

Order of the Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests No. 1596-20 of 28 Shawal 1441 (20 June 2020) establishing the formats and procedures reports prepared by authorized agents of the National Office for Food Safety.

(OG No 6910 of 30 Doul Hijja 1441 (20 August 2020), Page 1504)

THE MINISTER OF AGRICULTURE, MARITIME FISHERIES, RURAL DEVELOPMENT AND WATER AND FORESTS,

Having regard to Law No. 28-07 relating to the health safety of food products, promulgated by Dahir No. 1-10-08 of 26 Safar 1431 (11 February 2010), in particular its Articles 21, 22, 23 and 24;

Having regard to Law No. 13-83 relating to the repression of fraud on goods, promulgated by Dahir No. 1-83-108 of 9 Moharram 1405 (5 October 1984), in particular Articles 29 and 31 thereof;

Having regard to Decree No. 2-15-219 of 5 Ramadan 1436 (22 June 2015) taken for the application of Article 21 of Law No. 28-07 on the health safety of food products, in particular its Article 2,

ORDERS:

Article 1 – The provisions of this Order shall apply to the reports listed below, drawn up by the authorized agents of the National Office for Food Safety (ONSSA), as referred to in Article 1 of Decree No. 2-15-219, referred to above:

- Reports documenting violations of the provisions of Law No. 28-07 or of the texts adopted for its implementation;
- Reports of sample collection as provided for in Articles 29 and 31 of Law No. 13-83;
- Seizure and deposit reports as provided for in Articles 23 and 24 of Law No. 28-07.

These reports shall be prepared using the corresponding templates set out in Annex I to this Order.

Article 2 – When preparing a report, the reporting officer must ensure that all sections are clearly completed, without any erasures. The officer shall sign each page of the report.

If the nature of the offence requires sample collection, seizure, or detention, the corresponding report must be annexed to the report documenting the offence.

Article 3 – The reports referred to in Article 1 shall be recorded in a register maintained for this purpose by the competent department of ONSSA, using the template set out in Annex II to this Order.

This register, in A4 format, must include a cover page and as many consecutively numbered pages as necessary. It may also be maintained in electronic format.

Article 4 – Any report of an offence shall include the identity and position of the reporting officer(s), along with the name of the department to which they are assigned. The report must also include the following information:

- Date and time the offence was observed;
- Identity of the alleged offender;
- Location where the offence was observed;

- Elements constituting the offence;
- References to the legal and/or regulatory provisions violated;
- References to prior notifications sent to the offender, if applicable;
- A record of any measures taken—such as sample collection, seizure, or detention—along with references to the corresponding report(s);
- A list of any documents annexed to the report, including, if applicable, photographs of relevant locations, objects, or products;
- Identity and statements of any witnesses present at the time of the offence, if applicable;
- Statements made by the offender, or a note indicating that the offender declined to make a statement;
- Signature of the offender, or a statement indicating that the offender refused or was unable to sign.

Article 5 – During control operations relating to the observation of an offence, the reporting officer(s) must ensure that all necessary hygiene and biosecurity measures are taken to prevent contamination. Where appropriate, they may prescribe any additional measures deemed necessary. These measures must be recorded in the relevant report.

Article 6 – Sample collection and laboratory analyses shall be conducted in accordance with the procedures established under applicable legislation and regulations, taking into account the nature of the products and the specific requirements of the analysis.

Article 7 – If the offence concerns primary products, foodstuffs, or animal feed requiring withdrawal or recall under Articles 10, 11, or 20 of Law No. 28-07, the report must include details of the corrective measures to be undertaken by the offender and the deadline granted for their implementation.

Article 8 – If the offence relates to non-compliance with Articles 13 or 14 of the aforementioned Law No. 28-07, the report must indicate the number and species of live animals involved.

Article 9 – This Order shall be published in the Official Gazette.

Rabat, 28 Shawal 1441 (20 June 2020)

The Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests, Aziz AKHANNOUCH.

Annex I

to the order of the Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests No. 1596-20 of 28 Shawal 1441 (June 20, 2020) establishing the formats and procedures for reports prepared by authorized ONSSA agents.

Report Templates (first article)

I°/ Template for infringement report

Report of violation of the provisions of Law No. 28-07 relating to the health safety of food products or of the texts adopted for its application No.

1°/ Information relating to the issuing agents:

- First and last name :.....
- Title :.....
- Service :.....

2°/ Date and time of observation of the offence:

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3°/ Identification of the offender:

- Name and Surname: (natural person):....Name (legal person):.....
- ID card number :.....
- Address: (natural person):....Registered office (legal entity):.....
- Quality ¹:....
- Name or registered office of the place of the offence:
- Tel/Fax :....
- E-mail :....

4° / Place of the offence:

- Exact address and/or location :.....
- Activity exercised out at the place of the offence (production, handling, processing, transformation, packaging, conditioning, transport, preservation, storage, distribution, offering for sale, export or import):.....
- Means of transport ²: identification of the vehicle, owner, user and identification of the sender and recipient (document reference), indication of the number of the approval or authorization on the health plan, if applicable:.....

¹ Indicate the offender's status in the livestock farm, business or establishment in the food or animal feed sector.

² To be provided if the violation is discovered during transport .

5°/ Constituting elements of the offence ³:

- Product identification ⁴:

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- Identification of objects or devices used or capable of being used for falsification:

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- Failures recorded (actions and/or omissions):

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6°/ References to the legislative or regulatory provisions infringed ⁵:

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7°/ References of prior notifications sent to the offender, where applicable:

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8°/ Measures taken ⁶:

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9°/ Information relating to documents attached to the minutes (nature of the document, description or indication of elements enabling it to be identified precisely):

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10°/ Other useful information:

- Hygiene and biosecurity measures prescribed, where applicable:

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- Measures to be taken and time period granted in the event of withdrawal or recall of primary products, food products or animal feed:

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³ Describe, precisely, the elements constituting the offence, in particular the object of the offence and all the breaches of obligations (actions or omissions) of the offender – use a chronological order of events.

⁴ Indicate whether it is a live animal, a primary product, a food product, animal feed, an ingredient or an additive likely to be incorporated into a primary product, a food product or animal feed.

⁵ Where the infringement concerns the advertising or labelling of a primary product or a food or animal feed product subject to specific legislation or regulations, mention of the provisions of said legislation or regulations infringed must be made as well as the reference to articles 19 and 26 of law n°28-07.

⁶ Indicate precisely whether samples are taken with or without suspension of sale or seizure or consignment with the reference of the corresponding report.

- Number and species of unidentified living animals:
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- Identity and statements of witnesses present when the offence was observed, if applicable:
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- Statements by the offender or indication that he did not wish to make a statement:
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- Additional information, if applicable ⁷:
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11°/ Signatures

Reporting agent(s)	Offender or mention that he cannot or refuses to sign
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⁷ Indicate whether the offence constitute a flagrant violation within the meaning of Article 27 of Law No. 13-83 concerning primary products, foodstuffs or animal feed or whether a sale suspension measure has been ordered pursuant to Article 28 of the same law.

II° Model for taking samples for analysis

Report of sampling for analysis no.....

1° Reference of the infringement finding report to which this sample taking report is attached:

2° Information relating to the reporting officers and to the persons who carried out, under their supervision, the sample collections, where applicable:

- Identity and status of the reporting officer(s) and the person(s) who took the samples:
First and last name :
Title :
Service :

3° Identity of the offender and details relating to the place of collection:

- **Identity of the offender:**
Name and Surname: (natural person) :....Name (legal person) :.....
ID card number :.....
Address: (natural person) :....Registered office (legal entity) :.....
Quality ¹:....
Name or registered office of the place of the offence:
.....
Tel/Fax :....
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E-mail :
- **Sampling location:**
Exact address and/or location :.....
Activity carried out at the place of collection (production, handling, treatment, transformation, packaging, conditioning, transport, conservation, storage, distribution, sale, export or import):.....
- **Means of transport** ²: identification of the vehicle, owner, user and identification of the sender and recipient (document reference), indication of the number of the approval or authorization on the health plan, if applicable:
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4° Identification of samples taken for analysis ³:

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5° Date and time of sampling and precise description of the operations progress and the procedures followed ⁴:

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¹ Indicate the offender's status in the livestock farm, business or establishment in the food or animal feed sector.

²To be provided if the sample has been taken place in transit.

³Describe precisely the elements sampled constituting the offence, in particular the object to which it relates and all the breaches of obligations (actions or omissions) of the offender – use a chronological order of events.

⁴ Indicate the legislative and regulatory references supporting the procedure followed for the sample collection.

6°/ Other useful information

- Hygiene and biosecurity measures observed for sample collection, if applicable:
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- Indication of the laboratory of destination of the samples taken:
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- Statements by the offender (with mention of his identity and signature) or mention that he did not wish to make a declaration:
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- Additional information , if applicable ⁵:
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7°/ Declaration of the agent(s) who took the samples :

I (we), the undersigned, certify that:

- the samples taken are identical and that the sampling operations were carried out in strict compliance with the procedures in force;
- a sealed sample was given to the person concerned and he (agreed/refused) ⁶to keep it in deposit;
- a receipt detached from a stub book, mentioning the number of products taken, the value of the said samples,dirhams, as declared by the person concerned, was given to him.

8°/ Signatures

Reporting agent(s)	Offender or statement that he cannot or refuses to sign

⁵ Indicate whether a sale suspension measure has been ordered following the taking of samples, in accordance with the provisions of article 28 of Law No. 13-83.

⁶Delete as appropriate.

III°/ Model report of the seizure/consignment of primary products, foodstuffs, animal feed or objects and devices used or likely to be used in falsification activities

Report of the seizure/consignment of primary products, foodstuffs, animal feed or objects and devices used or likely to be used in falsification activities No.

1°/ Reference of the infringement finding report to which this seizure/consignment report is attached:

2°/ Information relating to the reporting officers who carried out the seizure/consignment:

- First and last name :
- Title :
- Service :

3°/ Identification of the offender and place of seizure/consignment:

- Identity of the offender including the owner:

Name and Surname: (natural person) :...Name (legal person) :.....

ID card number :...

..... Address: (natural person) :...Registered office (legal entity) :.....

Quality ¹:.....

Name or registered office of the place of the offence:

Tel/Fax :.....

E-mail :.....

- Place of seizure/consignment:

Exact address and/or location :

Activity carried out on the site (production, handling, treatment, transformation, packaging, conditioning, transport, conservation, storage, distribution, sale, export or import):

- Means of transport ²: identification of the vehicle, owner, user and identification of the sender and recipient (document reference), indication of the number of the approval or authorization on the health plan, if applicable:

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4°/ Identification of live animals, products, foodstuffs, objects or devices seized/contained:

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5°/ Date and time of seizure/consignment and a brief description of the circumstances and progress thereof:

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6°/ Place of deposit of live animals, products, foodstuffs, objects or devices seized/consigned, and indication of the measures taken for their custody and preservation:

¹ Indicate the offender's status in the livestock farm, business or establishment in the food or animal feed sector.

²To be provided if the seizure/consignment takes place during transport.

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7°/ Other useful information:

- Prescribed hygiene and biosecurity measures:

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- Statements by the offender (with mention of his identity and signature) or mention that he did not wish to make a declaration:

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- Additional information, if applicable:

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8°/ Signatures

Reporting agent(s)	Offender or statement that he cannot or refuses to sign

Annex II

to the order of the Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests No. 1596-20 of 28 Shawal 1441 (June 20, 2020) establishing the formats and procedures for reports prepared by authorized ONSSA agents.

Report Recording Register

(Article 3)

(Cover page)

Report Recording Register

(Order of the Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests No. 1596-20 of 28 Shawal 1441 (20 June 2020), (article 3)

Year
Pages from to.....

ONSSA service of

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Template of Report Recording Register (continued)

(The pages)

(*) Report of an infringement, report of sample collection or report of seizure/consignment.