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# MISSION REPORT

## TRADE PROMOTION IN TAJIKISTAN - PHASE III

STREAMLINING THE SPS INFRASTRUCTURE

14 TO 22 MAY 2011

Report by

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Phytopsanitary Issues

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## 1. INTRODUCTION

This report covers the mission to Tajikistan of the ITC International Consultant on Sanitary and Phytosanitary Issues from 14 to 22 May 2011.

## 2. BACKGROUND

The overall objective of this project is to contribute to the sustainable expansion and diversification of SMEs' exports in Tajikistan, by increasing the competitiveness of the textile and clothing ("T&C") industry and improving the quality management infrastructure of the country.

Immediate Objective 4 is to improve the capacity of SQAM and SPS bodies and the regulatory infrastructure. The first mission was conducted in November 2010.

## 3. TERMS OF REFERENCE OF THE MISSION

The aim of the mission was to complete the analysis of the distribution of roles and responsibilities for food safety activities between the various Ministries and agencies of the Government of Tajikistan, and to commence preparation of recommendations for streamlining the present system.

## 4. PROGRAMME DURING THE MISSION

There was no formal programme of visits for the mission since the main work was to examine in detail and validate the draft analytical matrix prepared by Local Consultant Mr. Kosim Kurbonov. However, a number of meetings were held with various elements of the public administration, as well as with GIZ and USAID-RTL. Several of these meetings are referenced in the text below.

## 5. STREAMLINING OF SPS INFRASTRUCTURE<sup>1</sup>

### 5.1 Review of food safety system

Since the previous mission in November 2010<sup>2</sup> the National Consultant (SPS), Mr. Kosim Kurbonov, had drafted a matrix according to the agreed template, showing which agencies engage in each of the very extensive range of individual SPS-related activities that comprise the national food safety system. The matrix, which has about 300 cells (60 separate activities by 5 possible ministries/agencies), is designed to enable identification of gaps and duplication of activities, leading to recommendations for revising the distribution of roles and responsibilities between agencies taking into account appropriate principles for efficient and effective administration. The current intention is for the options to be put before the Tajikistan authorities at a workshop to be convened most probably in the third quarter of 2011, but this plan may change (see below for discussion).

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<sup>1</sup> The term "SPS infrastructure" includes all aspects of SPS control such as legislation, designated institutions, strategies and policies, programmes and standard operating procedures, inspectors and inspections, risk assessment, and so forth.

<sup>2</sup> See mission report ITC/DCP/11/2924

The matrix contains information obtained by Mr. Kurbonov principally by interviewing the relevant administrative agencies. Mr. Kurbonov then cross-checked this information with private sector representatives (a food importer, a producer of canned fruit and vegetable products, and four small-scale wholesalers in local markets), on occasion finding that private sector perspectives differed significantly from the information provided by government agencies. During the mission, considerable time was devoted to intensively reviewing the draft to ensure completeness, precision and clarity. It was apparent, inter alia from the meetings with several of the key agencies, that it will be difficult to ensure the necessary high degree of accuracy in the document. The document must somehow capture not only the legal mandates of the respective agencies as interpreted by their staff, but also the reality of the activities actually carried out under those mandates (on which the statements of the agency staff may also require interpretation in certain instances). In order to make the picture clearer, Mr. Kurbonov has been requested to prepare additional descriptive material on six topics to accompany the matrix:

- the system for setting food standards in Tajikistan (155 standards appear in Tajikstandart's 2008 list);
- the system for establishing limits for agricultural chemical residues in foods, coordinated by the National Commission on Chemical Protection;<sup>3</sup>
- the role of local government bodies in food safety control;
- how markets for fresh foods ("bazaars") are regulated by the Ministry of Agriculture (MoA), the Ministry of Health (MoH), and Tajikstandart;
- Tajikstandart's certification program, which effectively requires every food item that is placed on the market to be subject to systematic inspection/testing;<sup>4</sup> and
- the relationship of the sanitary/epidemiological law, the certification law and the food safety/quality law and the agency mandates flowing from them.

The revised draft is to be available by the end of June at the latest. It includes a list of the persons consulted during the compilation process. [Mr. Kurbonov has subsequently sought an extension of time until mid-July.]

## 5.2 Options for reform of the food safety system<sup>5</sup>

The optimal food safety system for Tajikistan is not a system that will ensure the highest possible level of food safety, because there are costs for both business and government associated with food safety controls; as controls are tightened, a point is reached where the incremental improvement in food safety achieved does not justify the cost involved. What is required is the most cost-effective system for achieving the level of food safety that is acceptable to the consumers of food (both food placed on the market in Tajikistan and food that is exported). It is for the Government of Tajikistan – and the governments of countries that buy Tajikistan's exports – to determine on behalf of consumers what is the acceptable level of protection of health.

The principles that should guide the framing of an appropriate food safety system are well known. They include:

- the primary responsibility for ensuring the safety of food rests with the enterprises and people who produce, handle and sell food; the role of government is to ensure that this responsibility is met;
- food control should be applied from farm to table so that safety is maintained throughout the stages of production and distribution;

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<sup>3</sup> We met Mr. Khursand Davlatov, the Deputy Chairman of the Committee on Environment Protection, and other staff to discuss issues concerning the control of agricultural chemicals.

<sup>4</sup> We met the new head of Tajikstandart, Mr. Shukhurov, and his staff for a very extensive discussion of relevant issues, including Tajikstandart's comments on the draft matrix and on product certification.

<sup>5</sup> Note that the text in this section of the report closely parallels material in the report on the visit to Kyrgyzstan made during the same mission to Central Asia.

- the food control system should be designed so that it uses public and private resources as efficiently as possible in achieving the appropriate level of protection, in particular by following a risk-based approach;
- the use by food enterprises of modern control techniques such as ISO 22000 and HACCP should be encouraged;<sup>6</sup> and
- the national food safety system should follow internationally-accepted norms and guidelines wherever appropriate and should conform fully with specific international obligations such as those under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.

The food control system of any country is a reflection of its history. In the case of Tajikistan, the established system still shows strongly the influence of the pre-independence period in its reliance on an extremely elaborate set of food specifications that is enforced, in theory at least, by a system of product certification as well as other regulatory interventions. Now it is important to consider what kind of food safety system should be developed in Tajikistan that will be most appropriate for the national needs in, say, the year 2020 (a time close enough to be relevant but sufficiently distant for the necessary changes to be designed and implemented). That system should take into account the legitimate expectations of consumers, the likely course of development of food-based industry, the potential pattern of food exports, the official and private food standards that will apply to them, and so forth. If there is a nationally-agreed vision of what the food safety system should look like at some time in the future, a plan can be made for systematic progress towards the goal. That plan will have the great advantage of assisting development partners to work with the government and industry of Tajikistan to address the highest priority needs for capacity building in appropriate sequence and without duplication of effort.

To summarise, the main elements that are needed are:

- a national food safety strategy that is developed in a cooperative way by the main stakeholders in the public administration and civil society including both the food-based industries and consumers, and that is adopted by the national government;
- a government-endorsed plan that outlines the main steps that must be taken for the implementation of the national food safety strategy, and who will have the responsibility for managing the process of change; and
- specific proposals, developed on a rolling basis, for projects that will enable each step to be taken, with donor support where required.

A national food safety strategy for Tajikistan is outlined in Annex I.

One of the obvious steps that must be taken will be to re-organise the legal framework and the administrative arrangements within the public sector – for example, the specific roles and responsibilities of the ministries and agencies – so that they present the most efficient means of implementing the regulatory scheme. However, the decisions on these aspects should clearly be subordinate and subsequent to the decision of what kinds of regulatory activities will be conducted, as set out in the national strategy.

Several issues will be worthy of special attention. First, the national food safety strategy cannot be limited to the design of the preferred system; it must also address the critical issue of ensuring that the system will be fully and consistently implemented. Among other things, this means that the strategy must consider how resources are to be provided to allow the system to work effectively (for example, by means of a proper system of charging fees for services), and the measures that must be implemented to prevent the subversion of regulatory activity by corruption. Second, the process of changing from the existing system to the preferred one must be carefully managed to ensure that dislocations do not occur resulting in temporary loss of food safety control.

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<sup>6</sup> The purpose of our meeting with GIZ was to learn of progress in the project to spread HACCP in private sector food processing companies and GLOBALGAP on farms.

## 6. DEVELOPMENT OF FOOD LAW

During the mission, we updated our understanding of the situation with respect to the development of food safety law in Tajikistan.

We learned that amendments to the 2002 Law on the Quality and Safety of Food had been developed by Tajikstandart, which had consulted other ministries, and these amendments had been put into law in March of this year. The revised law, with the recent changes highlighted, is found under Annex II. The thrust of the changes appears to be to consolidate and possibly to expand the role of Tajikstandart in food control.

We met with Mr. Jovan Jekic of USAID-RTLTC, who had informed us last November that his project intended to write a new draft food law for Tajikistan that would incorporate provisions appropriate for conformity with the WTO SPS Agreement, including provisions on risk assessment, transparency and the use of international standards. In fact, there has been no movement since then on this possible activity. Meanwhile, the RTLTC project is still due to finish in September 2011, although there is apparently some prospect of an extension until the next USAID project (perhaps focusing on food security) is initiated. We also discussed with Mr. Jekic the progress of Tajikistan towards WTO Accession, for which the next Working Party meeting was scheduled for June; Accession might be feasible in 2012. During our general discussion, Mr. Jekic said that the Consultative Council on Improvement of Investment Climate under the President of Tajikistan would probably prove to be the best vehicle for bringing food safety system reform proposals before the government.

## 7. DFID/WORLD BANK PROJECT

Earlier this year Mr. Kosim Kurbonov became aware of a new World Bank project, with a budget of USD 3 million, that is designed to address the issue of zoonoses control in four Central Asian countries (Kazakhstan, Kyrgyz Republic, Uzbekistan and Tajikistan). The terms of reference for this project, apparently the first stage of a USD 30 million Central Asia Regional One Health Project (CAROHP), are attached at Annex III. They show that there is a clear overlap between the ITC food safety activity and several components of the zoonoses project.

We met Mr. Asomidin Latipov, National Coordinator of CAROHP, to make him aware of the ITC project. We provided a copy of the report on the first mission and of the draft matrix. (We also spoke with Ms. Sarvinoz Barfeieva of the World Bank's local office for the same reason.) We learned that the project, which is being directed from Almaty, Kazakhstan, is being implemented by a consortium that includes AFC, based in Bonn, and Landell-Wills based in England. The leader of the project work on the food safety aspect is Colm Halloran.

[Subsequently in Kyrgyzstan, the author met Mr. Cornelis Sonneveld, one of the consultants working on the food safety project, and discussed the relationship between his work and ITC's. We were in broad agreement about the desirable directions for reform of the food safety system in countries such as Tajikistan and the Kyrgyz Republic and in particular the need for an agreed national food safety strategy. Cooperation in exchanging information between the two projects over the next three months or so is highly desirable. Once cleared, a copy of this report should be provided to Mr. Sonneveld for his information.]

It seems likely that Phase III of the ITC Trade Promotion Project and CAROHP were designed more or less at the same time, and in the circumstances, it is not particularly surprising that there is some overlap. Given the progress that has already been made on the ITC project, there is no need to radically alter its course now. There should, however, be close cooperation with CAROHP for the remaining term of the ITC project to maximise synergy in the interest of influencing the Government of Tajikistan to reform the food safety system.

## **8. EU CONTACT**

We were requested to meet with Mr. Boris Filipov of the EU mission in Dushanbe to provide any information from the ITC project that might be valuable to him in finalising the design of a EUR 13 million agricultural support project, which may have a food safety component focusing on quality control in the food processing sector.

## **9. STRATEGY FOR THIRD MISSION**

The plan for the streamlining infrastructure component of the project was to complete the analytical matrix of food safety roles and responsibilities in Tajikistan, and then on the basis of this information to develop some options for change that could be put before the government for its consideration. It was anticipated that the options might be presented by means of a workshop to be convened most probably in the second half of 2011. The preferred option could be expressed in the form of a draft schedule for incorporation into an order of the government, showing the list of activities that each ministry should engage in with respect to food safety; and a complementary legal analysis might be proposed to identify any parts of the existing legislation that mandated regulatory activity by a particular ministry or agency contrary to the proposal set out in the schedule.

This plan may or may not still be appropriate, depending on the outcome of several current activities. Recommendations are due from the One Health project around the end of July. In any case, analysis of the completed ITC matrix cannot occur until July. In these circumstances, it seems sensible to complete the matrix and to carry on with initial analysis of its contents, but to await further information on the progress/outcomes of the One Health project before deciding on the most appropriate course thereafter. It will be important for the ITC field office in Dushanbe to closely follow events and keep the Geneva office (and the International Consultant on SPS issues) informed.

One important dimension in deciding the future course of action under this project will be perspectives deriving from Tajikistan's on-going efforts to join the WTO. If (as has been reported) the proceedings in and around the Working Party in Geneva held on 5 July demonstrate that there is continuing misunderstanding amongst Tajikistan ministries about the substance or import of the SPS Agreement, this will argue for the presentation during the third mission – as originally envisaged – of a workshop for high-level officials to clarify the situation and policy options for Tajikistan in this area.

## **10. ACKNOWLEDGEMENTS**

The author takes this opportunity to express his appreciation for the work of Mr. Kosim Kurbonov, National Consultant on SPS, Mr. Saidmumin Kamolov, National Programme Manager, and Ms. Nargiza Abdumajidova, National Programme Assistant.

## **Annex I: Outline of a National Food Safety Strategy for Tajikistan**

The national food safety strategy for the Republic of Tajikistan should be formally adopted by the Government in order to guide the development of the food safety system over a period of up to 10 years. It will be convenient to build the strategy around a consensus view on how Tajikistan's food safety system should be operating in the year 2020, which is near enough to be relevant but far enough away to allow necessary changes to be designed and implemented.

As far as possible, the draft strategy should be developed in consultation with private sector stakeholders, including food producers, food traders and consumers.

The structure of the strategy could be as follows:

1. Purpose
  - To inform stakeholders and guide the further development and implementation of government policies and programmes.
  
2. Food safety policy
  - A general statement of the intention of the Government of Tajikistan to ensure the health of the people, strengthen the viability of the food-based industries and facilitate exports, by implementing a comprehensive food safety strategy using contemporary methods, while conforming with international obligations.
  
3. Vision for 2020
  - Including discussion of environmental considerations such as the prospective pattern of Tajikistan's international trade in food (continuing to supply CIS markets; developing ability to supply EU and other markets; etc.), and probable food safety challenges (e.g. E.coli, botulism, international port-shopping by consignments of low quality foods, etc.).
  
4. Principles
  - The primary responsibility for ensuring the safety of food rests with the enterprises and people who produce, handle and sell food; the role of government is to ensure that this responsibility is met;
  - Food control should be applied from farm to table so that safety is maintained throughout the stages of production and distribution;
  - The food control system should be designed so that it uses public and private resources as efficiently as possible in achieving the appropriate level of protection, in particular by following a risk-based approach;
  - The use by food enterprises of modern control techniques such as ISO 22000 and HACCP should be encouraged; and
  - The national food safety system should follow internationally-accepted norms and guidelines wherever appropriate and should conform fully with specific international obligations such as those under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.

5. Preferred regulatory scheme

- A comprehensive set of food safety standards fully harmonized with Codex;
- Agriculture sector interventions include controls on chemical, veterinary drug and fertilizer inputs by means such as registration and labelling, checking of sales outlets, promulgation of GAP and education of farmers; “market basket” monitoring for residues in fresh food markets; effective zoonosis control via active and passive surveillance of animals; etc.;
- For imported food, maximum reliance on certification by competent authorities of the exporting country (as now), checking of other consignments on risk basis by only one agency present at border;
- For processing facilities, clear infrastructure pre-requisite requirements, both general (applying to every food establishment) and specific for each kind of food establishment (bakery, restaurant, abattoir, etc.); approval for new establishments to commence business, and a re-approval programme for existing establishments (with only one agency to be responsible for approval of any individual establishment for food safety conformity); continuing compliance is checked as part of regular inspection or audit;
- For production processes (includes operational pre-requisite requirements, SOPs, etc.), there should be risk-based checking of employee health, sanitation procedures, waste management, water supply, production processes / protocols and controls, ingredient and product storage procedures, etc.; inspection of program processes is based on standard inspection check lists against clear requirements with frequency determined by risk, taking into account whether there is an effective operating quality system in the establishment; only one agency to inspect each facility for food safety purposes;
- For transport and storage, only vehicles carrying high risk foods need to be checked, e.g. refrigerated foods like meat/milk/fish, and possibly export vehicles, and similarly for cold stores;
- For markets, a control system to be designed that will manage risk in meat and dairy products that do not come from controlled processing plants; rules for construction and operation of markets; selective registration system for market sellers;
- Risk-based inspection regimes implemented by either permanently located staff or visiting inspectors, and using an appropriate combination of scheduled and unannounced inspections;
- Product certification only for products that are not adequately controlled by the other elements of the system outlined here; and
- Market surveillance should continue in a limited way to detect situations where additional product control may be justified.

6. The role of the private sector

- The primary role of the private sector in ensuring the safety of food products should be complemented by public sector efforts to facilitate proper conduct in the private sector, with administrative or judicial sanctions to reinforce the facilitatory approach only where necessary; and
- There should be standing arrangements for public-private sector consultation on food safety issues.

7. The role of consumers
  - Education of consumers to follow safe food practices should play an increasingly important role, and should be implemented through the formal education system and by means of the mass media.
  
8. Funding arrangements
  - A policy on cost-recovery for public sector food safety interventions should be implemented, based on a clear distinction between activities for the public good and activities that are attributable directly to food industry control.
  
9. Administrative arrangements
  - The preferred administrative structure should be described, based on either a single food safety authority or a food safety authority in conjunction with the agriculture ministry handling on-farm and primary processing control.
  
10. Legal arrangements
11. Measures to ensure system integrity (anti-corruption)
12. The pathway to reform

**Annex II – Revised food safety law**

**THE LAW  
OF THE REPUBLIC OF TAJIKISTAN  
ON QUALITY AND SAFETY OF FOOD**

**(Edition of Law RT No. 176 as of 3/03/2006 and No. 305 as of  
30/07/2007)**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1. Purpose of the Law.**

The Law defines legal, social and economic relations at stages of preparation, producing, transportation, storage, selling of foodstuffs, materials and products and its ingredients as well as packaging and auxiliary materials between the producer, seller and consumer with the aim of absolute provision of realization rights of the physical and legal entity on purchase of ecological pure, qualitative and safe for a life and health of full value foodstuffs, materials and items, including dietary products, baby food and bioactive additives.

**Article 2. Main definitions**

The following main definitions are used in the Law:

- Foodstuff are the natural or processed (canned) products, that people use, including baby food, dietary products, bottled water, alcoholic production, beer, non-alcoholic drinks, gum and also food raw material, food additives and bioactive additives;
- Baby food is the intended nutrition for children at the age up to 14 years and meet the physiological requirements of children's organism;
- Dietary products are intended for medical and preventive nourishment;
- Food raw material is a raw material of vegetative, animal, microbiological, mineral and manufactured kind and water, used for production of foodstuff;
- Food additives are the natural or artificial substances and its combinations, specially added to foodstuff during production for giving to food product specified characteristic and conservation of its qualities;
- Bioactive additives are the natural bioactive substances intended for use simultaneously with food or bringing into structure of food products;

- Materials and items, which are in contact with foodstuff (further materials and items) are the materials and items, used for preparation of package, storage, transportation, realization and for using food products, including technological equipment, devices and means, tare, ware, table kits;
- Quality of foodstuff is a set of characteristics of the food products, able to satisfy needs of the person in food at required compliance to demand of the standard-technical documents;
- Safety of foodstuff is a state of well-grounded confidence that foodstuff at usual conditions of its usage not is harmful and not offers health hazard for present and future generation;
- Food value of foodstuff is a set of characteristics of the food products, presence of which facilitate to satisfaction of physiological needs of person in necessary substances and energy;
- Certification of quality and safety of foodstuff, materials and items is the document, that certifies correspondence of quality and safety of each party of foodstuff, materials and items to demand of the standard-technical documents;
- Certification is the activity on confirmation of production correspondence to fixed requirements;
- Certificate of conformity is the document given according to certification system's rule for conformation of correspondence certified production to the demands of standard acts;
- Certificate of nitrates and pesticides content is the document, on which reflects content of nitrates and retained quantity of pesticides in fruit and vegetable production, potatoes, grapes and watermelon;
- Technological documents are the documents in correspondence with that carries out manufacturing, storage, transportation and realization of food productions, materials and items (technical conditions, technological instructions, formulations and other);
- Circulation of foodstuff, materials and items is buying and selling ( including export-import) and other ways of transfer of foodstuffs, materials and items (further realization), its storage and transportation;
- Falsified foodstuffs, materials and items are the foodstuff, materials and items purposely falsified under production of real producer;
- Identification of foodstuff, materials and items is activity on establishment of correspondence the specified foodstuff, materials and items to the demands of the standard, technical documents and information about foodstuff, materials and items, contains in the attached documents and labels;

- Utilization of foodstuff, materials and items, usage of sub-quality and dangerous foodstuffs, materials and items to processing in order to receive inappropriate food;
- Useful time is period of time, accounts from the day of foodstuff manufacturing during which its suitable to use;
- Monitoring is a regular observation over quantity and safety of foodstuff with the aim of identification its correspondence to desired result;
- Pesticides are the chemicals against vermin and insects;
- Organoleptic indicators are the indicators of foodstuff that reveal and evaluates with organs of sense (test, smell, view, color).

### **Article 3. Legal regulation of relations in the sphere of ensuring quality and safety of foodstuff.**

Legal regulation of relations in the field of ensuring food quality and safety based on the Constitution of the Republic of Tajikistan implemented by present Law, other normative legal acts of RT and international legal standards, recognized by the Republic of Tajikistan.

### **Article 4. Ability of foodstuff, materials and items to circulate**

Foodstuff, materials and items that meets the requirements of standard documents and has state registration in order, established by the present Law shall be in circulation.

Foodstuff, materials and items can not be in circulation if they:

- do not meets requirements of standard documents;
- have obvious signs of poor quality, recognized low-grade by representatives of agency that makes supervision and inspection in the field of guarantying quality and safety of foodstuff;
- do not have certificates of quality and safety of foodstuff, materials and items, documents of the producer, supplier of foodstuff, materials and items confirming its origin, absence of information about state registration and acknowledgement of conformity to requirements of standard documents;
- do not correspond to the given information and there are proved suspicions on its falsification; not have fixed useful time (for foodstuff, materials and items required useful time) or useful time expired;
- lack labeling, that contains information stipulated by law or state standard, or there is no such information.

## **Article 5. Provision of quality and safety of food, materials and items.**

Quality and Safety of food, materials and items is provided through:

- Application of measures of state regulations in the field of maintenance of quality and safety of foodstuff, materials and items;
- Implementation by individual and legal entity, producing and circulating food, materials and items organizational, agrochemical, veterinary, technological, technical, sanitation-antiepidemic and phytosanitation actions on fulfilment of requirements the standard documents to foodstuff, materials and items, to conditions of its preparation, storage, transportation and realization; carrying out industrial inspection behind quality and safety of foodstuff, materials and items, conditions of its production, storage, transportations and realization through putting into operation systems of quality control of foodstuff, materials and items (further quality systems); use of civil, legal, administrative measures and bringing to criminal liability entity, who infringed requirements of the present Law and other standard documents.

## **Article 6. Information about quality and safety of foodstuff, materials and inputs.**

Individual and legal entities, implementing activity on manufacturing and circulating of foodstuff, materials and items, rendering services in the sphere of retail trade of foodstuff, materials and items are obliged in the sphere of public catering to give full trustworthy information both to buyers and consumers, as well as to the authorized body of the Government of the Republic of Tajikistan on supervision and control over the quality and safety of foodstuff, materials and items about observance of requirements of standard documents at manufacturing and a turn of foodstuff, materials and items and rendering of such services.

The authorized body of the Republic of Tajikistan are **authorized executive state agencies to perform following aspects: standardization, metrology, certification, trade inspection, sanitary-epidemiological surveillance, veterinary surveillance, as well as plant quarantine inspection (phytosanitary)**. Besides, they are in charge of providing information to legal entities and individuals following information: quality and safety of foodstuff, materials and products; observance of compliance to and requirements set by regulations in production and circulation of foodstuff, materials and products; rendering service in area of catering; information on state registry of foodstuff, materials and products and affirming their compliance to requirements set by regulations, as well as preventive measures against selling of low-quality and dangerous foodstuff, materials and products (**Law of the RoT, as of March 25<sup>th</sup>, 2011, №703**)

## **CHAPTER II**

### **THE POWER OF THE GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN AND AUTHORIZED BODIES OF THE GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN IN THE SPHERE OF PROVISION THE FOOD QUALITY AND SAFETY**

#### **Article 7 The Powers of the Government of the Republic of Tajikistan in the field of maintenance of food quality and safety**

Powers of the Government of the Republic of Tajikistan in the field of maintenance of quality and safety of foodstuff concern:

- Development of the single state policy;
- Acceptance of statutory acts within the competence;
- Working out and realization of target and scientific and technical programs of maintenance of quality and safety of foodstuff, materials and items;
- The state rationing in the field of maintenance of quality and safety of foodstuff, materials and items;
- Realization of the international cooperation of the Republic of Tajikistan;
- Realization of other powers provided by the legislation.

#### **Article 8 Powers of the authorized bodies of the Government of the Republic of Tajikistan in the field of maintenance of food quality and safety**

The authorized bodies of the Government of the Republic of Tajikistan in the field of maintenance of quality and safety of foodstuff must be provided with powers adjusted by the legislation of the Republic of Tajikistan.

Powers of the bodies which are carrying out the state control in sphere of maintenance of quality and safety of foodstuff are defined by the Republic Tajikistan Government according to the legislation (in edition of Law of RT as of 30/07/2007 No. 305).

### **CHAPTER III**

## **STATE REGULATION IN THE AREA OF MAINTENANCE OF FOOD QUALITY AND SAFETY**

#### **Article 9. The state rationing in the field of maintenance of quality and safety of foodstuff, materials and items.**

Requirements to quality of foodstuff, materials and items, to provision its safety, to packing, to labeling, to industrial supervision behind quality and safety of foodstuff, materials and items, to procedures of evaluation and confirmation its correspondence to standard documents request, to methodology of its identification and testing, and also to technical documents, to quality systems forms on the base of state standards.

Requirements to nutritive value of food stuff, to safety of foodstuff, materials and items, safety of its development conditions, organization on to production, manufacturing and circulation, to safety of services, rendering in the sphere of retail trade by foodstuff, materials and items, and in the sphere of public catering forms on the base of suitable sanitary rules and standards.

Safety requirements in the veterinary relation of certain foodstuff, to its preparation, manufacturing and a turn are established by corresponding veterinary rules and norms.

**Technical regulations, state standards, sanitary and veterinary rules and norms are validated by authorized executive state agency on standardization, metrology, certification, trade inspection, sanitary-epidemiological surveillance, veterinary surveillance, as well as plant quarantine inspection (phytosanitary), in accordance with their level of authority set by Legislation of the Republic of Tajikistan (Law of the RoT, as of March 25th, 2011, №703).**

Requirements for quality and safety of foodstuff, materials and products, set by **technical regulations**, state standards, sanitary and veterinary rules and norms are obligatory to be followed by legal entities and individuals involved in retail and sale of foodstuff, materials and products in area of catering (**Law of the RoT, as of March 25th, 2011, №703**).

#### **Article 10. State registration of foodstuff, materials and items.**

New foodstuff, materials and items manufactured and produced in the Republic of Tajikistan, foodstuff, materials and items imported in to Republic Tajikistan for the first time are subject to state registration.

State registration of foodstuff, materials and items includes:

- Assessment of documents, which offers by producer, supplier of foodstuff, materials and items, confirms its correspondence to request of standard documents,

conditions of its manufacturing and delivery of foodstuff, materials and items, and also its testing result, conducting in the case of need;

- Entering of foodstuff, materials and items and its manufacturers, suppliers into the State register of foodstuff, materials and items permitted for manufacturing in the territory of Republic Tajikistan or import and realization on the territory of Republic Tajikistan;
- Delivery to applicants of certificates about the state registration of foodstuff, materials and items giving rights on manufacturing, import and turn of foodstuff, materials and items in the territory of Republic Tajikistan.

State registration of foodstuff, materials and items and putting into operation State register of foodstuff, materials and items permitted for manufacturing in the territory of Republic Tajikistan or import in to territory of Republic Tajikistan and circulation fulfils by authorized body of Government of Republic Tajikistan on state sanitary epidemic supervision jointly with authorized body of Government of Republic Tajikistan on state veterinary supervision in accordance with regulation, approved by Government of Republic Tajikistan.

The state registration of several kinds of foodstuff, materials and items under one name is not supposed. And also repeated registration of the same kind of foodstuff, materials and items under one name or under various names.

**Article 11.Excluded (In edition of Law PT from 3.03.2006 # 176)**

**Article 12 Estimation and acknowledgement of conformity to requirements of standard documents of foodstuff, materials and products, services rendered in sphere of retail trade in foodstuff and public catering sphere, and also quality systems**

The certain kinds of foodstuff intended for realization, materials and items, the services rendered in sphere of retail trade by foodstuff and in the sphere of public catering, and also quality system are subject to estimation and acknowledgement of conformity to requirements of standard documents.

Conformity of foodstuff, materials and items with requirements of standard documents can be confirmed by its manufacturers in the order established by the legislation of Republic Tajikistan.

Certain kinds of foodstuff, materials and items, services rendered in the sphere of retail trade by foodstuff and in the sphere of public catering, and also quality system are subject to estimation and acknowledgement of conformity to requirements of standard documents by means of obligatory certification;

At a choice of foodstuff, materials and items which acknowledgement of conformity to requirements of the standard document is spent by means of obligatory certification, degree of health hazard of the person of foodstuff, materials and items, its production conditions and circulation should be take into account. The list of

foodstuff, materials, items and services (works) are subjects to obligatory certification approves by the Government of Republic Tajikistan.

Organization and conducting of obligatory certification of certain kinds of foodstuff, materials and items, services rendered in the sphere of retail trade by foodstuff and public catering sphere, and also quality systems fulfils by the state agency of the Republic Tajikistan on standardization, certification and metrology;

Concerning foodstuff, materials and items which are not subject to obligatory certification and acknowledgement of conformity to requirements of standard documents, individual and legal entity who are carrying out activity on manufacturing and a turn of such foodstuff, materials and items, have the right to conduct its facultative certification in order established by legislation of the Republic Tajikistan.

**Authorized executive state agency on standardization, metrology, and trade inspection of the Republic of Tajikistan is responsible for management and conduction of obligatory certification of specific foodstuff, materials and products in area of retail, sale and catering, as well as quality assurance (Law of the RoT, as of March 25th, 2011, №703).**

In case, if producer of the certificated foodstuff, materials and items, having certificate of conformity to system of quality, the executor of certificated service rendered in sphere of retail trade by foodstuff or public catering sphere break the requirements established by standard documents, the body which has given out the corresponding certificate, is obliged to suspend manufacturing or realization of foodstuff, materials, items, rendering of services, performance of works in elimination of the declared infringements if to eliminate infringements is not possible to cancel certificate's action.

In case if such infringements are supposed by the producer, he is obliged to suspend immediately manufacturing of foodstuff, materials and products, and to inform the state supervision and control agency.

### **Article 13. State supervision and control in the field of ensuring food quality and safety**

**State surveillance and quality assurance and safety of foodstuff is conducted by following agencies: State Sanitary-Epidemiology Surveillance Service, State Veterinary Surveillance Service, State Phytosanitary Inspection Service and Authorized executive state body on standardization, metrology, and trade inspection (Law of the RoT, as of March 25th, 2011, №703).**

**Based on their level of authority, subdivisions of such state agencies like defence, interior affairs, transport and communication and national security perform the control on quality and safety of foodstuff, materials and products, as well as services rendered in retail of foodstuff, materials and products, as well as in area of catering (Law of the RoT, as of March 25th, 2011, №703).**

The state control of business entity activities, independently from the form of ownership, is carrying out through inspection of fulfillment the legislation in the sphere of ensuring quality and safety of foodstuff in accordance with Law of Republic Tajikistan “ About inspection of business entity activities in Republic Tajikistan” (in edition of Law RT from 30/07/2007 # 305)

**Article 14. Monitoring of quality and safety of foodstuff, population health.**

With the aim of definition the priority directions of state policy in the field of ensuring quality and safety of foodstuff, public health protection, and also with the aim of development prevention measures for no admission entering on the consumer market of poor-quality and dangerous foodstuff, materials and items bodies of the state supervision and control jointly with executive power of Republic Tajikistan must conduct monitoring of quality and safety of foodstuff, population health.

Monitoring of quality and safety of foodstuff, population health is conduct in accordance with regulation approved by the Government of Republic Tajikistan.

**CHAPTER IV**  
**GENERAL REQUIREMENTS TO ENSURE FOOD QUALITY**  
**AND**  
**SAFETY**

**Article 15. Requirements to ensuring quality and safety of foodstuff**

The foodstuff intended for realization should satisfy physiological requirements of person for necessary substances and energy, to meet requirements usually shown to foodstuff in a part of organoleptic and physical and chemical indicators and to correspond to the requirements established by standard documents to the admissible content of chemical (including radioactive), biological substances and its connections, microorganisms and other biological organisms offering danger to health.

Products of the dietary food should have the properties, allowing to use such products for dietotherapy and preventive maintenance in accordance with established requirements to organization of dietary food by the agencies of executive power in the field of public health, and to be safe for health of the person.

**Article 16. Requirements to ensuring quality and safety of new foodstuff, materials and items during development and organization of production.**

Individual and legal entity at development of new foodstuff, materials and items, new technological process of its production, packing, storage, transportation, labeling and realization, obliged to base requirement to quality and safety of such kind foodstuff,

materials and items. To provide with information about keeping quality and safety of such kind foodstuff, materials and items during its production and circulation, develop programs of production control behind quality and safety of such foodstuff, materials and items, its test procedure, and also establish keeping time of such foodstuff, materials and items.

Keeping time of foodstuff, materials and items are established concerning such foodstuff, materials and items which quality on the expiration of certain term from the moment of its manufacturing worsens which get the properties representing health hazard and in this connection lose suitability for intended use.

Indicators of quality and safety of new foodstuff, materials and items, terms of its validity, the requirement to its packing, marks, the information on such foodstuff, materials and items, conditions of manufacturing and a turn of such foodstuff, materials and items, industrial inspection programs behind its quality and safety, a technique of tests, ways of recycling or destruction of poor-quality and dangerous foodstuff, materials and items should be included in technical documentation.

Projects of technical documentation and pre-production models of new foodstuff, materials and items are subject to sanitary-and-epidemiologic examination.

Projects of technical documentation and pre-production models made from food raw materials of an animal origin of new foodstuff, in addition are subject to veterinary-sanitary examination.

Indicated projects can be approved by producer only after taking conclusion of state sanitary epidemiological agency of the Republic of Tajikistan and state veterinary agency of the Republic of Tajikistan certifying correspondence such foodstuff, materials and items to requirements of sanitary and veterinary rules and standards, and also safety for population health.

**Before proposing any new foodstuff for further sale and consuming, manufacturer is obliged to present it to authorized executive state agency on standardization, metrology, and trade inspection of the Republic of Tajikistan, in order to enter State register on approved regulatory-technical documents following prior agreement with all ministries and agencies (Law of the RoT, as of March 25th, 2011, №703).**

Requirements of the confirmed technical documentation are obligatory for the individual and legal entity which is carrying out activity on manufacturing and a turn of concrete kinds of foodstuff, materials and items.

New foodstuff, materials and items are supposed to manufacturing after the state registration in order established by article 10 of the present Law.

#### **Article 17. Requirements to ensuring of quality and safety of foodstuff, materials and items at its manufacturing**

Manufacturing of foodstuff, materials and items should be carried out according to technical documentation at observance of requirements of standards, sanitary and veterinary rules and norms.

For manufacturing of foodstuff have to be used food raw materials, which quality and safety corresponds to requirements of standard documents.

Upon manufacturing of food raw materials is supposed usage of fodder additives, growth factors animal, including hormonal drug, medical products, pesticides, the agrochemicals, passed sanitary-and-epidemiologic examination, veterinary-sanitary examination and phytosanitary (or examination of agrochemical laboratory) and the state registration in order established by the legislation of Republic Tajikistan.

The food raw materials of animal origin are supposed for manufacturing of foodstuff only after carrying out of veterinary-sanitary examination and taking by producer conclusion of the state veterinary service of the Republic of Tajikistan, certifying conformity of food raw materials of animal origin to requirements of veterinary rules and norms.

At manufacturing products of baby food, products of a dietary food it is not supposed to use the food raw materials made with use of fodder additives, growth factors animal (including hormonal drugs), separate kinds of medical products, pesticides, agrochemicals, and other hazardous to person health of substances and connections.

At manufacturing of foodstuff, and also for use in the food can be used food additives and biologically active additives, passed the state registration in order established by article 10 of the present Law.

Used in manufacturing of foodstuff materials and items should correspond to requirements of standard documents to quality and safety of such kind materials and items.

Upon manufacturing of foodstuff is supposed usage of materials and items, passed the state registration in order established by article 10 of the present Law.

The producer is obliged to check up quality and safety of each party of foodstuff, materials and items and send together with foodstuff, materials and items certificate of the quality and safety to the buyer.

The seller of foodstuff, materials and items has right to the control over quality and safety of foodstuff, materials and items at receiving from the producer. The certificate of quality and safety of foodstuff, materials and items is not made out on public catering production.

Conformity of foodstuff, materials and items included in the list of foodstuff, materials, items and service (works) to requirements of statutory acts verifies by the certificate of conformity and conformity sign.

The producer is obliged to suspend immediately manufacturing of poor-quality and dangerous foodstuff, materials and items on term necessary for elimination of the reasons, which has caused manufacturing such foodstuff, materials and items. In the case if impossible to eliminate such reason, the producer obliged to stop manufacturing of poor-quality and dangerous foodstuff, materials and items, to withdraw its from a turn, to provide reimbursement of such foodstuff, materials and items from buyers, consumers, to organize in established order conduction of its examination, utilization or destruction.

Ministry of Health is obliged to review norms and regulations on quality and safety of foodstuff, materials and items, including a dietary and baby food, food and biological additives for ensuring its conformity to the standard international norms not less than in 5 (five) years.

**Article 18. Requirements to ensuring of quality and safety of foodstuff at packaging, packing and marking.**

Foodstuff should be packaged and packed in such ways which allows provision of conservation of quality and safety at its storage, transportation and realization.

Individual and the legal entities, implementing packaging and packing of foodstuff, are obliged to observe requirements of standard documents.

On labels or yarliks or loose leaf of the packed foodstuff, except the information which structure is defined by the legislation of the Republic of Tajikistan on protection of the rights of consumers, taking into account kinds of foodstuff the following information should be specified:

- About food values (caloric contents, content of fibers, carbohydrates, vitamins, macro and microcells);
- About allocation and about usage conditions (concerning products of baby food, products of dietary food and biologically active additives);
- About ways and conditions of manufacturing of ready dishes (concerning concentrates and half-finished products of foodstuff);
- About storage conditions (concerning foodstuff for which requirements to conditions of its storage are established);
- About manufacturing date, date of suitability and date of packing of foodstuff.

**Article 19. Requirements to ensuring the quality and safety of foodstuff, materials and items at its storage and transportation.**

Storage and transportation of foodstuff, materials and items should be carried out in the conditions providing preservations of its quality of safety.

Individual and legal entity who are carrying out storage, transportation of foodstuff, materials and items, are obliged to observe requirements of standard documents to conditions of storage and transportation of foodstuff, materials and items and to confirm observance of such requirements by corresponding records in commodity-accompanying documents.

Storage of foodstuff, materials and items is permitted in specially equipped premises, constructions which should correspond to requirements of construction, sanitary and veterinary rules and norms.

For transportation of foodstuff should be used the specially equipped for such purposes vehicles, that have sanitary passports formalized in established order.

In the case if at storage and transportation of foodstuff, materials and items admitted infringement which has led to loss by foodstuff, materials and items of corresponding quality and to acquisition of dangerous properties by its, individual and legal entity who are carrying out storage, transportation of foodstuff, materials and items obliged to inform about it owners and recipient of foodstuff, materials and items.

Besides foodstuff, materials and products not to undergo any sale, shall be referred to relevant authorized state body on inspection and based on results of expertise referred for either utilization or destruction **in accordance with norms established by authorized executive state agency on standardization, metrology, and trade inspection (Law of the RoT, as of March 25th, 2011, №703).**

#### **Article 20. Requirements to ensuring quality and safety of foodstuff, materials and items at its realization**

Upon realization of foodstuff, materials and items individual and legal entity are obliged to observe requirements of standard documents.

In retail trade it is strictly forbidden to sell non-packed and unsecured foodstuff, with the exception of certain foodstuff indicated by specifications set by **authorized executive state agency on standardization, metrology, and trade inspection of the Republic of Tajikistan** (in concordance with authorized body on state sanitary-epidemiology surveillance) **(Law of the RoT, as of March 25th, 2011, №703).**

Sale at food market of foodstuff of non-industrial (non-profitable) origin is possible only after conduction of sanitary-veterinary expertise by **accredited veterinary laboratories** and upon receiving of certificate to be provided by state veterinary service of the Republic of Tajikistan, confirming compliance of that foodstuff with requirements set by veterinary rules and regulations **(Law of the RoT, as of March 25th, 2011, №703).**

In case of any violation or breach in sale of foodstuff, material and products, which led to loss of quality of foodstuff, materials and products, as well as gain of dangerous features, legal entities and individuals involved in sale of foodstuff, materials and products are obliged to discard such foodstuff, materials and products from sale, ensure their call back from customers, refer poor quality and dangerous foodstuff, material and products for expertise, as well as arrange utilization and destruction **in accordance with rules and regulations set by authorized executive state agency on standardization, metrology, and trade inspection of the Republic of Tajikistan (Law of the RoT, as of March 25th, 2011, №703).**

#### **Article 21. Requirements to ensuring quality and safety of foodstuff, materials and items which import is carried out on the territory of the Republic of Tajikistan.**

Quality and safety of foodstuff, materials and items, imported on the territory of the Republic of Tajikistan should correspond to requirements of standard documents of republic.

Obligations of manufacturers, suppliers on observance of requirements of standard documents concerning foodstuff, materials and items which import is carried out on the territory of the Republic of Tajikistan, are essential conditions of its delivery treaty.

Import to the territory of the Republic of Tajikistan the foodstuff, materials and items, not passed state registration in order established in article 10 of the present Law, and also foodstuff, materials and items which not have documents, certifying conformity of quality and safety of such foodstuff, materials and items to requirements of standard documents is forbidden.

At border entry points of the Republic of Tajikistan, as well as at customs offices for declaration of foodstuff, materials and products, following agencies, based on their competency level, are in charge for examining of foodstuff, materials and products, as well as verification of supporting documents and carrying-out decision on bringing in of such foodstuff, materials and products: **authorized executive state agency on standardization, metrology, and trade inspection**, state sanitary-epidemiology surveillance service, state veterinary surveillance service and state phytosanitary service of **the Republic of Tajikistan (Law of the RoT, as of March 25th, 2011, №703)**.

In case if any of above-mentioned authorities (authorized executive state body **on standardization, metrology, and trade inspection**, state sanitary-epidemiology surveillance service, state veterinary surveillance service and state phytosanitary service **of the Republic of Tajikistan**) have any concern or doubts towards foodstuff, materials or products to be brought in, then executive officer carry-out a decision to temporary block bring in of such foodstuff, materials and product on territory of the Republic of Tajikistan. List of foodstuff, materials and products, as well as temporary block is defined by Government of the Republic of Tajikistan (**Law of the RoT, as of March 25th, 2011, №703**).

In case foodstuff, materials and items, which import is carried out to the territory of the Republic of Tajikistan, recognized dangerous, the officials who are carrying out the state sanitary-and-epidemiologic supervision, the state veterinary supervision and the state inspection of plants quarantine forbid import of such foodstuff, materials and items to the territory of the Republic of Tajikistan and do a mark in its commodity-accompanying documents that such foodstuff, materials and items are hazardous to people health and not for realization.

The owner of dangerous foodstuff, materials and items is obliged within 10 days to export its out of the territory of the Republic of Tajikistan.

In case, if any of dangerous foodstuff, materials and producted indicated by article 7 of current chapter are not removed out of the Republic of Tajikistan borders, then, in

accordance with Legislation of the Republic of Tajikistan, they must be referred for expertise, where based on results, following court decision, will be seized (confiscated) and utilized as a waste or destroyed in concordance with rules and regulations set by **authorized executive state agency on standardization, metrology, and trade inspection of the Republic of Tajikistan (Law of the RoT, as of March 25th, 2011, №703).**

#### **Article 22. Requirements to organization and carrying out industrial inspection behind quality and safety of foodstuff, materials and items**

Individual and the legal entities, implementing manufacturing and turn of foodstuff, materials and items, are obliged to organize and spend industrial inspection behind its quality and safety, observance of requirements standard and technical documentation to conditions of manufacturing and turn of foodstuff, materials and items.

Production control on quality and safety of foodstuff, materials and products are conducted in accordance with program of production control, which is designed by either legal entity or individual based on **technical regulations**, state standards and technical norms. Designed program shall define proceeding of production control on quality and safety of foodstuff, materials and products, methodology of such control and methodology on compliance of production and circulation conditions. **(Law of the RoT, as of March 25th, 2011, №703).**

#### **Article 23. Requirements to the employees who are implementing activities on manufacturing and a turnover of foodstuff, materials and items**

The employees occupied with activities related to manufacturing and circulation of food, rendering of services in sphere of retail trade of foodstuff, materials and items and public catering, upon implementation of which the employees have direct contact with foodstuff, materials and items, are subject to mandatory medical examination upon recruitment to work as well as periodic medical checks and hygienic training according to the order established by the Ministry of Public Health Services of the Republic of Tajikistan.

Sick by infectious diseases, persons with suspicion on such diseases, persons contacting with sick infectious diseases, persons who are carriers of activators infectious disease who can represent danger of distribution of such diseases, and also the workers, not undergo hygienic training, in connection with specifics of manufacturing and turnover of foodstuff, materials and items not allows to work at which performance are carried out direct contacts of workers to foodstuff, materials and items.

#### **Article 24. Requirements to withdraw from a turnover the poor quality and dangerous foodstuff, materials and items**

**Expired products, poor quality and dangerous foodstuff shall be withdrawn from use in accordance with procedures set by authorized executive state agency on standardization, metrology, and trade inspection of the Republic of Tajikistan, state sanitary-epidemiology surveillance service and state veterinary surveillance service.**

**Procedure of withdrawal from use of expired products, poor quality and foodstuff, materials and products is set by state agency on quality assurance and safety of foodstuff.**

**Expired products, poor quality and dangerous foodstuff withdrawn from use, are either destroyed or recycled in accordance with procedure set by authorized executive state agency on standardization, metrology, and trade inspection of the Republic of Tajikistan (Law of the RoT, as of March 25th, 2011, №703).**

#### **Article 25. Requirements to carrying out of examination, utilization or destruction of a poor quality and dangerous foodstuff, materials and items withdrawn from a turnover**

The poor quality and dangerous foodstuff, materials and items withdrawn from a turn, are subject to corresponding examination (sanitary and epidemiologic, veterinary and sanitary, merchandising and another), conducted by the agencies of state supervision and control according to the competence, with a view of definition of possibility of recycling or destruction of such foodstuff, materials and items.

Foodstuff, materials and items, the origin of which the owner cannot confirm and which have obvious signs of a poor quality, offers in this connection, direct threat to life and health of the person, are subject to utilization or destruction without examination.

Before utilization or destruction of such foodstuff, materials and items, its owner in presence of the representative of the state supervision and control agency is obliged to change properties of such foodstuff, materials and items in any accessible and reliable way excluding possibility of its further proper use.

Poor quality and dangerous foodstuff, materials and items for the term necessary to carrying out of its examination, utilization or destruction should be submitted to the temporary storage, which conditions exclude possibility of realization and access to such foodstuff, materials and items.

Foodstuff, materials and items being on temporary storage are subject to the strict accountancy. Responsibility for safety of such foodstuff, materials and items is executed by the owner.

On the base of results of examination, the poor quality and dangerous foodstuff, materials and items the corresponding agency of the state supervision and control accepts the decision about stuff's utilization or destruction.

The owner of poor quality or dangerous foodstuff, materials and items carries out a choice of ways and conditions of its utilization or destruction according to

requirements of standard or technical documentation and coordinates with agency of the state supervision and control, decided about utilization or destruction of such foodstuff, materials and items, ways and conditions of its utilization or destruction.

Possibility of usage the poor quality or dangerous foodstuff as a forage for animals is coordinate with the state veterinary service of the Republic of Tajikistan.

Expenses on examination, storage, transportations, utilization or destruction of poor quality and dangerous products, materials and items are subject to be paid by the owner.

The owner of poor quality and dangerous foodstuff, materials and items is obliged to provide the state supervision and control agency, taken out the decision about its utilization or destruction, the document or the assured, in fixed order, copy, confirming the fact of utilization or destructions of such foodstuff, materials and items.

The state control and supervision agency, taken out the decision about utilization or destruction of poor quality dangerous foodstuff, materials and items, are obliged to carry out the control over its utilization or destruction, in connection with appearance of danger to dissemination of poisoning stuff among people and animals, as well as pollution of a surrounding environment.

## **CHAPTER V. LIABILITY OF INFRINGEMENT OF THE PRESENT LAW**

### **Article 26. Administrative liability of infringement of the present Law**

Administrative responsibility is established for infringement the present Law in following cases:

- Manufacturing in the territory of the Republic of Tajikistan or import on the territory of the Republic of Tajikistan of foodstuff, materials and items, which have not pass the state registration;
- The documents certifying conformity of quality and safety of foodstuff, materials and items to requirements of standard documents have not been presented;
- Presentations of incomplete or unreliable information about foodstuff, materials and items and about rendered services, as well as defaults of conditions of utilization or destruction of poor quality and dangerous foodstuff, materials and items;
- Production and turn of poor quality and dangerous foodstuff, materials and items, as well as manufacturing of the forged foodstuff, materials and products;
- Non-fulfillment of instructions and decisions of the state supervision and control agencies;
- The application of measures of official penalty does not unbind the guilty entity from the obligation to eliminate the admitted infringement and to compensate

the harm caused to a life, health and property of the citizen, or to property of the legal entity.

- Appeal against actions of officials the state supervision and control agencies on application of measures the official penalty is carried out according to the legislation of the Republic of Tajikistan.

#### **Article 27. Criminal liability for infringement of the present Law**

The infringement of the present Law which was injurious to health of the person or led to death, according to the Criminal code of the Republic of Tajikistan involves criminal liability.

#### **Article 28. Responsibility of officials of the state supervision and control agencies**

Officials of the state supervision and control agencies for inadequate execution of the duties, and also for concealment of the facts creating threat to life and health of the person, bear responsibility in order established by the legislation of the Republic of Tajikistan.

President  
Of the Republic of Tajikistan  
RAKHMONOV

E.

Dushanbe 10<sup>th</sup> May, 2002  
No. 54

THE DECREE  
OF MAJLICI NAMOYNDAGON OF MAJLICI OLI  
OF THE REPUBLIC OF TAJIKISTAN

On adoption of the Law of the Republic of Tajikistan  
“On quality and safety of food”  
and its enactment

Majlici Namoyandagon of Majlicu Oli of the Republic of Tajikistan hereby approves:

1. To accept the Law of the Republic of Tajikistan “On quality and safety of food”.

2. The present Law to put into operation after its official publication except for the first point of article 10.
3. Regulations of articles 3-8, article 9 (except for paragraph 3), article 10, article 12 (except for the regulations, concerning assessment and acknowledgement of conformity to requirements of standard documents the services rendered in sphere of retail trade and sphere of public catering) of points 1-4, 7-13 of article 17, points 1 and 2 of article 18, points 1-3 and 5 of article 19, points 1-4 of article 20, article 21, articles 22, 27 of the present Law extend also on perfumery and cosmetic production, means and products for hygiene of an oral cavity, tobacco products.
4. To the Government of the Republic of Tajikistan:
  - to present to the Majlisi Namoyandagon of Majlisi Oli of the Republic of Tajikistan the offer on implementation of the current legislation in accordance with the present Law;
  - to make decisions in accordance with the Law of the Republic of Tajikistan “On quality and safety of food”

Chairman of Majlisi Namoyandagon of  
Majlisi Oli of the Republic of Tajikistan  
KHAYRULLOYEV  
Dushanbe, 31<sup>st</sup> October, 2001  
No. 425

S.

REGULATION  
OF MAJLISI MILLI OF MAJLISI OLI  
OF THE REPUBLIC OF TAJIKISTAN  
On the Law of the Republic of Tajikistan  
“On quality and safety of food”

After reviewing the Law of the Republic of Tajikistan “On quality and safety of food” the Majlisi Milli of Majlisi Oli of the Republic of Tajikistan agreed:

- To approve the Law of the Republic of Tajikistan “On quality and safety of food”

Chairman  
of Majlisi Milli of Majlisi Oli  
of the Republic of Tajikistan  
UBAYDULLOYEV

M.

Dushanbe, 23 April 2002.  
No. 240

## **Annex III – Terms of reference for food safety component of the World Bank Central Asia Regional One Health Project on food safety and zoonoses**

### **A. PROJECT BACKGROUND**

The Central Asia AIDS Control Project (CAAP) funded by the World Bank and DFID, is being implemented in four Central Asian Countries (Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan). The recipient of the grant for the CAAP is the Eurasian Economic Community (EAEC). The CAAP project has been implemented since 2005 by the Regional Project Management Unit (RPMU) based in Almaty. Recognizing the value of regional cooperation and the need to address multiple determinants of health outcomes, the CAAP Steering Committee is establishing a Central Asia (CA) Regional Health Platform.

Establishment of a regional public health platform under CAAP was undertaken within the scope of the regional strategy on prevention of an HIV-infection epidemic and based on the trends of epidemiological situation in Central Asian countries, as well as lessons learned from coordination and harmonization efforts of many partners at the national and regional levels. Experience in the prevention of infectious and zoonotic infection worldwide as well as in Central Asia shows the effectiveness of regional initiatives that harmonize national programs.

EAEC has received funding in the amount of 3 mln USD from the World Bank Avian and Human Influenza Trust Fund for regional initiatives under the Central Asia Regional “One Health” Project (CAR/OH). This project will target zoonotic and infectious disease control activities with public health and veterinary services in project countries and also consider related food safety risks.

Activities of the Central Asian Regional Project on “One Health” (CAR/OH) will be directed to implementation of main objectives and priorities of the regional public health platform related to zoonotic disease control and food safety.

In order to define priorities and develop a harmonized approach to address regional issues related to food safety, it is necessary to conduct a baseline assessment. The survey results will be used for programming interventions related to improved functioning of all structures (trade, health, on-farm production) related to the food safety in the respective Central Asian countries and, thereby, creating a favorable environment for domestic, regional and international trade. Survey results will also be used for developing a comprehensive strategy to improve existing country specific nutritional programming and for harmonizing a regional program that will support the coordination of national strategies.

### **B. OBJECTIVES OF THE CONSULTING ASSIGNMENT**

1. To review the current situation with respect to food safety, focusing on food borne diseases, domestic, transboundary and international trade aspects, and to identify the critical gaps in enhancing food safety in the region (Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan) including review of the existing regional coordination of national structures and approaches in the food safety area and the promotion of agri-food supply chains.
2. To prepare a draft regional action plan for food safety and food-borne diseases, focusing on domestic, transboundary and international trade aspects, and nutritional risks especially in women and children.

## C. SCOPE OF WORK

It is expected that assignment would have two parts:

### 1. Situation analysis on food safety control systems should include:

- 1) Design of methodology and agreed assessment/survey tools that use a combination of recognized indicators consistent with accepted international approaches and standards (i.e. WTO/CODEX, EU, WHO, FAO, etc);
- 2) Overview of the existing national legislation, institutional arrangements and responsibilities, infrastructure, regulatory framework and technical documents, as well as an organization of food safety control capacity and inspection systems, identification of key stakeholders, in each of the four participating countries. This would include a comprehensive set of recommendations for upgrading food safety as well as clarification of roles of government agencies and the private sector in food safety to avoid duplication and address gaps:
  - a. food laws and regulations, as well as procedures for the development of food standards, guidelines and related documents such as codes of practice with the purpose of protecting the consumer's health and ensuring fair trade practices in the food trade,
  - b. food safety organizational structure and control management,
  - c. inspection services with reference to roles and responsibilities,
  - d. infrastructure, laboratory services, research and development, and support services,
  - e. Food safety supply chain analysis of risks and constraints with focus on key representative commodity and competitive processing chains which provide optimum opportunity to illustrate the approach.
  - f. information, training, education, communication and public awareness
  - g. Situation analysis/assessment of food safety control system and development of a new Food Safety Strategies in Kazakhstan will be completed by November 30, 2010 and January 15, 2011 under the Twinning arrangements on FS and WTO Accession of the Health Technology Transfer and Institutional Reform Project. Thus the task for Kazakhstan under this ToR will also be to review the assessment report and proposed FS control system strategy as well as results of the November 2010 National conference on food safety.
- 3) Overview of the existing structure and organization of the agri-food sector considering in detail at the characteristics and structure of key supply chains important to each country, with analysis of the strengths and weaknesses (SWOT) and providing an outline of appropriate solutions to the latter.
- 4) Particular emphasis will be placed on some of the current food safety priorities including commodity specific case studies as examples and highlighting pressing issues such as animal source foods, mycotoxin/aflatoxin contamination in grains and food, etc.
- 5) Analysis of financial and commercial aspects of the entire food production and trade chain: on-farm risks and contamination, process of products delivery to the market, grading and storage, public awareness in the domestic and export market, degree of innovation in safe products, process and packaging characteristics, and comparability/viability against EU and regional norms.
- 6) Reporting on the public health implications and impact related to food safety risks and current level of information and understanding of these issues, using accepted international standards for measuring food safety impact at the national level.

- 7) Analysis of the existing regional coordination arrangements in the food safety area. On the basis of the analysis, develop recommendations for establishment of regional food safety coordination mechanism to facilitate trade and harmonize regulatory measures, and provide a platform for information sharing and harmonized upgrading based on appropriate regional food safety standards. This should include some institutional and technical areas to focus on initially in an action plan.
- 8) Identification of existing deficiencies and needs in training, surveys, technical and financial support as well as the type and level of the current Government support to the corresponding sectors.
- 9) Summary of donor involvement in the food safety area in each country with area of focus and level of investments and including description of donor coordination.
- 10) Preparation of reports based on 1-9:
  - a. Draft national reports taking into account the findings, lessons learned, recommendations for improving and harmonizing food safety and conclusions;
  - b. Final national reports with corresponding recommendations and concrete proposals on improvement of functioning effectiveness and structures via establishment as well as restructuring (if needed) of sub-sectors including a framework for public sector investments;
- 11) Organization and carrying out national workshops in each country to present and discuss the findings of the FS survey/assessment with participation of national (governmental and non-governmental organizations) and international partners incorporating feedback into reports;

## **2. Development of the draft regional action plan for food safety:**

- 1) Draft should focus on domestic, transboundary, regional and international trade aspects, and nutritional food safety risks especially in women and children
- 2) Draft should aim at:
  - a. improving coordination at the national levels
  - b. provide guidelines for an approach to improving food safety at the national and regional levels with specific recommendations for activities;
  - c. bringing added value into the smooth facilitation of integrating recommended standards and guidelines into the current normative framework in the area of food safety
  - d. building technical capacity of national stakeholders and key players in this area.
- 3) Based on the findings of the situational analysis it should include roles, responsibilities of public agencies and private sector including producer and industry associations in food safety, outputs, indicators, implementation schedule, as well as sources of funding;
- 4) On the basis of this draft to arrange and conduct a regional workshop with all interested partners:
  - a. dissemination of the results of the survey/assessments in four countries;
  - b. collect feedback from key stakeholders and participants and incorporate finding into final report
  - c. to agree on the next steps related to finalization, further approval and implementation of the regional food safety action plan, including outputs, schedule, roles and responsibilities and sources of funding.

- 5) To ensure transparency and participatory approach throughout the assessment, consulting firm should establish a multysectorial body that will consist of representatives of 4 participating countries and will involve veterinarians and public health specialists (as required) in decision making process. This body will be involved in major steps of the assessment and development of the draft national strategies and Regional Action Plan on food safety.

#### **D. REPORTS AND SCHEDULE OF DELIVERIES**

Expected time of the assignment: January – June 2011. All tasks must be completed by June 30, 2011, including delivery of final reports

Proposed schedule of work and deliverables:

1. Formed and trained group of national experts on the data collection, surveys and analytical methods, identification of the pilot sites coordinated with national partners to conduct the survey (January 2011);
2. Data obtained as a result of literature review and the field surveys (February – March 2011);
3. Preparation of the draft report and 4 stakeholder Round Tables on discussion of preliminary reports conducted with national and international partners in each country (April 2011)
4. Final versions of the country reports with recommendations (in Russian and English languages) (May 2011);
5. Draft Regional Action Plan on food safety (May, 2011);
6. Regional workshop on finalization of Regional Action Plan on food safety (May 2011).
7. Submit final report to the Client at the completion of the assignment.