



Center for Analysis of  
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# AZERBAIJAN ECONOMIC REFORMS REVIEW



# Statue on Food Security of the Republic of Azerbaijan



Mr. İlham Aliyev, the President of The Republic of Azerbaijan signed a decree dated 13 november 2017 to ensure the activity of the Food Security Agency of the Republic of Azerbaijan, in accordance with the decree on “Additional Measures for Improvement the Food Security System of the Republic of Azerbaijan” dated 10 February 2017 no. 1235.



The decree on the Statute on Security of the Republic of Azerbaijan was also approved within the decree. The approved Statute comprises of the below-mentioned provisions:

## 1. General provisions

1.1 The Food Security Agency of the Republic of Azerbaijan (hereinafter referred to as the Agency) is a central executive authority which regulates the normative statute on food security (developing and approval of sanitary norms and statutes, as well as hygiene statutes), risk analysis, state registration of food products and packaging materials, issuing food security certificate to food products exported to foreign countries, production, procurement, packaging, storage, transportation, circulation (including import-export operations) of food products, usage of them in public catering and service sectors, in accordance with the risk level of the product, except for veterinary, plant protection and quarantine areas, state control for food security and protection of the rights of the consumers of products in all stages of food chain, including utilization and destruction, also state policy and statute in the mentioned fields (hereinafter referred to as relevant field).

1.2. The Agency shall be guided by the Constitution of the Republic of Azerbaijan, laws of the Republic of Azerbaijan, decrees and orders of the President of the Republic of Azerbaijan,

resolutions and orders of the Cabinet of Ministers of the Republic of Azerbaijan, international agreements to which the Republic of Azerbaijan is a party and this Statute in its activity.

1.3. The Agency operates in interaction with state and local self-governing bodies, international and non-governmental organizations, other legal entities and individuals while performing their duties and

exercising their rights.

1.4. Independent balance of the agency, state-owned property, treasury and bank accounts, the seal with the description of the State Emblem of the Republic of Azerbaijan and the its name on it, the seal of the clerical service without emblem, the relevant stamps and forms.

1.5. Maintenance costs and activities of the Agency, as well as material and technical support are financed by the state budget of the Republic of Azerbaijan and other sources provided for by law.

1.6. The Agency is located in Baku.

## 2. Activity areas of the Agency

2.0. The Agency operates in the below-mentioned areas:

2.0.1. Participates in the preparation of a single state policy in the relevant area and ensures the implementation of this policy;

2.0.2. Carries out state statute, state control and coordination in the relevant field;

2.0.3. Carries out normative activities in the relevant area, including the normative statute on security of food products (development and approval of sanitary norms and rules, as well as hygienic norms);

2.0.4. Carries out state registration and registry of food products produced in and imported to the country, as well as their packaging materials in terms of food security;

2.0.5. Carries out state control over observance of the legislation on the protection of the rights of consumers of food products;

2.0.6. Gives food security certificate to food products exported to foreign countries

2.0.7. Provides the development of relevant field

### **3. Duties of the Agency**

3.0. In accordance with the activity areas defined by this Statue, the Agency's responsibilities are as follows:

3.0.1. Analyze the current situation in the relevant field, to prepare and submit offers on improving the state statue and control system;

3.0.2. Carry out the tasks arising from the normalization activities in the relevant field, including the implementation of food security statues (sanitary norms and rules, as well as the preparation and approval of hygiene standards)

3.0.3. Identify priorities for the development of the relevant field, together with the relevant public authorities, to ensure the preparation and implementation of state programs and development concepts;

3.0.4. Co-ordinate activities of other executive authorities in the relevant field;

3.0.5. Ensure the implementation of international agreements to which the Republic of Azerbaijan is a party;

3.0.6. Carry out risk analysis in the relevant area, including risk assessment, risk management and risk information

3.0.7. Carry out state registration and registering of food products produced in and imported to the country, as well as their packaging materials in terms of food security;

3.0.8. Carry out inspection of food products in terms of food security imported to the country together with the customs authorities in the border checkpoints;

3.0.9. Carry out inspections at all stages of the food chain in accordance with the risk level of

the product in the cases and way determined by law, to make decisions on elimination of violations in this area and (or) application of restrictive measures (to give instructions);

3.0.10. Apply to the court for the mandatory execution of the decisions (instructions) on elimination of the violations stipulated in section 3.0.9 of this Statue, unless those decisions are implemented;

3.0.11. Make decisions on the removal, neutralization, recycling or destruction of unusable food products in cases and in the manner prescribed by law;

3.0.12. Investigate cases of administrative violations and to impose administrative penalties

3.0.13. Oversee compulsory medical examination of persons working in the production, procurement and circulation of food products before and during their employment period with the Ministry of Health of the Republic of Azerbaijan;

3.0.14. Require a dismissal of persons who work at the production, supply and circulation of food products and those who are at a risk of spreading infectious and parasitic diseases due to specification of production and work they are occupied with, as well as persons who do not implement sanitary and hygienic norms regularly;

3.0.15. Participate in the preparation of rational physiological norms together with relevant public authorities;

3.0.16. Carry out the research (testing) of food products in the cases and manner prescribed by law during check activities provided for by Article 3.0.9 of this Statue in order to have state control on security of food products, to take samples of products for assessing the product's safety features in the cases and in the manner prescribed by law, to ensure that those samples

are evaluated on a single method basis in accredited laboratories under subordination, to give orders to eliminate revealed violations and to take other measures provided by law;

3.0.17. Carry out state control over the observance of the legislation on the protection of rights of consumers of food products, including the observance of trade, public catering, household and other types of service in the relevant field, prevention of irregularities in this field and take measures to bring the offenders to justice in accordance with the law;

3.0.18. Take measures on providing consumers with full and accurate information on food security requirements;

3.0.19. Prepare and implement measures to prevent acts which lead or may lead to the violation of rights and legitimate interests of consumers of food products;

3.0.20. Take measures against the breach of the rules of replacement or recall of goods and products sold during the storage or sale of food products;

3.0.21. With immediate relief from the turnover of food products produced in the country or imported to the country, and the elimination of emergency situations arising out of food safety, with reasonable evidence that it could lead to dangerous and mass poisoning (diseases), as well as such situations take action;

3.0.22. Analyze the cases of food poisoning among the population in terms of security of food products, as well as to take measures aimed at prevention and elimination of their spread;

3.0.23. Organize expertise of safety criteria of infrastructure and products in the production and processing enterprises of exported food products, to provide enterprises with certified code numbers and submit food security

certificates to exporters in accordance with the results of such expertise, registry of production and processing enterprises of these products, Implementing the requirements of importing countries, including the European Union, in this area on export of food products;

3.0.24. Analyze data on studies conducted on research, monitoring, inspections, expertise and their results, and to establish a unified information bank;

3.0.25. Make suggestions on the development of the laboratory system for the testing of food products together with relevant public authorities;

3.0.26. Take measures to apply the principle of "one window" in order to give feedback on the food products quality standards and technical specifications, as well as to comment on such projects;

3.0.27. Take measures for the implementation of measures related to the development of entrepreneurship in the relevant field and the state statute of state support for entrepreneurship together with relevant public authorities;

3.0.28. Take measures with the relevant government agencies to provide information on food safety, also economic and legal information to consumers of food products, as well as entrepreneurs dealing with the production, supply and circulation of food products, to ensure the application of international experience to improve entrepreneurial activity, prepare proposals to increase competitiveness of entrepreneurship;

3.0.29. Prepare proposals for the improvement of the control system for food products which are genetic materials of genetically modified plants, as well as to take measures provided for by law to deal with the illicit trafficking of such food products together with relevant public authorities;



3.0.30. Identify food products which genetically modified or generated by contemporary biotechnology and genetic engineering methods within the country and take action with relevant state authorities to specify potential hazards;

3.0.31. Check whether the genetically modified food products imported into the country are subject to genetic modification when crossing the customs border;

3.0.32. Take measures to prepare and implement the food product tracking and retrieval system together with the relevant state authorities in order to strengthen food security at all stages of the food chain;

3.0.33. ENCOURAGE healthy and rational nutrition;

3.0.34. Provide expert advice and training on the voluntary application of international standards of food products, laboratory analysis on safety and quality indicators of food products, expertise and research (measurement) services, as well as to implement national reference laboratory functions via its subordinate;

3.0.35. Ensure the exercise of human and civil rights and freedoms concerning their activity areas, to prevent their violation;

3.0.36. Ensure the application of scientific and technical achievements concerning field of activity, taking into account international advanced practices, as well as promoting the application of advanced international governance systems by entrepreneurs;

3.0.37. Ensure that the budget allocations, credits, grants and other financial resources allocated for the activities are effectively used;

3.0.38. Approve the expenditure estimates of the budgetary funds and other expenditure

estimates used by the agencies included in the structure of the Agency and other subordinate bodies to perform their duties, and to control the use thereof for its purpose;

3.0.39. Take necessary measures for protection of state secret and confidentiality regime, as well as take safety measures in accordance with the courses of action;

3.0.40. Inform the population of its activities, establish a website, locate the public information to be disclosed which it holds possession of and of which list has been defined by law and constantly update the information;

3.0.41. Train staff in accordance with the courses of action, as well as take measures for training and additional education of experts;

3.0.42. Take measures to improve the structure and activities of the agency;

3.0.43. Coordinate the works of bodies included in the structure of the agency and other subordinate bodies not included in the structure of the agency and control their activities;

3.0.44. Carry out scientific researches within the scope of courses of action and duties of the agency ;

3.0.45. Review the applications, complaints and suggestions received upon activities of the agency and take actions in a specified manner ;

3.0.46. Fulfill other duties stipulated by the acts of the President of the Republic of Azerbaijan.

#### **4. Rights of the Agency**

4.0. The Agency has the following rights to fulfill its duties:

4.0.1. exercise the rights arising out of normalisation activities in the relevant field;

4.0.2. make an initiative to support the Republic of Azerbaijan in international treaties ;

4.0.3. make a request on issues regarding the courses of action to state and self-governing bodies, physical persons and legal entities on necessary data (documents) and obtain such data (documents) from them;

4.0.4. provide commentary on courses of action, carry out analyses, summaries, monitorings and researches, develop analytical materials ;

4.0.5. engage independent experts and specialist, consulting companies, scientific organisations in its activities in a specified manner;

4.0.6. establish a periodical press body, distribute special bulletins and other printed products in a manner stipulated by the Law of the Republic of Azerbaijan on Mass media;

4.0.7. control the execution of the international treaties to which the Republic of Azerbaijan is a party in accordance with the courses of action and take measures to fulfill obligations under those treaties;

4.0.8. submit suggestions on courses of action to the relevant state bodies;

4.0.9. take part in international events, as well as forums, conferences, exhibitions and other occasions and hold such events within the country and abroad ;

4.0.10. exercise rights on state property which is in its use;

4.0.11. learn the experience of foreign countries on courses of action, cooperate internationally externally, arrange cooperation and cooperate with the relevant bodies and other agencies of foreign countries, international organisations, foreign legal and other entities, carry out negotiations and take part in negotiations, develop the drafts of or take part in developing

of the international treaties;

4.0.12. have an access to selling, serving and storing areas of physical persons and legal entities regardless of the type of subordination and property in order to carry out state control on the relevant sphere, obtain data and documents on the control sphere, examine the food products sold or to be sold ;

4.0.13. establish scientific and technical, economic and normative legal data base in the relevant sphere, provide consulting services;

4.0.14. submit suggestions on reforms being carried out in the relevant sphere;

4.0.15. take necessary measures in order to learn and broadly distribute the positive experience obtained in the relevant sphere, provide data;

4.0.16. file a lawsuit (petition) on exercise of its obligations and rights to the court and take part in the court on its own behalf;

4.0.17. exercise other rights stipulated by the acts of the President of the Republic of Azerbaijan.

## **5. Organisation of the Agency's activities**

5.1.. The administrative office of the Agency, the bodies included in its structure and other bodies (legal entities, organisations, etc.) not included in its structure, as well as the relevant executive power body of Nakhchivan Autonomous Republic constitute the unified system of the Agency. The Agency operates directly or through those bodies .

5.2.. The President of the Republic of Azerbaijan defines the structure, the total number of employees of the administrative office of the Agency and the bodies included in the structure of the Agency. The list of other subordinate bodies (legal entities, organisations, etc.) not included in the the structure of the Agency is

approved by the Ministry of Cabinets of the Republic of Azerbaijan.

5.3. The Agency is headed by the chairman of the Agency (hereinafter referred to as the chairman) appointed and dismissed by the President of the Republic of Azerbaijan. The chairman is personally responsible for performing the duties and exercising the rights entrusted to the Agency.

5.4. The chairman has two deputies appointed and dismissed by the President of the Republic of Azerbaijan. The deputies of the chairman fulfill the duties entrusted to them by the chairman and are personally responsible for doing so.

5.5. The Chairman:

5.5.1. arranges the activities of the Agency and presides over the Agency;

5.5.2. distributes responsibilities among the deputies, defines the powers of deputies, as well as other officials of the Agency regarding staff, personnel, financial, economic and other spheres and ensures their mutual cooperation ;

5.5.3. approves the normative legal acts as decisions regarding approval of the structures of the administrative office of the Agency, the bodies included in its structure (except for the bodies of which statutes have been approved by the President of the Republic of Azerbaijan) and the statutes

of the Scientific and Technical Council, as well as the issues not included in the powers of the Board of the Agency in the 5.11 clause of the Statute ;

5.5.4. submits the charters of other subordinate bodies (legal entities, organisations, etc.) not included in the structure of the Agency for approval ;

5.5.5. approves the structure, staffing table and cost estimate within the allocated budget of the administrative office of the Agency, bodies included in the structure of the Agency and other subordinate bodies (except for the bodies of which structure has been approved by the President of the Republic of Azerbaijan) not included in its structure within the defined structure, salary fund and the number limit of employees ;

5.5.6. approves the chairman of the Appeal Board, as well as other members of the Appeal Board based on the recommendation (suggestion) of the chairman of the Appeal Board, the head of the Secretary and its structure ;

5.5.7. appoints and dismisses the the employees of the administrative office of the Agency and regional units included in its structure, as well as the chairmen and deputies of the bodies included in the structure of the Agency and other subordinate bodies not included in its structure ;

5.5.8. takes actions on motivation and discipline reprimand for the employees of the administrative office of the Agency and regional units included in its structure, as well as the chairmen and deputies of the bodies included in the structure of the Agency and other subordinate bodies not included in its structure ;

5.5.9. establishes and liquidates the regional units of the Agency within the limit of salary and number of the employees defined;

5.5.10. approves non-normative legal acts as order and decree and arranges, reviews and controls the execution of the non-normative legal acts, as well as normative legal acts approved in the Agency;

5.5.11. terminates the decisions of the officials of the Agency which are contrary to the legislation;



5.5.12. represents the Agency in relation with the state bodies, departments, institutions and organisations, legal entities and physical persons of the Republic of Azerbaijan and foreign countries, as well as international organisations, carries out negotiations, signs the relevant international documents within its powers;

5.5.13. submits suggestions on the funds of the state budget and extrabudgetary funds for the relevant year in accordance with the issues related to the Agency ;

5.5.14. ensures efficient spending of the amount allocated from the state budget ;

5.5.15. gives career rates to the employees of the administrative office and the regional units of the Agency.

5.6. The bodies included in the structure of the Agency and other subordinate bodies not included in the structure of the Agency are directly responsible for performing duties and carrying out the functions entrusted to them.

5.7. The chairman can entrust fulfilling a part of its powers or temporarily performing its duties to one of its deputies .

5.8.. The Board is established which consists of the chairman (chairman of the Board), deputies of the chairman, the head of the relevant executive power body of the Nakhchivan Autonomous Republic and managerial staff of the Agency. Experts and scientists can also be included in the structure of the Board of the Agency.

5.9. The number of members and structure of the Board of the Agency are approved by the President of the Republic of Azerbaijan .

5.10. The Board of the Agency discusses the issues regarding the activities of the Agency in its meetings and makes decisions on them accordingly.

5.11. The Board of the Agency approves the following normative legal acts as decisions:

5.11.1. Normative legal acts regulating the relations between the Agency and other persons (entities);

5.11.2. Exact normative legal acts of which acceptance are consigned to Agency by the President of the Republic of Azerbaijan;

5.11.3. Unified (joint) normative legal acts coordinating several state authorities;

5.11.4. Normative legal acts which should be agreed with relevant state authorities within the cases prescribed by legislation;

5.11.5. Normative legal acts given in the 5.5.3 sub-clause of this Statute which is delivered into discussion of Agency Board under the initiative of chairman;

5.11.6. Normative legal acts on termination or amendment of normative legal acts accepted by Agency Board, in accordance with 5.11.1 – 5.11.5 sub-clauses of this Statute.

5.12. Meetings of the members of Agency Board are authorized only if more than half of members participate. Resolutions of the Agency Board are passed with the majority of votes. If the votes are equal during the passing of resolution, then the vote of chairman of the Agency is considered decisive.

5.13. If there is disagreements between the members of Agency Board, the chairman will report it to the President of the Republic of Azerbaijan and realize his own decision.

5.14. Members of the other executive bodies and organizations, as well as non-governmental organizations may also be invited to the meeting of Agency Board.

5.15. Scientific-Technical Board operating under public frames may be established at the Agency

to learn and realize scientific and technical achievements along with advanced experience in the relevant field.

5.16. Appeal Board which deals with the complaints filed against the decisions, actions and omissions of the Agency and its structural (regional) divisions by the physical persons and legal entities in relation with their entrepreneurship activity





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