

LAW OF THE REPUBLIC OF KAZAKHSTAN

On production of organic goods

This Law defines legal, economic, social and organizational basis for the production of organic goods aimed at securing rational use of soil, facilitation and creation of healthy nutrition and environmental protection.

Chapter 1. GENERAL PROVISIONS

Article 1. Main definitions used in this Law

The following main definitions are used in this Law:

- 1) Organic goods – agricultural produce, aquaculture produce (fish production), wild plant products and products processed from them, including food products made in line with the requirements of this Law;
- 2) Organic goods producer – natural or legal person who undertakes development (creation), production of organic goods;
- 3) Labeling of organic goods – information on organic goods in the form of written text, drawings, marks, signs, other legends and (or) a combination of them on the consumer packaging, transportation label or on a new type of information provider, attached to the consumer packaging and (or) to the transport packaging or placed inside them or inside their attachment;
- 4) National mark of conformity – registered mark of conformity which informs about the procedure that the producer of organic goods as well as organic goods undergo to define conformity to the requirements set out by the legislation of the Republic of Kazakhstan in the field of organic goods production;
- 5) Production of organic goods – a combination of activities, that meet the methods and techniques as established by the legislation of the Republic of Kazakhstan in the field of production of organic goods, which lead to organic goods;
- 6) Designated agency in the field of organic goods production – a central public body, which within its jurisdiction establishes and implements public policy as well as interindustry coordination in the field of production of organic goods.

Article 2. Scope of this Law

This Law governs the relations arising between the organic goods producers and other natural and physical bodies, designated agencies in the field of production of organic goods.

Article 3. The legislation of the Republic of Kazakhstan in the area of production of organic goods

1. The legislation of the Republic of Kazakhstan in the field of production of organic goods is based on the Constitution of the Republic of Kazakhstan and is made up of this Law and other legal acts of the Republic of Kazakhstan.

2. If other rules have been established by an international agreement that was ratified by the Republic of Kazakhstan, those rules apply over these.

Article 4. Goals and objectives of legal regulation in the area of production of organic goods

1. Goals of legal regulation in the area of production of organic goods are the following:

- 1) Creation of favorable conditions for the development of production of organic goods;
- 2) Preservation of natural resources;

3) Use of sustainable natural resources management systems including soil, water, air and maintenance of biodiversity;

4) Improving the quality of food products;

5) Creation of a national brand for organic goods.

2. The following are the tasks of the legal regulation in the area of production of organic goods:

1) Protection of public health and consumer rights;

2) Facilitation in preserving the environment;

3) Inspection and certification of production of organic goods and of organic goods;

4) Development of the internal market for organic goods and meeting the consumer demand in the Republic of Kazakhstan in organic goods;

5) Increase of export of organic goods;

6) Provision of government support to the producers of organic goods.

Article 5. Principles in the area of production of organic goods

The principles of producing organic goods are the following:

1) Facilitation in securing healthy nutrition;

2) Limiting the use of non-renewable natural resources;

3) Provision of environmental safety and preservation of environmental systems;

4) Preservation and reproduction of soil fertility.

Chapter 2. GOVERNMENT REGULATION OF PRODUCTION OF ORGANIC GOODS

Article 6. The jurisdiction of the Government of Republic of Kazakhstan in the area of production of organic goods

The government of the Republic of Kazakhstan:

1) Develops the main areas of public policy in organic goods production and ensures the implementation;

2) Implements other functions as required by the Constitution, this Law, other laws of the Republic of Kazakhstan and the acts signed by the President of the Republic of Kazakhstan.

Article 7. The jurisdiction of the designated agencies in the area of production of organic goods

1. The designated agency for production of organic goods ensures the following within its jurisdiction:

1) Ensures the design and implementation of public policy, as well as implementation of inter-industry coordination in the area of production of organic goods;

2) Develops and approves the rules of maintaining a register of organic goods producers;

3) Develops and approves the rules for production and turnover of organic goods in agreement with the designated agency for sanitary and epidemiological well-being of the public and the designated agency for consumer rights protection;

4) Develops and approves a list of permitted substances used in the production of organic goods and agrees the list with the designated agency for sanitation and epidemiological well-being of the public and the designated agency for consumer rights protection;

5) Improves the legislation of the Republic of Kazakhstan in the area of production of organic goods;

6) Implements other duties as stipulated by this Law, other laws of the Republic of Kazakhstan and the government of the Republic of Kazakhstan.

2. The designated agency in the area of sanitation and epidemiological well-being of the public within its jurisdiction ensures the following:

1) Organizes, coordinates and ensures government control over meeting the requirements as set out by the legislation of the Republic of Kazakhstan in the area of organic goods production;

2) Ensures the agreement of the following:

Rules for production and turnover of organic goods;

The list of permitted substances used in the production of organic goods;

3) Carries out other responsibilities envisaged by this Law, other laws of the Republic of Kazakhstan, acts signed by the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

3. The designated agency for consumer rights protection ensures the following within its jurisdiction:

1) Organizes, coordinates and implements government control over meeting the requirements set out by the legislation of the Republic of Kazakhstan in the area of organic goods production, at the marketing stage of organic goods;

2) Ensure the agreement of the following:

Rules for production of organic goods;

The list of permitted substances used in production of organic goods;

3) Carries out other responsibilities envisaged by this Law, other laws of the Republic of Kazakhstan, acts signed by the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

4. Local implementing agencies in the oblasts, cities and the capital within their jurisdiction:

1) Ensure public awareness raising about production of organic goods;

2) Implement government control and monitoring of the activity of the producers of organic goods and thus meeting the requirements of the legislation of the Republic of Kazakhstan in the area of production of organic goods;

3) Control and monitor domestic trade entities with an aim to find and develop measures to prevent marketing of organic goods which do not meet the requirements of the legislation of the Republic of Kazakhstan in the area of production of organic goods;

4) Implement other duties in the interest of the local authorities, as per the requirements of the legislation of the Republic of Kazakhstan.

Article 8. Government support and measures of stimulating the producers of organic goods

Government support and measures of stimulating the producers of organic goods is implemented in line with the legislation of the Republic of Kazakhstan after the approval of conformity of organic goods production and the organic goods.

Chapter 3. MAIN CONDITIONS AND PROCEDURES FOR THE PRODUCTION OF ORGANIC GOODS

Article 9. Responsibilities of producers of organic goods and persons who are involved in the turnover of such goods

1. Producers of organic goods and persons who perform the turnover of such goods are liable to secure safety in production of organic goods and to meet the requirements of the legislation of the Republic of Kazakhstan in the area of production of organic goods.

2. In case a violation of the legislation of the Republic of Kazakhstan is revealed in the area of production of organic goods the producers of such goods and persons involved in the turnover of such goods immediately arranged for having the goods recalled and removal of the national mark of conformity of organic goods.

Article 10. Conditions of transitioning to production of organic goods

1. Transition to production of organic goods is done in line with the rules for production and turnover of organic goods.

2. When transiting to production of organic goods the following conditions shall be met:

- 1) The organic goods producer makes an agreement with the agency that defines the conformity to carry out a procedure of confirming the conformity for the production of organic goods and of organic goods;
 - 2) During the transition time requirements to production of organic goods shall be met, as set out by the rules of production and turnover of organic goods;
 - 3) Production of organic goods is carried out separately from production of goods that are not organic as per the rules of production and turnover of organic goods;
 - 4) It is permitted to market the goods and to label them as «transiting to organic goods».
3. The duration of transition to production of organic goods is established by the rules for production and turnover of organic goods.

Article 11. Conditions for production of organic goods

1. When producing organic goods the following conditions shall be met:

- 1) Use of healthy livestock and plants, safe produce and raw livestock and plant material;
- 2) To exclude the application of synthetic substances, pesticides (chemicals), hormones, antibiotics and food supplements, except when it is envisaged by the rules of production and turnover of organic goods;
- 3) To exclude the use of genetically modified organisms;
- 4) To exclude application of methods of crop production goods without the use of soil;
- 5) To exclude the use of ionizing radiation;
- 6) Preservation and reproduction of soil fertility;
- 7) Minimizing the use of non-renewable natural resources;
- 8) To exclude chemical methods of treating wild plants;
- 9) Recycling of waste products of plants and animals only in case they had been derived organically;
- 10) Retaining environmental systems when choosing a specific kind of organic goods for production;
- 11) Plant protection through preventive measures that include selecting relevant crop rotations, plant species and varieties that are sustainable to pests, weeds and plant diseases;
- 12) preferred use of mechanical, biological and physical methods of plant protection from pests, weeds and plant diseases;
- 13) Animal healthcare by way of securing relevant premises and grazing conditions, record keeping of their natural behaviors, stimulating their natural immune system function;
- 14) Selection of resistant species, plant varieties and animal breeds adapted to local conditions;
- 15) Use of feed in livestock production and feed supplements based on ingredients derived as a result of producing organic goods as well as based on substances of natural origin.

2. To avoid mixing the production of organic goods shall be separate from production of goods that are non-organic at all production phases, storage and transportation in line with the rules for production and turnover of organic goods.

3. Mandatory requirements to organic products and (or) processes of their life cycle are established by the rules for production and turnover of organic goods.

4. When organic goods are processed the producers are obliged to limit the use of food supplements, feed supplements, which are permitted for use only in case of technological or animal husbandry needs for diet purposes.

Article 12. Confirmation of conformity and inspection control of production of organic goods and organic goods

1. Confirmation of conformity of production of organic goods and organic goods is voluntary.

Confirmation of conformity of organic goods production is done as per this Law, rules for production and turnover of organic goods, as well as available valid standards.

A conformity certificate is the result of confirming the conformity of organic goods production and organic goods.

2. After undergoing a procedure of confirmation of conformity for production of organic goods and organic goods, the producer of organic goods has the right to apply a national label of conformity of organic goods.

3. The agencies for verification of conformity send information on the outcomes of verification of conformity and inspection control of production of organic goods and organic goods.

Article 13. Maintaining a register of organic goods producers

Register of producers of organic goods is maintained by the designated agency in the area of organic goods production based on data provided by local implementing agencies at oblast, city and capital level.

Article 14. Mandatory requirements to labeling of organic goods

1. Labeling of organic goods is done in the procedure established in the legislation of the Republic of Kazakhstan.

2. The right to use the national conformity mark of organic goods is entitled to enterprises which produce and (or) market certified organic goods.

3. It is permitted to use symbols indicated in the rules for production and turnover of organic goods, the abbreviations derived from them such as «bio» and «org.» either separately or in combination during labeling and advertising of organic goods.

It is prohibited to use any legends that are described in this paragraph, including symbols used by trademarks as well as methods of labeling and advertising that may deceive the consumer in that the product or ingredients used during its production are in conformity of the legislation of the Republic of Kazakhstan in the area of organic goods production.

Chapter 4. FINAL PROVISIONS

Article 15. Government control in the area of production of organic goods

Government control in the area of organic goods production is ensured in line with the Enterprise Code of the Republic of Kazakhstan.

Other forms of government control in the area of production of organic goods is ensured in line with the laws of the Republic of Kazakhstan.

Article 16. Responsibility over infringement of the legislation of the Republic of Kazakhstan in the area of organic goods production

Infringement of the legislation of the Republic of Kazakhstan in the area of production of organic goods entails responsibility in line with the laws of the Republic of Kazakhstan.

Article 17. Resolution of disputes

Disputes arising from this Law are dealt with in line with the established laws of the Republic of Kazakhstan.

Article 18. The procedure of enacting this Law

This Law is enacted six months after it is officially published.

**President
Republic of Kazakhstan**

N. Nazarbaev

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