

Proceeding Paper

An Overview of Algerian Food Quality Legislation, Regulation and Control Authorities [†]

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[†] Presented at the 4th International Electronic Conference on Foods, 15–30 October 2023; Available online: <https://foods2023.sciforum.net/>.

Abstract: Consumers are faced with a multitude of hazards that may be present in the foodstuffs they consume. Legislation in the agri-food industry is the set of strict rules to be followed at all steps in the process of releasing products. Quality assurance in Algeria is essentially based on legislation framed by the law on fraud repression and consumer protection, together with the health law, the phytosanitary law, the veterinary law. In accordance with the international standards such as Codex Alimentarius, the ISO standards, also the international legislation the Basic General Food Law (EC 178/2002), and the hygiene package, as well as HACCP requirements. Public authorities must take all necessary measures to guarantee safe and healthy food products. The State, through its services, is the guarantor of public health.

Keywords: food legislation and regulations; consumer protection; quality assurance; fraud control; risk management

1. Introduction

Food safety policy aims to protect consumers while ensuring the smooth operation of the market. Standards concerning food hygiene, animal and plant health are adopted. Rigorous inspections are carried out at every stage, from production or import to the final consumer. Imports must comply with the same standards and undergo the same controls as locally-produced foodstuffs. Consumer protection and product quality are aspects that must be treated with the utmost care. In all circumstances, the product must satisfy the consumer's legitimate expectations, must present a guarantee against any risk likely to harm his health or safety, or to affect his material and moral interests [1,2]. The only way to compel the various economic agents—producers, importers and distributors—to comply with these requirements and recommendations is through legislation and regulations, which refer to the national and international law [3]. The rapid evolution of scientific and technical knowledge is a key factor in the conception and development of law. Faced with the health crises that regularly rock the agri-food industry, food law has evolved and developed rapidly to provide a framework for the production and distribution of food [4].

This study presents the main principles of food law, such as safety, precaution and traceability. It recalls the fundamental texts specific to this sector, and explains their issues and practical applications.

Citation: Souna, M.; Tefiani, C. An Overview of Algerian Food Quality Legislation, Regulation and Control Authorities. *Biol. Life Sci. Forum* **2023**, *26*, x. <https://doi.org/10.3390/xxxxx>

Academic Editor(s): Name

Published: date



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1. The law and the rule of law

Law is all the rules designed to organize and ensure the proper functioning of life in society, meaning that it defines the status of individuals and regulates relations between them.

In-tended to govern human relations, the relations of individuals with the State and the relations of States between themselves. The law is therefore a set of rules presenting obligations and prohibitions, the non-observance of which is sanctioned by the State which ensures that these texts are respected and not violated. One of the objectives of law is to establish order, but also to realize an ideal of justice, which is the condition for it to be a factor of social peace. The rule of law sets out the reciprocal obligations of people living in society. We speak of law when the rule is decided by a public authority, the state. Rules are all around us, but not all rules are law. The main characteristics of the rule of law are that it is, in most cases, compulsory in the form of a commandment with sanctions, general, permanent and has a social purpose [5,6].

2. The Basics of Legislation and Quality Control in Algeria

In the field of consumer protection, as in all other fields, it is essential to follow the legislative texts that give the nature and name of each offence, with the appropriate penalty. No offence can be criminalized or penalized without a law. "There are no offences, penalties or security measures without a law" Art 01 of the Algerian Penal Code. The legislative provisions concerning quality assurance and consumer protection are: the law on the repression of fraud and consumer protection, the law on health, the phytosanitary law, the veterinary law, the law on legal metrology and the law on standardization [7].

2.1. The Law No. 09-03 of 25 February 2009 Consumer Protection and Fraud Control [8]

The law No. 09-03 is structured around (95) articles in six (06) titles comprising sixteen (16) chapters, it repeals the law no. 89-02. Before 1989, some provisions of the Criminal Code were used. The need for comprehensive legislation became apparent, so law 89/02 of 07 February 1989 on the general rules of consumer protection announced the fundamental principles of quality control. The provisions of Article 88 are amended by Article 75 Ordinance No. 15-01 of 23 July 2015 on the Supplementary Finance Law for 2015. Amended and supplemented by the law No. 18-09 of 10 June 2018.

The consumer protection obligations covered by this law are as follows:

➤ Hygiene, health and safety of foodstuffs;

In order to guarantee the safety of foodstuffs, the hygiene and health conditions of the means used to place them on the market must be monitored at all stages of the process, possibly with reference to the ISO standard (22000, 14000 and 9000) and HACCP. Compliance with the safety requirement and ensuring that the consumer's health is not adversely affected. All those involved in the process of releasing foodstuffs for consumption must ensure compliance with health and hygiene conditions and ensure that they cannot be altered by biological, chemical or physical agents. Instruments intended to come into contact with foodstuffs (equipment, materials, tools, packaging, etc.), as well as cleaning products for these materials, must be made of materials that cannot spoil these foodstuffs. The release for consumption of foodstuffs containing a contaminant in terms of microbiological or toxicological specifications is strictly prohibited.

➤ Obligation to ensure product safety;

Product safety must be checked by Algerian standards or, by default international standards. Under normal conditions of use or other reasonable conditions, the products must be safe and must not harm the safety of the consumer.

➤ Obligation of product conformity;

Introduces the obligation for operators to check the conformity of their products before placing them on the market (self-checking). Official controls carried out by authorized agents do not release the operator from the obligation to check product conformity.

➤ Guarantee and after-sales service obligations;

the consumer benefits from a guarantee. The guarantee also extends to services. If the product is defective, the manufacturer must, within the warranty period, replace it, reimburse its price, repair the product or modify the service at its own expense.

➤ Obligation to provide consumer information;

Consumer information is provided by means of labelling, marking, display or any other appropriate means and must provide the essential characteristics of the product.

2.2. Inspection Procedures

Product conformity inspections are carried out at all times (day and night, including public holidays) and at all stages of the consumer release process, on commercial premises. (With the exception of residential premises, access to which is subject to the rules laid down in the Code of Criminal Procedure).

➤ Documentary control:

By checking documents required to carry out the activity and consulting all technical, administrative, commercial and accounting documents.

➤ Physical (visual) inspection:

Observation of the product or the activity by means of visual examinations or measuring devices with detailed verification of the conditions of preparation, storage and display of the products at all levels of release for consumption.

➤ Analytical control:

The aim is to ensure that the product complies with the standards. The purpose of analytical control is to confirm the intrinsic quality of suspect products.

➤ Precautionary measures:

The following precautionary measures may be taken during inspection operations, without prejudice to legal proceedings under the regulations in force: deposit, temporary withdrawal, seizure or definitive withdrawal, change of destination subject to seizure or definitive withdrawal, redirection of products subject to seizure or definitive withdrawal, destruction of products subject to seizure or definitive withdrawal, temporary suspension of activity.

2.3. Health Protection (Law No. 18-11 of 2 July 2018 on Health) [9]:

➤ Fundamental provisions and principles:

The purpose of health protection is to ensure the prevention, protection, maintenance, restoration and promotion of people's health. Health protection is the set of sanitary, economic, social, educational and ecological measures aimed at reducing or eliminating health risks, whether hereditary, induced by diet or human behavior or linked to the environment.

➤ Food promotion and protection of the environment:

The State ensures that food standards are in place and respected, through education, information, awareness and communication programs. Monitoring and control of compliance with standards and the quality of water, atmospheric air and foodstuffs are carried out by the departments of the ministries concerned, in coordination with the health services. Water intended for drinking, personal hygiene, household use, irrigation and bathing must comply with the standards defined by the regulations in force. The health services, together with the relevant departments, ensure that the regulations governing the use of chemical substances for the production and preservation of plant and animal

foodstuffs, as well as phytosanitary and synthetic products, are applied. Ensure compliance with hygiene and nutritional quality standards in catering establishments (local authorities).

2.4. *Phytosanitary (Law No. 87-17 of 1 August 1987 on Phytosanitary Protection) [10]*

The purpose of this law is the implementation of the national policy in terms of phytosanitary protection to ensure: the control of plants and plant products (import/export and transit of plants) and the organization of the pest control of plants and agricultural products.

➤ The measures for implementing measures to control organisms:

Obligation to declare plant pests and infested areas. Obliging owners and operators to control plant pests. Order or prohibit the use of certain plant protection products and the destruction, disinfection or disinfestation of plants, plant products and plant material. Prohibit or restrict the transport of harmful organisms, plants or plant products carrying harmful organisms. Order the disinfection and disinfestation of buildings and premises and specify the storage conditions for plants, plant products and plant material. Finally, issue the necessary standards for the control of harmful organisms.

➤ Control of plant protection products:

Monitoring the use of plant protection products to control plant pests. Prohibiting the use of unregistered plant protection products. Determining acceptable residue tolerance limits.

2.5. *Animal Health (Law No. 88-08 of 26 January 1988 Relating to Veterinary Medicine and the Protection of Animal Health) [10]*

The purpose of this law is to give concrete form to veterinary medicine and pharmacy, and to protect and improve animal health (organization and exercise of these activities). General measures for the protection of animals and the prevention, control of notifiable animal diseases (transmissible diseases that are highly contagious and serious and must be subject to intensive prevention and control measures).

Prevention and control of contagious animal diseases. The control of animals, animal products and products of animal origin and the preservation of veterinary public health. After veterinary inspection, meat from slaughtered animals must be stamped (meat that is not stamped or marked will be seized, without prejudice to penalties). No veterinary medicinal product may be placed on the market unless it has first been authorized and its safety verified. Compliance with the period to be observed between the administration of the medicinal product to the animal under normal conditions of use and the use of foodstuffs obtained from this animal to ensure that these foodstuffs do not contain residues that could present a health hazard to the consumer.

2.6. *Inspection and Standardization Authorities*

The application of food legislation is handled by, in addition to the security services, the following in particular: the Trade Department, the Agricultural Services Department, the Communal Hygiene Office (Executive Decree No. 20-368 [12]), the Algerian Centre for Quality Control and Packaging (Executive Decree No. 03-318 [13]), the National Legal Metrology Office (Executive Decree No. 86-250 [14]), the Algerian Standards Institute (Executive Decree No. 11-20 [15]), the Algerian Accreditation Organization (Decree No. 05-466 [16]) and the Algerian National Institute of Industrial Property.

2.7. *Regulation (EC) No. 178/2002 and the Hygiene Package*

The regulation (EC) No. 178/2002, part of a wider EU legislative approach aimed at harmonizing food standards across the Union. Regulation (EC) No. 178/2002 and the Hygiene Package are European regulations that define the general principles of food safety,

the traceability of foodstuffs, the obligations of food business operators, and prohibit the marketing of non-compliant food products. They guarantee the safety of the food chain from primary production to distribution, and concern the entire food industry [17–19].

2.8. The Food Safety Modernization Act

In the United States, consumer protection and food safety are regulated by several laws and government agencies, such as the Nutrition Labelling and Consumer Education Act (NLEA) adopted in 1990, which requires nutritional information to be clearly labelled on food products. The Food Safety Modernization Act (FSMA), introduced in 2011, deals with intentional adulteration and food safety. It requires manufacturers to put in place food safety plans to prevent contamination, based on HACCP-type methodologies. The Food and Drug Administration (FDA) regulates food safety, ensuring that food products meet safety standards. United States Department of Agriculture (USDA): The USDA oversees the safety of food products of animal origin, such as meat, poultry and eggs [20,21].

3. Conclusions

The increasing use of veterinary and phytosanitary products and food additives also entails risks. The public authorities must take all the necessary measures to ensure that food products are healthy and safe. The State, through its services, is the guarantor of public health. The legislation enshrines precautionary measures and the precautionary principle, as well as the obligation to carry out self-monitoring before a product is placed on the market. Finally, it provides for a rapid alert network to improve risk management and ensure the monitoring and traceability of products presenting a risk. Food safety, health and quality are essential elements for human beings and must be considered as fundamental human rights.

Author Contributions:

Funding:

Institutional Review Board Statement:

Informed Consent Statement:

Data Availability Statement:

Conflicts of Interest: The authors confirm no conflict of interest.

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