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## **ACCESSION OF KAZAKHSTAN**

### Submission from the Republic of Kazakhstan

#### *Information on Sanitary and Phytosanitary (SPS) Measures*

The following submission, dated 20 February 2004, is being circulated at the request of the Delegation of the Republic of Kazakhstan.

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This document has been prepared by the Republic of Kazakhstan in conformity with the requirements established under the WTO Agreement on Sanitary and Phytosanitary Measures (hereafter – the SPS Agreement).

## **I. Sanitary and epidemiological welfare**

The Ministry of Health of the Republic of Kazakhstan (the Committee for the State Sanitary and Epidemiological Surveillance) is the authorized body responsible for administration of issues relating to sanitary and epidemiological welfare. All public health programs operated in the Republic of Kazakhstan are regulated by the Laws of the Republic of Kazakhstan "On Sanitary and Epidemiological Welfare", "On Public Health", "On Public Health System", requirements and provisions of other legislative acts and resolutions of the Government of the Republic of Kazakhstan on the safety of traded goods and products for human life and health and for the environment (e.g. the Law of the Republic of Kazakhstan "On Environmental Protection").

Under the acting national legislation of the Republic of Kazakhstan, all products, whether produced domestically or imported to the Republic of Kazakhstan, designated for distribution to the population or for use (exploitation) in industry, agriculture, civil engineering, transport, where the use (exploitation) directly involves human participation, as well as products designated for personal or domestic use shall meet the requirements set forth in the acting sanitary and epidemiological regulations and rules and hygienic norms (Sub-paragraphs 16, 26, 28 of Article 1; Paragraph 3 of Article 15; Paragraph 2 (3) of Article 18; Articles 11, 12, 17, 19, 20, 21, and 24 of the Law of the Republic of Kazakhstan "On Sanitary and Epidemiological Welfare"). The regulations, rules and norms are normative acts binding for all citizens, individual entrepreneurs and legal entities.

Under Article 7 of the Law of the Republic of Kazakhstan "On Sanitary and Epidemiological Welfare", sanitary and epidemiological rules and regulations, hygienic norms and other normative acts regulating operations of the sanitary and epidemiological service shall be adopted by the Ministry of Health of the Republic of Kazakhstan.

The following documents may serve as an illustration of sanitary and epidemiological rules and regulations adopted by the Ministry of Health:

- Ordinance of the Minister of Health of the Republic of Kazakhstan No. 447 of 11 July 2003 "On Adoption of Sanitary Rules and Regulations: Hygienic Requirements to the Safety and Nutritive Value of Food Products";
- Ordinance of the Minister of Health of the Republic of Kazakhstan No. 525 of 11 July 2003 "On Adoption of Sanitary Rules and Regulations: Sanitary and Epidemiological Requirements to Food Products Served to Airline Passengers and Air Crews";
- Ordinance of the Minister of Health of the Republic of Kazakhstan No. 97 of 31 January 2003 "On Adoption of Sanitary Rules and Regulations: Sanitary and Epidemiological Requirements to Radiation Safety";
- Ordinance of the Minister of Health of the Republic of Kazakhstan No. 96 of 31 January 2003 "On Adoption of Sanitary Rules and Regulations: Sanitary and Epidemiological Requirements to the Quality of Sterilization and Disinfection of Medical Products";
- Ordinance of the Minister of Health of the Republic of Kazakhstan No. 94 of 31 January 2003 "On Adoption of Sanitary Rules and Regulations: Sanitary, Hygienic and Epidemiological Requirements to Production of Bread, Food Preparations of Flour, Pasta, and Pastry";
- Ordinance of the Senior Government Health Officer of the Republic of Kazakhstan No. 32 of 1 August 2002 "On Adoption of Sanitary Rules and Regulations: Sanitary and

- Hygienic Requirements to Storage Conditions and Period of Distribution (Sale) of Perishable Food Products";
- Ordinance of the Senior Government Health Officer of the Ministry of Health of the Republic of Kazakhstan No. 9 of 25 March 2002 "On Adoption of Sanitary Rules and Regulations: Establishment, Equipment and Operation of Drugstores";
  - Ordinance of the Senior Government Health Officer of the Republic of Kazakhstan No. 24 of 26 June 2002 "On Adoption of Sanitary Rules and Regulations: Sanitary, Hygienic and Epidemiological Requirements to the Establishment, Equipment and Operation of Dental Clinics";
  - Sanitary Rules and Regulations SP No. 1.01.004.01 "Hygienic requirements to Management and Conditions for Operation of Data Terminal Equipment and Personal Computers" (adopted by the Ordinance of the Senior Government Health Officer of the Republic of Kazakhstan No. 1.01.004.01 of 17 December 2001); and
  - Sanitary Rules SP No. 2.6.1.758-99 "Ionizing Radiation, Radiation Safety. Radiation Safety Norms (RSN-99)" (adopted by the Ordinance of the Senior Government Health Officer of the Republic of Kazakhstan No. 10 of 9 December 1999), etc.

Conformity with the acting sanitary norms and rules shall be certified by a sanitary and epidemiological expert opinion or by a registration certificate. These documents shall demonstrate that a product has been allowed access to the consumer market provided that its owner ensured the observance of norms and regulations on its production, transportation, storage, and distribution (sale).

A hygienic expertise of products imported to the Republic of Kazakhstan shall normally be performed prior to their entry into the Republic of Kazakhstan. Whenever procedures of hygienic expertise have not been applied to imported products prior to their entry to the Republic of Kazakhstan, they shall be subject to the sanitary and epidemiological inspection. Based on its results, an expert opinion shall be issued only for the shipment inspected.

According to Article 16 of the Law of the Republic of Kazakhstan "On Sanitary and Epidemiological Welfare", specific categories of products and substances hazardous for human health may be produced, purchased, transported, stored, distributed (sold) or used (operated) only where they were registered with the state bodies based on the available pertinent evidence obtained through research or tests performed.

State registration shall be required for:

- any substance where introduced in the production cycle for the first time and where no previous experience of its use is available, if it constitutes a potential hazard for human life or health, as well as materials (drugs) produced using this substance;
- food additives, food dyes, products and materials, where their use involves direct contact with water or food products, whenever imported into the Republic of Kazakhstan for the first time.

State registration of substances and specific product categories listed above shall be performed noting:

- the results of an expert evaluation of the potential for hazard effects on human life and health and on the environment arising from the presence of these substances and specific categories of products;
- the objectively demonstrated conformity of the concentration of substances or specific product components with the acting sanitary regulations and hygienic norms; and
- the special measures developed, *inter alia*, to regulate conditions for the utilization and liquidation of substances and specific categories of products to prevent their hazardous effects on human life and health and on the environment.

Procedures for the state registration of listed substances and specific product categories are established by the Ministry of Health of the Republic of Kazakhstan.

The sanitary and epidemiological service of the Republic of Kazakhstan is an integrated structure including public bodies and subsidiary bodies on the sanitary and epidemiological surveillance.

The following public bodies form part of the sanitary and epidemiological service:

- an authorized body on sanitary and epidemiological welfare and its regional border and transport branches;
- executive bodies operating in the sphere of sanitary and epidemiological welfare within their territories; and
- subdivisions of public bodies on sanitary and epidemiological welfare.

Subsidiary bodies on the sanitary and epidemiological surveillance are represented by:

- the Republican sanitary and epidemiological centre;
- public bodies performing sanitary and epidemiological inspections on the border, within their territories, and in vehicles; other public bodies performing sanitary and epidemiological inspections;
- research organizations operating in the framework of the national legislation of the Republic of Kazakhstan on the issues of sanitary and epidemiological welfare; and
- public plague-control centres.

Programs of the state sanitary and epidemiological service to prevent outbreaks of diseases and protect human health from harmful or hazardous effects of chemical, biological or physical factors are operated in the Republic of Kazakhstan in such a manner as to reflect provisions and recommendations developed by the World Health Organization, the International Labour Organization, the UN Environmental Program, the relevant international regional organizations, and in the framework of international conventions, agreements, charters, and declarations on protection of human health and environment signed by the Republic of Kazakhstan. The state sanitary and epidemiological service is accountable for the entire scope of its activities to the Government of the Republic of Kazakhstan and is controlled by the General Prosecutor's Office and by the Ministry of Justice of the Republic of Kazakhstan.

Inspection procedures and procedures for the issuance of sanitary and epidemiological expert opinions on conformity (non-conformity) of products with the acting national sanitary and epidemiological norms and regulations are established under the Ordinance of the Ministry of Health of the Republic of Kazakhstan No. 841 of 14 November 2003 "On Adoption of Rules for Sanitary and Epidemiological Inspection".

Sampling, laboratory testing and reporting procedures are established under the relevant guidelines and national standards for test methods. Procedures for sanitary and epidemiological inspection of imported products and the relevant reporting reflect the data contained in the document issued by the producer to certify the product safety and the certificate of safety issued by the authorized bodies of the producing country.

A sanitary and epidemiological expert opinion on the conformity of products with the acting sanitary regulations and hygienic norms, issued on the basis of results of a sanitary and epidemiological inspection of products by one of the inspection centres shall be valid in the entire territory of the Republic of Kazakhstan and shall be shown to the relevant bodies in the process of product transportation.

The Law of the Republic of Kazakhstan "On Sanitary and Epidemiological Safety" as well as all acting and proposed sanitary and epidemiological rules and hygienic norms conform with the principles set forth in the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.

The Republic of Kazakhstan has a developed and reliable open structure of the national sanitary and epidemiological standardization based on scientific principles. Any proposed or reviewed normative act or guideline is assessed based on the available scientific evidence and, where its adoption and legal assessment is recommended, is submitted for approval to the Minister of Health of the Republic of Kazakhstan.

Adopted acts of the sanitary legislation cannot and shall not be applied in a manner which would restrict access to the Kazakh market for imported products, where they constitute no hazard for human life or health. Requirements established under these acts are applied only to the extent necessary to protect human life or health.

Under the Law of the Republic of Kazakhstan "On Sanitary and Epidemiological Welfare", the national sanitary and epidemiological standardization shall apply only to the extent required to prevent all environmental hazards for human life and health, ensure product safety and eliminate factors favourable for the outbreak and spread of diseases. According to the acting sanitary legislation, requirements and norms to protect human health and ensure product safety shall be based on the available results of scientific research and field studies; shall incorporate provisions of international norms, guidelines and recommendations (FAO, WHO, the Codex Alimentarius Commission, the International Labour Organization, etc.), and shall be applied only to protect human health and environment and ensure human safety. All of these principles are also covered in the relevant methodological acts adopted by the Ministry of Health of the Republic of Kazakhstan. Sanitary and epidemiological requirements for the procedures of assessment and approval apply equally to domestic and imported products.

Under the Law of the Republic of Kazakhstan "On Normative Acts", all acts of the sanitary legislation, both new and revised, shall pass legal assessment procedures introduced to check and ensure that they conform with the provisions set forth in the adopted normative acts of the national legislation and shall be registered with the Ministry of Justice of the Republic of Kazakhstan.

When registered with the Ministry of Justice, all normative acts of the Ministry of Health of the Republic of Kazakhstan shall be published in Kazakh official publications.

## **II. Veterinary Measures**

The Ministry of Agriculture of the Republic of Kazakhstan (Department of Veterinary, directed by the Senior Government Veterinary Inspector of the Republic of Kazakhstan) is the authorized body on veterinary responsible for the implementation of the state veterinary control.

In the oblasts of the Republic of Kazakhstan, the state veterinary control is implemented by zonal branches of the state veterinary service on the border and in transport together with the veterinary stations and territorial branches of the Ministry of Agriculture of the Republic of Kazakhstan in oblasts and rayons (municipal branches).

The veterinary system of the Republic of Kazakhstan is represented by:

- The public institution "National Centre for Monitoring, Reference, Laboratory Testing and Methodology in Veterinary" and the Republican enterprise "Republican Veterinary Centre" responsible for the implementation of the reference and methodological functions

relating to diagnostics of animal diseases and management of the National Bank of germ strains used in Veterinary, and for the epizootic monitoring of diseases carried by wild animals of the Republic of Kazakhstan.

- The Republican state enterprise "the Republican Veterinary Laboratory" and its oblast, rayon, and municipal branches responsible for the implementation of functions classified as a state monopoly:
  - diagnostics of dangerous diseases carried by animals and listed in the Schedule adopted by the Government of the Republic of Kazakhstan;
  - registration testing, approbation of veterinary drugs, feedstuffs, and feed additives, as well as series control of veterinary drugs for reclamation procedures.
- The Republican state enterprise "VetDez" and its regional subsidiary bodies responsible for the implementation of the following functions classified as a state monopoly:
  - liquidation of pockets of dangerous diseases carried by animals and listed in the Schedule adopted by the Government of the Republic of Kazakhstan;
  - disinfection of vehicles at the border veterinary control stations.
- The state veterinary organizations of the local executive bodies responsible for the implementation of the following functions classified as a state monopoly:
  - liquidation of pockets of dangerous diseases carried by animals and listed in the Schedule adopted by the Government of the Republic of Kazakhstan;
  - disinfection of vehicles at the border veterinary control stations.
- Branches of the public veterinary bodies responsible for:
  - prevention and diagnostics of diseases carried by animals, treatment of infected animals owned by the relevant public bodies;
  - implementation of the state veterinary control on objects owned by the relevant public bodies.
- Natural persons and legal entities engaged in business activities in the sphere of veterinary.

The legislative framework regulating issues on the implementation of veterinary measures includes the Law of the Republic of Kazakhstan No. 339-II "On Veterinary" of 10 July 2002.

The Law of the Republic of Kazakhstan "On Veterinary" has been harmonized with the international requirements and the SPS Agreement. According to Article 4 of the Law of the Republic of Kazakhstan "On Veterinary", national policies on veterinary are targeted at the following objectives:

- to implement the state veterinary control of production, storage, and distribution (sale) of products subject to control of the state veterinary service;
- to reduce the sphere of the state monopoly on specific forms of veterinary activities listed in Article 11 of the Law of the Republic of Kazakhstan No. 339-II "On Veterinary" of 10 July 2002;
- to prevent the entry and spread of infectious and exotic diseases carried by animal from other countries;
- to ensure independence of the state veterinary service;

- to develop veterinary rules and norms based on scientific principles and taking into account international veterinary norms and available scientific evidence for an objective assessment of epizootic conditions;
- to ensure a higher level of veterinary protection than would be achieved by measures based on the relevant international recommendations, if there is a scientific justification; and
- to ensure that no veterinary procedure to check and ensure the veterinary and sanitary safety is applied in a manner which would constitute an unjustifiable restriction on distribution or sale of products under control of the state veterinary service.

To implement the provisions set forth in the Law "On Veterinary", the Government of the Republic of Kazakhstan has adopted the following normative acts by its Resolution No. 407 of 28 April 2003 "On Adoption of Normative Acts on Veterinary":

- Provision on the state veterinary service;
  - Rules for obligatory confiscation and liquidation of animals, products thereof and raw materials of animal origin, where they represent an imminent threat for the human or animal health, or obligatory liquidation (disinfection) and processing without confiscation;
  - Terms and conditions for compensation for damages incurred by natural persons and legal entities as a result of confiscation and liquidations of animals, products thereof and raw materials of animal origin, where they represent an imminent threat for the human or animal health;
  - Schedule of dangerous diseases carried by animals leading to obligatory confiscation and liquidation of animals, products thereof and raw materials of animal origin where they represent an imminent threat for the human or animal health;
  - Schedule of dangerous diseases carried by animals prevented, diagnosed, and eradicated using the funds of the Republican budget;
  - Rules for the implementation of the state veterinary control of products subject to control of the state veterinary service when transported across the state border of the Republic of Kazakhstan regulating import, export and transit of products subject to control of the state veterinary service (hereafter - the Rules); and
  - Rules for the establishment of border veterinary stations in border and customs offices.
- **Procedures for Import of Products Subject to Control to the Republic of Kazakhstan**

The Republic of Kazakhstan allows access for imported products subject to control of the state veterinary service, where they originate from countries with acceptable epizootic conditions and meet the following requirements established under the Rules:

- if imported products conform with the acting veterinary (veterinary and sanitary) requirements established by the authorized body and have an accompanying veterinary certificate or veterinary report; and
- if the import is authorized by the Senior Government Veterinary Inspector of the Republic of Kazakhstan or his/her Deputy, on the basis of the results of assessment of epizootic conditions in the exporting country.

An import permit for products subject to control shall be issued on the basis of a free form application submitted by the owner in writing to the oblast (municipal) territorial branch of the authorized body on veterinary with an indication of the name and characteristics of products; country of origin; import purposes; vehicle type; transport route; entry points, including entry points of the CIS countries and the Republic of Kazakhstan; storage, quarantine, and processing sites; marketing period and other

pertinent information in the native language. All information submitted in the native language shall be accompanied with translations in the state or Russian languages.

An oblast (municipal) territorial branch of the authorized body on veterinary shall investigate (within a period of no more than 15 days) existing possibilities (including processing, distribution or sale, and storage conditions) for the import of products to a location within its territory. Where a territorial branch arrives at a favourable conclusion, it shall provide the veterinary (veterinary and sanitary) requirements for a specific category of imported products to the owner and shall apply to the authorized body on veterinary in writing with a request to issue an import permit. The authorized body shall within a period of five business days issue an import permit for a specified product or return a refusal in writing with an indication of the reasons thereof.

A veterinary inspector of the border veterinary station of the zone branch inspecting products subject to control at the entry point shall check and ensure the availability of a veterinary certificate and a permit of the authorized body on veterinary; the consistency of the product name, weight, packaging and quantity with the characteristics specified in the accompanying documents; the observance of transport conditions and shall collect a foreign veterinary certificate and replace it with a veterinary certificate of the Republic of Kazakhstan. The "Special Notes" section of the veterinary certificate shall contain the number and date of the permit issued by the authorized body and the utilization scheme for products subject to control (free distribution, shelving, processing). Also, a veterinary inspector of the border veterinary station shall inform the zone border or transport branch of the state veterinary service in whose territory the inspection takes place of the origin of products subject to control and their destination point.

The head of the zone branch at the destination point shall perform sampling (within one business day) of imported products subject to control and send the specimens to the veterinary centre for testing. Based on the evidence contained in the report of the veterinary centre, the zone branch takes a final decision on imported products.

Sampling, veterinary and sanitary testing of products subject to control is regulated by the acting legislation of the Republic of Kazakhstan.

Whenever a product subject to control is objectively demonstrated to be infected or otherwise inconsistent with the acting veterinary and sanitary rules and regulations, or if a product subject to control entered the territory of the Republic of Kazakhstan with violations of the Rules for the veterinary surveillance of products subject to control of the state veterinary service transported across the state border of the Republic of Kazakhstan, it shall be returned to the exporting country or shall undergo disinfection (decontamination) under the procedures established by the acting legislation. All costs relating to disinfection (decontamination) procedures shall be covered by the owner of the product.

Disinfection (decontamination) procedures shall be operated at the destination points in special areas specified by the Senior Government Veterinary Inspector within his/her territory (oblast, rayon, city) and under his/her control under the procedures established by the acting legislation using funds and resources of the owner.

Under the acting legislation, veterinary and sanitary testing is obligatory for animals, products and raw materials of animal origin imported to the Republic of Kazakhstan.

Redirection of imported products subject to control and changes in the utilization schemes and conditions shall be allowed by the authorized body upon request of the oblast (municipal) territorial branch of the authorized body whose territory is designated as the destination point.



Where the national border of the Republic of Kazakhstan is crossed by strayed cattle, it shall be delivered to the bodies of the state veterinary service operating in the relevant border area for quarantine maintenance and elaboration of further measures under procedures established by the authorized body.

- **Procedures for Export of Products Subject to Control from the Republic of Kazakhstan**

To obtain an export permit for products subject to control, the owner shall apply in writing to the oblast (municipal) territorial branch of the authorized body on veterinary in whose territory the products originate or are located at the time of applying not later than 15 days before the anticipated date of the export operation. The application package shall include the relevant veterinary requirements of the importing country (or a standard form of the veterinary certificate) in the language of the original and translated in the state or Russian language with an indication of the importing country, name of the product, vehicle type, and entry points of the Republic of Kazakhstan and the CIS countries.

An oblast (municipal) territorial branch of the authorized body on veterinary shall investigate existing possibilities for the products specified in the application to be exported from the Republic of Kazakhstan based on the available pertinent information on the acting veterinary requirements of the importing country, product characteristics, epizootic conditions in the relevant administrative area (village, rayon, city) and the availability of resources for necessary laboratory testing and veterinary procedures.

Where the oblast (municipal) territorial branch of the authorized body on veterinary arrives at a favourable conclusion, it initiates procedures specified in the veterinary requirements (or the veterinary certificate) of the importing country. After completion of all relevant procedures, the oblast (municipal) territorial branch requests the authorized body on veterinary to issue an export permit for the products subject to control.

The authorized body on veterinary shall within a period of five business days issue an export permit for the product specified or return a refusal in writing with an indication of the reasons thereof.

Immediately before the products are shipped for export, the rayon (municipal) territorial branch of the authorized body on veterinary shall specify in the "Special Notes" section of the veterinary certificate the number and date of the permit issued by the authorized body and transit permits issued by central public veterinary bodies of other countries designated in the transport route for products subject to control.

A veterinary inspector of the border veterinary station of the zone branch inspecting products subject to control at the exit point shall check and ensure the availability of a veterinary report; an export permit of the authorized body on veterinary; and transit permits of central public veterinary bodies of other countries designated in the transport route; ensure the consistency of the product name, weight, packaging and quantity with the characteristics specified in the accompanying documents; verify the observance of transport conditions and shall collect a veterinary report of the Republic of Kazakhstan and replace it with a veterinary certificate.

Where violations of the Rules have been objectively demonstrated, export of products subject to control from the Republic of Kazakhstan shall be prohibited and the products shall be returned to the owner.

- **Transit of Products Subject to Control across the territory of the Republic of Kazakhstan**

Transit of products subject to control across the territory of the Republic of Kazakhstan shall be performed in the framework of the international agreements on cooperation in veterinary.

International transit of products subject to control across the territory of the Republic of Kazakhstan (except transit of live animals) shall not require any special permits if products conform with the acting requirements on packaging integrity, consistency of marking with the accompanying documents, availability of the original veterinary certificate of the exporting country. Transit of live animals may be performed only where authorized in writing by the Senior Government Inspector of the Republic of Kazakhstan upon request of the central veterinary body of the importing country with an indication of entry and exit points, transport routes, calls, transportation and feeding points. Where a transit operation requires transit permits of third countries, they shall be solicited by the owner of the product.

Decisions passed by officials of the state veterinary service may be appealed along the vertical structure of the state veterinary service with higher ranked veterinary inspectors up to the Senior Government Veterinary Inspector of the Republic of Kazakhstan.

Under the acting legislation of the Republic of Kazakhstan, decisions passed by the Senior Government Veterinary Inspector of the Republic of Kazakhstan may be appealed in the court of law.

As a Member of the International Office of Epizootics (since 1993), the Ministry of Agriculture of the Republic of Kazakhstan takes steps to harmonize the national legislative framework with the requirements established under the International Animal Health Code.

Restrictions or bans on export into the Republic of Kazakhstan of animal products may be introduced or lifted (in whole or in part) by the Instruction of the Senior Government Veterinary Inspector of the Republic of Kazakhstan (or his/her Deputy) based on the available official information provided by the International Office of Epizootics or the central body of the State Veterinary Service of the relevant country. Where restrictions operated by the Republic of Kazakhstan are to be lifted, the representative of the Department of Veterinary of the Ministry of Agriculture of the Republic of Kazakhstan may inspect the territory (producers) of the exporting county, where necessary.

The veterinary service of the Republic of Kazakhstan informs the relevant countries of all introduced or lifted restrictions (bans) through their embassies in the Republic of Kazakhstan.

The Kazakh regulatory system is operated in such a manner as to resolve issues relating to the recognition of equivalence and adequate reflection of regional characteristics of countries exporting products of animal origin based on the available information on epizootic conditions in a relevant country and incorporating recommendations developed by the International Office of Epizootics in the framework of bilateral agreements concluded with the exporting countries.

The veterinary service of the Republic of Kazakhstan emphasizes that at present, given the growing number of attempts to import to the Republic of Kazakhstan products of animal origin from countries with controversial epizootic conditions, the acting system of the border veterinary surveillance allows to ensure a sustainable epizootic environment in the country. All requirements applied by the veterinary service to imported products are based on the guidelines and recommendations of the International Office of Epizootics on quality assessment and safety of food and food products, and national sanitary and veterinary rules and regulations maintained on solid scientific evidence and adopted by the Ministry of Health of the Republic of Kazakhstan and the Ministry of Agriculture of the Republic of Kazakhstan.

Bodies of the state veterinary service of the Republic of Kazakhstan run permanent surveillance programs to control breeding, slaughtering, and processing of cattle and fowl. Under the acting developed system of identification, each producer or processor of products and raw materials of animal origin is assigned a unique code to be included in the product marking. This practice allows to enforce rigid mechanisms of veterinary control over the entire product cycle starting from the production to distribution or storage stage. All products of producers (processors) are surveyed by the government veterinary inspectors on staff in the structural units of the Ministry of Agriculture of the Republic of Kazakhstan.

Also, the acting legislation of the Republic of Kazakhstan requires that internal veterinary control centres be established in all enterprises engaged in breeding, slaughtering, storage, processing and distribution (sale) of animals, products thereof and raw materials of animal origin, veterinary drugs, feedstuffs and feed additives.

To control infectious diseases carried by animals, the Republic of Kazakhstan operates special government programs to perform vaccination of cattle and fowl and ensure the adequate volume of sanitation and disinfection. The programs are implemented by the licensed veterinarians.

To forecast outbreaks of dangerous diseases carried by animals and birds and to implement adequate preventive countermeasures, or, when already in place, to localize and eradicate them, the Ministry of Agriculture of the Republic of Kazakhstan monitors animal diseases registered in the Republic of Kazakhstan and operates a special veterinary centre engaged in epizootic monitoring of wild animals and birds.

### **III. Plant Quarantine Measures**

The Ministry of Agriculture is the authorized body of the Republic of Kazakhstan on plant quarantine responsible for the development of national policies on plant quarantine. The Department on Plant Protection and Quarantine of the Ministry of Agriculture of the Republic of Kazakhstan directed by the Senior Government Inspector of the Republic of Kazakhstan on Plant Quarantine is directly responsible for the operation of plant quarantine procedures.

Regional controls are enforced by the units of the state plant quarantine service of oblast territorial branches (cities of Astana and Almaty) of the Ministry of Agriculture of the Republic of Kazakhstan. Border plant quarantine stations enforce plant quarantine at entry points on the national border of the Republic of Kazakhstan, regional plant quarantine inspectors ensure an adequate level of plant quarantine within the country.

The plant quarantine system operated by the Republic of Kazakhstan is regulated by provisions established under the following legislative and normative acts:

- the Law of the Republic of Kazakhstan No. 344-1 of 11 February 1999 "On Plant Quarantine";
- the Resolution of the Government of the Republic of Kazakhstan No. 773 of 1 August 2003 "On Adoption of Rules for the Protection of the Republic of Kazakhstan from Quarantine Objects" (hereafter – the Rules);
- the Resolution of the Government of the Republic of Kazakhstan No. 1295 of 10 December 2002 "On Adoption of Schedules of Quarantine Objects and Hazardous Organisms";
- the Ordinance of the Ministry of Agriculture of the Republic of Kazakhstan of 4 February 2003 "On Adoption of the Provision on Government Plant Quarantine Inspectors";

- the Ordinance of the Ministry of Agriculture of the Republic of Kazakhstan of 6 July 2003 "On Deployment of Border Plant Quarantine Stations";
- the Ordinance of the Ministry of Agriculture of the Republic of Kazakhstan No. 166 of 30 May 2002 "On Adoption of the Nomenclature for Major Quarantinable Objects Subject to Phytosanitary Control under Plant Quarantine Procedures"; and
- the Ordinance of the Ministry of Agriculture of the Republic of Kazakhstan No. 88 of 31 March 2000 "On Adoption of the Provision on Units Authorized to Perform Phytosanitary Control under Plant Quarantine Procedures".

Quarantinable products subject to phytosanitary control may be imported into the Republic of Kazakhstan only where a quarantine permit for import operations was issued by the Department on Plant Protection and Quarantine and signed by the Senior Government Inspector of the Republic of Kazakhstan on Plant Quarantine. The quarantine permit for import operations is issued in conformity with the procedures established under the Law of the Republic of Kazakhstan "On Plant Quarantine" and the Rules. The schedule of quarantinable products subject to phytosanitary control with an indication of the HS CIS codes is given in the Nomenclature of major quarantinable objects subject to phytosanitary control under plant quarantine procedures. All products included in the schedule may be imported to or exported from the Republic of Kazakhstan only where a relevant permit has been issued by the authorized body on plant quarantine.

A quarantine permit for import operations shall be issued on the basis of an application submitted by the consignee in writing to the Department on Plant Protection and Quarantine of the Ministry of Agriculture of the Republic of Kazakhstan with an indication of the name and quantity of quarantinable products; vehicle type; country of origin; exporting country; delivery period; destination points; and points of entry into the Republic of Kazakhstan.

A quarantine permit for import operations shall specify phytosanitary conditions binding for each shipment of quarantinable products and stipulate that each shipment shall have an accompanying phytosanitary certificate to objectively demonstrate that imported products conform with the acting phytosanitary requirements. Phytosanitary conditions of quarantinable products are verified in the course of the examination of the entire shipment and sampling performed in conformity with the acting GOST standards, guidelines and other normative documents and regulations.

A phytosanitary certificate shall be issued by the bodies of the state plant quarantine service of the exporting country.

Whenever it is objectively demonstrated that quarantinable products contain quarantine objects or otherwise violate acting quarantine Rules, are not accompanied with the required import/export documents, are inconsistent with the requirements established under the Rules or a relevant international agreement of the Republic of Kazakhstan on plant quarantine, the authorized body on plant quarantine shall act in accordance with Article 14 of the Law of the Republic of Kazakhstan "On Plant Quarantine" stipulating that "infected products exported from the quarantine zone shall be returned, disinfected, or delivered to a processing enterprise. Where disinfection or reprocessing of infected products is impossible, they shall be recalled and liquidated following procedures established under the relevant normative acts".

Any natural person or legal entity may appeal actions of the government plant quarantine inspectors relating to the import of quarantinable products to the Republic of Kazakhstan in the authorized body of the Republic of Kazakhstan on plant quarantine. Where natural persons and legal entities wish to dispute the decisions passed down by the authorized body of the Republic of Kazakhstan on plant quarantine, they may do so following procedures established under the acting legislation of the Republic of Kazakhstan.

Based on the phytosanitary dynamics in the exporting country, the authorized body on plant quarantine may, in urgent circumstances, provisionally introduce restrictions (bans) on import of quarantinable products into the Republic of Kazakhstan. In such circumstances, it shall provide to the relevant service in the exporting country all pertinent information on its actions. Where repeated supply of infected quarantinable products has been registered, the Republic of Kazakhstan may impose a total ban on import of the relevant product. However, contentious issues are normally open for negotiations.

In specific cases where large amounts of products are supplied or imported from countries whose phytosanitary conditions have not been adequately analyzed, the authorized body on plant quarantine may dispatch an expert to the importing country for inspection at source.

Legal documents developed by the authorized body of the Republic of Kazakhstan on plant quarantine to regulate import of quarantinable products reflect the following provisions and principles established under of the International Plant Protection Convention and SPS Agreement and provisions and principles developed by the European and Mediterranean Plant Protection Organization (EPPO), all of which serve as a framework for coordination of various phytosanitary norms on the international level.

- **Free areas**

In line with the accepted international practice, where quarantinable products are imported from countries on whose territory cases of infection with disease-carrying or disease-causing organisms were registered, the Republic of Kazakhstan allows access for products imported from pest- or disease-free areas or from pest- or disease-free production areas.

- **Sovereignty**

To prevent entry or spread of disease-carrying or disease-causing organisms in its territory, each country may develop and implement a sovereign phytosanitary rule to regulate import operations with quarantinable products.

- **Minimum Impact**

This principle requires that phytosanitary measures of every country represent the least trade-restrictive measures available.

- **Equivalence**

The Republic of Kazakhstan recognizes phytosanitary measures of the exporting countries as equivalent, where they achieve the appropriate level of plant protection. For instance, the guidelines developed by the authorized body on plant quarantine rely heavily on the fumigation technology as a major instrument of protection of quarantinable products. However, if the exporting country applies the standard refrigeration technologies, they are accepted by the Republic of Kazakhstan as equivalent.

- **Regionalization**

The authorized body on plant quarantine uses existing opportunities to deliver imported products to areas with unfavourable conditions for the establishment of specific disease-carrying or disease-causing organisms (least risk areas).

- **Cooperation**

The parties cooperate on issues relating to the mechanisms of spread prevention and control of disease-carrying or disease-causing organisms with officially accepted methods of control of quarantinable objects.

- **Risk Assessment**

Whenever an international standard does not exist, Members shall use risk assessment methods based on the available relevant biological and economic evidence to determine what pests or diseases shall be included in the schedule of quarantine groups and ensure that countermeasures are not more restrictive than required to achieve the adequate level of protection.

The authorized body of the Republic of Kazakhstan on plant quarantine notes that at present, given the growing number of attempts to import to the Republic of Kazakhstan quarantinable products from countries with controversial phytosanitary conditions, the acting system of the border phytosanitary control and internal quarantine mechanisms suffer from significant setbacks as a result of persisting staff shortages and lack of qualified plant quarantine inspectors all of which factors prevent to ensure a sustainable phytosanitary environment in the country.

With the view to ensure an adequate level of transparency in accordance with the Resolution of the Government of the Republic of Kazakhstan No. 1627 of 30 October 2000, the Ministry of Agriculture of the Republic of Kazakhstan is taking active steps to implement the Information Marketing System designed to enable dynamic exchange of analytical marketing information between agricultural producers, public bodies, and other participants of the agricultural market; to ensure an efficient regulation of the sectoral development and shape the national system of the agricultural business, as well as to interact with the relevant international organizations.

At present, the Information Marketing System of the Ministry of Agriculture embraces all territorial bodies involved in veterinary surveillance and quarantine control. This practice enables a dynamic informational exchange and raises their performance to a higher level.

In the framework of the Information Marketing System, the Ministry of Agriculture has opened a web-site [www.minagri.kz](http://www.minagri.kz) and publishes an informational analytical bulletin "AgroInform" containing the texts of all normative acts adopted by the Ministry of Agriculture of the Republic of Kazakhstan, including the acts on veterinary, plant protection and quarantine.

Currently, the veterinary and plant quarantine services of the Republic of Kazakhstan pass their decisions on restricting import operations on the basis of available pertinent information provided by the relevant international organizations on outbreaks and spread of diseases carried by animals or plants in various countries of the world. This practice, in general, reflects the provisions set forth in Paragraph 7 of Article 5 of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures: "In cases where relevant scientific evidence is insufficient, a Member may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as from sanitary or phytosanitary measures applied by other Members. In such circumstances, Members shall seek to obtain the additional information necessary for a more objective assessment of risk and review the sanitary or phytosanitary measure accordingly within a reasonable period of time".

However, to ensure the observance of the provisions set forth in Paragraphs 3 of Article 3 "Harmonization" and Article 5 "Assessment of Risk", the Republic of Kazakhstan needs a developed network of laboratories, border veterinary and quarantine stations, equipped with the up-to-date instruments and an extensive scientific base to objectively demonstrate to importing countries that it

operates procedures maintained on solid scientific evidence. The results of research conducted in the operating veterinary and quarantine laboratories show that their equipment used to test acceptable levels of contaminants and hazardous substances in foods, beverages or feedstuffs is morally and physically obsolete.

Upgrading operating laboratories, veterinary and quarantine stations constitutes a more urgent problem given the need of the Republic of Kazakhstan to ensure the adequate level of food safety. As a result, veterinary and quarantine services will have more powerful resources for minute analysis of imported products subject to control which will shield the domestic market from the entry of low-quality or hazardous products of animal or plant origin.

Given the above, the Republic of Kazakhstan operates a large-scale program aiming at the transition to the use of international standards and, in so doing, sides with the opponents of application of phytosanitary and veterinary measures as they constitute means for imposing unjustifiable restrictions on trade. The transition to the use of international standards calls for extensive stage-by-stage measures both on the national level and in the private sector. Operating laboratories and acting standards were created at the time when Kazakhstan was a part of the Soviet Union, and now they need full revision.

Hence, the Republic of Kazakhstan believes that the implementation of the above measures in the framework of the SPS Agreement shall require a transition period.

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