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POLICY

Voluntary - Public

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Post: Rabat

Control of Conformity for Imported Products

Report Categories:

FAIRS Subject Report

Sanitary/Phytosanitary/Food Safety

SP2 - Prevent or Resolve Barriers to Trade that Hinder U.S. Food and Agricultural Exports

Dairy and Products

Dried Fruit

Fresh Fruit

Fishery Products

Grain and Feed

Livestock and Products

Oilseeds and Products

Potatoes and Potato Products

Poultry and Products

Snack Foods

Tree Nuts

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Report Highlights:

This report contains an unofficial translation of [Order No. 141-18](#) on the methods and techniques of control of conformity for imported primary products, food products and animal feed. This measure effectively affects all of Morocco's imports of agricultural and related imports, which total roughly \$5.5 billion/year, including \$500 million from the United States. The measure is referenced in WTO notification [G/SPS/N/MAR/56](#), which included model sanitary certificates for [primary plant products](#) and for [plants and plant products and food products other than ones submitted under veterinary certification](#).

Order of the Minister of Agriculture, Maritime Fisheries, Rural Development and Waters and Forests [No. 141-18](#) of 22 Rabii II 1439 (January 10, 2018) laying down the methods and techniques of control of conformity for imported primary products, food products and animal feed.

[\(BO n° 6706 of 06/09/2018, page 1616\)](#)

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

Considering the [Decree No. 2-10-473](#) of 7 chaoual 1432 (September 6, 2011) taken for the application of certain provisions of [Law No. 28-07](#) on the safety of food products, in particular Article 69

ORDER:

FIRST ARTICLE. - In accordance with the provisions of Article 69 of the abovementioned [Decree No. 2-10-473](#), the purpose of this Order is to lay down the appropriate methods and techniques of control of conformity of primary products, food products and animal feed to be carried out when they are imported.

This control of conformity for importation is carried out by the authorized agents of the National Office of Food Safety (ONSSA), in accordance with the procedures laid down in Article 3 below, at the border crossing through which the products enter the national territory, before the customs clearance of the said products or foods.

ART. 2. - The control of the conformity of primary products, food products and animal feed is intended to ensure that those products or foods meet the requirements of the applicable legislative and regulatory requirements for quality and safety of food products.

Where, for a primary product, a food product or an animal feed, no requirement has been provided, it must meet the standard of the Codex Alimentarius corresponding to it.

ART. 3. - The control of conformity of primary products, food products and animal feed referred to in Article 2 above includes a documentary control, an identification control, and a physical control of such products or foods.

The documentary check is a check to check the form and content of the accompanying documents of any primary product, food product or animal feed for the purpose of ensuring accordance with the provisions of Article 48 of [Decree No. 2-10-473](#):

- comes from a country, zone or region not subject to sanitary or phytosanitary restrictions;
- meets the hygienic and sanitary requirements provided by the regulations in force;
- comes from an establishment or a company having set up a self-monitoring HACCP system or an equivalent system;
- complies with the requirements of the current legislation on quality and safety or, in the absence of such requirements, to the Codex Alimentarius standards.

Identity check consists of checking the concordance between the identification elements of the imported primary product, food product or animal feed and the documents which accompany it.

The physical check consists of ensuring, from a representative sample of a batch of imported primary products, food product or animal feed, that products or foods:

- correspond to the documents checked;
- have been transported and stored in accordance with the regulations in force;
- are packaged in a packaging that does not contain any defects;
- are labeled in accordance with the regulations in force;
- are packaged in packaging or containers consisting of materials intended to come into contact with food products in the case of prepackaged products;
- are not altered or contaminated;
- bear health stamps and proper identification marks;
- are compliant following simply performed sensory examinations and / or physicochemical tests.

If necessary, representative samples of concerned primary products, food products or animal feeds are carried out for laboratory analysis.

ART. 4. - Any shipment of primary products, food products or animal feed are subject to a documentary check, a random identity check and a physical control.

In addition, the above-mentioned products and foods may be subject to risk analysis, from taking samples for laboratory analysis, called analytic control, according to frequencies set by the Director General of ONSSA.

ART. 5. - For the products mentioned below, the identity and physical checks provided for in Article 3 above are made on the basis of the risk analysis according to frequencies set by the Director General of ONSSA:

- raw materials, including food additives for the agri-food industry transported and stored at room temperature;
- raw materials, additives and premixes for animal feed;
- food products imported on temporary admission or intended for the export free zones;
- products imported as donations, samples and those intended for exhibitions, sporting, cultural or other events, or diplomatic representations.

ART. 6. - When, during the physical check, it is not possible to easily access all the lots or, if it is necessary to deepen investigations, the authorized officer of ONSSA referred to in Article 1 above may have the importer or his representative complete unloading of the goods, while ensuring the preservation of the quality and safety of the primary products, food products or animal feed.

When the particular characteristics of the imported goods justify it, the importer or his representative must make available to ONSSA's authorized agents the equipment appropriate for sampling purposes for the analysis of products or foods transported in special conditions or packed in certain forms in a manner where a representative sample cannot be achieved with standard equipment.

ART. 7. - For the control of conformity, the concerned importer or his representative must file with the ONSSA service in whose jurisdiction the concerned border crossing is located for the importation, a request made on a form available at the aforementioned ONSSA service or on the ONSSA website, accompanied by a file including, as the case may be, the following documents:

- the unique declaration of the goods (DUM) or occasional declaration (DO);
- health certificates or other equivalent documents issued by the competent authority of the exporting country certifying that the products or foods concerned comply with the legislation in force and without danger to human life or animal health;
- the copy of the commercial invoice;
- the copy of the packing list;
- where appropriate, the documents justifying the method of production and / or the specificities of the imported products or foods, including the method of organic production, the geographical indication and the designation of origin;
- for animal products or products of animal origin, a halal slaughter certificate in accordance with the applicable regulations;
- the documents allowing the identification of the approved or authorized place on the sanitary level in which the products or food will be stored before they are placed on the market, a document setting out the recall plan referred to in Article 48 of the aforesaid [Decree No. 2-10-473](#);
- the agreement for compliance of the labeling issued in accordance with the rules in force, if applicable;
- any other document specific to the product or food concerned required by the current regulations.

ART. 8. - Food or feed products are not allowed for import if, during the documentary check, it appears that documents are discordant or that one or several of the documents in the file contain anomalies, in particular in the following cases:

- absence of one or more mandatory pieces of information;
- overprint or erasure of one or more pieces of information;
- no visa or visa not corresponding to the visa of the authorized authority;
- non-respect of document templates, if any.

However, for certain anomalies mentioned below, a deadline of compliance of the concerned document, which may not exceed fifteen (15) days, may be granted to the importer:

- 1) found anomalies noted in the required certificate or health document provided that they are not sanitary. In this case, the importer can:
 - complete the certificate or health document required to remedy the observed anomalies;
 - submit a new health certificate or document canceling and replacing the certificate or initial health document and which must contain the references of the certificate or initial health document and be seen by the same competent authority;
- 2) anomalies concerning the model certificate or health document that does not correspond to the model required by the regulations in force. In this case, the importer may submit a new certificate drawn up in accordance with the required model referred to by the same competent authority canceling and replacing the initial health certificate or document with the indication of its number and the date of issue.

After the compliance period mentioned above and in the case where the concerned document(s) are still not compliant, the concerned products or foods are not allowed for importation.

ART. 9. - Primary products, food products and animal feed are not imported if, during the identity check or physical check, it appears that said products or foods:

- do not match the documents checked;
- have not been transported or stored in accordance with the regulations in force;
- are packed in a package with defects;
- are not labeled in accordance with the regulations in force except in the case where compliance with the labeling has been previously granted in accordance with the applicable regulations;
- are packaged in packaging or containers composed of material not intended to come into contact with food products, in the case of prepacked products,
- are altered or contaminated;
- carry health markings or non-conforming identification marks;
- do not comply following simply performed sensory examinations and / or physicochemical tests.

ART. 10. - Samples for laboratory analysis are carried out according to the standardized sampling methods applicable to the products or foods concerned, in the presence of an officer of the Customs and Excise Administration and the importer or of his representative.

Samples must have three sealed samples and give rise to the establishment in triplicate of a "sample collection report" or a "sample collection form", to accompany those samples and bearing in particular the identity of the sampler, the identification details of the product or food concerned by the sampling, the quantity taken and the type of analyzes requested.

A first sample shall be transmitted without delay and under the conditions avoiding any alteration of the product at an official laboratory or a private laboratory approved by ONSSA in accordance with the provisions of Article 70 of [Decree No. 2-10-473](#) cited above. A second sample is kept as a witness

sample by the above-mentioned ONSSA service or by the authorized sampler organization who has carried out the sampling for possible use in case of a second analysis. The third sample is kept by the importer or his representative for a possible appeal.

ART. 11. - The quantities to be taken must not exceed those which are necessary to allow for analysis, including a possible counter-analysis.

Except when destroyed by the analysis, the samples taken shall be returned to the importer or his representative, at his request and at his expense, as soon as the ONSSA service mentioned above does not need it any more, in particular after the expiration of the legal recourse if necessary.

Samples of which the importer or his representative has not requested be returned may be kept for a maximum period not exceeding the expiry date of those products or from which the said samples were taken. After this period, the samples are destroyed.

ART. 12. - At the end of the control operations, an import control certificate mentioning the admission or non-admission of the product or food concerned is issued to the importer or his representative by the authorized officer of ONSSA at the border inspection station concerned.

ART. 13. - Before the results of the analyzes, the importer or his representative may remove his goods from the place where they are located to be stored under his responsibility in premises authorized or approved by ONSSA under customs seal pending the results of the said analyzes.

ART. 14. - In case of non-admission, the concerned primary products, food products or animal feeds are returned or destroyed at the choice of the importer or his representative within the period specified in the import control certificate referred to above, at the cost and risk of the importer.

ART. 15. - This order will be published in the Official Bulletin.

<p>Rabat, the 22nd Rabi II 1439 (January 10, 2018) The Minister of Agriculture, Maritime Fisheries, Rural Development and Waters and Forests, AZIZ AKHANNOUCH</p>
