

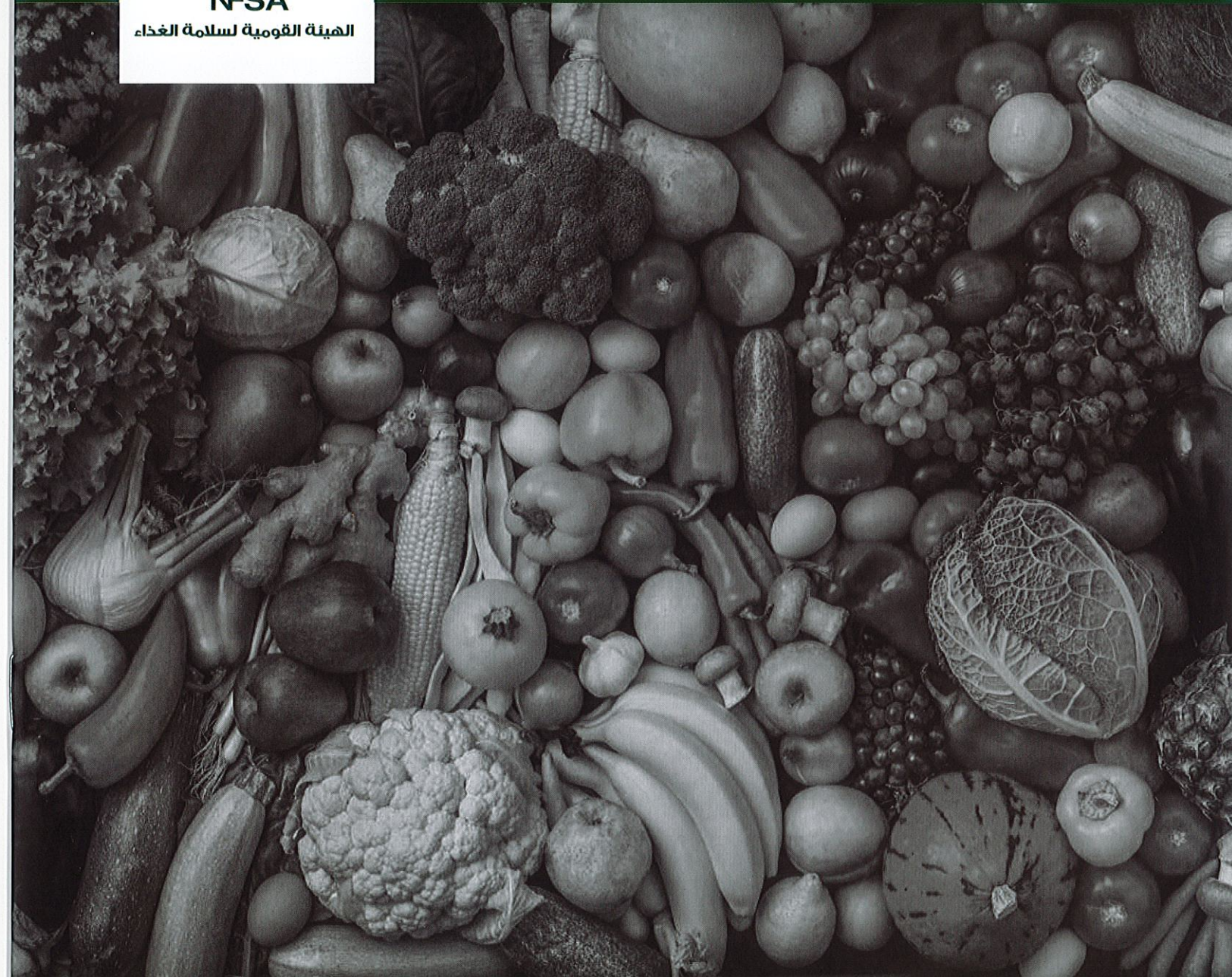


NFSA

الهيئة القومية لسلامة الغذاء

# NFSA'S MODERNIZATION OF EGYPT'S FOOD IMPORT CONTROL SYSTEM

May 2020



Arab Republic of Egypt



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## INTRODUCTION

The mandate for food import and export control in the Arab Republic of Egypt was formally transferred from the General Organization for Export and Import Control (GOEIC) to the National Food Safety Authority (NFSA) on November 17, 2019. NFSA is currently implementing the regime inherited from GOEIC that relies heavily on inspections at the points of entry into Egypt. Under this system, food importers are currently subjected to a systematic inspection – 100% of consignments – as well as product sampling for analysis in order to ascertain compliance with several parameters determined by the competent authority.

In line with the Government of Egypt's goal to enhance the food control system and streamline import operations, NFSA is embarking on a modernization of Egypt's food import control system that will focus resources such that a risk-based oversight is introduced and ensured. NFSA's food import control system will aim to ensure optimal protection of Egyptian consumers from risks associated with imported food, while enhancing the efficiency of import clearance at points of entry.

The new food import control system will promote transparency in regulatory oversight, reduce the time and cost of food import clearance, and allocate public resources more efficiently by focusing on inspection and sampling efforts towards consignments that present the greatest risk to the Egyptian consumer.

The following document presents the policy direction of NFSA with regards to transitioning Egypt towards a risk-based import control system. The document is intended to inform trading partners, stakeholders, importers and exporters of the proposed import control system being developed by NFSA.

The proposed changes will be anchored in food regulatory provisions issued by NFSA that will cover the principles, roles and responsibilities and establish the requirements of the food import control system. Accompanying these regulatory provisions will be explicit details and guidance from NFSA to the regulated parties that communicate the implementation of the food import control system. The proposed changes will be implemented gradually, and NFSA will seek feedback from stakeholders throughout the implementation process.

— Dr. Hussein Mansour  
Chairman, National Food Safety Authority



## BACKGROUND

The National Food Safety Authority (NFSA) of Egypt has the mandate to oversee Import and Export Control for food and agri-food products. NFSA's mandate with respect to Food Import and Export Control was further confirmed through the promulgation of the NFSA's executive regulations on 18 February 2019. The mandate for Food Import and Export Control in the Arab Republic of Egypt was formally transferred from the General Organization for Import and Export Control (GOEIC) to the NFSA on November 17, 2019.

**The food import control system will cover all food imports as defined in NFSA's Law.**

Any product or substance intended for human consumption, whether primary, raw, semi-processed, wholly/partially processed or not processed, including beverages and bottled water or food additives and any substance including water and gum, except for fodder and plants and crops before harvest, live animals and birds prior to their transport to slaughterhouses, sea creatures and farm-raised fish prior to fishing, pharmaceutical products and cosmetics, tobacco and its products, narcotic drugs and psychotropic

## OBJECTIVES OF THE NFSA'S FOOD IMPORT CONTROL SYSTEM

The modernized food import control approach aims to ensure optimal protection of Egyptian consumers from risks associated with imported food, while enhancing the efficiency of import clearance at points of entry.

**The modernized structure will focus on:**



**Preventive management**, with a stronger emphasis on pre border interventions, i.e. interventions executed before the shipping / arrival of food consignments to Egypt.



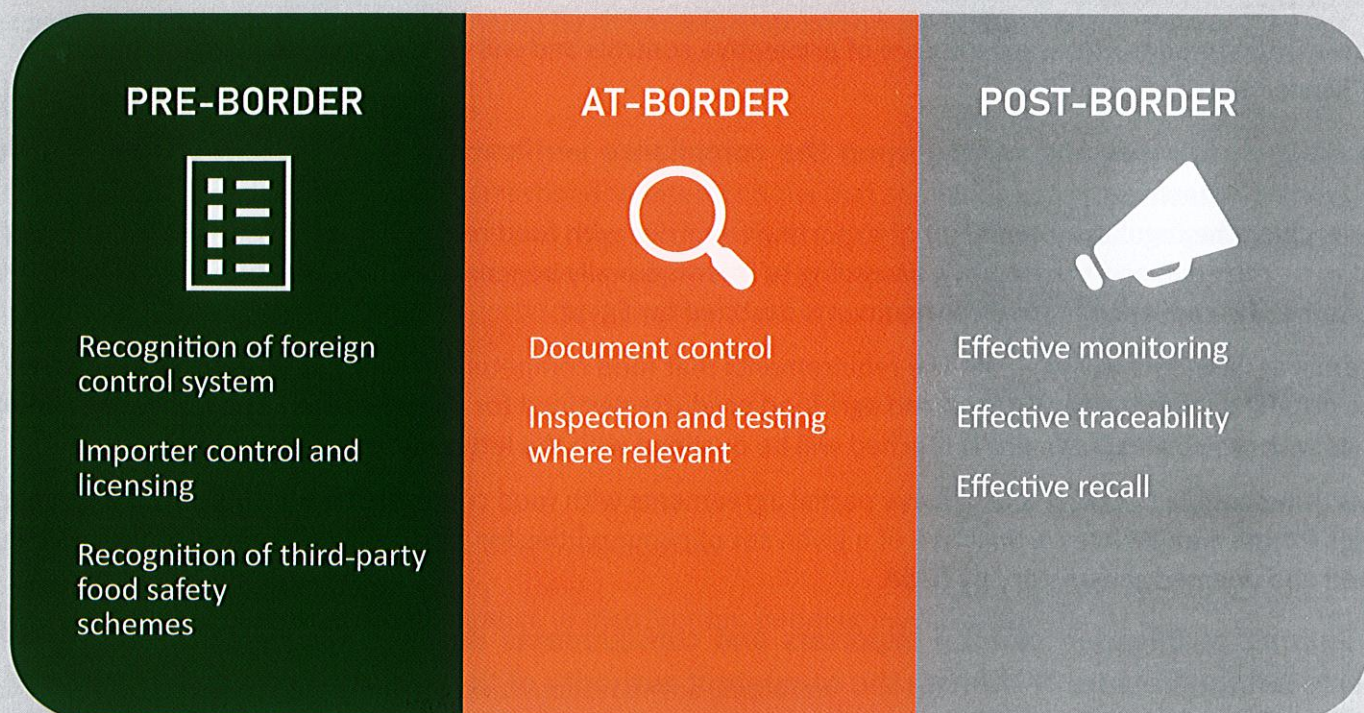
**Interventions proportional to the level of possible risk** posed by the imported food commodity consignments.



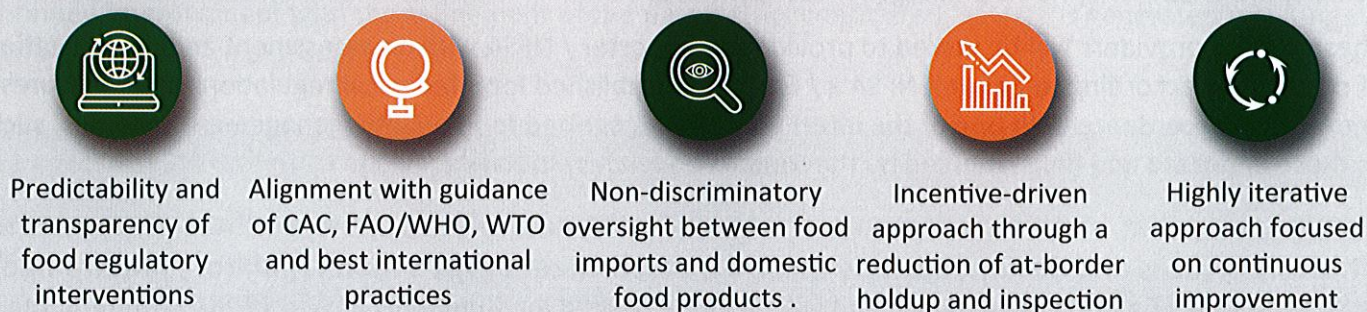
**Expedited clearance and simplified procedures** for all food imports and in particular, for compliant and lower risk food product consignments.



## COMPONENTS OF FOOD IMPORT CONTROL REGULATORY OVERSIGHT



## FOOD IMPORT CONTROL SYSTEM DESIGN PRINCIPLES





# PRE-BORDER CONTROLS

These interventions represent the core of preventive controls and will be targeted with incremental enhancements.

## **Seeking assurances and relying upon the compliance verification of competent authorities from exporting countries.**

Leveraging the regulatory oversight of exporting countries with food regulatory systems that are demonstrated to be effective and trustworthy, according to internationally benchmarked criteria, provides an initial assurance of compliance of food consignments destined for Egypt.

Formal agreements will stipulate the requirements that food competent authorities of exporting countries must fulfill in order to certify food and agri-food products destined for export to the Egyptian market. Countries with which an agreement is reached will be qualified with the letter "A" for "Agreement".

It is also possible to target and achieve partial agreements with food competent authorities of foreign countries for the compliance certification of a given set of commodities for which the level of oversight was evaluated and deemed satisfactory by NFSA.

## **Requiring certification of food exporters and consignments destined for Egypt through a third-party service provider or through the competent authority of the exporting country.**

NFSA will require that importers and / or food exporters demonstrate the compliance of consignments destined for Egypt through certification provided by NFSA-accredited and NFSA-registered third-party companies. Compliance verification can also be attested by the competent authority of the exporting country. Particularly if this authority had a prior agreement with NFSA.

These service providers will be tasked to provide the importer / NFSA with an assessment and a certification of compliance according to either i) NFSA's / Egyptian established food technical regulations and measures, and/or ii) in accordance with one of the internationally recognized food quality management schemes, such as those endorsed and benchmarked by the Global Food Safety Initiative (GFSI).

## **Necessitating that importers demonstrate the effectiveness of a supplier verification assessment which showcases and documents how these exporters meet Egypt's food regulatory requirements.**

This measure is of a preventive nature and will be implemented incrementally as part of the requirements to be set for the licensing of importers, at a more mature stage of the import control system. Food importers will be held accountable to ascertain the safety and traceability of products intended for the Egyptian markets. The development of requirements of supplier verification will be subjected to a technical rule to be issued by NFSA at a later stage.

Overall, the ability for NFSA to move its level of oversight towards pre-border management is highly dependent on the agency's capacity to use notification of consignment information prior to arrival at port, such that an assessment of the possible compliance of the consignment is carried out and a "**Clearance Channel**" is assigned.

A **Clearance Channel** is a clearance code assigned by NFSA to a food consignment prior to its arrival at an Egyptian Point of Entry, such that it can help accelerate clearance if it is considered to have a high likelihood for compliance.

The modernized food import control system of NFSA will incrementally enhance the requirements of Pre-border oversight, in a manner that increases the reliance on preventive measures and reduces the burden on subsequent control mechanisms At the Border and Post-border. While the determination of the Clearance



Channel will be based on three parameters (risk category of the imported food, robustness of the food regulatory system of the country of origin and the certification of compliance), additional data such as the importers' compliance history, will be gathered by NFSA to further inform this determination.

## BORDER CONTROLS

Border control of food consignments correspond to interventions that should be carried out at the Point of Entry. They are highly facilitated by measures taken beforehand, e.g. importer licensing, consignment pre-border notification and pre-clearance based on **consignment profiling**. Border controls consist primarily of document checks and consignment inspections, including visual inspection and sampling for analysis, where appropriate.

Border control decisions include:

- ✓ **Clearance of the consignment**
- ✓ **Detention of the product(s) pending investigation**
- ✓ **Conditional entry with no allowance of distribution, pending investigation**
- ✓ **Seizure and possible return or destruction of the shipment**

NFSA's modernized import control system aims to reduce the timelines of regulatory decisions at the border. The application of risk-based consignment profiling is undertaken to assign a Clearance Channel to the shipment. Such profiling is based on international best practices of risk-based evaluation and will be subject to continued improvement with the refinement of the parameters considered, as data is generated resulting from clearance of food products by the NFSA.

### The profiling of consignments will consider the following hazard and risk parameters :

- 1. Risk category assignment to the imported food:** NFSA has established a risk categorization of food products, based on the inherent risk associated with such products, i.e. the hazards likely found / enter these foods, the effectiveness of some mitigation strategies that can limit the occurrence of such hazards through food production – e.g. cooking, freezing, etc. – and the population to which these foods may be destined, such as infants / babies for infant formula. The risk categorization list will be subject to continued review and update.
- 2. Effectiveness of the food control system of the consignment's country of origin:** This is achieved through the demonstration of compliance of a given food consignment with the relevant food – safety and quality – regulatory requirements as established through pre-border assessments;
- 3. The level of effectiveness of the importer's food import control:** The demonstration by the importer of its capacity to apply preventive controls i.e. through ensuring a documented and effective supplier verification program, as well as to effectively manage recalls associated with imported products, should they happen, would result in a reduced at border hold-up of consignment, hence creating incentives for the adoption of best practices by Egyptian food importers;
- 4. The level of compliance of the importer / exporter for similar or other shipments:** Repeat non-compliance incidents would result in a stronger inspection and consignment hold-up regime, to ascertain the safety of the products. A higher level of documented compliance would, on the other hand, result in a lower risk profile.



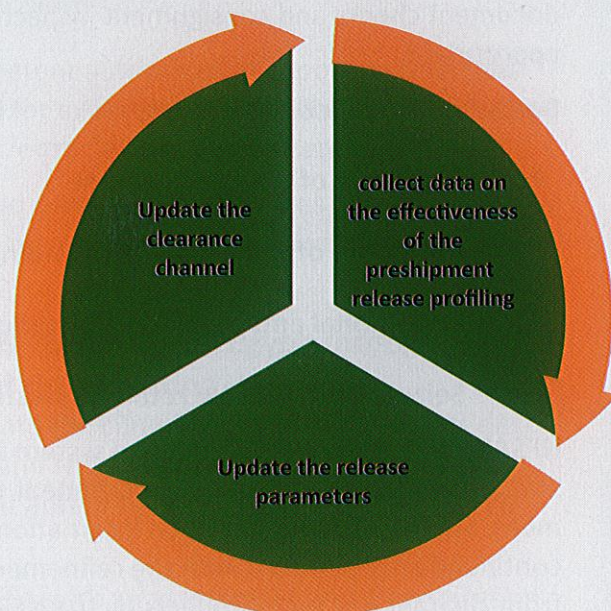
The parameters described are used to assign a Clearance Channel code, qualifying the level of oversight to be associated with the consignment.

Consignments with a lower risk profile would result in a faster release, including in the possibility of immediate clearance at the Point of Entry if the documentation of compliance is confirmed, unless it is subject to a random selection for further inspection as assigned by the designated Clearance Channel.

The Pre-Clearance profiling approach will be subject to continued enhancement and improvement as NFSA generates additional data on its performance and ability to strengthen the effectiveness of risk-based food import management. In particular, the addition of data related to importers' food import management practices would be progressively introduced into the shipment profiling process, as data on importers and their performance is gathered by NFSA, through the deployment of the agency's risk-based approach.

Ultimately an algorithm-based decision-making tool will be developed by NFSA to facilitate data handling and Pre-Clearance management of food consignments.

For the **initial implementation period of NFSA's risk-based management of imports**, where limited data on the compliance of importers / consignments is available, a surrogate for this parameter will be used and consists in the initial documentation of the importers' ability to fulfil certain food safety obligations. This parameter, along with the food risk categorization, the country of origin profile, as well as the documentation of compliance with NFSA's requirements will represent the basis of the initial risk determination supporting Pre-Clearance decisions. The implementation of this transition approach to be followed during the initial period of NFSA's risk-based import management is further developed in subsequent paragraphs.



## POST-BORDER CONTROLS

These interventions encompass the various measures to be taken by NFSA to develop and implement the following:

### **Monitoring of imported food for compliance with the aim to refine and enhance safety and effectiveness of oversight.**

This component of the import control system is based on the implementation of targeted campaigns of compliance verification for imported products. These campaigns can be designed according to **an annual plan set** by NFSA, with the intent to evaluate the effectiveness of measures set as part of the import control system and any update made to it e.g.: granting a new status to imports from a given country which would benefit from expedited handling ("A" countries), or accreditation of a new third-party organization handling export certification. These campaigns can also be triggered as a result of **a new import control measure** (e.g. import restriction imposed by NFSA for certain lot number of given products), as well as international measures taken by other food regulators.

Import control campaigns can be part of commodity driven compliance verification measures, where a significant part of the supply to the Egyptian market is originating from imports.



Monitoring data can also result from general compliance verification actions carried out by NFSA for selected food commodities or in relation with the implementation of new regulatory measures, where imported foods would be sampled and targeted as part of an overall sampling design for food products available for sale on the Egyptian market.

Compliance verification measures encompass various aspects from product physical examination, label verification as well as conducting laboratory analysis for a series of parameters subject to standards or technical regulations set by NFSA, such as absence of pathogens, levels of contaminants, levels of additives or levels of residues of chemicals used in conjunction with food production e.g. pesticides and veterinary substances.

**Effective follow-up on recalls, should a product be identified as non-compliant subsequent to its release.**

These measures consist in ensuring that products subjected to recalls, as a result of follow-up protocols targeting imported products e.g. identification of non-compliance issues post release of imported foods deemed to be of a lower risk category, random selection of products on the market and identification of non-compliance issues.

It will be incumbent on the importer to ensure the traceability forward of their products and proceed with the recall as ordered by NFSA. The agency may accompany such measures with communication measures to consumers, food business operators as well as international food regulatory partners. NFSA will ensure the effectiveness of the recall protocol and its implementation i.e. that all products known to have entered the Egyptian market and were subjected to distribution were traced and recalled. The strength of the follow-up on the recall measure will be based on the level of risk determined as a result of non-compliance: for lower risk products, a recall at the major food distribution centre could suffice, for higher risk scenarios, a recall with information up to the consumer level may be warranted.

**Compliance verification of importers, as requirements of their licensing are enhanced with food safety provisions:**

This measure will be based on campaigns of compliance verification targeting food importers to check their status of licensing with NFSA and hence their level of observance of NFSA's set requirements to achieve and keep such licensing.

## INITIAL STAGES OF IMPLEMENTATION OF A MODERNIZED IMPORT CONTROL SYSTEM

NFSA plans to embark on an incremental approach to modernize the Egyptian food import control system, following the guidance and principles described above, with the aim to move progressively towards stronger emphasis of oversight at the Pre-border level.

The following paragraphs describe the initial steps to be taken by NFSA in its efforts to strengthen the Pre-border control oversight on imported food. The new approach will be communicated to stakeholders, notably food importers / exporters, as well as to international food competent authorities of Egypt's major trading partners ahead of its entry into force. A grace period of 3 months will be observed from the moment the new system is confirmed to the date of its entry into force.

Given that NFSA's food import control system will be subject to incremental enhancements, each of the planned upgrades will also be covered by relevant information dissemination to stakeholders, including an associated grace period, prior to its entry into force.



# PARAMETERS CONSIDERED IN DETERMINING THE NFSA'S PRE-CLEARANCE CHANNELS

As the initial stage of implementing NFSA's modernized food import management system, NFSA will rely upon 3 key parameters to assign a Pre-Clearance Lane to a given food consignment destined to the Egyptian market.



The **risk inherent to the food commodity** as determined by the food risk matrix developed by the NFSA. NFSA scientists will regularly review and update this matrix.



The **food consignment's Country of Origin**, vis a vis the robustness of its food regulatory system, and whether a food competent authority of that country has established an agreement with NFSA confirming NFSA's reliance on this authority's oversight and possibly considers their support to ensure compliance verification for food consignments destined to the Egyptian market.

NFSA will establish a procedure through which food competent authorities of exporting countries can apply to enter into such an agreement with NFSA.



**Confirmed compliance verification of each consignment destined for Egypt** as attested to by the competent authority with which NFSA has signed an agreement for "A" Countries or any other third certification party accredited by NFSA.

NFSA will establish a procedure for application of certification parties, to be accredited for food import compliance verification. Compliance verification will be assessed against the requirements of "A" Countries or a slightly amended version of such requirements as set by NFSA or specific compliance rules, i.e. technical regulations and rules as set by NFSA.

Consignments that are granted a certificate of compliance by a NFSA accredited party, including the competent authority of "A" countries, will be assigned the mark "C". Others, which do not receive such certification, are assigned the mark "NC".

The history of compliance of the food importer / exporter is also another key determinant of the risk assigned to a food consignment and subsequently to the level of oversight that is associated with it.

During the early stages of implementation of NFSA's risk-based import management approach, food importers' compliance history will not easily be accessible to NFSA. A surrogate for this parameter will be used and consists in:

- The reliance upon the White List (WL) of food processors established by NFSA as a measure of good food safety performance.
- The establishment of a White List (WL) dedicated to food importers attesting to their ability to fulfill certain food safety obligations such as supplier verification and the ability to plan and recall products that entered the Egyptian market under their oversight.

This parameter, along with food risk categorization, the country of origin profile, as well as the documentation of compliance with NFSA's requirements will represent the basis of the initial risk determination supporting Pre-Clearance decisions. NFSA will collect data to document importers' compliance over time, such that this last parameter be fully integrated in NFSA's decision making process to determine the potential risk associated with food import consignments, possibly through an algorithm based decision-making process.



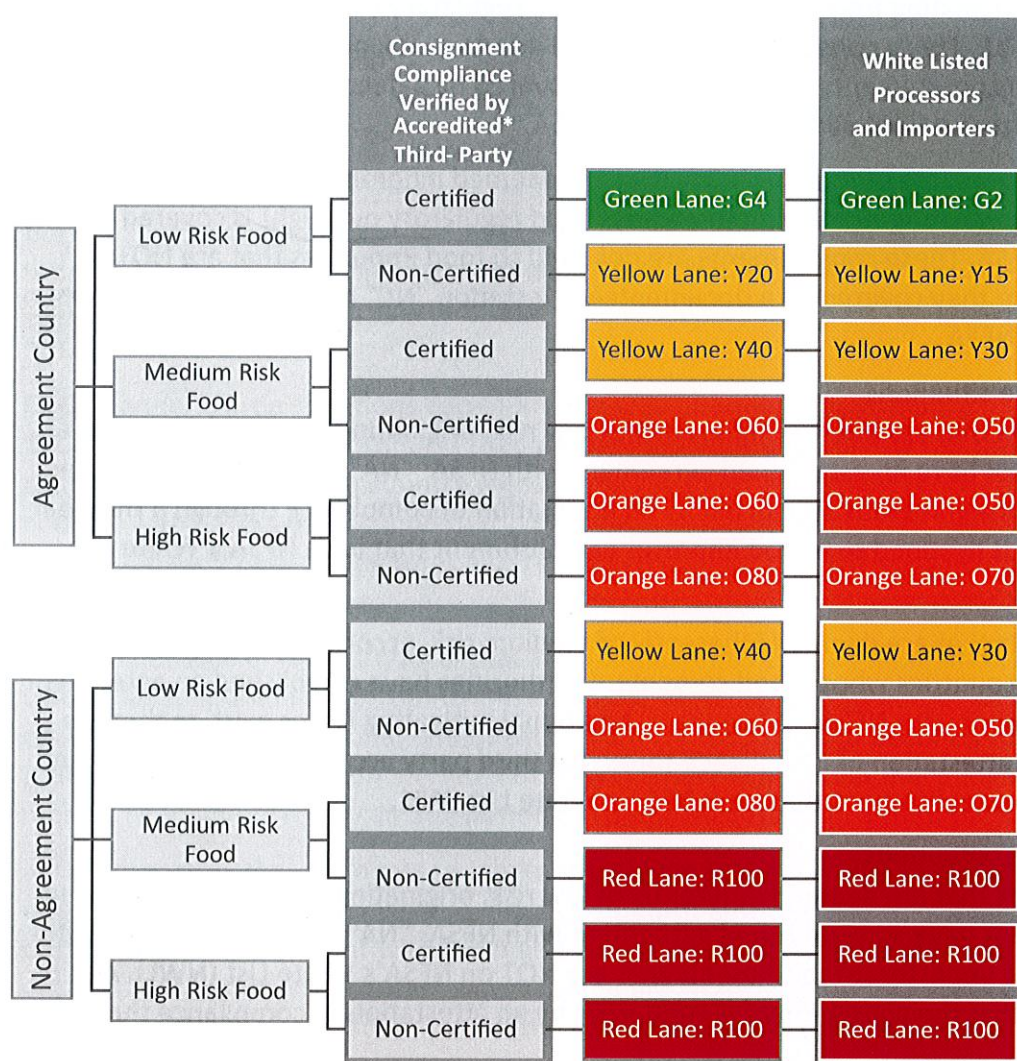
# CLEARANCE CHANNELS CONSIDERED AS A RESULT OF PROFILING OF CONSIGNMENTS

The initial application of a risk-based approach by NFSA in managing its Pre-border control measures will rely upon profiling of food consignments i.e. assigning a Pre-Clearance profile to each food consignment prior to its arrival into Egypt. This Pre-Clearance profile will dictate the “**Clearance Channel**” to be followed by the consignment upon its arrival into an Egyptian Point of Entry i.e. level of scrutiny and compliance verification to which the consignment will be subjected.

## FOOD CONSIGNMENT RISK MATRIX OF DECISION MAKING

The figure below represents the decision-tree used by NFSA to determine the Clearance Channel assigned to each consignment, upon pre-border notification, which will be applied during the first phase of the implementation of NFSA’s risk-based import management approach, and until further notice by NFSA.

Eleven profiles or Clearance Channels will be established at the border.



\*Accredited third – parties include registered third-party inspection companies and competent authorities with which NFSA has a recognition agreement.



### **Green Channel:**

**G2 Channel:** Consignments with a G2 Profile are deemed low risk (lower risk category of NFSA's food risk classification) and of higher likelihood for compliance with the set requirements. These consignments would be originating from a country, with which NFSA has an established agreement: "A" country, and with a documented compliance verification from a recognized third party "C". They will also be destined to food importers that are considered on NFSA's White List (**WL**). These consignments will be released immediately upon arrival, with a 2% sampling taken randomly, over a given period, for further verification as part of the monitoring and data collection approach.

**G4 Channel:** Consignments with a G4 Profile are deemed low risk (lower risk category of NFSA's food risk classification) and of higher likelihood for compliance with the set requirements. These consignments would be originating from a country, with which NFSA has an established agreement: "A" country, and with a documented compliance verification from a recognized third party "C". They will not be destined to food importers that are considered on NFSA's White List (**NWL**). These consignments will be released immediately upon arrival, with a 4% sampling taken randomly, over a given period, for further verification as part of the monitoring and data collection approach.

**Yellow Channel:** Consignments with a Yellow profile are deemed medium risk and of a reasonably acceptable likelihood of compliance with the set requirements. Four types of Yellow Channel are established under this category: **Y15, Y20, Y30 and Y40**.

**Y15 Channel:** Attributed to consignments of food products that are deemed inherently of low risk (low risk in NFSA's food risk classification), originating from a country whose food regulatory oversight is covered by an agreement: "A" country, with NFSA. These consignments are destined to food importers that are considered on NFSA's White List (**WL**). These consignments are however NOT covered by a documented attestation "NC" of compliance verification from a third party accredited by NFSA.

**Y20 Channel:** Attributed to consignments of food products that are deemed inherently of low risk (low risk in NFSA's food risk classification), originating from a country whose food regulatory oversight is covered by an agreement: "A" country, with NFSA. These consignments are destined to food importers that are NOT on NFSA's White List (**NWL**), NOR are they covered by a documented attestation "NC" of compliance verification from a third party accredited by NFSA.

**Y30 Channel:** Corresponds to two situations:

1. Consignments of food products that are deemed inherently of low risk, originating from countries whose food competent authorities do not have an established agreement with NFSA: "NA" country. Mitigating factors exist however, in that the consignment is supported by an attestation of compliance through a third party accredited by NFSA "C" and it is destined to a food importer establishment that is on NFSA's White List (**WL**).

2. Consignments of food products that are deemed inherently of medium risk, according to NFSA's food risk categorization, originating from countries whose food competent authorities have established an agreement on food import/export management with NFSA: "A" country. Additional mitigating factor exist, in that the consignment is supported by an attestation of compliance through a third party accredited by NFSA "C" and it is destined to a food importer establishment that is on NFSA's White List (**WL**).

**Y40 Channel:** Corresponds to two situations:

1. Consignments of food products that are deemed inherently of low risk, originating from countries whose food competent authorities do not have an established agreement with NFSA: "NA" country. These consignments would be destined to food importer establishments that are NOT on NFSA's White List (**NWL**). A mitigating factor exists however, in that the consignment is supported by an attestation of compliance through a third party accredited by NFSA "C".



2. Consignments of food products that are deemed inherently of medium risk, according to NFSA's food risk categorization, destined to food importer establishments that are NOT on NFSA's White List (**NWL**) and originating from countries whose food competent authorities have established an agreement on food import/export management with NFSA: "A" country. An additional mitigating factor exists, in that the consignment is supported by an attestation of compliance through a third party accredited by NFSA "C".

All Y15, Y20, Y30 and Y40 food consignments will be released immediately upon arrival, with a 15%, 20%, 30% and 40% sampling frequency, respectively, taken randomly, over a given period, for further verification as part of the monitoring, data collection and further compliance verification and follow-up as may be relevant.

**Orange Channel:** Consignments of this category are deemed medium-high risk, possessing some level of accepted compliance with the set requirements. Four types of Orange Channels are established under this category: **O50, O60, O70 and O80**.

**O50 Channel:** Three situations correspond to O50 Channel consignments:

1. Consignments of food products that are deemed inherently of low risk (low risk in NFSA's food risk classification), destined to food importer establishments listed on NFSA's White List (**WL**) and originating from a country whose food regulatory oversight is not covered by an agreement: "NA" country with NFSA. An additional risk factor is also related to the fact that the consignment is not covered by a documented attestation of compliance verification from a third party accredited by NFSA "NC".

2. Consignments of food products that are deemed inherently of medium risk, according to NFSA's food risk categorization, destined to food importer establishments listed on NFSA's White List (**WL**) and originating from countries whose food competent authorities have established an agreement on food import/export management with NFSA: "A" country. There is however no additional mitigating factor, in that the consignment is NOT supported by an attestation of compliance through a third party accredited by NFSA.

3. Consignments that are deemed inherently of high risk, according to NFSA's food risk categorization, which originate however from countries whose competent authorities have established an agreement on food import / export management with NFSA and with trusted food regulatory oversight: "A" countries and destined to food importer establishments listed on NFSA's White List (**WL**). There is an additional mitigating factor, in that the consignment is supported by an attestation of compliance through a third party accredited by NFSA "C".

**O60 Channel:** Three situations correspond to O60 Channel consignments:

1. Consignments of food products that are deemed inherently of low risk (low risk in NFSA's food risk classification), originating from a country whose food regulatory oversight is not covered by an agreement: "NA" country with NFSA and destined to food importer establishments that are NOT listed on NFSA's White List (**NWL**). An additional risk factor is also related to the fact that the consignment is not covered by a documented attestation of compliance verification from a third party accredited by NFSA "NC".

2. Consignments of food products that are deemed inherently of medium risk, according to NFSA's food risk categorization, originating from countries whose food competent authorities have established an agreement on food import/export management with NFSA: "A" country and destined to food importer establishments that are NOT listed on NFSA's White List (**NWL**). There is no additional mitigating factor, in that the consignment is NOT supported by an attestation of compliance through a third party accredited by NFSA.

3. Consignments that are deemed inherently of high risk, according to NFSA's food risk categorization, which originate however from countries whose competent authorities have established an agreement on food import / export management with NFSA and with trusted food regulatory oversight: "A" countries. They are destined to food importer establishments that are NOT listed on NFSA's White List (**NWL**). There is however an additional mitigating factor, in that the consignment is supported by an attestation of compliance through a third party accredited by NFSA "C".



2. Consignments of food products that are deemed inherently of medium risk, according to NFSA's food risk categorization, destined to food importer establishments that are NOT on NFSA's White List (**NWL**) and originating from countries whose food competent authorities have established an agreement on food import/export management with NFSA: "A" country. An additional mitigating factor exists, in that the consignment is supported by an attestation of compliance through a third party accredited by NFSA "C".

All Y15, Y20, Y30 and Y40 food consignments will be released immediately upon arrival, with a 15%, 20%, 30% and 40% sampling frequency, respectively, taken randomly, over a given period, for further verification as part of the monitoring, data collection and further compliance verification and follow-up as may be relevant.

**Orange Channel:** Consignments of this category are deemed medium-high risk, possessing some level of accepted compliance with the set requirements. Four types of Orange Channels are established under this category: **O50, O60, O70 and O80**.

**O50 Channel:** Three situations correspond to O50 Channel consignments:

1. Consignments of food products that are deemed inherently of low risk (low risk in NFSA's food risk classification), destined to food importer establishments listed on NFSA's White List (**WL**) and originating from a country whose food regulatory oversight is not covered by an agreement: "NA" country with NFSA. An additional risk factor is also related to the fact that the consignment is not covered by a documented attestation of compliance verification from a third party accredited by NFSA "NC".

2. Consignments of food products that are deemed inherently of medium risk, according to NFSA's food risk categorization, destined to food importer establishments listed on NFSA's White List (**WL**) and originating from countries whose food competent authorities have established an agreement on food import/export management with NFSA: "A" country. There is however no additional mitigating factor, in that the consignment is NOT supported by an attestation of compliance through a third party accredited by NFSA.

3. Consignments that are deemed inherently of high risk, according to NFSA's food risk categorization, which originate however from countries whose competent authorities have established an agreement on food import / export management with NFSA and with trusted food regulatory oversight: "A" countries and destined to food importer establishments listed on NFSA's White List (**WL**). There is an additional mitigating factor, in that the consignment is supported by an attestation of compliance through a third party accredited by NFSA "C".

**O60 Channel:** Three situations correspond to O60 Channel consignments:

1. Consignments of food products that are deemed inherently of low risk (low risk in NFSA's food risk classification), originating from a country whose food regulatory oversight is not covered by an agreement: "NA" country with NFSA and destined to food importer establishments that are NOT listed on NFSA's White List (**NWL**). An additional risk factor is also related to the fact that the consignment is not covered by a documented attestation of compliance verification from a third party accredited by NFSA "NC".

2. Consignments of food products that are deemed inherently of medium risk, according to NFSA's food risk categorization, originating from countries whose food competent authorities have established an agreement on food import/export management with NFSA: "A" country and destined to food importer establishments that are NOT listed on NFSA's White List (**NWL**). There is no additional mitigating factor, in that the consignment is NOT supported by an attestation of compliance through a third party accredited by NFSA.

3. Consignments that are deemed inherently of high risk, according to NFSA's food risk categorization, which originate however from countries whose competent authorities have established an agreement on food import / export management with NFSA and with trusted food regulatory oversight: "A" countries. They are destined to food importer establishments that are NOT listed on NFSA's White List (**NWL**). There is however an additional mitigating factor, in that the consignment is supported by an attestation of compliance through a third party accredited by NFSA "C".



**O70 Channel:** Two situations correspond to O70 Channel consignments:

1. Consignments of food products that are deemed inherently of high risk, according to NFSA's food risk categorization, originating from countries whose food competent authorities have established an agreement on food import/export management with NFSA: "A" country and destined to food importer establishments that are listed on NFSA's White List (**WL**). There is however no additional mitigating factor, in that the consignment is NOT supported by an attestation of compliance through a third party accredited by NFSA "NC".
2. Consignments of food products that are deemed inherently of medium risk, according to NFSA's food risk categorization, originating from countries whose food competent authorities have NO established agreement on food import/export management with NFSA: "NA" country and destined to food importer establishments that are listed on NFSA's White List (**WL**). There is however an additional mitigating factor, in that the consignment is supported by an attestation of compliance through a third party accredited by NFSA "C".

**O80 Channel:** Two situations correspond to O80 Channel consignments:

1. Consignments of food products that are deemed inherently of high risk, according to NFSA's food risk categorization, originating from countries whose food competent authorities have established an agreement on food import/export management with NFSA: "A" country and destined to food importer establishments that are NOT listed on NFSA's White List (**NWL**). There is no additional mitigating factor, in that the consignment is NOT supported by an attestation of compliance through a third party accredited by NFSA "NC".
2. Consignments of food products that are deemed inherently of medium risk, according to NFSA's food risk categorization, originating from countries whose food competent authorities have NO established agreement on food import/export management with NFSA: "NA" country. These consignments are destined to food importer establishments that are NOT listed on NFSA's White List (**NWL**). There is however an additional mitigating factor, in that the consignment is supported by an attestation of compliance through a third party accredited by NFSA "C".

O50, O60, O70 and O80 food consignments will be subjected to a random sampling of 50%, 60%, 70% and 80% of products respectively, for a given category, during which the consignments will be held for inspection. The sampled consignments will be held for inspection at Border. Holding the consignments during inspection will be carried out at the expense of the food importer in a location agreed upon by NFSA, pending the results of the inspection process to verify compliance with the set requirements identified by NFSA: "temporary release". The non-sampled consignments will be released to the market.

Should a non-compliance case be identified during the "hold" period, the relevant regulatory action will be taken by NFSA in collaboration with the importer, including the return of the shipment or its destruction as may be required.

**Red Channel:** Consignments are deemed of higher risk profile, requiring 100% inspection following a "hold and inspect protocol". These consignments will be held at a location agreed upon by NFSA at the importer's expense while the inspection process, including any relevant sampling for compliance verification, is carried out.

Two situations are identified for this channel, regardless of the status of the food importer establishment as to its listing on NFSA's White List:

1. Consignments of food products that are deemed inherently of medium risk, according to NFSA's food risk categorization, originating from countries whose food competent authorities have NO established agreement on food import/export management with NFSA: "NA" country. There is also no additional mitigating factor, in that the consignment is NOT supported by an attestation of compliance through a third party accredited by NFSA "NC".



2. Consignments of food products that are deemed inherently of high risk, according to NFSA's food risk categorization, originating from countries whose food competent authorities have no established agreement on food import/export management with NFSA: "NA" country. The Red Channel is assigned to these consignments, whether a certificate of compliance through an accredited third party is provided or not. Such certificate of compliance can however be useful to expedite the inspection process "at border" and reduce the "hold" period.

## PRE-BORDER NOTIFICATION

NFSA will implement an enhanced Pre-Border oversight, with the assignment of a Pre-Clearance status to each food consignment prior to its arrival in Egypt, i.e. Pre-Border.

The Pre-Clearance protocol will be based on a notification of shipment for any given food consignment destined to an Egyptian point of entry. This notification is to occur at least 72 hours prior to the arrival of the consignment at the Egyptian Point of Entry. The pre-clearance protocol results in the attribution of a Clearance Channel, which may help ensure an expedited handling of the consignment.

The absence of a notification of shipment made to NFSA, prior to the arrival of the consignment would result in the default consideration of a "Hold and Inspect" handling: i.e. 100% inspection of consignments that did not proceed with a notification prior to arrival.

This step of pre-border notification is designed to enable food importers – and exporters in their country of origin – to notify NFSA of an upcoming shipment of a food commodity destined to the Egyptian market. As a result, the consignment is assigned a Clearance Channel, prior to its arrival, which will support its handling at the point of entry.

The notification step calls for the importer to provide NFSA with all information and documentation that is deemed necessary to determine its risk profile and hence attribute a Clearance Channel. NFSA will develop a transparent procedure for this step which will be shared with its partners and stakeholders.

NFSA will use the risk matrix of decision-making presented on page 11 as the basis for the attribution of the Clearance Channel to each consignment.

**This process can be developed from 3 months ahead of shipment and up to 72 hours prior to arrival of the consignment. Documentation required:**

- Nature of the food products intended for export to Egypt.
- Status of the Country of Origin "A" / "NA"
- Status of the food regulatory oversight that the product is subject to.
- Status of planned documentation/certification of product compliance – what quality, what scheme and who (third party certifier and its status with NFSA).

Should an importer disagree with the Clearance Channel attributed as a result of the notification assessment, they may present additional information to clarify the status of the consignment. A final decision has to be reached by NFSA – on the basis of the new documentation – prior to shipment arrival at the Point of Entry, otherwise the initial NFSA determination will stand.





# AT BORDER MANAGEMENT THROUGH THE MODERNIZED APPROACH

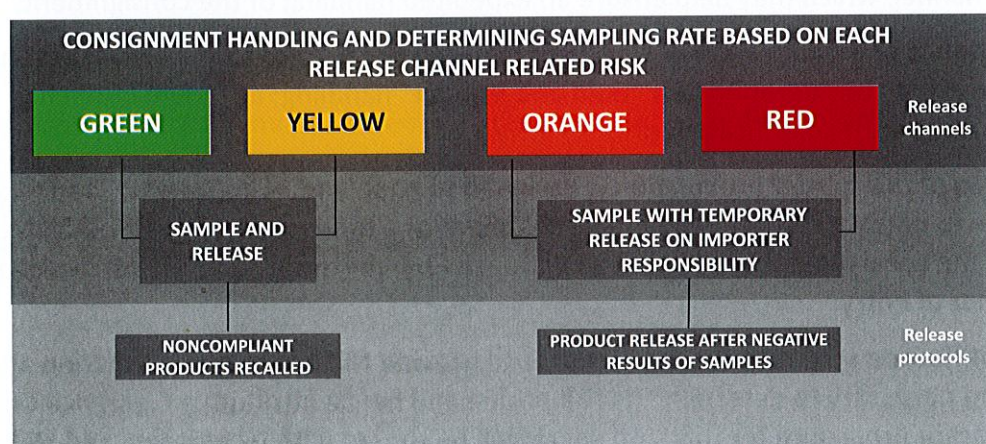
NFSA's modernized food import control system is shifting the level of oversight towards Pre-Border Control, such that the overall approach is more preventive and benefits from expedited handling at the Border / Point of Entry. A decision-tree was adopted as a guide for consignment handling at the border. A procedure will be developed by the NFSA and shared with all stakeholders to enable a systematic handling of consignments.

As indicated earlier, the absence of the Pre-Border notification, would result in the assignment of a Red Channel Clearance lane, meaning that 100% of these shipments would be held for inspection

In all instances and upon arrival of the consignment, a verification step is carried out to check on the concordance of information provided on the shipment with the actual associated consignment. Should this step be successful, consignments are then handled according the clearance lane that they have been attributed as a result of the notification step.

The figure to the right will serve as a guide for the way the consignments are to be handled in accordance with the clearance channel that they are attributed.

Handling of Inspected and Sampled Consignments



## INSPECTION PROTOCOLS

Products and consignments that are subjected to inspection will go through the various aspects of both physical inspection and sampling and analysis to determine food safety and quality parameters as set for the various food commodities included in NFSA's food categorization protocol, to assess compliance with a number of requirements as set through standards, technical regulations or technical rules.

It is important that the inspection process be also risk-based. This means that consignments will be inspected considering the type of food product (and inherent hazards associated with it), the originating country and any demonstration of compliance provided through either internal processes, or the provision of third-party certification.

A protocol for a risk-based inspection of imported consignments, that are directed for such inspection through the "Clearance Channels", will be developed with the associated procedures. Service standards will also be developed and followed. These protocols and procedures will be used for training purposes of NFSA personnel assigned to food import control.



# NEXT STEPS

The implementation of the modernized food import control system will require a step-wise approach with incremental enhancements. NFSA will anchor the projected changes in food regulatory provisions, in the form of technical regulations, that provide clarity on the principles, roles and responsibilities and establish the requirements of the import control system. NFSA is currently working on regulatory provisions with regards to: recognition of foreign competent authorities, registration of importers, prior notification requirements, sampling and obligations of food business operators. NFSA will engage with stakeholders throughout the drafting of these regulatory provisions.

The implementation of the food import control system will also require the development of internal procedures and protocols that address not only the new aspects of Pre-Border Management but also to modernize the "At-Border" inspection approach, in particular to introduce risk-based oversight to these practices. NFSA is currently working on updating their internal procedures to introduce risk-based oversight in accordance with international best practices.

NFSA will engage with stakeholders to receive input as the modernized food import control system is designed. The engagement will encourage feedback from stakeholders to ensure minimal disruption to the flow of imported food consignments. In addition, NFSA will encourage and incorporate feedback from stakeholders during various stages of the import control system's implementation to ensure continuous improvement and enhancement.

In the long-run, NFSA will seek to rely on data generated from the import control system on compliance history, effectiveness of controls and importer/exporter performance to continually enhance the regulatory framework and to ensure the optimal protection of Egyptian consumers.





## Technical References Reviewed and Considered by NFSA:

- ◇ Codex standard: Guidelines for the design, operation, assessment and accreditation of food import and export inspection and certification systems (CAC/GL26-1997)
- ◇ Codex Standard: Guidelines for food import control systems CAC/GL47-2003
- ◇ FAO Guidance document: Risk Based Imported Food Control Manual, ISSN 2415-1173, FAO, Rome 2016, <http://www.fao.org/3/a-i5381e.pdf> - accessed December 2019.
- ◇ FAO Guidance document: Risk-based Food Inspection Manual, ISSN 0254-4725, FAO, Rome , 2008
- ◇ Committee of Sanitary and Phytosanitary Measures: Practical Guidelines to the Practical Implementation of Articles 5.5.
- ◇ Canadian Food Imports Requirements, Safe Food for Canadian Regulations (SFCR) – Guidance to importers (<https://www.inspection.gc.ca/importing-food-plants-or-animals/food-imports/step-by-step-guide/eng/1523979840095/1523979839705>) accessed in December 2019
- ◇ Australia's Imported Food Control Regulations 2019 (<https://www.agriculture.gov.au/import/goods/food/notices/ifn14-19>) accessed in January 2020
- ◇ United States Food Safety Modernization Act, and associated rules related to food import management, e.g. supplier verification requirements: Guidance for Industry: Compliance with Providing an Acceptable Unique Facility Identifier for the Foreign Supplier Verification Programs Regulation, March 2018, <https://www.fda.gov/media/111885/download> - Accessed in December 2019
- ◇ The South Australian Food Business Risk Classification, November 2018, Government of South Australia







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