

RESOLUTION OF THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN  
Of 15 February 2003  
On Approval of Regulations on Organisation of Trade Markets Operation

In pursuance of item 4 of the Resolution # 1623 of the Government of Kazakhstan of 12 December 2001 "On Measures of Price Stabilization of Major Food Products" the Government of the Republic of Kazakhstan has **DECIDED** the following:

1. The Regulations on Organisation of Trade Markets Operation (hereinafter referred to as "Regulations") shall be approved according to the Annex.
2. Akims of oblasts and cities of Astana and Almaty shall bring the operation of operating trade markets in line with the Regulations mentioned above before December 1, 2003.
3. Present Regulations shall come into effect from the day they are published.

I. Tasmagambetov  
**Prime Minister of the Republic of Kazakhstan**

## Regulations on Organization of Trade Markets Operation

### 1. General Provisions. Notions and Terms

1 Present Regulations on organisation of trade markets operation (hereinafter – Regulations) determine organisation order of operation of trade markets placed in the territory of the Republic of Kazakhstan, and are developed in accordance with item 4 of the Resolution of the Republic of Kazakhstan # 1623 of December 12, 2001 “On Measures of Price Stabilization of Major Food Products”, the Law of the Kazakh SSR of June 5, 1991 “On Protection of Consumers’ Rights”, Laws of the RoK # 433 –1 of June 16, 1999 “On Standardisation”, # 53 of June 7, 2000 “ On Provision of Uniformity of Measurements”, # 434 –1 of July 16, 1999 “On certification”, of July 8 1994 “On Sanitary and Epidemiological Welfare of the Population”, the Resolution of the RoK # 1891 of December 29, 1995 “On Approval of the Procedure on Destroying or Further Processing of Produce and Goods Inappropriate for Selling or Using”, sanitary rules and norms “Sanitary and Hygienic Regulations of Maintenance and Operation of Food Markets” # 4.01.063.02 of September 4, 2002 (hereinafter referred to as “SHR”)

Present Regulations shall apply to all trade market subjects (market administration, sellers, other market workers).

2 In present Regulations the following terms are used:

Trade Market (hereinafter referred to as “Market”) is a separate property complex with centralized functions of territory maintenance, administration and security, which operates on a permanent or temporary basis, placed on a plot of land, determined by local executive bodies, isolated from the adjacent territory, equipped with trade equipment as well as measurement checking instrumentation, designed for natural and legal persons to sell commodities (carry out work, render services) under the practice of signing or performing a trade outlet Lease contract in oral or written form for the period of up to 10 days. Market shall operate in accordance with the legislation of the Republic of Kazakhstan.

Covered Market is a permanent structure erected with a foundation and permanent engineering services. Trade outlets in covered markets do not have communication with fixed-site standard divisions (in which pre – selling preparation of goods takes place) in them. As a rule daily replacement of sellers can be allowed, and commodities stock at the trade outlet in covered markets is limited by one working day.

Wholesale Market is a market where purchase and sale in large quantities is carried out aiming at further selling or utilisation in production.

Retail Market is a market where service rendering, purchasing and selling of consumer commodities are carried out on apiece basis or in small quantities directly to consumer for personal, household or family utilisation.

Trade Unit is a property complex used by subjects of commercial activity for carrying out commercial activity.

Trading Activity (Trade) is a kind of entrepreneurial activity of natural and legal persons, aimed at carrying out purchase or selling of commodities as well as providing customers with services during the process of goods selling, preparation of goods for selling and relevant services, delivery and storage.

Commodity is any non-removed from civil circulation product of production and economic activity having a real physical form.

Shop is a permanent structure or a part of it, equipped with trade facilities as well as measurement instrumentation, designed for selling of commodities to consumers and provided

with sales area, back rooms and administrative unit according to norms determined by the authorized bodies, and also with premises for receiving, storing and preparation of commodities for selling.

Kiosk is a non-permanent displaceable structure equipped with trade facilities and measurement instrumentation, placed on a plot of land specifically allotted by market administration, designed for retail selling of consumer commodities.

Stall is an easily erected preengineered structure equipped with counter, equipment and measurement instrumentation, with no sales area and storage facilities, placed on a plot of allotted land, within the area of which there is a stock of goods for one day only.

Mini Trade Market (hereinafter referred to as "Mini- market") is a market with a number of trade outlets less than 25, designed for selling of goods on apiece basis in industrial packing, and goods for which no specific storage conditions are required.

Trade outlet in market is a working zone of a seller (sellers) equipped with a counter for placing goods, trade equipment and storing of goods meant for selling. Trade outlet shall meet required sanitary and technical terms taking into account the range of commodities sold.

Trader is a natural or legal person who carries out trading activities in accordance with the legislation of the Republic of Kazakhstan.

Market Administration is a management body established by owner of the market for direct management of its operation.

Owner of the Market is a legal and\or natural person with the right of possession, enjoyment and disposal of market property for the purpose of providing trade outlets and rendering services for carrying out trading activities under the legislation of the RoK.

Seller is a legal and\or natural person, independent subject of law under the current legislation of the RoK, who use market services to carry out his\her trading activities.

Trade Facilities are articles meant for carrying out trading activities.

3 Legal and\or natural persons carry out trading activities and render services in markets by wholesale and retail selling of commodities at specially equipped market rows and outlets and a chain of shops, kiosks, stalls situated in the market territory.

4 Designing, construction and reconstruction of trade markets shall be conducted in conformity with requirements, stipulated by the current statutory acts on projects agreed in established order with relevant bodies within their authority. Market operation before execution of the acceptance report in established order shall be prohibited.

5 Specialization and zoning of the market territory according to the commodity and industrial characteristics as well as the type of market depending on its capacity and nature of deals arranged are determined under the current norms.

6 Markets shall be classified into:

- 1) Food markets – for selling foodstuffs;
- 2) Non-food markets – for selling manufactured goods, household appliances etc.;
- 3) Specialized markets - for selling certain groups of commodities (car markets, markets for selling animals and pets, etc.);
- 4) Universal markets – for selling foodstuffs and manufactured goods within specialized trade zones;

According to the volume of bargains and the way they were arranged there are:

Retail markets;

Wholesale markets;

According to the type there are:

Covered markets;

Non-covered markets;

Combined markets.

7 Working hours of markets shall be determined by administration of markets.

## **2. Maintenance Requirements related to Market Territory, Equipment and Facilities**

8 When setting up a market, SHR, fire-prevention rules, architectural, construction, veterinary, ecological and other requirements shall be observed without fail under the current legislation of Kazakhstan.

9 Structures located within the market area shall also meet safety standards, veterinary, sanitary, fire –prevention and other requirements stipulated for the objects of relevant type.

10 Arrangement of structures and equipment within the market territory shall provide a free access to trade outlets for consumers, observance of fire-prevention requirements and possibility of emergency evacuation of people and stocks of materials and capital equipment in case of emergency.

11 Sanitary state of market shall meet the requirements stipulated by Sanitary and Epidemiological Institutions and Bodies.

12 At visible market places there shall be a Market Plan pointing all the necessary objects: trade rows, information desk, laboratories, sanitary arrangements, weight checker, rooms of security guard etc.

Market territory shall be equipped with direction signs indicating trade rows (vegetables, fruits, meat, dairy, household commodities, clothes, shoes etc), catering units, weight checkers, bus stops, exits etc.

In every food sales area there shall be weight checkers. Measurement instrumentation shall be checked in the order stipulated by the current legislation of RoK.

13 Market shall be equipped with necessary trade facilities and equipment including measurement instrumentation authorized for utilisation under the requirements of the Law of the RoK "On Provision of Uniformity of Measurements".

Requirements for technical equipment and types of services rendered by markets depending on their types are set forth in Annex 1 of the present Regulations.

Organization and equipment of establishments of public catering, trade, consumer and other services within market territory shall be authorized by and agreed with the Sanitary and Epidemiological Institutions and fire prevention bodies.

14 In non-food sales area where clothes (clothes, shoes) are sold there shall be facilities for trying them on, and for sophisticated technical and other commodities needed to be tested there shall be testing facilities.

15 Water supply and sewerage system within market territory shall comply with requirements of SHR.

16 Should a market have no sewage system, elimination and sewage outfall order shall be determined according to the Sanitary and Epidemiological Institutions and Bodies.

17 Storage and sale of produce in agricultural markets shall meet the requirements of SHR.

18 Sale of agricultural produce shall be done in a way that prevents direct contact of produce with earth, observing principles of products compatibility, from ware made of material allowed for contact with foodstuffs by the Sanitary and Epidemiological Institutions and Bodies under the SHR.

### **3. Organisation of Market Administration Activity**

19 Market Administration shall:

1) provide necessary conditions for normal market functioning and organisation of its operation under the current legislation of the RoK, regulating commercial activity, present Regulations and market business order which determines internal order of interrelations between market participants.

2) develop the market business order in which the following shall be stated without fail: operation mode and market access order for traders, buyers and other market staff;

list of extra services;

order of providing trade outlets, their characteristics, terms and cost of renting.

Providing sellers with trade outlets in market shall be done on a contract basis according to the current legislation of the RoK;

3) ensure timely cleaning and improvement of market territory;

4) arrange a cleanup day in market according to the schedule approved by Sanitary and Epidemiological bodies and Institutions;

5) ensure maintenance of trade units and outlets in market territory particularly power, water and heat supply including availability of trade facilities and weight checkers, which satisfy operational and established requirements and SHR depending on market specialisation;

6) take measures on maintenance of public order, fire safety, arrangement of security and activities on market improvement;

7) ensure market operation according to the present Regulations, construction norms and rules, SHR, fire preventive regulations, ecological and other requirements under the current legislation;

8) place signs indicating type of market, its specialization, name and operation mode at the market entrance (in official and Russian languages);

9) place at visible places the following:

signs indicating trade zones according to their specialisation;

information board where the following information for sellers and visitor shall be displayed:

price of coupon for one-time use in the market;

order and terms of provision of trade outlets and services in market;

location of weight checkers, comment book;

phone numbers of market administration, territorial bodies and institutions of Sanitary and Epidemiological Monitoring, Veterinary and Phyto-quarantine Organs, Departments of Internal Affairs, where one can apply should any questions on market operation arise;

norms of sampling of foodstuffs for making sanitary and veterinary examination (placing this information in meat and fruit and vegetables departments is a must);

list of people enjoying preference in market;

10) have the following statutory legal acts:

the Law of the Kazakh SSR "On Protection of Consumers' Rights";

Laws of the RoK: "On Standardization", "On Provision of Uniformity of Measurements", "On Sanitary and Epidemiological Welfare of the Population";

Resolution of the Government of the RoK #1891 dated December 29, 1995 "On Approval of the Order of Destruction or Further Processing of Produce and Goods Unfit for Selling and Using"

Present Regulations on Organisation of Trade Markets Operation and SHR;

In case of need listed statutory legal acts shall be presented for examination for all trade market players.

11) fix independently rates for services rendered by market (rent of outlets and premises, as well as extra services), except for the cases stipulated by the legislation of the RoK;

12) conclude lease contracts of trade outlets renting with legal and/or natural persons for the right to trade or produce in market territory according to the legislation of the RoK (in public or written way);

13) independently take decisions on exemption for certain categories of people on services rendered by market. In this connection the notice of exemption and list of people eligible shall be placed in an area available to all;

14) provide office facilities for establishing permanent points for law enforcement organs, institutions of Sanitary and Epidemiological Monitoring, Veterinary Monitoring and fire prevention;

- 15) provide paid services for sellers and other market workers (storage of commodities and produce including personal things of sellers in cold stores, storehouses and other storage facilities; meat cutting, transportation of goods to trade outlets; weighing of produce by commodity scales; availability of parking places, wireless announcements etc.);
- 16) determine size of trade outlet according to the stipulated order;
- 20) Procedure of budget settlements shall be determined by the owner\ administration of market according to the tax legislation of the RoK.
- 21) Market workers including technical personnel shall carry out economic activity in trade market territory in overalls, observe sanitary and hygiene rules and undergo routine medical checkups according to the stipulated order.

Order of medical examinations shall be established according to the decree currently in force, issued by the authorized healthcare body.

#### **4. Responsibilities of Market Administration**

- 22) Under the current legislation of the RoK Market Administration shall be responsible for breaking provisions of the present Regulations, admission of people with no coupons for one time use for trade in market in cases stipulated by the tax legislation of the RoK, and failure to take effective measures on eliminating discovered violation following market inspection.
- 23) Under the current legislation of the RoK Market Administration shall be responsible for non-observance of sanitary and hygienic conditions in market including cleanup routine.

Every market worker, seller, enterprise director who carry out his\her activity in market territory shall learn the present Regulations and SHR.

Those guilty of violation of the present Regulations shall bear responsibility under the legislation of the RoK.

#### **5. Market Operation Monitoring**

- 24) Observance of established norms and regulations regulating trade activity in markets shall be monitored by bodies and institution of State Sanitary and Epidemiological Monitoring, State Veterinary Monitoring, Organisation of State Standards and fire prevention services.

The outcomes of the inspection conducted shall be laid out in an act and registered in a monitoring book according to the established form (see Annex 2 of the present Regulations).

#### **6. Organisation of Sellers' Work and Trade Process**

- 25) Seller carrying out business activity in market territory shall work in overall, observe sanitary and hygienic requirements and undergo routine medical checkups according to the stipulated order.

Order of medical examinations shall be established according to the decree currently in force, issued by the authorized healthcare body.

- 26 Seller shall bear the responsibility envisaged by the legislation of RoK for the following cases: selling of goods (including the ones imported into the RoK) without documents certifying product quality and safety and/or meeting no safety and health requirements as well as misuse of official documents, certifying product safety conformance; consumer fraud related to quality and weight of product sold; violation of the SHR.
- 27 While selling goods sellers shall:
- 1) observe market trade rules and internal market order;
  - 2) observe sanitary and fire prevention requirements;
  - 3) have original bills of lading and other supporting documents stipulated by the statutory acts; documents certifying product quality and safety; coupon for one time use in cases stipulated by the tax legislation of the RoK.
- 28 Documents stated in sub –item 3 of item 27 of the present Regulations shall be kept at Seller's within the whole period of work and presented upon the first request of monitoring bodies and market administration as well as consumers.
- 29 Concession of trade outlet to the third party shall be done upon agreement of parties (Seller and Market Administration).
- 30 Procedure of budget settlements by Sellers conducting business activities in market shall be determined according to the tax legislation of the RoK.
- 31 List of commodities unauthorized for market sale shall be determined according to the SHR.
- 32 Commodities unauthorized for sale under the legislation of the RoK shall not be sold in trade markets.
- 33 Should a market have no Veterinary and Sanitary Laboratory certified in the order stipulated by the legislation of the RoK, sale of raw products of animal origin in market shall be prohibited.

## **7. Quality and Safety of Products Sold**

- 34 Sold in market shall be the products passed quality and safety inspection.
- Quality and safety of foodstuffs sold in markets shall comply with the current requirements of sanitary statutory documents and be supported by relevant documents, and raw products of animal origin shall undergo veterinary and sanitary examination in market laboratories.
- Produce subject to obligatory certification shall be supported by the certificate of conformance.
- 35 Products which lost their quality during the period of selling and become off-grade shall be taken off the sale.
- Destruction and further processing of produce and goods shall be done according to the current legislation of the RoK.
- Commodities placed for casual storage shall be packed. In storage facilities commodities shall be placed in compliance with principles of goods compatibility, warehousing norms, procedures and storing.

## **8. Termination of Trade Market Operation**

36 Market operation shall be terminated by market owner according to the current legislation of the RoK.

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