

Law No 25-08 establishing the National Office for Food Safety, promulgated by Dahir No. 1-09-20 of 22 Safar 1430 (February 18, 2009)

(OG No 5714 of 05/03/2009, page 358)

Having regard to the Constitution, in particular its articles 26 to 58;

It has been decided as follows:

It is hereby promulgated and shall be published in the Official Gazette, after this Dahir, the Law No 28-07 on the creation of the National Office for Food Safety, as adopted by the House of Councilors and the House of Representatives.

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Law No. 25-08 Establishing the National Office for Food Safety

TITLE I - NAME AND PURPOSE

Article 1

It is hereby established, under the name "National Office for Food Safety", hereinafter referred to as "the Office", an establishment with legal personality and financial autonomy.

The Office is placed under the supervision of the State, which will ensure the compliance by the competent organs of the Office with the provisions of this law, in particular those relating to the tasks assigned to it and, in general, to ensure the application of legislation and regulations concerning public institutions.

The Office shall also be subject to the financial control of the State, applicable to public enterprises and other bodies in accordance with the legislation in force.

Article 2

Without prejudice to the powers conferred by the laws and regulations in force to ministerial departments or other bodies, the Office shall exercise, on behalf of the State, attributions relating to the protection of the consumer's health and the preservation of animal and plant health.

To this end, the Office shall perform the following tasks, in accordance with the legislation and regulations in force:

- implement government policy on the safety of plants, animals and food products from raw materials to the final consumer, including foodstuffs for animal feed ;
- ensure the sanitary protection of the national plant and animal heritage and control plant and animal products or products of vegetable or animal origin, including fishery products, whether at import, on the domestic market and on export;
- ensure the health surveillance of animals and control their identification and movements;
- apply the existing regulations on veterinary and phytosanitary sanitary measures;

- conduct health risks analysis that the food and feed products may have on the health of consumers as well as pathogens for the health of plants and animals;
- control plant and animal diseases, plant and animal products, foodstuffs, animal feedstuffs, veterinary medicinal products or any other products intended for the use of medicine and animals, veterinary surgery;
- issue authorizations or sanitary agreements, as the case may be, for establishments in which food products and foodstuffs intended for animals are produced, manufactured, processed, handled, transported, stored, stored or offered for sale, with the exception of fish markets, fishing vessels, floating barges and processing, production, transformation, packaging and preservation units for sea fishing products and by-products;
- issue its opinion with regard to the health compliance of the marine fishing establishments referred to in the preceding paragraph prior to their approval;
- monitor and register veterinary drugs and veterinary pharmaceutical establishments;
- control food additives, packaging materials, products and materials that may come into contact with food products, fertilizers and irrigation water;
- authorize and/or register livestock farms;
- control and proceed to the registration of pesticides and the approval of the establishments that produce them, import them or export them,
- control and proceed to the certification of seeds and plants and the approval of establishments that produce, import or export them.

The realization of all or part of certain missions indicated above, may be delegated by the Board of Directors of the Office, under its control, to public bodies or private legal entities approved by the Office for this purpose. The said missions shall be fixed by ministerial order of the governmental authority in charge of agriculture.

Article 3

The duties and responsibilities of the sworn officers and agents in charge of fraud prevention, plant protection inspectors, sworn veterinary inspectors and livestock technicians shall continue to be governed by the legislative and regulatory provisions applicable to them, in particular:

- the Dahir of May 5, 1916 prescribing the sanitary inspection of animals and animal products exported;
- the Dahir of September 20, 1927 on the sanitary regulation of plants;
- the Dahir enacting Law No. 1-75-292 of Chaoual 5, 1397 (September 19, 1977) enacting measures to protect domestic animals from contagious diseases;
- the Dahir enacting Law No. 1-75-291 of Chaoual 24, 1397 (October 8, 1977) enacting measures relating to sanitary and qualitative inspection of live animals and animal or animal products;
- the Law No. 21-80 on the private practice of veterinary medicine, surgery and pharmacy, promulgated by Dahir No. 1-80-340 of Safar 17, 1401 (December 25, 1980);
- the Law No. 13-83 on the prevention of fraud on goods, promulgated by the Dahir No. 1-83-108 of Moharrem 9, 1405 (October 5, 1984);
- the Law No 24-89 setting forth measures of veterinary sanitary police for the import of animals, animal foodstuffs, products of animal origin, products if animal multiplication and seafood and freshwater products, promulgated by the Dahir No. 1-89-230 of Rabii I 22, 1414 (September 10, 1993);
- the Law No. 49-99 relating to the health protection of poultry farms, the control of production and marketing of poultry products, promulgated by Dahir No. 1-02-119 of the Rabii II 1, 1423 (June 13, 2002).

TITLE II - ADMINISTRATIVE AND MANAGEMENT BODIES

Article 4

The office is administered by a board of directors and run by a general director.

Article 5

The board of directors shall be composed of representatives of the State. It may invite, in an advisory capacity, to its meetings any person from the public or private sector whose participation is deemed useful.

Article 6

The board of directors shall be endowed with all the powers and attributions necessary for the administration of the Office, including:

- develop the general policy of the Office within the framework of the orientations set by the Government;
- fix the draft budget and the multi-year budget forecasts of the Office;
- approves the annual accounts of the Office and decides on the allocation of results;
- approves the annual management report prepared by the General Director of the Office;
- fix the prices of services and services provided to third parties;
- draw up the Staff Regulations laying down in particular the conditions of recruitment, remuneration and career development of the staff of the Office;
- fixes the organizational chart setting out the central and external organizational structures and their attributions;
- adopt the regulation laying down the conditions and forms of procurement;
- fix the conditions under which certain tasks of the Office shall be delegated to public bodies or private legal entities.

The board of directors may delegate to the general director of the office for the settlement of specified cases.

Article 7

The board of directors may decide to create any advisory committee and decides on its composition and operating procedures.

Article 8

The board of directors shall meet, at the invitation of its chairman, as often as needed, and at least twice a year.

It shall deliberate validly when at least half of its members are present or represented, and shall take decisions by majority vote. In the event of a tie, the vote of the chairman shall prevail.

Article 9

Subject to the provisions of Article 3 above, the General Director shall have all the powers and duties necessary for the management of all the services of the Office and shall act on his behalf.

He shall implement the decisions of the board of directors and, as the case may be, the decisions of the committee (s) created by the latter.

He shall perform or authorize any act or transaction relating to the goal of the office and shall represent it vis-à-vis the State, any public or private body and any third party and shall do all acts of preservation.

He shall represent the office before all courts and may institute legal proceedings for the defense of the interests of the office, but shall immediately notify the chairman of the board of directors.

He shall attend, in an advisory capacity, the meetings of the board of directors and of the committee (s) created by the latter, as the case may be.

He may delegate, under his responsibility, part of his powers and attributions to the personnel placed under his authority.

TITLE III - RESOURCES AND FINANCIAL ORGANIZATION

Article 10

The budget of the office shall include:

- a) Recipes
 - income from its activities;
 - subsidies from the State, local authorities and any other body, governed by public or private law;
 - donations and legacies and miscellaneous proceeds;
 - all other receipts, including those of parafiscal nature, which can be attributed to it later.
- b) Expenditure:
 - investment expenditure;
 - operating expenses;
 - all other expenses related to the missions of the office.

Article 11

Real estate belonging to the private domain of the State, assigned to the governmental authority in charge of agriculture on the date of entry into force of the present law, and necessary for the accomplishment of the missions of the office shall be put at its disposal in accordance with the procedures laid down by regulatory means.

The ownership of movable assets held by the administrative structures under the governmental authority in charge of agriculture and exercising, as of the date referred to in the first paragraph above, the attributions falling within the missions of the Office, shall be transferred free of charge to the Office, in accordance with the procedures laid down by regulatory means.

The files and archives relating to the missions which are devolved to the Office and held by the governmental authority in charge of agriculture, as of the date referred to in the first paragraph above, shall also transferred to the Office.

TITLE IV – PERSONNEL

Article 12

Notwithstanding any contrary legislative or regulatory provisions, tenured and temporary members of staff in the central and external structures of the governmental authority in charge of agriculture, as of the date referred to in Article 11 above, entrusted with the duties falling under the missions of the Office, shall automatically be assigned to the latter.

These members of staffs shall be integrated at their request in payroll of the Office under the conditions and criteria fixed by the special status of the Office staff members.

Article 13

The statutory position conferred by the special status of the Office staff members on the integrated members of staff, in accordance with Article 12 above, can by no means be less favorable than that held by the persons concerned at the date of their integration.

The years of service of the personnel referred to in Article 12 above in the administration of origin shall be deemed as having been spent with the Office.

Article 14

Notwithstanding any provisions to the contrary, the staff members incorporated in the Office shall continue to benefit from the pension plan, with the funds to which they were contributing until the date of their incorporation.

Done at Fez on Safar 22, 1430 (February 18, 2009).

For countersignature:

Prime Minister, ABBAS EL FASSI