

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

This Law shall regulate organizational and legal foundations for providing safety of food products in the Republic of Tajikistan, for the purpose of protecting human life and health, consumer rights, health and welfare of animals, plant health and the environment.

CHAPTER1. GENERAL PROVISIONS

Article 1. Subject-matter of this Law

1. This law shall regulates the activities related to ensuring safety food products during, production, processing, transportation, storage, sale of food products and their ingredients, including dietary foods, baby food and dietary supplements. Provisions of this Law shall also apply to materials, related items, packaging and auxiliary materials contacting with food products.
2. The provisions of this Law shall not apply to: live animals, if they are not intended for sale to the purpose of preparation of food products, plants prior to harvest or collection of fruits, cosmetics, tobacco and tobacco products.

Article 2. Basic Definitions

The following basic definitions shall be used in this Law:

- **Food products** – natural or processed (canned) products used as human food, including baby food, dietary food, bottled water, liquor, beer, soft drinks, chewing gum, as well as food raw materials, food and bioactive supplements;
- **Baby food** – food products for children under the age of 14 adequate for physiological needs of children’s organism;
- **Dietary food** – food products designed for medical and preventive diets;
- **Functional food** – food products of natural or synthetic origin having a pleasant taste and a manifested healing effect for humans, designed for daily and regular use. Functional food is sometimes an alternative to drug therapy and is defined as a product for people with specific health conditions;
- **Food raw materials** – raw materials of plant, animal, microbiological, mineral or synthetic origin and water used for preparation of food products;
- **Food supplements** – natural and synthetic substances and compounds thereof specially introduced in food products in the manufacturing process with a view of enhancing or preserving specific properties of food products;
- **Bioactive supplements** – natural bioactive substances designed to be used simultaneously with a food product or added as a component to a food product;
- **Materials and items contacting with food products** (hereinafter: materials and items) - materials and items used in manufacture, packaging, storage, transportation and sale of food products, including technological equipment, tools and appliances, crates, dishware, silverware;
- **Safety of food products** – state of confidence that food products under regular consumption conditions are not harmful or unsafe to health of current and future generations;

* The Law on Safety of Food Products was adopted by the Parliament and is pending entering into force.

- **Nutritive value of food products** - combination of properties of food products adequate to satisfy physiological needs of humans for necessary substances and energy;
- **Certificate of safety of food products** – a document that certifies compliance of food products with relevant food safety requirements;
- **Certification** – a procedure of confirming of compliance of food products with the requirements set forth by normative documents;
- **Certificate of compliance** – a document issued in accordance with the rules of the certification system for confirming compliance of certified product with the requirements set forth by normative documents;
- **Technical documents** – documents in accordance to which manufacture, storage, transportation and sale of food products is performed (technical requirements, technological instructions, formulations, etc.);
- **Normative documents** - documents adopted in the manner prescribed by the legislation of the Republic of Tajikistan, including documents in accordance with international treaties recognized by Tajikistan, establishing mandatory requirements for food safety;
- **Falsified food products** - intentionally counterfeit to resemble the product of the real manufacturer;
- **Identification of food products** – a procedure to establish a compliance of certain food products with the information on such products contained in the enclosed documents and labels;
- **Recycling of food products** – processing of unsafe food products for the purpose of obtaining products not intended to be used as food;
- **Shelf life** – period of time as of the date of manufacture during which the food products are suitable for consumption;
- **Monitoring** – continuous surveillance safety of food products aimed to determine their compliance with the desired result;
- **Pesticides** – toxic chemicals used against pests and insects;
- **Organoleptic characteristics** – food product indicators that can be determined and assessed through sensory organs (taste, odor, appearance, color);
- **Novel food product** – a food product or ingredient thereof that has not been significantly used by humans for food, with the exception of genetically modified food products;
- **Primary manufacture** – a process that includes sowing/birth, rearing/growing, harvesting/hunting and transportation of raw products/animals and fish for further processing or packaging and distribution;
- **Primary processing** – the processing of raw products, including the following work:
 - a) Thawing of frozen products (in the case of frozen raw products),
 - b) Removal of contaminants and the inedible parts from the products (washing),
 - c) Removal of parts of products that have a lower nutritional value (screening, cleaning, trimming, plucking, singeing, eviscerating, maceration, etc.),
 - d) Giving the product size, shape and condition required for the type of culinary product it is intended for,
 - e) Application of actions to ensure the acceleration of the subsequent heat treatment of the product;
- **Traceability** - the ability to trace a food, feed, food-producing animal, raw material or substance intended to be incorporated into food or feed, through all stages of production and distribution;
- **Hazard Analysis and Critical Control points (HACCP)** - a system for identifying, evaluating, analyzing, and controlling risks, which are important for the safety of food products.

Article 3. Legislation of the Republic of Tajikistan on Providing Safety of Food Products

The legislation of the Republic of Tajikistan on foreign trade activity shall be based on the Constitution of the Republic of Tajikistan and shall comprise this Law, other normative legal acts of the Republic of Tajikistan and also international legal acts recognized by the Republic of Tajikistan.

Article 4. International legal acts

1. International obligations related to safety of food products shall be fulfilled in accordance with recommendations of relevant international organizations, WTO Agreement on Application of Sanitary and Phytosanitary Measures (SPS) and other relevant international agreements

2. If an international legal act recognized by the Republic of Tajikistan establishes rules other than those provided for in this Law, the rules of the international legal act shall prevail.

Article 5. Basic Principles of Food Safety Regulation

The basic principles of food safety regulation shall be the following:

1) The principle of direct responsibility - manufacturers and suppliers of food products shall bear the main responsibility for the safety of manufactured, delivered and sold food. The competent authorities shall ensure compliance with this obligation.

2) The principle of risk assessment - measures applied in accordance with this Law in order to achieve a high level of protection of human health and life shall be based on risk assessment, except in cases where relevant scientific information is insufficient. Risk assessment shall be based on available scientific evidence and expert opinion, and shall be conducted fairly and transparently. Risk management shall be based on risk assessment, precautionary principle and other risk factors relevant to the case.

The measures used shall be appropriate for the level of risk and shall not be more restrictive for trade than is necessary to achieve the objectives of this Law.

Technical and economic feasibility of the measures and other factors relevant to the case must be taken into account. Measures applied shall be reviewed within a reasonable period of time, depending on the nature of the identified risks to human life and health and the scientific information needed for the comprehensive risk assessment.

3) The precautionary principle - where on the basis of assessment of the available information it is possible to determine the potential harmful effects of certain factors on human health, in the absence of conclusive scientific data and information for an objective assessment of risk, for the purpose of risk management, interim measures for achieving a high level of protection of human health in the Republic of Tajikistan can be applied, until new scientific information needed to make an objective assessment of risk becomes available.

4) The principle of full control - control of food products shall be conducted in accordance with the complete chain of food manufacture: manufacture, processing, transportation, storage and sale;

5) The principle of traceability – manufacturers and suppliers of food products shall ensure traceability of food products, raw materials and substances used in food manufacture, at all stages of manufacture and distribution. Manufacturers and suppliers of food products must create a system allowing the identification of potential or actual unsafe food, and their removal from circulation.

6) The principle of protection of consumer interests - consumer interests shall be protected to the greatest extent possible. Participants in the process of manufacture, processing, transportation,

storage and sale of food products must provide the consumer the information on the composition, properties, and the intended use of the products that would allow consumers to make choices in purchasing food products.

7) The principle of transparency - when developing or revising measures in the area of food safety, interested parties should be given the opportunity to review and provide comments and observations. Suggested comments and observations shall be discussed and the results of these discussions should be taken into account in the development, revision or adoption of measures.

8) National Treatment - all of the requirements and measures applied with respect to food safety should be identical for both imported and domestic food products.

9) The principle of free trade - this law shall be applied in accordance with the principles of free trade, providing high level of protection of human life and health.

Article 6. Development of Measures in the Area of Safety of Food Products

1. Phytosanitary quarantine measures shall be adopted and developed:

- 1) To the extent required for protection of life and health of humans;
- 2) Taking into account scientific principles and available scientific data, international standards, guidelines and recommendations;
- 3) Avoiding arbitrary and unjustified discrimination among countries with identical and similar phytosanitary conditions, including discrimination between own territory and territories of other countries;
- 4) On the basis of assessment of risk to human life and health realized in accordance with methodologies of international organizations;
- 5) In a manner that would not represent hidden restriction of foreign trade.

2. Assessment of risk in the process of development and adoption of food safety measures, the authorized body shall be based on the scientific information, taking into account manufacturing process and methods, methods of control, selection and testing of samples and relevant environmental conditions.

3. In the absence of satisfactory scientific evidence for objective evaluation of the threat or in case of emergency circumstances, the authorized body shall have the right to take interim food safety measures based on the available information, including the information of relevant international organizations and information on food safety measures applied in other countries.

4. Food safety measures taken may provide higher level of protection of human life and health than the level achieved in accordance with measures based on international standards, guidelines and recommendations if they are scientifically justified and if such a level of protection is deemed to be the appropriate one.

5. In the process of adopting food safety measures, including interim measures adopted in emergency circumstances, the authorized body shall follow the occurrence of new scientific information.

Article 7. Measures in the Area of Safety of Food Products in the Absence of International Standards, Guidelines and Recommendations

1. If there are no international standards, guiding principles and recommendations or if food safety measures do not meet international standards, instructions and recommendations, or if such measure may have a substantial impact on trade, then the authorized body shall:

- Publish a notification of intention to apply a measure at the initial stage of its preparation;
- Inform the interested parties, in accordance with applicable international agreements, about products, which are subject to such measure and submit rationale for taking the proposed measure;
- Upon request of competent bodies of other countries, in accordance with applicable international agreements, submit the language of normative-legal act introducing the proposed measure with an indication of differences with international standards, instructions and recommendation;
- Set a deadline for submission of opinions and carry out consultations upon request of interested parties.

2. Notification on products subject to such measure with the rationale for its application shall be submitted at least 75 days prior to beginning of its application.

Article 8. Equivalency in the Area of Safety of Food Products

1. Food safety measures in another country shall be considered as equivalent to measures applied in the Republic of Tajikistan if the authorized body establishes that measures applied in another country ensure the appropriate protection of life and health of humans and animals equal to that required in the Republic of Tajikistan or higher.

2. Decree on recognition of equivalency of food safety measures shall be available to the public.

Article 9. Procedures of State Supervision and Control

1. Procedures of state supervision and control of food safety should be carried out:

- 1) Immediately, without undue delay and discrimination against imported products in relation to similar domestic products;
- 2) Only based on facts and information needed for the procedure;
- 3) Informing the applicant of the date of completion of the procedure, possible shortcomings in the application and the status and results of the proceedings;
- 4) In a manner that would ensure the protection of confidential information;
- 5) By taking samples only in the amount necessary for the implementation of control procedures and certification.

2. If, after conducting state supervision or control, there was a change in product specifications, the procedure of supervision or control of the modified product shall be carried out only when necessary to determine that the product, despite the changes, meets the relevant requirements.

Article 10. Safe Food Products

1. Only the safe food shall be subject to circulation.
2. The product shall be considered safe if its use directly or indirectly has no adverse effect on human health if used correctly and properly. When determining safety of food products, the following shall be taken into consideration:
 - Compliance with the requirements of normative documents in all stages of manufacture and distribution, requirements for handling, keeping and displaying of food prior to sale, as well as the requirements for preparation and consumption of food in accordance with its intended use;
 - Information provided to the consumer, including information on the label and conformity thereof with the manufacturer's specification, or other information generally available to the consumer concerning the prevention of occurrence harmful effects on human health from a particular category of food.
3. In determining whether food is harmful to human health, the following shall be taken into account:
 - Possible direct or indirect, short-term or long-term, adverse effects on the health of consumers, and possible such effects on future generations;
 - Possible cumulative toxic effect;
 - Particular health sensitivity of a specific category of consumers, where the food is intended for that category of consumers.
4. Unfitness of food product for human consumption shall be determined based on the intended use of food and possible contamination from the exterior or otherwise (putrefaction, deterioration. decay, etc.).
5. When the food product found to unsafe is a part of a batch, lot, or consignment of products of the same category and description, all food in such batch, lot, or consignment shall be considered to be unsafe, unless proven otherwise.

Article 11. Unsafe Food Products

1. Food products shall be considered unsafe if they are harmful for human health and/or if they are unfit for human consumption.
2. Food products shall be considered unsafe if:
 - They contain microorganisms, parasites, bacterial toxins or histamine in levels above those prescribed;
 - They contain natural toxins or other natural toxic substances in levels above those prescribed;
 - They contain heavy metal salts, pesticides residues, veterinary medicinal products, hormonal preparations, mycotoxins and other substances in levels above those prescribed;
 - They contain additives which must not be used in a certain type of food, or if the content of allowed additives in the food is higher than prescribed;
 - They contain radioactive substances above the prescribed level, or if the food is irradiated above the level permitted;
 - The packaging, materials, and items in contact with food fail to satisfy the prescribed requirements;
 - They originate from animals that were not examined before and after slaughter;
 - They originate from diseased or dead animals;
 - Their organoleptic characteristics are changed due to physical, chemical, microbiological or other processes;

- They contain substances which are not toxicologically evaluated, checked and safe for human consumption;
 - They contain mechanical impurities;
 - The packaging is damaged in such a way that microbiological and chemical changes may occur;
 - They are not produced, treated, packed, stored or distributed in a prescribed manner;
 - They are not labeled and marked in a prescribed manner;
 - The shelf life is not specified (for food products in respect of which the establishing the shelf life is required) or the shelf life has expired;
 - They do not meet the requirements established by the technical and normative documents;
 - They are falsified.
3. Circulation and sale of unsafe products shall be prohibited.

Article 12. Rights of Manufacturers and Suppliers in the Area of Safety of Food Products

Natural and legal persons engaged in manufacture and circulation of food products and supplying services related to retail sales of food products and public catering in accordance with this Law shall have the right to:

- Receive, in the prescribed manner necessary, available and reliable information from the relevant public authorities or private entities on the results of state supervision or expert review of manufacture and handling of food products;
- Require ensuring confidentiality of any information and preventing making public of the confidential information, except as permitted by applicable legislation of the Republic of Tajikistan;
- To appeal the results of laboratory analysis, if such results differ from the results obtained by the manufacturer using the same or identical methods of analysis and to conduct arbitral research in the authorized and accredited arbitration laboratories;
- Appeal any decision of relevant inspectors related to their economic activity in accordance with the legislation of the Republic of Tajikistan;
- Apply to court of law for protection of their rights.

Article 13. Obligations of Manufacturers and Suppliers in the Area of Safety of Food Products

1. Natural and legal persons engaged in manufacture and circulation of food products and supplying services related to retail sales of food products and public catering shall be prohibited to manufacture or introduce into circulation food products that are unsafe, unfit or incorrectly labeled.

2. Natural and legal persons engaged in manufacture and circulation of food products shall be obliged to:

- Comply with the requirements of this Law;
- Introduce HACCP and/or other safety systems in the manufacture and circulation of food products;
- Ensure the use approved food ingredients, safe and within allowed limits;
- Ensure the availability of sufficient and reliable information on the nutritional value, composition, proper storage conditions, precautions and preparation of food products;
- Ensure proper conditions for storage and/or display of food products;
- Prevent the sale of unsafe, unfit for consumption and incorrectly labeled food products;
- Voluntarily withdraw food products produced or introduced into circulation in case such food products are found to be are unsafe, unfit for consumption or incorrectly labeled;

- Eliminate deficiencies of food products that are manufactured or are in the circulation, which not meet the requirements of this Law;
- Ensure unhindered access to inspectors exercising state supervision of objects subject to control, for performing inspection activities;
- Keep a record of acquiring and dispensing of food products, food additives, flavorings and auxiliary materials used in the production or handling of food products, for the period of three years. In the case of mass food production, food additives, flavorings and auxiliary processing materials, such records shall be kept by the lot number.

2. Natural and legal persons engaged in manufacture and circulation of food products and supplying services related to retail sales of food products and public catering shall be fully responsible for ensuring the safety of manufactured, shipped, and sold food products.

Article 14. Ensuring Safety of Food Products

Safety of food products shall be ensured by way of:

- Applying measures of state regulation in the area of safety of food products;
- Conducting by natural and legal persons involved in manufacturing and sales of food products logistical, agrochemical, veterinary, technological, engineering, sanitary-epidemiological phytosanitary arrangements related to meeting requirements of relevant normative documents applicable to food products and conditions applicable to manufacturing, storage, transportation and circulation thereof;
- Conducting manufacturing control over the safety of food products and control manufacture, storage, transportation and circulation thereof;
- Application of civil, legal, administrative measures in respect of persons violating requirements of this Law and other normative documents.

Article 15. Information on Safety of Food Products

1. Natural and legal persons involved in manufacture and sales of food products, in providing services in retail sale of food products and services related to public catering shall provide comprehensive and credible information to buyers and consumers, as well as to state bodies authorized to supervise and control safety of food products, on compliance with requirements of relevant normative documents in the process of manufacture and sales of food products.

2. Authorized state bodies (in the area of standardization, certification, metrology and trade, sanitary-epidemiology supervision, veterinary supervision and phytosanitary control and plant quarantine) control shall provide to interested parties the information safety of food products, compliance with requirements of relevant normative documents standards in the process of manufacture and sales of food products, providing services related to trade and public catering, on novel food products, and measures related to prevention of sales of unsafe food products.

3. The authorized state bodies shall, through single information center, provide the information, documents and data in accordance with international legal acts related to the following:

- Proposed and adopted measures on safety food products;
- Measures of control, inspection and certification of food products;
- Procedures for assessment of risk and methods of determination of appropriate level of protection of human life and health in the Republic of Tajikistan;
- Membership and participation in international and regional consultations, systems of protection of human life and health an on existence and content of bilateral and multilateral international agreements and contracts.

CHAPTER 2. STATE REGULATION IN THE AREA OF SAFETY OF FOOD PRODUCTS

Article 16. Competences of the Government of the Republic of Tajikistan

The competencies of the Government of the Republic of Tajikistan in the field of food safety shall include the following:

- Development of unified state policy;
- Development and implementation of targeted scientific and technical programs;
- State regulation in the field of food safety and the adoption of regulations within its competencies;
- International cooperation in the field of food safety;
- Coordination of the activity of the National Food Safety Council;
- Other competencies specified by law.

Article 17. Powers of the Authorized State Body Responsible for Healthcare

The powers of the state authority responsible for healthcare shall include the following:

- Promotion of establishment of good practices of production at all stages of food processing in accordance with the entire chain of production, processing, distribution, transportation, storage and methods of risk assessment and control at critical points, or similar techniques contributing to maximizing food safety;
- Cooperation with relevant ministries and agencies of foreign states related to safety of imported and exported food products;
- Implementation of educational programs for manufacturers, sellers and consumers of food products;
- Creation and development of systems of traceability of imported and exported food products;
- Supervision over diseases transmitted by food products and detailed investigations of food poisoning;
- Cooperation with research institutes and laboratories to determine the nature of diseases transmitted by food products;
- Development and adoption of health and sanitary requirements for facilities engaged in the production and sales of food products, food additives, flavoring agents, dietary supplements and auxiliary materials;
- Adoption of the mandatory parameters of safety of food products and sanitary standards and other requirements to ensure proper food safety;
- Implementation of the state supervision over implementation of health standards in respect of compliance with the requirements of sanitary regulations governing the protection of human life and health and monitoring of its results;
- Implementation of the state supervision over the implementation of techniques of risk assessment and control at critical points and similar safety systems that are used by manufacturers of food additives, flavoring agents, dietary supplements, and auxiliary materials for processing and production in the facilities subject to control;
- Carrying out of state control and /or state supervision over production facilities, processing and circulation of food products, food additives, flavoring agents, dietary supplements, and auxiliary materials based on advanced techniques and approaches, according to the principles of ensuring food safety;

- Issuance of the sanitary certificate for food products upon request of interested parties on the basis of sanitary and epidemiological examination;
- Deciding on and carrying out of laboratory studies to assess food safety in the facilities subject to control;
- Approval of the list of reference laboratories capable of conducting arbitration in respect of food products subject to control;
- Control of imported and transited food products subject to control;
- Organization of sanitary-epidemiological examination of food products;
- Establishing the frequency of state supervision in the objects of production and sales of food products based on risk assessment;
- Development and approval of the list of foods that represent high, medium and low risk to human health;-
- Participation in the activity of the Food Safety Coordination Council in respect of matters within its competence, including development and revision of health and sanitary requirements;
- Participation in approval of technical requirements for manufacture of food products, technical regulations and standards applicable to facilities for the production of food products, projects of facilities for the production and handling of food products, methods of measurement and test methods of food products for compliance with the relevant sanitary measures; establishing the list of measurement methods and methods for testing food products for compliance with the relevant sanitary measures; approval of laboratories, designed to identify, test and evaluate the effectiveness of foods for special dietary use, functional foods and dietary supplements; maintaining a register of the conclusions of sanitary and epidemiological examination.

Article 18. Powers of the Authorized State Body Responsible for Agriculture

1. State authority responsible for agriculture, in the area of safety of food products, shall:
 - Carry out the state veterinary and phytosanitary control and supervision of the animal farming facilities, raw food of animal and plant origin and circulation of agricultural products and shall issue relevant veterinary and phytosanitary certificates confirming their safety;
 - Implement and oversee the implementation of veterinary and phytosanitary measures in compliance with the requirements of laws and other normative legal acts of the Republic of Tajikistan governing the protection of health of humans, animals and plants from diseases transmitted by animals (zoonoses);
 - Advise and educate manufacturers of food products on systems for risk assessment at critical control points, or similar safety systems;
 - Carry out state supervision over the implementation of HACCP systems and similar safety systems that are used by manufacturers of food products, subject to control of the veterinary and phytosanitary service;
 - Issues veterinary certificates for food products upon request of interested parties on the basis of state control and the evaluation of food products subject to control of the veterinary service;
 - Carries out veterinary and phytosanitary control of imported and transited food products within its powers;
 - Establishes measurement and test methods for food products, and their lists in the facilities subject to control of the veterinary and phytosanitary service;
 - Approves the list of reference laboratories capable of conducting arbitration in respect of food products subject to veterinary and phytosanitary control;

- Establishing the frequency of state supervision in the objects of production of food products of animal and plant origin subject to control of veterinary and phytosanitary services, based on risk analysis based on risk assessment;
- Establishes and approves veterinary, sanitary and phytosanitary requirements for facilities for the production and sales of food products subject to control of veterinary and phytosanitary services;
- Approves mandatory parameters of safety for food products subject to control of veterinary and phytosanitary services;
- Maintains a register of the conclusions of veterinary examination;
- Creates and develops traceability system for imported and domestic food products within its competences.

2. State authority responsible for agriculture shall perform state control and state supervision over:

- Raw foods of animal and plant origin (including primary production and primary products processing facilities where only primary processing takes place);
- All products of animal and plant origin, which are sold in agricultural markets;
- Imported products of animal and plant origin, at state border crossing points;

3. Veterinary service shall carry out the state sanitary-veterinary control over food manufacture in enterprises that use unprocessed food products of animal origin as raw material for primary processing, with the exception of public catering and wholesale storage facilities for unprocessed food of animal origin.

Article 19. The Powers of the State Body Responsible for Standardization, Metrology, Certification and Trade Inspection

The powers of the state agency for standardization, metrology, certification and trade inspection in respect of ensuring the safety of food products shall be the following:

- Implementation of state policy in the field of technical regulation, standardization and certification of food products;
- Development and organization of work on development of technical regulations, standards and technical regulations for food products;
- Carrying out metrological supervision and examination of equipment of companies involved in food processing, sales outlets and laboratories associated with the food industry;
- Accreditation of laboratories and certification of safety systems for food manufacture
- Carrying out state control over the mandatory compliance with requirements of technical regulations and assessment of conformity with the requirements of technical regulations in the sphere of manufacture, transportation, storage, sale and import of food products.
- Establishing the manner of recycling and destruction of food products found not to comply with requirements of technical regulations.

Article 20. Food Safety Coordination Council

1. Food Safety Coordination Council (hereinafter: the Coordination Council) shall be established in accordance with this Law for the purpose of continuous monitoring and evaluation of safety of food products, to ensure an appropriate level of protection of life and health of humans and animals, development of proposals and the provision of scientific and expert assistance for making specific decisions, as well as the preparation of normative-legal acts in the field of food safety.

2. Coordination Council shall consist of representatives of ministries and agencies involved in food safety, as well as of outstanding individuals, academics and experts whose professional activity is related to the safety of food products.

3. Coordination Council shall be established by the Government of the Republic of Tajikistan and shall operate under regulations approved by the Government of the Republic of Tajikistan.

CHAPTER III. STATE REGULATION IN THE AREA OF FOOD SAFETY

Article 21. State Regulation in the Area of Food Safety

1. Requirements related to safety of food products, conditions of their manufacture, preparation and circulation, safety of services related to retail sale of food products and public catering shall be established by relevant technical regulations, sanitary, veterinary and phytosanitary rules and guidelines.

2. Technical regulations, sanitary, veterinary and phytosanitary rules and guidelines shall be adopted by authorized state bodies in accordance with their competencies provided by the legislation of the republic of Tajikistan.

3. Food safety requirements established by technical regulations, sanitary and veterinary and phytosanitary rules and guidelines shall be mandatory for natural and legal persons involved in manufacture and sales of food products and provision of services related to retail sale of food products or public catering.

Article 22. Conformity Assessment and Certification

1. Food products, materials and items intended for sale, services related to retail sale of food products and public catering shall be subject to assessment and certification of compliance with normative documents.

2. Compliance of food products, materials and items with requirements of normative documents shall be certified by their manufacturers in a manner established by the legislation of the Republic of Tajikistan.

3. Natural and legal persons involved in manufacturing and sale of food products, materials and items shall have the right to conduct their voluntary certification in a manner established by the legislation of the Republic of Tajikistan.

4. If the certified manufacturer of food products or provider of services related to retail sale of food products or public catering violates requirements of normative documents, the relevant certifying authority shall suspend manufacturing or sales of food products or providing of services until the elimination of the violation. If it is not possible to eliminate the violation the certifying authority shall revoke the certificate.

Article 23. State Supervision in the Area of Ensuring Food Safety

1. State supervision in the area of ensuring of food safety shall be performed by the state sanitary-epidemiological supervision service, state veterinary inspection service, state phytosanitary, and plant quarantine inspectorate and bodies responsible for state supervision in the area of technical regulations, standardization, metrology, certification and trade inspection in accordance with their competencies referred to in Articles 17, 18 and 19 of this Law.

2. State supervision of economic operators involved in manufacturing and sale of food products, regardless of their form of ownership, shall be performed by planned and unplanned

(without preliminary notification) inspection in accordance with the level of risk, in a manner established by the Government of Tajikistan.

3. Frequency of state supervision of any establishment subject to requirements of this Law, must reflect the following:

- 1) Risks related to the facility as well as technology of the manufacturing and/or processing;
- 2) Results of the preliminary state supervision;
- 3) Reliability of the control procedures applied by the economic operator in order to comply with requirements of relevant technical regulations and sanitary and veterinary rules;
- 4) Existence of suspicion that an economic operator does not comply with requirements of this Law and other normative legal acts.

4. State supervision and control of food products imported into the territory of the Republic of Tajikistan, on the crossing points of the border of the Republic of Tajikistan and points of the customs clearance, shall be performed by the state sanitary-epidemiological supervision service, state veterinary inspection service and state phytosanitary and plant quarantine inspectorate.

Article 24. Monitoring of Food Safety and Public Health

1. With a view of determining priority areas of state policy in ensuring safety of food products, protection of public health and in order to develop measures preventing supply of unsafe food products to the consumer market, state supervision and control bodies, jointly with executive authorities of the Republic of Tajikistan shall initiate and arrange food safety and public health monitoring.

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

CHAPTER 4. GENERAL FOOD SAFETY REQUIREMENTS

Article 25. Requirements for Ensuring Food Safety

1. Food products intended for sale must satisfy physiological needs of a human for adequate matters and energy, meet usual requirements related to food products in terms of 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 human health.

2. Nutritive value of infant food must correspond to the functional status of its organism, taking into account child's age.

3. Dietary products shall have qualities enabling the 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 shall be safe for human health.

Article 26. Requirements for the Production of Foods for Special Dietary Use, Functional Foods and Dietary Supplements

1. Food products that are used to produce foods for special dietary consumption of functional foods and dietary supplements must comply with mandatory safety parameters acceptable to consumers with special dietary needs, in accordance with sanitary rules and technical regulations.

2. Dietary supplements can be added to certain foods, taking into account the level of inclusions, as defined in the relevant sanitary rules, and also can be produced for direct consumption as a distinct food product.

Article 27. Requirements for Ensuring Safety of Novel Food Products

1. In developing novel food products, new technological processes for their production, packaging, storage, transportation, labeling and sales, natural and legal persons must substantiate safety requirements for such food products, provide information on safety of such products at the stage of their manufacturing and sales, develop manufacturing control programs of safety of such food products and establish expiration period for such food products.

2. Expiration period of food products shall be established in respect of food products susceptible to quality loss within a time period from the production date, which acquire properties harmful to human health, thus becoming unsuitable for their intended use.

3. Safety indicators of novel food products, their expiration periods, packaging requirements, labeling and information about such food products, production and marketing conditions for such products, programs of manufacturing safety control, testing methodology, recycling and disposal methods of unsafe food products shall be included in technical documents.

4. Draft technical documents and test samples of novel food products shall be subject to sanitary and epidemiological evaluation.

5. Requirements of approved technical documents shall be mandatory for natural and legal persons involved in manufacturing and sales of specific kinds of food products.

Article 28. Requirements for Ensuring Safety of Food Products during the Production Process

1. Food products manufactured in the Republic of Tajikistan shall be safe, hygienic, clean, fit and safe for use, properly labeled and made in accordance with technical documents and subject to requirements of technical regulations, sanitary and veterinary rules and guidelines.

2. Only the raw materials whose quality and safety meet the requirements of normative documents shall be used for manufacturing food products.

3. Only feed additives, animal growth stimulators, including hormones, pharmaceuticals, pesticides, agrochemicals that were subject to sanitary-epidemiological, veterinary and sanitary inspection (or agrochemical laboratory examination) in accordance with the legislation of the Republic of Tajikistan may be used in manufacturing of food raw materials.

4. Raw materials of animal origin are allowed for manufacturing of food products only after a veterinary-sanitary examination and obtaining by the manufacturer of the certificate of the State Veterinary Service of the Republic of Tajikistan, certifying compliance of food raw materials of animal origin with the requirements of the veterinary rules.

5. Food additives and biologically active supplements may be used for manufacturing of food products, as well as for human consumption. Food additives and biologically active supplements may used in manufacturing of food products shall not be harmful to human life and health.

6. Materials and products used in manufacturing of food products must meet the requirements of normative documents applicable to such materials and products.

7. The manufacturer shall immediately suspend the production of unsafe food products for the time required to eliminate the causes that led to manufacturing of such food products. If it is impossible to eliminate these causes, the manufacturer shall cease manufacturing of unsafe food products, withdraw them from circulation, ensuring the return of such products by buyers and

consumers and organize their examination, disposal or destruction in accordance with established procedure.

8. The competent authorities in the field of food safety shall review the rules and regulations on food safety, including dietary and baby foods, food and biological additives to ensure their conformity with generally accepted international standards at least once in every 5 years or when new scientific data become available.

Article 29. Requirements for Food Safety with Respect to Packing, Packaging and Labeling

1. Food products must be processed in a hygienically clean environment, free from harmful substances (or at the level harmless to humans), to be packaged and packed in a manner that ensures safety during their storage, transportation and sales.

2. Natural and legal persons involved in packing and packaging of food products must comply with the normative documents applicable to packing and packaging, labeling, as well as to those applicable to materials used for packaging and labeling of food products.

3. In addition information required by the legislation of the Republic of Tajikistan on consumer protection, labels, tags or insert-sheets used for packaged foods shall include the following information, taking into account the type of food:

- 1) Name of the food product;
- 2) Name and complete address, including telephone number of the manufacturer; for imported food product, name, full address and telephone number of the importer;
- 3) Net quantity of the food product within the established units (weight, volume or item);
- 4) Composition of the food product, listing components in the order of benefits, including food additives and flavorings that have been used in its manufacturing;
- 5) Caloric and nutritional value, indicating the amount of protein, carbohydrates and fats in the established measuring units per 100 grams of a food product;
- 6) The time limit and date by which it is possible to use the product or production date and shelf life;
- 7) Conditions of storage and use, if the food product requires certain conditions of storage and use to ensure its safety;
- 8) Warning against the use of a food product by certain categories (children, pregnant women, elderly people, athletes and people prone to allergies), if such a product could have a negative impact on their health if used.

4. In addition to labeling provide for in this Article, some categories of food products may be subject to specific mandatory labeling requirements established relevant technical regulations.

5. Text for labeling of foods for special dietary use, functional foods and dietary supplements shall be subject to mandatory approval by the state body responsible for health care. The procedure for approval of the text for labeling of foods for special dietary use, functional foods and dietary supplements shall be established by the state body responsible for health care.

6. Where the labels for food products contain symbols, only symbols approved by the relevant international and regional standardization organizations shall be used.

7. Inscriptions on the label of a food product that are of interest to consumers and are intended to prevent fraud or to distinguish one food product from another, such as "all natural" "organic," "original," "non-GMO" (genetically modified organisms), and alike, and any other information in addition to the one referred to in this Article shall be subject to verification in a manner established by relevant implementing regulations adopted pursuant to this Law.

Article 30. Requirements for Ensuring Safety of Food Products during Storage and Transportation

1. Storage and transportation of food products must be carried out under conditions ensuring the preservation of their safety.

2. Natural and legal persons engaged in storage and transportation of food products must comply with the requirements of normative documents regulating conditions of storage and transportation of food products and to confirm compliance with such requirements relevant entries in the transport documents.

3. Storage of food products shall be allowed in specially equipped premises and facilities that must comply with the requirements of construction, sanitary and veterinary rules and guidelines.

4. For the transportation of food products vehicles specially equipped for such purpose shall be used, which shall have sanitary passports issued based on a hygienic examination performed in a manner established government body responsible for health care.

5. In the case of violation of applicable rules during the storage and transportation of food products causing the hazardous properties of food products, natural and legal persons engaged in storage and transportation shall notify the owners and recipients of such food products.

6. Such food products shall not be subject to sales and samples thereof shall be referred to the appropriate authorized state authority that will examine them and decide on their disposal or destruction.

Article 31. Requirements for Ensuring Safety of Food Products in Sales

1. Retail sales of non pre-packed and unpackaged food products shall not be allowed, except for certain types of food products, a list of which shall be established set by the competent state authority of the Republic of Tajikistan responsible for standardization, metrology, certification and trade inspection in agreement with the competent authority responsible for state sanitary-epidemiological and veterinary supervision.

2. Sale of non-industrially manufactured food products in the food markets shall be permitted only after the sanitary-veterinary examination in accredited veterinary laboratories and obtaining by the sellers of certificate of the State Veterinary Service of the Republic of Tajikistan, certifying compliance with such food products with requirements of veterinary and sanitary rules and and guidelines.

3. In case of a violation leading to acquisition of hazardous characteristics by the food product, natural and legal persons involved in the sales of such food products shall withdraw such food products from the circulation, ensure their recall, send unsafe food for examination and organize their disposal or destruction of the established manner.

Article 32. Requirements for Ensuring Safety of Imported Food Products

1. Imported food products shall comply with requirements of normative documents of the Republic of Tajikistan applicable to safety of food products.

2. Importation of food products that are unsafe, unsuitable for use, not properly labeled and those that do not comply with technical regulations, sanitary-epidemiological, sanitary-veterinary or phytosanitary requirements shall be prohibited.

3. Release for free circulation in the customs territory of the Republic of Tajikistan of food products subject to mandatory certification shall be carried out in a manner established by the Customs Code of the Republic of Tajikistan.

4. Persons entering the territory of the Republic of Tajikistan shall declare to the appropriate border inspector types and quantities of food products of animal origin and fresh (raw) plant products that they import for their personal use. Importation of such products shall be prohibited if they represent high risk for human health, high risk of introduction or transfer of animal disease or high risk of introduction of pests in the territory of the Republic of Tajikistan.

5. Importation of food products in the absence of documents confirming safety of such products in accordance with the requirements of normative documents shall be prohibited.

6. Customs clearance of imported food products at the crossing points of the border of the Republic of Tajikistan shall be carried out in a manner established by the Government of Tajikistan.

7. If officials performing state sanitary and epidemiology supervision, state veterinary inspection and state phytosanitary inspection have reasonable doubt about safety of imported food products, such officials shall above officials shall decide on temporary suspending customs clearance of such products, in a manner established by the Republic of Tajikistan.

8. If the imported food products are found to be unsafe officials performing the state sanitary and epidemiology supervision, state veterinary inspection and phytosanitary inspection shall, within their competencies, prohibit import of such food products in the Republic of Tajikistan and make a note in the accompanying documents indicating that such food products are unsafe for human health and that cannot be subject to sale.

9. The owner of unsafe food products shall remove them beyond the territory of Republic of Tajikistan within 10 working days. Where the quarantine pests are found in the food products, the owner of such products shall remove them beyond the territory of the Republic of Tajikistan without delay. Unsafe food that is not removed beyond the territory of the Republic of Tajikistan within the established time limit shall be recycled or destroyed they are in accordance with the applicable legislation of the Republic of Tajikistan.

Article 33. Requirements for Organization and Performing of Supervision of Safety of Manufacture of Food Products

1. Natural and legal persons involved in manufacture and circulation of food products shall organize and perform control of the safety of the manufacture of food products and fulfillment of requirements set forth in normative and technical documents applicable to manufacture and circulation of food products.

2. Control of safety of the manufacture of food products shall be performed in accordance with the program of the manufacture control, which shall be developed by the natural or legal person in accordance with applicable technical regulations and technical documents. Such program shall determine the manner of performing the control of the safety of manufacture of food products, applicable methods of such control and the method of inspection of conditions of their manufacture and circulation.

Article 34. Requirements for Employees Involved in Manufacture and Sales of Food Products

1. Employees, performing jobs related to manufacture and sales of food products, providing services in retail trade of food products and public catering, directly in contact with food products, in a day-to-day work shall be subject mandatory medical check-ups, both preliminary at the time of applying for the job and regular ones, and shall take part in mandatory hygiene trainings in accordance with procedures established by the state authority in the field of health protection.

2. Persons with infectious diseases, persons with suspected infectious diseases and the ones having had contacts with infected persons, carriers of pathogenic agents that can cause hazard of

prevalence of such diseases due to specifics of manufacture and sales of food products, including persons not covered by regular medical check-ups and hygiene trainings, shall not be allowed an access to performing activities in direct contact to food products, materials and items.

Article 35. Withdrawal from Circulation of Unsafe Food Products

1. The manufacturer food products found to be unsafe shall withdraw such products from the circulation independently or upon the instruction of the authorities responsible for state supervision and control.

2. The manufacturer or supplier who suspects or determines that the violation of food safety has occurred at any stage of production, processing or handling of food product that is no longer under his direct control shall immediately notify the authorized body and initiate the procedure for the withdrawal of such product from circulation. If the product has reached consumers, the manufacturer or supplier shall notify the consumer in a clear and effective way the cause the withdrawal of the product and, if necessary, if it is not possible to provide a high level of health protection by other measures, require the product to be returned.

3. If the manufacturer or supplier of unsafe food did not take measures for their withdrawal from circulation, such food products shall be removed from circulation by the appropriate authorized state authority and recycled or destroyed in the prescribed manner.

Article 36. Examination, Recycling and Destruction of Unsafe Food Products

1. Unsafe food products withdrawn from the circulation shall be subject to appropriate examination (sanitary-epidemiological, veterinary, phyto-sanitary, merchandising and other), conducted by the state supervision and control authorities within their powers, in order to determine the feasibility of recycling or destruction thereof.

2. Food products whose origin cannot be confirmed by their owner, which have clear signs of deterioration, thus constituting a direct threat to human life and health, shall be recycled or destroyed without examination.

3. Prior to recycling or destruction of such food products, their owner shall, in the presence of a representative of the state supervision and control authority, modify the properties of such food products by any available and reliable method that eliminates the possibility of their further use for the originally intended purposes.

4. Unsafe food products shall be sent to the temporary storage, the conditions of which shall prevent access to such food products for a period necessary for examination, recycling or destruction.

5. Temporarily stored food products shall be subject to strict record keeping. The owner of such food products shall be responsible for their safekeeping.

6. Based on the results of examination of unsafe food products the appropriate state supervision and control authority shall decide on their disposal or destruction.

7. The owner of unsafe food products shall be provided by a choice of methods and conditions of their recycling or destruction in accordance with the requirements of normative or technical documents and shall coordinate the methods and conditions of recycling or destruction of such food products with the state supervision and control authority, which has issued the order on recycling or destruction.

8. The possibility to use unsafe food products as animal feed shall be coordinated with the state veterinary service of the Republic of Tajikistan.

9. The cost of examination, storage, transportation, recycling or destruction of unsafe food products shall be borne their owner.

10. The owner of unsafe food products shall provide a document or its duly certified copy confirming the recycling or destruction of such food products to the state supervision and control authority, which has decided on their recycling or destruction.

11. State control and supervision authority, which has decided on recycling or destruction of unsafe food products shall control their recycling or destruction, in order to prevent possible poisoning of humans and animals, spread of diseases and environmental pollution.

CHAPTER V. FINAL PROVISIONS

Article 37. Fees for Services Rendered

Any fees payable in connection with any administrative procedures, laboratory testing, examinations, control and other procedures related to safety of food products shall be limited in to the amount to their actual costs.

Article 38. Funding of the State Supervision

State supervision of objects subject to state sanitary-epidemiological and veterinary supervision shall be performed free of any charge and shall be funded by the State Budget of the Republic of Tajikistan.

Article 39. Responsibility for Violation of this Law

For any violations of this Law and any other provisions of legal acts regulating safety of food products natural and legal persons shall be held responsible in accordance with the legislation of the Republic of Tajikistan.

Article 40. Coming into Force

This Law shall come into force on 1 January 2013.