



**Cabinet of Ministers of the Republic of Azerbaijan**

**Resolution No. 154**

**On approving the «Regulations for the exercise of state control over compliance with requirements of technical normative legal acts in the field of food safety in the area of *minimum* quality assurance and safety of food products»**

***Baku city, 16 August 2005***

In order to ensure the execution of Clause 2 of Decree No. 969 of the President of the Republic of Azerbaijan «On additional measures towards the application of the Law of the Republic of Azerbaijan in food products» dated 23 October 2003, the Cabinet of Ministers of the Republic of Azerbaijan hereby resolves as follows:

1. To approve the «Regulations for the exercise of state control over compliance with requirements of technical normative legal acts in the field of food safety in the area of *minimum* quality assurance and safety of food products» (attached).
2. The present Resolution shall become effective from the date of signing.

***Prime Minister of the Republic of Azerbaijan***

***Artur RASIZADEH***

***Published in the Collection of laws of the Republic of Azerbaijan (31 August 2005, No. 8, Article 783) («LegalActs» LLC).***

***With amendments No. 129 of 22 May 2006; No. 12 of 21 January 2009; No. 48 of 30 March 2009; No. 46 of 14 February 2014; No. 243 of 16 July 2014; No. 195 of 13 May 2016; No. 34 of 5 February 2018; No. 367 of 30 August 2018 («LegalActs» LLC).***

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**Approved by**  
Resolution No. 154  
of the Cabinet of  
Ministers  
of the Republic of  
Azerbaijan  
dated 16 August  
2005

**Regulations for the exercise of state control over compliance *with requirements of technical normative legal acts in the field of food safety in the area of minimum quality assurance and safety of food products***

**1. Basic provisions**

1. The present Regulations have been developed in accordance with Decree No. 969 of the President of the Republic of Azerbaijan «On additional measures towards the application of the Law of the Republic of Azerbaijan in food products» dated 23 October 2003 and other applicable legislative acts. The present Regulations establish rules for the exercise of state control over compliance with *requirements of technical normative legal acts in the field of food safety in the area of minimum quality assurance and safety of food products.*

**II. Purpose of state control**

2. The purpose of state control is to protect the legally established rights and interests of consumers, prevent the production, import and sale of food products which can pose a threat to the life, health and *property interests of the state, as well as a direct and significant threat or cause significant damage to the environment*, to create conditions in this area for the production and import of high-quality products.

3. Operations involving production, packaging, storage, transportation, purchase, sale, import and export of food products are considered to be activities in the area of food products.

4. *The state control body (Food Safety Agency of the Republic of Azerbaijan), which carries out state control over compliance with the requirements of technical normative legal acts in the field of food safety related to ensuring the minimum quality and safety of food, monitors compliance by entities, operating in the field of food products safety, of requirements for minimum quality and safety of products, environmental, sanitary, veterinary and phytosanitary regulations, rules and requirements (hereinafter — technical normative legal acts in the field of food safety), determining the conditions for their production, transportation, storage, packaging, labeling and selling.*

*The participation of other bodies in the implementation of state control over the observance of technical normative legal acts in the field of food safety in the area of ensuring minimum quality and food safety is not allowed.*

5. ~~During production, trade, supplies, storage, import to the territory of the Republic of Azerbaijan for consumption purposes (release into free circulation), export and~~

~~transportation, control is exercised over compliance with the following standards and requirements for the purposes of quality assurance and safety:~~

~~5.1. requirements pertaining to food products which ensure protection of life, health, *property interests of the state* and the environment;~~

- ~~▪ determination of whether food products comply with applicable standards and requirements is based on the results of expertise, examination and trials executed in an appropriate form. The expertise (trials and examination) of the samples taken by an authorized person exercising state control over chemical, biological and toxicological indicators of food products in the presence of representatives of the entity is carried out in duly accredited laboratories (centers) at the expense of the entity. The results of expertise (examination and trial) apply to the entire batch of the sampled product and are registered in the form of appropriate documents signed by the persons authorized to conduct the expertise (examination and trial).~~

~~5.2. requirements pertaining to regulatory documents on packaging, labeling, transportation and storage of food products are as follows:~~

- ~~▪ labels and other signs on food products produced and being exported shall be executed in both foreign languages involved and in the state language;~~
- ~~▪ labels and names on food products imported for consumption in the Republic of Azerbaijan (released into free circulation), as well as explanation notes on how to use them, shall, in addition to a foreign language, be executed with translation into Azeri;~~
- ~~▪ *unless otherwise stipulated by legislation*, the labels of food products shall contain the name, volume, type and content, sphere and rules of application, date of production and shelf life, storage conditions, name and address of the manufacturer, trademark and other information required under regulatory documents;~~
- ~~▪ the use of auxiliary materials used in packaging and wrapping of food products shall be allowed only if there are compliance and hygiene certificates;~~
- ~~▪ it shall be prohibited to introduce any changes to the contents which may occur as a result of breach of regulatory documents at the time of storage and transportation of food products.~~

~~5.3. requirements on safety and labor hygiene with reference to appropriate norms and rules;~~

~~5.4. requirements of metrological rules and norms ensuring the unity and accuracy of measurements;~~

~~5.5. availability of certificates issued by an authorized body or those recognized by one as valid;~~

~~5.6. application, in an order established by legislation, of the compliance mark and names «curative», «dietary» and «environmentally pure»;~~

~~5.7. timely notification of the authorized body which has issued the certificate of the changes introduced to regulatory documents or technological processes of production for which the certificate has been issued;~~

~~5.8. provision of the producer with necessary regulatory documents at the sites producing food products:~~

- ~~▪ it is prohibited to produce food products on the basis of a regulatory document which has not been registered with an appropriate state body;~~
- ~~▪ production of food products is allowed on the basis of international, regional and national standards of foreign countries if the product complies with quality requirements and after registration at the national body in the area of standardization and certification (*the State Agency for Antimonopoly Policy and Supervision of the Consumer Market of the Republic of Azerbaijan*);~~

~~5.9. regular trials of products in laboratories (centers) accredited by an appropriate authorized body;~~

~~5.10. availability of qualified specialists in the area of production technology at facilities manufacturing food products.~~

6. While studying compliance of products imported to the Republic of Azerbaijan for consumption (release into free circulation) *with requirements of technical normative legal acts in the field of food safety*, the following is required:

- official translation of certificates characterizing the origin, quality and safety of the product, issued by appropriate bodies in the country of origin, and a copy of the contract (agreement) on the import of the product to the republic;
- if it is discovered that the food products imported to the Republic of Azerbaijan for consumption (release into free circulation) and those exported from it do not comply with *minimum* quality and safety requirements, trials are conducted on the samples taken from such products;
- *in order to establish the compliance of food quality indicators with the requirements prescribed by the relevant standards, by choice of the producer, food products undergo certification in accredited structures that assess compliance. Accreditation of structures that assess the specified compliance is carried out in the manner prescribed by the Law of the Republic of Azerbaijan "On accreditation in the field of conformity assessment".*

### **III. Rules for exercising state control**

7. The organization and forms of state control are established in accordance with the Law of the Republic of Azerbaijan «On food products», *the Law of the Republic of Azerbaijan "On the regulation of inspections conducted in the sphere of entrepreneurship and protection of interests of entrepreneurs"* and applicable regulatory acts.

8. *State control over the minimum quality and safety of food products is carried out within the framework of their competence and in accordance with applicable legislation, by inspectors and specialists of the Food Safety Agency of the Republic of Azerbaijan.*

State control over the *minimum* quality and safety of food products is exercised at the stage of import of such products for consumption (release into free circulation), production, trade, supplies, storage, export and transportation.

~~9. Inspections, which are planned annually by bodies of state control, are conducted at business entities operating in the area of food products in accordance with clause 6 of Decree No 790 of the President of the Republic of Azerbaijan «On the prevention of interferences impeding private enterprise development» dated 28 September 2002. Inspections may be conducted repeatedly following applications and complaints from the consumer with the aim of inspecting the execution of measures taken with regard to the legal and physical entities.~~

10. The body exercising state control shall have the following rights:

- if necessary, to have free access to places of production, storage and sale on notification of the management of appropriate entities;
- to receive the necessary information and documents from them;
- to use specialists and material and technical resources of entities free of charge;
- to take samples for trials with the aim of establishing product compliance with *requirements of technical normative legal acts in the field of food safety* as per regulatory documents;
- if breaches of regulatory documents and legislative acts are discovered, to raise claims and demand, file motions on cancelation of certificates with the aim of application of administrative sanctions.

The management of entities shall create conditions for the exercise of state control.

11. *The results of state control shall be registered in accordance with Article 31 of the Law of the Republic of Azerbaijan "On the regulation of inspections conducted in the sphere of entrepreneurship and protection of the interests of entrepreneurs". The act of state control, the certificate and the administrative protocol, the relevant claims, demands and instructions under the current legislation are legal documents that serve as the basis for making administrative decisions.*

#### **IV. Legal measures taken**

12. With the aim of eliminating the discovered drawbacks in a timely manner, the body exercising state control shall have the right to issue a warning or claim to the manager of the entity, give an instruction, administrative decision or demand to prohibit the use or realization and withdraw the batch of products that does not meet *the requirements of technical normative legal acts in the field of food safety* from circulation (sale).

13. The execution of claims, demand, decisions and instructions issued on the basis of inspection results is mandatory for *entities, operating in the field of food products*.

14. The instruction to prohibit import to the Republic of Azerbaijan for consumption, production, export and sale of food products (release into free circulation) is issued in the following cases:

14.1. if examined products fall short of *requirements of technical normative legal acts in the field of food safety* or if there are no conditions for a stable production of high-quality products;

~~14.2. if the product has been manufactured without a regulatory document or on the basis of expired regulatory document or a documents which has not been duly recognized;~~

14.3. in the event of concealment of food products;

14.4. *if the manufacturer does not undergo registration for food safety, in case of lack of food safety certificate*, illegal use of words "medicinal", "dietary", and «~~ecologically clean~~» in the name of the product, the National Compliance Mark AZS;

14.5. if products have been produced and sold with forged and someone else's trademarks without permission;

14.6. in the event of sale of goods banned for production and sale;

14.7. in the event of breach of rules of compatibility of goods at the time of storage and sale;

~~14.8. in the event of production and sale of food products without the certificate;~~

14.9. in the event of breach of rules for trading in food products;

14.10. in the event of sale of food products produced illegally.

~~15. If it is discovered that certified food products do not comply with regulatory documents, the validity of such certificates shall be suspended.~~

16. While exercising control over compliance with *requirements of technical normative legal acts in the field of food safety* in the area of *minimum* quality assurance and safety of food products, the application of administrative sanctions is regulated by applicable legislation of the Republic of Azerbaijan.

17. All customers and contractors engaged in activities in the area of food products, as well as organizations funded from the state budget, shall include in the agreements and tenders on the procurement of food products appropriate provisions requiring the availability of certificates confirming compliance of the products with *requirements of technical normative legal acts in the field of food safety*.

*18. If entities engaged in activities in the field of food (food) products do not comply with the decisions and requirements issued by the state body, exercising state control over the minimum quality and safety of food products in accordance with these Regulations, they shall be held accountable in accordance with applicable law.*

*Officials of the state body, exercising state control over the minimum quality and safety of food products shall be responsible for their actions and decisions, and the body, exercising state control - for decisions taken in accordance with applicable law.*

*Decisions made by the state body that controls the minimum quality and safety of food products and actions of officials can be appealed in an administrative order or in a court.*