

On Food Products Safety

Unofficial translation

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

Unofficial translation

Footnote. Throughout the text the words “veterinary supervision”, “of veterinary supervision” shall be respectively substituted by the words “veterinary-sanitary control”, “of veterinary-sanitary control” in accordance with the Law of the Republic of Kazakhstan dated 24.07.2009 No. 190-IV (the order of enforcement see Article 2);

the words "of an authorized body in the field of sanitary and epidemiological welfare of the population", "by an authorized body in the field of sanitary and epidemiological welfare of the population" are replaced by the words "of a state body in the field of sanitary and epidemiological welfare of the population", "by a state body in the field of sanitary and epidemiological welfare of the population" in accordance with the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

This Law establishes the legal basis of ensuring of food products safety for protection of life and health of person, legal interests of consumers and environmental protection in the territory of the Republic of Kazakhstan.

Chapter 1. GENERAL PROVISIONS Article 1. Basic concepts used in this Law

The following basic concepts shall be used in this Law:

- 1) foodstuff – products of plant, animal, mineral, microbiological origin, which are used for animal nutrition, being the source of food for humans;
- 2) feed additives - organic substances, mineral and (or) synthetic origin, used as sources of the missing nutrients and minerals and vitamins in the diet of animals that are the source of food for humans;
- 3) enriched (fortified) food products – food products, in which one or more necessary ingredients (vitamins, minerals, proteins, amino or fatty acids) and other substances are not originally present therein or present in insufficient quantity or lost in the process (at the stage) of production (manufacturing), administered for the prevention of disease, are added for improvement of food value;
- 4) baby food products – food products for special purpose, correspond with psychological needs of the child's body and intended for babies at the age of up to three years;

5) food products, subjected to the veterinary and sanitary control, - food products and raw materials of animal origin, not used in the food, as well as foodstuff and feed additives without relevant processing;

6) veterinary health certificate – a document of established form, issued on each batch of food products, subjected to the veterinary and sanitary control, on the State border of the Republic of Kazakhstan and on the transport by the authorized body in the field of veterinary;

7) genetically modified objects – raw materials and products of plant and (or) animal origin, received with the use of genetic engineering methods, as well as genetically modified sources, organisms;

8) date of manufacture – the date of end of the process (stage) of production (manufacturing) of food products;

9) It is excluded by the Law of the RK dated 30.12.2020 № 397-VI (becomes effective after six months after day of his first official publication);

10) It is excluded by the Law RK of 30.12.2020 No. 397-VI (shall enter into force upon expiry of six months after the day of its first official publication);

11) account number – a code, including type of activity and number of object of production;

12) adulterated food products – food products, knowingly and intentionally changed, counterfeited and (or) hidden properties and quality, information on which is knowingly false or incomplete;

13) period of validity – period of time, during of which the food products shall fully conform to the safety requirements, specified to it and established by the legislation of the republic of Kazakhstan and (or) technical regulations;

14) inadmissible risk – risk, exceeding the level of food products safety, established in accordance with the legislation of the Republic of Kazakhstan;

14-1) system of hazard analysis and critical control points (hereinafter – HACCP) - systematic identification, assessment and management of hazards, effecting the safety of products throughout the food chain, by revelation and assessment of potential risks, which are critical for the safety food products, upon establishment of permanent control in the critical control points;

15) risk – probability of adverse effect of food products to the human health and consequences of this effect, leading to occurrence of danger to life and human health;

16) risk assessment - quantitative and (or) qualitative assessment of penetration probability, establishment or propagation of parasites or diseases and potential biological and economic consequences, related with it or assessment of possibility of adverse effect to the life and human health or animal, arising from the presence of additives, contaminants, toxins or causative organisms in the food products;

17) risk management – determination of risk, selection and implementation of measures, taken for its reduction, as well as monitoring and verification;

18) risk analysis – procedure of the use of available information for revelation of hazard and risk assessment, consisting of four interrelated components: determination of the source of danger, risk assessment, risk management and information on risk;

19) information on risk – mutual timely exchange of details on risk between the subjects, bearing responsibility for the food products safety, and authorized bodies, as well as all other interested parties;

20) hazardous food products – products in the use of which unacceptable risk to human life and health and the environment may occurred;

21) destruction of hazardous food products – effect to the food products, unfit to consumption and (or) further processing, excluding its use for the food purposes and access of human and animal to it;

22) normative and technical documentation – documents, necessary for regulation of processes (stages) of processing (creation), production (manufacturing), circulation, utilization and destruction of food products;

22-1) is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

23) food value of products – degree of satisfaction of organism in the nutritive substances, determined their energy value, composition and taste qualities;

24) food products, subjected to the sanitary and epidemiological supervision, - food products, except for the food products, subjected to the veterinary and sanitary control;

25) biologically active additives to food - components of natural or identical to the natural substances, intended for the separate use or introduction into the food products in order to enrich them, or prevention of diseases, except for the parapharmaceutics;

26) food additives – natural and artificial substances and their compounds specially introduced into the food in order to impart the desired properties, not affecting to their biological and energy value and not used by themselves as food products;

27) food products - raw materials, food products, food products for special purposes, drinking water, food additives and biologically active food additives used by humans, fodder and fodder additives consumed by animals that are food sources for humans;

28) materials and articles in contact with the food products (hereinafter - the materials and articles), - materials and articles, used in the process (at the stages) of development (creation), production (manufacturing), circulation, utilization and destruction of food products, as well as technological equipment, instruments and devices, packaging, packaging materials, dishes, eating utensils;

29) development (creation) of food products – process of creation of samples and (or) normative and technical documentation, necessary for organization of new production and (or) new food products;

30) subject of development (creation), production (manufacturing), circulation, utilization and destruction of food products (hereinafter – subject) – individual or legal entity, carrying out activity on development (creation), production (manufacturing), circulation, utilization and destruction of food products;

31) utilization of food products – technological processing of food products, unfit for use on designated purpose, to other food products;

32) production (manufacturing) of food products – processes (stages) of manufacturing of food products, including actually manufacturing process and processes of prepacking, packaging, labeling, as well as industrial storage and transportation of food products, related with them;

33) object of production (manufacturing) of food products (hereinafter – object of production) – an enterprise on production (manufacturing) of food products;

34) identification of food products – procedure, ensuring all processes (at stages) of development (creation), production (manufacturing), circulation and utilization of food products recognition of certain products on distinctive signs;

35) circulation of food products – processes (stages) of implementation (sale or delivery) of food products, including importation (import) and exportation (export) of food products, as well as processes of prepacking, packaging, labeling, storage and transportation;

36) biological value of food products - characteristics of food products, including the caloric content, protein, fat, carbohydrates, vitamins, macro- and micronutrients;

37) traceability of food products - traceability (the origin, movement and location) of food products in all processes (in stages) of its development (creation), production (manufacturing), circulation, utilization and destruction;

38) food products safety – absence of unacceptable risks in all processes (in stages) of development (creation), production (manufacturing), circulation, utilization and destruction of food products, related with causing of harm to life and health of a person and violation of legal interests of consumers in coordination of combination of probability of implementation of hazard and severity level of its consequences;

39) a document certifying the safety of food products, - certificate of the state registration, veterinary and sanitary conclusion, veterinary health certificate, veterinary certificate, certificate of conformity, declaration of conformity, certifying compliance of food products, compliance of processes (stages) of development (creation), production (manufacturing), circulation, utilization and destruction of food products, compliance of engines and equipment, materials and articles used upon development (creation), production (manufacturing), circulation, utilization and destruction of food products with the requirements, established by the legislation of the Republic of Kazakhstan on food products safety;

40) technical regulation in the field of food safety is a normative legal act that establishes mandatory requirements for the safety of food products and (or) for the processes (stages) of its development (creation), production (manufacture), turnover, disposal and destruction,

developed and applied in accordance with the legislation of the Republic of Kazakhstan in the field of technical regulation;

41) authorized bodies in the field of food products safety (hereinafter- authorized bodies) – the state bodies, carrying out implementation of the state policy and control in the field of food products safety within its competence;

42) index of food products safety - the permissible level of chemical, radioactive, toxic substances and their compounds, microorganisms and other biological organisms, representing dangerous to human and animal health;

43) batch of food products - a set of homogeneous food products produced (manufactured) and (or) packaged under identical conditions, followed by one document certifying its safety ;

44) energy value of food products - amount of energy, released from food products in the results of human or animal consumption and ensuring their physiological functions;

45) food products - products in natural or processed form, intended for human consumption in food;

46) marking - text, trademarks, conventional signs and images carrying information for the consumer and marked on food products, documents, memory cards (sheets - insert), labels , back label, collar labels, tags, sticky notes (stickers), consumer packaging (packing);

47) raw materials - objects of plant, animal, microbial, chemical and mineral origin, used for production (manufacturing) of food products;

48) is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

49) is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Footnote. Article 1 as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 27.11.2015 № 424-V (shall be enforced upon expiry of six months after the day its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2020 № 397-VI (shall enter into force upon expiry of six months after the day of its first official publication).

Article 2. The legislation of the Republic of Kazakhstan on food products safety

1. The legislation of the Republic of Kazakhstan on food products safety shall be based on the Constitution of the Republic of Kazakhstan, consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If by the international treaty, ratified by the Republic of Kazakhstan, made other rules than those that contained in this Law, the rules of the international treaty shall be applied.

Article 3. The scope of this Law

1. This Law shall be applied to the food products, produced in the Republic of Kazakhstan and imported (imported) to the territory of the Republic of Kazakhstan, as well as to the processes (stages) of development (creation), production (manufacturing), circulation, utilization and destruction of food products.

2. Effect of this Law shall not be applied to the food products of homemade, intended for the private consumption.

Chapter 2. THE STATE REGULATION IN THE FIELD OF

FOOD PRODUCTS SAFETY Article 4. Purposes and principles of the state regulation in the field of food products safety

1. Purposes of the state regulation in the field of food products safety shall be:

1) ensuring of:

food products safety for human life, health and environment;

protection of legal interests of consumers; ecological safety; national safety;

2) assistance to development of entrepreneurship;

3) harmonization of the legislation of the Republic of Kazakhstan with international regulations and rules for protection of human life and health, legal interest of consumers;

4) increasing the competitiveness of domestic products;

5) creating conditions for development of international trade.

2. The state regulation in the field of food products safety shall be carried out on the basis of the following principles:

1) priority of food products safety for human life and health and environment;

2) prevention of possible adverse effect to human health and environment;

3) transparency of measures, carried out by the state;

4) publicity, accessibility, reliability of information;

5) scientific validity of the risk assessment;

6) traceability of food products in all processes (at stages) of its development (creation), production (manufacturing), circulation, utilization and destruction;

7) responsibility of subjects for ensuring of food products safety in all processes (at stages) of its development (creation), production (manufacturing), circulation, utilization and destruction.

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

The competence of the Government of the Republic of Kazakhstan shall include:

1) development of basic directions of the state policy in the field of food products safety;
2) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

3) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

4) *Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

5) approval of the procedure of:

utilization and destruction of food products that pose a threat to the life and health of humans and animals, to the environment;

importation (import) of food products that are subject to state registration;

coordination of conformity of processes (stages) of development (creation), production (manufacture), turnover, utilization and destruction of food products, conformity of machinery and equipment, materials and products used in the development (creation), production (manufacture), turnover, utilization and destruction to the requirements established by the legislation of the Republic of Kazakhstan on food safety by the authorized bodies;

enrichment (fortification) of food products that are subject to sanitary and epidemiological supervision;

control and supervision over the conformity of food products in the processes (at stages) of its development (creation), production (manufacture), turnover, utilization and destruction, for the conformity of the processes (stages) of development (creation), production (manufacture), turnover, utilization and destruction of food products to the requirements established by the legislation of the Republic of Kazakhstan on food safety;

turnover of genetically modified objects;

carrying out works on scientifically justified confirmation of the safety of genetically modified objects;

6) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Footnote. Article 5 as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 12.01.2012 No. 540-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten

calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 30.12.2020 № 397-VI shall enter into force upon expiry of six months after the day of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 6. The competence of the authorized body

1. Is excluded by the Law of the Republic of Kazakhstan dated 21.04.2016 № 504-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

2. Competence of a state body in the field of sanitary and epidemiological welfare of the population includes:

1) formation and implementation of the state policy in the field of food products safety subject to sanitary and epidemiological supervision;

2) representation of the Republic of Kazakhstan in international organizations to ensure the safety of food products, subject to sanitary and epidemiological supervision;

3) organization, coordination and realization of the state control over observance of the requirements established by the legislation of the Republic of Kazakhstan about safety of the foodstuff subject to sanitary-and-epidemiologic supervision;

3-1) state control and supervision of compliance of food products with the requirements of technical regulations in the field of food product safety at the stage of its implementation, with the exception of procedures subject to veterinary and sanitary control and supervision;

4) development of sanitary and epidemiological rules and norms, hygienic standards, technical regulations, regulatory documents in the field of food safety, subject to sanitary and epidemiological supervision

5) coordination of:

expiration date and food storage conditions;

projects of normative and technical documentation in the field of food safety, subject to sanitary and epidemiological supervision;

conformity of the processes (stages) of development (creation), production (manufacture), turnover, utilization and destruction of food products, the conformity of machines and equipment, materials and products used in the development (creation), production (manufacture), turnover, utilization and destruction to the requirements established by the legislation of the Republic of Kazakhstan on food safety with an issuance of sanitary and epidemiological conclusion;

6) shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication);

7) is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (

shall be enforced upon expiry of ten calendar days after the day of its first official publication);

8) state registration, re-registration and withdraw of the decision on state registration of baby food products, biologically active food additives, genetically modified objects, dyes, materials and products which are in contact with water and food, chemicals, certain types of products and substances that have harmful impact on human health, placement of State Register of substances and products permitted for use in the Republic of Kazakhstan on Internet resources;

9) organization and implementation of sanitary and epidemiological supervision on the conformity of food products in the processes of its development (creation), production (manufacture), turnover and utilization, for the conformity of processes (stages) of development (creation), production (manufacture), turnover, utilization and destruction of food products, for the conformity of machines and equipment, materials and products used in the development (creation), production (manufacture), turnover, utilization and destruction of food products to the requirements established by the legislation on food safety;

10) issue of instructions to eliminate violations of the requirements of this Law;

11) accounting and monitoring of production facilities and domestic trade objects;

12) assignment of accounting numbers to the objects of production of food products subject to sanitary and epidemiological supervision, and keeping their register;

13) conducting work on scientifically validated confirmation of the safety of biologically active food additives;

14) approval of the procedure of:

conducting sanitary-epidemiological examination of food products to determine its safety;
issuing balneological conclusions for the use of natural mineral waters by the scientific centers of balneology;

turnover of biologically active food additives;

state registration, re-registration and withdraw of the decision on state registration of baby food products, food and biologically active food additives, genetically modified objects, dyes, materials and products which are in contact with water and food, chemicals, certain types of products and substances that have harmful impact on human health;

carrying out works on scientifically validated confirmation of the safety of biologically active food additives;

15) exercise of other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Competence of the territorial divisions of the department of a state body in the field of sanitary and epidemiological welfare of the population at the State Border of the Republic of Kazakhstan and in transport is determined by the laws of the Republic of Kazakhstan.

3. The competence of the authorized body in the field of veterinary shall include:

- 1) formation and implementation of the state policy in the field of food products safety subject to veterinary and sanitary control and supervision;
- 2) presentation of the Republic of Kazakhstan in the international organizations on ensuring of food products safety, subjected to the veterinary and sanitary control and supervision;
- 3) organization, coordination, carrying out the state control and supervision of:
 - compliance with the requirements, established by the legislation of the Republic of Kazakhstan on food products safety, subjected to the veterinary and sanitary control and supervision;
 - activity of individuals and legal entities, carrying out veterinary and sanitary expertise of food products on determination of its safety;
- 4) Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 5) development and approval of veterinary (veterinary and sanitary) rules and regulations, regulatory documents in the field of food safety subject to veterinary and sanitary control and supervision, technical regulations in the field of food safety, subject to veterinary and sanitary control and supervision;
- 6) Is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 7) the state registration of first produced (manufactured) and first imported (imported) in the territory of the republic of Kazakhstan food additives;
- 8) maintenance of the State register of food additives, permitted to production (manufacturing), importation (import), application and sale in the territory of the Republic of Kazakhstan;
- 9) issuance of veterinary documents on compliance of food products, subjected to the veterinary and sanitary control and supervision, with the requirements, established by the legislation of the Republic of Kazakhstan;
- 10) Is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 11) organization and carrying out of veterinary and sanitary control and supervision of compliance of processes (stages) of development (creation), production (manufacturing), circulation, utilization and destruction of food products, subjected to the veterinary and sanitary control and supervision, with the requirements, established by the legislation of the Republic of Kazakhstan;
- 12) carrying out of veterinary and sanitary control and supervision, monitoring of objects of internal trade for the purposes of revelation and development of measures on non-admission of sale of hazardous food products, subjected to the veterinary and sanitary control and supervision;

13) carrying out of veterinary and sanitary control and supervision of food products safety, subjected to the veterinary and sanitary control and supervision, in the process (at the stages) of production (manufacturing) and circulation of food products;

14) approval of procedure of:

conducting of veterinary and sanitary expertize of food products on determination of its safety;

the state registration of firms produced (manufactured) and first imported (imported) in the territory of the Republic of Kazakhstan of food additives;

15) issuance of instructions on elimination of violations of requirements of this Law;

16) assignment of account numbers to the objects of production of food products, subjected to the veterinary and sanitary control and supervision, and maintenance of their register.

17) exercise other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

The competence of the territorial subdivision of the authorized body in the field of veterinary shall be determined by the Laws of the Republic of Kazakhstan.

4. excluded by the Law of the RK dated 30.12.2020 № 397-VI (shall enter into force upon expiry of six months after the day of its first official publication);

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012); dated 12.01.2012 No. 540-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); dated 21.04.2016 № 504-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 27.11.2015 № 424-V (shall be enforced upon expiry of six months after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2020 № 397-VI (shall enter into force upon expiry of six months after the day of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 7. The competence of local executive bodies of regions (city of republican significance, the capital)

Footnote. Article 7 is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015).

Article 8. The state control and supervision of food products safety

1. The state control and supervision of food products safety shall be carried out by the authorized bodies within their competence, established by the Laws of the Republic of Kazakhstan.

2. For the purposes of carrying out of the state control and supervision of food products safety, the state shall ensure organization of activity of the state laboratories of veterinary and sanitary, sanitary-epidemiological expertise, including laboratories for determination of qualitative and quantitative composition of genetically modified objects and levels of radiation exposure, in accordance with international requirements, presented to their material and technical basis and staff.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9. The state registration, reregistration and withdrawal of decision on the state registration of food products

1. In the Republic of Kazakhstan production (manufacturing), importation (import) and sale of food additives, baby food products, food and biologically active food additives, genetically modified objects, dyes, materials and articles, in contact with water and food products, chemical substances, certain types of products and substances, have a harmful impact on human health shall be permitted only after their state registration, except for the cases of production (manufacturing), importation (import) of samples, necessary for conducting of registration tests.

First produced (manufactured) and first imported (imported) in the territory of the Republic of Kazakhstan food additives, baby food products, food and biologically active food additives, genetically modified objects, dyes, materials and articles, in contact with water and food products, chemical substances, certain types of products and substances, have a harmful impact on human health.

2. The state registration shall include:

1) expertize of documents, presented by the subject and approving compliance of food products with the requirements, established by the legislation of the Republic of Kazakhstan on food products safety, conditions of delivery;

2) expertize of results of conducted scientific and laboratory investigations;

3) introduction of food additives, baby food products, food and biologically active additives to the food, genetically modified objects, dyes, materials and articles, in contact with water and food products, chemical substances, certain types of products and substances, have a harmful impact on human health, permitted to production (manufacturing), importation (import), application and sale in the territory of the Republic of Kazakhstan to the state register.

3. Repeated state registration of food products of one type, one name, produced by one producer shall not be allowed.

4. The food products, subjected to the state registration, introduced to the state register of food additives, baby food products, food and biologically active additives to the food, genetically modified objects, dyes, materials and articles, in contact with water and food products, chemical substances, certain types of products and substances, have a harmful impact on human health shall be permitted to application in the terms, established by the authorized bodies.

5. Reregistration and withdrawal of decision on the state registration of baby food products, food and biologically active additives to the food, genetically modified objects, dyes, materials and articles, in contact with water and food products, chemical substances, certain types of products and substances, have a harmful impact on human health shall be carried out in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 12.01.2012 No. 540-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 3. RIGHTS AND OBLIGATIONS OF SUBJECTS Article 10. Rights of subjects

The subjects in accordance with carried out activity shall have a right to:

1) timely receive reliable information on the sanitary and epidemiological, veterinary and sanitary state of the territory and (or) object of production and objects of internal trade in accordance with the legislation of the Republic of Kazakhstan;

2) apply to the state bodies for conducting of investigations for the purposes of ensuring of execution of sanitary and epidemiological rules and regulations, hygienic standards, technical regulations, regulatory documents in the field of food products safety, subjected to the sanitary and epidemiological supervision, veterinary (veterinary and sanitary) rules and standards, technical regulations, regulatory documents in the field of food products safety, subjected to the veterinary and sanitary control and supervision;

3) participate in conducting of sanitary and anti-epidemic (preventive) and veterinary-sanitary measures in the cases established by the legislation of the Republic of Kazakhstan;

4) participate in development of regulatory legal acts, technical regulations in the field of food products safety in accordance with the legislation of the Republic of Kazakhstan;

5) develop and approve the standards of organizations, complying with requirements, established by the legislation of the Republic of Kazakhstan on food products safety;

6) develop, introduce and support procedures, based on the principles HACCP upon carrying out of processes of production (manufacturing) of food products, related with requirements of safety of such products;

7) introduce the management systems of quality and food products safety;

8) is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

8-1) is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

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

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); dated 27.11.2015 № 424-V (shall be enforced upon expiry of six months after the day its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 11. Obligations of subjects

The subjects in accordance with carried out activity shall be obliged to:

1) comply with the requirements, established by the legislation of the Republic of Kazakhstan on food products safety;

2) provide preliminary and periodic medical inspections and hygiene training of staff of subjects;

3) establish the period of validity of food products in coordination with the authorized body in accordance with the legislation of the Republic of Kazakhstan on food products safety;

4) provide industrial control of the safety of each batch of food products in the processes (at the stages) of its production (manufacturing), circulation and utilization;

5) provide information to the authorized body on violations that led to acquisition of food products of hazardous characteristics, in the processes (at the stages) of its development (creation), production (manufacturing) of circulation and utilization;

6) direct the food products, specified in subparagraph 5) of this Article for the relevant expertize;

7) immediately terminate the processes (stages) of production (manufacturing), circulation and utilization of food products in the case, if the violation is committed that led to acquisition of food products of hazardous characteristics, ensure its withdrawal from the

objects of internal trade and conducting of relevant expertize, thereafter organize its utilization or destruction in the manner, determined by the Government of the Republic of Kazakhstan;

8) present the documents, certifying the safety of food products to the buyers (consumers) of food products, authorized bodies at their request;

9) render assistance to the authorized body on issues of prevention or reduction of risks, related with the food products, which they are produced, sold or utilized;

10) ensure identification and traceability of food products in all processes (at the stages) of its development (creation), production (manufacturing), circulation, utilization and destruction.

Chapter 4. REQUIREMENTS TO THE FOOD PRODUCTS SAFETY Article 12. Requirements to the food products safety and measures on its ensuring

1. Requirements to the food products safety and processes (stages) of its development (creation), production (manufacturing), circulation, utilization and destruction, established by the legislation of the Republic of Kazakhstan on the food products safety shall be compulsory for execution by the subjects.

2. Food products safety shall be ensured by:

1) compliance with the requirements, established by the legislation of the Republic of Kazakhstan on the food products safety by the subjects;

2) conducting of industrial control of compliance of processes (stages) of development (creation), production (manufacturing), circulation and utilization of food products with the requirements, established by the legislation of the Republic of Kazakhstan on the food products safety by the subject;

3) confirmation of compliance of food products with the requirements established by the legislation of the Republic of Kazakhstan in the field of technical regulation;

4) conducting of sanitary and epidemiological, veterinary and sanitary expertize;

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

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

4. Shall not be allowed to the processes (stages) of production (manufacturing), circulation and utilization of food products, which is not complied with the requirements, established by the legislation of the Republic of Kazakhstan, on each of the following factors:

1) have obvious signs of poor quality (spoilage, decay, pollution);

2) exceed radiological, toxicological, chemical and (or) the microbiological standards;

3) does not have the documents, certifying its safety and approving its origin;

4) shall not have a specified expire date or with expired date, with the exception of food products stored in the state material reserve and subject to disposal in the order of distribution ;

5) does not have marking, containing details, provided by the legislation of the Republic of Kazakhstan on the food products safety;

6) does not correspond to the information provided;

7) is falsified food products.

5. Circulation of genetically modified objects and biologically active additive to the food shall be allowed only after scientifically grounded approval of their safety, conducting of which is carried out in the manner, established by the legislation of the Republic of Kazakhstan and conducting of their state registration.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 25.05.2020 № 332-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 13. Special food safety requirements

1. Special food products shall include:

1) specialized food products for the nutrition of athletes, pregnant and nursing women;

2) food products of dietary therapeutic and dietary preventive nutrition, including for infant nutrition.

2. Special food products shall:

1) meet the requirements established by the legislation of the Republic of Kazakhstan on food safety and technical regulations for special-purpose food products;

2) meet the physiological needs of the relevant groups of buyers (consumers);

3) correspond to the nutritional, biological and energy value of the information indicated on the container (package).

Footnote. Article 13 in the wording of the Law of the RK dated 30.12.2020 № 397-VI (shall enter into force upon expiry of six months after the day of its first official publication).

Article 14. Requirements to the food products, subjected to enrichment (fortification)

1. Food products may be enriched (fortified). Vitamin-mineral complexes, conducting of sanitary-epidemiological expertise may be used for enrichment (fortification) of food products.

2. Methods of enrichment (fortification) and materials and products used in the process of enrichment (fortification) of food products shall comply with the requirements of regulatory and technical documentation, sanitary and epidemiological rules and regulations and other documents on standardization.

Footnote. Article 14 with the change introduced by the Law of the Republic of Kazakhstan dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication).

Article 15. Requirements to the food products safety upon its development (creation)

1. The normative and technical documentation, developed by the subject shall include:
 - 1) indicators of food products safety;
 - 2) period of validity of food products;
 - 3) requirements to packing, marking, conditions of processes (stages) of development (creation), production (manufacturing), circulation of food products;
 - 4) programs of industrial control of food products safety;
 - 5) research methodology, risk assessment, methods of their minimization;
 - 6) methods of utilization and destruction of hazardous food products.
2. Projects of normative and technical documentation and prototypes of food products shall subject to the sanitary and epidemiological, veterinary and sanitary expertize in the manner, established by the authorized bodies.

Specified projects shall be coordinated with the authorized bodies, approved by the subjects shall be compulsory for them.

3. Upon development (creation) all possible risks in the processes (at the stages) of production (manufacturing), circulation, utilization and destruction of food products shall be identified, as well as upon emergency situations of natural and technogenic nature, estimated error of the staff of subjects.

Risk assessment for all identified hazards shall be conducted by calculation, experimental and (or) expert way with ensuring of possibility of its verification.

4. All complex of measures for liquidation or decrease (reduction) of risks up to permissible (acceptable) level in all processes (at the stages) of production (manufacturing), circulation, utilization and destruction of food products shall be determined upon development (creation) in recognition of conducted risk assessment for each type of food products.

Article 16. Requirements to the food products safety upon its production (manufacturing)

1. Raw materials and additives, relevant to the standards, established by the legislation of the Republic of Kazakhstan on food products safety shall be applied for production (manufacturing) of food products.

2. In the production (manufacture) of vegetable and animal raw materials used for food purposes, it shall be allowed to use feed additives, animal growth stimulants, pesticides, fertilizers that have passed state registration, except in the case stipulated by the technical regulations in the field of food safety.

3. Replacement of individual ingredients in the produced (manufactured) food products is carried out in agreement with a state body in the field of sanitary and epidemiological welfare of the population.

4. Equipment, territory, water supply, sewage pipes, heating, ventilation, lighting of industrial, auxiliary, sanitary and domestic premises of objects of production, storage of food products, objects of internal trade and conditions of work of staff of subjects shall comply with the requirements, established by the legislation of the Republic of Kazakhstan.

Assessment of ecological aspects, related with production (manufacturing) of food products shall be carried out in accordance with the ecological legislation of the Republic of Kazakhstan.

5. Assignment of account numbers to the objects of production shall be carried out by the authorized body in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 12.01.2012 No. 540-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.11.2015 № 424-V (shall be enforced upon expiry of six months after the day its first official publication); dated 21.04.2016 № 504-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2020 № 397-VI (shall enter into force upon expiry of six months after the day of its first official publication).

Article 17. Requirements to the food products safety upon its prepacking, packaging and marking

Footnote. Article 17 excluded by the Law of the RK dated 30.12.2020 № 397-VI (shall enter into force upon expiry of six months after the day of its first official publication).

Article 18. Requirements for food safety during storage and transportation

1. Storage and transportation of food products shall be carried out in conditions ensuring its safety, in accordance with the requirements established by technical regulations on food products safety.

2. If a violation is committed during storage and (or) transportation of food products, which led to its acquisition of hazardous properties, it is sent for appropriate examination, according to the results of which it is disposed of or destroyed.

Footnote. Article 13 in the wording of the Law of the RK dated 30.12.2020 № 397-VI (shall enter into force upon expiry of six months after the day of its first official publication).

Article 19. Requirements to the food products upon its sale

1. Sale of food products shall be allowed only on the objects of internal trade, complying with the requirements, established by the legislation of the Republic of Kazakhstan on food products safety.

2. If upon sale of food products a violation, led to acquisition of hazardous characteristics is committed, it shall not subject to sale and shall be directed for the relevant expertize, by the results of which it is utilized and destructed.

3. Food products, exported (exported) from the Republic of Kazakhstan shall comply with the requirements, established by the legislation of the Republic of Kazakhstan, except for the cases, when standards of country of importation do not require otherwise by the legislation.

4. Shall be prohibited the sale of food products, not having the documents, certifying its compliance with the requirements, established by the legislation.

Article 20. Requirements to the food products safety, importation (import) of which is established in the territory of the Republic of Kazakhstan

1. Food products safety, importation (import) of which is carried out in the territory of the Republic of Kazakhstan shall comply with the requirements, established by the legislation of the Republic of Kazakhstan on food products safety.

2. Shall be prohibited importation (import) in the territory of the Republic of Kazakhstan the food products:

1) not having the documents, certifying its compliance with the requirements, established by the legislation of the Republic of Kazakhstan on food products safety;

2) not passed the state registration in accordance with the requirements, established by Article 9 of this Law.

3. The civil servants, carrying out the state control and supervision shall conduct inspection of food products, verification of its transportation documents in the point of passage across the State Border.

In the case if the food products, importation (import) of which is carried out in the territory of the Republic of Kazakhstan shall not comply with the requirements, established by paragraph 4 of Article 12 of this Law, the civil servants, specified in a first part of this paragraph shall make decision on temporary suspension of its importation (import) and direction to the relevant expertize or establish prohibition on its importation (import) in the territory of the Republic of Kazakhstan in the manner, established by the legislation of the Republic of Kazakhstan.

4. A subject shall be obliged to export the food products, recognized as hazardous by the results of relevant expertize, outside the territory of the Republic of Kazakhstan during three days.

If the hazardous food products is not exported outside the Republic of Kazakhstan in the term, established by first part of this paragraph, it shall be utilized or destructed in accordance with the legislation of the Republic of Kazakhstan on the food products safety.

Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

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

1. A subject from the date of detention of nonconformity of food products to the requirements of safety, established by this Law, or on the basis of instruction of authorized body shall be obliged to terminate one or several processes (stages) of production (manufacturing), circulation or utilization of dangerous food products.

2. Non-adoption of measures, provided by paragraph 1 of this Article shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

Article 22. Requirements to the staff of subjects

Staff of subjects, participating in the processes (at the stages) of production (manufacturing), circulation and utilization of food products shall be obliged to pass preliminary and periodic medical examinations, as well as hygiene training in the manner established by the legislation of the Republic of Kazakhstan.

Shall be prohibited an access to the processes (stages) of development (creation), production (manufacturing), circulation and utilization of food products of the staff of subjects, not passed preliminary and periodic medical examinations, as well as patients with infectious diseases, being the carriers of various sources of disease, to negative results of laboratory tests.

Article 23. Requirements to the engines and equipment, materials and articles, used in the processes (at the stages) of development (creation), production (manufacturing) and circulation of food products, and materials and articles in contact with food products

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

1) comply with requirements, established by the legislation of the Republic of Kazakhstan on food products safety;

2) used only for the purpose intended.

Materials and products, contacting with food products must be accompanied by a document certifying safety, issued by a state body in the field of sanitary and epidemiological welfare of the population.

2. All parts of transport capacity (tank cisterns, tankers and other), pipelines, pumps, hoses, engines, transport vehicles, equipment and apparatus in contact with the food products

shall be produced from the materials, permitted to application in accordance with the legislation of the Republic of Kazakhstan.

3. A document certifying the safety of materials and articles in contact with the food products shall contain the details necessary for identification and risk assessment, including:

- 1) chemical, biological and physical characteristics;
- 2) application, the method of use;
- 3) origin and method of production;
- 4) method of delivery, packaging and storage conditions;
- 5) preparation before the use;
- 6) acceptance criterion.

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 21.04.2016 № 504-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 24. Requirements to the food products

1. Traceability of food products shall be ensured in all processes (at the stages) of its development (creation), production (manufacturing), circulation, utilization and destruction.

2. Traceability of food products shall be ensured by:

- 1) identification;
- 2) collection and record of details;
- 3) information on interaction between the subjects;
- 4) data exchange.

3. Traceability of food products shall be ensured by the subjects during development (creation), production (manufacturing), circulation, utilization and destruction of food products by execution of technological passports, in which the mark on conducting of necessary technological and inspection operations is made, specified detected defects and adopted measures on their elimination.

Execution of these documents shall be conducted by the subjects with application of the relevant stamps and signatures.

A data record on traceability of food products shall be stored during one year from the date of expiration of the period of validity.

4. Food products, subjected to the sale shall be identified for the further traceability and have marking.

Article 25. Requirements to the industrial control of the food products safety

1. Industrial control of the food products safety shall be conducted in the manner developed by the subjects in accordance with requirements established by the legislation of the Republic of Kazakhstan on the food products safety.

2. Production safety control of food products shall be carried out in accordance with the requirements of technical regulations.

Footnote. Article 25 - in the wording of the Law of the RK dated 30.12.2020 № 397-VI (shall enter into force upon expiry of six months after the day of its first official publication).

Article 26. Special requirements to the ecologically clean food products

Footnote. Article 26 is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 26-1. Special requirements for organic food products

Footnote. Chapter 4 is supplemented by Article 26-1 in accordance with the Law of the Republic of Kazakhstan dated 27.11.2015 № 424-V (shall be enforced upon expiry of six months after the day its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 27. Special requirements to the safety of drinking water

1. Drinking water shall comply with requirements, established by the legislation of the Republic of Kazakhstan on the safety of drinking water.

2. Requirements to the technical devices of water intake facilities, water treatment structures, pumping stations, carrier networks, water storage container, facilities for water recycling in terms of drinking water safety shall be established by the legislation of the Republic of Kazakhstan on sanitary and epidemiological welfare of the population.

3. Water supply sources and water-retaining constructions, supplying water for drinking and sanitary needs from surface and underground sources shall have the sanitary protection zone in accordance with the requirements, established by the legislation of the Republic of Kazakhstan.

4. Requirements to the choice of the site for water treatment, pumping stations of the first lifting and pumping of untreated water, site for construction of underground and surface water , facilities of utility and drinking water supply, placed on the territory of organizations, reservoirs and water towers, adjoining to the fencing structures shall be established by the legislation of the Republic of Kazakhstan on sanitary and epidemiological welfare of the population.

5. The use of natural mineral waters is allowed after receiving a balneological conclusion on them from scientific centers of balneology in the manner determined by a state body in the field of sanitary and epidemiological welfare of the population.

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 21.04.2016 № 504-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 28. Special requirements to the safety of foodstuffs and food additives

1. Foodstuffs and food additives shall comply with the requirements, established by the legislation of the Republic of Kazakhstan on the food products safety.

2. Foodstuffs and food additives shall come from prosperous area in the veterinary and sanitary relation.

3. Inspection and laboratory examination of imported (imported) and exported (exported) on (from) the territory (and) the Republic of Kazakhstan foodstuffs and food additives shall be compulsory in recognition of epizootic situation of territory and the place of their origin.

Chapter 5. PROCEDURES OF ENSURING OF THE FOOD PRODUCTS Article 29. Conformity assessment

The conformity of the processes of production (manufacture), storage, transportation (transportation), sale and utilization of food products is assessed for compliance with the requirements of the technical regulations in the field of food safety and (or) technical regulations for certain types of food products.

Footnote. Article 29 in the wording of the RK dated 30.12.2020 № 397-VI (shall enter into force upon expiry of six months after the day of its first official publication).

Article 30. Identification of food products

The identification of food products is carried out in accordance with the rules for identifying objects of technical regulation established by the technical regulations of the Eurasian Economic Union, including for certain types of food products.

Footnote. Article 30 in the wording of the RK dated 30.12.2020 № 397-VI (shall enter into force upon expiry of six months after the day of its first official publication).

Article 31. Analysis, assessment and management of risk

1. Application of measures on ensuring of food products safety shall be based on the analysis of risk.

2. Upon risk assessment of the food products safety shall be used available scientific data, relevant methods of processing and production (manufacturing), methods of inspection, selective control, laboratory investigations, degree of incidence of special diseases, existence of zones free of diseases.

3. Risk assessment of food products safety shall be carried out by:

- 1) revelation of characteristics of food products, which may cause adverse effect on the human body and intended for production of food of animals;
- 2) impact analysis of each detained potential hazard on the human body and their consequences;
- 3) determination of measures of restriction of detained risks.
4. Risk assessment of the food products safety shall be carried out as complex risk assessment in the course of laboratory investigation of food products.
5. Details on the risk assessment and measures on its restriction in all processes (at the stages) of development (creation), production (manufacturing), circulation, utilization and destruction of food products shall be contained in the normative and technical documentation.
Shall not be allowed development (creation) of new types of food products without conducting of analysis of risk in accordance with the requirements established by the legislation of the Republic of Kazakhstan on the food products safety.
6. Management of risk shall be based on the results of risk assessment, as well as on the principle of prevention of possible harmful effects on human life and health.

Article 32. Prevention of possible harmful effects on human life and health

1. In the cases when upon analysis and assessment of risk the possibility of harmful effects on human life and health is identified, but available scientific data is not sufficient for determination of its degree, the authorized bodies shall take temporary measures on management of risk.

2. Temporary measures on management of risk shall be reviewed during minimum period of time, required for reception of scientific data, clarified the degree of risk.

Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 10.01.2011 No. 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 6. FINAL PROVISIONS Article 33. Responsibility for violation of the legislation of the Republic of Kazakhstan on the food products safety

Violation of the legislation of the Republic of Kazakhstan on the food products safety shall entail responsibility in accordance with the Laws of the Republic of Kazakhstan.

Article 34. Features of processes (stages) of development (creation), production (manufacturing), circulation, utilization and destruction of food products with the content of genetically modified objects in the transitional period

Before establishment of scientifically grounded approval of the safety of genetically modified objects in the food products shall be applied the level of its content in the food products not more than the established in the states of European Union.

Article 35. The order of enforcement of this Law

1. This Law shall be enforced from 1 January, 2008.

2. Shall be deemed to have lost force the Law of the Republic of Kazakhstan from 8 April, 2004 “On quality and safety of food products” (Bulletin of the Parliament of the Republic of Kazakhstan. 2004, No. 6, Article 43).

The President
of the Republic of Kazakhstan

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