

LAW OF THE REPUBLIC OF TAJIKISTAN ON QUALITY AND SAFETY OF FOODSTUFF

(In edition of Law RÒ on 3.03.2006. ¹ 176, on 30.07.2007 ¹ 305)

CHAPTER 1. GENERAL PROVISIONS

Article 1. The purpose of Law

The present Law defines legal, social and economic relations at stages of preparation, manufacture, transportation, storage, realisation of foodstuff, materials and products and their components, and also packing and auxiliary materials between the manufacturer, the seller and the consumer for the purpose of implicit maintenance of realisation of the rights physical and legal bodies on acquisition ecologically pure, qualitative and safe for a life and health of high-grade foodstuff, materials and products, including products of a dietary, children's food and biologically active additives.

Article 2. The basic concepts

In the present of Law following basic concepts are used:

Foodstuff - products in the natural or processed (tinned) kind, used by the person in food, including products of a children's food, products of a dietary food, bottle filling of potable water, alcoholic production, beer, soft drinks, a chewing elastic band, and also food raw materials, food additives and biologically active additives;

Products of a children's food - intended a food of children are elderly till 14 years and meeting physiological requirements of a children's organism foodstuff; products of a dietary food - intended for a medical and preventive food foodstuff;

Food raw materials - raw materials of a vegetative, animal, microbiological, mineral and artificial origin and the water, used for manufacturing of foodstuff:

Food additives - natural or artificial substances and their connections specially entered into foodstuff in the course of their manufacturing with a view of giving to foodstuff of certain properties and preservation of quality of foodstuff;

Biologically active additives - the natural biologically active substances intended for the use simultaneously with food or introduction in structure of foodstuff;

Materials and the products contacting to foodstuff (further materials and products), - materials and the products applied to manufacturing of packing, storage, transportations,

realisation and use of foodstuff, including the process equipment, devices and apparatus, container, ware, dining facilities;

Quality of foodstuff - set of characteristics of the foodstuff, capable to satisfy requirement of the person for food at their obligatory conformity to requirements of normative and technical documents;

Safety of foodstuff - a condition of the proved confidence that foodstuff under usual conditions of their use is not harmful and is not represented by health hazards present and the future generations;

Food value of total product properties of foodstuff at which presence physiological requirements of the person for necessary substances and energy are satisfied;

The certificate of quality and safety of foodstuff, materials and products - the document of which conformity of quality and safety of each party of foodstuff, materials and products to requirements standard and technical documentation makes sure;

Certification - activity on acknowledgement of conformity of production to the established requirements;

The conformity certificate - the document which has been given out by rules of system of certification for acknowledgement of conformity to certificated production to requirements of statutory acts; the certificate of the maintenance of nitrates and pesticides - the document in which the maintenance of nitrates and residual quantity of pesticides in fruit-and-vegetable production, a potato, grapes and gourd plantation / field is reflected;

Technical documentation - documents according to which are carried out manufacturing, storage, transportation and realisation of foodstuff, materials and products (specifications, technological instructions, compoundings and others);

Turn of foodstuff, materials and products - purchase and sale (including export and import) and different ways of transfer of foodstuff, materials and products (further - realisation), their storage and transportations;

The forged foodstuff, materials and products foodstuff, materials and the products deliberately forged under production of the real manufacturer; identification of foodstuff, materials and products - activity on an establishment of conformity of certain foodstuff, materials and products to requirements standard, technical documentation and the information on foodstuff, materials and on the products, containing in documents applied on them and on labels; recycling of foodstuff, materials from products, use of poor-quality and dangerous foodstuff, materials and products for processing for reception of production which has been not intended for the food purposes; working lives - the period of time estimated from the date of manufacturing of foodstuff during which they are suitable to the use;

Monitoring - constant supervision over quality and safety of foodstuff for the purpose of revealing of their conformity to desirable result;

Pesticides - industrial poison against wreckers and insects;

Indicator of organoleptic property - indicators of foodstuff which come to light and estimated by means of sense organs (taste, a smell, appearance, colour).

Article 3. Legal regulation of relations in the field of maintenance on qualities and safety of foodstuff

Legal regulation of relations in the field of maintenance of quality and safety of foodstuff is based on the Constitution of the Republic of Tajikistan, is carried out by the present Law, other legal standard certificates of the Republic of Tajikistan and the international rules of the law recognised as the Republic of Tajikistan

Article 4. Defence capacity of foodstuff, materials and products

In a turn there can be foodstuff, materials and the products corresponding to requirements of standard documents and the past the state registration in an order, established by the present Law.

There can not be in a turn foodstuff, materials and products, which: mismatch requirements of standard documents;

Have the obvious signs of poor quality recognised substandard from representatives of bodies, carrying out the state supervision and the control in the field of maintenance of quality and safety of foodstuff;

Have no certificates of quality and safety of foodstuff, materials and products, documents of the manufacturer, the supplier of foodstuff, materials and the products confirming their origin in which relation there is no information on the state registration and acknowledgement of conformity to requirements of standard documents;

Mismatch the presented information and in which relation there are proved suspicions about their falsification;

Have no validity target dates (for foodstuff, materials and products in which relation the establishment of working lives is obligatory) or which working lives have expired;

Have no the marks containing data, provided the law or in state standard, or in the ratio which there is no such information.

Article 5. Maintenance of quality and safety of foodstuff, materials and products

Quality and safety of foodstuff, materials and products are provided with means:

Applications of measures of state regulation in the field of maintenance of quality and safety of foodstuff, materials and products;

Carrying out physical and the legal bodies who are carrying out activity on manufacturing and a turn of foodstuff, materials and products, organizational, agrochemical, veterinary, technological, technical, sanitary-protivoepidemicheskikh and fytosanitary actions for performance of requirements of standard documents to foodstuff, materials and products, conditions of their manufacturing, storage, transportations and realisation;

Industrial inspection carrying out behind quality and safety of foodstuff, materials and products, conditions of their manufacturing, storage, transportations and realisation, introduction of control systems by quality of foodstuff, materials and products (further quality systems);

Applications of civil, legal, administrative measures and bringing to criminal liability of the persons who have broken the requirements of the present Law and other standard documents.

Article 6. The information on quality and safety of foodstuff, materials and products

Physical and the legal bodies who are carrying out activity on manufacturing and a turn of foodstuff, materials and products, to rendering of services in sphere of retail trade in foodstuff, materials and products in public catering sphere are obliged to give full both a trustworthy information to buyers and consumers, and also the authorised bodies of the Government of the Republic of Tajikistan on supervision and the control over quality and safety of foodstuff, materials and products on observance of requirements of standard documents at manufacturing and a turn of foodstuff, materials and products and rendering of such services.

The authorised body of the Government of the Republic of Tajikistan on the state supervision in the field of standardization, certification, metrology and trade, on sanitary-and-epidemiologic institution to supervision, on veterinary supervision and under the control over quarantine of plants provides public authorities, physical and legal bodies with the information on quality and safety of foodstuff, materials and products, about observance of requirements of standard documents at manufacturing and a turn of foodstuff, materials and products, rendering of services in public catering sphere, about the state registration of foodstuff, materials and products, on acknowledgement of their conformity to requirements of standard documents and measures on prevention of realisation of poor-quality and dangerous foodstuff, materials and products.

CHAPTER 2.

AUTHORIZED OF THE GOVERNMENT OF THE REPUBLIC

OF TAJIKISTAN AND THE AUTHORIZED BODIES

OF THE REPUBLIC OF TAJIKISTAN GOVERNMENTS IN SPHERE

OF MAINTENANCE OF QUALITY AND SAFETY OF THE FOODSTUFFS

Article 7. Authorized of the Government of the Republic of Tajikistan on maintenance of quality and safety of foodstuffs

Powers of the Government of the Republic of Tajikistan in the field of maintenance of quality and safety of foodstuff concern:

Working out of a uniform state policy;

Acceptance of statutory acts within the competence;

Working out and realisation of target and scientific and technical programs of maintenance of quality and safety of foodstuff, materials and products;

The state rationing in the field of maintenance of quality and safety of foodstuff, materials and products;

Realisation of the international cooperation of the Republic of Tajikistan;

Realisation of other powers provided by the legislation.

Article 8. Powers of the authorised bodies of the Government of the Republic of Tajikistan in the field of maintenance of quality and , the safety of foodstuff

The authorised bodies of the Government of the Republic of Tajikistan in the field of maintenance of quality and safety of foodstuff should be allocated with powers in an order established by the legislation of the Republic of Tajikistan.

Powers of the bodies which are carrying out the state control in sphere of maintenance of quality and safety of foodstuff are defined by the Government of the Republic of Tajikistan according to the legislation (in edition of Law RÔ on 30.07.2007. ¹ 305).

CHAPTER III. STATE REGULATION IN SPHERE OF MAINTENANCE OF QUALITY AND SAFETY OF FOODSTUFF

Article 9. The state rationing in the field of maintenance of quality and safety of foodstuff, materials and products

Requirements to quality of foodstuff, materials and products, maintenance of their safety, packing, marks, industrial inspection behind quality and safety of foodstuff, materials and products, to procedures of an estimation and acknowledgement of their conformity to requirements of standard documents, techniques of their tests and identification, and also to technical documentation, quality systems are established on the basis of state standards.

Requirements to food value of foodstuff, safety of foodstuff, materials and products, safety of conditions of their working out, statement on manufacture, manufacturing and a turn of safety of the services rendered in sphere of retail trade by foodstuff, materials and products and public catering sphere, are established by corresponding sanitary rules and norms.

Safety requirements in the veterinary relation of certain foodstuff, to their preparation, manufacturing and a turn are established by corresponding veterinary rules and norms.

State standards, sanitary and veterinary rules and norms affirm the state body on the state supervision in the field of standardization, certification, metrology and trade, body on state sanitary- epidemiological and to a veterinary backlash according to their competence and in established by the legislation of the Republic of Tajikistan in an order.

The requirement to quality and safety of foodstuff, materials and the products, established in the state standards, sanitary both veterinary rules and norms are obligatory for physical and the legal bodies who are carrying out activity on manufacturing and a turn of foodstuff,

materials and products, to rendering of services in sphere of retail trade in foodstuff, materials and products in public catering sphere.

Article 10. The state registration of foodstuff, material and products

New foodstuff, materials and the products made and made in the Republic of Tajikistan, foodstuff, materials and the products, which import is carried out for the first time in the territory the Republic of Tajikistan, are subject to the state registration.

The state registration of foodstuff, materials and products includes: examination of documents which are represented by the manufacturer, the supplier of foodstuff, materials and a product and to confirm their conformity on requirements of standard documents of conditions of manufacturing and deliveries of foodstuff, materials and products, and also results of their tests spent in case of need;

Entering of foodstuff, materials and products and their manufacturers, suppliers into the State register of foodstuff, materials in the products resolved for manufacturing in the territory of the Republic of Tajikistan or import on the territory of the Republic of Tajikistan and realisation;

Delivery to applicants of certificates on the state registration of foodstuff, materials and the products granting the right to manufacturing, import and turn of foodstuff, materials and products in territory of the Republic of Tajikistan.

The state registration of foodstuff, materials and products and introduction of the State register of foodstuff, materials and the products resolved for manufacturing in the territory of the Republic of Tajikistan or import on the territory of the Republic of Tajikistan and a turn, are carried out by the authorised body of the Government of the Republic of Tajikistan on the State sanitary-and-epidemiologic supervision together with the authorised body of the Government of the Republic of Tajikistan on the state veterinary supervision according to the position confirmed by the Government of the Republic of Tajikistan.

The State registration of several kinds of foodstuff, materials and products under one name is not supposed. And also repeated registration of the same kind of foodstuff, materials and products under one name or under various names.

Article 11. It is excluded (in edition of Law RÒ on 3.03.2006. ¹ 176)

Article 12. An estimation and acknowledgement of conformity to requirements normative documents of foodstuff, materials and product, services rendered in sphere of retail trade of foodstuff and public catering sphere, and also quality systems

The certain kinds of foodstuff intended for realisation, materials and products, the services rendered in sphere of retail trade by foodstuff and sphere of public catering, and also quality system are subject to an estimation and acknowledgement of conformity to requirements of standard documents.

Conformity of foodstuff of materials and products with requirements of standard documents can be confirmed by their manufacturers in an order established by the legislation of the Republic of Tajikistan.

Certain kinds of foodstuff, materials and products, the services rendered in sphere of retail trade by foodstuff and sphere of public catering, and also quality system are subject to an estimation and acknowledgement of conformity to requirements of standard documents by means of obligatory certification;

At a choice of foodstuff, materials and the products which acknowledgement of conformity to requirements of the standard document is spent by means of obligatory certification, degree of health hazard of the person of foodstuff, materials and products, conditions of their manufacturing and a turn should be considered. The list of foodstuff, materials, products and services (works) of subjects of obligatory certification affirms the Government of Republic of Tajikistan.

The organisation and carrying out of obligatory certification of certain kinds of foodstuff, materials and products, services rendered in sphere of retail trade in foodstuff and public catering sphere, and also quality systems are carried out by the state body of the Republic of Tajikistan on standardization, certification and metrology;

Concerning foodstuff, materials and products which are not subject to obligatory certification and acknowledgement of conformity to requirements of standard documents, physical and the legal bodies who are carrying out activity on manufacturing and a turn of such foodstuff, materials and products, have the right to spend their voluntary certification in an order established by the legislation of the Republic of Tajikistan.

In case the manufacturer of the certificated foodstuff, materials and the products, the having certificate of conformity of system of quality, the executor of the certificated service rendered in sphere of retail trade by foodstuff or public catering sphere break the requirements established by standard documents, the body which has given out the corresponding certificate, is obliged to suspend manufacturing or realisation of foodstuff, materials, products, rendering of services, performance of works in elimination of the declared infringements if to eliminate infringements it is not obviously possible to cancel certificate action.

In case such infringements are supposed by the manufacturer, it is obliged to suspend immediately manufacturing of foodstuff, materials and products, and to inform in bodies of the state supervision and the control on the location.

To article 13. The state supervision and the control in the field of provision qualities and safety of foodstuff

The state supervision and the control in the field of maintenance of quality and safety of foodstuff are carried out by the republican centre state sanitary-epidemiological supervision, service of the state veterinary supervision, service of the state inspection on phytosanitary, quarantine of plants and seeds, and also the bodies which are carrying out the state supervision in the field of standardization, metrology, certification and trading inspection of the Republic of Tajikistan (in edition of Law RÒ on 30.07.2007. ¹ 305).

Structural bodies, the Ministry of Defence, internal affairs, safety of transport and Committee on frontier protection carry out the control according to the competence behind quality and safety of foodstuff, materials and products, and also the services rendered in sphere of trade by foodstuff, materials and products in public catering sphere.

"The state control of activity of managing subjects, irrespective of patterns of ownership, is carried out by carrying out of checks of execution of the legislation in sphere of maintenance of quality and safety of foodstuff according to the Law of the Republic of Tajikistan " On checks of activity of managing subjects in the Republic of Tajikistan. "(In edition of Law RÒ on 30.07.2007. ¹ 305).

Article 14. Monitoring of quality and safety of foodstuff, population health

For a view of definition of priority directions of a state policy in the field of maintenance of quality and safety of foodstuff, public health care, and also with a view of working out of measures on receipt prevention on the consumer market of poor-quality and dangerous foodstuff, materials and products bodies of the state supervision and the control together with the Republic of Tajikistan enforcement authorities it will be organised and monitoring of quality and safety of foodstuff, population health is carried out.

Monitoring of quality and safety of foodstuff, population health is spent according to the position confirmed by the Government of Republic of Tajikistan.

CHAPTER 4. THE GENERAL REQUIREMENTS ON MAINTENANCE OF QUALITY AND SAFETY OF FOODSTUFF

Article 15. Requirements on maintenance of quality and safety of foodstuffs

The foodstuff intended for realisation should satisfy physiological requirements of the person for necessary substances and energy, to meet requirements usually shown to foodstuff in a part $\text{f}\ddot{\text{a}}\ddot{\text{a}}\ddot{\text{r}}\ddot{\text{e}}\ddot{\text{a}}\ddot{\text{d}}\ddot{\text{e}}\text{-}\ddot{\text{a}}\ddot{\text{n}}\ddot{\text{e}}\ddot{\text{o}}$ and physical and chemical indicators and to correspond to the requirements established by standard documents to the admissible maintenance chemical (including radioactive), biological substances and their connections, microorganisms and other biological organisms representing danger to health.

Products of a dietary food should have the properties, allowing to use such products for a medical and preventive food of the person according to the established enforcement authorities in the field of public health services requirements to the organisation of a dietary food, and to be safe for health of the person.

Article 16. Requirements to maintenance of quality and safety of the new foodstuff, materials and products at their working and statement on manufacture

By working out of new foodstuff, materials and the products, new technological processes of their manufacturing, packing, storage, marks and realisation transportations physical and legal bodies are obliged to prove requirements to quality and safety of such foodstuff, materials and products. To provide with the information on preservation of quality and safety of such foodstuff, materials and a product at their manufacturing and a turn, to develop industrial inspection programs behind quality and safety of such foodstuff, materials and products, techniques of their tests, and also to establish working lives of such foodstuff, materials and products.

Working lives of foodstuff, materials and products are established concerning such foodstuff, materials and a product which quality on the expiration of certain term from the moment of

their manufacturing worsens which get the properties representing health hazard of the person and in this connection lose suitability for use to destination.

Indicators of quality of safety of new foodstuff, materials and products, terms of their validity, the requirement to their packing, marks, the information on such foodstuff, materials and products, conditions of manufacturing and a turn of such foodstuff, materials and products, industrial inspection programs behind their quality and safety, a technique of tests, ways of recycling or destruction of poor-quality and dangerous foodstuff, materials and products should be included in technical documentation.

Projects of technical documentation and pre-production models of new foodstuff, materials and products are subject to sanitary-and-epidemiologic examination.

Projects of technical documentation and skilled are figurative made of food raw materials of an animal origin of new foodstuff, besides, are subject to veterinarno-sanitary examination.

The specified projects can be confirmed the manufacturer only at reception of the conclusions of the state sanitary-and-epidemiologic service of the Republic of Tajikistan and the state veterinary service of the Republic of Tajikistan, such foodstuff certifying conformity, materials and products to requirements of sanitary or veterinary rules and norms, and also safety for health of the person.

To the offer of new foodstuff with a view of realisation and consumption, the manufacturer is obliged to present to the authorised enforcement authority on standardization, metrology and certification for entering into the State register a complex of the confirmed normative and technical documents after the preliminary coordination with all ministries and departments

Requirements of the confirmed technical documentation are obligatory for physical and the legal bodies who are carrying out activity on manufacturing and a turn of concrete kinds of foodstuff, materials and products.

New foodstuff, materials and products are supposed to manufacturing after the state registration in an order established by article 10 of the present Law.

Article 17. Requirements to maintenance of quality and safety of foodstuff, materials and products at their

manufacturing

Manufacturing of foodstuff, materials and products should be carried out according to technical documentation at observance of requirements of standards, sanitary and veterinary rules and norms.

The food raw materials should be applied to manufacturing of foodstuff, quality and which safety corresponds to requirements of standard documents.

At manufacturing of food raw materials use of fodder additives, growth factors animal, including hormonal preparations, medical products, pesticides, the agrochemicals, passed sanitary-and-epidemiologic examination, veterinarno-sanitary examination and phytosanitary

(or examination agro-chemical laboratories) and the state registration in an order established by the legislation of the Republic of Tajikistan is supposed.

The food raw materials of an animal origin are supposed for manufacturing of foodstuff only after carrying out of veterinarno-sanitary examination and reception by the manufacturer of the conclusion state veterinary service of the Republic of Tajikistan, food raw materials of an animal origin certifying conformity to requirements of veterinary rules and norms.

At manufacturing of products of a children's food, products of a dietary food it is not supposed to use the food raw materials made with use of fodder additives, growth factors animal (including hormonal preparations), separate kinds of medical products, pesticides, agrochemicals, and other hazardous to health person of substances and connections.

At manufacturing of foodstuff, and also for the use in food food additives and biologically active additives, passed the state registration in an order established by article 10 of the present Law can be used.

Used in the course of manufacturing of foodstuff materials and products should correspond to requirements of standard documents to quality and safety of such materials and products.

At manufacturing of foodstuff application of materials and the products, passed the state registration in an order established by article 10 of the present Law is supposed.

The manufacturer is obliged to check up quality and safety of each party of foodstuff, materials and products and to transfer to the buyer together with foodstuff, a material and a product the quality and safety certificate.

The seller of foodstuff, materials and products has the right of the control over quality and safety of foodstuff, materials and a product at reception from the manufacturer. The certificate of quality and safety of foodstuff, materials and products is not made out on public catering production.

Conformity of foodstuff, materials and the products included in the list of foodstuff, materials, products and service (works) to requirements of statutory acts proves to be true the certificate of conformity and a conformity sign.

The manufacturer is obliged to suspend immediately manufacturing of poor-quality and dangerous foodstuff, materials and products for the term necessary for elimination of the reasons, such foodstuff which has caused manufacturing, materials and products. In case to eliminate such reasons it is impossible, the manufacturer is obliged to stop manufacturing of poor-quality and dangerous foodstuff, materials and products, to withdraw them from a turn, having provided return from buyers, consumers of such foodstuff, materials and products to organise when due hereunder carrying out of their examination, recycling or destruction.

Ministry of Health is obliged to reconsider norms and positions about quality and safety of foodstuff, materials and products, including a dietary and children's food, food and biological additives for maintenance of their conformity to the standard international norms is not more rare than in 5 years.

Article 18. Requirements to maintenance of quality and safety to foodstuff at their packaging, packing and marks

Foodstuff should be packaged and packed in such ways which allow to provide preservation of quality and safety at their storage, transportation and realisation.

Physical and the legal bodies who are carrying out packaging and packing of foodstuff, are obliged to observe requirements of standard documents.

On labels or labels or sheets-loose leaves of the packed foodstuff, except the information which structure is defined by the legislation of the Republic of Tajikistan on protection of the rights of consumers, taking into account kinds of foodstuff the following information should be specified:

On food values (caloric contents, the maintenance of fibers, gifts, carbohydrates, vitamins, macro - and microcells);

On appointment and about application conditions (concerning products of a children's food, products of a dietary food and biologically active additives);

On ways and about conditions of manufacturing of ready dishes (concerning concentrates and half-finished products of foodstuff);

On storage conditions (concerning foodstuff for which requirements to conditions of their storage are established);

On manufacturing date, date of the validity and date of packing of foodstuff.

Article 19. Requirements to maintenance of quality and safety of foodstuff materials and products at their storage and transportation.

Storage and transportation of foodstuff, materials and products should be carried out in the conditions providing preservations of their quality of safety.

Physical and the legal bodies who are carrying out storage, transportation of foodstuff, materials and products, are obliged to observe requirements of standard documents to conditions of storage and transportation of foodstuff, materials and products and to confirm observance of such requirements by corresponding records in commodity-accompanying documents.

Storage of foodstuff, materials and products is supposed in specially equipped premises, constructions which should correspond to requirements of building, sanitary and veterinary rules and norms.

For transportation of foodstuff the vehicles specially equipped for such purposes having sanitary passports issued when due hereunder should be used.

In case at storage and transportation of foodstuff, materials and products the infringement which has led to loss by foodstuff, materials and products of corresponding quality and to acquisition of dangerous properties is admitted by them, physical and the legal bodies who

are carrying out storage, transportation of foodstuff, materials and products are obliged to inform on it owners and addressees of foodstuff, materials and products.

Such foodstuff, materials and products are not subject to realisation, go to the corresponding authorised state body under the control, according to results of examination are utilised or destroyed.

Article 20. Requirements to maintenance of quality and safety of foodstuff materials and a product at their realisation

At realisation of foodstuff, materials and products physical and legal bodies are obliged to observe requirements of standard documents.

In retail trade sale of not packaged and unpacked foodstuff, except for certain kinds of the foodstuff which list is established by enforcement authority in the field of trade in coordination with the authorised body on state $\text{ñàíèòàðñýíèääîèîíãè÷ãñèíó}$ to supervision is not supposed.

Realisation in the food markets of foodstuff of nonindustrial manufacturing is supposed only after carrying out of sanitary-veterinary examination and reception by sellers the conclusion of the state veterinary service of the Republic of Tajikistan, such foodstuff certifying conformity to requirements of veterinary rules and norms.

In case at realisation of foodstuff, materials and products the infringement which has led to loss by foodstuff, materials and products of corresponding quality is admitted and got by them of dangerous properties, physical and the legal bodies realising foodstuff, materials and products, are obliged to remove such foodstuff, materials and products, realisations, to provide their response from consumers, to direct poor-quality and dangerous foodstuff, materials and products for examination, to organise their recycling or destruction.

Article 21. Requirements to maintenance of quality and safety of foodstuff, materials and the products, which import in realization on the territory of the Republic of Tajikistan

Quality and safety of foodstuff, materials and the products, which import is carried out on the territory of the Republic of Tajikistan should correspond to requirements of standard documents of republic.

Obligations of manufacturers, suppliers on observance of requirements of standard documents concerning foodstuff, materials and a product which import is carried out on the territory of Republic of Tajikistan, are essential treaty provisions of their delivery.

Import of foodstuff on territory of the Republic of Tajikistan, materials and the products, do not pass the state registration in an order established in article 10 of the present Law, and also foodstuff, materials and the products which do not have documents, certifying conformity of quality and safety of such foodstuff, materials and products is forbidden to requirements of standard documents.

In check points through Frontier of the Republic of Tajikistan and points of customs registration of foodstuff of materials and products which import is carried out on the territory

of the Republic of Tajikistan, officials of sphere on the state control in the field of standardization, certification and the metrology, carrying out state the sanitary-and-epidemiologic supervision, the state veterinary supervision and the state control over quarantine of plants according to the competence spend examination of such foodstuff, materials and products, check of their commodity-accompanying documents and the decision on possibility of registration on import of such foodstuff, materials and products on the territory of the Republic of Tajikistan .

In case cause in official lindens, spheres of the state control in the field of standardization, certifications and metrology carrying out the state sanitary-and-epidemiologic supervision, the state veterinary supervision and the state control over quarantine of plants the proved doubts in safety of such foodstuff, materials and the products, specified a linden make the decision on time stay of registration of import on territory of the Republic of Tajikistan of such foodstuff, materials and products. The list of foodstuff, materials and products and term of a time suspension is defined by the Government of the Republic of Tajikistan.

In case foodstuff, materials and the products, which import it is carried out on the territory of the Republic of Tajikistan, admit dangerous, the officials who are carrying out the state sanitary-and-epidemiologic supervision, the state veterinary supervision and the state inspection of quarantine of plants forbid import of such foodstuff, materials, and products on the territory of the Republic of Tajikistan and do a mark in their commodity-accompanying documents that such foodstuff, materials and products are hazardous to health of the person and not realisation.

The owner of dangerous foodstuff, materials and products is obliged within 10 days to take out them for limits of territory of the Republic of Tajikistan.

In case dangerous foodstuff, materials and products in established by point of present article term are not taken out for limits of territory of the Republic of Tajikistan, they are according to the legislation of the Republic of Tajikistan go for examination according to which results the court decision will be confiscated and as a withdrawal are utilised or destroyed.

Article 22. Requirements to the organisation and carrying out the industrial control over quality and safety of foodstuff , materials and products

Physical and the legal bodies who are carrying out activity on manufacturing and a turn of foodstuff, materials I of products are obliged to organise and spend industrial inspection behind their quality and safety, observance of requirements standard and technical documentation to conditions of manufacturing and a turn of foodstuff, materials and products.

Industrial inspection behind quality and safety of foodstuff, materials and products is spent according to the program of industrial inspection which is developed physical or the legal body on the basis of state standards and technical documentation. The specified program defines an industrial inspection procedure behind quality and safety of foodstuff, materials and products, a technique of such control and a technique of check of conditions of their manufacturing and a turn.

Article 23. Requirements to the workers who are carrying out activity on manufacturing and a turn of foodstuff, material and products

The workers occupied on works who are connected with manufacturing and a turn of foodstuff, rendering of services in sphere of retail trade in foodstuff, materials and products and sphere of public catering and at which performance, are carried out direct contacts of workers to foodstuff, materials and products, pass obligatory preliminary at receipt for work and periodic medical inspections, and also hygienic training according to order established by the Ministry of the Republic of Tajikistan on public health services.

Sick of infectious diseases, persons with suspicion on such diseases, the persons contacting to sick infectious diseases, the persons who are carriers of activators infectious disease who can represent danger of distribution of such diseases in connection with features of manufacturing and a turn of foodstuff, materials and products, and also the workers, done not pass hygienic training, are not supposed to works at which performance direct contacts of workers to foodstuff, materials and products are carried out.

Article 24. Requirements to withdrawal on a turn poor-quality and harmful foodstuff, materials and products

Poor-quality and dangerous products, materials and products are subject to withdrawal from a turn.

The owner of poor-quality, dangerous foodstuff, materials and products is obliged to withdraw them from a turn independently or on the basis of the instruction of bodies of the state supervision and the control.

In case the owner of poor-quality dangerous foodstuff, materials and products has not taken measures on their withdrawal from a turn, such foodstuff, materials and products will be confiscated by the court decision in an order established by the legislation of the Republic of Tajikistan.

Article 25. Requirements to examination carrying out, to recycling or destruction poor-quality and dangerous foodstuff, materials and the products withdrawn from circulation

Poor-quality and dangerous foodstuff, materials and the products withdrawn from a turn, are subject to corresponding examination (sanitary-and-epidemiologic, veterinarno-sanitary, ôîââðîâââ÷ãñêîé and another), spent by bodies of the state supervision and the control according to the competence, with a view of definition of possibility of recycling or destruction of such foodstuff, materials and products.

Foodstuff, materials and the products which owner cannot confirm, and represent their origins which have obvious signs of a poor quality, in this connection, direct threat of a life and to health of the person, are subject to recycling or destruction without examination carrying out.

Before recycling or destruction of such foodstuff, materials and products, their owner in the presence of the representative of body of the state supervision and the control is obliged to change properties of such foodstuff, materials and products any are accessible also in the reliable way excluding possibility of their further use to destination.

Poor-quality and dangerous foodstuff, materials and products for the term necessary for carrying out of their examination, recycling or destruction go on the time storage which conditions of realisation exclude access possibility to such foodstuff, to materials and products.

Foodstuff being on time storage, materials and products are subject to the strict account. Responsibility for safety of such foodstuff, materials and products is born by their owner.

On the basis of results of examination of poor-quality and dangerous foodstuff, materials and products the corresponding body of the state supervision and the control accepts the decision about their recycling or destruction.

The owner of poor-quality or dangerous foodstuff, materials and products carries out a choice of ways and conditions of their recycling or destruction according to requirements standard or technical documentation and co-ordinates with body of the state supervision and the control, taken out the decision about recycling or destruction of such foodstuff. Materials and products, ways and conditions of their recycling or destruction.

Possibility of use of poor-quality or dangerous foodstuff as a forage of animals is co-ordinated with the state veterinary service of the Republic of Tajikistan.

Expenses on examination, storage, transportations, recycling or destruction of poor-quality and dangerous products, materials and products are paid by their owner.

The owner of poor-quality and dangerous foodstuff, materials and products is obliged to give in body of the state supervision and the control, taken out the decision about their recycling or destruction, the document or its copy assured when due hereunder, recyclings confirming the fact or destructions of such foodstuff, materials and products.

Bodies of the state control and the supervision, taken out the decision about recycling or destruction of poor-quality dangerous foodstuff, materials and products, are obliged to carry out the control over their recycling or destruction, in connection with danger of occurrence of distribution of poisonings of people and animals, and also pollution of a surrounding environment.

CHAPTER V. THE LIABILITY OF INFRINGEMENT OF THE PRESENT LAW

Article 26. An administrative liability on abuse of law

Administrative responsibility is established for infringement of the present Law in following cases:

Manufacturing in the Republic of Tajikistan or import of foodstuff, materials and the products, on territory of the Republic of Tajikistan do not pass the state registration;

Unrepresented documents certifying conformity of quality and safety of foodstuff, materials and products to requirements of standard documents;

Representations incomplete or an unreliable information about foodstuff, materials and products and about rendered services, and also defaults of conditions of recycling or destruction of poor-quality and dangerous foodstuff, materials and products.

Manufacturing and a turn of poor-quality and dangerous foodstuff, materials and products, and also manufacturing of the forged foodstuff, materials and products;

Defaults of instructions and decisions of bodies of the state supervision and the control;

Application of measures of the official penalty does not release the guilty person from the obligation to eliminate the admitted infringement and to compensate the harm caused to a life, health and property of the citizen, or to property of the legal person.

The appeal of actions of officials of bodies of the state supervision and the control on application of measures of the official penalty is carried out according to the Republic of Tajikistan legislation.

Article 27. The Criminal liability for infringement of present Law

The infringement of the present Law which was injurious to health of the person or led death, according to the Criminal code of the Republic of Tajikistan involves the criminal liability.

Article 28. Responsibility of officials of bodies governmental supervision and the control

Officials of bodies of the state supervision and the control for inadequate execution of the duties, and also for concealment of the facts creating threat of a life and health of the person, bear responsibility in an order established by the legislation of the Republic of Tajikistan.

THE PRESIDENT OF THE REPUBLICS OF TAJIKISTAN Emomali Rahmon

Dushanbe city, on May 10, 2002 N 54

THE DECISION OF

MAJLISI NAMOYANDAGON

MAJLISI OLI OF THE REPUBLIC OF TAJIKISTAN

On the law of the Republic of Tajikistan

<On quality and safety of foodstuff> and consummation

The decision of Majlisi Namoyandagon Majlisi Oli of the Republic of Tajikistan validated:

1. To approve the Law of the Republic of Tajikistan <On quality and safety of foodstuff>.
2. The present Law except for the first point of article 10 to introduce after its official publication.

3. Positions of articles 3-8, articles 9 (except for paragraph 3), article 10, article 12 (except for the positions, concerning estimations and acknowledgement of conformity to requirements of standard documents of the services rendered in sphere of retail trade and sphere of public catering) of points 1-4, 7-13 article 17, point 1 and 2 article 18, point 1-3 and 5 article 19, point 1-4 of article 20, article 21, article 22, 27 of the present Law extend also on perfumery and cosmetic production, means and products for hygiene of an oral cavity, tobacco products.

4. To the Government of the Republic of Tajikistan:

- To present proposal of Majlisi Namoyandagon Majlisi Oli of the Republic of Tajikistan on current legislation carrying out according to the present Law;
- To result of the decisions according to the Law of the Republic of Tajikistan <On quality and safety of foodstuff>

The Chairman of Majlisi Namoyandagon Majlisi Oli RT

S.KHAIRULOEV

Dushanbe city, on October 31, 2001 N 425

THE DECISION OF MAJLISI ÌILLII MAJLISI OLI

THE REPUBLIC OF TAJIKISTAN

On the Law of the Republic of Tajikistan

<On quality and safety of foodstuff>

The Law of the Republic of Tajikistan <On quality and safety of foodstuff> was considered and Majlisi Millii Majlisi Oli of the Republic of Tajikistan validated :

To approve the Law of the Republic of Tajikistan <On quality and safety of foodstuff>

THE CHAIRMAN OF ÌAJLISI ÌILLII ÌAJLISI OLI

OF THE REPUBLIC OF TAJIKISTAN M. Ubaidulloev

Dushanbe city on April 23, 2002 N 240