

On quality and safety of food products

This Law regulates relations in the field of quality assurance and food safety for public health and the environment during their development and processing on the territory of the Republic of Kazakhstan.

Chapter 1. General Provisions Article 1. Fundamental concepts used in this Law

This Law uses the following fundamental concepts:

- 1) Food safety - property of food, providing safety for life, health, and the use (or) storage within a specified period of validity;
- 2) dietary supplements - natural (identical to natural) biologically active substances intended for a particular use or introduction into the food;
- 3) genetically modified sources - raw vegetable products and (or) products of animal origin, obtained using genetic engineering methods;
- 4) the date of manufacture - the end date of the process of manufacturing a food product;
- 5) the date of packaging - the date of placing the food product in consumer packaging;
- 6) identification of food products, materials and articles in contact with food, - a procedure for establishing the compliance of certain food products, materials and manufacturing with requirements of regulation and technical documents;
- 7) the quality of food products - a set of consumer properties of food products, reflecting the degree of their compliance with regulatory requirements;
- 8) Labeling - the information of the manufacturer of the food product contained in the consumer packaging (packaging), label, sign, package insert, sticker;
- 9) the materials and articles in contact with food (hereinafter - the materials and products), - materials and products used for the manufacture, production, packaging, storage, transportation, sale and use of food, including transportation and technological equipment, devices and tools, containers, utensils, cutlery;
- 10) low-quality and hazardous foods - foods that use that represent or may represent a danger to human health and life;
- 11) regulations - international, interstate, state standards, specifications, sanitary-epidemiological rules and norms and hygienic standards, veterinary (veterinary and sanitary) rules and phytosanitary regulations that establish requirements for the quality and safety of foodstuffs, materials and products;
- 12) the turnover of food products, materials and products - procurement, manufacturing, acquirement, import and export, storage, transportation and sale of food products, materials and products, the provision of services in the sphere of trade and catering, as well as the disposal or destruction of defective and dangerous food, materials and products;
- 13) enriched (fortified) food products - any food in which to enhance the added value of one or more necessary ingredients (vitamins, minerals, proteins, amino or fatty acids) and other substances that are not initially present in the food or lost during production and storage, as well as administered for the prevention of diseases;
- 14) supplements - natural and artificial substances, and their compounds, specifically incorporated into foods during their manufacturing and production to impart certain characteristics and (or) to preserve their quality;
- 15) food - products in natural or processed form that are used for human food, including baby food, diet food, bottled water, alcoholic beverages, chewing gum, soft drinks, food and dietary supplements;

16) the nutritional value of the product - a set of properties of a food product that meet the physiological needs of people in required substances and energy;

17) baby food - food products intended for the nutrition of children under the age of fourteen and meet the physiological needs of the child's body;

18) the expiry date - the time period during which the food product is considered suitable for the intended use;

19) Shelf life - the period of time during which the food product is in compliance with the storage conditions established which retain all the properties specified in the regulations;

20) technical documentation for food, materials and products (hereinafter - the technical documentation) - a set of documents necessary and sufficient for immediate use at each stage of the product life cycle;

21) disposal of food products, materials and products - the use of low-quality and dangerous food products, materials and products for purposes other than those for which they are intended and are typically used;

22) counterfeit food products, materials and products - food, materials and products, knowingly and intentionally altered (fake) and (or) having hidden properties and quality of information which is deliberately false or incomplete;

23) examination of food - definition of safety assessment of the properties that characterize the consumer properties, food and energy value of food products;

24) the energy value of the food product - the amount of energy released in the body from foods providing physiological functions.

Article 2. The legislation of the Republic of Kazakhstan in the field of quality assurance and food safety

1. The legislation of the Republic of Kazakhstan in the field of quality assurance and food safety is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulations of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan stipulates other rules than those stipulated in this Law, the rules of the international treaty shall apply.

Article 3. The turnover of food products, materials and products

1. Turnover may include products, materials and items that meet the requirements of regulatory documents and pass state registration following procedure established by the legislation of the Republic of Kazakhstan.

2. Foods, materials and products are not included in turnover that:

1) do not comply with regulatory requirements;

2) show clear signs of poor quality found in their inspection;

3) do not have documents certifying their quality and safety and confirming their origin;

4) do not correspond to the information provided;

5) do not have a set shelf life (food, materials and products in respect of which the establishment of expiration dates is mandatory) or have expired;

6) do not have a label containing information required by regulations;

7) have not passed the state registration in accordance with the legislation of the Republic of Kazakhstan.

Article 4. Ensuring the quality and safety of food, materials and products

The quality and safety of food, materials and products are provided by:

- 1) the application of measures of state regulation in the field of quality and safety of food, materials and products;
- 2) individuals and legal entities engaged in activities of turnover of food, materials and products, organizational, agrochemical, veterinary, technology, engineering, sanitation and anti-epidemic (preventive) and phytosanitary measures for the implementation of regulation requirements of food, materials and products and the conditions of their turnover;
- 3) the production of quality control and food safety, materials and products, compliance with the conditions of their turnover in accordance with regulations;
- 4) certification of food products, materials and goods subject to mandatory certification;
- 5) conduction of sanitation-epidemiological expertise;
- 6) the introduction of advanced quality management systems.

Article 5. Information on the quality and safety of foods, materials and products

1. Individuals and legal entities operating in activities related to turnover of food, materials and products, are required to provide complete and accurate information about the quality and safety of foods, materials and products:

to customers and (or) consumers;

to public authorities exercising control and supervisory operations.

2. The competent authorities in the field of standardization, metrology and certification, sanitation and epidemiological safety, veterinary and phytosanitation must provide physical and legal persons within their jurisdiction information on:

the quality and safety of foods, materials and products;

regulations establishing requirements for the quality and safety of foods, materials and products;

state registration of foods, materials and products;

confirmation of the conformity of food, materials and products with regulatory requirements;

measures to prevent the implementation of low-quality and dangerous food products, materials and products.

Chapter 2. State regulations in the field of quality and safety of food, materials and products

Article 6. State rationing in the field of quality and safety of food, materials and products

1. The requirements for quality and food safety (including food and dietary supplements), materials and products, packaging, labeling, production control, the assessment of their compliance with the technical documentation for products are established by the relevant regulatory legal acts of the Republic of Kazakhstan.

2. Safety requirements for the circulation of food, materials and products are established by the appropriate sanitary and epidemiological rules and norms and hygienic standards.

3. The requirements for quality and safety in the procurement, storage, transportation, processing and sale of meat, fish, poultry, eggs and other raw materials of animal origin are established by veterinary (animal health) regulations, sanitary and epidemiological rules and norms and other regulations of the Republic of Kazakhstan.

4. State standards of the Republic of Kazakhstan, sanitary-epidemiological rules and norms and hygienic standards, veterinary (veterinary and sanitation) rules and phytosanitary standards are approved, respectively, by the authorized body on standardization, metrology and certification, authorized bodies in the field of sanitation-epidemiological safety, veterinary and phytosanitation supervision in accordance with the legislation of the Republic of Kazakhstan.

5. Requirements for the quality and safety of foods, materials and products, established by the state standards of the Republic of Kazakhstan, the sanitary-epidemiological rules and norms and hygienic standards, veterinary (veterinary and sanitary) rules and phytosanitary regulations are binding upon individuals and legal entities engaged in activities of turnover of foods, materials and products.

Article 7. State registration of foods, materials and products

1. State registration is required for food and dietary supplements, genetically modified sources, baby foods, dyes, materials and articles in contact with water and food which are introduced for the first time into production and imported into the territory of the Republic of Kazakhstan.

2. State registration of baby foods, nutritional and dietary supplements introduced for the first time into production and imported into the territory of the Republic of Kazakhstan should be conducted following procedure established by the competent authority in the field of sanitary and epidemiological welfare of the population.

3. The state registration includes:

1) examination of documents to be submitted by the manufacturer (supplier) and confirmation of the compliance of food products, materials and products with regulations, manufacturing or supply conditions and the results of tests carried out;

2) entering into the State register substances and products approved for use in the territory of the Republic of Kazakhstan, information about them, their producers (suppliers).

4. State registration is not permitted of several kinds of food, materials, products under one name, as well as multiple registration of the same type of food, materials and products under one name or under different names, except when they are made by different manufacturers.

Article 8. Certification and validation requirements for the quality and safety of foods, materials and products

1. The list of foods, materials and products subject to mandatory certification, are approved by the Government of the Republic of Kazakhstan on presentation of the authorized body on standardization, metrology and certification on the basis of proposals from the competent authorities in the field of sanitation-epidemiological safety, veterinary and phytosanitary supervision.

2. Indicators of quality and safety introduced to develop regulatory documentation for foods, materials and products are subject to mandatory consultation with the authorized body on standardization, metrology and certification, authorized bodies in the field of sanitary-epidemiological safety, veterinary and phytosanitary supervision.

3. Procedure of certification (mandatory and voluntary submission of the declaration of compliance) of foods, materials and products and services in the turnover of food products, as well as quality systems are carried out in accordance with the legislation of the Republic of Kazakhstan.

Foods, materials and products that are not included in the list of obligatory certification are subject to mandatory sanitary and epidemiological expertise with the issuance of sanitary-epidemiological conclusion in accordance with the legislation of the Republic of Kazakhstan.

4. If the physical and (or) legal entities who have the certificate and (or) sanitary-epidemiological conclusion in the turnover of food products, violate the requirements established by regulations of the authorized body on standardization, metrology and certification, the authorized body in the field of sanitation of welfare of the population, who issued the documents in this article are obliged to suspend their activities and the effect of these instruments until the violations are rectified. If the elimination of violations is not possible, these documents are reported upon.

In establishing the violations committed by individuals and (or) legal entities who have submitted a declaration of conformity, the competent authorities shall immediately suspend the activities in turnover of foods, materials and products, terminate the declaration of conformity by means of its review and report on the termination of the declaration of conformity the authorized body on standardization, metrology and certification.

Article 9. State rationing in the field of quality and safety of food, materials and products

1. State supervision and control over the quality and safety of foods, materials and products are carried out by authorized bodies in the field of sanitary-epidemiological safety, veterinary and phytosanitary supervision and the authorized body on standardization, metrology and certification within their competence established by the legislation of the Republic of Kazakhstan.
2. In order to determine the priorities of the state policy in the field of quality and food safety and public health, and to develop measures to prevent the entry into the consumer market of substandard and dangerous food products, materials and products, the authorized body in the field of sanitary and epidemiological welfare of the population conducts sanitation and epidemiological monitoring.

Article 10. The rights and obligations of individuals and legal entities engaged in turnover of food products, materials and products

1. Physical and legal persons have the right to:

- 1) receive in due time reliable information on the sanitary-epidemiological and epizootiological territory of the state and (or) of the facility in accordance with the legislation of the Republic of Kazakhstan;
- 2) apply to the state bodies and organizations to conduct surveys in order to meet the sanitary rules and norms and hygienic standards, veterinary (veterinary and sanitary) rules and phytosanitary standards;
- 3) take part in the anti-epidemic (preventive), veterinary and phytosanitary measures.

2. Individuals and legal entities must:

- 1) develop and approve the relevant technical regulations and mandatory requirements set out in state and international standards, technical specifications, containing requirements for the quality and safety of foods, materials and products, processes for their manufacture, packaging, labeling, storage, transport and distribution;
- 2) Develop a program of production control over quality and safety of new types of foods, materials and products, methods of testing and establishing in accordance with the regulations required for their shelf-life and storage;
- 3) ensure control over the quality and safety of each batch of food product, materials and products, as well as compliance with regulatory requirements during turnover of foods, materials and products;
- 4) provide documents certifying the quality and safety of food, materials and products, to the customers or consumers of the food, materials and products upon their request;
- 5) provide packaging and labeling of food products, in accordance with regulatory requirements;
- 6) suspend production of substandard and dangerous food , materials and products for the time necessary to remove the causes that led to the production of such food products, materials and products. Failing such possibilities, cease production of low-quality and dangerous foods, materials and products, withdraw them from circulation, organize in accordance with the legislation of the Republic of Kazakhstan, conduct investigation, recycling or destruction;
- 7) provide storage and transportation of food , materials and products in accordance with regulatory requirements;
- 8) inform the appropriate authorities about violations during transportation and storage of food products, materials and products, leading to the loss of food, materials and products of appropriate quality and hazardous properties acquired by them, and send them for examination;

9) to prevent production of food products, materials and products that have a positive opinion of sanitary-epidemiological and veterinary-sanitary inspection;

10) to stop the production of food, materials and products if the violation led to the loss of relevant quality and (or) acquirement of hazards, and ensure feedback from consumers, their sending for examination and organization of their disposal or destruction.

Chapter 3. Ensuring the quality and safety of food, materials and products

Article 11. General requirements for quality assurance and food safety, genetically modified sources, materials and products

1. Food, genetically modified sources, materials and products intended for the use of the public must comply with the regulations approved by the competent authority in the field of sanitation and epidemiological welfare of the population, to satisfy the physiological needs, meet the requirements in terms of organoleptic and physico-chemical parameters (to an acceptable content of chemical, radioactive and biological substances and their compounds and microorganisms).

2. Foods, baby foods, their nutritional, biological and energy value must comply with regulations and the information printed on the package (container).

Products of dietary and treatment nutrition, nutritional and dietary supplements are products of special purpose and should have the properties and characteristics of the corresponding regulations, approved following the procedure established by the authorized body in the field of public health protection.

3. Wheat flour of high and first class, produced in the territory of the Republic of Kazakhstan is subject to mandatory fortification (enrichment) following procedure established by the Government of the Republic of Kazakhstan.

Standards of vitamin and mineral complex, the quality, safety, fortification techniques must comply with the technical documentation, sanitary-epidemiological norms and other regulatory documents.

Article 12. Ensuring the quality and safety of food, materials and products during their development

1. The technical documentation developed by individuals and (or) legal entities should include indicators of quality and safety of foods, materials and products, their lifespan, the requirements for packaging, labeling, conditions of production and circulation, production control program for their quality and safety, test procedures, methods of disposal or destruction of low-quality and dangerous food products, materials and products.

Projects of technical documentation and prototypes of food products, materials and products, depending on the raw materials are subject to sanitary-epidemiological, veterinary and sanitary examination.

These projects are approved by a physical and (or) a legal person only with a sanitary-epidemiological conclusion and (or) the examination, and when registered in accordance with the legislation of the Republic of Kazakhstan.

2. The requirements contained in the approved technical documentation, are mandatory for individuals and (or) legal persons carrying out activities related to the transportation of foodstuff, materials and products.

3. Replacement of individual ingredients in manufactured foods are conducted with the permission of the authorized body, in compliance with the legislative document on this product after making appropriate changes to the regulatory document.

Article 13. Requirements to ensure the quality and safety of foods, materials and products in their manufacturing and production

1. For the manufacturing and production of foods, materials and products raw materials should be used, the quality and safety of which meet the requirements of regulatory documents.

2. In the manufacturing and production of raw food feed additives, animal growth stimulants (including hormone preparations), pesticides, agrochemicals, are allowed which have undergone state registration, sanitary-epidemiological and (or) veterinary-sanitary examination.

3. In the manufacturing and production of infant, dietary and preventive nutritional foods, the use of raw materials is prohibited, during the manufacturing of which food additives, growth factors of animals (including hormonal agents), certain types of drugs, pesticides, agricultural chemicals, genetically modified sources and other hazardous to human health and compounds have been used.

4. The manufacture, importation, as well as sales of wheat flour of high and first grade in the Republic of Kazakhstan is prohibited without complying with the requirements of its fortification.

Article 14. Requirements to ensure the quality and safety of foods at their packaging, packaging and labeling

1. Food must be presented and packaged in ways that allow for the preservation of the quality and safety during storage, transportation and sale.

2. The physical and (or) legal entities engaged in packing of food products must comply with the regulations for packaging and packaging of food products, their labeling, as well as the materials used for packaging and labeling of food products.

3. On the labels, leaflet and stickers of packaging materials and products, in addition to the information specified by the legislation of the Republic of Kazakhstan, taking into account the types of foods, information must be specified in the state and Russian languages on:

1) food product value (caloric content of protein, fat, carbohydrates, vitamins, macro- and micro-elements);

2) the intended and conditions of use (including baby food, diet and preventive nutrition and dietary supplements);

3) methods and conditions of manufacture of prepared meals (for concentrates and semi-finished food products);

4) The conditions and duration of storage (in the case of foodstuffs, for which requirements for conditions and storage are established) and shelf life;

5) the date of manufacture and the date of packaging of food products;

6) composition, including food and dietary supplements, and genetically modified sources used.

4. Packaging of fortified foods should ensure the preservation of their content of vitamin-mineral complex in the amounts stipulated by regulations.

Article 15. Ensuring the quality and safety of food, materials and products during their storage and transportation

1. Storage and transportation of foods, materials and products should be carried out under conditions which ensures the preservation of their quality and safety.

2. Storage of food, materials and products is permitted in specially equipped premises and facilities that must comply with regulatory requirements and other legal acts of the Republic of Kazakhstan.

3. For transportation of foods, materials and products specially designed and (or) vehicles equipped for such purpose are used having been designed in accordance with the legislation of the Republic of Kazakhstan, as well as health documentation (passport).

4. For enriched (fortified) food and food raw materials special modes of storage, transportation and sale are used.

5. If during storage and (or) transportation of food, materials and articles, violations that led to the loss of their good quality and the acquisition of their hazardous properties are detected, they will not be sold, but sent to the relevant experts, according to the results of which they will be used or destroyed.

Article 16. Ensuring the quality and safety of food, materials and products during their sale

1. Sale is subject to food products, materials and products that meet the requirements of regulatory documents.
2. Foods, materials and products must not be sold that:
 - 1) do not meet the regulatory requirements for quality and safety;
 - 2) do not have the relevant certificate, sanitary-epidemiological conclusion and (or) the examination, confirmed in accordance with the legislation of the Republic of Kazakhstan, of their quality and safety, and other documents that determine their origin;
 - 3) show clear signs of poor quality;
 - 4) have no markings or information containing the information required by regulations and this Act;
 - 5) do not correspond by name and type of the information provided in the accompanying documentation and labeling;
 - 6) have expired.
3. If there is a detected violation in the sale of food products, materials and articles that led to the loss of food, materials and products of acceptable quality and the acquisition of hazardous properties, physical and (or) legal entities engaged in the sale of food products, materials and products are obliged to withdraw such food products, materials and products from sale, provide feedback from consumers to send low-quality and dangerous food, materials and products to them for review, and if necessary, arrange their disposal or destruction.

Article 17. Requirements to ensure the quality and safety of foods, materials and products, the import of which is carried out on the territory of the Republic of Kazakhstan

1. The quality and safety of foods, materials and products, the import of which is carried out on the territory of the Republic of Kazakhstan must comply with regulatory requirements.
2. It is forbidden to import into the territory of the Republic of Kazakhstan foods, materials and products that have not passed the state registration in accordance with the legislation of the Republic of Kazakhstan, and do not have documents certifying that their quality and safety regulatory requirements.
3. The checkpoints across the state border of the Republic of Kazakhstan, the officials exercising state sanitary-epidemiological, veterinary control, phyto-sanitary controls, within its competence, carry out inspections of foods, materials and articles, check their shipping documents and make a decision about the possibility of importing such foods, materials and products into the territory of the Republic of Kazakhstan.

If food, materials and products, the import of which is carried out on the territory of the Republic of Kazakhstan do not meet the regulations or are dangerous, the officials referred to in this paragraph shall take the decision to suspend their import into the territory of the Republic of Kazakhstan and shall prohibit their import.

4. The owner of the food, materials and products recognized as poor in quality and (or) dangerous from the results of the examination, shall, within ten days take them outside the territory of the Republic of Kazakhstan.

If substandard and (or) dangerous foods, materials and products in accordance with this paragraph are removed from the Republic of Kazakhstan, they are confiscated under the laws of the Republic of Kazakhstan, utilized or destroyed.

Article 18. Requirements for the organization and conduct of industrial quality control and food safety, materials and products

1. Production control over quality and safety is carried out as defined by physical and (or) legal entities engaged in activities of turnover of foods, materials and products, based on the requirements of regulatory documents.

2. Quality control and safety of food, materials and products is carried out by accredited (certified) laboratories in accordance with the legislation of the Republic of Kazakhstan.

Article 19. Requirements for the withdrawal from circulation of low-quality and dangerous food products, materials and products, recycling and disposal

1. Substandard and dangerous food products, materials and articles shall be removed from service.

The owner of foods, materials and products recognized as poor in quality and (or) dangerous, must, after discovery, immediately withdraw them from the market on their own or on the basis of orders of authorized bodies in the field of sanitary-epidemiological safety, veterinary and phytosanitary supervision and the authorized body on standardization, metrology and certification.

The requirements of the authorized bodies may be appealed in accordance with the legislation of the Republic of Kazakhstan.

2. If the owner of substandard and dangerous food products, materials and articles does not take measures for their withdrawal from the market, they are subject to seizure in accordance with the legislation of the Republic of Kazakhstan.

3. Substandard and dangerous food products, materials and products withdrawn from the market shall be subject to appropriate examination carried out in accordance with the legislation of the Republic of Kazakhstan, in order to determine the possibility of their disposal or destruction. The decision on disposal and (or) destruction of low-quality and dangerous food products, materials and products are accepted by the results of the examination in accordance with the legislation of the Republic of Kazakhstan.

4. Food products, materials and products of unknown origin, as well as those showing signs of poor quality and presented in connection with the direct threat to human life and health, are subject to seizure and destruction in accordance with the legislation of the Republic of Kazakhstan, without examination.

5. Continued use of recycled products as intended or in its new name is only possible if positive results of sanitary-epidemiological expertise are produced for the corresponding sanitary-epidemiological conclusion.

6. Infected food and agricultural products that are dangerous to the public, before destruction are disinfected in accordance with the legislation of the Republic of Kazakhstan.

To prevent air, soil and underground water pollution in the destruction and (or) disposal of low-quality and dangerous food products, materials and products in the areas provided for this purpose, a positive environmental impact assessment is required from the central executive body in the field of environmental protection.

7. The costs for examination, transportation, disposal or destruction of low-quality and dangerous food products, materials and products are paid by their owners.

8. In order to prevent the emergence and spread of diseases and poisoning of people and animals, as well as environmental pollution, the competent authorities are required, under the relevant acts, to control the disposal or destruction of low-quality and dangerous food products, materials and products.

Article 20. Requirements for persons who carry out activities in the turnover of foods, materials and products

1. Persons conducting activities in the turnover of foods, materials and products, providing services in the sphere of retail trade, catering, must undergo preliminary and regular medical examinations, as well as hygiene education following procedure established by the competent authority in the field of sanitary and epidemiological welfare of the population.

2. Legal persons carrying out activities in the turnover of foods, materials and products are required to prevent and remove from work persons suffering from infectious diseases, those who are a source of various diseases and have not passed the preliminary and regular medical examinations and hygienic training.

Persons with suspected infectious, parasitic diseases, persons in contact with them, as well as persons who have not passed the preliminary and regular medical examinations are not permitted to conduct the activities specified in this article.

Chapter 4. Final Provisions

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

1. Persons found guilty of violating the laws of the Republic of Kazakhstan on the quality and safety of food, bear responsibility in accordance with the laws of the Republic of Kazakhstan.
2. Imposing fines or other penalties does not relieve those responsible of damages in accordance with the legislation of the Republic of Kazakhstan.

Article 22. Procedure of effecting of this Law

This Law shall come into force on the day of its official publication.

**The President
of the Republic of Kazakhstan
N. NAZARBAYEV**

Astana, 8 April 2004

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