



New Requirements for Factories and Companies Exporting to Egypt

The Minister of Trade and Industry (the “**Minister**”) has issued Decree no. 992 of 2015 and Decree no. 43 of 2016 establishing a new registration system for factories and companies qualified to export their products to Egypt (the “**Decrees**”).¹

The Decrees shall apply only to the list of products attached thereto (“**Products**”). Such products include, *inter alia*, textile products, food, electrical, health and beauty products, sanitary ware, toys, tableware, lighting and steel. Unofficial translation of the final list of products is hereto attached as Annex 1.

Officials said that the reason behind the issuance of the Decrees is to reform the Egyptian importation system and protect domestic consumers from low quality goods. From another perspective, the Egyptian Government is trying to slow demand for foreign exchange by imposing special restrictions on some imported products.

Establishing a New Register at GOEIC

The Decrees established a new register (the “**Register**”) at the General Organization for Exports and Imports Control (“**GOEIC**”)² for the registration of factories and companies qualified to export the Products to Egypt. Products imported for trading purposes will not be cleared to enter the Egyptian territory unless they are produced by registered factories or imported from registered companies owning the trademark.

Factories and companies have two months as a transition period to comply with the new requirements. Such period started on the day following the issuance of Decree 43/2016, i.e. on 16th of January 2016, and will end on 15th of March 2016.

Products shipped and arrived to the Egyptian ports before the lapse of the transition period shall not be subject to the new requirements.

The registration or deregistration of factories and companies at the Register shall be decided the Minister. Also, the Minister has the authority to exempt factories and companies from any of the registration requirements subject to its discretionary power.

¹ The Decree no. 992 of 2015 was issued on 30 December 2015, and was subsequently amended after 17 days from its issuance by the Decree no. 43 of 2016.

² GOEIC is an authority affiliated to the Ministry of Trade and Industry whose primary and main objective is to facilitate the movement of trade, encourage Egyptian industries, and develop exports of all types. For further information, please visit GOEIC Website http://www.goeic.gov.eg/en/index_R.asp

Registration Requirements

The Decree distinguishes between the documents required for the registration of factories and those required for the registration of companies owning the trademark:

(i) Documents Required for the Registration of Factories

A registration application shall be submitted by the legal representative of the factory or its authorized deputy. The following should be attached with the application:

1. The factory's certificate and license. These documents shall be issued by competent authorities in the country in which the factory locate.
2. A List of the products produced by the factory and their trademark(s). This document shall be issued by the factory on its letterhead.
3. A certificate proving that the factory has a quality control system, issued from recognized body of the International Laboratory Accreditation Cooperation (ILAC) or the International Accreditation Forum (IAF), or from an Egyptian or foreign governmental entity approved by the Minister.³
4. Evidence that the trademark(s) is used under a license. Such evidence differs from a case to another.
 - If the factory has its own trademark, it shall submit a certificate proving its ownership of the trademark. This certificate should be issued by the competent authority responsible for the registration of trademarks.
 - If the factory has its own trademark, and in the same time it is licensed to use the trademark owned by others, the factory should submit the following:
 - a. A certificate, issued by the competent authorities, proving the ownership of its own trademark.
 - b. A license from the owner of the other trademark allowing the factory to use it.
 - c. A certificate, issued by the competent authorities, proving the licensor's ownership of the other trademark.
 - If the factory does not have a trademark of its own, but it is licensed to use the trademark owned by others, the factory should submit the following two documents:
 - a. A license from the owner of the other trademark allowing the factory to use it.
 - b. A certificate proving the licensor's ownership of the other trademark issued by the competent authorities.

(ii) Documents Required for the Registration of Companies

In order for a company to export its products to Egypt, it must own the trademark of the exported products or be licensed to use it. A registration application shall be submitted by the legal representative of the company or its authorized deputy together with the following documents:

³ The required quality certificate according to the Decree no. 43/2016 is any certificate issued from a certification body which is accredited by one of the accredited bodies recognized by (ILAC) or (IAF), which indicates that the factory applies a quality system. ISO certificates could fulfill such requirement only if it relates the quality of the product.

1. A certificate, issued by the competent authorities, proving the company's ownership of its trademark.
2. A List of the products bearing the concerned trademark. This document shall be issued by the company on its letterhead.
3. A certificate from the company owning the trademark stating the distribution centers authorized to supply the products bearing the concerned trademark. Upon inquiring at GOEIC about the meaning of 'distribution center', we have been informed that it mainly refers to other companies licensed to distribute and export the product bearing the concerned trademark. The company which owns the trademark could be in Egypt or outside.
4. Certificate proving that the company, the owner of the trademark, applies a quality control system issued from a recognized body certified by one of the accredited bodies from the International Laboratory Accreditation Cooperation (ILAC) or the International Accreditation Forum (IAF), or an Egyptian or foreign governmental entity approved by the Minister.

(iii) Authentication and Translation

All the above mentioned documents should be:

- Certified from the chamber of commerce, or its equivalent,⁴ in the country where the factory or the company locate and approved by the Egyptian Embassy there or the embassy of the foreign country in Egypt, and then approved by the Egyptian Ministry of Foreign Affairs.
- Translated into Arabic by an accredited translation centers.

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- Riad & Riad (R&R) is a legal practice that serves the full spectrum of the business legal needs.
- R&R core business culture is centered on integrity, dedication to clients' needs, and excellence of advice and services. R&R distinguishes itself on the accessibility to its partners, and its constructive and commercially orientated approach.
- R&R has developed specialized teams in a number of areas such as corporate law, M&A, labor & employment, international trade, banking, energy, infrastructure, project finance, litigation and dispute resolution.

⁴ Upon inquiring at GOEIC about what is meant by 'its equivalent' in reference to the chamber of commerce, we have been informed that 'its equivalent' means any authority/entity in the country where the factory or company locates that is allowed to ratify documents and would be accepted by the Egyptian Consulate therein.

Annex (1)

No.	Product
1	Milk and dairy products (except for baby milk) prepared for retail sale for direct consumption in packages not exceeding 2 kg
2	Preserved and dry fruits prepared for retail sale for direct consumption in packages not exceeding 2 kg
3	Oils and fats prepared for retail sale in packages not exceeding 5 kg
4	Sugar products
5	Chocolates and dietary products containing cocoa prepared for retail sale for direct consumption in packages not exceeding 2 kg
6	Pastries, foods prepared from grains, bread products and bakery products (except the empty tablet coatings for pharmaceutical preparations)
7	Fruit juices prepared for retail sale in packages less than 10 kg
8	Natural and mineral water, and soft drinks
9	Cosmetics, mouth and teeth care products, deodorants, shower products and perfumes
10	Soaps and wash products intended to be used as soaps that are prepared for retail sale
11	Tools for dining tables and kitchens, as well as tools intended to be used for eating
12	Bathtubs, sinks, washbasins, toilets, toilet seats, toilet covers and equivalent products intended for sanitary usage
13	Sanitary papers, cosmetic papers, pampers, towels and linens
14	Joists and tiles for floors and walls
15	Tools made from glass for the dining table and kitchen
16	Reinforcement iron
17	Household appliances (stoves, refrigerators, air conditioners, fans, washing machines, heaters, grills, televisions, radios...etc.)
18	Household and office furniture
19	Regular bicycles, motorcycles and motorized bikes
20	Watches

21	Lighting equipment for household usage
22	Children toys
23	Clothing, fabrics and linens except for those used for occupational protection, diving and medical uses.
24	Carpets, floor and wall covers and rugs made of textile or non-textile material
25	Shoes