

## **REGULATIONS**

### **For conducting public control on the application of standards and requirements In the sphere of determination of the foodstuffs' quality and safety**

#### **I. General provisions**

1. These Regulations were developed based on the Decree 969 of the President of the Azerbaijan Republic dated October 23, 2003 "On additional measures regarding the application of the Law of the Azerbaijan Republic "On Foodstuffs" and other current legislative acts and determines the regulations for conducting public control on the application of standards and requirements in the sphere of determination of the foodstuffs' quality and safety.

#### **II. Purpose of the public control**

2. The purpose of the public control is the protection of the rights and interests of consumers determined by the legislation, prevention of the production, importation and sale of the foodstuffs that can pose danger for the life, health, properties of the people and environment, creation of conditions for production of quality products in this sphere in the republic and importation.

3. The activities in the production, procurement, packaging, storing, transportation, trading and importation-exportation of foodstuffs is considered as activities in the sphere of foodstuffs.

4. The public control authorities, which carry out the public control over the application of the standards and requirements in the sphere of providing the quality and safety of the foodstuffs (within their authorities, the Ministry of Economic Development the Azerbaijan Republic, Ministry of Health of the Azerbaijan Republic, the Ministry of Agriculture of the Azerbaijan Republic, the Ministry of ecology and Natural Resources of the Azerbaijan Republic, the State Customs Committee of the Azerbaijan Republic and the State Agency on Standardization, Metrology and Patents of the Azerbaijan Republic), implement the control over the observation of quality and safety measures, technical, ecological, sanitary, veterinary-sanitary and phytosanitary standards, norms, procedures and measures (herein called – standards and measures) that determines the conditions for production, transportation, storing, packaging, labeling and selling of them by the judicial and natural persons that function in the sphere of foodstuffs.

Other authorities participation in the implementation of the function of public control over the application of the standards and measures in the sphere of providing quality and safety of foodstuffs is not allowed.

5. The observation of standards for providing quality and safety of the products and below requirements, during the production, trading, procurement, storing, importation (clearance for free circulations), exportation and transportation for consumption in the territory of the republic, are controlled:

5.1. requirements that would provide the foodstuffs' protection of human life, health, property and environment;

based on the determination of the compliance of foodstuff with the standards and measures, relevantly documented examination, inspection and test results. The composition of the foodstuffs is tested with the examination (test, inspection) of the samples selected with the participation of the representatives of farming subjects for its chemical, biological, toxicological and radiological indicators by the authorized person that conducted public control, which is conducted on the account of the farming subject in the relevant accredited laboratories (centers). The results of the examination (inspections and tests) concerns the products, samples of which were selected, and documented with relevant documents with the signatures of authorized persons that conducted the examination (inspection and test);

5.2. requirements of the normative documents for packaging, labeling, transportation and storing of foodstuffs:

the labels and other texts on the foodstuffs that are produced and exported should be in the state language, as well as in foreign language;

the labels and names on the foodstuffs imported (clearance for free circulation) for consumption in the Azerbaijan Republic, instruction sheets about using them must be accompanied with their Azerbaijani translation together with other languages;

the name, volume, type and composition, utilization area and procedures, production date and suitability duration, preservation conditions of the product, producer's name, address, brand and other information required in the normative documents must be on the foodstuff's label;

the utilization of auxiliary materials used in the packaging and wrapping of foodstuff is allowed only when they have compliance and hygienic certificate;

during the storing and transportation of foodstuff, no changes in the composition and contamination is allowed that can happen as a result of violation of normative legal documents' violation.

5.3. requirements of safety technique and labor hygiene based on relevant norms and procedures;

5.4. requirements of metrological procedure and norms that provide the unity and accuracy of measurements;

5.5. existence of valid certificates and diplomas that are issued or recognized by an authorized agency;

5.6. application of compliance mar, "medical", "dietary", "ecologically clean" names according to the legislation;

5.7. submitting timely information about the changes made to the normative documents of the products that is provided with the certificate and diploma or technological processes of production to the authorized agency that issues certificates and diplomas;

5.8. provision of the producer with necessary normative documents in the objects that produce foodstuff:

the production of the foodstuff with the normative document that has not been registered at the public agency with the relevant authorization is not allowed;

when it meets the requirements of the quality, production of foodstuff based on the international, regional and foreign countries national standards, the permission is granted after the registration at the national agency in the sphere of standardization and certification (State Agency of Standardization, Metrology and Patents of the Azerbaijan Republic);

5.9. conducting tests of the produced products regularly in the laboratories (centers) accredited by the relevant authorized agency;

5.10. existence of professional specialists in the area of production technology processes in the objects that produce foodstuff.

6. During the study of compliance of products imported (clearance for free circulation) for consumption in the Azerbaijan Republic with the standards and requirements, the followings are asked for:

official translation of the certificates characterizing the origin, quality and safety of the product issued by the relevant authorities of the producing country and copy of the contract (agreement) for bringing the product to the republic;

when properties are determined regarding the compliance of foodstuffs imported (clearance for free circulation) and exported from the Azerbaijan Republic for consumption purposes with quality and safety requirements, tests (inspection) of selected samples of the product is carried out;

the compliance certificate issued to foodstuff by relevant agencies of the producing country must be recognized according to the intergovernmental agreements, if such agreements don't exist, a certificate confirming the compliance of the products with the normative documents valid in the Azerbaijan Republic must be received.

### **III. Procedures for conducting the public control**

7. The forms for organization and implementation of the public control is carried out in accordance with the Law of the Azerbaijan Republic "On Foodstuff" and valid legislative acts.

8. Inspectors and specialists of the Ministry of Economic Development of the Azerbaijan Republic, the Ministry of Health of the Azerbaijan Republic, The Ministry of Agriculture of the Azerbaijan Republic, the Ministry of Ecology and Natural Resources of the Azerbaijan Republic, The State Customs Committee of the Azerbaijan Republic and the State Agency on Standardization, Metrology and Patents of the Azerbaijan Republic carry out the public control over the quality and safety of foodstuff, within their authorities, in accordance with the current legislation.

The public control over the quality and safety of the foodstuffs is conducted in the import (clearance for free circulation), production, trade, procurement, storing, export and transportation stages of those products for consumption in the Azerbaijan Republic.

9. The controls that are planned to be implemented by the public control authorities each year are carried out according to the Decree 790 article 6 of the President of the Azerbaijan Republic dated September 28, 2002 on "Preventing the incursions that impede the development of entrepreneurship" in the entrepreneurial subjects that function in the sphere of foodstuffs. The controls can be repeated based on the consumers' requires and complaints and in order to check the implementation of the measures taken regarding the legal and natural persons on the result of the control. Controls are usually done by a selective method.

10. The authorized person of the agency conducting the public control has the following rights:

free entrance to production, storing and selling areas in necessary cases, after informing the leadership of the facilities;

getting necessary information and documents from them;

free utilization of the specialists and material-technical facilities of the subjects;

selecting and taking test samples for the purposes of determining the product's compliance with the standards and requirements, in accordance with the normative documents;

when the requirements of the normative documents and legislative acts are found to be violated, issuing complaints and requisitions, soliciting decisions regarding abolishing certificates and diplomas for the application of administrative sanctions.

The leaders of the subjects must create conditions for carrying out public control.

11. The results of the public control are documents with an act (certificate or administrative report). Surname, name, father's name of the employee of the relevant public control authority is shown in the act and remarks are made in the control book about this. A copy of the investigation act is submitted to the managers of the entity. The manager of the economic entity has a right to add his/her comments when s/he signs the act. The following information is included in the act:

information about legal and natural persons (address of the enterprise, surname, name and father's name of the enterprise's manager), information about the authorized people that conduct the control (position, surname, name, father's name);  
reasons and duration for conducting the control;  
information on the research, information about the samples taken for testing and party of product and testing report;  
results of the research.

Public control act, certificate and administrative report, relevant complaints, requisitions and directions in accordance with the current legislation are legal documents that have basis for the passing of administrative decisions.

#### **IV. Applied legal measures**

12. For the purposes of removing the discovered violations in the determined period, the authorized person that carries out the public control has the right to issue notification or complaint to the manager of the economic entity, instructions, administrative decision or requisition regarding prohibition and withdrawing from circulation (sale) of the utilization and selling of the product party that does not correspond with the standards and requirements.

13. The implementation of the complaints, requisitions, resolutions and directions issued on the results of the control is mandatory for legal and natural persons.

14. In the following cases, orders and requisitions are issued to prohibit the importation (clearance for free circulation), production, exportation and selling of foodstuffs for consumption in the Azerbaijan Republic:

14.1. when the controlled products do not comply with the standards and requirements or there are not conditions for stable production of the product in the relevant quality;

14.2. the product is prepared without a normative document or with a normative document that has expired or with a document that has not been recognized according to the determined procedure;

14.3. when the foodstuffs are hidden;

14.4. when the products' certification procedures are violated by the producer (importer, exporter, seller), when the "medical", "dietary", "ecologically clean" names, AZS National Compliance Mark is illegally used;

14.5. when products are produced and sold without permission as a fake and with others' brand name;

14.6. when the products, the clearance or realization of which is prohibited, are sold;

14.7. when the product neighborhood procedures are violated in the storing or sale of the products;

14.8. when foodstuffs are produced and sold without getting a certificate and diploma;

14.9. when trade regulations of the foodstuffs are violated;

14.10. when the foodstuffs produced under illegal conditions are sold.

15. When the foodstuff that received a certificate and a diploma are found out not to meet the requirements of the normative documents, the activities of the certificate and diploma are halted.

16. When the public control over the application of the standards and requirements in the sphere of providing the quality and safety of the foodstuffs, the application of the administrative sanctions is regulated according to the relevant legislation of the Azerbaijan Republic.

17. All the clients and implementers functioning in the sphere of foodstuffs to the contracts that they sign, as well as the budget funded organizations must add relevant conditions on the existence of certificates and diplomas confirming the products' compliance with the standards and requirements to the set of tenders implemented for the procurement of foodstuffs.

18. When the legal and natural persons functioning in the sphere of foodstuffs don't implement the decisions and requirements issued by the officials of public authorities that conduct the public control over the quality and safety of the foodstuffs in accordance with these Regulations, they are held responsible according to the current legislation.

The officials of the public authorities that conduct the public control over the quality and safety of the foodstuffs are held responsible in accordance with the current legislation for their activities and the decisions that they made.

The decisions made by the public agencies that conduct the public control over the quality and safety of the foodstuffs can be appealed to the court according to the determined procedure.