

# **LAW OF THE REPUBLIC OF AZERBAIJAN**

## **On Food Safety**

The present Law shall govern the relations related to safeguarding human and animal life and health, as well as the safety of food and feed products aimed at protection of consumers' legal interests in the territory of the Republic of Azerbaijan pursuant to Article 94, Section 1, paragraphs 11, 20 and 26 of the Constitution of the Republic of Azerbaijan.

### **Chapter 1 General provisions**

#### **Article 1. Key definitions**

1.1. The following definitions shall be used for the purposes of the present Law:

1.1.1. food products – unprocessed, semi-processed and fully processed products for human nutrition, including food additives, food supplements, raw food, (alcoholic and non-alcoholic) beverages, (packaged) drinking water, salt and chewing gum. The definition shall not include animal feed products, live animals ready for consumption, seeds, crops before harvesting, medicinal drugs, perfumery and cosmetics, tobacco and tobacco products, narcotic drugs and psychotropic substances, and contaminants;

1.1.2. raw food – substances of plant and animal origin, as well as minerals, microbiological, artificial (synthetic) and biotechnological substances used for the processing of food products, and water added to food products at primary production, manufacturing and processing stages;

1.1.3. by-product – edible meat products obtained during the slaughter of animals and poultry (tongue, kidney, brain, heart, liver, lungs, rumen, manyplies, spleen, diaphragm, limbs, tail, udder, gizzard and etc.);

1.1.4. food products of animal origin – animal and poultry meat, by-products produced from animal and poultry meat, fish and hard-roes, molluscs, shellfish and other marine invertebrates, eggs, honey (beeswax, royal jelly) and other beekeeping products, milk, and other products derived from their processing that are suitable for human nutrition;

1.1.5. food products of plant origin – collected mushrooms, fruits, vegetables, other products of plant origin, and the products derived from their processing that are used for human nutrition;

1.1.6. enriched (fortified) food products – food products that have one or more important ingredients and other substances added to them, which were previously absent or insufficient in the food or lost during processing, to assign certain properties to products for the purpose of enhancement of their nutritional value and prevention of diseases caused by the lack of nutrients (vitamin, minerals, protein, fat, carbohydrates) deficiency;

1.1.7. new type of food products – food products with a new and modified molecular structure as a result of processing using new technologies (including Nano-technologies), produced from previously unused raw materials and not previously used for human nutrition in the territory of the Republic of Azerbaijan;

1.1.8. food additives – any substance that is added to food product(s) for technological (including organoleptic) purposes, not consumed separately as food or a characteristic ingredient of food products, irrespective of its nutritional value, and considered to be, directly or indirectly, a constituent of food products or capable of influencing their qualities (color, taste, etc.);

1.1.9. food supplements – food product consisting of nutrients and one or several bioactive substances with a nutritional and physiological impact, and designed to enrich the diet, with a prescribed and dosed level of daily food intake (in the form of a capsule, pill, ampoule, drops, and other similar forms);

1.1.10. ingredients – substances, products of animal and plant origin, microbiological substances and minerals, including food additives that are used in the preparation of food products or present in the finished product in its original or modified form;

1.1.11. food contact materials – materials and articles including tare and packaging materials that are used at the stages of primary production, manufacturing, processing, circulation and utilization of food products, and are directly in contact with food products. The definition does not cover the water supply system that provides consumers with drinking water;

1.1.12. primary production – production, growing and assortment of products of primary production, including deriving products of animal origin before slaughter, as well as hunting wild animals, fish and seafood, collection of wild plants;

1.1.13. products of primary production – food and feed products derived from land cultivation and live animals, as well as from bees, including fish and hard-roe, hunted wild animals and collected wild plants;

1.1.14. food and feed production – cleaning, slaughtering (including butchering), cutting up, jointing, slicing, refining, grinding, skinning, plucking, cooling and freezing of primary production products before processing, or any process combining these processes, and subsequent weighing and wrapping up, packaging, labelling, as well as the storage and transportation of food and feed products through production;

1.1.15. processing of food and feed products – heating, drying, cooking, smoking, marinating, extraction, and compression of primary production products and products derived from production, or any process consisting of their combination, as well as the preparation of food and feed products for processing, their subsequent weighing and wrapping up, packaging, labelling, storage and transportation of food and feed products in the processing premises;

1.1.16. circulation of food and feed products – storage, transportation, import and export, supply, sale by wholesale and retail facilities, barter, transfer in any form (for commercial or non-commercial purposes) as well as consumption of food products;

1.1.17. utilization of food and feed products – technological processing of food and feed products non-compliant with existing legislative requirements in the field of food safety for other than the initially intended use thereof or use for other purposes;

1.1.18. destruction of food and feed products – bring the food and feed products that are dangerous and unfit for consumption to a state rendering impossible any form of use thereof, and excluding a harmful effect on human and animal life and health (hereinafter to be referred to as life and health) and the environment;



1.1.19. marketing food and feed products – sale of food and feed products for commercial or non-commercial purposes or transfer in any form, storage and distribution for sale;

1.1.20. food chain – a summary of stages of primary production, manufacturing, processing, circulation, utilization and destruction of food and (or) feed products;

1.1.21. food chain activities – activities related to primary production, manufacturing, processing, circulation, utilization and destruction of food and feed products;

1.1.22. food chain business operators (hereinafter to be referred to as food business operators) – individuals or legal entities, municipalities, public agencies (institutions) involved in food chain activities;

1.1.23. food chain facility (hereinafter to be referred to as food facility) – a space, area, premises, means of transportation or other module-type (mobile) facilities that are used for food chain activities;

1.1.24. product traceability – the capability to trace the movement of food and feed products, as well as the animals from which food products are derived, and substances to be added to food and feed products in the course of all stages of food chain;

1.1.25. food safety – a state of food products that fully excludes any harm to human life and health at all stages of the food chain, also during the consumption of food products;

1.1.26. food safety indicators – indicators that include sanitary-hygienic norms, maximum permissible level of residues and contaminants, daily intake limits and other parameters, and ensure the protection of human life and health;

1.1.27. minimum quality standards – physical, chemical, organoleptic and other properties of food products that ensure their suitability for human consumption and that guarantee the minimum level of intake of nutrients that are necessary for human organism;

1.1.28. batch of food products – a group or set of products primarily produced, manufactured and processed, packaged, identified and obtained under the same technological conditions in the same production shift and in the same place;

1.1.29. contaminant – a substance that may pose a threat to the safety or minimum quality of food and feed products, which is not intentionally added to the composition of food and feed products during their primary production, manufacturing, processing and circulation processes, and passes through the environment;

1.1.30. residues – remains of veterinary drugs, agrochemicals, plant protection products, heavy metals and contaminants in food and feed products;

1.1.31. shelf life – a period of complete maintenance of compliance of food products with the safety requirements determined by the technical normative legal acts in the field of food safety, following the storage requirements;

1.1.32. risk – a possible negative impact of food and feed products on life and health and the degree of severity of such impact;

1.1.33. risk analysis – assessment and management of risks and awareness on them aiming to ensure the protection of life and health;

1.1.34. risk assessment – a four-step process involving identification, profiling of threats, assessing a probability of exposure, and characterizing the risk;

1.1.35. risk management – identification and implementation of measures aimed at risk prevention, mitigation (restriction) and elimination based on the results of a risk assessment with involvement of stakeholders;

1.1.36. risk awareness – an exchange of information between food business operators, consumers, state bodies and institutions, as well as other stakeholders about existing and potential threats and risks within the framework of risk analysis;

1.1.37. critical control point – a stage where control measures can be applied to prevent, reduce (restrict) to an acceptable level, or eliminate threat factors in food and feed products;

1.1.38. threat – presence of biological, chemical and physical substances in food and feed products capable of harming life and health;

1.1.39. Hazard Analysis and Critical Control Points (HACCP) – a system for identifying, evaluating and controlling threat factors in food and feed products;

1.1.40. labelling – a text, sign, which is placed on food and feed products, packaging material, documents accompanying or related to food and feed products, memory sheets (inserts), adhesive sheets (stickers), providing information for the consumer about the product and the manufacturer (goods and others), symbols, conventional signs and drawings;

1.1.41. packaging material – a tool that gives products a commodity appearance providing complete or partial covering of the product, protects the contents of the product in an unopened and intact state, a tare used for transportation purposes;

1.1.42. feed products – unprocessed, semi-processed and fully processed products, substances and feed additives used in animal nutrition;

1.1.43. feed additives – substances of organic, mineral and (or) synthetic origin that are intentionally added to feed and water and used as a source of substances, minerals and vitamins lacking in animal rations;

1.1.44. genetically modified organisms – living organisms (plants, animals and microorganisms) with a new combination of genetic material created by modern biotechnological or genetic engineering methods, which cannot be obtained through traditional selection, and are capable of transmitting this combination to the next generation;

1.1.45. natural mineral water – clean in terms of microbiological indicators, not subject to any pollution, natural water rich in mineral components extracted from underground deposits or coming out of rocks (without any additional mineral components added to its composition later);

1.1.46. withdrawal of food and feed products – a measure implemented to take back food and feed products that are dangerous and (or) non-compliant with the requirements prescribed by the present Law from consumers, as well as to remove them from markets and other sale facilities;



1.1.47. recall of food and feed products –removal of food and feed products that are non-compliant with the requirements defined by the present Law and (or) dangerous from circulation by the body (institution) assigned by the relevant executive authority.

1.2 Other definitions used in present Law shall express the meanings defined by the regulatory acts of the Republic of Azerbaijan.

## **Article 2. The Legislation of the Republic of Azerbaijan on food safety**

2.1. The legislation of the Republic of Azerbaijan on food safety shall consist of the Constitution of the Republic of Azerbaijan, this Law, as well as other legislative acts of the Republic of Azerbaijan that determine requirements for food and feed products and food contact materials.

2.2. The international agreements shall prevail if there is a conflict between the international agreements, to which the Republic of Azerbaijan is a party and this Law.

## **Article 3. Scope of the Law**

3.1. This Law shall apply to food products that are initially produced, manufactured and processed in the Republic of Azerbaijan and imported into the territory of the Republic of Azerbaijan, as well as to the stages of initial production, manufacturing, processing, circulation, utilization and destruction of food products.

3.2. This Law shall apply to food contact materials, as well as the production and processing of food contact materials.

3.3. This Law shall apply to feed products that are primarily produced, manufactured and processed in the Republic of Azerbaijan, imported into the territory of the Republic of Azerbaijan, including feed products intended for animals, from which food products are obtained or not obtained, primary production, manufacturing, processing, circulation, utilization of feed products and destruction stages.

3.4. This Law shall not apply to food products prepared for personal consumption, as well as those brought into the country by the individuals themselves or by postal mail in the amount established by the body (institution) assigned by the relevant executive authority.

3.5. The relations regarding the safety of food and feed products in the Alat Free Economic Zone shall be regulated in accordance with the requirements of the Law of the Republic of Azerbaijan "On Alat Free Economic Zone".

## **Chapter 2**

### **The State Regulation in the field of food safety**

## **Article 4. The Objectives of State Regulation in the field of food safety**

4.1. The objectives of state regulation in the field of food safety shall be as follows:

4.1.1. protection of life and health, consumer rights;

4.1.2. adaptation of legislation on the safety of food and feed products to the international standards, norms and regulations adopted by the international organizations of which the Republic of Azerbaijan is a member;

4.1.3. increasing the competitiveness and export potential of local food and feed products;

4.1.4. creation of favorable conditions for the development of entrepreneurship in the field of primary production, manufacturing, processing, circulation and utilization of food and feed products.

#### **Article 5. Duties of the state in the field of food safety**

5.1. The duties of the state in the field of food safety shall be the following:

5.1.1. formulate the state policy and implement the state regulation, including the normative regulation in the field of food and feed safety;

5.1.2. develop and implement the state programs, scientific and technical programs in order to ensure the safety of food and feed products;

5.1.3. carry out the international cooperation to ensure the safety of food and feed products of the Republic of Azerbaijan;

5.1.4. organize and carry out the work on scientifically justified analysis of risks in the area of food and feed safety;

5.1.5. carry out the registration, approval and certification in the field of food and feed safety;

5.1.6. arrange and perform the state control over the compliance with the requirements established in accordance with this Law;

5.1.7. establish a list of goods subject to food safety control by the codes of the Commodity Nomenclature of Foreign Economic Activity.

### **Chapter 3**

#### **Key principles of food safety**

#### **Article 6. Analysis of risks based on scientific evidence**

6.1. The state regulation in the field of food safety aimed at protecting life and health shall be based on the principle of risk analysis through the scientific evidence and standards, recommendations and rules adopted by the international organizations of which the Republic of Azerbaijan is a member.



6.2. The body (institution) assigned by the relevant executive authority shall establish an order of risk analysis.

6.3. The body (institution) assigned by the relevant executive authority shall carry out a risk assessment of threats that the food and feed products may impose to the human life and health.

6.4. Risk assessment shall be performed in an independent, unbiased and transparent manner based on an available scientific data, the relevant primary production, manufacturing or processing methods, inspection, monitoring and audit results, as well as laboratory research methods, and information on the prevalence of specific diseases.

6.5. Risk assessment shall be carried out in the following stages:

6.5.1. identify the threats that the food products may impose to the human organism;

6.5.2. characterize the dangers that food products, as well as the animals and plants constituting the sources of food can pose to the human organism in relation to biological, chemical and physical effects;

6.5.3. assess the probability of exposure to each possible threat identified;

6.5.4. characterize the identified risks, as well as make proposals on the measures for prevention, mitigation (restriction) and elimination thereof.

6.6. The body (institution) assigned by the relevant executive authority shall carry out the measures aimed at prevention, mitigation (restriction) and elimination within the framework of the risk management measures.

6.7. The body (institution) assigned by the relevant executive authority shall inform consumers, food business operators, state bodies (institutions), as well as other stakeholders in a timely, correct and detailed manner about the existing and potential dangers related to food and feed products within the framework of risk awareness measures.

## **Article 7. Implementation of temporary measures to prevent potential threat to life and health**

7.1. Once the possibility of danger to life and health is identified following the analysis of an available data, but there is still a scientific uncertainty, the body (institution) assigned by the relevant executive authority, shall prior to obtaining additional scientific data for more detailed risk assessment, undertake the following temporary measures in relation to an uncertain range of subjects of the risk management, aiming to protect the life and health:

7.1.1. restrict or prohibit the primary production, manufacturing, processing, circulation, utilization and destruction operations of food and feed products;

7.1.2. identify additional requirements in the area of food safety;

7.1.3. withdraw, recall, utilize and destroy the food and feed products.

7.2. The measures provided for in Article 7.1 of the Law shall be proportionate to the level of risks, and not restrict trading activity to a greater extent than is necessary to protect life and health, technical and economic potential and factors, as well as other necessary relevant circumstances shall be taken into account when considering the implementation of these measures.

7.3. The measures implemented under the Article 7.1 of this Law shall be reviewed depending on a nature of the identified risk to the life and health, as well as the type of scientific information necessary to eliminate scientific uncertainty and results of a more detailed risk assessment within a reasonable timeframe, but in any case not later than 6 months.

7.4. The body (institution) assigned by the relevant executive authority shall define a procedure for implementation of the measures provided for in Article 7.1 of this Law.

#### **Article 8. Protection of consumer rights in the field of food safety**

8.1. This Law shall regulate the following relations in the area of consumer rights protection in accordance with the Law of the Republic of Azerbaijan "On Consumer Rights Protection":

8.1.1. prevention of actions that lead or may lead to a violation of consumer rights in the field of safety and quality of food products;

8.1.2. prevention of primary production, manufacturing, processing and circulation of food products, about which a false and (or) misleading information is provided by deceiving consumers;

8.1.3. prevention of any other activity that misleads the consumer about the consumption characteristics or quality of food products.

### **Chapter 4**

#### **Normative regulation in the area of food safety**

#### **Article 9. Preparation and adoption of technical normative legal acts in the field of food safety**

9.1. The requirements for the safety and the minimum quality of food and feed products, including the maximum amount of residues in food and feed products, substances allowed to be used in products and their established limits, as well as food contact materials, primary production, manufacturing, processing, circulation and disposal processes of food and feed products shall be established by the technical normative legal acts in the field of food safety (sanitary-hygiene, veterinary, phytosanitary norms and rules).



9.2. The body (institution) assigned by the relevant executive authority shall prepare and adopt the technical normative legal acts in the field of food safety, taking into account the requirements and principles of food safety as specified in this Law.

9.3. The technical normative legal acts in the field of food safety shall be developed on the basis of international standards, guidelines and recommendations adopted by relevant international organizations, with exception of the case indicated in Article 9.4 of this Law.

9.4. The technical regulatory acts in the field of food safety may establish the requirements that differ from those of international standards, guidelines and recommendations, if there is a scientific evidence that international standards, instructions and recommendations are not considered satisfactory to meet the necessary level of sanitary protection due to the sanitary and veterinary characteristics of the Republic of Azerbaijan, as well as due to the spread of diseases, or if there is a need to reach a higher level of sanitary protection.

9.5. In case there is lack of international standards, guidelines and recommendations or they are not used due to the fact that they are insufficient to meet a necessary level of sanitary protection, the body (institution) assigned by the relevant executive authority shall conduct a risk assessment considering the available scientific evidence and take into account the results of risk assessment when preparing the technical normative legal acts in the field of food safety.

9.6. According to the international agreements, to which the Republic of Azerbaijan is a party, the information and notification center of the body (institution) assigned by the relevant executive authority, shall, in the following cases, send a notification of the new technical normative legal acts drafted in the field of food safety to the countries that are members of those agreements:

9.6.1. if the technical regulatory legal acts in the field of food safety do not comply with the relevant international standards, guidelines, and recommendations;

9.6.2. if there are no relevant international standards, guidelines, recommendations to be used in the preparation of technical normative legal acts in the field of food safety;

9.6.3. when the technical normative legal acts prepared in the field of food safety affect the export opportunities of trade partners.

9.7. The information and notification center shall provide free of charge information in the field of safety of food and feed products upon request of any foreign and local food business operator or foreign trade partner of the Republic of Azerbaijan on the following:

9.7.1. the technical normative legal acts in the field of safety of food and feed products or drafts thereof;

9.7.2. control procedures, registration, approval and certification rules related to food safety;

9.7.3. the procedures and methods for analyzing the risk posed to human health by food products;

9.7.4. the factors taken into account when identifying the necessary level of sanitary protection.

9.8. The information stipulated in Article 9.7 of this Law shall be provided to the foreign food business operator or the foreign trade partner of the Republic of Azerbaijan in one of the languages provided for in the international agreements, to which the Republic of Azerbaijan is a party.

9.9. In the course of preparation of technical normative legal acts in the field of food safety, it shall be taken into account that they do not limit foreign trade beyond the limits required to meet the necessary level of sanitary protection and do not create unreasonable obstacles to the activities of food business operators.

9.10. If the body (institution) assigned by the relevant executive authority finds out that the technical normative legal acts in the field of food safety of the country that is a foreign trade partner of the Republic of Azerbaijan provide the same or higher level of sanitary protection required in the Republic of Azerbaijan, the equivalence of such technical regulatory legal acts to the same relevant national technical regulatory legal acts of the Republic of Azerbaijan shall be recognized, if it is prescribed by the international treaties, to which the Republic of Azerbaijan is a party.

9.11. The body (institution) assigned by the relevant executive authority, in the event that it is stipulated in the international treaties, to which the Republic of Azerbaijan is a party, shall establish the procedure for recognizing the equivalence of the technical normative legal acts of the foreign trade partner of the Republic of Azerbaijan in the field of food safety to the same national technical normative legal acts of the Republic of Azerbaijan.

## **Chapter 5**

### **Food safety requirements**

#### **Article 10. General requirements for the safety of food and feed products**

10.1. A primary production, manufacturing, processing and circulation of dangerous food and feed products shall be prohibited.

10.2. Food products shall be considered dangerous in the following cases:

10.2.1. if there is an evidence that the safety indicators of food products are harmful to the life and health of present, as well as future generations in the short or long-term (including cumulative toxic effects) perspective;

10.2.2. when food products are unfit for consumption due to the presence of obvious signs of spoilage, decomposition, decay, as well as the non-compliance of the substances contained in them with the technical normative legal acts in the field of food safety;



10.2.3. when ingredients prohibited by the technical normative legal acts in the field of food safety are found in food products.

10.3. The body (institution) assigned by the relevant executive authority shall keep an open for users register of the cases (except for the cases of obvious signs of spoilage, decomposition, decay in food products provided for in Article 10.2.2 of this Law) that give grounds for considering the food products specified in Article 10.2 of this Law as dangerous.

10.4. The body (institution) assigned by the relevant executive authority shall establish a procedure for keeping the register mentioned in Article 10.3 of this Law.

10.5. Feed products shall be considered dangerous in the following cases:

10.5.1. if there is an evidence that it is harmful to animal health;

10.5.2. when it renders a food product of animal origin unfit for human consumption.

10.6. When a food and feed product deemed to be dangerous is part of a package, batch, or consignment with the same class or description and there is no evidence of the safety of the food and feed products in them, all food and feed products in that package, batch or consignment shall be considered dangerous.

#### **Article 11. Requirements for the safety of foodstuff for particular nutritional uses and food supplements**

11.1. The foodstuff for particular nutritional uses shall include the following:

11.1.1. food products that meet the physiological needs of the child's organism and are intended for feeding children up to three years of age;

11.1.2. dietary food products that provide a complete replacement of the daily food ration and are used for energy restriction in terms of reducing body mass;

11.1.3. food products prepared for medical purposes, used in special food rations for the prevention of disorders caused by the chronic effects of harmful factors in the human organism, taken under the instructions of a doctor.

11.2. The foodstuff for particular nutritional uses shall be produced in accordance with the following requirements:

11.2.1. to satisfy the physiological needs of relevant consumer groups;

11.2.2. to include the vitamins, minerals and amino acids defined only by the technical normative legal acts in the field of food safety within their permissible limits.

11.3 The requirements for the safety of foodstuff for particular nutritional uses shall be established in accordance with the technical normative legal acts in the field of food safety.

11.4. Food business operators can use only the vitamins and minerals defined by the technical normative legal acts in the field of food safety during the processing of food supplements.

11.5. Processing and circulation of food supplements shall be authorized upon registration of those substances by the body (institution) assigned by the relevant executive authority according to Article 25.1 of this Law.

11.6. The requirements for the processing and circulation of food supplements shall be established by the technical normative legal acts in the field of food safety.

#### **Article 12. Requirements for the safety of enriched (fortified) food products**

12.1. Food products can be enriched (fortified). The requirements, methods for food enrichment and ingredients used in the enrichment (fortification) process shall comply with the technical normative legal acts in the field of food safety.

12.2. The body (institution) assigned by the relevant executive authority shall issue a decision on the enrichment (fortification) of food products based on scientifically justified proposals of that body. The decision on fortification of food products shall be binding for the food business operators.

12.3. The body (institution) assigned by the relevant executive authority shall establish a procedure for making a decision on the enrichment (fortification) of food products.

#### **Article 13. Requirements for the Genetically Modified Organisms and feed products**

13.1. Production, processing and circulation of genetically modified organisms intended to be used for feed, as well as feed products consisting only of genetically modified organisms or containing genetically modified organisms or any product obtained from genetically modified organisms in the territory of the Republic of Azerbaijan, the list of which established the body (institution) assigned by the relevant executive authority, shall be authorized only upon registration hereof in the manner as prescribed in Article 25.8 of this Law. 13.2. Production, processing and circulation of organisms and feed products provided for in Article 13.1 of this Law shall be prohibited without registration.

13.3. Primary production of organisms and feed products provided for in Article 13.1 of this Law shall be prohibited.

13.4. The organisms and feed products provided for in Article 13.1 of this Law shall meet the following requirements for registration under Article 25 of this Law:

13.4.1. not be harmful to life and health;

13.4.2. not mislead users regarding consumption characteristics;

13.4.3. must have the necessary ingredients in the products that replace for the normal nutrition of animals.



#### **Article 14. Requirements for the safety of a potable water (bottled) and water used in the processing of food products**

14.1. Drinking water (bottled) and the water used in the processing of food products shall comply with the requirements set by the technical normative legal acts in the field of food safety.

14.2. The body (institution) assigned by the relevant executive authority shall conduct the state control over a compliance of a potable water (bottled) and the water used in the processing of food products with the requirements of technical normative legal acts in the field of food safety.

14.3. Production, processing and circulation of natural mineral waters (bottled) shall be allowed once they are registered by the body (institution) assigned by the relevant executive authority according to Article 25.1 of this Law.

#### **Article 15. Requirements for the safety of products of primary production**

15.1. Food business operators engaged in primary production shall fulfill the following requirements to ensure the safety of products they produce:

15.1.1. operate in the areas beyond the harmful effects of environmental factors that may threaten the safety of products of primary production;

15.1.2. ensure the measures are taken by food business operators engaged in primary production to prevent the products of primary production manufactured by them from contamination with air, soil, water, veterinary drugs, agrochemical substances and plant protection means;

15.1.3. arrange sorting in order to separate products that are clearly unfit for nutrition and ensure utilization or destruction thereof in accordance with the sanitary norms;

15.1.4. keep clean and periodically disinfect the infrastructure, storage warehouses and other facilities related to primary production, as well as the equipment, containers, means of transportation and other carriers that come into contact with the products of primary production;

15.1.5. ensure cleanliness of animals taken for slaughter;

15.1.6. prevent the waste generated during primary production from contaminating food and feed products and ensure that measures are taken for safe and secure storage of harmful substances;

15.1.7. in case an infectious disease is detected in a food product, take measures to prevent its transmission to people and provide information to the body (institution) defined by the relevant executive authority immediately;

15.1.8. take into account the results of tests conducted on the samples taken from animals, plants, products of animal and plant origin in its activity;

15.1.9. use feed additives, veterinary drugs, plant protection products and agrochemicals in accordance with the requirements of the technical normative legal acts in the field of food safety.

15.2. The sanitary and hygienic requirements for primary production shall be identified on the basis of the technical normative legal acts in the field of food safety.

#### **Article 16. Requirements to the safety of food and feed products during the production and processing stages**

16.1. Raw food and feed, the products of primary production, ingredients and registered food and feed additives that meet the requirements established in the field of food and feed safety shall be used during the production and processing of food and feed products.

16.2. The food business operators engaged in the production and processing of food and feed products shall apply the HACCP-based procedures and internal food safety control system in their food facilities based on these procedures.

16.3. The equipment, territory, water supply and sewage system, heating, ventilation (air conditioning), lighting, and working conditions of the staff in the premises used for the production, processing, storage, and sale of food and feed products, as well as auxiliary and sanitary-household buildings shall comply with the requirements established by the normative legal acts on food safety.

16.4. The HACCP-based procedures shall be defined by the technical normative legal acts in the field of food safety.

#### **Article 17. Requirements for the safety of food and feed products during packaging and labelling**

17.1. According to the requirements of the technical normative legal acts in the field of food safety, food and feed products must be packed by the methods that can ensure their safety during circulation.

17.2. Labelling of food products shall be carried out in accordance with the following requirements:

17.2.1. a consumer shall be provided with detailed information about the name, nutritional and energy value, composition, quantity, quality indicators, production date, shelf life, storage conditions of food products, allergens in the content, origin, name and address of the manufacturer, production method and rules of use;

17.2.2. labelling of products must be done in a precise, clear and fully understandable for consumers form;

17.2.3. effects or properties that are not specific to those food products shall not be indicated;



17.2.4. shall not present the properties of similar food products with the same properties as special properties;

17.2.5. the label of any food product shall not contain information about the fact that it prevents human diseases and has curative properties;

17.2.6. agricultural products treated with chemical and biological preparations shall have appropriate warning notes and signs on the tares.

17.3. In case the feed products imported to the Republic of Azerbaijan or produced and processed in the Republic of Azerbaijan contain the genetically modified organisms, information about the genetically modified organisms shall be reflected on the labels of those goods.

17.4. If the labels and names on the food products imported to the Republic of Azerbaijan, the composition and shelf life of the product, and the explanatory notes about the rules of use of the product are in other languages, their translation into the Azerbaijani shall be ensured.

17.5. The requirements to packaging and labelling of food and feed products shall be established by the technical normative legal acts in the field of food safety.

#### **Article 18. Requirements for the safety of food and feed products during their storage and transportation**

18.1. The storage and transportation of food and feed products shall be carried out in a way that guarantee their safety and preserve their original properties, in accordance with the requirements established in the field of food safety.

18.2. Food and feed products shall be stored in specially installed places, premises and facilities in accordance with requirements of the technical normative legal acts on food safety.

18.3. Food and feed products shall be transported in vehicles specially intended or adjusted for this purpose and meeting the hygienic and temperature requirements for food products.

18.4. The requirements for storage and transportation of food and feed products shall be determined by the technical normative legal acts in the field of food safety.

#### **Article 19. Requirements for the safety of food and feed products during their sale and consumption**

19.1. The sale of food and feed products at the commercial (service) facilities shall allowed if those facilities meet the requirements defined by the technical normative legal acts in the field of food safety and are registered or approved by the body (institution) assigned by the relevant executive authority.

19.2. Public catering facilities, where food products are consumed, may offer food products to consumers after fulfilling the requirements in the field of food safety and being registered or approved by the body (institution) assigned by the relevant executive authority.

19.3. The food business operators shall apply the HACCP-based procedures in public catering and service facilities, where food products are consumed and have an internal food safety control system based on these principles.

**Article 20. Requirements to the safety of food and feed products imported into the customs territory of the Republic of Azerbaijan, and the food contact materials**

20.1. The safety of food and feed products imported into the customs territory of the Republic of Azerbaijan shall comply with the requirements established in accordance with this Law or the requirements of the legislation of other states recognized as equivalent to those requirements by the body (institution) assigned by the relevant executive authority.

20.2. The body (institution) assigned by the relevant executive authority may establish the different requirements for food and feed products imported from those countries, depending on the diseases prevalent in the exporting countries and the level of risk posed by those diseases to life and health.

20.3. In order to import the food and feed products defined under Article 24.5 of this Law into the customs territory of the Republic of Azerbaijan, the body (institution) assigned by the relevant executive authority shall approve the food facilities, where those products are produced and processed, in accordance with that Article.

20.4. If there is a relevant official information on the approval of food facilities by the authorized body of the country, where the equivalence of the approval system is recognized, their re-approval shall not be required according to Article 20.3 of this Law.

20.5. The body (institution) assigned by the relevant executive authority shall establish a procedure for approval of food facilities operating in foreign countries and recognition of the equivalence of the approval system of foreign countries.

20.6. In order to import food and feed products into the customs territory of the Republic of Azerbaijan, the list of which is determined by the body (institution) assigned by the relevant executive authority taking into account the degree of the risk, those products shall be accompanied by appropriate documents confirming their safety.

20.7. The body (institution) assigned by the relevant executive authority shall send the samples of documents confirming the safety of food and feed products for separate countries to the customs body electronically.

20.8. The importer, who intends to import food and feed products, as well as food contact materials into the customs territory of the Republic of Azerbaijan or his/her authorized representative shall electronically send to the body (institution) assigned by the relevant executive authority a notification, in the form approved by the said body (institution) before



those products are brought to the customs territory. The failure to send the notification shall cause an administrative liability of the importer, but does not prevent the passage of food and feed products, as well as food contact materials, across the customs border, except for the case provided for in Article 20.9 of this Law.

20.9. When particularly dangerous diseases are registered in foreign countries, the body (institution) assigned by the relevant executive authority shall make a decision to terminate or restrict the import of food and feed products from those countries. In case a notification is received regarding the import of food and feed products from the territories of those foreign countries, the body (institution) assigned by the relevant executive authority shall inform the importer sending the notification or his/her authorized representative, as well as the customs body about the refusal of import, in real time.

20.10. In order to ensure the passage of food and feed products, as well as food contact materials through the customs border, the body (institution) assigned by the relevant executive authority shall send information in real time on those products to the customs body, taking into account the Article 20.9 of this Law.

20.11. The body (institution) assigned by the relevant executive authority shall identify the deadlines for notification by the importer or his/her authorized representative before the import of food and feed products, as well as the food contact materials, taking into account the means of transport used for this purpose.

20.12. The body (institution) determined by the relevant executive authority shall establish a procedure for importing food and feed products, as well as the food contact materials into the customs territory of the Republic of Azerbaijan.

#### **Article 21. Requirements for the safety of food and feed products exported or re-exported from the Republic of Azerbaijan**

21.1. The exported or re-exported food and feed products shall comply with the principles and requirements of the normative legal acts of the Republic of Azerbaijan on food safety, the national legislation of the importing country in the field of food and feed products, and the international agreements, to which the Republic of Azerbaijan is a party.

21.2. The food and feed products exported to foreign countries shall have a health certificate issued under Article 26.1 of this Law when the importing countries require it.

21.3. The body (institution) assigned by the relevant executive authority shall not allow the transit transportation of food and feed products through the territory of the Republic of Azerbaijan in the following cases:

21.3.1. when the body (institution) assigned by the relevant executive authority adopts decisions on prohibition and other restrictive measures on food and feed products imported from foreign countries due to the spread of particularly dangerous human and animal diseases and harmful organisms;

21.3.2. when the customs seals on the freight sections of vehicles carrying the products are not safe and sound;

21.3.3. when the documents (certificates) complying with the model form drafted under the recommendations of the international organizations, of which the Republic of Azerbaijan is a member or the international agreements, to which the Republic of Azerbaijan is a Party, are not submitted.

21.4. When the food and feed products are unloaded from the vehicle they were brought in and stored in the customs warehouse, loaded on one or more other vehicles, the transit transportation of those products shall be carried out in the manner established by the body (institution) assigned by the relevant executive authority.

## **Article 22. Requirements to the employees of food business operators**

22.1. The employees of food business operators, who are in direct contact with food products, shall undergo initial and periodical medical examinations in accordance with the procedure established by the body (institution) assigned by the relevant executive authority, as well as participate in the hygiene training.

22.2. It shall be prohibited to allow employees, who have not passed initial and periodic medical examinations, as well as are carriers of various infectious diseases or infected with infectious diseases, to the processes of primary production, manufacturing, processing, circulation and utilization of food products.

22.3. The employees of food business operators engaged in the primary production, manufacturing, processing, circulation and utilization of food products shall comply with the requirements of technical normative legal acts in the field of food safety and personal hygiene rules during their activities.

## **Article 23. Requirements to the Food Contact Materials**

23.1. Food contact materials shall meet the following requirements:

23.1.1. comply with the requirements of technical normative legal acts in the field of food safety;

23.1.2. not change the composition of the food product and affect the safety indicators when in contact with food products;

23.1.3. be used only for the intended purpose.

23.2. All parts of transport containers (tanks, tankers, etc.), pipelines, pumps, hoses, vehicles and equipment in contact with food products shall be made of materials, the use of which are approved in accordance with the technical regulatory legal acts in the field of food safety.

23.3. Requirements for the food contact materials shall be determined by the technical normative legal acts in the field of food safety.



23.4. The body (institution) assigned by the relevant executive authority shall define a list of food contact materials by the codes of the Commodity Nomenclature of Foreign Economic Activity.

## Chapter 6

### Registration, approval, certification and monitoring in the field of food safety

#### **Article 24. Registration and approval of food facilities (food business operators), maintenance of the food safety register**

24.1 Food facilities that carry out primary production, manufacturing, processing, circulation and utilization of food and feed products on the territory of the Republic of Azerbaijan (with the exception of food facilities that does not require registration according to the list established by the body (institution) assigned by the relevant executive authority and regulated by Article 24.5 of this Law) or food business operators operating without food facilities, as well as facilities engaged in production and processing of food contact materials) shall be registered in accordance with the Law of the Republic of Azerbaijan "On Licenses and Permits" by the body (institution) assigned by the relevant executive authority, once the information required for registration is provided, without assessing the compliance with the requirements of technical normative legal acts in the field of food safety.

24.2. The electronic information resources of state bodies and other institutions (databases, information retrieval systems, registers and other information resources) shall be available as a source of the information required for the registration of food facilities operating at different stages of the food chain or food business operators operating without food facilities, as well as the facilities that carry out the production and processing of food contact materials.

24.3. The registered food business operators or food facilities, as well as the facilities that produce and process food contact materials, shall be included in the Food Safety Register (hereinafter - the Register) and be issued an electronic or written extract from the Register. The register is the information resource of the Republic of Azerbaijan. The information included in the register, which does not constitute a commercial and (or) tax secret, shall be placed on the official website of the body (institution) assigned by the relevant executive authority and shall be open to users.

24.4. Compliance of the food facilities and facilities that manufacture and process food contact materials with the requirements of technical normative legal acts in the field of food safety, which were registered without assessing the compliance with those legal acts shall be assessed within the framework of the state control measures.

24.5. Food facilities engaged in the production, processing, circulation and utilization of food products and feed products of animal and plant origin, the list of which are

determined by the body (institution) assigned by the relevant executive authority shall, within 30 (thirty) working days, be approved or rejected by the body (institution) assigned by the relevant executive authority (institution) in accordance with the Law of the Republic of Azerbaijan "On Licenses and Permits", upon request by the food business operators responsible for those facilities, based on the compliance assessment.

24.6. The food facilities approved by the body (institution) assigned by the relevant executive authority in accordance with Article 24.5 of this Law shall be included in the Register and be issued an electronic or written extract from the Register. In case the approved facility commits violations that pose a threat to life and health in relation to the requirements of technical normative legal acts in the field of food safety and fails to eliminate these violations, the approval of that facility shall be canceled in accordance with the Law of the Republic of Azerbaijan "On Licenses and Permits".

24.7. The body (institution) assigned by the relevant executive authority shall electronically submit the extracts from the Register of approved food facilities operating in foreign countries to the customs body.

24.8. The costs related to the evaluation by the body (institution) assigned by the relevant executive authority for approval of the food facilities operating in foreign countries shall be covered at the expense of the food business operators or their authorized representatives responsible for those facilities.

24.9. In case the inconsistencies are detected in food facilities subject to approval, based on the results of assessments carried out by the body (institution) assigned by the relevant executive authority, these facilities shall be approved within the prescribed period as specified in the approval procedure provided that the incompliances are eliminated, taking into account the nature thereof and the level of risk created.,

24.10. If the identified non-conformities are not eliminated within the specified period, the approval of those objects shall be annulled. Additional control measures may be implemented in these facilities to eliminate the inconsistencies within the given period.

24.11. It shall be prohibited for the facilities (business operators) mentioned in Articles 24.1 and 24.5 to operate, without registration or approval, in the field of food according to those Articles.

24.12. The body (institution) assigned by the relevant executive authority shall fix a levy of and exemption from state duties for the food business operators due to the issuance of an extract from the Register regarding the approval of food facilities according to Article 24.5 of this Law according to the Law of the Republic of Azerbaijan "On State Duty".

24.13. The body (institution) assigned by the relevant executive authority shall define a service fee to be levied from the food business operators for the analysis (testing) of the product samples taken during assessments conducted with a view to approving food facilities in the accredited testing laboratories under the relevant executive authority.



24.14 Food business operators or their facilities, as well as the facilities engaged in the production and processing of food contact materials shall inform the body (institution) assigned by relevant executive authority if there is any change in the information on their activity provided during the registration and approval stage, and in the activity area, or if they terminated their activity.

24.15. In case of termination or suspension of entrepreneurial activity in the field of food safety for more than one year, the registration of food facilities or food business operators, as well as the facilities engaged in the production and processing of food contact materials, or approval of the food facilities shall be canceled.

24.16. The procedure for registration of food facilities and food business operators, as well as the facilities engaged in production and processing of food contact materials, for approval of food facilities and for keeping the Register shall be identified by the body (institution) assigned by the relevant executive authority.

#### **Article 25. Registration of products**

25.1. The body (institution) assigned by the relevant executive authority shall carry out the analysis (testing) of the following products to assess their impact on life and health, identify the compliance of their safety and minimum quality with other requirements as stipulated in the normative legal acts in the field of labelling and food safety, before being produced, processed and put into circulation, in the territory of the Republic of Azerbaijan, and register them depending on their characteristics accordance with Article 25.8 of this Law:

25.1.1. new type of food products;

25.1.2. genetically modified organisms and feed products;

25.1.3. food additives;

25.1.4. feed additives;

25.1.5. food supplements;

25.1.6. natural mineral waters.

25.2. The body (institution) determined by the relevant executive authority shall define a validity period of the registration of products specified in Articles 25.1.1-25.1.6 of this Law.

25.3. The body (institution) assigned by the relevant executive authority shall include the registered products into the Register. The register is open to all searchers.

25.4. Production, processing and circulation of unregistered products, which are subject to registration, shall be prohibited.

25.5. The body (institution) assigned by the relevant executive authority shall establish the procedure for suspension, restoration, cancellation and re-registration of registered products with consideration of the characteristics of those products.

25.6. A service fee fixed by the relevant executive authority shall be charged when samples are taken and analyzed (tested) for the purpose of product registration in accredited testing laboratories under the body (institution) assigned by the relevant executive authority.

25.7. The body (institution) assigned by the relevant executive authority shall develop a list of products specified in Articles 25.1.1-25.1.6 of this Law according by the Codes of the Commodity Nomenclature of Foreign Economic Activity.

25.8. The body (institution) assigned by the relevant executive authority shall establish a procedure for registration of products provided for in Articles 25.1.1-25.1.6 of this Law.

#### **Article 26. Certification of food and feed products**

26.1. The body (institution) assigned by the relevant executive authority shall issue a health certificate, when required by the importing countries, for the food and feed products exported from the territory of the Republic of Azerbaijan to foreign countries taking into account the requirements of the importing countries.

26.2. In cases the importing countries require, the health certificate issued by the body (institution) assigned by the relevant executive authority institution to the exported food products of animal origin may confirm the compliance of those products to the animal health indicators, along with the food safety indicators.

26.3. For issuing a health certificate, a state duty shall be charged in the amount specified in the Law of the Republic of Azerbaijan "On State Duty".

26.4. A service fee in the amount defined by the body (institution) assigned by the relevant executive authority shall be charged from the food business operators when the samples taken for the purpose of issuing a health certificate are examined (tested) in the accredited testing laboratories under the body (institution) assigned by the relevant executive authority.

26.5. A health certificate shall be issued both in paper and electronic form. The validity period of the health certificate shall be one month, not exceeding the shelf life of the product, and if the food and feed product is not exported during this period, the certificate shall be considered invalid.

26.6. The body (institution) assigned by the relevant executive authority shall define a procedure and form of issuing health certificates for food and feed products.

#### **Article 27. Traceability of products**

27.1. Food business operators shall have a tracking system and procedures that enable them to identify the operators that supply them with food and feed products, animals from which food products are obtained, or substances intended to be added to food and feed products, or the entities to whom they supply food and feed products. To this end, food



business operators shall ensure that the documents outlined in the product tracking procedure are prepared and stored on paper and (or) electronic carriers.

27.2. Upon request of the body (institution) assigned by the relevant executive authority, food business operators shall submit the documents, as well as information about the tracking system and procedures to that body.

27.3. To ensure an easy traceability of the food and feed products placed or intended to be placed on the market, animals from which food products are obtained, or substances intended to be added to food and feed products, food business operators shall ensure that those products labeled and identified in the order specified in line with this Law, and accompanied by the necessary documents.

27.4. The body (institution) assigned by the relevant executive authority shall define a procedure for tracking the products.

## **Chapter 71**

### **State control over the safety of food and feed products**

#### **Article 28. General requirements for state control over the safety of food and feed products**

28.1. The body (institution) assigned by the relevant executive authority shall carry out state control over the safety of food and feed products at all stages of the food chain with consideration of the level of risk of the product.

28.2. Inspections in the field of safety of food and feed products, as well as food contact materials shall be carried out by the body (institution) assigned by the relevant executive authority in accordance with the Law of the Republic of Azerbaijan "On regulation of inspections conducted in the field of entrepreneurship and protection of entrepreneurs' interests".

28.3. A procedure for conducting a risk-based state control over the food safety shall be defined by the body (institution) assigned by the relevant executive authority shall develops food taking into account the requirements of the Law of the Republic of Azerbaijan "On regulation of inspections conducted in the field of entrepreneurship and protection of entrepreneurs' interests".

#### **Article 29. State control measures in the field of food safety**

29.1. The state control in the field of food safety shall include the following measures:

29.1.1. conduct the monitoring in the food facilities for the purpose of analyzing the situation and assessing the risk in the field of food safety;

29.1.2. carry out an inspection of the following:

29.1.2.1. food facilities, machinery and equipment, means of transportation and other infrastructure facilities;

29.1.2.2. food and feed products, food and feed additives, raw food, semi-finished products, ingredients and other substances used in food production and processing;

29.1.2.3. food contact materials;

29.1.2.4. amount of residues in food and feed products;

29.1.2.5. labelling of food and feed products;

29.1.2.6. a status of application of HACCP-based internal control systems related to ensuring food safety;

29.1.3. examining written materials and documents related to food safety;

29.1.4. medical checkup, examination of health and hygiene of employees, who come into contact with food products;

29.1.5. sampling and analysis (testing) of food and feed products.

29.2. When conducting state control in the field of food safety, the following shall be taken into account in relation to the food business operator:

29.2.1. risks identified with regard to food and feed products;

29.2.2. information on the registration, approval, certification of the food business operators, as well as the data collected within the framework of previous control measures, and the results of tests conducted;

29.2.3. Records on the results of internal control (audit) measures carried out by the food business operators with regard to fulfillment of food safety requirements in the food facilities, for which they are responsible.

29.3. In case violations are detected as a result of state control measures, the body (institution) assigned by the relevant executive authority, shall take the restrictive measures provided for in the Law of the Republic of Azerbaijan "On Regulation of inspections conducted in the field of entrepreneurship and protection of entrepreneurs' interests".

### **Article 30. Withdrawal, recall, utilization and destruction of food and feed products**

30.1. Dangerous food and feed products and (or) those that do not comply with the requirements established in accordance with this Law shall be withdrawn, by the food business operators, from consumers, market and other sales facilities, based on the decision of the body (institution) assigned by the relevant executive authority adopted within the framework of the state control measures or on the initiative of the food business operators and the body (institution) assigned by the relevant executive authority shall be informed about it immediately.

30.2. In the case dangerous food and feed products and (or) those that do not comply with the requirements established in accordance with this Law are intended to be



withdrawn and this decision is not executed by the food business operators within a specified timeframe, then body (institution) assigned by the relevant executive shall make a decision on recall of those products from consumers, market and other sales facilities and implement it. Withdrawal and recall of food and feed products that do not meet the requirements established in accordance with this Law at the request of the body (institution) assigned by the relevant executive authority shall be allowed only when those products are proven to be dangerous.

30.3. Until the body (institution) assigned by the relevant executive authority makes a decision about the food and feed products withdrawn or recalled from consumers, markets and other sales facilities, those products shall be stored in places that do not pose a threat to other food and feed products and do not allow consumers to come into contact with them.

30.4. According to Articles 30.1 and 30.2 of this Law, in the case the food and feed products withdrawn or recalled are considered safe for life and health based on the results of the analysis (test) conducted under the decision of the body (institution) assigned by the relevant executive authority they are directly re-circulated according to its intended purpose thereof provided that are brought in line with the requirements of the food safety legislation.

30.5. The food and feed products that do not meet the requirements established in accordance with this Law and are considered dangerous for life and health by the body (institution) assigned by the relevant executive based on the results of the conducted analysis (testing) shall be utilized or destroyed in the manner determined in accordance with Article 30.9 of this Law.

30.6. According to Article 30.5 of this Law, the body (institution) assigned by the relevant executive authority shall make a decision on utilization or destruction of food and feed products.

30.7. The food business operators responsible for the food and feed products that do not meet the requirements established in accordance with this Law and are considered dangerous shall pay out the costs related to analysis (testing), storage, transportation, utilization or destruction.

30.8 A process of utilization or destruction of food and feed products shall be controlled in the manner specified in accordance with Article 30.9 of this Law aiming to prevent the threat to life and health posed by the products utilized and destroyed under the decision of the body (institution) assigned by the relevant executive authority.

30.9. The body (institution) assigned by the relevant executive authority shall establish a procedure of withdrawal, recall, utilization and destruction of food and feed products that do not meet the requirements established in accordance with this Law and considered to be dangerous.

## **Article 31. State control over the imported food and feed products, as well as the Food Contact Materials**

31.1 The body (institution) assigned by the relevant executive authority shall carry out the state control measures aimed at ensuring the safety of food and feed products, as well as food contact materials imported into the customs territory of the Republic of Azerbaijan, based on the results of the risk assessment performed by the body (institution) assigned by the relevant executive authority in accordance with a procedure for import of the food and feed products and food contact materials.

31.2. The control measures for food and feed products, as well as the food contact materials imported into the customs territory of the Republic of Azerbaijan to be taken by the body (institution) assigned by the relevant executive body, shall consist of the following:

31.2.1. verification of existence and correctness of documents, certificates and other legal documentation that are the basis for allowing the circulation of food and feed products, as well as food contact materials in the territory of the Republic of Azerbaijan, accompany the imported product batch and defined under the procedure of import of food and feed products, as well as food contact materials, (hereinafter – a document control);

31.2.2. verification of an identity and compliance of the composition, label, means of transport of the imported food and feed products, as well as the batch of food contact materials with the information specified in the certificate, test protocol and other documents issued to that product (hereinafter – an identity control);

31.2.3. testing of a sample of imported food and feed products, as well as the food contact materials, inspection of the vehicle transporting it, storage temperature and other indicators determined in accordance with this Law (hereinafter - a physical control).

31.3. All food and feed products, as well as the food contact materials imported into the territory of the Republic of Azerbaijan shall be subject to a document control and depending on their risk level, to an identity and a physical control, in accordance with a procedure identified by the body (institution) assigned by the relevant executive authority.

31.4. In the case, the product samples taken by the body (institution) assigned by the relevant executive authority within the framework of a physical control for their analysis (testing) in the accredited testing laboratories under the body (institution) assigned by the relevant executive authority, the food business operators shall be charged a service fee for that analysis (test) in an amount as set by the body (institution) assigned by the relevant executive authority.

31.5 While classifying the product importers by risk groups aimed at applying the "Green Corridor" and other release systems to the food and feed products, as well as the food contact materials imported by the customs authority, the information on risks concerning those importers provided by the body (institution) assigned by the relevant executive authority shall also be taken into consideration.



31.6. The body (institution) assigned by the relevant executive authority shall carry out a document control, identity control and physical control at the food safety control points located in the customs territory, where customs clearance is carried out, or at the places, where importers' products are stored.

31.7. The body (institution) assigned by the relevant executive authority shall draw up an act on the sanitary condition of imports and submit to the importer to give instructions on the product, if the food and feed products, as well as the food contact materials imported into the customs territory of the Republic of Azerbaijan comply with the requirements in the field of food safety.

31.8. A state duty for the issuance of an import sanitation act by a body (institution) assigned by the relevant executive authority, shall be charged in the amount established by the Law of the Republic of Azerbaijan "On State Duty".

31.9. In the case food and feed products, as well as the food contact materials imported into the customs territory of the Republic of Azerbaijan do not meet the requirements established in accordance with this Law and are considered dangerous as a result of the control measures, the body (institution) assigned by the relevant executive authority shall issue a decision on utilization, removal or destruction of those products beyond the borders of the customs territory of the Republic of Azerbaijan , , and inform, on paper or in electronic form, about it the importer or his/her authorized representative, as well as the customs body within one day.

31.10. In accordance with Article 31.9 of this Law, the importer shall remove, within 10 (ten) days, from the customs territory of the Republic of Azerbaijan the food and feed products, as well as the food contact materials, which were decided to be taken out of the customs territory of the Republic of Azerbaijan. The importer shall be responsible for the costs incurred in this regard.

31.11. In the case the dangerous food and feed products, as well as the food contact materials, which were decided to be taken out of the customs territory of the Republic of Azerbaijan are not removed within the period stipulated in Article 31.10 of this Law, the body (institution) assigned by the relevant executive body shall make a decision on destruction, based on which those products and materials shall be destroyed within 10 (ten) days.

## **Article 32. Testing and reference laboratories used for the purpose of state control**

32.1. Within the framework of state control and regulation measures, as well as for the issuance of authorization specified by this Law, only the laboratories accredited in a manner provided for in the Law of the Republic of Azerbaijan "On Accreditation in the Field of Conformity Assessment" shall carry out the analysis (testing) of the samples taken.

32.2. Reference laboratories shall be established under the body (institution) assigned by the relevant executive authority in order to ensure coordination regarding the organization

of comparative and competency tests and the application of test methods between laboratories.

### **Article 33. Crisis management in the field of food safety**

33.1. The body (institution) assigned by the relevant executive authority shall consider and announce a crisis situation, when domestic and imported food and feed products pose a serious threat to human health and life, and there is a risk of a large-scale spread of it.

33.2. The body (institution) assigned by the relevant executive shall undertake the preventive, restrictive and prohibitive measures for the purpose of crisis management.

33.3. The relevant state bodies and institutions, municipalities, food business operators shall immediately inform the body (institution) assigned by the relevant executive authority, when there are grounds for a crisis situation related to food and feed products.

33.4. The body (institution) assigned by the relevant executive authority shall prepare a crisis management plan with participation of the relevant state bodies (institutions).

33.5. The crisis management plan shall include the measures to prevent, restrict and eliminate the risk of threat to life and health caused by a food and feed product and the food business operators responsible for those measures.

33.6. The body (institution) assigned by the relevant executive authority may take a decision on restriction, prohibition or destruction of primary production, manufacturing, processing and circulation of products, which are the source of that threat if the measures aimed at preventing, restricting and eliminating the threat caused by the food and feed products are ineffective.

33.7. The body (institution) assigned by the relevant executive authority shall establish early warning systems for the food safety risks.

33.8. The body (institution) assigned by the relevant executive authority shall make a decision, when a crisis situation announced in accordance with Article 33.1 of this Law is eliminated.

## **Chapter 8**

### **Rights and Duties of Food Business Operators**

#### **Article 34. Rights of the food business operators**

34.1. The food business operators have the following rights:

34.1.1. request from the state bodies and institutions a methodical assistance and advice to fulfill the requirements established in accordance with this Law and apply to them to evaluate the situation;



34.1.2. participate in the development of normative legal acts in the field of food safety in the manner established in accordance with this Law;

34.1.3. develop, implement and adhere to the procedures based on the principles of any international management systems when implementing the processes related to the safety requirements of food and feed processing;

34.1.4. complain by administrative procedure and file a claim to the court;

34.1.5. have other rights as specified by this Law.

### **Article 35. Duties of the food business operators**

35.1. The food business operators shall perform the following duties with consideration of the requirements of the Law of the Republic of Azerbaijan "On Regulation of Inspections conducted in the field of Entrepreneurship and Protection of entrepreneurs' interests":

35.1.1. ensure the safety of the food and feed products primarily produced, manufactured, processed, circulated and utilized by them;

35.1.2. create conditions for the employees of the body (institution) that carries out state control over the safety of food and feed products with free access to and inspection of the food facility and taking samples from the products in order to verify a compliance with the requirements established in accordance with this Law and submit the necessary documents;

35.1.3. ensure the initial and periodical medical examination of employees, as well as provide hygiene training to them;

35.1.4. inform the body (institution) assigned by the relevant executive authority about violations that posed threat in the circulation and utilization of food and feed products, dangerous food and feed products placed on the market, and the crisis situation that arose;

35.1.5. terminate a circulation, primary production, manufacturing, processing or separate processes of dangerous food and feed products, including their, withdrawal thereof from commercial facilities (sale), from consumers and inform consumers about this, arrange their utilization or destruction based on the decisions of the body (institution) assigned by the relevant executive authority;

35.1.6. render assistance to a body (institution) assigned by the relevant executive authority with prevention, mitigation (restriction) and eliminating risks related to the food and feed products they produce or process, sell or utilize;

35.1.7. ensure traceability of food and feed products in the processes of primary production, manufacturing, processing, circulation, utilization and destruction, keep the documents required for these purposes and submit to the body (institution) assigned by the relevant executive authority;

35.1.8. carry out internal control (audit) in food facilities where food and feed products are produced and processed and keep the records of the control outcomes.

## **Chapter 9**

### **Final Provisions**

#### **Article 36. Liability for violation of this Law**

Violation of the requirements of this Law shall cause a liability in the cases stipulated in the Civil Code of the Republic of Azerbaijan, the Code of Administrative Offenses of the Republic of Azerbaijan and the Criminal Code of the Republic of Azerbaijan.

#### **Article 37. Revenue from fines imposed for violation of the requirements established in accordance with this Law**

37.1. According to the Code of Administrative Offenses of the Republic of Azerbaijan, 50 percent of the funds collected from the fines imposed by the body (institution) assigned by the relevant executive authority for violation of the requirements of this Law, shall be transferred to the account of the body (institution) assigned by the relevant executive authority for the purpose of strengthening the social protection of its employees and improving the material and technical base.

37.2. The body (institution) assigned by the relevant executive authority shall identify a procedure for distribution and spending the funds stipulated in Article 37.1 of this Law.

#### **Article 38. Transitional provisions**

38.1. Food safety registration maintained before the entry into force of this Law shall remain valid in relation to food facilities and the food business operators operating without a food facility subject to registration under this Law before this Law.

38.2. Food safety registration maintained before the entry into force of this Law shall remain in force in relation to food facilities subject to authorization under this Law until the conformity of those objects with the requirements established by this Law is confirmed through re-assessment.

38.3. Circulation of the products, subject to registration according to Article 25 of this Law, shall be allowed before the entry onto force of this Law (taking into account Article 38.7 of the Law).

38.4. A document control, identity control and physical control shall be carried out at the food safety control points located in the customs territory, where customs clearance is carried out, or at the places, where importers' products are stored, until the food safety control points provided for in Article 31.6 of this Law are established.

38.5. This Law shall enter into force from January 1, 2023, taking into account the Articles 38.6, 38.7 and 38.8 of the Law.



38.6. The Articles 16.2 and 19.3 of this Law shall enter into force two years after the date of its publication for the food business operators considered to be large businesses, four years for medium and small businesses and six years for those food business operators considered to be the micro businesses according to the Law of the Republic of Azerbaijan “On Entrepreneurship”.

38.7. Article 25.1 of this Law shall enter into force one year after the date of its publication in relation to the new type of food products, natural mineral waters, genetically modified organisms and feed products.

38.8. Article 27 of this Law shall enter into force after two years from the date of its publication.

38.9. Since the entry into force of this Law, the Law of the Republic of Azerbaijan No. 759-IQ dated November 18, 1999 “On Food Products” (Collection of Legislation of the Republic of Azerbaijan, 2000, No. 1, Article 8; 2001, No. 12, Article 736; 2003, No. 1, Article 7; 2004, No. 1, Article 6; 2007, No. 6, Article 560; 2009, No. 2, Article 49, 55; 2011, No. 4, Article 257, 2013, No. 11, Article 1290, 2014, No. 11, Article 1365, 2015, No. 11, Article 1252, 2017, No. 5, Article 718, 747, 2018, No. 4, Article 642, No. 12 (Book I), Article 2492, 2019, No. 6, Article 993, 995, No. 8, Article 1383, 2020, No. 5, Article 521, No. 7, Article No. 511-VIQD dated April 15, 2022 of the Republic of Azerbaijan) shall become invalid.

Ilham ALIYEV,

President of the Republic of Azerbaijan

Baku, May 5, 2022