

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

CHAPTER 1. GENERAL PROVISIONS

Article 1. Purpose of the Law

This Law shall determine legal and socio-economic relations at different stages of procurement and production, transportation and storage, sales of food, materials and items and their ingredients, as well as package and auxiliary materials between the manufacturer, vendor and consumer with view of securing implicit implementation of rights of physical and legal persons to acquire pollution free, quality and safe for human health food produce, materials and items including dietary product, baby food and bioactive supplements.

Article 2. Key definitions

The following key definitions shall be used in this Law:

Foodstuff – natural or processed (canned) products consumed by human in food, i.a. baby food, dietary food, bottled water, liquor, beer, soft drinks, chewing gums, as well as food stock, food and bioactive supplements;

Baby food – food for children under 14 adequate for physiological needs of children organism;

Dietary food – designed for medical and preventive diet;

Food stock – stock of vegetable, animal, micro-biological, mineral and artificial origin and water, used for preparing food produce;

Food supplements – natural and artificial substances and their junction, specially introduced in food products in the manufacturing process with view of enriching food products with certain properties and securing quality of food;

Bioactive supplements – natural bioactive supplements designed to be added in food or introduced in the product component;

Materials and items associated with food products (hereafter materials and items),- materials and items used in packaging, storage, transportation and marketing of food product, including technological equipment, tools and appliances, crates, dishware, silverware;

Quality of food products – combination of food qualities meant to satisfy consumer's needs in food ensuring their compliance with technical and regulatory standards;

Food safety – state of confidence that food products under regular consumption conditions are not harmful or hazardous to health of current and future generations;

Nutritive value of food - combination of qualities of food products adequate to satisfy physiological needs of human in necessary substances and energies;

Quality and safety certificate of food products, materials and items – a document that certifies compliance of quality and safety of each batch of food product with technical and regulatory standards;

Certification – a procedure of confirming quality compliance with the standards;

Certificate of compliance – a document issued under certification system regulations and designed to confirm compliance of a product with the requirements of regulatory acts;

Nitrate and pesticide concentration certificate – a document reflecting concentration of nitrates and residual pesticides in horticultural produce, potato, grapes;

Technical documents – documents confirming that manufacturing, storage, transportation and marketing of food products, materials and items are provided under (technical regulations, technological instructions, formulas, etc.);

Sales of food products, materials and items – purchase and sale (i.e. import-export) or other modes of transfer of food products, materials and items (hereafter – sales), their storage and transportation;

Falsified food products, materials and items- intentionally falsified as the produce of real manufacturer;

Identification of food products, materials and items – a procedure to establish a compliance of certain food products, materials and items with standards and information on food products, materials and items enclosed with the compliance regulating documents and indicated in the labels;

Recycling of food products, materials and items – poor-quality and harmful food products, materials and items used in processing of products not intended for nutritive aims;

Expiration date – period of time as of the manufacturing date during which time food products are suitable for consumption;

Monitoring – on-going follow-up of the quality and safety of food products aimed to determine their compliance with the desired output;

Pesticides – toxic chemicals to combat pests and insects;

Organoleptic characteristics – food product indicators that can be determined and assessed through sensory organs (taste, odor, appearance, color).

Article 3. Legal Regulation of Relations in the Area of Food Quality and Safety Assurance

Legal regulation of relations in the area of quality and safety assurance of food products is based on the Constitution of the Republic of Tajikistan, regulated by this Law, other regulatory legal acts of the Republic of Tajikistan and international legal norms recognized by the Republic of Tajikistan.

Article 4. Sales Ability of Food Products, Materials and Items

Food products, materials and items compliant with the requirements of regulatory documents and endorsed by the state registration in the manner established by this Law are eligible for sales.

Not eligible for sales are the following food products, materials and items:

- Not compliant with the requirements of regulatory documents;
- With obvious signs of poor quality, acknowledged by the representatives of state food products quality and safety control authorities as off-grade;
- With no quality and safety certificates of food products, materials and items, manufacturer documents, supplier documents ensuring their origin and related information on state registration and compliance with standards;
- Not consistent with provided data and that are reasonably apprehended subject to their falsification;
- With no established expiration date (for food products, materials and items subject to mandatory validity date to be established) or validity dates that are expired;
- No grading with data stipulated by the law on state standards or with regard to which such information is not available.

Article 5. Quality and safety assurance of food products, materials and items

Quality and safety of food products, materials and items is assured by way of:

- Applying measures of state regulation in the area of quality and safety assurance of food products, materials and items;
- Conducting by physical and legal persons involved in manufacturing and sales of food products, materials and items logistical, agrochemical, veterinary, technological, engineering, sanitary-epidemiological phytosanitary arrangements related to meeting requirements of the regulatory documents for food products, materials and items, manufacturing provisions, storage, transportation and marketing;
- Conducting manufacturing inspection over the quality and safety of food products, materials and items, terms of manufacture, storage, transportation and marketing, introducing quality management system of food products, materials and items (hereafter quality systems);
- Deploying civil, legal, administrative measures and criminal responsibility against persons violating requirements of this Law and other regulatory documents.

Article 6. Information on Quality and Safety of Food Products, Materials and Items

Physical and legal persons involved in manufacture and sales of food products, materials and items, in delivering services in retail sale of food products, materials and items and items related to public catering shall submit comprehensive and credible information on compliance with requirements in manufacture and sales of food products, materials and items and delivery of such services to consumers and buyers, as well as to inspection and controlling authorities of the Government of the Republic of Tajikistan on quality and safety of food products, materials and items

Authorized body of the Government of Tajikistan on state inspection in the area of standardization, certification, metrology and trade, sanitary and epidemiology surveillance, veterinary inspection and plant quarantine control shall supply state authorities, physical and legal persons with information on quality and safety of food products, materials and items, on compliance with standards in manufacture and sales of food products, materials and items, service delivery in public catering, on state registration of food products, materials and items, on confirming their compliance with standards and measures related to prevention of sales of low-grade and harmful products, materials and items.

CHAPTER 2. AUTHORITIES OF THE GOVERNMENT OF TAJIKISTAN AND AUTHORISED BODIES OF THE GOVERNMENT OF TAJIKISTAN IN THE AREA OF QUALITY AND SAFETY ASSURANCE OF FOOD PRODUCTS

Article 7. Powers of the Government of the Republic of Tajikistan Related to Quality and Safety Assurance of Food Products

The powers of the Government of the Republic of Tajikistan in the area of food products quality and safety assurance shall be the following:

- Development of single state policy;
- Endorsement of regulatory acts within its competence;

- Development and marketing of targeted and technical academic programs related to food products quality and safety assurance;
- State standardization of quality and safety of food products, materials and items;
- Promotion of international cooperation;
- Promotion of other competencies envisaged by the legislation.

Article 8. Powers of Authorized Bodies of the Government of Tajikistan in the area of Food Products Safety and Quality Assurance

Authorized bodies of the Government of the Republic of Tajikistan in the area of food products quality and safety shall be delegated capacities in a manner established by the legislation of the Republic of Tajikistan.

Capacities of state food product quality and safety controlling authorities shall be determined by the Government of the Republic of Tajikistan in accordance with the legislation.

CHAPTER III. STATE REGULATION IN THE AREA OF QUALITY AND SAFETY OF FOOD PRODUCTS

Article 9. State Quality and Safety Standardization of Food Products, Materials and Items.

Standard requirements to quality of food products, materials and items, to safety assurance, to packaging, labeling, to manufacturing inspection over quality and safety of food products, materials and items, to evaluation procedures and approval of compliance with standards, stipulated in regulatory documents, to testing and identification methodology, to technical documents and quality systems shall be established based on state standards.

Requirements to nutritive value of food products, to safety of food products, materials and items, safety conditions of their development, processing, manufacturing and safety of services, delivered in retail trade of food products, materials and items and in the area of public catering shall be established based on respective sanitary standards.

Veterinary safety requirements to certain food products, their development, manufacture and sales shall be established based on relevant veterinary standards.

State standards, sanitary and veterinary standards shall be established by State Inspection authorities on standardization, certification, metrology and trade, by the State Sanitary and Epidemiology Surveillance and Veterinary control in accordance with their competences and in the manner established by the legislation of the Republic of Tajikistan.

Requirements to quality and safety of food products, materials and items, established by the state standards, sanitary and veterinary standards shall be mandatory for physical and legal persons involved in manufacture and sales of food products, materials and items, in service delivery in retail trade of food products, materials and items in the area of public catering.

Article 10. State registration of Food Products, Materials and Items

New food products, materials and items produced and manufactured in Republic of Tajikistan, food products, materials and items imported in the Republic of Tajikistan for the first time shall be subject to state registration.

State registration of food products, materials and items includes:

- Appraisal of documents submitted by the manufacturer, supplier of food products, materials and items;
- Approval of their compliance with the standards, manufacture and delivery provisions of food products, materials and items, as well as results of tests, held where necessary;
- Incorporation of food products, materials and items, their manufacturers and suppliers in the state register of food products, materials and items authorized for production, import and sales in the Republic of Tajikistan;
- Provision of state registration certificate for food products, materials and items to applicants ensuring the right for production, import and sales of food products, materials and items in the Republic of Tajikistan.

State registration of food products, materials and items and introduction of state register of food products, materials and items, authorized for production in the Republic of Tajikistan or import in the Republic of Tajikistan and sales shall be exercised by the authorized body of the Government of the Republic of Tajikistan on State Sanitary and Epidemiology surveillance jointly with an authorized body of the Government of the Republic of Tajikistan on Veterinary Inspection in accordance with the regulation endorsed by the Government of the Republic of Tajikistan.

State registration of numerous kinds of food products, materials and items under the same title is unexceptional.

Similarly unexceptional is multiple registration of the same kind of food products, materials and items under the same title or different titles.

Article 11. Repealed (by Law №176 of 3.March 2006)

Article 12. Evaluation and Affirmation of Compliance with Standards Stipulated in the Regulatory Documents for Food Products, Materials and Items, Service Delivery in Retail Trade of Food Products and in the Area of Public Catering as well as Quality Assurance Systems

Certain vendible kinds of food products, materials and items, services delivered in the areas of retail trade of food products and public catering as well as quality assurance systems shall be subject to evaluation and affirmation of compliance with standards stipulated in regulatory documents.

Compliance of food products, materials and items with standards stipulated in regulatory documents can be affirmed by their manufacturers in the manner established by the legislation of the Republic of Tajikistan.

Certain kinds of food products, materials and items, service delivery in the areas of retail trade and public catering as well as quality assurance systems shall be subject to evaluation and affirmation of compliance with standards stipulated in regulatory documents through mandatory certification;

In selecting food products, materials and items to be confirmed subject to compliance with standards through mandatory certification, a consideration shall be made for the hazard rate of the food products, materials and items, as well as for the terms of their production and sales.

A list of food products, materials, items and services (works) subject to mandatory certification shall be approved by the Government of the Republic of Tajikistan.

Arrangement and procedures of mandatory certification of certain kinds of food products, materials and items, services delivered in the areas of retail trade and public catering as well as quality assurance systems shall be carried out by the State standardization, certification and metrology agency of the Republic of Tajikistan

With respect to food products, materials and items not subject to mandatory certification and compliance confirmation with standards stipulated in regulatory documents, physical and legal persons involved in manufacture and sales of such food products, materials and items shall be eligible to exercise voluntary certification of above in the manner established by the legislation of the Republic of Tajikistan.

In the event the manufacturer of certified food products, materials and items with available quality compliance certificate, or a provider of certified services delivered in retail trade and public catering shall breach requirements stipulated in regulatory documents, respective certifying authority must suspend manufacture or sales of food products, materials, items, service delivery, performance of works during the period while removing manifested violation, if eliminating the breach is unlikely possible certificate shall be revoked.

In the event if such breaches are committed by the manufacturer, he must instantly suspend production of food products, materials and items, and report to state inspection and control authorities of the respective location.

Article 13. State Inspection and Control of Food Product Quality and Safety Assurance

State inspection and control in the area of quality and safety assurance of food products shall be performed by the Republican Center for Sanitary and Epidemiology Surveillance, State Veterinary Inspection, Phytosanitary, seeds and plant quarantine Inspection, and bodies responsible for state inspection of standardization, metrology, certification and trade inspection of the Republic of Tajikistan.

Structural bodies of the Ministry of Defense, Ministry of Interior, Transport Security and State Border Control Committee shall maintain control in accordance with their competences over quality and safety of food products, materials, items and services delivered in the area of trade with food products, materials and items and in public catering.

State control over performance of economic entity irrespective of the ownership forms shall be exercised through monitoring execution of the legislation in the area of quality and safety assurance of food products pursuant to the Law of the Republic of Tajikistan on "Monitoring Performance of Economic Entities of the Republic of Tajikistan."

Article 14. Quality and safety Monitoring of Food Products and Public Health

With view of determining priority areas of state policy in ensuring quality and safety of food products, protection of public health and in order to develop measures preventing supply of off-grade and harmful for health products, materials and items in the consumer markets, state bodies on inspection and control jointly with executive authorities of the Republic of Tajikistan shall initiate and arrange for monitoring of quality and safety of food products and public health.

Quality and safety monitoring of food products and public health shall be carried out in accordance with the regulation endorsed by the Government of the Republic of Tajikistan.

CHAPTER 4. GENERAL REQUIREMENTS TO QUALITY AND SAFETY ASSURANCE OF FOOD PRODUCTS

Article 15. Requirements to Quality and Safety Assurance of Food Products

Food products assigned for sales are expected to satisfy physiological needs of a human for adequate matters and energy, meet requirements related to food products as for organoleptic, physical and chemical indicators and be consistent with standard requirements on safe amount of

chemical (including radioactive), biological substances and their compounds, microorganisms and other biological organisms posing a threat to health.

Dietary products shall contain qualities enabling to use such products for healthy and preventive nutrition of a human in accordance with requirements established by executive authorities in the field of public health and be safe for human health.

Article 16. Requirements to Quality and Safety assurance of Food Products, Materials and Items at their Development and Production Stage

In developing new food products, materials and items, new technological processes for their production, packaging, storage, transportation, labeling and sales, physical and legal persons must substantiate quality and safety requirements of such food products, materials and items at the stage of production and sales, must develop manufacturing control programs on quality and safety of such food products, materials and items; shall establish validity period of such product, materials and items.

Validity period of food products, materials and items shall be established as respects such food products, materials and items that prone to lose qualities with time from production date, acquire harmful for human health properties and therefore become unsuitable for consumption.

Quality indicators of new food products, materials and items, their validity periods, packaging requirements, labeling and information about such food products, materials and items, production and marketing terms of such products, materials and items, quality and safety manufacturing control programs of products, testing methodology, recycling and disposal methods of off-grade and hazardous food products, materials and items shall be incorporated in technical documents.

Draft technical documents and test samples of new food products, materials and items shall be subject to sanitary and epidemiological appraisal.

In addition to that, draft technical documents and test samples of new products made of food stock of animal origin shall be subject to veterinary and sanitary appraisal.

Specified projects can be approved by the manufacturer only upon receipt of expert opinion provided by the State Sanitary and Epidemiology Center and State Veterinary Inspection of the Republic of Tajikistan that verifies compliance of such food products, materials and items with the requirements of sanitary and veterinary regulations and norms, including human health safety.

Prior to marketing a new food product for sales and consumption, the manufacturer must submit a relevant authority on standardization, metrology and certification a set of approved technical regulatory documents to be integrated in the state register after having coordinated it with all ministries and agencies.

Requirements of approved technical documents shall be mandatory for physical and legal persons involved in manufacture and sales of specific kinds of food products, materials and items.

New food products, materials and items shall be admitted to production after having passed state registration in the manner established by the Article 10 of this Law.

Article 17. Quality and Safety Requirements of Food Products, Materials and Items During Production Process

Production of food products, materials and items shall be performed in accordance with technical documents through abiding by the standards, sanitary and veterinary regulations and norms.

Manufacture of food products shall use food stock, quality and safety of which is in conformity with the requirements of the regulatory documents.

In manufacturing food stock it is acceptable to use fodder supplements, animal growth stimulators, including hormones, pharmaceuticals, pesticides, agrichemicals approved by sanitary and epidemiology appraisal, veterinary and sanitary appraisal and phytosanitation (agrchemical lab appraisal) and state registration in the manner established by the legislation of the Republic of Tajikistan.

Animal origin food stock is allowed to be used for manufacturing food products only after having passed veterinary and sanitary appraisal that verifies compliance of animal origin food stock with the requirements of norms and standards.

In manufacturing baby food, dietary food it is unacceptable to use food stock, made with fodder supplements, animal growth stimulators (including hormones), certain types of pharmaceuticals, pesticides, agrichemicals and other substances harmful to human health.

In manufacturing food products, it is acceptable to use food supplements and bioactive supplements having passed state registration in the manner established in the Article 10 of this Law.

All materials and items used in the process of manufacturing food products shall comply with the quality and safety requirements stipulated in regulatory documents.

In manufacturing food products it is acceptable to deploy materials and items certified by state registration in the manner established in the Article 10 of this Law.

Manufacturer must verify quality and safety of each lot of food products, materials and items and pass it on to a buyer along with quality and safety certificate.

Vendor of food products, materials and items enjoys the right of controlling quality and safety of food products, materials and items in receiving them from manufacturer.

Quality and safety certificate of food products, materials and items shall not be processed for products of public catering.

Compliance of food products, materials and items included in the list of food products, materials, items and services (works) with the requirements of regulatory acts shall be verified by the compliance certificate and conformance mark.

Manufacturer must instantly terminate production of off-grade and hazardous food products, materials and items for the period required to eliminate the causes that led to production of such food products, materials and items.

In the event if eliminating the causes is unlikely possible the manufacturer must terminate production of off-grade and hazardous food products, materials and items, withdraw them from sales ensuring recall of such food products, materials and items from buyers and consumers, arranging for their appraisal, recycling and disposal in an established manner.

Ministry of Health shall review quality and safety norms and regulations of food products, materials and items, i.e. dietary and baby food, food and bioactive supplements in order to ensure their compliance with universal international standards no less than every 5 years.

Article 18. Quality and Safety Requirements of Food Products at their Prepackaging, Packaging and Marking

Food products shall be pre-packed and packaged in such a manner that ensures quality and safety of food products during storage, transportation and sales.

Physical and legal persons involved in pre-packing and packaging of food products must follow the requirements of regulatory documents.

Labels, tags or leaflets of packaged food products except for information which content is determined by the legislation of the Republic of Tajikistan on consumers' rights, including varieties of food products shall indicate following information:

- On nutritive value (energy value, protein, carbohydrates, vitamins, macro and micro-elements);

- On administration and application provisions (as respects products of baby food, dietary food and bioactive supplements);
- On modes and conditions of manufacturing ready-to-eat meal (as respects concentrates and semi products);
- On storage conditions (as respects food products regulated by established requirements for storage conditions);
- On manufactured date, expiration date and packaging date of food products.

Article 19. Quality and Safety Requirements of Food Products, Materials and Items as Regards Storage and Transportation

Storage and transportation of food products, materials and items shall be performed under conditions enabling quality and safety assurance.

Physical and legal persons involved in storage and transportation of food products, materials and items shall follow requirements of regulatory documents on terms of storage and transportation of food products, materials and items and confirm abidance by the requirements through keeping records in trade documents.

Storage of food products, materials and items can be ensured in specially furnished premises and structures compliant with the requirements of building, sanitary and veterinary norms and regulations.

To ensure proper transportation of food products specially conditioned facilities suitable for the purpose with available documented certificate of hygiene shall be used.

In the event if at storage and transportation of food products, materials and items was committed a breach resulting in loss of relevant qualities of food products, materials and items and contraction of hazardous properties by them, physical and legal persons involved in storage and transportation of food products, materials and items shall notify about it the owner and the recipient of food products.

Such food products, materials and items are not subject to sales and shall be forwarded to the respective state inspection authority, and in accordance with the appraisal results shall be recycled and disposed of.

Article 20. Quality and Safety of Food Products, Materials and Items at their Sales

In marketing food products, materials and items physical and legal persons shall follow requirements of regulatory documents.

Marketing of non pre-packed and unpackaged food products in the retail sale shall not be admitted except for certain kinds of food products from the list approved by the state executive authority in trade based on the agreement with the respective state agency on sanitary and epidemiology surveillance.

Marketing of noncommercial food products in food markets shall be accepted only after having passed sanitary and veterinary appraisal and obtained by the vendor veterinary appraisal of the state veterinary agency of the Republic of Tajikistan authorizing compliance of such food products with the requirements of veterinary norms and standards.

In the event if in marketing food products, materials and items has been committed a breach, resulting in loss of relevant qualities by food products, materials and items, physical and legal persons involved in sales of food products, materials and items shall withdraw such food products, materials and items from trade, ensure their recall from consumer, forward off-grade and hazardous food products, materials and items for the appraisal and arrange for their recycling and disposal.

Chapter 21. Quality and Safety Requirements of Food Products, Materials and Items Imported to the Republic of Tajikistan

Quality and safety requirements of food products, materials and items imported to the Republic of Tajikistan shall comply with the standard requirements of the Republic of Tajikistan.

Manufacturer and supplier commitments towards meeting requirements stipulated in regulatory documents as respect food products, materials and items imported to the Republic of Tajikistan shall be a substantive provision of the product supply contract.

Import in the Republic of Tajikistan of food products, materials and items not legalized by the state registration shall be banned in accordance with Article 10 of this Law, including food products, materials and items not furnished with quality and safety certifying documents for food products, materials and items.

At the entry points over the state border of the Republic of Tajikistan and at the customs check points controlling import of food products, materials and items to the Republic of Tajikistan, officials of the state standardization, certification and metrology agency involved in conducting state sanitary and epidemiology surveillance, state veterinary inspection and plant quarantine inspection shall examine each within its competence such food products, materials and items subject to supporting documents and decide on the option of processing import of such food products, materials and items in the Republic of Tajikistan.

In the event if officials of state standardization, certification and metrology agency involved in state sanitary and epidemiology surveillance, state veterinary inspection and state plant quarantine inspection have reasonable doubt about safety of such food products, materials and items, above officials shall decide on temporary terminating import execution of such food products, materials and items over to the Republic of Tajikistan.

In the event if food products, materials and items imported to the Republic of Tajikistan are found hazardous, related officials involved in state sanitary and epidemiology surveillance, state veterinary inspection and plant quarantine inspection shall restrict import of such food products, materials and items in the Republic of Tajikistan and make a record in the supporting documents and way bills indicating that such food products, materials and items are hazardous to human health and marketing.

Owner of hazardous food products, materials and items shall take them beyond the Republic of Tajikistan within 10 days.

In the event if hazardous food products, materials and items are not taken beyond the Republic of Tajikistan within the term stipulated in the item of this Article, pursuant to the legislation of the Republic of Tajikistan they shall be forwarded for the appraisal and based on the findings of which by court's decision they shall be seized and disposed of as waste.

Article 22. Process Inspection Requirements for Quality and Safety of Food Products, Materials and Items

Physical and legal persons involved in manufacture and sales of food products, materials and items shall arrange for and carry out process control over the quality and safety, execution of standard requirements for manufacture and sales of food products, materials and items.

Process control of quality and safety of food products, materials and items shall be conducted in accordance with process control agenda, developed by physical and legal persons based on state standards and technical documents.

Above agenda is responsible for process control procedure of food products, materials and items, for control methodology and verification methodology of manufacture and sales conditions.

Article 23. Requirements to Employees Involved in Manufacture and Sales of Food Products, Materials and Items

Employees, occupied in jobs related to manufacture and sales of food products, service delivery in food product retail trade and public catering, directly in contact with food products, materials and items in a day-to-day work, shall have mandatory regular medical check-ups and hygiene trainings based on procedures established by the Ministry of Health of the Republic of Tajikistan.

Persons with infectious diseases, with suspected infectious diseases and the ones having had contacts with infected persons, persons vectors of pathogenic agents that can constitute danger of prevalence due to peculiarities of manufacture and sales of food products, materials and items, including persons not covered by hygiene trainings shall not be allowed an access to performing works directly related to food products, materials and items.

Article 24. Requirements to Recalling Off-grade and Hazardous Food Products, Materials and Items from Sales

Off-grade and hazardous products, materials and items are subject to recall from sales.

Owner of off-grade hazardous food products, materials and items shall recall them from sales on his own initiative or based on the instruction of the state inspection and control agency.

In the event if owner of off-grade and hazardous food products, materials and items fails to take measures on recalling such food products, materials and items from sales, such food products, materials and items shall be seized by the injunction of the court in a manner stipulated in the legislation of the Republic of Tajikistan.

Article 25. Requirements to Appraisal Procedures, Recycling and Disposal of Off-grade and Dangerous Food Products, Materials and Items Recalled From Sales

Off-grade and hazardous food products, materials and items shall be subject to relevant appraisal (sanitary and epidemiology, veterinary and hygiene, trade science, etc.) conducted by the state inspection and control agency in accordance with its competence and in order to determine a possibility of recycling or disposal of such food products, materials and items.

Food products, materials and items whose owners cannot verify the origin of explicit characteristics of their poor quality thus constituting a threat to human life and health shall be subject to recycling or disposal without appraisal. Food products, materials and items which origin cannot be verified by their owner and that show explicit characteristics of low-grade quality thus posing a threat to human health and life, shall be subject recycling and disposal without any appraisal.

Prior to recycling and disposal of such food products, materials and items their owner shall improve quality of such products, materials and items in the presence of state inspection and control agency representative.

Off-grade and hazardous food products, materials and items shall be forwarded to the storage facility for a period needed to appraise, recycle and dispose of them. During this period access to such food products, materials and items shall be restricted.

Food products, materials and items checked-in in the temporary storage are subject to a strict inventory accounting.

Owner of such food products, materials and items shall be responsible for their safety.

Based on the findings of the appraisal of low-grade and hazardous products, materials and items, respective authority for state inspection and control shall endorse a resolution on their recycling or disposal.

Owner of off-grade and hazardous products, materials and items shall opt for a technique and condition of their recycling or disposal in accordance with the requirements of the regulatory or technical documents.

An option of using off-grade and hazardous food products as a fodder shall be coordinated with the state veterinary agency of the Republic of Tajikistan.

Expenses due to appraisal, storage, transportation, recycling or disposal shall be incurred by the owner.

Owner of the off-grade and hazardous food products, materials and items shall submit state inspection and control authority responsible for issuing a resolution on their recycling or disposal a document or its notarized copy verifying the fact of recycling or disposal of such food products, materials and items.

State inspection and control authorities that endorsed a resolution on recycling and disposal of off-grade and hazardous food products, materials and items, shall ensure control over recycling or disposal due to the threat of intoxicating human and animals, including environmental pollution.

CHAPTER V. RESPONSIBILITY FOR INFRINGEMENT OF THIS LAW

Article 26. Administrative Responsibility for Infringing this Law

Administrative responsibility is envisaged for the infringement of this Law in the event of:

- Manufacturing food products, materials and items in the Republic of Tajikistan or importing in the Republic of Tajikistan with no state registration;
- Failure to submit documents certifying quality and safety compliance of food products, materials and items with regulatory documents;
- Submitting incomplete or irrelevant data on food products, materials and items and services, including failure to follow recycling and disposal conditions of off-grade and hazardous food products, materials and items;
- Manufacture and sales of off-grade and hazardous food products, materials and items, including manufacture of falsified food products, materials and items;
- Failure of executing decisions and resolutions of the state inspection and controlling authorities.

Implementation of administrative measures shall not exempt a guilty person from responsibility of removing committed infringements and compensating for the harm inflicted to the wellbeing, health and property of a citizen or that of a legal person.

Appeal against actions of state inspection and control officials related to applying administrative sanctions shall be exercised in accordance with the legislation of the Republic of Tajikistan.

Article 27. Criminal Culpability for Infringing this Law

Infringement of this Law that caused harm to human health or led to death shall entail criminal culpability.

Article 28. Responsibility of Officials of State Inspection and Control Authorities

Officials of state inspection and control authorities shall be held responsible for inappropriate performance, including non-disclosure of facts that created a threat to human health and life in a manner established by the legislation of the Republic of Tajikistan.

President of the
Republic of Tajikistan

E.Rahmonov

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