



LEGAL GUARANTEES FOR ACHIEVING FOOD SECURITY RELATED TO FOOD SAFETY

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Abstract:

While the concept of food security requires the provision of food, it also necessitates ensuring food safety. This necessity has arisen due to the evolution of food products, which have become a source of numerous hazards affecting public health. This has prompted the legislator to impose several obligations to ensure food safety, along with establishing oversight mechanisms, particularly administrative and criminal supervision. Consequently, the issue at hand is to identify the guarantees of food safety and assess their effectiveness in safeguarding public health and achieving food security. Despite the importance of the guarantees established by the legislator for food safety, they are less effective, as evidenced by practical realities in public health. This calls for strengthening these guarantees to realize the concept of food security.

Keywords: Food security, safety, guarantees, administrative control, public health.

INTRODUCTION:

Various countries around the world strive to achieve food security, as food is the basis of life¹. While the concept of food security necessitates the provision of food², the developments in food production and presentation have also imposed the obligation to ensure food safety³. This is due to the fact that food is intended for direct human consumption, which could make it a source of various diseases and epidemics, thereby harming public health of the key elements related to public order.

In response to this, the Algerian legislator has shown concern for food safety through several legal texts, the most notable being Law No. 09-03 related to consumer protection and anti-fraud⁴, as amended and supplemented, along with other legal provisions. In this context, the legislator has emphasized guarantees for food safety, which are manifested in a set of obligations placed on stakeholders, along with the establishment of monitoring mechanisms for food safety to achieve food security and protect public health⁵.

Based on these considerations, the main issue at hand is: What are the legal guarantees for food safety, and how effective are they in protecting public health and achieving food security?

Therefore⁷, this paper will first address the legal obligations established to ensure food safety. Then, it will examine the oversight mechanisms for food safety:

First: Legal Obligations Established to Ensure Food Safety:



To ensure food safety, the legislator, particularly through the Consumer Protection and Anti-Fraud Law, has emphasized a set of obligations that fall on the stakeholder throughout the various stages of the food production process⁶. This is inferred from the legislator's definition of a stakeholder, which refers to any natural or legal person involved in offering products for consumption⁷. Accordingly, these obligations are addressed as follows:

1. Obligations of the Stakeholder During the Formation Stage of Food Products:

The process of forming food products is related to the technical specifications in their manufacturing, especially concerning permissible contaminants and food additives⁸. While the law does not prohibit the use of these substances, it allows their use under specific conditions and regulations, including conditions related to contaminants and additives.

1.1 Conditions Regarding Food Contaminants:

Contaminants are germs, which pose a threat to human health⁹. However, the legislator permits their presence within allowable limits, meaning at levels that do not pose a risk to consumer health. In this regard, it is worth noting Executive Decree No. 14-365, which defines the conditions and procedures applicable to permissible contaminants in food products¹⁰. Article 3, paragraph 1, of this decree defines a contaminant as any substance unintentionally added to food but present as residues in production, including treatments applied to crops, livestock, veterinary practices, industry, processing, preparation, packaging, transportation, distribution, or storage of food.

The same decree also outlines the conditions specific to permissible contaminants in food products, especially those intended for human consumption. Substances are considered contaminants when they exceed the maximum permissible limits, such as pesticide residues, residues of technological aids, residues of veterinary medicines or active pharmaceutical ingredients, natural toxins, and mycotoxins whose presence in food is unintended, etc.

Food products containing contaminant residues exceeding the maximum permissible limits must not be made available for consumption. As for the use of technological aids in food production, the legislator has stipulated that their residues must not exceed the maximum permissible limits. It should be noted that the lists and maximum limits of permissible contaminant residues, as well as technological aids, are determined by a decision from the Minister of Consumer Protection and the concerned minister. These maximum limits apply to the consumable part of the food product. If no maximum limits for residues in food products are defined, the maximum limits used are those that are scientifically accepted and established in international practice¹¹.

Contaminated food products may be subjected to appropriate treatment to reduce contamination levels before being made available for consumption, provided that the treatment method is scientifically and technically acceptable. However, these products cannot be stored with food products intended for consumption until they have been treated.

Article 12 of the same decree stipulates that treatment methods should not compromise the essential quality of the product or result in harmful residues. These methods should be derived from Algerian standards, and if these are unavailable, they should follow internationally recognized standards.



If there is no indication that the food product is intended for processing, it must comply with the maximum contaminant residue limits applicable to food products intended for direct consumption. In all cases, the presence of any prohibited substance in food products is not permitted¹².

1.2 Conditions Regarding Food Additives:

A food additive is any substance that is not typically consumed as food on its own and is not used as a specific ingredient of the food. When added intentionally to food for technological or sensory purposes at any stage of production, processing, packaging, transportation, or storage, it influences the food's characteristics, and it or its derivatives become a direct or indirect component of the food product.

Food additives are generally permitted, provided that certain conditions outlined by the legislator in Executive Decree No. 12-214 are met¹³. These conditions include preserving the nutritional value of the food product, being an essential component in dietary foods, improving the preservation or stabilization of the food product or its sensory characteristics, as long as they do not alter the nature or quality of the food in a way that could mislead the consumer¹⁴. The legislator has also stipulated that additives may be used as processing aids at a particular stage of production, provided that they are not used to disguise the effects of poor-quality raw materials or inappropriate technological methods. It is important to note that these food additives are specified in the annex attached to the decree.

Food additives must meet the defined identity and purity specifications as per Algerian standards, and if these are not available, internationally recognized standards apply. Only halal additives are permitted.

The legislator has prohibited the use of additives in products intended for infants, young children, medical uses, and complementary foods for infants and young children¹⁵.

2. Obligations of the Stakeholder During the Preparation and Delivery Stages:

Ensuring food safety requires more than just attention to the formation stage, as risks can also arise during the preparation and delivery stages. These obligations are discussed as follows:

2.1 Obligations of the Stakeholder During the Preparation Stage:

The preparation stage involves the packaging and wrapping of food products. The legislator has emphasized that equipment, materials, and packaging must not contain substances that could spoil food products¹⁶, in accordance with Article 7 of the Consumer Protection and Anti-Fraud Law. The legislator has also mandated that packaging must be insulated, clean, and free from any chemical reactions, and it should be sturdy enough to ensure the safety of the products during transportation and handling¹⁷.

2.2 Obligations of the Stakeholder During the Delivery Stage:

The delivery process is the final stage before consumption, involving the presentation of the product for consumption. Based on this, the legislator has required that food products be placed in packaging that ensures health safety, particularly by maintaining the correct temperature, especially for perishable items such as dairy products, meat, etc. The products should not be in direct contact with the ground or be handled directly by hands.



For unpackaged food products like dates and fish, they must be delivered in paper or plastic bags manufactured according to specifications and components that do not pose a risk to consumer health¹⁸.

Despite the importance of imposing these obligations, there are certain deficiencies, particularly in the absence of regulatory texts for certain elements, such as dietary supplements and food additives for animal use, which results in their production, distribution, and presentation for consumption not being subject to any health regulations. Additionally, in determining contaminant levels, the legislator relies on a range system between minimum and maximum values, even though these levels increase in the human body over time and with the variety of food products consumed. This situation requires the legislator to keep pace with scientific advancements in this field and establish a zero-tolerance system for all types of contaminants.

Another criticism of the legislator is the authorization to use plastic as a material in contact with food products. This poses a risk since plastic can interact with food components, especially those with high fat content, which may endanger public health.

Second: Monitoring Food Safety and Its Effectiveness in Achieving Food Security:

Discussing food safety monitoring first requires addressing the role of administrative authorities, particularly through administrative regulation functions. It also necessitates referring to the Consumer Protection Law, which emphasizes various forms of monitoring, whether preventive or punitive, and whether administrative, civil, or criminal. This will be discussed as follows:

1. Monitoring by Administrative Regulatory Bodies on Food Safety:

Administrative regulatory bodies take various measures to ensure food safety as part of public health protection, which is a crucial element of public order¹⁹. The significance of this role lies in its preventive nature, aiming to prevent harm before it occurs. These bodies operate at both the central and local levels, as explained below:

1.1 Monitoring by Central Administrative Regulatory Bodies on Food Safety:

These bodies include:

1.1.1 Minister of Commerce:

The Minister of Commerce is one of the most important administrative bodies responsible for monitoring food safety, within the framework of exercising specific administrative regulatory authority and as the legal representative of the ministry²⁰. The legislator has granted the minister several powers primarily related to consumer protection in general. Among the key powers related to food safety monitoring are the authority to establish conditions for the placement of goods and services in terms of quality, hygiene, and safety, as well as overseeing various illegal commercial practices and developing consumer protection laws²¹.

The Minister of Commerce performs these duties with the assistance of several departments within the Ministry of Commerce responsible for consumer protection, such as the General Directorate for Activity Regulation and Standardization and the General Directorate for Economic Control and Anti-Fraud. There are also specialized bodies affiliated with the



Ministry of Commerce, including the National Consumer Protection Council, the Network of Testing and Quality Analysis Laboratories, the Competition Council, and the Customs Administration, among others²².

1.1.2 External Services of the Ministry of Commerce:

In addition to the centralized bodies in the capital, there are external services affiliated with the Ministry of Commerce at the local level, taking the form of directorates, including the provincial directorates of commerce and the regional directorates of commerce²².

- **Provincial Directorates of Commerce** are responsible for implementing national policies in the fields of foreign trade, competition and consumer protection, regulation of commercial activities, economic control, and anti-fraud measures. These directorates include inspection teams as well as regional commerce inspectorates.
- **Regional Directorates of Commerce** are tasked with evaluating the activities of the provincial directorates of commerce, conducting economic investigations related to competition, foreign trade, consumer protection, and product safety.

1.2 Local Administrative Regulatory Bodies' Monitoring of Food Safety: Local administrative regulatory bodies include the Governor and the President of the Municipal People's Council:

1.2.1 Governor's Monitoring of Food Safety:

Article 33 of the Wilaya Law emphasizes the requirements for maintaining health²³, hygiene, and environmental protection. Additionally, Article 114 of the same law highlights the governor's responsibility for maintaining order, security, safety, and public tranquility. One of the main tools used by the governor to ensure food safety is the issuance of administrative licenses, which play a preventive role. An example is the license for supplying drinking water to consumers via mobile tankers. The license application is submitted to the provincial water resources committee, followed by a technical inspection of the tanker by the relevant authorities, who then issue a report. The license is granted by the governor through a formal decision. This license is revocable and can be temporarily suspended if the license holder fails to comply with the regulations²⁴.

Other licenses include those required for operating as a baker or confectioner, where prior authorization from the Directorate of Competition is necessary, based on an application submitted to the governor.

One of the most important administrative regulatory measures is administrative closure²⁵, especially the closure of commercial premises²⁶. In this regard, Law No. 04-02, which defines the rules applicable to commercial practices, as amended and supplemented, allows the territorially competent governor, upon the recommendation of the provincial director of commerce, to issue a decision to close commercial premises for a maximum of 60 days in the event of violations of the provisions of Articles 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 20, 22, 22 bis, 23, 24, 25, 26, 27, 28, and 53 of the same law. The closure decision is subject to appeal in court.

1.2.2 Monitoring by the President of the Municipal People's Council on Food Safety: In exercising administrative regulatory authority, the President of the Municipal People's Council takes various actions and measures to ensure food safety. These measures include



overseeing the safety of food products offered for sale, ensuring adherence to environmental hygiene and protection guidelines, taking necessary measures to prevent and combat communicable or infectious diseases, and monitoring municipal markets, mobile markets, and municipal slaughterhouses, among others²⁷.

2. Food Safety Monitoring Established under the Consumer Protection and Anti-Fraud Law: The legislator has emphasized food safety monitoring within the Consumer Protection and Anti-Fraud Law²⁸, granting this responsibility to a number of specialized administrative and civil bodies, in addition to establishing criminal liability in this field. This will be explained as follows:

2.1. Monitoring by Specialized Administrative and Civil Bodies on Food Safety: These bodies are responsible for both pre-emptive and post-emptive monitoring of food safety. They include:

2.1.1 National Consumer Protection Council: Article 24 of the Consumer Protection and Anti-Fraud Law establishes the National Consumer Protection Council. However, the article provides only a brief description of its role, limiting it to expressing opinions and proposing measures that contribute to the development and promotion of consumer protection policies. Therefore, it is necessary to refer to Executive Decree No. 12-355, which outlines the composition and competencies of the National Consumer Protection Council. The legislator emphasized the advisory nature of the council's role. Among its main functions are the prevention of risks posed by products on the market and their improvement, as well as drafting laws and regulations that may affect consumption and the conditions of their application. The council is also responsible for collecting, utilizing, and distributing information related to consumer protection and for developing programs and projects to support consumer protection associations²⁹.

2.1.2 Consumer Protection Associations: Consumer protection associations aim to safeguard consumers by informing, educating, guiding, and representing them. The goal of these activities is to prevent consumers from falling victim to practices that could harm public health. The legislator has entrusted this responsibility to associations due to the lack of consumer awareness and their reluctance to defend their interests.

Consumer protection associations also play a role in alerting official authorities to practices that threaten the safety and health of consumers, acting as a warning system through direct coordination with the Ministry of Commerce at the national and local levels. These associations help raise consumer awareness through awareness days on special occasions, as well as through radio and television, and may even establish online platforms for education. They can resort to counter-advertising to expose the violations of stakeholders by highlighting the risks of specific food products and can also call for boycotts by urging consumers not to purchase certain food items.

Moreover, these associations represent consumers before public authorities by conveying public concerns and influencing official decisions regarding consumption. They are involved in bodies such as the Competition Council and the National Consumer Protection Council, as evidenced by their composition. A significant role of consumer protection associations is representing consumers in judicial proceedings, as they have the legal standing to litigate on their behalf. Associations can join consumer lawsuits to support and defend them,



particularly by demanding compensation for individual or collective damages, establishing themselves as a civil party³⁰.

Despite the importance of the role of these associations, their effectiveness is hindered by a lack of financial and human resources, as well as insufficient legal training related to consumer protection.

2.1.3 Anti-Fraud Officers: Anti-fraud officers are tasked with investigating and documenting violations of the Consumer Protection Law³¹, particularly those committed by stakeholders. Given the seriousness of their responsibilities, the legislator has provided these officers with legal protection against any form of pressure or threats that could impede their duties. They may, when necessary, request the intervention of law enforcement officers and resort to the competent judicial authority³².

The intervention of anti-fraud officers covers various stages of food production, and they may perform their duties by inspecting documents, interviewing relevant stakeholders, or through direct observation, either visually or with measurement devices. They may also collect samples for analysis, testing, or experimentation when necessary.

The officers' work is documented in official reports, which may be accompanied by any relevant documents or proof. These reports hold legal weight unless proven otherwise. In their duties, officers may review any technical, administrative, commercial, financial, or accounting documents and any magnetic or computerized data without the professional secrecy defense being invoked against them.

The most significant guarantee for these officers is their freedom to enter commercial premises, offices, annexes, loading and storage facilities, and generally any location, day or night, including holidays, with the exception of residential premises, which can only be accessed in accordance with the Code of Criminal Procedure³³.

2.1.4 Anti-Fraud Laboratories: These laboratories, which are affiliated with the Ministry in charge of consumer protection, are responsible for conducting analyses, tests, and experiments according to methods established by regulation³⁴. It is worth noting that the results of such expertise can be challenged following the procedures outlined in Article 156 of the Code of Criminal Procedure. If necessary, the prosecutor refers the case to the competent judge to initiate legal proceedings or open a judicial investigation.

The legislator has mandated that experts use the analytical methods employed by qualified laboratories and perform the same analyses, tests, or experiments as required³⁵.

These are the primary bodies and procedures related to food safety monitoring. It should be noted that there are other bodies referenced in additional regulations, such as Executive Decree No. 12-203 concerning the rules applicable to product safety. This decree grants the consumer protection administration the authority to take necessary measures to withdraw a product from the market or suspend a service if it does not meet safety requirements³⁶. Another relevant decree is Executive Decree No. 05-467, which outlines the conditions for monitoring the compliance of imported products at the borders. This decree assigns border inspectorates under the consumer protection and anti-fraud administration the task of monitoring product compliance at land, sea, and air border points. Monitoring is conducted through document inspection, visual examination, and sample collection. If a violation is confirmed, the border inspectorate issues a decision to refuse the product's entry³⁷.



2.2 Criminal Monitoring of Food Safety: The most important guarantee for food safety is deterrence, which necessitates the establishment of criminal liability for the offending stakeholder. This is emphasized in the Consumer Protection and Anti-Fraud Law through the recognition of the crime of endangering food safety and the determination of penalties for it:

2.2.1 Crime of Violating Food Safety Obligations: To ensure food safety, the legislator has established the crime of violating food safety obligations, as affirmed in Article 71 of the Consumer Protection and Anti-Fraud Law. This crime, in its material element, includes all violations committed by the stakeholder throughout the various stages of food production, which may contaminate manufactured foods and harm human health. Examples include the stakeholder introducing foreign substances that are not part of the food's natural composition, contamination with disease-causing microbes, packaging food in containers containing harmful substances, or adding toxic contaminants to food. For instance, offering powdered milk for sale with levels of aerobic bacteria exceeding the legally prescribed limit.

In addition to the material element, the crime requires the presence of a moral element, which is criminal intent. This intent is subject to the discretionary power of the trial judge, who may rely on circumstantial evidence³⁸.

2.2.2 Penalties for the Crime of Endangering Food Safety: The legislator has stipulated a penalty for the crime of endangering food safety, which is purely financial rather than involving imprisonment, as stated in Article 71 of the Consumer Protection and Anti-Fraud Law. The penalty is a fine ranging from 200,000 DA to 500,000 DA for anyone who violates food safety obligations.

Article 82 of the same law also specifies an additional penalty, which includes the confiscation of all products, tools, and any other means used to commit these violations. In the case of multiple fines, they are cumulative, and in the event of recidivism, the fines are doubled. The competent judicial authority may also order the cancellation of the offender's commercial registration.

In addition to the liability of the stakeholder, the legislator has also stipulated penalties for anyone who obstructs or performs any act that hinders the completion of the monitoring tasks carried out by various anti-fraud officers responsible for documenting violations³⁹.

Anti-fraud officers are authorized to impose a conciliation fine on the offender. If the fine is not paid within the specified period, the report is sent to the competent judicial authority, and the fine is increased to its maximum limit. Payment of the conciliation fine within the stipulated deadlines and conditions results in the termination of the public prosecution.

Despite the importance of establishing criminal liability as a deterrent measure, its effectiveness is limited because the penalties imposed are purely financial, with no imprisonment penalties. This may encourage the stakeholder to continue violating the law, given the profits they can make, which necessitates increasing the fine amount and imposing imprisonment penalties⁴⁰.

There is also the challenge of identifying the responsible party in this field, as multiple stakeholders may be involved due to the various stages of food production. This can lead to the dismissal of a compensation claim by the judge if the victim cannot identify the



responsible party⁴¹. For example, in cases of mad cow disease, it raises the question of whether the complaint should be filed against the meat seller, the cattle breeder, or the animal feed producer. In the absence of a responsible party, the state is responsible for compensating for defective food products, provided the victim had no role in causing the damage.

CONCLUSION:

Given the importance of food safety, particularly for public health, the legislator has sought to establish regulations and conditions that stakeholders must adhere to at various stages of food production. To support these legal guarantees, the legislator has emphasized the importance of different forms of monitoring.

However, practical reality shows the opposite of what the legislator intended, as there is widespread prevalence of diseases and epidemics primarily caused by food products that do not meet safety standards. This situation is due to legislative gaps in this field, as well as the ineffectiveness of the established monitoring mechanisms.

Considering the serious impact on public health specifically, and on the concept of food security in general, the following recommendations are proposed:

- Establish regulatory texts for dietary supplements.
- Prohibit the use of plastic in the list of materials permitted for use in food production and manufacturing equipment due to its risks to public health.
- Strengthen the role of administrative regulatory authorities in monitoring food safety by expanding their powers across all stages of the food production process.
- Establish new laboratories for testing and examining seized samples to avoid delays, especially those caused by long distances, and provide these laboratories with adequate financial and human resources.
- Enhance the role of consumer protection associations by providing them with financial and human support.
- Increase the value of fines to counter the stakeholders' goal of profit maximization.
- Enact a specific law dedicated to food safety, given its importance, especially in light of the numerous legal and regulatory texts related to it.
- Raise consumer awareness of their rights, particularly the right to seek legal recourse. Consumers should be educated to approach any food product with caution and skepticism to ensure food security.

Footnotes:

1. The right to food and its protection is a human, international, and national demand emphasized by numerous international agreements. See: Article 25 of the Universal Declaration of Human Rights.
2. Hassan Abdel Rahman Qaddous, *The Extent of the Producer's Commitment to Ensuring Safety in the Face of Scientific Development Risks*, Dar Al-Nahda Al-Arabiya, Cairo, Egypt, 1999, p. 7.



3. Food safety refers to the absence of all microbiological or environmental contamination factors that turn it into food harmful to consumer health. This includes spoilage factors and self-decomposition. See: LakhdariAbdelhaq, ZaghلاميHasiba, *Consumer Protection through the Obligation to Ensure Food Safety*, Journal of Rights and Freedoms, Issue 4, 2017, pp. 407-408; Siham Al-Mur, *The Producer's Obligation to Safety: A Comparative Study*, Master's Thesis, Faculty of Law and Political Science, University of Tlemcen, 2008-2009, p. 20.
4. Law No. 09-03 dated 25/02/2009 concerning consumer protection and fraud suppression, Official Gazette of the People's Democratic Republic of Algeria, Issue 15, published on 08/03/2009; amended and supplemented by Law No. 18-09 dated 10/06/2018, O.G.P.D.R.A., Issue 35, published on 13/06/2018.
5. For the meaning of public health, see: Suleiman Mohamed Al-Tamawi, *Summary of Administrative Law: A Comparative Study*, Dar Al-Nahda Al-Arabiya, Cairo, Egypt, 1989, p. 662.
6. The term "consumer" includes both natural and legal persons. See: Khira Khouja, Legal Guarantees for Compensating the Consumer for Damage to Their Safety in Algerian Legislation, PhD Thesis, Specialization in Contracts and Liability, Faculty of Law and Political Science, Mohamed Khider University, Biskra, 2015-2016, p. 19.
7. Mohamed BOUAICHE, Karim KHALFANE, Food Quality and Citizen Safety, Algerian Journal of Legal, Economic and Political Sciences, No. 02, 2002, p. 58.
8. Ben Khaled Fateh, The Obligation of Food Product Safety in Consumer Protection Law: A Comparative Study, PhD Thesis, Specialization in Business Law, Faculty of Law and Political Science, Batna University, Academic Year 2021-2022, p. 128 and subsequent pages.
9. GhemrassiHajira, The Obligation of Food Hygiene and Safety in Algerian Law, Journal of Research in Law and Political Sciences, Faculty of Law and Political Science, Boumerdes University, Vol. 08, Issue 01, 2022, p. 828.
10. Executive Decree No. 14-365 dated 15/12/2014, specifying the conditions and modalities applicable to permitted contaminants in food products, O.G.P.D.R.A., Issue 74, published on 15/12/2014.
11. See Articles 6, 7, and 8 of Executive Decree No. 14-365, previously mentioned.
12. See Articles 13 and 14 of Executive Decree No. 14-365, previously mentioned.
13. Executive Decree No. 12-214 dated 15/05/2012, specifying the conditions and modalities for the use of food additives in food products intended for human consumption, O.G.P.D.R.A., Issue 30, published on 16/05/2012.
14. See: Article 05 of Executive Decree No. 12-214, previously mentioned.
15. Ben Khaled Fethi, Previously Cited Reference, p. 140 and subsequent pages.
16. GhemrassiHajira, Previously Cited Reference, p. 829.
17. Executive Decree No. 04-210 specifying the modalities for regulating the technical specifications of packaging intended to contain substances or objects designed for children, O.G.P.D.R.A., Issue 47, published on 28/07/2004.
18. HajiraGhemrassi, Previously Cited Reference, p. 829.
19. For the definition of administrative regulation, see: Hindoun Slimani, *Administrative Regulation: Authorities and Controls*, Houma Publishing, Algeria, 2017, p. 12; Nasser Labbad, *Administrative Law*, Vol. 2, 1st Edition, Dali Ibrahim Printing Press, Algeria, 2004, pp. 7-8; Mohamed Qadri Hassan, *Administrative Law*, Ithraa Publishing and



- Distribution, Amman, Jordan, 2009, p. 257; Tharwat Badawi, *Administrative Law*, Dar Al-Nahda Al-Arabiya, Cairo, Egypt, 1979, p. 383.
20. Ministers do not intervene in the field of administrative regulation except by specific legal provision.
 21. See Articles 5 and 6 of Executive Decree No. 02-453 dated 22/02/2002, which defines the powers of the Minister of Commerce, O.G.P.D.R.A., Issue 85, published on 22/12/2002.
 22. For more details, refer to: ShawqiYaishTamam and Hanan Ouchen, *The Multiplicity of Bodies Responsible for Consumer Protection in Algerian Legislation*, *Journal of Rights and Freedoms*, Issue 4, 2017, from page 200 to page 204.
 23. See: Articles 2, 3, and 10 of Decree No. 11-09 dated 20/01/2011, regarding the organization, powers, and operations of the external services in the Ministry of Commerce, O.G.P.D.R.A., Issue 04, published on 23/01/2011.
 24. Law No. 12-07 dated 21/02/2012, concerning the Wilaya, Law No. 12-07 dated 21/02/2012 concerning the Wilaya, O.G.P.D.R.A., Issue 12, 2012.
 25. See Articles 3 to 10 of Executive Decree No. 08-195 dated 06/07/2008, which specifies the conditions for supplying water intended for human consumption by mobile tankers, Issue 38, 2008.
 26. See Article 12 of Executive Decree No. 01-145 dated 06/06/2001, regarding the conditions and modalities for practicing the activities of bakers and confectioners, O.G.P.D.R.A., Issue 32, 2001.
 27. Administrative sanctions aim to prevent the source of a threat from causing harm, such as revoking licenses in the event of a violation or its continuation. See: Yassine Ben Bireh, *Administrative Regulation in the Thought of Positive Law and Islamic Sharia*, 1st Edition, Al-Wafa Legal Library, Alexandria, Egypt, 2014, pp. 77-78.
 28. See: Article 46 of Law No. 04-02 dated 23/06/2004, which defines the rules applicable to commercial practices, amended and supplemented by Law No. 10-06 dated 15/08/2010, O.G.P.D.R.A., Issue 46, published on 18/08/2010.
 29. See Articles 94, 149, and 168 of Law No. 11-10 dated 22/06/2011, concerning the municipality, O.G.P.D.R.A., Issue 37, published on 03/07/2011; amended and supplemented by Ordinance No. 21-13 dated 31/08/2021, O.G.P.D.R.A., Issue 67, published on 31/08/2021.
 30. The Algerian legislator adopts the precautionary principle, which pertains to risks revealed by scientific uncertainty those that are not scientifically proven, unknown, or suspected due to the lack of scientific certainty. See: Ben Khaled Fateh, *Previously Cited Reference*, p. 190 and subsequent pages.
 31. See Articles 3 to 22 of Executive Decree No. 12-355 dated 02/10/2012, which specifies the composition and competencies of the National Consumer Protection Council, O.G.P.D.R.A., Issue 56, published on 11/10/2012.
 32. Ben Khaled Fateh, *Previously Cited Reference*, p. 285.
 33. This task is also carried out by judicial police officers and bodies specified under special legal provisions.
 34. See Articles 25, 27, and 28 of Law No. 09-03, amended and supplemented, previously mentioned.
 35. See Articles 31 to 35 of Law No. 09-03, amended and supplemented, previously mentioned; also see: Ben Khaled Fateh, *Previously Cited Reference*, p. 304.



36. For information on sampling and analysis procedures, see Articles 37 to 42 of Law No. 09-03, amended and supplemented, previously mentioned.
37. See Articles 43 to 52 of Law No. 06-03, amended and supplemented, previously mentioned.
38. See Articles 15 and 20 of Executive Decree No. 12-203 dated 06/05/2012, concerning the rules applicable to product safety, O.G.P.D.R.A., Issue 28, published on 09/05/2012.
39. See Articles 2, 6, and 9 of Executive Decree No. 05-467 dated 10/12/2005, which specifies the conditions for monitoring the conformity of imported products at the borders and the procedures for doing so, O.G.P.D.R.A., Issue 80, published on 11/12/2005.
40. Baya Fatiha, *Legal Guarantees for the Protection of Food Product Safety in Algerian Legislation*, PhD Thesis, Specialization in Public Law, Faculty of Law, University of Algiers 1, Academic Year 2014-2015, p. 143 and subsequent pages.
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