

**On approval of the Rules of the organization of activity of the trade markets, requirements to the maintenance of the territory, the furnishing and equipment of the trade market**

*Invalidated Unofficial translation*

Resolution of the Government of the Republic of Kazakhstan dated October 2, 2020 No. 633. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 07/12/2023 No. 553

Unofficial translation

**Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 07/12/2023 No. 553 (effective after ten calendar days after the date of its first official publication).**

In accordance with paragraph 2-8 of Article 10 of the Law of the Republic of Kazakhstan "On regulation of trade activities," the Government of the Republic of Kazakhstan **hereby RESOLVED as follows:**

**Footnote. The preamble - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 233 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

1. To approve the attached Rules of the organization of activity of the trade markets , requirements to the maintenance of the territory, the furnishing and equipment of the trade market.

2. To recognize as invalid:

1) Resolution of the Government of the Republic of Kazakhstan dated February 5, 2003 No. 131 "On approval of the Rules of the organization of activity of the trade markets" (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2003, No. 6, art. 62);

2) Resolution of the Government of the Republic of Kazakhstan dated February 25, 2016 No. 111 "On amendments to the Resolution of the Government of the Republic of Kazakhstan dated February 5, 2003 No. 131 "On approval of the Rules of the organization of activity of the trade markets" (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2016, No. 15-16, art. 76).

3. This resolution shall come into force from the date of its first official publication

## **RULES**

### **of the organization of activity of the trade markets, requirements to the maintenance of the territory, the furnishing and equipment of the trade market Chapter 1. General Provisions**

1. These Rules for organization of trade markets, requirements for territory maintenance, equipment and equipment of the trade market (hereinafter referred to as the Rules) have been developed in accordance with paragraph 2-8 of Article 10 of the Law of the Republic of Kazakhstan " On regulation of trade activities " (hereinafter referred to as the Law), the Code of the Republic of Kazakhstan "On health of the people and the healthcare system," the Laws of the Republic of Kazakhstan "On protection of consumer rights," "On technical regulation," "On ensuring the uniformity of measurements" and determine the procedure for organizing the activities of trade markets, requirements for the maintenance of the territory, equipment and equipment of the trade market located in the Republic of Kazakhstan.

These Rules shall apply to all trading market entities.

**Footnote. Paragraph 1 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 233 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

2. The following terms shall be used in these Rules:

1) shop trailer – the specialized trucking facility equipped with trading equipment (when selling goods through a shop trailer, a specialized vehicle must be technically sound);

2) the automatic machine – the automated device, held for sale goods;

3) market administration office – management apparatus created by the proprietor (owner) of the market for direct management of its activities;

4) retail market – a market in which the provision of services and the sale and purchase of consumer goods are carried out individually or in small quantities directly to the consumer for personal, household and family use;

5) retail trade – an entrepreneurial activity for the sale of goods to a buyer intended for personal, family, home or other use not related to entrepreneurial activities;

6) a shop – a fixed permanent structure or part thereof, provided with trade, utility, administrative and amenity premises, as well as premises for receiving, storing and preparing goods for sale;

7) a stand – a non-capital portable structure equipped with commercial equipment, without a trading floor and premises for storing food products, designed for one or more trading places;

- 8) a portable counter – a non-capital temporary installation (structure) representing the trade place located on specially allocated space;
- 9) a household market – a trade market created by the decision of local executive bodies, where the sale and purchase of mainly food products is carried out directly to the consumer for personal, household and family use;
- 10) a wholesale market – a market in which the sale and purchase of goods in lots (in large quantities) is carried out for the purpose of further sale or use in production;
- 11) wholesale trade – entrepreneurial activities for the sale of goods intended for subsequent sale or other purposes not related to personal, family, household and other similar use;
- 12) a proprietor (owner) of a trade market – an individual entrepreneur and (or) a legal entity that owns, uses, including by right of ownership, the property of the market, which provides trading places and provides other types of services for carrying out trading activities, acting in accordance with the legislation of the Republic of Kazakhstan;
- 13) trade market - a separate property complex intended for trading activities, with centralized functions of economic maintenance of its territory, management and security, operating on an ongoing basis and having a parking place within its territory, and also meeting sanitary and epidemiological, fire safety, architectural, construction and other requirements in accordance with the legislation of the Republic of Kazakhstan;
- 14) trading activity – an activity including domestic and foreign trade;
- 15) A subject of trading activity – an individual or a legal entity, carrying out trading activity in accordance with the procedure, established by the legislation of the Republic of Kazakhstan;
- 16) trading equipment – items intended for carrying out trading activity;
- 17) shopping facility - a building or part of a building, a structure or part of a structure, a trade market, an automated device or a vehicle with special equipment intended and used for putting out, displaying goods, serving customers and conducting cash settlements with them when selling goods;
- 18) trade place - a place with equipment intended and used for putting out, displaying goods, serving customers and conducting cash settlements with them when selling goods;
- 19) trade mini-market (hereinafter referred to as the mini-market) - a market, the number of trading places of which does not exceed 25, intended for the sale of goods piece by piece in their original packaging (container), agricultural products, as well as goods that do not require special storage conditions for goods;

20) trade market administrator - an individual who ensures the operation of the trade market and the organization of its work in accordance with the legislation of the Republic of Kazakhstan on regulation of trading activities;

21) non-stationary shopping facility – a temporary construction or temporary structure, loosely connected to the earth, no matter whether it has or has no connection (technological connection) to utility networks, including an automated device or a vehicle;

22) stationary shopping facility - a building or part of a building (integrated, integrated and attached, attached premise), a structure or part of a structure (integrated, integrated and attached, attached premise), firmly connected to the earth and connected (technologically connected) to utility networks;

23) goods - any product of labor not withdrawn from circulation, intended for sale or exchange;

24) class of goods - a set of goods with a similar functional purpose;

25) decreed population group – persons working in the public service sector and posing the greatest danger to infecting people around with infectious and parasitic diseases;

26) a tent (pavilion) – easily built structure from collapsible designs equipped with trading equipment for one or several trade places having the area for a trade stock and located on specially allocated space.

3. Trade in the form of wholesale and retail sale of goods, as well as the provision of services on the market, shall be carried out by subjects of trading activities through stationary and non-stationary trade objects located on the territory of the market.

4. Design, construction and reconstruction of trade markets shall be carried out in accordance with the requirements prescribed by current state standards in the field of architecture, urban planning and construction, and according to projects agreed in accordance with the established procedure with the corresponding bodies within their competence.

Operation of the market without the approved acceptance certificate of the facility shall not be allowed.

5. Specialization and zoning of the territory of the trading market by commodity and industry, as well as the type of market, depending on the volume and nature of transactions carried out on the market, shall be determined by the market administration in accordance with applicable regulations.

6. The markets are classified:

1) by product specialization:

food – by the sale of food products;

non-food - by the sale of industrial goods, household appliances;

2) depending on the goods sold:

specialized;

universal;

3) by volumes of transactions and methods of their implementation:

retail;

wholesale.

7. The universal trade market is the trade market in which trade places are intended for implementation of sales of goods of a different class:

1) in the territory of the capital, the city of republican value the trade market consists of one and more stationary shopping facilities in which non-stationary shopping facilities, except for shop trailers can be located;

2) in the territory of the city of regional value, the city of district value, the settlement, the village the trade market consists of stationary and (or) non-stationary shopping facilities.

8. The specialized trade market is the trade market in which seventy and more percent of goods from their total quantity are intended for implementation of sales of goods of one class.

The specialized trade market represents stationary and (or) non-stationary shopping facilities.

## **Chapter 2. Requirements to maintenance of the territory, equipment and furnishing of the market**

9. When organizing the market, the requirements of sanitary rules "Sanitary and epidemiological requirements for objects of wholesale and retail trade in food products " approved by order of the Minister of Healthcare of the Republic of Kazakhstan dated August 4, 2021 No. KR HCM-73 (registered in the register of state registration of regulatory legal acts under No. 23856) (hereinafter referred to as the sanitary rules), fire safety, architectural, construction, veterinary, environmental and other requirements in accordance with the current legislation of the Republic of Kazakhstan.

**Footnote. Paragraph 9 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 233 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

**10. Excluded by the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 233 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

11. Placement of structures and equipment in the territory of the market must ensure the consumers with a free access to trade places, meeting the requirements of fire safety and opportunity of emergency evacuation of people and material values in accidental or emergency situations.

12. Excluded by the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 233 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

13. Trade markets must have:

1) equipped trading places in accordance with the scheme of their placement, administrative and amenity, warehouse premises and common areas;

2) equipped available for viewing places, where the following shall be placed:

information containing the scheme of location of trade places on the trade market; evacuation scheme in case of accidental or emergency situations;

a plan for evacuation of people in case of fire containing the procedure for the organization's employees to safely evacuate people to a safe area, call the fire service and organize fire extinguishing before the arrival of fire departments;

information on the procedure and conditions for the provision of trading places for rent (use), including a list of persons who have benefits in the market in accordance with subclause 11) of clause 18 of these Rules;

information on availability of vacant trade places;

contact details (phone number and (or) email address) of the person authorized to negotiate the provision of trade places for rent (use);

information, stipulated by the legislation of the Republic of Kazakhstan on protection of consumer rights;

information on the location of control measuring instruments, customer feedback books;

telephone numbers of market administration office, territorial subdivisions of state bodies, in the field of protection of consumer rights, sanitary-epidemiological welfare of population, bodies in veterinary and plant quarantine, department of Internal Affairs, where it is necessary to contact in case of questions regarding the work of the market;

sampling standards for food products for sanitary and veterinary examination (placement of such information in meat and fruit and vegetable pavilions is obligatory).

In the communal market there are information stands about the current retail prices for socially significant food products, according to the list of socially significant food products, approved by the Government of the Republic of Kazakhstan dated March 1, 2010 No. 145. Also, such an information stand may contain information on current retail prices for other food products.

The territory of the market shall be equipped with direction signs to trade rows (fruits and vegetables, meat, dairy, household goods, clothes, shoes and others), catering facilities, control measuring instruments, bus stops, exits and others.

The market is equipped with the necessary trade inventory, equipment, including control measuring instruments, approved for use in accordance with requirements of the Law of the Republic of Kazakhstan "On ensuring of unity of measurements".

Control measuring instruments are installed in each food trading floor.

14. Arrangement and furnishing in the territory of the market of catering facilities, shopping facilities, consumer services for the population and social purposes shall be made in compliance with the requirements of sanitary rules.

15. In non-food sales areas, when selling things (clothes, shoes), conditions must be created for trying them on, and for complex technical and other goods that require a serviceability check, conditions for its implementation.

16. On the territory of the market, water supply and sanitation must meet requirements of sanitary rules.

17. Storage and sale on the market of food and agricultural products, food raw materials, goods shall be carried out in accordance with requirements of sanitary rules.

### **Chapter 3. Organization of work of market administration office**

18. Market administration office shall:

1) ensure necessary conditions for normal operation of market and organization of its work in accordance with the current legislation of the Republic of Kazakhstan, regulating trading activities, these Rules and market regulations, including the operating mode for subjects of internal trade and employees of the administration of the trading market;

2) ensure timely cleaning and improvement of the market territory;

3) conduct monthly, in accordance with the schedule, the cleaning day in the market;

4) provide service maintenance of shopping facilities and trade places on the territory of the market in terms of energy, water, heat supply, as well as the availability of trade inventory and control weights that correspond to the operating conditions, established requirements for them and sanitary rules, depending on the specialization of the market;

5) take measures to maintain public order, fire safety, organize security guards and take measures to improve the market;

6) organize work of the market in accordance with these Rules, construction standards and rules, sanitary rules, fire safety rules environmental and other requirements in accordance with the current legislation;

7) install signs at the entrance to the territory of the market (in the state and Russian languages) indicating the type of market, specialization, name, operating hours ;

8) must, if necessary, submit to all subjects of the trade market the following regulatory legal acts in paper or electronic form:

Law of the Republic of Kazakhstan "On protection of consumer rights";

Law of the Republic of Kazakhstan "On regulation of trade activities";

Law of the Republic of Kazakhstan "On ensuring uniformity of measurements";  
these Rules;

sanitary regulations;

9) independently set the rates of payment for services provided by the market (rent of trading places and premises, as well as other additional services), with the exception of cases stipulated by the legislation of the Republic of Kazakhstan;

10) be obliged to conclude lease (use) agreements, when leasing (using) shopping facilities, trade places in shopping facilities, including trade markets, in accordance with the Law (when concluding an agreement for a period of more than three days within a calendar month - in writing);

11) independently make decisions on the provision of benefits to certain categories of citizens for the services provided by the market (in this case, the announcement of the provision of benefits and the list of persons who have the corresponding benefits are posted in a public place);

12) on a contractual basis, provide office space for the placement of permanent points to non-governmental organizations carrying out activities for the protection of law and order and fire safety, veterinary authorities;

13) provide paid services for commercial entities (storage in refrigerators, warehouses and other warehouses of goods, products, as well as personal belongings of traders; cutting meat; transportation of goods to places of trade; use of parking lots; announcements on the radio and others).

**Footnote. Paragraph 18 as amended by the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 233 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

19. An administrator of a trade market shall:

1) approve the market regulations, including the mode of operation for subjects of internal trade and employees of the administration of the trade market;

2) approve the list of additional services provided by the trading market (if available);

3) approves the procedure for providing the subjects of internal trade with trade places, their characteristics, the terms of the property lease (lease) agreement;

4) informs the subjects of internal trading the size of maximum permissible retail prices to socially significant food products in trade markets in writing.

20. The owner (owner) of the trading market and (or) individual entrepreneurs and legal entities providing for rent (use) trading facilities, trading places in trading facilities, including in trading markets, fulfill the tax obligation in accordance with the tax legislation of the Republic of Kazakhstan.



Footnote. Paragraph 20 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 233 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

21. The technical staff of the market shall carry out economic activities on the territory of the trading market in sanitary clothes, and also complies with sanitary and hygienic requirements.

22. The administration of the communal market, in agreement with the local executive bodies of the region, city, district, on a weekly basis shall establish the recommended retail prices for food products sold in the communal market.

23. The administration office of the communal market, in agreement with the local executive bodies of the region, city, district, on an annual basis shall establish fixed tariffs for all types of services provided (rent of retail space, storage, warehousing, sorting and packaging of goods, as well as entry and parking of trucks and cars) with the ability to adjust no more than once a quarter.

#### **Chapter 4. Control over the work of markets**

24. Control over compliance with the requirements of these Rules is carried out by authorized state bodies and local executive bodies of the region, the city of republican significance, the capital within their competence in the manner prescribed by the legislative acts of the Republic of Kazakhstan.

25. Market administration office shall provide assistance to officials of authorized bodies in conducting inspections and takes measures to eliminate deficiencies and violations identified during such inspections.

26. Based on the results of the inspections carried out, if violations of the current legislation of the Republic of Kazakhstan are detected, the regulatory bodies shall take the measures provided for by the legislation of the Republic of Kazakhstan.

27. A proprietor (owner) and (or) market administration office shall be responsible for violation of these Rules in accordance with the legislative acts of the Republic of Kazakhstan.

#### **Chapter 5. Organization of trading process**

28. Subjects of trade and market workers belonging to the decreed group of the population must comply with sanitary and hygienic requirements, as well as undergo medical examinations in accordance with the rules and frequency of mandatory medical examinations and the provision of state services "Passing preliminary mandatory medical examinations," approved by order of the Acting Minister of

Healthcare of the Republic of Kazakhstan dated October 15, 2020 No. KR HCM-131/2020 (registered in the register of state registration of regulatory legal acts under No. 21443).

**Footnote. Paragraph 28 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 233 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

29. A subject of trading activities in accordance with the Code of the Republic of Kazakhstan "On administrative infractions" shall be responsible in cases of: sale of goods (including those imported into the territory of the Republic of Kazakhstan from outside its borders) without documents, confirming the conformity and safety of products, and (or) not meeting the safety requirements for the life or health of consumers, as well as the unlawful use of an official document, certifying the compliance of goods with safety requirements; deceiving buyers regarding the quality of the goods being sold; false weighting of a consumer; trade in goods in violation of the requirements of sanitary rules.

30. When selling goods, the subjects of trading activity must:

1) observe the rules of trading on the market and the internal regulations of the market;

2) comply with the sanitary-epidemiological requirements and requirements of fire safety;

3) have available original copies of consignments and other forwarding documents stipulated by regulatory acts; documents, confirming the compliance and safety of goods;

4) keep tax records in accordance with the tax legislation of the Republic of Kazakhstan.

31. Documents, enlisted in subclause 3) of clause 30 of these Rules, shall be kept by the subject of trading activity during the entire time of work and are presented at the first request of the regulatory authorities and the market administration, as well as consumers.

32. The transfer of a trade place to a third party is carried out by agreement of the parties (the subject of trading activities and the market administration office).

33. The subjects of trading activities shall execute tax liability in accordance with fiscal legislation of the Republic of Kazakhstan.

34. The list of food products, prohibited for sale in the market shall be determined by the requirements of sanitary rules.

35. The sale on the market of goods prohibited for free sale is prohibited in accordance with the Law.

36. Conducting veterinary-sanitary examination in markets shall be mandatory. The sale of raw materials of animal origin without conducting veterinary-sanitary examination shall be prohibited.

37. In the communal market for the sale of food products, at least 70% of trading places are allocated, of which at least 10% of trading places are provided directly to agricultural producers for the sale of their own products.

At the same time, the determination of a specific number of trading places for the sale of food products and trading places for agricultural producers is carried out by the administration of the communal market in agreement with local executive bodies.

#### **Chapter 6. Quality and safety of the goods being sold**

38. Goods (products) shall be admitted to circulation on the market in accordance with the established rules for their circulation on the market in accordance with the procedure established by the legislation in the field of technical regulation, as well as food safety.

39. Goods that have lost quality during the sale and have passed into the category of substandard products shall be removed from sale.

Destruction or further processing of products and goods shall be carried out in accordance with the current legislation of the Republic of Kazakhstan.

Goods placed for temporary storage must be packed in containers. In storage rooms, goods shall be placed in compliance with the principles of commodity neighborhood, warehousing standards, regime and storage.

#### **Chapter 7. Termination of activities of trade markets**

40. The owner of a trade market shall terminate the activities of the market in accordance with the current legislation of the Republic of Kazakhstan.