

## LAW OF THE REPUBLIC OF TAJIKISTAN

### ON INTRODUCTION OF AMENDMENTS AND ADDITIONS TO THE LAW OF THE REPUBLIC OF TAJIKISTAN "ON SANITARY AND EPIDEMIOLOGIC SAFETY OF THE POPULATION"

Article 1. To introduce following amendments and additions to the Law of the Republic of Tajikistan as of December 8, 2003 "On sanitary and epidemiological safety of the population" (Bulletin of Majlisi Oli the Republic of Tajikistan, No. 12, Art. 677; 2003, No. 10, Art. 822; No. 12, h. 2, Art. 1015 2008r.):

1. To add following new paragraph into the Article 1:

"sanitary and epidemiologic appraisal is the activity aimed at establishment of the compliance (discrepancy) of project and other documentation, facilities used for economic and other activities, products, works and services to state sanitary and epidemiological rules and standards."

2. Article 3

- To replace word "and forecasts" with "forecasting of their dynamics" in the first paragraph;
- To remove wording "radioactive substances" from the ninth paragraph and add "according to the procedure established by the Government of the Republic of Tajikistan" after the word "products";
- To add new paragraph that reads as follows:  
"coordination of activities of other state authorities in the field of sanitary and epidemiological safety of the population."

3. To replace words "public authorities and bodies of self-government" with "local executive bodies of state power and bodies of self-government of villages and settlements" in the

- third paragraph of the article 4,
- fourteenth paragraph of the article 5,
- second, fourth and fifth paragraphs of the article 7,
- first and second paragraphs of the articles 8,
- seventh paragraph of the article 10,
- part sixth of the article 17,
- third part of the article 18,
- fourth part of the article 19,
- fourth part of the article 20,
- second part of the article 42,
- first paragraph of the Part 1 of the article 49,
- first paragraph of the Part 5 and third paragraph of the Part 6 of the article 50,
- fourth, fifth and seventh paragraphs of the article of 51.

4. To add words "determining procedure" and word "introduction" and to add word "and manufactured" after the words "after the "for the first time imported" in the beginning of the fifth paragraph of the article 4.

5. Article 5:

- to replace words "Ministry of Health of the Republic of Tajikistan" with "authorized state body" in the title and text of the article;
- to replace words "certification of certain types of products", with the word "implementation of sanitary and hygienic examination of products" in the eighth paragraph;

- to rephrase ninth paragraph as follows:  
"- implementation of the sanitary and epidemiological investigation, studies, surveys, tests, examinations as prescribed by the legislation of the Republic of Tajikistan";
  - to add tenth, eleventh, twelfth, thirteenth and fourteenth paragraphs that read as follows:  
"organization of international cooperation and coordination in the field of sanitary and epidemiological safety of the population;
  - Continuous improvement of the state sanitary and epidemiological surveillance and bringing it to compliance with international norms;
  - Application of international sanitary and epidemiological standards and rules deriving from international legal acts recognized by Tajikistan;
  - Recognition of certificates of quality and safety of imported products from countries recognized by the Republic of Tajikistan;
  - Provision of full information on sanitary and hygiene standards, measures and other regulatory legal acts related to ensuring sanitary and epidemiological safety of the population of Tajikistan, quality and safety products for industrial purposes, food, drinking water, products for personal and household needs, works and services that are potentially hazardous to human health."
6. To replace words "local authorities" with the "local bodies of state power" in the name and texts in the art 2 and 4 of the article 28, in the second Parts of the articles 30 and 31, in the second paragraph of the Part 5 and in the first paragraph of the Part 6 of the article 50.
7. To add Part 2 to the Article 9 that reads as follows: "Foreign citizens and persons without citizenship have the same obligations in the field of sanitary and epidemiologic safety of the population as citizens of the Republic of Tajikistan."
8. Article 10:
- to replace word "qualities" with "safety" in the fourth paragraph;
  - to add fifth paragraph that reads as follows:  
"to take measures for prevention of infectious and noninfectious diseases"
9. In article 14:
- To replace words "sanitary standards and rules" with the words "requirements of sanitary and hygienic and epidemiological standards and rules" after the word "established" in the Part 2;
  - To remove word "certificate" and add "documents certifying their quality and safety (sanitary and epidemiologic opinions) that meet respective normative documents" after words "upon availability" in the Part 4.
10. To add word "transportation" after the words "their storage" in the first part of the article 16.
11. To add word "requirements" to the wording "sanitary standards" in the Part 6 of the article 17, part 2 of the article 18, Part 2 of the article 20, Part 1 of the article 22, Part 2 of the article 23, Parts 5, 6, 8 of the article 24, Part 2 of the article 25, seventh paragraph of the Part 1 and first paragraph of the Part 2 of the article 49.
12. To add articles 26 (1), 26 (2), 26 (3), 26 (4) and 26 (5) that read as follows:
- Article 26 (1). Application and compliance of sanitary and hygienic and antiepidemic measures

Sanitary and hygienic and antiepidemic measures are applied to protect life and health of the population and should meet the requirements of the existing regulatory legal acts and be based on the latest scientific developments.

All sanitary and hygienic and antiepidemic measures accepted by other countries, including international measures are recognized as similar measures of the Republic of Tajikistan on condition that the authorized body of the Republic of Tajikistan recognizes these measures as sufficient for ensuring safety of a person at the equal or highest level according to the legislation of the Republic of Tajikistan.

In the absence of the state regulatory legal acts and international standards, guidelines and recommendations or when developed measures significantly differ from the international standards, guidelines and recommendations, or application of measures can have a considerable impact on trade; the authorized body for sanitary epidemiological safety is obliged to:

- take all measures to ensure transparency of applied measures;
- officially notify interested parties on the intention of introduction of the specific sanitary and hygienic and antiepidemic measure at an early stage of its development preparation and to provide timing for familiarization;
- publish the text of the applied measures or developed regulatory legal acts in advance in order to collect comments, suggestions and amendments and additions, in accordance with the international agreements signed by the Republic of Tajikistan;
- take measures to provide scientific justification of applied measures;
- establish timeline for consideration of suggestions and comments of the interested parties;
- ensure that notification of the measures or introduction of the regulatory legal acts that cover certain product and justification of the measures are published 75 days prior to official introduction.

Article 26 (2). Measures to assess the level of danger of products to human life and health

In course of the assessment of the level of danger of products to human life and health during the development and introduction of the sanitary measures, authorized body is obliged to consider following situations:

- scientific justification, existing methods of production, processing, inspection methods, sampling for measurements and tests, propagation of diseases, existence of zones free from diseases and pests, favorable ecological conditions, quarantine measures and etc;
- relevant economic factors, including possible damage from the reduction of the production volume or volume of sales in case of penetration, elimination or propagation of a particular disease or pest;
- expenditures of pest management expenditures and the relative difference of expenses and efficiency of alternative methods for risk reduction.

In case of insufficiency of scientific justifications, the authorized body can apply temporary sanitary measures on the basis of available information, including the information received from the international organizations and information on applied sanitary measures in other countries.

Sanitary measures are applied with consideration of the sanitary features of a particular district or the whole territory of the country, or its separate regions or in several countries or several parts of the country or territory where products are manufactured.

In course of the assessment of sanitary features of a territory, the appropriate state body considers, *inter alia*, level of propagation of the pest or certain diseases, presence of the pest management programs as well as criteria or requirements (indicators, guidelines) developed by the relevant international organizations. The relevant state body recognizes the concept of zones free from pests and diseases and regions with insignificant presence of pests and diseases. In course of determination of such territories following factors are taken into account: geography, ecosystem, sanitary and epidemiologic surveillance and its efficiency.

Exporting countries that declared existence of zones free from pests and diseases at own territories or regions with insignificant propagation of pests and diseases have to submit supporting documents to the relevant state body.

The applied sanitary measures can provide higher level of sanitary protection, in contrast to measures based on the international standards, guidelines or recommendations if there is appropriate scientific justification or it is supposed that this level of sanitary protection is appropriate.

#### Article 26 (3). Delivery of information

All accepted sanitary regulations have to be published immediately.

The authorized body in the field of sanitary and epidemiologic safety has to deliver existing information and regulatory legal documents in accordance with the international agreements signed by the Republic of Tajikistan through the unified state information system:

- Existing measures or measures under development in the field of sanitary and hygienic safety of the population;
- any procedures related to control and inspection, production and quarantine, approval of admissible level of food additives operating at the territory of the Republic of Tajikistan;
- adoption of measures in emergency situations and establishment of the necessary level of protection of human life and health in the Republic of Tajikistan;
- membership and participation in the international and regional organizations and meetings, related procedures of protection of human life and health, existence and content of bilateral and multilateral international legal acts.

#### Article 26 (4). Adequacy of sanitary and hygienic and antiepidemic measures

All sanitary and hygienic and antiepidemic measures accepted by other countries, are recognized as adequate in the Republic of Tajikistan only if the authorized body or appropriate state bodies of the Republic of Tajikistan decide that these measures are equally sufficient or much better in ensuring human safety and health.

The resolution on recognition of adequacy of the sanitary and hygienic and antiepidemic measures has to be published.

#### Article 26 (5) Actions in the field of sanitary & hygienic and epidemiological control, inspection and approval

Actions in the field of sanitary & hygienic and epidemiological control, inspection and approval are carried out:

- within the established timeframe and without any unreasonable delay between the imported goods and a similar domestic products;
- on the basis the minimum information which is necessary for carrying out of the procedure, inspection and approval;

- with the provision of the information to the applicant on dates of completion of a procedure, with description of all shortcomings in prepared documents and allocation of the timeframe for corrections and submission of results;
- with strict observance of confidentiality of the received information;
- with observance of rules and standards in carrying-out of an analysis and sampling for product certification;
- if product classification has changed after the carrying out of control and inspection procedures then procedure applied towards the modified product is limited to receiving the sufficient confidence meaning that products are still meet the existing norms and standards despite any changes.
- any requirements for control, inspection and approval of separate samples of goods are valid if they are reasonable and necessary;
- state fees charged for procedures applied to imported products have to be comparable with any fees collected from similar domestic products or products from the territories of other countries and these fees cannot exceed the real cost of service;

13. To substitute words "State Sanitary & Epidemiological Service of the Republic of Tajikistan" with "primary medical care and centers of preventive disinfection" in the Part 3 of the article 30.

14. To add "within the state appraisal of the town-planning, architectural and construction projects" after the words "rules" in the fourth paragraph of the Part 2 of the article 35.

15. To delete nineteenth paragraph of the article 39.

16. To add words "institutions of State Sanitary and Epidemiologic Surveillance Service" after the word "opinion" in the article 40.

17. To substitute words "State Sanitary and Epidemiologic Service" with "institutions of State Sanitary and Epidemiologic Surveillance Service" in the article 43.

18. To replace the word "specialty" with the word "specialties" and add "public health care" after the words "sanitary, hygiene and epidemiology" in the Part 5 of the article 43.

19. Article 48:

- To rephrase Part 2 that reads as follows:

" Chief State Medical Officers of the Gorno-Badakhshan Autonomous Oblast, its towns and districts, provinces and their towns and districts, Dushanbe city and its districts, towns and districts of republican subordination are appointed and dismissed by the Head of Service State Sanitary Epidemiological Surveillance Service in coordination with the Chief State Medical Officer of the Republic of Tajikistan and in compliance with the legislation of the Republic of Tajikistan.";

- To replace the word "unit" with the word "department" and following wording "Republican sanitary and epidemiological station" should be replaced with "Head of the State Sanitary and Epidemiologic Surveillance Service" in the Part 3.

20. To substitute words "to sanitary standards and norms" with "to requirements of sanitary regulations and norms" in the sixth paragraph of the Part 1 of the article 49.
21. To add the word "institutions" after the "preventive" in the eighth paragraph of the Part 5 of the article 50.
22. To add the words "among population" after the word "intoxication" in the second paragraph of the Part 1 of the article 51.
23. To replace words "bodies of executive power" with the words " local executive state government bodies" in part 1 of the article 54.

Article 2. Present Law shall come into force after its official publication.

President  
Republic of Tajikistan

Emomali Rahmon

Dushanbe  
December 26 2011, № 793

**RESOLUTION OF THE MAJLISI NAMOYANDAGON MAJLISI OLI OF THE  
REPUBLIC OF TAJIKISTAN**

On adoption of the Law of the Republic of Tajikistan "On introduction of amendments and additions to the law of the Republic of Tajikistan "On sanitary and epidemiologic safety of the population"

Hereby Majlisi Namoyandagon Majlisi Oli of the Republic Of Tajikistan orders:

To adopt Law of the Republic of Tajikistan "On introduction of amendments and additions to the law of the Republic of Tajikistan "On sanitary and epidemiologic safety of the population"

Chairman  
Majlisi Namoyandagon Majlisi Oli  
Republic of Tajikistan

Sh. Zuhurov

Dushanbe, November 30 2011, №597

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**RESOLUTION OF THE MAJLISI MILLI MAJLISI OLI OF THE REPUBLIC OF  
TAJIKISTAN**

About the Law of the Republic of Tajikistan "On introduction of amendments and additions to the law of the Republic of Tajikistan "On sanitary and epidemiologic safety of the population"

Having examined the Law of the Republic of Tajikistan "On introduction of amendments and additions to the law of the Republic of Tajikistan "On sanitary and epidemiologic safety of the population"

Majlisi Milli Majlisi Oli decides to:

To approve the Law of the Republic of Tajikistan "On introduction of amendments and additions to the law of the Republic of Tajikistan "On sanitary and epidemiologic safety of the population"

Chairman  
Majlisi Milli Majlisi Oli  
Republic of Tajikistan

M. Ubaidulloev

Dushanbe, December 15 2011 №246