

Law of the Azerbaijan Republic On Food Stuffs

This Law established the legal basis for management of quality, manufacturing and organization of the food stuffs, provision of the food security of the population in the Azerbaijan Republic.

Chapter I. General provisions

Article 1. Key definitions

Terms used in this Law shall have the following meaning:

- **Food stuffs**— product raw materials, eating products and additives (ingredients), products included in the group of taste products;
- **Eatable products** — products used by human in the natural or processed shape;
- **Quality of food stuffs**— combination of consumer properties of eating products providing human health and safety;
- **Safety of food stuffs**— compliance of food products with technical, environmental, veterinary and fit and sanitary standards, norms, rules and requirements as well as human safety and health warranties;
- **Packing and support materials** — natural and artificial materials used (being in contact) in the process of production, storage, transportation and sale of food stuffs;
- **Consumer value of eating products** — properties of products, providing eating, biological and physiological needs of people, as well as stipulated and used for variety of purposes;
- **Child food**— special food products adopted to physiological specifics of child body;
- **Dietary food** — special products used for preventive and treatment purposes;
- **Food security of population** — system of economic, legal and organizational measures, performed by state for the purposes of provision to population of food products, required for the purposes of supply to population of food products required for health and functioning;
- **Product raw materials** — vegetative, animal, micro-biological and mineral products, as well as water used in manufacturing of food products.

Article 2. Legislation of the Azerbaijan Republic on food products

Legislation of the Azerbaijan Republic on food products is comprised of this Law, legislative acts adopted in accordance with this Law as well as other legislation of the Azerbaijan Republic.

Rules for management of quality and security of agricultural products, fish and sea food, used as food stuff and raw materials, organization of their products and market are regulated in accordance with this Law and relevant legislative acts of the Azerbaijan Republic.

Should the rules of for management of quality and security, organization of manufacturing and marketing of food products, set under the interstate agreements signed by the Azerbaijan Republic, contradict to rules stipulated under this Law, the international agreements shall take precedence.

Article 3. Operations in food products sector

Operations in food products sector shall be considered the production, preparation, packaging, storage, transportation, sale and purchasing of food products and their import and export operations.

Food products operations shall be performed in order stipulated under the legislation of the Azerbaijan Republic.

Chapter II. Food products quality and safety management

Article 4. Provision of quality and safety of food products

Quality and safety of food products is provided by following:

- Standardization and improvement of requirements on quality and safety of food products;
- Certification of food products;
- State hygiene registration of food products;
- State control over the quality and safety of food products.

Article 5. Standardization of requirements on quality and safety of food products

Standardization in quality assurance and safety of food products shall be performed by application of technical, environmental, sanitary, veterinary and fit-sanitary standards, norms, rules and requirements (hereinafter referred to as standards and requirements), setting requirements for the quality and security of products specified, provisions of their manufacturing, transportations, storage, packaging, labeling and sales.

Standards and requirements for raw materials used in food products, for equipment and other items used in their production, as well as their improvements shall be developed by dedicated entities, and shall enter into force upon relevant approvals and state registration.

Compliance with standards and requirements in the quality assurance and safety of food products shall be mandatory for all legal entities and natural persons, operating in food products industry.

Article 6. Certification of food products

For the purposes of establishment of compliance of quality and safety indicators with standards and requirements, food products shall be certified by relevant executive authorities.

Forms and rules for issuance of certificates on food products shall be set by the appropriate executive authorities.

Types of food product certificates, system and rules of certification shall be regulated by the relevant legislation of the Azerbaijan Republic.

Article 7. State hygiene registration of food products

Composition of food products produced in the Azerbaijan Republic, supplied to the country shall undergo the expert analysis on chemical, biological, toxicological and radiological indicators and these products shall undergo the hygienic registration in the state register.

State hygiene registration of food products shall be performed by the relevant executive authority.

Hygiene certificate is issued on food product, which has passed the state hygiene registration. *The state fee shall be paid for the issuance of hygiene certificate.*

Sales of food products, which have not undergone the state hygiene registration shall be prohibited.

State hygiene registration of various types of food products under common name or similar food products under various names, as well as food products containing the narcotic and psychotropic substances, along with biologically active additives is not allowed.

Rules for state hygiene registration and maintenance of the state registry of food products shall be set by the relevant executive authority [**Cabinet of Ministers of the Azerbaijan Republic**].

Article 8. State control over the quality and safety of food products

Functions of state control over the quality and safety of food products during their production, trade, preparation, storage, import, export and handling shall be performed by the relevant executive authorities within their competences.

Municipalities, consumers, their public unions and non-government organizations shall be entitled to perform the functions of the public control over the compliance with standards and requirements in quality assurance and safety of food products on food market, only within the competence stipulated under legislative acts defining their status.

Participation of other bodies in performance of state control functions over the compliance with standards and requirements in quality assurance and safety of food products is not allowed.

Rules for implementation of state control over compliance with standards and requirements in quality assurance and safety of food products shall be set by the relevant executive authority [**Cabinet of Ministers of the Azerbaijan Republic**].

Chapter III. Production of food products

Article 9. Organization of production of food products

Organization of production of food products shall be divided into two stages:

- Design, verification and construction of product manufacturing facility;
- Preparation of food products for en-massed manufacturing, their hygienic expertise and registration in state register.

Production of food products shall be performed in accordance with relevant processes, existing standards and requirements.

The allowable concentration of poisonous chemical and medication substances, biological, microbiological and other elements used in production of food products, as well as food additives of vegetative and animal origin, shall be set by relevant standard documentation.

Use of sulfur in production of high-quality brandy (coniak) shall not be allowed.

In production of food products the use of chemical, biological and other substances, containing narcotic and psychotropic elements shall not be allowed.

In production of dietary food and child food the use of poisonous chemicals and medical substances, biological, microbiological and other substances is not allowed.

In preparation for manufacturing of new types of products shall be established their composition, quality indicators, safety compliance in terms of safety to human and expiry period in accordance with relevant standards and requirements, with these indicators included in the standard documents of the product and registered appropriately in the state register.

Article 10. Motivation of food production

For the purposes of satisfaction of needs of population in food products and provision of food security in the Azerbaijan Republic shall be implemented the dedicated investment, pricing, crediting policies.

In formation of state food reserves, supply of food products to secret organizations of defense, law-enforcement and other state authorities and municipalities the preference shall be given to local producers.

Production and expansion of the assortment of dietary and child food shall be motivated by state via designated programs.

For raw materials and food additives imported for the production of food products shall be applied the privileges on customs duties.

Article 11. Food product packaging and labeling

Packaging and labeling of food products shall provide safe storage and use within the terms of expiry of their quality and consumption value.

Without permit of the relevant executive authority, it is not allowed to use on product any labels of being «treating», «dietary»; ~~«environmentally clean»~~ or other labels or information of advertising nature.

Manufacturers of food products shall package and label the products manufactured in accordance with standard documents and trading rules under the legislation of the Azerbaijan Republic. The label shall contain the information on title, type and composition, area and rules of application, name, address of manufacturer and other information required under standard documents, *unless otherwise stipulated by the legislation. The order of labeling of environmentally clean agricultural and food products is regulated by appropriate legislation.*

Text on labels and other information on products manufactured in the Azerbaijan Republic as well as exported products, along with foreign language, shall also contain the text in national language. Text on labels and titles of food products imported into Azerbaijan Republic shall have the title, instruction for use the text of translation into Azeri language.

On the packaging of agricultural products processed by chemical and biological substances, shall be made relevant warning signs and markings.

On food products packaged and labeled appropriately the trademarks and coding can be applied.

Rules for use of trademarks and coding shall be set under relevant state standards of the Azerbaijan Republic.

Article 12. Storage and transportation of food products

Storage and transportation of food products shall be performed in accordance with relevant standard documents in compliance with relevant standards and requirements.

Chapter IV. Inclusion of food products into trade cycle

Article 13. Sale of food products

In the Azerbaijan Republic can be proposed for sale the food products, which have passed the hygienic registration, have the documents of origin and quality, comply with standards and norms on quality and safety.

Wholesale and retail sale of food products shall be performed in dedicate locations allocated for this purpose and prepared in accordance with standards and requirements.

Sales of food products at locations not allocated appropriately, not complying with standards and requirements, as well as operations of natural persons in food products sector without relevant permits and documents on health condition from relevant authorities, shall not be allowed.

Use of packaging materials shall be allowed in the event of existence of compliance and hygiene certificates.

Sales of food products shall be performed in accordance with rules on trade approved by the relevant executive authority.

Article 14. Import and Export of Food Products

For the import of food products shall be applied the requirements and rules of national certification system of the Azerbaijan Republic.

From foreign states into Azerbaijan Republic can be imported the food products, which have passed the state hygiene registration, and holding the common or recognized compliance certificates. Import into customs territory of Azerbaijan of food products, which do not have relevant certification, shall not be allowed. In accordance with procedures set under legislation, these can be imported into country for demonstration on exhibitions, research and experimental purposes.

Into agreement (contract) made between the buyer and seller on imports of food products, shall be included the product quality and safety indicators.

Compliance of imported food product with quality and safety indicators, specified in the contract and associated documents, shall be one of the mandatory requirements for provision of access of product for sale.

Article 15. Food market competition

Competition on food market shall establish the legal grounds for fair entrepreneurship, shall not damage the activities, prestige and interests of manufacturers, food product sellers and other market participants.

Following actions on food market shall be considered unfair competition:

- Imitation and damage to prestige of economic activities of the competitor;
- Interference with economic activities of the competitor;
- Unfair entrepreneur activity;
- Misleading of consumers;
- Deliberate establishment of favorable conditions for any economic unit, including provision of privileged agreements and credits;
- Establishment of individual privileges in placement of certain orders or artificial improvement of general conditions for their receipt;
- Other types of activities directed at obtaining of privileges in market relations with unfair methods.

Unfair competitor activities on food market shall result in liability stipulated under the legislation of the Azerbaijan Republic.

Competition on food market shall be regulated by the legislation of the Azerbaijan Republic on unfair competition and anti-trust.

Article 16. Withdrawal, elimination and destruction of food products not suitable for use

Food products, which do not comply with standards and requirements, as well as having their term of use expired shall be withdrawn, eliminated or destroyed in compliance with procedures stipulated under the legislation of the Azerbaijan Republic.

Decision on withdrawal, elimination or destruction of food products not suitable for use shall be adopted by the relevant executive authorities performing state control functions in this area.

Decision on withdrawal, elimination or destruction of the food product not suitable for use shall be taken upon appropriate study and expert analysis of the product.

Elimination, re-processing or use as forage of food products not suitable for use shall be performed by the product owners or legal entities and natural persons authorized under contract, with consent and in presence of relevant control bodies.

Food products on which the decision is made on elimination or destruction, use as forage, shall be taken under special control and shall be stored separately. Responsibility for appropriate storage and use of food products shall be laid with product owner.

Costs associated with withdrawal, expert analysis, elimination or destruction of food products not suitable for use, their transportation and storage, shall be borne by product owner, unless otherwise is stipulated under legislation.

Rules for withdrawal, elimination or destruction of food products not suitable for use shall be set by the relevant executive authority [\[Cabinet of Ministers of the Azerbaijan Republic\]](#).

Chapter V. Population food security

Article 17. Provision of food security of population

Azerbaijan state in accordance with international legislative norms, provides the food security of the people and each citizen.

Food security of population is provided by the relevant executive authority.

Article 18. Objectives of the state in food security

Objectives of the state in food security include:

- Implementation of state policy in increasing of food products manufacturing and regulation of food market;
- Development and provision of implementation of dedicated state programs on population food security;
- Development of state reserves on food products, organization of their formation, storage, consumption and regulation;
- Preparation of the *food balances, reflecting the production, consumption and turnover of food products*, used for consumption and as raw materials and forecasting of food supply to population;
- Regulation of food supply to population in the event of food crisis and emergencies, including the standard of distribution and other regimes of special supply;
- Adoption of standard and regulatory acts in regulation of food market and provision of quality and safety of food products;

- Coordination of operations of state authorities and municipalities in supply of food products to population;
- Performance of other activities in provision of food security of population.

Article 19. State food reserves

State food reserves are developed for the purposes of provision of food security of population.

State food reserves are the integral part of state material resources and used for following purposes:

- Provision of food product demands of Azerbaijan during special periods;
- Assistance to food industry, other sectors, entities and organizations of economy for the purposes of provision of stable economy in the event of supply and demand non-balance on domestic market;
- Provision of humanitarian aid to country`s population, foreign states, public and religious organizations;
- Provision to population of food products in the event of food crisis, natural disasters and emergencies.

Use of state food reserves for other purposes is not allowed, as a rule. In exceptional cases the use of state food reserves for other purposes can be made by the decision of relevant executive authority [**Cabinet of Ministers of the Azerbaijan Republic**].

In annual budget forecasts shall be stipulated the volume of relevant fund for maintenance of state food reserves.

Maintenance of state food reserves shall be performed on the basis of contract made between relevant executive authorities and manufacturers.

State food reserves shall be at disposal of the relevant executive authority [**Cabinet of Ministers of the Azerbaijan Republic**].

Volume, nomenclature, rules for formation, use and periodic renewal of state food reserves shall be set by relevant executive authorities [**Cabinet of Ministers of the Azerbaijan Republic**].

Article 20. State regulation of food market

In order to ensure the development and implementation of necessary measures in relation to provision of the food safety for the population, the relevant public executive authority shall prepare the food balance annually in the manner prescribed by the relevant public executive authority.

State regulation of the food market shall be performed by economic means ~~only via approved food balances~~ and shall consider the following:

- Motivation of food products manufacturing, regulation and certification of quality standards;
- Control and regulation of production, preparation, sales, as well as import and export of food products;
- Development of free competition, elimination of unfair competition and protection of interests of local suppliers on the food market;
- Control over the quality and safety of food products on delivery from manufacturer to consumer;
- Funding of preparation and implementation of food programs with attraction of foreign investments.

State regulation of food market shall be set by relevant legislative acts.

Chapter VI. Liability for violation of legislation on food products and resolution of disputes

Article 21. Liability for violation of legislation on food products

Legal entities and natural persons found violating the legislation on food products shall bear liability in accordance with procedures stipulated under the legislation of the Azerbaijan Republic in following instances:

- Sale, production and import of food products, packaging and support materials and means, representing hazard to life, health and property of people and environment;
- Sales of food products at location not complying with sanitary standards;
- Violation of standards and requirements on quality and safety of food products;
- In the event of falsification in registry, reporting and accounting documents on production and sale of food products, as well as quality indicators;
- Provision of misleading information on business image, business operations of the competitor, quality of the manufactured or sold products, illegal influences on employees performance;

- Ungrounded application to market participants, making proposals, prevention of competitor business cooperation to destroy his links;
- Sale of food products, which have not passed the state hygiene registration, with exception stipulated under legislation;
- In issuance for sale of food products without documents of origin, quality and safety, accurate manufacturer information, with expired use period, as well as food products with adopted elimination, destruction, re-processing or foraging decision;
- In non-execution of written requirements and decisions of relevant executive authorities, performing state regulation over quality and safety of food products;
- Other events of food products legislation violations.

Article 22. Compensation of loss incurred as a result of violation of legislation on food products

In the event of violation of legislation on food products the legal entities and natural persons shall compensate the loss incurred.

Article 23. Resolution of Disputes

Disputes on assurance of quality and safety, production, sales and consumption of food products shall be settled in the court order in accordance with legislation of the Azerbaijan Republic.

President of the Azerbaijan Republic

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