

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 item;

12. Falsified food products – foodstuff modified in advance and on purpose, false and (or) having hidden features and properties with wittingly unreliable or insufficient information;
13. Expiration date – period until expiration of which food product is considered to be safe for its intended use and provided that the conditions of manufacturing processes (stages) and circulation of foodstuff are observed;
14. Unacceptable risk – risk exceeding the level of food safety stipulated by legislation of the Republic of Kazakhstan;
15. Risk – probability of negative effect of food product on human health and consequences of such effect leading to emerges of danger for human health and life;
16. Risk assessment – qualitative and (or) quantitative assessment of probability of penetration, implanting or dissemination of pests or diseases and related to that potential, biological and economic consequences, or assessment of possibility of negative impact on human or animal health, due to the presence of additives, polluting substances, toxins, or pathogens in foodstuff;
17. Risk management – risk identification, selection, and implementation of measures for risk reduction, as well as monitoring and evaluation;
18. Risk analysis – the procedure of using available information for revealing hazardous factors and assessing risk, which consists of four interconnected components: identification of source of risk, risk assessment, risk management and information on risk;
19. Information on risk – mutual and timely exchange of information on risk among the operators responsible for food safety, the authorized bodies and all other interested parties;
20. Hazardous foodstuff – products, use of which might result in unacceptable risk for human life and health and the environment;
21. Disposal of hazardous foodstuff - effect on foodstuff which is useless for consumption and/or for further processing, which excludes its use for food purposes and access of human beings and animals to it;
22. Normative-technical documentation – documents necessary for regulation of processes (stages) of development (creation), production (manufacturing), circulation, utilization and disposal of food products;
23. Food products value – degree of organism's satisfaction with nutritive substances, defined by their caloric value, composition and taste;
24. Food products, subject to sanitary-epidemiological control – foodstuff except for foodstuff subject to veterinary control;
25. Biologically active food additives – components of natural (or identical to natural) substances intended for separate consumption or as additives in foodstuff for the purpose of its fortification or prevention of diseases, excluding para-pharmaceuticals;
26. Food additives – natural or artificial substances and their compounds specially introduced to foodstuff with the purpose of attaching certain properties which are not effecting their biological or caloric value and not consumed as a foodstuff on itself;
27. Food products – raw materials, food products, products of a special intent, drinking water, food additives and biologically active additives to food consumed by human, and feedstuff and feed additives consumed by animals which are source of food for human.
28. Materials and articles in direct contact with food products (hereafter materials and articles) – materials and articles used in the processes (stages) of development (creation), production (manufacturing), circulation, utilization and disposal of foodstuff, including technological equipment, devices and facilities, package, package materials, crockery and table settings;

29. Development (creation) of food products – process of creating samples and/or normative-technical documentation necessary for organization of new production and/or new food products;
30. Operator of development (creation), production (manufacturing), circulation, utilization and disposal of food products (hereafter operator) – natural or juridical persons carrying out activities in development (creation), production (manufacturing), circulation, utilization and disposal of foodstuff
31. Food products utilization – technological processing of food products out of intended use into different kind of food products;
32. Production of food products – processes (stages) of foodstuffs manufacturing, including technological processes themselves, related parceling, packing, marking, as well as internal production storage and transportation of foodstuff;
33. Subject of food production (manufacturing) (hereafter subject of production) – enterprise for production (manufacturing) of food stuff;
34. Food products identification – a procedure providing for the recognition of certain products according to their distinguishing characteristics in all processes (stages) of development (creation), production (manufacturing), circulation and utilization of food stuff;
35. Food products circulation – processes (stages) of marketing (selling and supplying) of foodstuff, including import and export of foodstuff, as well as related processes of packaging, marking, storing and transporting;
36. Biological value of food products – characteristics of foodstuff, including calories, content of proteins, fats, carbohydrates, vitamins, micro and macro elements;
37. Traceability of food products – possibility to trace (origin, movement and location) food stuff in all processes (stages) of development (creation), production (manufacturing), circulation, utilization and disposal;
38. Food products safety – absence of unacceptable risk connected with damage on human health or life and violation of legitimate interests of consumers taking into account combination of combination of probability of hazardous factors and the degree of seriousness of the consequences, throughout all the processes (stages) of development (creation), production (manufacturing), circulation, utilization and disposal of foodstuff;
39. A document certifying food safety - sanitary-epidemiological expertise report, veterinary-sanitary report, veterinary evidence document, veterinary certificate, veterinary reference, certificate of conformity ,certifying conformity of food products, conformity of processes (stages) of development (creation), production (manufacturing), circulation, utilization and disposal of foodstuffs, compliance of machinery and equipment, materials and articles, used in the development (creation), production (manufacturing), circulation, utilization and disposal of foodstuffs with the requirements established by the Republic of Kazakhstan on foodstuff safety;
40. Technical regulation in the field of food safety – normative legal act which stipulates mandatory requirements to food safety and/or processes (stages) of its development (creation), manufacturing, circulation, utilization and disposal, developed and enforced in accordance with the legislation of the Republic of Kazakhstan on technical regulation;
41. Authorized bodies in the field of food safety (hereafter authorized bodies) – state bodies engaged in the implementation of state policy and control within their competence in the field of food safety;
42. Index of food safety– admissible level of chemical, radioactive, toxic substances (and their compounds), micro-organisms and other biological organisms, presenting hazards for human and animal health;
43. Lot of food products – an aggregate of homogeneous food products which is produced (manufactured) and/or packed under identical conditions and accompanied by one document certifying its safety;

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;
46. Marking – a text, trade marks, symbol or drawings with an information for consumers placed on food products, documents, instruction, labels, tags, stickers, packing;
47. Raw material – objects of plant, animal, microbiological, chemical and mineral origin used for food stuff manufacturing;
48. Ecologically clean food - food products made in accordance with standards for production (manufacturing) of food products
49. Ecologically clean food mark – registered mark which confirms compliance of the marked food product with the standards of ecologically clean food products;

Article 2. Law of the Republic of Kazakhstan on Food Safety

1. Legislation of the Republic of Kazakhstan on food safety is based on the Constitution of the Republic of Kazakhstan; consists of the present Law and other statutory legal acts of the Republic of Kazakhstan.

2. In case the international treaty ratified by the Republic of Kazakhstan establishes the rules other than those contained in the present Law, the rules of an international treaty shall be applied.

Article 3. Scope of the present Law

1. The present law covers food products produced in the territory of the Republic of Kazakhstan, and imported to the territory of the Republic of Kazakhstan, as well as the processes of development (creation), production (manufacturing), circulation, utilization and disposal of food products.

2. The present law does not cover home-made food intended for personal consumption.

Chapter 2. STATE REGULATION IN THE FIELD OF FOOD SAFETY

Article 4. Objectives and principles of state regulation in the field of food safety

1. Objectives of state regulation in the field of food safety are:

1) Ensuring

food safety for human life and health and the environment;

protection of the legitimate interests of consumers; environmental safety and national security;

2) facilitation of business development;

3) harmonization of Kazakh legislation with international norms and rules that protect human life and health and the legitimate interests of consumers;

4) increase in competitiveness of domestic products;

5) creation of favorable conditions for the development of international trade;

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 and feed additives which are newly produced (manufactured) and imported to the territory of the Republic of Kazakhstan for the first time;

utilization and disposal of food products which represent danger to life and health of people and animal and environment;

import of food products subject to state registration;

coordination, by the authorized bodies, of the compliance of processes (stages) of development (creation), production (manufacturing), circulation, utilization and disposal of food products, and compliance of machinery and equipment, materials and goods used at development (creation), production (manufacturing), circulation, utilization and disposal, with the requirements of Kazakh legislation in the field of food safety.

fortification of food products subject to sanitary-epidemiological control;

serialization of production points

conformity assessment of food products with the requirements of the legislation of the Republic of Kazakhstan in the field of technical regulation;

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:

conducting sanitary-epidemiological inspection of food products to identify its safety;

issuing, accounting and surveying sanitary passports for the food products production and storage facilities, for internal trade objects and transport means;

issuance, by the scientific centers of the balneological expertise for use of natural mineral waters;

circulation of biologically active food additives;

state registration, re-registration and cancellation of state registration of child nutrition products, food and biologically active food additives, genetically modified objects, colorings, materials and articles being in direct contact with water, food products, chemicals, certain types of products and substances, causing hazardous effect on human health;

conducting works on scientifically justified confirmation of safety of biologically active food additives;

development of sectoral programs in the field of food safety.

2. Jurisdiction of authorized bodies in the field of sanitary-epidemiological control includes:

- 1) Implementation of state policy for safety of food products subject to sanitary-epidemiological inspection;

- 2) Representation of the Republic of Kazakhstan in international organizations for safety of food subject to sanitary-epidemiological inspection;

- 3) Organization, coordination and implementation of state control on observance of requirements established by the legislation of the Republic of Kazakhstan on safety of food products subject to sanitary-epidemiological inspection.

- 4) Elaboration of sanitary-epidemiological rules and norms, hygienic norms, technical regulations and statutory documents in the field of safety of food products subject to sanitary-epidemiological inspection;

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 inspection of production facilities and internal trade facilities with the purpose of identification and elaboration of measures on prevention of sale of dangerous food products subject to sanitary-epidemiological inspection;

8) Control of activities of natural and juridical persons carrying out sanitary-epidemiological expertise of food products on its safety;

9) State registration, re-registration and cancellation of state registration of child nutrition products, biologically active food additives, genetically modified objects, colorings, materials and products being in direct contact with water and food products, chemicals, certain group of products and substances having hazardous effect on human health, publishing State list of substances and products which are permitted for use in the Republic of Kazakhstan in the regular press;

10) Organization and carrying out of sanitary-epidemiological inspection concerning compliance of food products in the processes (stages) of its development (creation), production (manufacturing), circulation and utilization, compliance of processes (stages) of development (creation), production (manufacturing), circulation, and disposal of food stuff, and compliance of machinery, equipment, materials and articles, used at development (creation), production (manufacturing), circulation, and disposal of food products, with the requirements established by the legislation of the Republic of Kazakhstan on food safety;

11) Issuing a sanitary-epidemiological conclusion on compliance of food products, subject to sanitary-epidemiological control with, the requirements established by the legislation of the Republic of Kazakhstan;

12) Issuing instructions on elimination of violations of the requirements of the present Law;

13) Registration and monitoring of production facilities and its internal trade objects;

14) Issuing registration numbers to the facilities producing food subject to sanitary-epidemiological control, and keeping its register.

The competence of territorial subdivisions of the authorized body in the field of sanitary-epidemiological well-being of the population on the state border of the Republic of Kazakhstan and in the transport shall be determined by the laws of the Republic of Kazakhstan.

3. The competence of authorized bodies in the field of veterinary includes:

- 1) Implementing state policy in the field of food safety, subject to veterinary control;
- 2) Representing the Republic of Kazakhstan in international organizations on safety of food products, subject to veterinary control;
- 3) Organization, coordination and implementation of state control over:
observance of the requirements set by legislation of the Republic of Kazakhstan on safety of food subject to veterinary control;
activity of natural and juridical persons carrying out veterinary- sanitary expertise of food safety
- 4) Elaboration of sectoral programs in the field of food safety;
- 5) Development of veterinary (veterinary-sanitary) rules and norms, technical regulations, normative documents in the field of safety of food subject to veterinary control;
- 6) Creation of consulting-advisory bodies on safety of food subject to veterinary control;
- 7) State registration of feedstuff and feed additives produced (manufactured) and imported to the territory of the Republic of Kazakhstan for the first time;
- 8) Maintaining the State Register of feedstuff and feed additives, permitted for production (manufacturing), importation, application and marketing on the territory of the Republic of Kazakhstan;
- 9) Issuing veterinary certificates on compliance of food products, subject to veterinary control, with the requirements established by the legislation of the Republic of Kazakhstan;
- 10) Coordination of draft normative-technical documentation in the field of safety of food products subject to veterinary control;
- 11) Organization and carrying out veterinary control on compliance of processes (stages) of development (creation), production (manufacturing), circulation, utilization and disposal of food stuff, subject to veterinary control, with the requirements established by the legislation of the Republic of Kazakhstan;
- 12) Carrying out veterinary control and monitoring of internal trade objects with the purpose of identification and elaboration of measures on prevention of sale of dangerous food products, subject to veterinary control;
- 13) Carrying out veterinary control of safety of food products, subject to veterinary control in processes (stages) of the production (manufacturing) and circulation of food stuff;
- 14) Approving the procedure of conducting veterinary-sanitary expertise of food safety;

- 15) Issuing notifications on elimination of violations of the requirements of the present Law;
- 16) Giving registration numbers to the objects for producing food products subject to veterinary control and keeping their register.

Jurisdiction of territorial subdivisions of authorized bodies in the field of veterinary is defined by laws of the Republic of Kazakhstan

4. An authorized body in the field of technical regulating controls food product compliance with the requirements of technical regulations on food safety at the stage of its marketing, except for the procedures subject to sanitary-epidemiological and veterinary control.

Article 7. Jurisdiction of local executive bodies in the oblasts (city of the republican importance and the capital)

Jurisdiction of local executive bodies in the oblasts (city of the republican importance and the capital) in the field of safety of food subject to sanitary-epidemiological control, comprises:

- 1) implementation of the state policy in the field of safety of food products subject to sanitary-epidemiological control;
- 2) issuance, registration and maintenance of sanitary passports to food production and storage facilities and places of internal trade and transport means;
- 3) organization of work on conducting medical surveys and hygienic training of the personnel of the operators engaged with development (creation), production (manufacturing), circulation, utilization and disposal of food products;
- 4) organization and conduct of sanitary-epidemiological inspection of food products to identify its safety
- 5) organization and conduct of sanitary-epidemiological inspection of food products safety in the processes of its development (creation), production (manufacturing), circulation, utilization and disposal, and compliance of machinery, equipment, transport means and the materials and the products used during development (creation), production (manufacturing), circulation, utilization and disposal of food stuff with requirements of legislation of the Republic of Kazakhstan on food safety;
- 6) coordination of ;

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

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

- 7) registration and monitoring of production and internal trade facilities;
- 8) issuance of sanitary-epidemiological conclusion on compliance of food products subject to sanitary-epidemiological control with the requirements established by the legislation of the Republic of Kazakhstan
- 9) issuance of instructions on elimination of violations of the requirements of the present Law

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 genetically modified objects and level of radiation in accordance with international requirements to logistics and personnel.

Article 9. State registration, re-registration and cancellation of state registration of food products

1. Production, imports and sale of feed and feed additives, child nutrition products, food additives and biologically active food additives, GMOs, colorings, materials and articles in direct contact with water and food products, chemicals, certain groups of products and substances which create negative impacts on human health are allowed only after their state registration, except for the cases of production (manufacturing) and importation of samples that are necessary to conduct testing for the registration.

Feedsuff, feed additives and child nutrition products, food additives, biologically active food additives and GMOs, colorings materials and products coming into direct contact with water, and food products, chemicals and certain groups of products and substances, which create negative impacts on human health, which are produced or imported for the first time, are subject to state registration.

2. State registration includes:

1) Examination of documents that are submitted by the operator and that prove compliance of the food products with the requirements established by the legislation of the Republic of Kazakhstan on food safety, and conditions of delivery;

2) Examination of the results of the scientific and laboratory testing which are being carried out;

3) Listing in State registers of feed stuff, feed additives and child nutrition products, food additives, biologically active food additives and GMOs, colorings materials and products in direct contact with water, and food products, chemicals and certain groups of products and substances which have negative impacts on human health and are allowed for production (manufacturing), import, application and sale in the territory of the Republic of Kazakhstan.

3. The multiple state registration is not allowed for the food products of one type or one name and produced by one manufacturer.

4. Food products, subject to state registration and listed in the register of feed, feed additives, child nutrition products, food additives, biologically active food additives, GMOs, colorings materials and articles in direct contact with water and food products, chemicals and certain types of products and substances which cause negative impacts on human health, are allowed to use within the terms that are stipulated by authorized bodies.

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 of food products.

2. Food safety shall be provided by the following:

1) Observance by the operators of the requirements of the legislation of the Republic of Kazakhstan on food safety;

2) Carrying out (by the operator) of the production control on compliance of processes (stages) of development (creation), production (manufacturing), circulation and utilization, with the requirements of the legislation of the Republic of Kazakhstan on food safety;

3) Assessment of conformity of food products to the requirements of established by the legislation of the Republic of Kazakhstan on technical regulation;

4) Carrying out sanitary-epidemiological and veterinary-sanitary expertise;

5) Applying measures of state regulation in the field of food safety.

3. Processes (stages) of development (creation), production (manufacturing), circulation, utilization, and disposal of food products shall be carried out upon coordination with the authorized bodies.

4. A food product is not allowed to be produced (manufactured), circulated and utilized, if it does not comply with the requirements of the legislation of the Republic of Kazakhstan on food safety by one of the following indicators:

- 1) visible indications of bad quality (damage, decomposition, pollution);
- 2) exceeds norms of radiological, toxicological, chemical and (or) microbiological condition;
- 3) absence of documentation certifying its safety and origin;
- 4) absence of expiry dates or having expired date;
- 5) absence of marking containing information stipulated by the legislation of the Republic of Kazakhstan on food safety;
- 6) not in compliance with the information presented;
- 7) is a falsified food product.

5. The circulation of genetically modified objects and biologically active food additives is permitted only after completion of scientifically justified confirmation of their safety, which should be carried out in accordance with the procedure stipulated by the legislation of the Republic of Kazakhstan and after its state registration.

Article 13. Requirements for safety of food products of special intent

1. Food products of special intent include:

- 1) Child nutrition products;
- 2) Dietary food products;
- 3) Food for the purpose of medication and prevention of disease.

2. Food products of special intent shall:

- 1) Meet the requirements of the legislation of the Republic of Kazakhstan on safety of food products of special intent;
- 2) Satisfy the physiological needs of the relevant group of buyers (consumers);
- 3) Comply with the information on nutritive, biological and caloric value stated on the package.

3. The use of artificial food additives and raw materials for food production, which is produced using feedstuff or feed additives, animal growth stimulators (including hormone chemicals) and certain types of medicines, pesticides, agrochemicals, GMOs, biologically active

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 conditions of processes (stages) of development (creation), production (manufacturing) and circulation of food products,
- 4) the program of production control over the food products safety,
- 5) research methods, risks assessment and ways of their minimization,
- 6) ways of utilization and disposal of dangerous food products.

2. Drafts of normative-technical documentation and testing samples of a food product are subject to sanitary-epidemiological and veterinary-sanitary inspection in accordance with the procedure stipulated by authorized bodies.

Specified drafts shall be coordinated by the authorized bodies and approved by the operators and shall be mandatory to them.

3. All potential risks in the processes (stages) of production (manufacturing), circulation, utilization and disposal of food products, including natural and man-made emergency situations, assumed mistakes of the operators personnel, shall be identified at the development (creation) stage.

Risk assessments for all identified hazards shall be done by means of calculation, experimentation and (or) by expert method with the possibility of examination.

4. Taking into account the conducted risk assessment, a whole complex of measures shall be defined for elimination or reduction of the risks to acceptable (admissible) level for all processes (stages) of production (manufacturing), circulation, utilization and disposal of food products for each type of food products.

Article 16. Requirements for food safety at manufacture

1. For production (manufacturing) of food products, those raw materials and food additives that comply with the norms set by the legislation of the Republic of Kazakhstan on safety of food products, shall be used.

2. The application of feed stuff, feed additives, animal growth stimulators, pesticides, and agrochemicals which went through the state registration shall be allowed for the production (manufacturing) of plant and animal raw materials, used for food purposes, except for the cases stipulated in the paragraph 3 of the Article 13 of the present Law.

3. The replacement of certain ingredients in the food products being produced (manufactured), shall be made upon coordination with the authorized body in the field of sanitary-epidemiological wellbeing of population.

4. Equipment, area, water supply, sewage systems, heating, ventilation, lighting of production, auxiliary, sanitation facilities for manufacturing, storage of food products, internal trade objects and labor conditions of the operators personnel shall comply with the requirements established by the legislation of the Republic of Kazakhstan.

The assessment of environmental impact related to food production (manufacturing) is carried out according to the current ecological legislation of the Republic of Kazakhstan.

5. Accounting numbers to the production operators shall be issued by the authorized bodies, in accordance with the legislation of the Republic of Kazakhstan.

Article 17. Requirements for food safety when parceling, packaging and marking

1. Food products shall be parceled and packaged in the way that ensures their safety at circulation, in accordance with the requirements established by the legislation of the Republic of Kazakhstan on food safety.

2. The documents, instruction leaflets, labels, tags, stickers, in addition to the information determined by the legislation of the Republic of Kazakhstan on food safety, taking into account types of food products, shall contain the information in the State and Russian languages on:

- 1) Nutritive and biological value of a product;
- 2) Intention and terms of use (for products of special intent);
- 3) Means and conditions of manufacturing (for concentrates and precooked food products);
- 4) Storage conditions and expiry dates;
- 5) Production dates;

6) Contents, including information on presence and quantity of food additives, feed , feed additives, biologically active food additives, and GMOs.

3. Expiry date is indicated as shown below:

- 1) “to consume before”;
- 2) “best before”;

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.

Members of the personnel of operators who failed to pass preliminary or periodical medical examinations as well as personnel with suspected infectious diseases, being a carrier of different diseases, before getting negative results of laboratory tests, shall be prohibited to access to the processes (stages) of production (manufacturing), circulation and utilization of food products.

Article 23. Requirements for machinery and equipment, materials and articles, used in the processes (stages) of production (manufacturing), and circulation of food products and for the materials and articles in contact with food products

1. Machinery and equipment, materials and articles, used in the processes (stages) of production (manufacturing), and circulation of food products shall:

1) Comply with the requirements set by the legislation of the Republic of Kazakhstan on food safety;

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 28. Special requirements for safety of feedstuff and feed additives

1. Feedstuff and feed additives shall comply with the requirements established by the legislation of the Republic of Kazakhstan on food safety.

2. Feedstuff and feed additives shall be originated from the territories which maintain veterinary-sanitary safety.

3. Inspections and laboratory examination of feedstuff and feed additives imported into and exported from the territory of the Republic of Kazakhstan, are mandatory and must account for epizootic conditions of the territory and the places of their origin.

Chapter 5. FOOD SAFETY ENSURING PROCEDURES

Article 29. Conformity assessment of food safety

1. Conformity assessment of food safety is carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan on technical regulation.

2. Documents on food safety conformity issued by a foreign country are valid in the Republic of Kazakhstan if they are recognized by the state system of technical regulation in accordance with the legislation of the Republic of Kazakhstan on technical regulation.

Article 30. The identification of food products

1. Food products are identified through the following procedures:

- 1) Definition of the size of the feedstuff lot;
- 2) Methods of identification (date, coding of a lot);
- 3) Records kept for the traceability purpose.

2. All food products and (or) their packages shall have clear and indelible identification inscription that contain the following data:

- 1) Name of the food product and (or) serial or type, number;
- 2) Full name of the producer (manufacturer) and its legal address;
- 3) Mark of conformity, in cases stipulated by technical regulations in the field of food safety;
- 4) Production date and expiry date.

Certain types of food products determined by technical regulations and (or) its packing obligatorily indicate registration number of production unit issued in accordance with the procedure established by the Government of the Republic of Kazakhstan.

3. All potential risks must be identified.

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