



On production and turnover of organic products

Unofficial translation

The Law of the Republic of Kazakhstan dated June 10, 2024 No. 89-VIII LRK

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This Law defines the legal, economic, social and organizational bases for the production and turnover of organic products aimed at the conservation and rational use of natural resources, assistance in the formation of a healthy diet and development of the organic market

Chapter 1. GENERAL PROVISIONS

Article 1. Basic concepts used in this Law

The following basic concepts are used in this Law:

1) organic products – agricultural products, products from wild plants, seeds of agricultural plants, yeast and fungi, products of their processing, including food products that meet the requirements of this Law and national standards. Hunting and fishing products are not organic products;

2) turnover of organic products – processes (stages) of sale (purchase and sale or supply) of organic products, including import and export of organic products, as well as related processes of packaging, labeling, storage, transportation and other processes;

3) the system of accounting and traceability of organic products - is a part of the information system of the authorized body in the field of production and turnover of organic products, containing data on organic products and their components, on the production process and turnover of organic products;

4) labeling of organic products is the application of information about organic products in the form of inscriptions, drawings, signs, symbols, other designations and (or) their combinations on consumer packaging, transport packaging or on another type of information carrier attached to consumer packaging and (or) to transport packaging or placed in them or attached to them;

5) national mark of conformity of organic products – a mark of conformity informing consumers about the passage of the procedure for confirming the conformity of organic production by the production of organic products;

6) production of organic products is an activity that results in the creation (manufacture) of organic products in accordance with the legislation of the Republic of Kazakhstan in the

field of production and turnover of organic products and national standards. The production process of organic products includes the associated processes of packaging, labeling, storage, transportation and other processes;

7) register of seeds of agricultural plants and farm animals used for the production of organic products – information on the availability of seeds of agricultural plants and farm animals that can be used for the production of organic products, obtained on the basis of data provided by local executive bodies of regions, cities of republican significance and the capital, posted on the Internet resource of the authorized body in the field of production and turnover of organic products;

8) producer of organic products – an individual or legal entity, an association of producers of organic products (a simple partnership) engaged in the production of organic products;

9) the authorized body in the field of production and turnover of organic products is the central executive body that carries out management and inter-sectoral coordination in the field of production and turnover of organic products.

Article 2. Legislation of the Republic of Kazakhstan in the field of production and turnover of organic products

1. The legislation of the Republic of Kazakhstan in the field of production and turnover of organic products is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. International treaties ratified by the Republic of Kazakhstan shall have priority over this Law. The procedure and conditions for the operation of international treaties in the territory of the Republic of Kazakhstan, to which the Republic of Kazakhstan is a party, are determined by the legislation of the Republic of Kazakhstan.

Article 3. Goals and objectives of the legislation of the Republic of Kazakhstan in the field of production and turnover of organic products

1. The goals of the legislation of the Republic of Kazakhstan in the field of production and turnover of organic products are:

- 1) ensuring the integrity of organic products at all stages of its production and turnover;
- 2) development of the domestic market of organic products and meeting the needs of the population in it;
- 3) development of the national brand of organic products;
- 4) scientific support in the field of production and turnover of organic products.

2. The objectives of the legislation of the Republic of Kazakhstan in the field of production and turnover of organic products are:

- 1) improving the quality of food products;
- 2) promotion of the use of seeds of agricultural plants and farm animals adapted to local conditions and purposes of organic production;
- 3) protection of organic producers from unfair competition;
- 4) improving competitiveness and promoting the export of organic products;

5) provision of state support measures to producers of organic products.

Article 4. Principles of the legislation of the Republic of Kazakhstan in the field of production and turnover of organic products

The principles of the legislation of the Republic of Kazakhstan in the field of production and turnover of organic products are:

1) creation of favorable conditions for the development of the production of organic products that do not harm the environment, human health, plant health, as well as the health and welfare of animals;

2) the use of sustainable natural resource management systems, including soil, water, air, and biodiversity maintenance.

Chapter 2. STATE REGULATION IN THE FIELD OF PRODUCTION AND TURNOVER OF ORGANIC PRODUCTS

Article 5. Competence of the Government of the Republic of Kazakhstan in the field of production and turnover of organic products

The Government of the Republic of Kazakhstan:

1) develops the main directions of state policy in the field of production and turnover of organic products and organizes their implementation;

2) performs other functions assigned to it by the Constitution, this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 6. Competence of the authorized body in the field of production and turnover of organic products

Authorized body in the field of production and turnover of organic products:

1) formulates and implements state policy in the field of production and turnover of organic products;

2) develops and approves regulatory legal acts in the field of production and turnover of organic products in accordance with the legislation of the Republic of Kazakhstan;

3) maintains a register of seeds of agricultural plants and farm animals used for the production of organic products;

4) develops and approves a list of authorized means used in the production of organic products, in coordination with the state body in the field of sanitary and epidemiological welfare of the population;

5) develops and approves rules for the production and turnover of organic products in coordination with the state body in the field of sanitary and epidemiological welfare of the population;

6) maintains a system of accounting and traceability of organic products;

7) organizes the provision of information, organizational, methodological and advisory support to producers of organic products;

8) exercises 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.

Article 7. Competence of other state bodies and local executive bodies of regions, cities of republican significance and the capital in the field of production and turnover of organic products

1. The state body in the field of sanitary and epidemiological welfare of the population:

1) carries out state control and supervision over compliance with the requirements established by the legislation of the Republic of Kazakhstan in the field of production and turnover of organic products at the stage of sale of organic products;

2) carries out the coordination of:

the list of permitted means used in the production of organic products;

rules of production and turnover of organic products;

3) exercises 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.

2. Other state bodies in the field of production and turnover of organic products, within their competence, exercise state control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

3. Local executive bodies of regions, cities of republican significance and the capital:

1) ensure that the population is informed about the production and turnover of organic products;

2) provide assistance to producers of organic products in matters of production, sale of their products in the relevant administrative-territorial unit, as well as promotion of these products for export;

3) provide the authorized body in the field of production and turnover of organic products with information on the availability of seeds of agricultural plants and farm animals used for the production of organic products for inclusion in the register of seeds of agricultural plants and farm animals used for the production of organic products;

4) exercise in the interests of local government other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

Article 8. State support for producers of organic products

State support for producers of organic products is carried out in accordance with the legislation of the Republic of Kazakhstan.

Subsidies for part of the costs incurred in confirming the conformity of organic production are carried out in accordance with the legislation of the Republic of Kazakhstan on state regulation of the development of the agro-industrial complex and rural areas.

Article 9. Scientific support in the field of production and turnover of organic products

Scientific support in the field of production and turnover of organic products is carried out in accordance with the legislation of the Republic of Kazakhstan on state regulation of the development of the agro-industrial complex and rural areas and other laws of the Republic of Kazakhstan.

Chapter 3. BASIC CONDITIONS AND PROCEDURES FOR PRODUCTION AND TURNOVER OF ORGANIC PRODUCTS

Article 10. Conditions for transition to production of organic products

1. The transition to the production of organic products is carried out in accordance with the rules of production and turnover of organic products and national standards.

2. When switching to the production of organic products, the following conditions must be met:

1) conclusion of an agreement with the conformity assessment body to carry out the conformity assessment procedure for the production of organic products;

2) compliance with the requirements provided for in Article 11 of this Law during the entire transition period;

3) other conditions that comply with the rules of production and turnover of organic products and national standards.

3. The duration of the transition period to the production of organic products is determined by the rules of production and turnover of organic products and national standards

4. It is prohibited to sell and label products of the transition period as "transitional organic products", with the exception of seeds of agricultural plants, food products and feed of plant origin having only one component ingredient.

Article 11. Conditions for production of organic products

1. In the production of organic products, depending on the type of activity, the following conditions must be met:

1) the use of healthy seeds of agricultural plants, farm animals, safe products and raw materials of animal and vegetable origin;

2) exclusion of the use of substances of synthetic origin, chemical pesticides, hormones, antibiotics and food additives, unless otherwise established by the legislation of the Republic of Kazakhstan in the field of production and turnover of organic products and national standards;

3) preservation and reproduction of soil fertility;

4) protection of agricultural plants through preventive measures, including the selection of appropriate crop rotations, species and varieties of agricultural plants resistant to pests, weeds and plant diseases;

5) the use of mechanical, biological and physical methods to protect agricultural plants from pests, weeds and plant diseases;

6) preservation of ecological systems when choosing a specific type of organic products for production;

7) selection of locally adapted sustainable species, varieties of agricultural plants and species of farm animals;

8) taking care of the health of farm animals by providing appropriate conditions for keeping and grazing, taking into account their natural behavior, stimulating natural immunity;

9) exclusion of the use of ionizing radiation;

10) exclusion of the use of genetically modified objects, except for veterinary drugs;

11) minimizing the use of non-renewable natural resources;

12) exclusion of the use of crop production methods without the use of soil;

13) other conditions that comply with the rules of production and turnover of organic products and national standards.

2. In order to avoid mixing, the production of organic products should be separated from the production of non-organic products at all stages of production and turnover of organic products in accordance with the rules of production and turnover of organic products and national standards.

Article 12. Confirmation of conformity of organic production, suspension and cancellation (termination) of the certificate of conformity

1. Confirmation of conformity of production of organic products is voluntary and is carried out in accordance with the legislation of the Republic of Kazakhstan in the field of production and turnover of organic products and the legislation of the Republic of Kazakhstan in the field of technical regulation by conformity assessment bodies accredited in accordance with the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment.

The result of the confirmation of conformity of the production of organic products is a certificate of conformity.

2. After passing the procedure for confirming the conformity of production of organic products and obtaining a certificate of conformity, the manufacturer of organic products has the right to apply the national mark of conformity of organic products.

The image of the national mark of conformity of organic products, the technical requirements for it and the requirements for its application are established by the national standard.

3. The conformity assessment body has the right to suspend or cancel (terminate) the certificate of conformity previously issued for the production of organic products in case of non-fulfillment by the manufacturer of organic products of the requirements established by the legislation of the Republic of Kazakhstan.

4. The conformity assessment body shall, within five working days from the date of issuance of the certificate of conformity, as well as in cases of suspension or cancellation (termination) of the certificate of conformity, send information to the authorized body in the

field of production and turnover of organic products on the results of confirmation of conformity of production of organic products or on suspension or cancellation (termination) of the validity of the certificate of conformity.

5. The production of organic products intended for export is subject to the conformity assessment procedure in accordance with the requirements for the conditions of production of organic products established by the legislation of the country-importer.

Article 13. Association of producers of organic products (simple partnership)

1. Individuals, individual and legal entities have the right to form a simple partnership on the basis of a joint activity agreement (hereinafter referred to as a simple partnership) in order to undergo the conformity assessment procedure for the production of organic products.

The procedure for confirming the conformity of organic production, suspension and cancellation (termination) of the certificate of conformity shall be carried out in accordance with paragraphs 1-3 of Article 12 of this Law, as well as the requirements established by national standards.

Members of a simple partnership cannot use a certificate of conformity independently of each other.

2. Participants in a simple partnership may, by agreement among themselves, entrust the leadership and management of common affairs to one of the participants in a simple partnership.

Other issues of organizing the activities of a simple partnership are determined by the Civil Code of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan in the field of production and turnover of organic products.

Article 14. Formation and operation of the Joint Guarantee System (PGS)

1. Individuals, individual and legal entities have the right to unite into a simple partnership on the basis of a joint activity agreement to participate in the Joint guarantee system (PGS) (hereinafter referred to as participants in the joint guarantee system (PGS)).

The procedure for the formation and functioning of the joint guarantee system (PGS) is developed and approved by the participants of the joint guarantee system (PGS) in accordance with the rules of production and turnover of organic products and national standards.

2. The participants of the joint guarantee system (PGS) comply with the conditions for the production of products established by the rules of production and turnover of organic products and national standards.

In the production and turnover of products manufactured in the joint guarantee system (PGS), the designation "PGS participant" is allowed.

Note. The joint guarantee system (PGS) recognizes activities based on the principles of joint participation, collective responsibility, transparency, trust and knowledge sharing in order to transit from traditional to organic agriculture.

Article 15. Terms of turnover of organic products

1. The turnover of organic products is carried out in accordance with the rules of production and turnover of organic products and national standards.

2. Certificates of conformity, product test reports, conformity marks and other documents on conformity assessment of foreign states are recognized in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Article 16. Responsibilities of producers of organic products and persons engaged in their turnover

1. Producers of organic products and persons engaged in their turnover are obliged to comply with the requirements established by the legislation of the Republic of Kazakhstan.

2. In the event of a violation of the requirements in the field of production and turnover of organic products, producers of organic products and persons engaged in their turnover shall ensure the recall of organic products and (or) the removal of the national mark of conformity of organic products.

Article 17. Maintaining a register of organic producers

The authorized body in the field of production and turnover of organic products maintains a register of producers of organic products based on data provided by conformity assessment bodies and places it on its Internet resource within the time limits established by the rules for maintaining the register of producers of organic products.

Article 18. Mandatory requirements for labeling of organic products

1. Labeling of organic products is carried out in accordance with the rules of production and turnover of organic products and the national standard in the presence of a certificate of conformity.

2. When labeling organic products and advertising them, it is allowed to use the word "organic", a derivative or an abbreviated word from it, separately or in combination with the product name.

Labeling that may mislead the consumer about the fact that these products correspond to organic products is unacceptable.

Chapter 4. FINAL AND TRANSITIONAL PROVISIONS

Article 19. Responsibility for violation of the legislation of the Republic of Kazakhstan in the field of production and turnover of organic products

Violation of the legislation of the Republic of Kazakhstan in the field of production and turnover of organic products entails liability established by the laws of the Republic of Kazakhstan.

Article 20. Procedure for enactment of this Law

1. This Law shall enter into force six months after the date of its first official publication, with the exception of subparagraph 3) of Article 1 and subparagraph 6) of Article 6, which shall enter into force on January 1, 2025.

2. To invalidate the Law of the Republic of Kazakhstan dated November 27, 2015 "On production of organic products".

President of the Republic of Kazakhstan K.Tokayev

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