

## **On quality and safety of food products**

The Law of the Republic of Kazakhstan of 8 April 2004 N 543

The present Law regulates the relations in the sphere of the provision of quality and safety of food products for the health of population and environment upon their development and circulation on the territory of the Republic of Kazakhstan.

### **Chapter 1. General provisions**

#### **Article 1. Principal conceptions used in the present Law**

The following principal conceptions are used in the present Law:

- 1) safety of food products – property of food products, providing the use and (or) storage during the determined serviceable life safety for life and health of persons;
- 2) biologically active additions – natural (identical to natural) biologically active substances destined for the individual use or introduction into the composition of food products;
- 3) genetically modified sources – raw materials and products of vegetable and (or) animal origin received upon the use of the genetic engineering methods;
- 4) date of manufacture – completion date of the technological process of food products manufacture;
- 5) packing date – date of food products allocation into the consumers packing;
- 6) identification of food products, materials and goods contacting with food products – procedure of the conformity determination of the specified food products, materials and goods to the requirements of normative, technical documents;
- 7) quality of food products – totality of the consumers properties of food products reflecting the rate of their conformity to the requirements of normative documents;
- 8) marking – information of the food products manufacturer containing on the consumers container (packing), brand, label, leaflet, sticker;
- 9) materials and goods in contact with food products (hereinafter referred to as “materials and goods”) – materials and goods used for manufacture, production, packing, storage, transportation, selling and use of food products, including transport, technological equipment, devices and mechanisms, container, ware, table accessories;
- 10) low-quality and dangerous food products – food products, which use may pose or poses hazard for health and life of persons;
- 11) normative documents – international, transnational, national standards, technical conditions, sanitary-and-epidemiological rules and norms and hygienic regulations, veterinary (veterinary and sanitary) rules determining requirements to the quality and safety of food products, materials and goods;
- 12) circulation of food products, materials and goods – procurement, manufacture, production, purchase, import and export, storage, transportation and selling of

food products, materials and goods, rendering of services in the sphere of commerce and alimentation, and also utilization or elimination of low-quality and dangerous food products, materials and goods;

- 13) enriched (fortified) food products – any food products which were added by one or more necessary ingredients (vitamins, minerals, proteins, amino acids and fatty acids) and other substances not presenting in food products initially or lost in the process of manufacture and storage for increase of food value, and introduced with the purpose of the diseases prevention;
- 14) food products additions – natural and artificial substances and their compounds specially introduced into food products in the process of their manufacture and production with purposes of their attachment of the specific properties and (or) conservation of their quality;
- 15) food products – products in the natural or processed form used by persons in food, including products of children's and invalid food, packed drinking water, alcohol products, chewing gum, soft drinks, food and biologically active additions;
- 16) food value of the products – totality of food products properties satisfying the physiological needs of the person in necessary substances and energy;
- 17) children's food products – food products destined for children's feeding at the age till fourteen years and meeting the physiological needs of children's organism;
- 18) serviceable life – period of time, during which the food products are deemed suitable for proper use;
- 19) shelf life – period of time, during which upon the observation of determined terms of storage the food products keep all properties indicated in normative documents;
- 20) technical documentation for food products, materials and goods (hereinafter referred to as “technical documentation”) – totality of documents necessary and sufficient for the direct use on each stage of the products life cycle;
- 21) utilization of food products, materials and goods – use of low-quality and dangerous food products, materials and goods with a view different from those for which they are destined and usually used;
- 22) faulty food products, materials and goods – food products, materials and goods wittingly and deliberately modified (false) and (or) having latent properties, which information is wittingly inadequate or incomplete;
- 23) food products expertise – determination of safety, evaluation of properties characterizing the consumers properties, food value of food products;
- 24) food value of food products – quantity of energy releasing in the person's organism from food products, prov



1. Physical and legal persons, fulfilling the activity on the circulation of food products, materials and goods, are obliged to present the complete and reliable information about quality and safety of food products, materials and goods for:

buyers and (or) consumers;

state bodies fulfilling control and supervision functions.

2. Bodies authorized in the sphere of standardization, metrology and certification, sanitary and epidemiological welfare of population, veterinary medicine and phytosanitary, within their competence

provide the physical and legal persons with information about following:

quality and safety of food products, materials and goods;

normative documents determining the requirements to the quality and safety of food products, materials and goods;

state registration of food products, materials and goods;

conformity confirmation of food products, materials and goods to the requirements of normative documents;

measures for the selling prevention of low-quality and dangerous food products, materials and goods.

## **Chapter 2. State regulation in the sphere of the provision of quality and safety of food products, materials and goods**

### **Article 6. State normalization in the sphere of the provision of quality and safety of food products, materials and goods**

1. Requirements to the quality and safety of food products (including food and biologically active additions), materials and goods, packing, marking, manufacturing inspection, estimation of their conformity to the technical documentation for the products are determined by the relevant normative legal acts of the Republic of Kazakhstan, normative documents.

2. Requirements to the safety on the circulation of food products, materials and goods are determined by the relevant sanitary and epidemiological rules and norms and hygienic regulations.

3. Requirements to the quality and safety during the procurement, storage, transportation, processing and selling of meat, fish, poultry, eggs and other raw materials of animal origin are determined by veterinary (veterinary and sanitary) rules, sanitary and epidemiological rules and norms and other normative legal acts of the Republic of Kazakhstan.

4. State standards of the Republic of Kazakhstan, sanitary and epidemiological rules and norms, hygienic regulations, veterinary (veterinary and sanitary) rules and phytosanitary norms are determined by authorized body in standardization, metrology and certification, by authorized bodies in the sphere of sanitary and epidemiological welfare of population, veterinary medicine, phytosanitary supervision in the order determined by the legislation of the Republic of Kazakhstan.

5. Requirements to the quality and safety of food products, materials and goods determined by the state standards of the Republic of Kazakhstan, sanitary and epidemiological rules and norms, hygienic regulations, veterinary (veterinary and

sanitary) rules and phytosanitary norms, are obligatory for the fulfillment by physical and legal persons carrying out the activity on the circulation of food products, materials and goods.

**Article 7. State registration of food products, materials and goods**

1. Food and biologically active additions, genetically

issue of the sanitary and epidemiological conclusion in the order determined by the legislation of the Republic of Kazakhstan.

3. In the case, if physical and (or) legal persons having the certificate and (or) sanitary and epidemiological conclusion in the sphere of food products the circulation, violate the requirements determined by normative documents, than the authorized body on standardization, metrology and certification, the authorized body in the sphere of sanitary and epidemiological welfare of population issued the documents indicated in the present article, are obliged to suspend their activity and validity of indicated documents till the elimination of violations. In case, if the elimination of violations is impossible, the indicated documents are withdrawn.

Upon the revealing of the violation made by physical and (or) legal persons submitted the conformity declarations, the authorized bodies are obliged to suspend immediately the activity in the sphere of the circulation of food products, materials and goods, to terminate the validity of the conformity declaration by means of its withdrawal and to inform the relevant authorized body on standardization, metrology and certification about the termination of the validity of the conformity declaration.

### **Article 9. State supervision and control in the sphere of the provision of quality and safety of food products, materials and goods**

1. State supervision and control in the sphere of the provision of quality and safety of food products, materials and goods are fulfilled by the authorized bodies in the sphere of sanitary and epidemiological welfare of population, veterinary medicine, phytosanitary inspection and by the authorized body on standardization, metrology and certification within their competence determined by the legislation of the Republic of Kazakhstan.

2. With a view to determine the priority directions of the state policy in the sphere of quality and safety of food products and population's health protection, and also development of measures on the supply prevention of bad quality and dangerous food products, materials and goods to the consumers market, the authorized body in the sphere of sanitary and epidemiological welfare of population carries out sanitary and epidemiological monitoring.

### **Article 10. Rights and duties of physical and legal persons fulfilling the circulation of food products, materials and goods**

1. Physical and legal persons have the right:

1) timely to receive the reliable information about sanitary and epidemiological and epizootological condition of the territory and (or) object in accordance with the legislation of the Republic of Kazakhstan;

2) to apply to the state bodies and organizations for the carrying out of inspections with a view to fulfill the sanitary rules and norms, hygienic regulations, veterinary (veterinary and sanitary) rules and phytosanitary regulations;

3) to participate in carrying out of sanitary and antiepidemic (prophylactic), veterinary and phytosanitary measures.

2. Physical and legal persons are obliged:

- 1) to develop and approve technical terms conforming to the technical regulations and obligatory requirements determined in the state and transnational standards and containing the requirements to the quality and safety of food products, materials and goods, technological processes of their manufacture, packing, marking, storage, transportation and selling;
- 2) to develop programs of the manufacturing quality and safety control of new kinds of food products, materials and goods, methods of their probation and to determine the obligatory serviceable life and shelf life for them in accordance with the normative documents;
- 3) to provide quality and safety control of each consignment of food products, materials and goods, and also requirements observance of normative documents upon the circulation of food products, materials and goods;
- 4) to present documents, certifying the quality and safety of food products, materials and goods, to buyers or consumers of food products, materials and goods upon their request;

population, shall satisfy physiological requirements, shall meet the qualifying standards in the sphere of organoleptic and physicochemical indexes (to the permissible content of chemical, radioactive, biological substances and their compounds and microorganisms).

2. Food products, children's food products, their food, biological and energetic value shall conform to normative documents and information indicated on the packing (container).

Products of invalid, treatment-and-prophylactic food, food and biologically active additions belong to the products of special use and shall have properties and characteristics conforming to normative documents approved in the order stipulated by the authorized body in the sphere of citizen's health protection.

3. Wheat flour of extra and first classes, produced on the territory of the Republic of Kazakhstan, is subject to the obligatory fortification (enrichment) in the order determined by the Government of the Republic of Kazakhstan.

Contents norms of vitamin and mineral complex, its quality, safety, methods of fortification shall conform to the technical documentation, sanitary and epidemiological norms and other normative documents.

## **Article 12. Requirements to the provision of the quality and safety of food products, materials and goods during their development**

1. Indexes of quality and safety of food products, materials and goods, their serviceable life, requirements to the packing, marking, terms of manufacture and circulation, programs of manufacturing quality and safety control, methods of probations, methods of utilization or elimination of bad quality and dangerous food products, materials and goods shall be included into the technical documentation, developed by physical and (or) legal persons.

Projects of the technical documentation and test samples of food products, materials and goods depending on the raw materials are subject to sanitary and epidemiological, veterinary and sanitary expertise.

Indicated projects are approved by physical and (or) legal persons only in the presence of the sanitary and epidemiological conclusion and (or) act of expertise, and are registered in the order determined by the legislation of the Republic of Kazakhstan.

2. Requirements, contained in the approved technical documentation, are obligatory for physical and (or) legal persons fulfilling the activity connected with the circulation of food products, materials and goods.

3. Replacement of any ingredients in the released food products is fulfilled by

**Article 13. Requirements to the provision of the quality and safety of food products, materi**



2. During manufacture and production of food raw materials the use of fodder additions, stimulants of animals growth (including hormonal agents), pesticides, agricultural chemicals passed the state registration, sanitary and epidemiological and (or) veterinary and sanitary expertise, is permitted.

3. During manufacture and production of children's food products, invalid and treatment-and-prophylactic food the use food raw material upon which manufacture fodder additions, stimulants of animals growth (including hormonal agents), some kinds of medicines, pesticides, agricultural chemicals, genetically modified sources and other substances and compounds dangerous for persons health, is prohibited.

4. Manufacture, import, selling of wheat flour of extra and first classes on the territory of the Republic of Kazakhstan without the observance of the requirements to its fortification is prohibited.

#### **Article 14. Requirements to the provision of the quality and safety of food products, materials and goods during their parceling, packing and marking**

1. Food products shall be parceled and packed by means permitting to provide the conservation of quality and safety during their storage, transportation and selling.

2. Physical and (or) legal persons, making the parceling and packing of food products, are obliged to observe the requirements of normative documents to the parceling and packing of food products, their marking, and also to the used materials for packing and marking of food products.

3. Besides information determined by the legislation of the Republic of Kazakhstan taking into consideration types of food products on brands, labels, leaflets and stickers of packing materials and goods the following information in state and Russian languages shall be indicated:

1) food value of product (caloric value, content of proteins, fats, carbohydrates, vitamins, macro- and microelements);

2) prescription and terms of use (including children's food products, invalid and treatment-and-prophylactic food, biologically active additions);

3) methods and terms of manufacture of complete dishes (for concentrates and convenience foods of food products);

4) terms and shelf life (with respect to food products for which the requirements to the terms of their storage are determined) and serviceable life;

5) manufacture date and packing date of food products;

6) content including food and biologically active additions, and used genetically modified sources.

4. Packing of fortified food products shall provide the content conservation of vitamin-mineral complex in quantities stipulated by normative documents.

#### **Article 15. Requirements to the provision of the quality and safety of food products, materials and goods during their storage and transportation**

1. Storage and transportation of food products, materials and goods shall be fulfilled in conditions providing the conservation of their quality and safety.

2. Storage of food products, materials and goods is permitted in specially equipped premises, constructions which shall conform to the requirements of normative documents and other normative legal acts of the Republic of Kazakhstan.
3. Specially equipped vehicles with sanitary passport registered in the order determined by the legislation of the Republic of Kazakhstan, are used for transportation of food products, materials and goods.
4. Special regimes of storage, transportation and selling are determined for enriched (fortified) food products and food raw materials.
5. In case, if during storage and (or) transportation of food products, materials and goods the violation has been made caused the loss of their proper quality and attainment of dangerous properties, they are not subject to selling, but are sent to the relevant expertise according to which results they are utilized or eliminated.

#### **Article 16. Requirements to the provision of the quality and safety of food products, materials and goods during their selling**

1. Food products, materials and goods corresponding to the requirements of normative documents, are subject to selling.
2. Selling of food products, materials and goods is prohibited, if:
  - 1) they don't conform to the requirements of normative documents according to indexes of quality and safety;
  - 2) they have no certificate, sanitary and epidemiological conclusion, and (or) act of expertise confirming their quality and safety in the order stipulated by the legislation of the Republic of Kazakhstan, and other documents determining their origin;
  - 3) they have evident features of bad quality;
  - 4) they have no marking or information containing data stipulated by normative documents and the present Law;
  - 5) don't conform on names and type of information set forth in accompanying documentation and marking;
  - 6) they have expired serviceable life.
3. If during selling of food products, materials and goods the violation has been made caused the loss of the relevant quality of food products, materials and goods, and attainment of dangerous properties, than physical and (or) legal persons fulfilling selling of food products, materials and goods, are obliged to withdraw such food products, materials and goods from selling, to provide their withdrawal from consumers, to send low-quality and dangerous food products, materials and goods to the expertise, and upon the necessity to organize their utilization or elimination.

#### **Article 17. Requirements to the provision of the quality and safety of food products, materials and goods which import is fulfilled to the territory of the Republic of Kazakhstan**

1. Quality and safety of food products, materials and goods, which import is fulfilled to the territory of the Republic of Kazakhstan, shall conform to the requirements of normative documents.

2. It is prohibited to import to the territory of the Republic of Kazakhstan food products, materials and goods have not passed the state registration in the order determined by the legislation of the Republic of Kazakhstan, and having no documents certifying the conformity of their quality and safety to the requirements of normative documents.

3. In check-points through the State border of the Republic of Kazakhstan the officials fulfilling the state sanitary and epidemiological, veterinary inspection, phytosanitary inspection, within their competence, implement the control of food products, materials and goods, inspection of their shipping documents and make decisions on the import possibility of such food products, materials and goods to the territory of the Republic of Kazakhstan.

In case, if food products, materials and goods, which import is fulfilled to the territory of the Republic of Kazakhstan, don't conform to normative documents or are dangerous, the officials indicated in the present item, make the decision on temporary suspension of their import to the territory of the Republic of Kazakhstan or impose the ban on their import.

4. The owner of food products, materials and goods declared low-quality and (or) dangerous according to the results of the expertise, is obliged to export them beyond the territory of the Republic of Kazakhstan during ten days.

If low-quality and (or) dangerous food products, materials and goods have not been exported beyond the territory of the Republic of Kazakhstan in time determined by the present item, they are withdrawn in accordance with the legislation of the Republic of Kazakhstan, utilized and eliminated.

#### **Article 18. Requirements to the organization and carrying out of manufacturing quality and safety control of food products, materials and goods**

1. Manufacturing quality and safety control is fulfilled in the order developed by physical and (or) legal persons implementing the activity on the circulation of food products, materials and goods on the basis of the requirements of normative documents.

2. Quality and safety control of food products, materials and goods is fulfilled by accredited (certified) laboratories in the order determined by the legislation of the Republic of Kazakhstan.

#### **Article 19. Requirements to the withdrawal from the circulation of low-quality and dangerous food products, materials and goods, their utilization and elimination**

1. Low-quality and dangerous food products, materials and goods are subject to the withdrawal from the circulation.

The owner of food products, materials and goods declared low-quality and (or) dangerous, from the moment of the revealing is obliged to withdraw immediately them from the circulation independently or on the basis of the instructions of the authorized bodies in the sphere of sanitary and epidemiological welfare of population,

veterinary medicine, phytosanitary inspection, and the authorized body on standardization, metrology and certification.

Instructions of authorized bodies may be appealed in the order determined by the legislation of the Republic of Kazakhstan.

2. In case, if the owner of low-quality and dangerous food products, materials and goods has not taken measures on their withdrawal from the circulation, they are subject to the withdrawal in the order determined by the legislation of the Republic of Kazakhstan.

3. Low-quality and dangerous food products, materials and goods withdrawn from the circulation, are subject to the relevant expertise carried out in the order determined by the legislation of the Republic of Kazakhstan with a view to determine the possibility of their utilization or elimination. Decision on utilization and (or) elimination of low-quality and dangerous food products, materials and goods is made according to the results of the expertise in the order determined by the legislation of the Republic of Kazakhstan.

4. Food products, materials and goods of unknown origin, and having features of bad quality and in this connection posing the direct threat for persons life and health, are subject to the withdrawal and elimination in the order determined by the legislation of the Republic of Kazakhstan without carrying out of expertise.

5. Further use of processed products with a purpose or in its new denomination is possible only upon the positive results of sanitary and epidemiological expertise with the receipt of the relevant sanitary-epidemiological conclusion.

6. Infected food products and agricultural products posing the threat for population, are disinfected before their elimination in the order determined by the legislation of the Republic of Kazakhstan

To avoid the pollution of the industrial environment, soil, ground waters during the elimination and (or) disposal of low-quality and dangerous food products, materials and goods in places stipulated for these purposes, the positive ecological expertise of the central executive authority in the sphere of the environmental protection is obligatory.

7. Expenses for expertise, transportation, utilization or elimination of low-quality and dangerous food products, materials and goods are paid by their owners.

8. With a view to prevent the arising and spread of diseases and poisoning of human beings and animals, and also pollution of the environment, the authorized bodies are obliged on the basis of the relevant acts to fulfill the utilization or elimination control of low-quality and dangerous food products, materials and goods.

## **Article 20. Requirements to the persons fulfilling the activity on the circulation of food products, materials and goods**

1. Persons fulfilling the activity on the circulation of food products, materials and goods, rendering services in the sphere of retail trade, catering, are subject to the preliminary and periodical medical examinations and hygienic training in the order determined by the authorized body in the sphere of sanitary and epidemiological welfare of population.

2. Legal persons fulfilling the activity on the circulation of food products, materials and goods, are obliged to prevent and dismiss persons with infectious diseases and being the source of different diseases, and also not passed the preliminary and periodical medical examinations and hygienic training.

Persons with suspicions to the infectious, parasitic diseases, persons contacting with them, and persons not passed the preliminary and periodical medical examinations are not admitted to the activity indicated in the present article.

#### **Chapter 4. Final provisions**

##### **Article 21. Responsibility for the violation of the legislation of the Republic of Kazakhstan on the quality and safety of food products**

1. Persons guilty in the violation of the legislation of the Republic of Kazakhstan on the quality and safety of food products, are responsible in accordance with the laws of the Republic of Kazakhstan.

2. Recovery of forfeit or any other penalty don't release the guilty persons from the reparation of damages in the order determined by the legislation of the Republic of Kazakhstan.

##### **Article 22. Order of coming into force of the present Law**

The present Law is effective from the day of its official promulgation.

*President  
of the Republic of Kazakhstan*