

ANNEX 2

On Safety of Food Products

Law of the Republic of Kazakhstan No. 301 of 21 July, 2007

The present law stipulates the legal basis for food products safety and ensures protection of human life and health, the interests of consumers and the environment in the territory of the Republic of Kazakhstan.

Chapter 1. GENERAL PROVISIONS

Article 1. Main definitions used in the present law

The following main definitions shall be used in the law:

1. Feedstuff – products of plant, animal, microbiological, or mineral origin containing nutrients used for feeding animals, that are source of food for human;
2. Feedstuff additives– substances of organic, mineral, and/or synthetic origin used as a source of missing nutrients and minerals and vitamins in animal ration, which are a source of food for humans;
3. Fortified foodstuff – foodstuff fortified with one or more necessary ingredients (vitamins, minerals, proteins, amino- or fatty acids) and other substances which are not initially present, or present insufficiently or lost in the process (stages) of production (manufacturing), added to increase nutritive value with the purpose of disease prevention;
4. Child nutrition food – foodstuff of special intention to meet the physiological needs of child organism and intended for nutrition of children under 3 years old;
5. Food products, subject to veterinary control – food products and raw materials of animal origin which are not used as food without appropriate treatment, as well as feed and feed additives;
6. Veterinary certificate – a document of a given form issued to each lot of food products, subject to veterinary control, on the state border of the Republic of Kazakhstan and on transport by the authorized body in the field of veterinary;
7. Genetically modified objects – raw materials and products of plant and/or animal origin produced by methods of genetic engineering including genetically modified sources and organisms;
8. Production date – date of completion of foodstuff production process (stage);
9. Dietetic food products – food products for special use intended for certain groups of people in order to prevent or treat diseases;
10. Food products for special treatment and prevention of disease – specialized food products used in special nutrition rations intended for certain groups of people in order to prevent damages on human organism which are caused by regular effect of hazardous professional factors;
11. Identification number – a code including kind of activity and a number of production

12. Falsified food products – foodstuff modified in advance and on purpose, false and (or) having hidden features and properties with wittingly

44. Caloric value of food products– amount of calories discharged out of food products as a result of human or animal consumption, and providing their physiological functions.
45. Food products – products of a natural or processed state, intended for human consumption as a food;
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2. State regulation in the field of food safety is implemented on the basis of the following principles:

- 1) Priority of food safety for human life and health and the environment;
- 2) Prevention of possible harmful effects that impact on human health and the environment;
- 3) Transparency of measurements taken by the state;
- 4) Transparency, availability, and reliability of information;
- 5) Scientific justification of risk assessment;
- 6) Traceability of food products in all processes (stages) of development (creation), production (manufacturing), circulation, utilization and disposal;
- 7) Responsibilities of operators for food safety at all stages of development (creation), production (manufacturing), circulation, utilization and disposal of food products.

Article 5. Competence of the Government of the Republic of Kazakhstan

The competence of the Government of the Republic of Kazakhstan in the field of food safety includes:

1. Elaboration of main directions in the state policy in the field of food safety;
2. Inter-sectoral coordination of authorized bodies activity;
3. Adoption of normative legal acts in the field of food safety except for the normative legal acts, competence on adoption of which is stipulated in the Article 6 of this Law;
4. Adoption of sectoral programs in the field of food safety;
5. Adoption of the procedures for:

state registration of feed a

conducting inspection on compliance of food products, in processes (stages) of its development (creation), production (manufacturing), circulation, utilization and disposal, and compliance of processes (stages) of its development (creation), production (manufacturing), circulation, utilization and disposal with the requirements of the legislation of the Republic of Kazakhstan in the field of food safety;

circulation of genetically modified objects;

conducting works on scientific confirmation of safety of genetically modified objects;

Article 6. Jurisdiction of authorized bodies in the field of food safety

1. Competence of authorized bodies in the field of health care comprise a ratification of the orders for:

5) Establishment of consulting bodies on issues of safety of food products subject to sanitary-epidemiological inspection;

6) Coordination of:

expiry dates and food products storage conditions;

drafts of normative-technical documentation in the field of safety of food products subject to sanitary-epidemiological inspection;

compliance of processes (stages) of development (creation), production (manufacturing), circulation, utilization and disposal of food products, and compliance of machinery and equipment, materials and articles used in development (creation), production (manufacturing), circulation, utilization and disposal with the requirements established by the legislation of the Republic of Kazakhstan in the field of food safety, with issuance of sanitary-epidemiological certificate;

7) Carrying out sanitary-epidemiological

The competence of territorial subdivisions of the authorized body in the field of sanitary-

15) Issuing notifications on elimination of violations of th

Article 8. State control of food products safety

1. State control of food products safety is carried out by authorized bodies within the sphere of their jurisdiction stipulated by the laws of the Republic of Kazakhstan.

2. In order to implement state control of food products safety, the state provides organization of the activities of state laboratories for veterinary-sanitary and sanitary-epidemiological expertise, including laboratories for identifying qualitative and quantitative composition of

5. Re-registration and cancellation of state registration of child nutrition products, food additives and biologically active food additives, GMOs, colorings, materials and articles in direct contact with water, food products, chemicals and certain groups of products and substances having negative impact on human health is made in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Chapter 3. RIGHTS AND OBLIGATIONS OF OPERATORS

Article 10. Rights of operators

Operators in accordance with their activities have a right to:

1) Obtain timely a reliable information on sanitary-epidemiological and veterinary-sanitary conditions of a territory and (or) of a production facility and internal trade objects in accordance with the legislation of the Republic of Kazakhstan;

2) Apply to the state bodies for carrying out surveys with the purpose of ensuring compliance with sanitary-epidemiological rules and norms, hygienic norms, technical regulations, normative documents in the field of safety of food products subject to sanitary-epidemiological (veterinary-sanitary) rules and norms, technical regulations, normative documents in the field of safety of food products subject to veterinary control;

3) Take part in sanitary- anti-epidemic (preventive) and veterinary-sanitary measurements in cases set by the legislation of the Republic of Kazakhstan;

4) Take part in elaboration of normative legal acts and technical regulations in the field of food safety according to the legislation of the Republic of Kazakhstan;

5) Elaborate and approve organizational standards that comply with the requirements set by the legislation of the Republic of Kazakhstan on food safety;

6) Elaborate programs of production control of food safety;

7) Introduce quality and safety of food products management systems;

8) Mark ecologically pure food products with the mark of ecologically clean food products, when products comply with the requirements of manufacturing standards;

9) To have other rights in accordance with the laws of the Republic of Kazakhstan.

Article 11. Obligations of operators

In accordance with their activity, operators shall:

1) fulfill the requirements established by the legislation of the Republic of Kazakhstan on food safety;

2) provide with preliminary and periodical medical surveys and hygienic training of the personnel of operators;

3) establish expiry dates of food products in accordance with the legislation of the Republic of Kazakhstan on food safety, upon agreement with the authorized bodies;

4) provide production control of food safety for each lot of food products during processes (stages) of production (manufacturing), circulation and utilization;

5) inform the authorized bodies on violations leading to emerge of harmful properties in food products, during the processes (stages) of their development, production (manufacturing), circulation and utilization;

6) send the food products indicated in sub-paragraph 5) of the present Article for relevant testing

7) Immediately stop processes (stages) of production (manufacturing), circulation and utilization of food products in case of any violation which causes hazardous food properties, withdraw the food product from internal trade objects, provide relevant expertise, and afterwards organize its utilization or disposal, in accordance with the procedure determined by the Government of the Republic of Kazakhstan;

8) Present documents certifying safety of food products to buyers (consumers) of food products, as well as to the authorized bodies on their request;

9) Cooperate with the authorized bodies to prevent or reduce the risks connected with food products, that they have produced, sold or utilized;

10) Provide identification and tracing food products throughout all the processes (stages) of its development (creation), production (manufacturing), circulation, utilization, and disposal;

Chapter 4. FOOD SAFETY REQUIREMENTS

Article 12. Requirements and measures for food safety

1. Requirements for safety of food products and processes (stages) of its development (creation), production (manufacturing), circulation, utilization and disposal, stipulated by the legislation of the Republic of Kazakhstan in the field of food safety, are obligatory for operators
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food additives is prohibited throughout the production (manufacturing) of food products of special intent.

Article 14. Requirements for the food subject to fortification

1. Food products might be enriched (fortified). Vitamin and mineral complexes that passed the sanitary-epidemiological inspection can be used for food enrichment (fortification).

2. The enrichment (fortification) methods and materials and articles used in the food enrichment (fortification) process shall comply with the requirements of normative-technical documentation, sanitary-epidemiological rules and norms, and other statutory documents on standardization.

Article 15. Requirements for food safety at development (creation)

1. The normative-technical documentation elaborated by operators shall contain:
 - 1) indexes on food safety;
 - 2) expiry dates;
 - 3) requirements for packaging, marking, the

Article 18. Requirements to safety of food products at storage and transportation

1. Storage and transportation of food products shall be undertaken under conditions providing safety in accordance with the requirements established by the legislation of the Republic of Kazakhstan on food safety.

2. Storage of food products is allowed in specially equipped premises, facilities which shall meet the requirements established by the legislation of the Republic of Kazakhstan on food safety.

3. Transportation facilities of special intention and (or) equipped for such purposes with sanitary passports are used for transporting food products. The sanitary passports shall be issued in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

4. In case of violation of the conditions, during storage and/or transportation of food products, leading to emergence of harmful properties in the products, such products shall be sent for relevant examination, following to the results of which, the products shall be utilized or eliminated.

Article 19. Requirements for food safety when selling food

1. Selling food products is allowed only at internal trade objects that meet the requirements established by the legislation of the Republic of Kazakhstan on food safety.

2. If the violation of the conditions has been made when selling food products, which caused acquiring of harmful properties in them, such products shall not be sold and shall be sent to relevant examination, following to the results of which, the products shall be utilized or eliminated.

3. Food products exported from the Republic of Kazakhstan shall meet the requirements established by the legislation of the Republic of Kazakhstan, except for the cases when the legislation and standards of an importing country request otherwise.

4. It is prohibited to sell food products without documents certifying its compliance with the requirements established by the legislation.

Article 20. Requirements for safety of food products imported into the territory of the Republic of Kazakhstan

1. Safety of food products imported into the territory of the Republic of Kazakhstan shall meet the requirements established by the legislation of the Republic of Kazakhstan on food safety.

2. It is prohibited to import into the territory of Kazakhstan food products:

1) Without documents that certify their compliance with the requirements established by the legislation of the Republic of Kazakhstan on food safety;

2) Without state registration in accordance with the requirements of Article 9 of the present Law.

3. At the admission points on the state border of the Republic of Kazakhstan, officials carrying out state control, within the sphere of their jurisdiction shall make examination of food products, shall check shipping documentation.

In the event where food products being imported to the territory of the Republic of Kazakhstan do not meet the requirements of the paragraph 4 of the Article 12 of the present Law, officials specified in the first part of this paragraph shall make a decision on temporary suspension of its import and submission to relevant examination, or ban its import into the territory of the Republic of Kazakhstan, in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

4. The operator shall within three days take out of the territory of the Republic of Kazakhstan the food product which is recognized as hazardous according to the results of the relevant examination.

If the hazardous food product is not taken out of the territory of the Republic of Kazakhstan within the period of time determined by the first part of this paragraph, it shall be utilized or eliminated in accordance with the legislation of the Republic of Kazakhstan on food safety.

Article 21. Requirements to cessation of one or several processes (stages) of production (manufacturing), circulation or utilization of hazardous food products

1. Since the time of disclosure of incompliance of the food product with safety requirements established by this Law or based on the instruction of the authorized body, the operator shall stop one or several processes (stages) of production (manufacturing), circulation or utilization of the hazardous product.

2. Failure to take measures stipulated by the paragraph 1 of the present Article, causes liability in accordance with the laws of the Republic of Kazakhstan.

Article 22. Requirements for the operators' personnel

Personnel of operators taking part in the processes (stages) of production (manufacturing), production, circulation and utilization of a food product, shall pass preliminary and periodical medical examinations as well as shall be educated on hygiene in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

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2) Be used only for intended purposes;

Materials and articles that come into contact with food products shall be accompanied with the document certifying safety, issued by an authorized body in the field of sanitary-epidemiological wellbeing of population.

2. All parts of transportation tanks (cisterns, tankers and others), pipelines, pumps, hoses, machines, transport means, equipment and apparatus in contact with food products, shall be made of the materials permitted for use in accordance with the legislation of the Republic of Kazakhstan.

3. The document certifying safety of the materials and articles that come into contact with food products shall contain data necessary for the risk identification and assessment, including the following:

- 1) Chemical, biological, and physical characteristics;
- 2) Application and means of usage;
- 3) Origin and method of manufacturing;
- 4) Method of delivery and packing, and conditions of storage;
- 5) Preparation before use;
- 6) Criteria of acceptance.

Article 24. Requirements on traceability of food products

1. Traceability of a food product shall be provided in all processes (stages) of its development (creation), production (manufacturing), circulation, utilization and disposal.

2. Traceability shall be provided by means of:

- 1) Identification;
- 2) Data collection and record;
- 3) Information on interaction between operators;
- 4) Data exchange.

3. Traceability of food products is provided by the operators in the course of development (creation), production (manufacturing), circulation, utilization and disposal of food products by means of composing technical passports, containing notes on necessary technological and control operations that have been carried out, notes on revealed defects and measures on their elimination.

Execution of the documents shall be done by the operators with appropriate stamps and signatures.

Records of data on traceability of food product shall be kept during one year since its expiry date.

4. Food products subject to sale shall be identified for further traceability and marked.

Article 25. Requirements for industrial inspection of food products safety

1. Industrial inspection of food products safety is carried out in accordance with the procedure elaborated by operators according to the requirements of the legislation of the Republic of Kazakhstan on food safety.
2. Industrial inspection of food products safety is carried out by attested and (or) accredited laboratories (centers) in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Article 26. Special requirements for ecologically clean food products

1. Production (manufacturing) and marking of ecologically clean food products are carried out according to the requirements of normative documents on standardization of production (manufacturing) of ecologically clean food products.
2. Ecologically clean food products shall be marked with an ecologically clean food product mark only when the requirements set by the paragraph 1 of the present Article are met.

Article 27. Special requirements for safety of drinking water

1. Drinking water shall comply with the requirements established by the legislation of the Republic of Kazakhstan on food safety.
2. Requirements for technical devices of water intake facilities, facilities on water preparation, pumping stations, water conveyance structures, vessels for water storage and facilities for back water supply concerning safety of drinking water are stipulated by the legislation of the Republic of Kazakhstan on sanitary-epidemiological wellbeing of population.
3. Water supply sources and water conveyance structures which supply water for domestic-drinking needs from surface and underground sources shall uphold sanitary protection area according to the legislation of the Republic of Kazakhstan.
4. Requirements on selection of water preparation area, pump stations of first lifting and uploading of unprocessed water, sites of intake facilities for water from surface and underground, facilities of domestic-drinking water pipelines located on the territory of organizations, reservoirs and water pump stations, are stipulated by the legislation of the Republic of Kazakhstan on sanitary-epidemiological wellbeing of population.
5. Use of natural mineral waters is allowed after balneal certificates are issued by the scientific centers of balneology in accordance with the procedure stipulated by an authorized body in the field of health care.

Article 31. Risk analysis, assessment and management

1. Application of measures for food safety shall be based on risk analysis.
2. When assessing risks in safety of food products, available scientific data, relevant methods of processing and production (manufacturing), methods of inspecting, random inspection, laboratory researches, and information on extent of prevalence of certain diseases and presence of zones free from diseases, shall be used.
3. Risk assessment can be carried out by means of:
 - 1) Identifying characteristics of products which can cause harmful impact on organisms of human and animals intended for food production;
 - 2) Analysis of impact of each revealed potential hazard on human health and of their consequences;
 - 3) Definition of adequate measures to limit discerned risks.
4. Food safety risk assessment is carried out as a complex risk assessment in the course of laboratory examination of food products.
5. Data on risk assessments and measures for minimizing risks during all processes (stages) of development (creation), production (manufacturing), circulation, utilization and disposal of food products shall be specified in normative-technical documentation.

It is not allowed to develop (create) new types of food products without risk analysis in accordance with the requirements stipulated by the legislation of the Republic of Kazakhstan on food safety.
6. Risk management shall be based on the results of risk assessment, as well as on the principle of preventing possible harmful impact upon human life and health.

Article 32. Prevention of harmful impact for human life and health

1. In special cases when possible harmful impact for human life and health is identified, but there are no sufficient scientific data for identification of its degree, the authorized bodies have a right to take temporary risk management measures.
2. Temporary risk management measures shall be revised within a minimal period of time required for obtaining scientific data to clarify the degree of risk.

Chapter 6. FINAL PROVISIONS

Article 33. Liability for violation of the legislation of the Republic of Kazakhstan on food safety

Violation of the legislation of the Republic of Kazakhstan on food safety causes liability in accordance with the laws of the Republic of Kazakhstan.

Article 34. Particularities of processes (stages) of development (creation), production (manufacturing), circulation, utilization and disposal of food products containing GMOs within transition period

Until scientifically justified confirmation of safety of GMOs in food products is available, the level of their content in food products should not exceed the one permitted in the European Union states.

Article 35. Procedure of enacting of this Law

1. The present law comes into force since 1 January, 2008.

2. The Law of the Republic of Kazakhstan "On Food Products Quality and Safety" of 8 April 2004 is declared invalid.

President

of the Republic of Kazakhstan