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**Working Party on the
Accession of Kazakhstan**

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ACCESSION OF KAZAKHSTAN

Check-list of Illustrative Sanitary and Phytosanitary Issues for Consideration in Accession to the WTO

Revision

The Ministry of Economy and Trade of the Republic of Kazakhstan has submitted the following information with the request that it be circulated to members of the Working Party.

Commitments (to be fulfilled by the time of accession)	Comments		
	Plant Quarantine	Veterinary	Sanitary and Epidemiological Safety of the Population
1. New standards and requirements to animal health and safety of foods must implement principles, set out in the SPS Agreement.	<p>The legislation of the Republic of Kazakhstan, regulating sanitary and phytosanitary measures relating to plant quarantine and veterinary, comprises the Law of the Republic of Kazakhstan No. 339-II of 10 July 2002 "On Veterinary", and the Law of the Republic of Kazakhstan No. 344-I of 11 February 1999 "On Plant Quarantine". In February 2002, the Law of the Republic of Kazakhstan "On Plant Quarantine" (No. 344-I of 11 February 1999) has been amended.</p> <p>The above laws contain requirements to animal health and safety of foods that implement main principles of the SPS Agreement, including: transparency, risk assessment criteria, accessibility of information, parity, etc..</p> <p>Existing veterinary and plant quarantine standards are currently at the stage of development and harmonization with the international requirements.</p> <p>If the international treaties, ratified by the Republic of Kazakhstan, stipulate norms other than those contained in the above laws, under Article 21 of the Law of the Republic of Kazakhstan "On Plant Quarantine" and Article 2 of the Law of the Republic of Kazakhstan "On Veterinary", the former shall have priority over the national legislation of the Republic of Kazakhstan.</p>		<p>The legislation of the Republic of Kazakhstan regulating sanitary measures aimed at the protection of human life and health, comprises: the Law of the Republic of Kazakhstan No. III-XIII of 8 July 1994 "On Sanitary and Epidemiological Safety of Population", the Decree of the President of the Republic of Kazakhstan No. 4153 of 16 November 1998 "On the National Program 'People's Health'"; the Resolution of the Government of the Republic of Kazakhstan No. 1783 of 29 November 2000 "On Adoption of the Protocol on Uniform Procedures for the Application of Technical, Medical, Pharmaceutical, Sanitary, Veterinary, Phytosanitary, and Ecological Standards, Norms, Rules, and Regulations to Goods, Imported to the Customs Union Member-Countries"; the Decree of the Prime-Minister of the Republic of Kazakhstan No. 181-p of 30 December 1999 "On Measures for the Improvement of Sanitary and Epidemiological Control in the Republic of Kazakhstan"; the joint Resolution of the Agency on Metrology and Certification of the Ministry of Economy and Trade of the Republic of Kazakhstan, the Customs Committee of the Republic of Kazakhstan, and the Chief State Sanitary Expert of the Republic of Kazakhstan "On Safety of Products (Goods, Works, Services) for Human Health" No. 225/07 of 9 June 1997.</p> <p>Existing normative legislative acts on the state sanitary and epidemiological control, as well as standards on safety of foods are in line with the international standards.</p>

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2. Establishment of a single permanent enquiry point.	<p>The Ministry of Agriculture of the Republic of Kazakhstan is the body responsible for the establishment of the Information Center for cooperation with WTO member-countries in the sphere of sanitary and phytosanitary measures.</p> <p>The Republic of Kazakhstan has developed the necessary database comprising data submitted by all oblasts to the Veterinary Department and the Plant Quarantine Department. These departments provide access to the information for all interested parties (in pursuance of Sub-Paragraph 2 Paragraph 1 Article 7 of the Law of the Republic of Kazakhstan "On Plant Quarantine"; Paragraph 12 Article 8 of the Law of the Republic of Kazakhstan "On Veterinary").</p> <p>In 2002 the Ministry of Agriculture of the Republic of Kazakhstan has established the Marketing Information System (Centre), designed, <i>inter alia</i>, to provide agricultural producers and public administration bodies with marketing, analytical, and other information, as well as to give access to adopted normative and legislative acts.</p> <p>The project also includes the web-site www.minagri.kz, containing sections on Veterinary, Plant Protection, Farming, Animal Husbandry, etc. These sections allow access for all interested parties to documents relating to sanitary and phytosanitary rules.</p> <p>Also, the Center has been designed to answer incoming inquiries, in particular, those on sanitary and phytosanitary measures. Any interested party may receive necessary clarifications by sending a request to the following e-mail address: strategy@minagri.kz.</p> <p>Additionally, the project includes the analytical bulletin "AgroInform" published on a monthly basis, that contains texts of all titles adopted in the sphere of agriculture, including veterinary, and plant quarantine. A special section of the bulletin is dedicated to the publication of answers to submitted inquiries.</p>		<p>The system of the state sanitary and epidemiological control of the Republic of Kazakhstan includes the required database comprising more than 20 programs of the automated management system (AMS). The database is regularly updated with the information submitted by regional branches. Also, the Republic of Kazakhstan publishes a monthly bulletin "Environment and Health" that contains data on the sanitary and epidemiological conditions in the country.</p>

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3. Transparency: timely notification and access to information	<p>The amended variant of the Law of the Republic of Kazakhstan "On Plant Quarantine" addresses the entire range of issues on transparency and accessibility of information.</p> <p>Sub-Paragraph 2 Paragraph 1 Article 7 of the Law of the Republic of Kazakhstan "On Plant Quarantine" provides for recording of quarantine objects and provision of information to all interested parties.</p> <p>Also, Sub-Paragraph 7-1 Paragraph 1 Article 7 of the Law of the Republic of Kazakhstan "On Plant Quarantine" requires development of a database on quarantine objects and their spreading in the Republic of Kazakhstan and foreign countries, as well as on measures and actions aimed at their control.</p> <p>In this connection, the Republic of Kazakhstan is currently taking steps towards creation of the database including information on quarantine objects and their spreading.</p>	<p>The Department of Veterinary Control of the Ministry of Agriculture of the Republic of Kazakhstan receives all information on the state veterinary control exercised in the Republic of Kazakhstan. Under Paragraph 12 Article 8 of the Law of the Republic of Kazakhstan "On Veterinary", the competence of the authorized public body in the sphere of veterinary and its regional branches extends to "compilation and provision of information on veterinary measures, set veterinary rules and regulations, other normative acts of the Republic of Kazakhstan on veterinary to all interested parties".</p> <p>Also, in 1993 the Republic of Kazakhstan has joined the International Epizootic Bureau (hereafter - IEB) and in this role has access to international data on veterinary, while providing access to IEB members to the information on the veterinary and sanitary situation in the Republic of Kazakhstan.</p>	<p>The State Sanitary and Epidemiological Control Committee of the Ministry of Health of the Republic of Kazakhstan receives complete information on the sanitary and epidemiological control over quality and safety of foods.</p>

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(a) appointment of an agency, permanently responsible for preparation and submission of notifications to the WTO members, and fulfillment of commitments on transparency;	<p>The Ministry of Agriculture of the Republic of Kazakhstan is a body permanently responsible for the preparation and submission of notifications to the WTO as well as for the fulfillment of commitments on transparency.</p> <p>Under the Law of the Republic of Kazakhstan "On Plant Quarantine", the Department on Plant Protection and Quarantine of the Ministry of Agriculture of the Republic of Kazakhstan is responsible for the preparation and development of notifications.</p> <p>Under the Law of the Republic of Kazakhstan "On Veterinary", the Department of Veterinary Control of the Ministry of Agriculture of the Republic of Kazakhstan is the main public body, responsible for the veterinary and for the preparation and submission of notifications to the international organizations.</p>		<p>Under the Law of the Republic of Kazakhstan "On Sanitary and Epidemiological Safety of Population", the Resolution of the Cabinet of Ministers of the Republic of Kazakhstan No. 547 of 25 April 1995 "On Adoption of the Provision on the State Sanitary and Epidemiological Service in the Republic of Kazakhstan", the State Sanitary and Epidemiological Control Committee is the main authorized body responsible for the development and submission of notifications to the international organizations.</p>
(b) development of instructions and articles of the law stipulating early publication of notifications on the planned implementation of a concrete measure for information purposes and to allow submission of comments;	<p>In the legislation of the Republic of Kazakhstan, this norm is covered by subordinate normative legislative acts. In pursuance of Article 8 of the Law of the Republic of Kazakhstan "On Veterinary" and Article 7 of the Law of the Republic of Kazakhstan "On Plant Quarantine", the norm requiring early publication of notifications on planned implementation of a concrete measure for information purposes and to allow sufficient time for the submission of comments, will be implemented by the subordinate legislative acts after accession of the Republic of Kazakhstan to the WTO.</p>		<p>This norm is covered by the Law of the Republic of Kazakhstan "On Normative Legislative Acts". Comments on the legislation in place in the sphere of health protection as well as sanitary and epidemiological safety of the population are submitted by the Ministry of Health of the Republic of Kazakhstan and the State Sanitary and Epidemiological Control Committee of the Ministry of Health of the Republic of Kazakhstan.</p>
(c) development of provisions, laws or administrative procedures stipulating submission to the WTO members of copies of documents on measures developed for implementation;	<p>In the legislation of the Republic of Kazakhstan, this norm is covered by subordinate normative legislative acts. In pursuance of Article 8 of the Law of the Republic of Kazakhstan "On Veterinary" and Article 7 of the Law of the Republic of Kazakhstan "On Plant Quarantine", the norm requiring early publication of notifications on planned implementation of a concrete measure for information purposes and to allow sufficient time for submission of comments, will be implemented by the subordinate legislative acts after accession of the Republic of Kazakhstan to the WTO.</p>		<p>In the Republic of Kazakhstan, this norm is covered by subordinate normative legislative acts.</p>

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(d) allowing the WTO members and the public a reasonably long period of time for submission of comments in pursuance of the law or administrative procedures, and implementation of procedures relating to examination and adoption of submitted comments on a non-discriminating basis.	<p>Draft laws affecting interests of the major part of the population (including laws on veterinary and plant quarantine) shall be published by the official press to initiate discussions and shall specify a term for submission of comments and proposals. The term shall be set by the drafting party and usually shall not exceed 30 days.</p> <p>In the legislation of the Republic of Kazakhstan, this norm is covered by subordinate normative legislative acts. In pursuance of Article 8 of the Law of the Republic of Kazakhstan "On Veterinary" and Article 7 of the Law of the Republic of Kazakhstan "On Plant Quarantine", the norm requiring early publication of notifications on planned implementation of a concrete measure for information purposes and to allow sufficient time for submission of comments, will be implemented by the subordinate legislative acts after accession of the Republic of Kazakhstan to the WTO.</p>		<p>Under Article 24 of the Law of the Republic of Kazakhstan "On Sanitary and Epidemiological Safety of Population", proposed changes and amendments to the current legislation shall be open for discussion in scientific and public circles.</p> <p>The draft laws affecting interests of the major part of the population shall be published by the official press for discussion purposes.</p>
4. Necessity of sanitary and phytosanitary measures, used only for the protection of human and animal health.	<p>The Republic of Kazakhstan applies phytosanitary measures only to an extent necessary for the protection of human and animal health, and plants.</p> <p>Under Paragraph 1 Article 4 of the Law of the Republic of Kazakhstan "On Plant Quarantine", one of the principles of the national policies on plant quarantine is "the protection of plant resources and products of plant origin from spoiling and from destruction by quarantine objects to ensure safety of foods and raw materials".</p>	<p>The Republic of Kazakhstan ensures fulfillment and application of sanitary measures in the framework of the IEB.</p> <p>Under Paragraph 7 Article 4 of the Law of the Republic of Kazakhstan "On Veterinary", no ungrounded restrictions on sale of goods subject to control of the state veterinary control bodies shall be allowed in the course of implementation of veterinary measures aimed at the veterinary and sanitary safety.</p>	<p>Under the current legislation of the Republic of Kazakhstan, sanitary measures shall be applied only to an extent necessary to create favorable environmental conditions and ensure sanitary and epidemiological safety of the population by exercising control over safety of foods, conformity of food materials, foods, and other products with the sanitary rules, norms, and hygienic standards.</p>

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5. Scientific justification: provisions on the protection of human and animal health, and plants shall be scientifically well-grounded.	Paragraph 3 Article 4 of the Law of the Republic of Kazakhstan "On Plant Quarantine" stipulates that the principles underlying national measures on plant quarantine, implemented in the Republic of Kazakhstan, shall be based on the "objective scientific assessment of the potential influence of quarantine objects on the plant resources and plant products and prevention of potential damages".	<p>All proposals and instructions, proposed for the protection of animal and human health, shall be subject to scientific analysis and undergo preliminary testing. All of the above shall incorporate international standards and norms of the IEB.</p> <p>Paragraph 5 Article 4 of the Law of the Republic of Kazakhstan "On Veterinary" stipulates that the national policies on the veterinary control be aimed at the development of veterinary rules and standards based on scientific methods, objective evaluation of epizootic conditions, and international veterinary norms.</p>	All norms and provisions of the current legislation of the Republic of Kazakhstan on the protection of human health are scientifically well-grounded. New norms and provisions are developed based on proposals of research institutes. Article 22 of the Law of the Republic of Kazakhstan "On Sanitary and Epidemiological Safety of Population" stipulates that: "Sanitary rules, norms, and hygienic standards shall be developed by research institutes, sanitary and epidemiological centers, and other specialized bodies. Sanitary rules, norms, and hygienic standards shall be reviewed based on the emerging scientific and practical data".
6. Harmonization: where possible, member-countries must use international standards and regulations in the course of implementation of the SPS measures.	Sub-Paragraph 8 Paragraph 1 Article 7 of the Law of the Republic of Kazakhstan "On Plant Quarantine" states that the phytosanitary service shall develop, jointly with research organizations, quarantine measures based on international norms and recommendations and carry out control over the observance of these norms and recommendations by natural persons and legal entities regardless of the form of ownership.	<p>The Republic of Kazakhstan, jointly with the TACIS project, takes steps towards harmonization of the national legislation on veterinary with the international norms and standards.</p> <p>Development of new standards incorporates requirements, set out in the International Animal Health Code.</p>	The Republic of Kazakhstan continues its work on the harmonization of its legislation with the international requirements. Development of new normative legislative acts incorporates general principles set out in the Codex Alimentarius, relating to the hygiene of foods, as well as agreements on sanitary and epidemiological issues, and product safety.
6a. Where possible, member-countries must participate in the operation of specific international organizations and auxiliary bodies.	The Republic of Kazakhstan intends to join the European and Mediterranean Plant Protection Organization by the end of 2003.	The Republic of Kazakhstan has joined the International Epizootic Bureau in 1993.	

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7. Parity: member-countries must recognize various measures if they ensure the same level of protection.	The principle of parity is covered by Paragraph 2 Article 13 of the Law of the Republic of Kazakhstan "On Plant Quarantine" that provides for the recognition of quarantine measures of other countries if they ensure an appropriate level of phytosanitary protection used in the Republic of Kazakhstan.	As a member of the IEB, the Republic of Kazakhstan holds consultations in cases where there are divergences of approaches relating to veterinary measures. The principle of parity will be reflected in the legislative act on "Veterinary and Sanitary Requirements Applied to Import, Export, and Transit of Goods, Subject to the State Veterinary Control". The completion of work is projected for 2003.	As a member of the World Health Organization (hereafter – WHO), the Republic of Kazakhstan, jointly with other international organizations, takes steps to coordinate activities in the sphere of food safety, at the level of countries and WHO members, aimed at the development of the WHO global strategy on food safety and concrete regional needs.
8. Risk assessment: development of scientific evidence and assessment of risk in order to give scientific justification and implement measures only to an extent, required for the protection of human life or health, animals or plants.	Paragraph 3 Article 4 of the Law of the Republic of Kazakhstan "On Plant Quarantine" stipulates that the principles underlying national measures on plant quarantine, implemented in the Republic of Kazakhstan, shall be based on the "objective scientific assessment of the potential influence of quarantine objects on plant resources and plant products and prevention of potential damages".	The veterinary practices used in the Republic of Kazakhstan comprise reliable diagnostic, treatment, and specific preventive measures applied to animal infectious diseases. Application of these measures requires risk assessment, including observation results, scientific evidence, assessment policies, potential risk management opportunities, implementation of measures, and elimination mechanisms, all of which meet the requirements set out in the International Animal Health Code (Paragraph 5 Article 4 of the Law of the Republic of Kazakhstan "On Veterinary").	The regional health authorities and state sanitary and epidemiological control bodies are responsible for the assessment of risks arising from application of measures required for the protection of human life and health. The scientific fundamentals for the risk assessment and application of measures required for the protection of human health are set out in the legislation of the Republic of Kazakhstan on health protection and sanitary and epidemiological safety of the population. The state sanitary and epidemiological service is engaged in sanitary and epidemiological control of infectious diseases, compiles data on microorganisms in foods and on their connection with diseases. The results of this work serve as a basis for the development of the national rules on foods, as well as other instructions and normative documents.

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9. Regional conditions: sanitary or phytosanitary measures must reflect regional specifics, both the place of origin and the place of destination of a good.	Under Sub-Paragraph 5 Paragraph 1 Article 7 of the Law of the Republic of Kazakhstan "On Plant Quarantine", the authorized public body shall "conduct quarantine inspections, laboratory examinations and phytosanitary certification of imported and exported quarantinable products, noting the phytosanitary conditions of the areas and places of their origin, as well as the place of destination".	Under Paragraph 3 Article 20 of the Law of the Republic of Kazakhstan "On Veterinary", import, export, and transit of goods subject to the state veterinary control shall be performed in accordance with the assessment of the epizootic situation in the corresponding territory.	Sanitary, hygienic, and anti-epidemic activities performed by bodies of the state sanitary and epidemiological control include an entire range of measures, incorporating regional specifics and other factors. Sanitary and epidemiological inspections, conducted by bodies and agencies of the state sanitary and epidemiological control, is based on the comprehensive assessment of the influence of all parts of the environment on the sanitary and epidemiological situation; results of the research on causes and conditions for outbreaks of diseases and instances of food poisoning; as well as on the assessment of consistency of decisions taken in the course of economic and other activities with the requirements set out in sanitary and epidemiological rules, norms, and hygienic standards.

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10. Non-discrimination: measures shall not be applied arbitrarily or be, without sufficient grounds, of a discriminating nature, and vary between member-countries; or discriminate between domestic and foreign suppliers	<p>Under the legislation of the Republic of Kazakhstan, all foreign suppliers shall be subject to the plant quarantine treatment identical to that applied to domestic suppliers.</p> <p>Import quarantine certificates, proving conformity of imported goods or goods in transit with the phytosanitary requirements in place in the Republic of Kazakhstan, shall be issued to foreign and domestic suppliers based on the same criteria (Article 20 of the Law of the Republic of Kazakhstan "On Plant Quarantine").</p>	<p>Under the legislation of the Republic of Kazakhstan, all foreign suppliers shall be subject to the plant quarantine treatment identical to that applied to domestic suppliers.</p> <p>Veterinary certificates, proving conformity of imported goods or goods in transit with the sanitary requirements in place in the Republic of Kazakhstan, shall be issued to foreign and domestic suppliers based on the same criteria.</p> <p>If the country is affected by adverse effects of diseases, included in Schedules A and B of the IEB, the Republic of Kazakhstan may introduce restrictions on import, export, and transit of goods, subject to the state veterinary control. Decisions on introduction of such restrictions are based on the information, submitted by the IEB (since 1993).</p> <p>No discrimination between domestic and foreign suppliers shall be allowed, the main requirement being safety of the area of production, adequacy of veterinary papers, and availability of the import or transit certificate issued by the importing country.</p>	<p>All foreign suppliers shall be subject to the treatment identical to that applied to domestic suppliers. Normative legislative acts on the state sanitary and epidemiological control shall be in force in the entire territory of the Republic of Kazakhstan and be binding for all economic agents.</p>

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		Under Paragraph 7 Article 4 of the Law of the Republic of Kazakhstan "On Veterinary", no ungrounded restrictions on sale of goods subject to control of the state veterinary control bodies shall be allowed in the course of implementation of veterinary measures aimed at the veterinary and sanitary safety.	
11. Control, inspection, and authorization procedures: procedures, including rules for obtaining an authorization for the use of additives or of an admissible deviation from standards of contamination for goods, beverages, and feedstuff, must conform with the provisions of the SPS Agreement.	At present, this norm dominates in the framework of international agreements of the Republic of Kazakhstan, while the legislation of the Republic of Kazakhstan regulating control, inspection, and authorization procedures is being brought in line with the international standards. The norm will be implemented in the course of this process.		