into contact with food or produced for the purpose of coming into contact with food, including containers, wrappers and packages.

“Food Handling” shall mean one or more operations of food production, manufacture, offering or displaying for sale, storage, preserving, wrapping, transportation, delivery, importation, exportation, or the licensing or approval for any of these activities.

“Food Handling License” shall mean a permission granted by NFSA for a food business establishment to work in the area of food handling after verifying compliance with all requirements of food handling set forth in the law and food safety related legislation.

“Food Business Establishment” shall mean any establishment performing any of the activities related to any stage of processing, production, manufacture, storage, preserving, packaging, wrapping, labelling, importation, exportation, transportation, delivery or offering and displaying a product for sale to the final consumer or to another establishment. The definition also includes fixed, temporary or mobile food business establishments whether for-profit or non-profit, public or private, permanent or temporary, as well as ruminant and poultry slaughterhouses.

“Food Business Operator (FBO)” shall mean the natural or legal person responsible for ensuring that the requirements of the law and food safety related legislation are fulfilled within the food business establishment under the control thereof.

“Food imports” shall mean the imported food and food-contact material according to the aforementioned definitions.

“Importer” shall mean the natural or legal person in whose name a Customs Declaration is registered for the food imports requested to be released after paying an import duty or released according to other customs systems, and who is responsible for meeting import regulations.

(Article 2)

The present Decision aims to lay down rules governing the licensing of food importers and food business establishments which work in the area of importation of foods into the Arab Republic of Egypt with a view to ensuring imported food safety and quality, providing the optimum protection of consumers from risks associated with imported foods, whilst enhancing the efficiency of the final release of food imports by approving food control activities performed by the exporting country, before importing food consignments to Egypt.

The present Decision shall apply to each and every food business establishment or food importer whether a natural person or performs the activity of importing food from abroad for re-using or offering for sale on the domestic market.

(Article 3)

It is prohibited for the persons subject to the present Decision to perform the activity of importing foods unless a license is obtained from NFSA in accordance with the rules and procedures provided for in the present Decision.

Food importers who have already performed activities of importing food, prior to the enforcement of the provisions of the present Decision, shall to NFSA submit an application to obtain a license in accordance with the provisions of the present Decision, within six months from the day following date of publication.

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.

(Article 4)

Licensing Documents

A special register shall be created by NFSA to register licenses of food importers, a license application shall be submitted in writing or electronically using the form prepared for this purpose, and shall include the following information and documents:

- 1- Name of the importer or representative or commercial agent,
- 2- Name, brand name and trade name of the food business establishment,
- 3- Tax card,
- 4- Commercial Register,
- 5- The legislation governing the company, articles of incorporation, the names of the partners, and the name of the administrative director (s) of the establishment,
- 6- Activity of the company indicating the food commodities to be imported according to the Commercial Register,
- 7- Headquarters located in the Arab Republic of Egypt,
- 8- Contact information, including the correspondence address and e-mail,
- 9- The customs number of the food business establishment assigned by the Ministry of Finance,
- 10- A statement of previous import activities performed by the importer as a food importer, through the company and/or its managing and operating officer, under the same or different name of the food business establishment during the last year from the date of submitting the application marked on the form prepared for that purpose,
- 11- A certified copy of registration in the Importer Register of the Ministry of Trade and Industry in accordance with Law No.121 of the Year 1982 on Importer Register and amendments thereto,

The period of license shall be valid for three-years, and shall be renewed at least two months prior to the expiration. Failure to renew the license within the specified timelines would lead to consider the food importer as a new applicant. The renewal application shall to Chairman of the Board of Directors (COB) be submitted accompanied by a statement indicating payment of the prescribed fees.

(Article 5)

Food Importers' Obligations

In order to obtain a food importer license, food importers shall:

- 1- notify NFSA of all food business establishments owned by such importers, if any,
- 2- undertake to notify NFSA of any change in the activities of the food business establishments that the food importer operates, or the closure of any of such establishments,
- 3- comply with the food safety and quality measures based on NFSA's decisions on technical regulations governing food import control, as well as on international best practices, and continue to apply such practices, and such measures include at least:
 - a. Key measures for food consignment storage, transportation and distribution,
 - b. Key measures related to preventive controls applied by foreign suppliers, and such controls are verified by food importers such as internationally recognized certificate of compliance, as well as the ability to recall food products, including traceability system, for a period not exceeding twelve months.

(Article 6)

NFSA's Obligations Towards Food Importers

- 1- Upon receiving the application for a food importer license and all the required documents, NFSA shall examine such application and documents, and shall notify the applicant of whether or not the application fulfills NFSA's requirements for food importer licensing within a period not exceeding 30 working days.
- 2- In case where an applicant provides the required documents and complies with NFSA's requirements of license, the applicant shall be entered into NFSA's register of licensed food importers, and such information shall be published on the NFSA's website.
- 3- In case where an applicant fails to comply with NFSA's requirements of license, the application shall be rejected by means of duly reasoned decision. Should the reason for rejecting the application be related to non-compliance of the food business establishment with food safety requirements, NFSA shall inform the applicant in writing or electronically of corrective actions required to be taken, and the applicant shall be granted a period of time set by NFSA/COB in order to comply with such requirements.
- 4- NFSA shall review food safety standards and requirements, quality management systems, and procedures established and performed by importers; assess effectiveness thereof; and periodically monitor and check importers' continuous compliance with the NFSA's requirements, and such procedure is used as one of the parameters when NFSA applies the technical regulations and decisions related to facilitating procedures of control and inspection on food imports according to risk-based approach.

- 5- NFSA shall make a white list of qualified food importers, including some food importers who are licensed and registered with NFSA, and shall apply the technical regulations and decisions related to facilitating procedures of control and inspection on food imports and to reduction of the duration of customs clearance, including the application of reduced sampling rates (less than 100%) on imported consignments, based on risks determined through adopting the parameters required to establish distinct clearance channels for imported food consignments, as set by NFSA/BOD.

(Article 7)

Financial obligations

An amount of fees shall be paid on an annual basis:

- 20,000 EGP (Twenty Thousand Egyptian Pounds) as a fee for the issuance of food importer license, and
- 5,000 EGP (Five Thousand Egyptian Pounds) as a fee for the issuance of a food importer license for food processing establishments already registered with NFSA.

NFSA shall issue a receipt to attest to the payments of fees, and food importers shall also pay certain amount in return for some services provided by NFSA according to the following table:

Amount in EGP	Service
1,000	Request for data adjustment or addition of new data
500	Issuance of a replacement copy for lost or damaged license
200	Issuance of a copy of the license certificate

(Article 8)

Suspension or Revocation of Food Importer Licenses

NFSA/COB may decide to suspend or revoke a food importer's license in the following cases:

- 1- Existence of non-compliance associated with a certain level of risks, which requires NFSA to take a procedure commensurate with risk level based on the results of risk assessment conducted by NFSA according to internationally recognized approaches,
- 2- Provision of erroneous information relating to license application or renewal, or upon amending information associated with the license,
- 3- Death of the natural person or company expiration in whatever form,
- 4- Licensee's conviction by a final judgment of any of offences specified in laws on corporations, importation and exportation, customs, supply, combating fraud and deception, anti-money laundering, competition protection, prevention of monopolistic practices, or in laws on trade unless rehabilitation is made thereto, and

5- Failure to submit a renewal application to NFSA, and expiration of legal deadline.

The food importer has the right to challenge the decision issued by NFSA/COB before the Grievance Committee.

(Article 9)

NFSA/COB may amend or add any conditions to food importer licensing provided that the conditions are submitted to NFSA/BOD at the first meeting, and BOD may issue appendices to such decision.

(Article 10)

The officials responsible for implementing the present Decision shall respect the confidentiality of the data related to pricing, invoices, and customers' names that the officials have access thereto, otherwise such officials shall incur criminal and civil liability.

(Article 11)

The present Decision shall be published in the Supplement of the Official Gazette (Al-Waqae Al-Misriyya), and shall enter into force on the day following date of publication.

Chairman of the Board of Directors

Dr. Hussein Mansour

Dated: 27/6/2020