



On approval of the rules for maintaining the register of products not complying with the requirements of regulatory legal acts in the field of sanitary and epidemiological welfare of the population

Unofficial translation

Order of the Minister of Healthcare of the Republic of Kazakhstan No. KR DSM-229/2020 of 3 December 2020. Registered with the Ministry of Justice of the Republic of Kazakhstan on 4 December 2020 under No. 21728

Unofficial translation

In obedience to sub-paragraph 29) of Article 9 of the Code of the Republic of Kazakhstan of July 7, 2020 “On Public Health and Healthcare System” and sub-paragraph 5) of Article 6 of the Law of the Republic of Kazakhstan of May 4, 2010 “On Protection of Consumer Rights”, **I HEREBY ORDER:**

1. That the attached rules for maintaining a register of products not complying with the requirements of regulatory legal acts in the field of sanitary and epidemiological welfare of the population shall be approved.

2. That Order of the Minister of Healthcare of the Republic of Kazakhstan KR DSM - 59 of May 2, 2019 “On Approval of the Rules for Maintaining Register of Products Not Complying with Requirements of Regulatory Legal Acts in the field of sanitary and epidemiological welfare of population, hygienic norms and technical regulations” (registered with the State Register of Regulatory Legal Acts of the Republic of Kazakhstan on May 6, 2019 under No. 18629, published in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan on May 15, 2019).

3. That, in obedience to the procedure established by the legislation of the Republic of Kazakhstan, the Committee for Sanitary and Epidemiological Control of the Ministry of Healthcare of the Republic of Kazakhstan shall:

1) ensure the state registration hereof with the Ministry of Justice of the Republic of Kazakhstan;

2) post this order on the web-site of the Ministry of Healthcare of the Republic of Kazakhstan upon its official publication;

3) within ten working days after the state registration hereof, submit to the Legal Department of the Ministry of Healthcare of the Republic of Kazakhstan the information on fulfillment of actions stipulated by sub-paragraphs 1) and 2) of this paragraph.

4. That the supervising Vice-Minister of Healthcare of the Republic of Kazakhstan shall be charged with control over execution hereof.

5. That this order shall be put into effect ten calendar days after the date of its first official publication.

*Minister of Healthcare
of the Republic of Kazakhstan*

A. Tsoy

Approved by order
of the Minister of Healthcare
of the Republic of Kazakhstan
No. KR DSM-229/2020
dated December 3, 2020

Rules

for maintaining a register of products not complying with the requirements of regulatory legal acts in the field of sanitary and epidemiological welfare of the population

Chapter 1. General provisions

1. These Rules for maintaining the register of products not complying with the requirements of regulatory legal acts in the field of sanitary and epidemiological welfare of the population (hereinafter - Rules) have been developed in compliance with sub-paragraph 29 of article 9 of Code of the Republic of Kazakhstan dated July 7, 2020 “On Public Health and Healthcare System” (hereinafter - Code) and sub-paragraph 5 of article 6 of Law of the Republic of Kazakhstan dated May 4, 2010 “On Protection of Consumer Rights” and determine the order of maintaining the register of products that do not meet the requirements of regulatory legal acts in the sphere of sanitary-epidemiological well-being of population.

2. The following concepts shall be applied in these Rules:

1) Hazard Analysis and Critical Control Points (hereinafter - HACCP) - systematic identification, assessment and management of hazards that affect product safety throughout the food chain by identifying and assessing potential risks that are critical to food safety, while establishing continuous control at critical control points;

2) product safety monitoring is a system of measures aimed at detection, prevention and suppression of import, production, use and sale of products that do not comply with the requirements of regulatory legal acts in the field of sanitary and epidemiological welfare of the population;

3) applicant - natural persons, legal entities of the manufacturer-importer of products, submitting information and materials on products for the purpose of exclusion of products from the Register;

4) register of products not complying with the requirements of regulatory legal acts in the field of sanitary and epidemiological welfare of population (hereinafter referred to as the Register) - list of products not complying with the requirements of regulatory legal acts in the field of sanitary and epidemiological welfare of population;

5) state body in the sphere of sanitary-epidemiological welfare of population (hereinafter referred to as state body) - state authority implementing the state policy in the sphere of sanitary-epidemiological welfare of population, control and supervision over compliance with

requirements, established by regulatory legal acts in the sphere of sanitary-epidemiological welfare of population and other legislative acts of the Republic of Kazakhstan.

3. The report on monitoring of product safety with indication of the list of products in electronic form shall be formed by territorial subdivisions and shall be sent to the state body monthly by the 5th day of the month in the form specified in Annex 2 of these Rules.

The territorial subdivisions of the state body shall ensure timeliness, completeness and reliability of the information provided.

Chapter 2:

Procedure for maintenance of the register of products not complying with the requirements

of regulatory legal acts in the field of sanitary and epidemiological well-being of the population

5. The register shall be formed and maintained by the state body.

6. The register shall be maintained by means of monthly posting on the internet resource of the state body of the list of non-compliant products posing a risk to the health and safety of the population, identified in the course of product safety monitoring.

7. The register shall be maintained in the Kazakh and Russian languages.

8. The information contained in the Register shall be open and publicly accessible.

9. The grounds for inclusion of products in the Register shall be:

1) results of selection and sanitary-and-epidemiologic examination of products in cases of detection of violations of requirements of the legislation of the Republic of Kazakhstan in the sphere of sanitary-and-epidemiologic welfare of the population representing danger for human life, health and environment;

2) results of selection and sanitary and epidemiological expertise of products, confirming information from international organizations, from member states of the Eurasian Economic Union or third countries on detection of products subject to state sanitary and epidemiological supervision (control), which do not meet the requirements of technical regulations.

10. The Register shall contain the following product information to be published:

1) types of products according to the coding in Annex 1 to these Rules and the product barcode;

2) product name;

3) name and location of the manufacturer of products or name, first name, patronymic name (if any) and location of the manufacturer of products or name and location of the person authorized by the manufacturer, name and location of the importing organization or name, first name, patronymic name (if any) and location of the manufacturer of importing products;

4) country of manufacturer;

5) place of sampling (name of the object, address);

6) date of manufacture, shelf life, storage conditions;

- 7) batch or series number;
- 8) protocol of research by results of sanitary and epidemiological expertise;
- 9) information on identified breaches of safety and quality indicators (their actual value and permissible standards).

11. The register shall contain the following non-public information on the products, access to which shall only be granted to a state body:

- 1) information on the measures taken;
- 2) information on the documents certifying the conformity of the products.

The information published in the Register shall be valid and apply only to products of the series (batch) and date of manufacture specified in the Register.

13. Information confirming manufacturers' compliance with the requirements of regulatory legal acts in the sphere of sanitary-epidemiological welfare of the population under Article 95 of the Code that guarantees the circulation of safe and quality products, information on the implementation of procedures based on the HACCP principles and results of laboratory control submitted by the applicant to the territorial division shall be removed from the register within three working days from the date of establishing such a fact based on the decision of the state body.

The procedure for application, its reception and terms of consideration of the application submitted by the applicant to the territorial division shall be considered in the order established by the Law of the Republic of Kazakhstan dated January 12, 2007 “On the Procedure for Consideration of Applications of Individuals and Legal Entities”.

Annex 1 to the Rules
for Maintaining the Register of Products
Not Complying with the Requirements
of Regulatory Legal Acts in the Field of
Sanitary and Epidemiological Welfare
of the Population

Product code

No.	Product code	Name by code
1	00	Other non-food consumer goods
2	01	Alcoholic and non-alcoholic beverages, juices, bottled water
3	02	Meat and meat products
4	03	Poultry meat and poultry products
5	04	Fish and fish products
6	05	Milk and dairy products
7	06	Fruit and vegetable products and fruit and vegetable processing products
8	07	Flour and cereal products
9	08	Oil and fats products
10	09	Pastry and bakery products
11	10	Other foodstuffs + culinary products

12	11	Light industry products and products for children and adolescents
13	12	Furniture industry products
14	13	Household chemicals and perfumes and cosmetics
15	14	Chemical and petrochemical products
16	15	Toys

Annex 1 to the Rules
for Maintaining the Register of Products
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DOCUMENT FORM

No. s/ o	Product type		Product name	Manufacturer			Batch or series number, date of manufacture, expiry date	Place of sampling (name of facility, address)
	product (goods) code or barcode	Name by code		country code	Country name	Manufacturer (name of legal or natural person, address)		

Continued

Types of violations				
Microbiological indicators, actual value and permissible norms according to normative documentation (examination report No., date)	physical-chemical, actual value and permissible norms according to ND (examination report No., date)	Safety indicators, actual value and permissible standards according to ND (examination report No., date)	marking, nature of the irregularities (examination report no., date)	Counterfeit products

Continued

Measures taken									
A precept was issued (no., date, to whom it was sent)	commercial property					supplier			
	inspection report, date, no., identification of the infringement)	measures (fine, article, amount of fine, name)	total withdrawn from sale	incl. those returned to supplier (quantity in kg, l)	incl. products destroyed, method of destruction (amount in kg, l)	Inspection report, no., date, irregularities detected	measures (fine, article, amount of fine, name)	total withdrawn from sale (quantity in kg, litres)	incl. those returned to supplier or manufacturer (quantity in kg, l)

Continued

Measures taken				name of the document confirming the conformity of the product (goods)		product (goods) supplier (name, address)
Ruling of the court						
material has been taken to court	under review	satisfied administrative measures, ruling)	(rejected	Number	name, date of issue, expiry date, issued by (name)	

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