

**CABINET OF MINISTERS
OF THE REPUBLIC OF AZERBAIJAN**

**RESOLUTION
N: 27**

Baku, February 12, 2005

**On approving the “Regulations for withdrawing, neutralizing or abolishing
The foodstuffs unfit for utilization”**

With the purpose of providing the execution of the Decree 969 article 2 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 Foodstuff”, the Cabinet of Ministers of the Azerbaijan Republic RULES:

1. Let the “Regulations for withdrawing, neutralizing or abolishing the foodstuff unfit for utilization” be approved (copy is attached).
2. This resolution comes into force the day it is signed.

Prime Minister
Of the Azerbaijan Republic

A. Rasi-zade

REGULATIONS

For withdrawing, neutralizing and abolishing the foodstuffs Unfit for utilization

1. These resolutions were developed with the purpose of providing the execution of 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 regulates the withdrawing, neutralizing and abolishing of the foodstuffs, suitability dates of which have expired, that do not meet standards and requirements according to the relevant inspection and examination when 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 State Agency on Standardization, Metrology and Patents of the Azerbaijan Republic implement their authorities.
2. The resolution on withdrawing, neutralizing and abolishing the foodstuffs that do not meet standards and requirements, suitability dates of which have expired, can be passed after relevant inspection and examination of the product.
3. The resolution on withdrawing, neutralizing and abolishing the foodstuffs unfit for utilization is passed by the authorities that implement public control functions in this sphere.
4. The public control authorities conduct the inspection and examination of the foodstuffs in the following cases:
 - 4.1. according to the grounded requests of public authorities, judicial and natural persons;
 - 4.2. when food poisonings or various infections occur among the population;
 - 4.3. during the control of public control authorities.
5. The inspection and examination of the samples of foodstuffs selected by an authorized person conducting the public control is carried out relevant accredited laboratories of the public authorities.
6. During the implementation of the inspection and examination, the standards and requirements that regulate the production, storing, transportation and sale conditions of foodstuffs are considered as guidance.
7. The inspections and examinations for assessing the quality and safety of the foodstuffs are implemented according to the methodologies approved in the determined procedure and relevant instructions.
8. In cases, when there are not relevant documents intended with the legislation regarding the quality and safety indicators of the product engaged to the inspection and examination, the standards and requirements on foodstuffs are considered as guidance.
9. The results of the foodstuffs’ inspections and examinations are documents by public control authorities.

10. Following conditions of the foodstuffs are determined during the inspections and examinations:
 - 10.1. suitability for human nutrition;
 - 10.2. conditional suitability; not fitting for direct utilization for human nutrition; these products might be sent as raw materials for re-processing in certain enterprises;
 - 10.3. unfitness for human nutrition; these products are abolished, or can be used for feeding animals.
11. The foodstuff that is considered as unfit for utilization according the result of inspection and examination is withdrawn from circulation according to the decision of the relevant public control authority.
12. The foodstuffs that were withdrawn are entered into special registration and stored separately with showing their exact weight, until they are sent for feeding animals, reprocessing or abolished.

The owner of the product is responsible for storing this product and utilizing it according to the intended procedure.
13. The redirection of the withdrawn foodstuffs for reprocessing or for feeding animals is conducted by the owners of the products or by legal and natural persons that they determined as their representatives through contracts, with the consent and participation of relevant public control authorities.
14. The owner of the product to the public control authority that made the decision presents the document about the further future of the withdrawn product.
15. If the industrial reprocessing of the foodstuff that was considered unfit for human nutrition is not possible and if it can not be used for feeding animals, they are abolished.
 - 15.1. Abolition of the foodstuff or raw material that is under the customs control and considered unfit is conducted according to the procedures determined with the consent and under the control of the customs authorities, based on the requirements of the customs legislation.
16. The products that pose danger from the microbiological aspect are neutralized before they are abolished.
17. When the decision made for abolishing a foodstuff is appealed within 5 days, if the product or the raw material does not pose danger from the sanitary-epidemiological and epizootological aspects, their abolishing is stopped. The consideration of the appeal is conducted according to the procedure intended in the legislation.
18. The abolition of the product (burning, burying) is conducted by the owner of the product or another person that s/he notarized with the participation of the specialists of the public control authorities that made the decision about abolishing and documented.
19. The expenses incurred regarding the withdrawing, neutralization or abolition, storing and transportation of the foodstuffs unfit for utilization is paid on the account of the owner of the product, if not otherwise intended in the legislation.