

On production of organic products

Invalidated Unofficial translation

The Law of the Republic of Kazakhstan dated 27 November 2015 № 423-IV LRK. Abrogated by the Law of the Republic of Kazakhstan dated 10.06.2024 № 89-VIII.

Unofficial translation

Footnote. Abrogated by the Law of the Republic of Kazakhstan dated 10.06.2024 № 89-VIII (effective six months after the date of its first official publication).

This Law defines the legal, economic, social and organizational basis for production of organic products aimed at ensuring the rational use of soils, promoting healthy nutrition and protection of environment.

Chapter 1. GENERAL PROVISIONS Article 1. Basic definitions used in this Law

The following basic definitions are used in this Law:

1) organic products - agricultural products, aquaculture and fishery products, products from wild plants and products of their processing, including food products, produced in accordance with the requirements of this Law;

2) producer of organic products – an individual or legal entity engaged in development (creation), production of organic products;

3) labeling of organic products - information on organic products printed in the form of inscriptions, drawings, signs, symbols, other symbols and (or) their combinations on consumer packaging, transport packaging or other type of information carrier attached to consumer packaging and (or) to the transport packaging or placed in them or attached to them;

4) national sign of conformity of organic products - is a registered conformity mark informing about the passage of procedure of confirmation of compliance by the production of organic products and organic output with the requirements established by the legislation of the Republic of Kazakhstan in the field of production of organic products;

5) production of organic products - a set of activities corresponding to the methods and techniques provided for by the legislation of the Republic of Kazakhstan in the field of production of organic products, the result of which is the organic products;

6) the authorized body in the field of production of organic products - is the central state body exercising within the limits of its competence the formation and implementation of the state policy, as well as the inter-sectoral coordination in production of organic products.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 2. Scope of this Law

This Law regulates the relations that arise between producers of organic products, other individual and legal entities, the authorized bodies in the field of production of organic products.

Article 3. Legislation of the Republic of Kazakhstan in the field of production of organic products

1. Legislation of the Republic of Kazakhstan in the field of production of organic products is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other normative legal acts of the Republic of Kazakhstan. 2. If an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of the international treaty shall apply.

Article 4. Objectives and tasks of legal regulation in the field of production of organic products

1. The objectives of legal regulation in the field of production of organic products are:

1) creation of favorable conditions for development of production of organic products;

2) conservation of natural resources;

3) use of sustainable natural resource management systems, including soil, water, air, biodiversity maintenance;

4) improving the quality of food products;

5) creation of a national brand of organic products.

2. Tasks of legal regulation in the field of production of organic products are:

1) protection of public health and consumers' rights;

2) promoting preservation of environment;

3) inspection and certification of production of organic products and organic output

;

4) development of internal market of organic products and satisfaction of the needs of the population of the Republic of Kazakhstan in organic products;

5) increase in exports of organic products;

6) provision of measures of state support to producers of organic products.

Article 5. Principles in the field of production of organic products

Principles in the field of production of organic products are:

- 1) assistance in formation of a healthy nutrition;
- 2) limiting the use of non-renewable natural resources;
- 3) ensuring environmental safety and preserving ecological systems;
- 4) conservation and reproduction of soil fertility.

Chapter 2. STATE REGULATION IN THE FIELD OF PRODUCTION OF ORGANIC PRODUCTS

Article 6. Competence of the Government of the Republic of Kazakhstan in the production of organic products

The Government of the Republic of Kazakhstan develops the main state policy directions in the production of organic products and organizes their implementation.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 7. Competence of authorized bodies in the field of production of organic products

1. The authorized body in the field of production of organic products within its competence:

1) forms and implements state policy, and also carries out cross-sector coordination in the production of organic products;

2) develops and approves the rules for keeping the register of organic producers;

3) develops and approves the rules for the production and circulation of organic products in agreement with the state body in the field of sanitary and epidemiological welfare of the population and the authorized body in the field of consumer protection;

4) develops and approves the list of permitted means used in the production of organic products in agreement with the state body in the field of sanitary and epidemiological welfare of the population and the authorized body in the field of consumer protection;

5) improves the legislation of the Republic of Kazakhstan in the field of production of organic products;

6) exercises other powers stipulated by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. The authorized body in the field of sanitary and epidemiological welfare of the population within its competence:

1) is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156 -VI (shall be enforced upon expiry of ten calendar days after its first official publication);

2) carries out coordination of:

rules of production and turnover of organic products;

the list of permitted means used in production of organic products;

3) exercises other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

3. The authorized body in the field of protection of consumers' rights within its competence:

1) organizes, coordinates and implements state control over compliance with the requirements established by the legislation of the Republic of Kazakhstan in the field of production of organic products, at the stage of selling the organic products;

2) carries out the coordination of:

the rules of production and turnover of organic products;

the list of permitted means used in production of organic products;

3) exercises other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

4. Local executive bodies of regions, cities of republican significance and the capital within their competence:

1) provide information to the public about production of organic products;

2) carry out the state control and monitoring of the activities of producers of organic products for compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of production of organic products;

3) control and monitor the objects of internal trade in order to identify and develop measures to prevent the sale of organic products that do not meet the requirements of the legislation of the Republic of Kazakhstan in the field of production of organic products;

4) in the interests of local government, carry out other powers vested in local executive bodies by the legislation of the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 8. State support and incentive measures for producers of organic products

State support and incentive measures for producers of organic products are carried out in accordance with the legislation of the Republic of Kazakhstan after confirmation of compliance of production of organic products and organic output.

Chapter 3. BASIC CONDITIONS AND PROCEDURES FOR PRODUCTION OF ORGANIC PRODUCTS Article 9. Obligations of producers of organic products and persons engaged in its turnover

1. Producers of organic products and persons engaged in its turnover shall be obliged to ensure the safety of production of organic products and organic output and to comply with the legislation of the Republic of Kazakhstan in the field of production of organic products.

2. In case of revelation of violation of the legislation of the Republic of Kazakhstan in the field of production of organic products, the producers of organic products and persons engaged in its turnover immediately recall the products and remove the national sign of conformity of organic products.

Article 10. Terms of transition to production of organic products

1. Transition to production of organic products is carried out in accordance with the rules of production and turnover of organic products.

2. When transiting to production of organic products, the following conditions must be met:

1) producer of organic products enters into an agreement with the conformity assessment body to conduct a procedure for confirming the conformity of production of organic products and organic output;

2) during the transitional period, the requirements for production of organic products, established by the rules of production and turnover of organic products shall be observed;

3) production of organic products is carried out separately from production of products that are not related to organic products, in accordance with the rules of production and turnover of organic products;

4) the products are allowed to be sold and labeled as "transitional organic products"

3. Duration of transition to production of organic products shall be established by the rules of production and turnover of organic products.

Article 11. Conditions for production of organic products

1. When producing organic products, the following conditions must be met:

- 1) the use of healthy animals and plants, safe products and raw materials of animal and vegetable origin;
 - 2) exclusion of the use of synthetic substances, pesticides, hormones, antibiotics and food additives, with the exceptions provided for by the rules for the production and circulation of organic products;
 - 3) exclusion of the use of genetically modified objects;
 - 4) exclusion of application of methods for production of crop products without the use of soil;
 - 5) exclusion of the use of ionizing radiation;
 - 6) preservation and reproduction of soil fertility;
 - 7) minimizing the use of non-renewable natural resources;
 - 8) exclusion of chemical methods for processing of wild plants;
 - 9) the secondary use of waste and by-products of vegetable and animal origin is possible only if produced in organic production;
 - 10) preservation of ecological systems in selection of a specific type of organic products for production;
 - 11) protection of plants through preventive measures, including selection of appropriate crop rotations, plant species and varieties resistant to pests, weeds and plant diseases;
 - 12) the preferred application of mechanical, biological and physical methods for protecting plants from pests, weeds and plant diseases;
 - 13) caring for animal health by providing appropriate premises and grazing conditions, taking into account their natural behavior, stimulating natural immunity;
 - 14) selection of resistant species, plant varieties and breeds of animals adapted to local conditions;
 - 15) use of fodder and fodder additives, consisting of ingredients obtained as a result of production of organic products, as well as from substances of natural origin in animal husbandry.
2. To avoid mixing, the production of organic products must be separated from production of products that do not belong to organic products at all stages of production, storage and transportation in accordance with the rules for production and turnover of organic products.
 3. Mandatory requirements for organic products and (or) the processes of its life cycle shall be established by the rules of production and turnover of organic products.
 4. When processing organic products, the producers of organic products must limit the use of food additives, feed additives, the use of which is allowed in the case of technological or zoo-technical need, or for dietary purposes.

Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 12. Confirmation of conformity and inspection control of production of organic products and organic output

1. Confirmation of conformity of production of organic products and organic output is voluntary.

Confirmation of conformity of production of organic products and organic output is carried out for compliance with this Law, the rules of production and turnover of organic products, as well as applicable standards.

The result of the confirmation of conformity of production of organic products and organic output is the certificate of conformity.

2. After passing the procedure for confirming the conformity of production of organic products and organic output, the producer of organic products has the right to apply the national sign of conformity of organic products.

2-1. The image of the national mark of conformity for organic products, the technical requirements for it and the requirements for its application are established by the national standard.

3. The conformity assessment bodies send information on the results of confirmation of conformity and inspection control of production of organic products and organic output to the local executive bodies of oblasts, cities of republican significance and the capital.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 13. Keeping the register of producers of organic products

The register of producers of organic products shall be maintained by the authorized body in the field of production of organic products on the basis of data provided by local executive bodies of oblasts, cities of republican significance and the capital.

Article 14. Mandatory requirements for labeling of organic products

1. The labeling of organic products is carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

2. The right to use the national sign of conformity of organic products is owned by business entities that produce and (or) sell certified organic products.

3. The use of the designations, given in the rules for production and turnover of organic products, derived from them or diminutive forms, such as "bio" and "eco" alone or in combination in the labeling of organic products and its advertising, is permitted.

Any designations provided for in this paragraph shall not be permitted, including designations used by trademarks, as well as methods of labeling and advertising that may mislead the consumer about the fact that the product or ingredients used in its production comply with the legislation of the Republic of Kazakhstan in the field of production of organic products.

Chapter 4. FINAL PROVISIONS

Article 15. State control in the field of organic products production

State control in the field of production of organic products shall be carried out in the form of unscheduled inspections, and preventive control with a visit to the subject (object) of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

Footnote. Article 15 is in the wording of the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 No. 71-VIII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

Article 16. Liability for violation of legislation of the Republic of Kazakhstan in the field of production of organic products

Violation of the legislation of the Republic of Kazakhstan in the field of production of organic products shall entail responsibility in accordance with the laws of the Republic of Kazakhstan.

Article 17. Settlement of disputes

Disputes arising from this Law shall be considered in accordance with the procedure established by the laws of the Republic of Kazakhstan.

Article 18. Order of enactment of this Law

This Law shall come into force six months after the day of its first official publication.

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