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ACCESSION OF KAZAKHSTAN

Check-list of Illustrative Sanitary and Phytosanitary (SPS) Issues:
Consistency of Acting Kazakh Legislation with the Norms of the
WTO Agreement on the Application of SPS Measures

The following submission, dated 10 November 2005, is being circulated at the request of the Delegation of the Republic of Kazakhstan.

Provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	Norms of the acting Kazakh legislation/conclusions and paragraph		
	Food safety	Animal Health	Plant Health
1. (Generally agreed principle in WTO accession negotiations.) Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.	The Republic of Kazakhstan does adhere to the "stand-still" principle in the course of negotiation process of WTO accession. In particular, the work within the Action Plan for harmonization of the national legislation of the Republic of Kazakhstan on sanitary and epidemiological safety, veterinary, and plant quarantine with the provisions of the SPS Agreement on for 2004-2006 ensures fulfilment of the "stand-still" principle. The relevant international standards and recommendations are being taken as a basis for elaboration of all standards and regulations that have been newly adopted by Kazakhstan in the sphere of SPS measures.		
2. Establishment and operation of a single Contact Point for Information ("enquiry point").	<p>Single SPS/TBT Enquiry Point has been established and functions since January 2005. The address of the Enquiry Point is the following:</p> <p>104/1, Auezov street 010000 Astana Republic of Kazakhstan</p> <p>Tel.: +7 (3172) 320641 Fax: +7 3172 323275</p> <p>email: inform@memst.kz; int_rel@memst.kz web-site: www.memst.kz</p> <p>The corresponding notification and information on establishment of the Single SPS/TBT Enquiry Point were submitted to the WTO Secretariat in due time, which are presented in the documents WT/ACC/KAZ/52 of 7 September 2004 and G/SPS/ENQ/18/Add.1 of 3 March 2005.</p>		
3. (Articles 7 and Annex B, Also G/SPS/7.) Transparency: notification and access to documentation:	<p>Under Article 8(12) of the Law "On Plant Quarantine" and Article 7(2) of the Law "On Veterinary", the authorized governmental bodies of the Republic of Kazakhstan on veterinary and plant quarantine shall also organize and provide particulars to all interested parties on veterinary activities, acting veterinary rules and norms, and other normative acts of the Republic of Kazakhstan on veterinary.</p> <p>To ensure the adequate level of transparency, all adopted veterinary and quarantine rules are published promptly on the web-site of the Ministry of Agriculture of the Republic of Kazakhstan (www.minagri.kz).</p> <p>The site allows access to all documents relating to rules, norms and other normative acts on veterinary and plant quarantine in such a manner as to enable interested parties to become acquainted with them. Additionally, all interested parties may have access to the monthly information bulletin "Agro-Inform" containing the texts of all adopted normative acts on veterinary, plant quarantine and featuring a special FAQ section.</p> <p>All legislation and normative acts on sanitary and epidemiological welfare are published on the web-site of the Ministry of Healthcare of the Republic of Kazakhstan www.dari.kz/doc/minzdrav/pravo/pravo.html</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 Ministry of Healthcare of 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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(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis (Annex B.5.(b) and Annex B.10);	<p>Under the Law of the Republic of Kazakhstan the Law of the Republic of Kazakhstan "On Sanitary and Epidemiological Welfare", the Ministry of Health of the Republic of Kazakhstan is a single competent central government authority responsible for healthcare issues and an agency of the Republic of Kazakhstan responsible for the preparation to international organizations.</p> <p>Under the Law of the Republic of Kazakhstan "On Plant Quarantine", the Ministry of Agriculture of the Republic of Kazakhstan (Department on Plant Protection and Quarantine) shall be responsible for the preparation to international organizations and for the observance of obligations on transparency.</p> <p>Under the Law of the Republic of Kazakhstan "On Veterinary", the Ministry of Agriculture of the Republic of Kazakhstan (Department on Veterinary) is a single competent central government authority responsible for veterinary issues and an agency of the Republic of Kazakhstan responsible for the preparation to international organizations.</p> <p>The Ministry of Industry and Trade of the Republic of Kazakhstan is the central body responsible for preparation and submission of notification to the WTO Secretariat.</p>		
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment (Annex B.5(a));			<p>To ensure uniformity in the implementation of obligations set forth in Paragraphs 3 and 10 of Annex B of the WTO Agreement on SPS and the WTO Agreement on Technical Barriers to Trade in the framework of the operations of the WTO Enquiry Point on SPS/TBT, the Republic of Kazakhstan has developed a single Standard of the Republic of Kazakhstan entitled the "Rules and Procedures for Preparation of Notifications on Developed (Adopted) Technical Regulations and Standards" (hereafter – the Standard) based on the rules and procedures on TBT and SPS established by the relevant WTO Committees. The Standard establishes rules and procedures for the preparation of WTO notifications on developed (adopted) technical regulations and standards including the relevant work programs.</p> <p>Provisions set forth in Subparagraph 7.1 of Paragraph 7 of this Standard ensure that measures proposed in the framework of the WTO Agreements on TBT and SPS shall be published by the authorized body on standardization, metrology and certification (TBT/SPS Enquiry Point) in official publications or placed on the web-site in such a form as was submitted by the information services of public administration bodies and/or developing organizations.</p> <p>According to Subparagraph 6.1.4 of Paragraph 6.1 of Article 6 of this Standard, where copies of draft technical and SPS regulations are requested by interested Members, they shall be supplied by the TBT/SPS Enquiry Point within a period of 15 business days.</p>
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members (Annex B.5.(c)); and			<p>According to the sub-paragraph 6.1.4 paragraph 6.1 of the Standard, WTO Members shall submit their comments on draft technical and SPS regulations of the Republic of Kazakhstan to the TBT/SPS Enquiry Point, where they shall be translated into the Russian language and forwarded together with the copy of the original to the relevant governmental body and/or developer of the specific technical or SPS regulation.</p>
(d) require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination (Annex B.5(d)).			<p>Under Subparagraph 6.1.5 of Paragraph 6 of the Standard, Members shall submit their comments on draft technical and SPS regulations of the Republic of Kazakhstan to the TBT/SPS Enquiry Point, where they shall be translated into the Russian language and forwarded together with the copy of the original to the relevant governmental body and/or developer of the specific technical regulation.</p> <p>The Republic of Kazakhstan allows reasonable time for Members to make comments on a proposed technical or SPS regulation, which shall not be less than 60 calendar days between the notification on a proposed technical regulation and its entry into force.</p>

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<p>4. Article 2.2. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.</p>	<p>According to Articles 24 and 25 of the Law of the Republic of Kazakhstan No. 361-II of 4 December 2002 "On Sanitary and Epidemiological Welfare" (hereafter – the Law), the sanitary protection of the territory of the Republic of Kazakhstan shall prevent the entry and spread of infectious, parasitic diseases and poisonings.</p> <p>According to the provisions set forth in its Preamble and Article 1(24), the Law establishes legal, economic, and social conditions of sanitary and epidemiological welfare, i.e. of human health, the observance of which shall prevent any adverse effects of environmental factors and secure a favourable environment for human activities.</p>	<p>Under Article 3 of the Law of the Republic of Kazakhstan No. 339-II "On Veterinary" of 10 July 2002 (hereafter – the Law), the main purpose of veterinary measures is:</p> <ol style="list-style-type: none"> 1) to protect animals from diseases and ensure their adequate treatment; 2) to protect human health from anthroozoonoses; 3) to check and ensure veterinary and sanitary safety of products under control of the state veterinary service; 4) to protect the Republic of Kazakhstan from the entry and spread of infectious and exotic diseases carried by animals imported from other countries. 5) to control the quality of veterinary drugs; 6) to develop and implement measures and procedures to control diseases carried by animals and to check and ensure the quality of products and raw materials of animal origin; 7) to prevent and liquidate environmental pollution resulting from activities of natural persons and legal entities in the sphere of veterinary; and 8) to stimulate the development of veterinary science and operate training and advanced training programs for veterinary experts. <p>Provisions set forth in Paragraphs 2 and 3 of Article 20 of the Law ensures that products originating in other countries and under control of the state veterinary service may be imported to or transited across the territory of the Republic of Kazakhstan whenever epizootic conditions in the territory of their origin achieve the Kazakhstan's appropriate level and if the import or transit procedures</p>	<p>Under Article 3 of the Law of the Republic of Kazakhstan No. 344-1 "On Plant Quarantine" of 11 February 1999 (hereafter – the Law), the main purpose of plant quarantine is:</p> <ol style="list-style-type: none"> 1) to protect the territory of Kazakhstan from importation or independent entry of quarantine objects from foreign countries or quarantine zones; 2) to expose, localize and liquidate quarantine objects, and to prevent their penetration into pest- or disease-free areas; and 3) to implement mechanisms of state control to enforce the acting legislation and rules on plant quarantine and ensure the required volume of activities under plant quarantine programs in the Republic of Kazakhstan. <p>Also, Article 1(6) of the Law defines "plant quarantine (phytosanitary protection)" as a form of treatment based on a system of public programs to protect plants of the Republic of Kazakhstan and products thereof from importation or independent entry of quarantine objects from other countries or quarantine zones of the Republic of Kazakhstan, or, when already established, to localize and eradicate infection focuses.</p> <p>Subparagraph 6 of Article 1 of the Law "On Plants Quarantine" provides that "plants quarantine (phytosanitary protection) is a legal regime providing for a system of state measures aiming to protect the plant resources of Kazakhstan and plant products against import and invasion of quarantined objects from other states as well as from the local quarantine zones, and to isolate and eliminate nidi of their spread.</p>

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		<p>comply with the veterinary and sanitary rules of the authorized state body of the Republic of Kazakhstan on veterinary. Animals and products thereof subject to control of the state veterinary service may be imported to, exported from or transited across the territory of the Republic of Kazakhstan on the basis of available pertinent information on epizootic conditions in the territory of their origin and shall be authorized by the Senior Government Inspector of the Republic of Kazakhstan on Veterinary or by his Deputies. Provisions of Article 27 (1) of the Law ensure that whenever instances of infectious diseases carried by animals are registered in a specific area, the local executive body may introduce restrictive measures or quarantine treatment within its territory on the basis of information submitted by the Senior Government Inspector on Veterinary.</p> <p>Article 1.7 as well as Article 3 of the Law "On Veterinary" has legal provisions directly stating that veterinary measures shall only be applied to protect the human and animal life and health.</p>	<p>Besides, subparagraph 1 of Article 4 stipulates that one of the principles of plant quarantine state measures is: "1) protection of vegetation resources and vegetation products from damage and destruction by quarantined objects with the purpose to support the food and material national security."</p> <p>Thus, quarantine measures shall only be applied to protect plants and may not be applied for any other purposes.</p>
<p>5. Articles 2.2, 3.3, and 5.2. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.</p>	<p>The obligations set forth in Articles 2.2, 3.3 and 5.2 of the SPS Agreement are covered by the following legal norms of the Law:</p> <ol style="list-style-type: none"> 1. The legal norm in Article 3 stipulates that measures operating to ensure the sanitary and epidemiological welfare shall be based on scientific principles and incorporate available practical evidence. 2. Under Article 2 of the Law, whenever the international agreements ratified by the Republic of Kazakhstan establish other rules than those contained in this Law, the rules established under the 	<p>The obligations set forth in Articles 2.2, 3.3, and 5.2 of the SPS Agreement are reflected in the following legal norms of the Law:</p> <p>According to Subparagraph 3) of Article 1, the term "veterinary" shall apply to special scientific knowledge and practical activities focused on the study of diseases and alimentary intoxications of animals, methods of their prevention, diagnostics, treatment and eradication; on the observance of compliance of products under control of the state veterinary service with the requirements established under the veterinary legislation of the Republic of Kazakhstan and on the</p>	<p>Under Article 4 of the Law, state measures on plant quarantine in the Republic of Kazakhstan shall be implemented based on the following principles:</p> <ul style="list-style-type: none"> - based on scientific principles and incorporating scientific evidence of the potential for adverse effects of quarantine objects on plant resources and products of plant origin, and elimination of all revealed injurious factors; - international cooperation on plant quarantine under provisions of corresponding agreements (treaties)

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	<p>international agreements shall prevail.</p> <p>3. Provisions of Article 15 stipulate that the operation of the sanitary and epidemiological service shall extend to the development of uniform requirements for the justification of normative acts.</p>	<p>protection of human life and health from anthroozoonoses.</p> <p>Also, Subparagraph 8) of Article 3 of the Law stipulates that, <i>inter alia</i>, veterinary activities shall be aimed at the further development of veterinary knowledge and training of veterinary experts.</p> <p>According to Sub-paragraphs 5), 6), and 7) of Article 4 of the Law, national veterinary policies shall embrace the following objectives:</p> <ul style="list-style-type: none"> - 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 achieve a higher level of veterinary protection than would be achieved by measures based on the relevant international recommendations, if there is a scientific justification. 	<p>Under Paragraph 1(8) of Article 7 of the Law, quarantine measures shall be developed by the phytosanitary service in collaboration with research organizations based on scientific principles of assessment of phytosanitary risks covered by international norms and guidelines. Also, the phytosanitary service shall enforce compliance of natural persons and legal entities of all forms of ownership with the acting measures.</p>
<p>6. Article 3.1 and 3.3: Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.</p>	<p>To bring the legislation of Kazakhstan into conformity with the SPS Agreement, Ministry of Health of the Republic of Kazakhstan has developed a draft Law of the Republic of Kazakhstan "On Amendments and Addenda to the Law of the Republic of Kazakhstan "On Sanitary and Epidemiological Welfare" (hereinafter referred to as the Draft Law)</p> <p>The Draft Law provides for introduction of the following norms:</p> <p>Article 15</p> <p>1. The state sanitary and epidemiological norms system includes the following:</p>	<p>According to Subparagraphs 5) of Article 4 of the Law, the national veterinary policies shall be targeted at the development of 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.</p>	<p>Under Paragraph 1(8) of Article 7 of the Law, quarantine measures shall be developed by the phytosanitary service in collaboration with research organizations based on scientific principles of assessment of phytosanitary risks covered by international norms and guidelines. Also, the phytosanitary service shall enforce compliance of natural persons and legal entities of all forms of ownership with the acting measures.</p>

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	- harmonization of documents of the state sanitary epidemiological norms system with international requirements.		
Article 3.4: Members shall play a full part, within the limits of their resources, in the relevant international organizations and their subsidiary bodies, in particular the Codex Alimentarius Commission, the International Office of Epizootics, and the international and regional organizations operating within the framework of the International Plant Protection Convention.	<p>As a Member of the World Health Organization (hereafter – the WHO), the Republic of Kazakhstan in collaboration with other relevant international organizations takes a full part in a joint effort to coordinate procedures in the sphere of food safety operated at the level of countries, participants in the development of the WHO global strategy on food safety, and specific regional consumers.</p> <p>Jointly with the WHO, the Food and Agriculture Organization of the United Nations (FAO), the Codex Alimentarius Commission and other relevant international organizations, the Republic of Kazakhstan has organized and run 2-year training courses for governmental inspectors and businessmen on the acting food legislation and methods of laboratory control of nutritional diseases under the auspices of the Institute of Public Health of the Republic of Kazakhstan.</p>	<p>Since 1993 the Republic of Kazakhstan is a member of the International Office of Epizootics. (please note that the OIE has officially changed its name to "World Animal Health Organization (OIE). As a Member, Kazakhstan has access to international veterinary information and, in turn, provides the International Office of Epizootics and other Members with all pertinent information on veterinary and sanitary conditions in the Republic of Kazakhstan.</p> <p>According to Sub-paragraph 6) of Article 5 of the Law, the Government of the Republic of Kazakhstan shall cooperate with other countries and the relevant international veterinary organizations. Consequently, under Subparagraph 17) of Article 8 of the Law, the authorized state body of the Republic of Kazakhstan on veterinary shall represent the Republic of Kazakhstan in the international organizations on specific veterinary issues following procedures established under the laws of the Republic of Kazakhstan and develop ongoing cooperation mechanisms.</p>	<p>Under Sub-paragraph 10 of Paragraph 1 of Article 7 of the Law, the authorized body shall represent the interests of the Republic of Kazakhstan in international organizations with regard to issues relating to plant quarantine. Also, provisions set forth in Article 19 of the Law stipulate that the Republic of Kazakhstan shall participate in international cooperation on plant quarantine based on the principles of mutual protection from the entry and spread of quarantine objects.</p> <p>At present, the Republic of Kazakhstan has accessed to the European and Mediterranean Plant Protection Organization (EPPO) operating within the framework of the International Plant Protection Convention. (Resolutions of the Government of the Republic of Kazakhstan No. 263 of 3 March 2004).</p> <p>Also Kazakhstan is taking steps to ratify the International Plant Protection Convention. Following its ratification of the International Plant Protection Convention, the Republic of Kazakhstan will notify the WTO Committee on Sanitary and Phytosanitary Measures accordingly.</p>

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<p>7. Article 4: Equivalence: members shall recognize different measures that achieve the same level of protection.</p> <p>Members shall, upon request, enter into consultations with the aim of achieving bilateral and multilateral agreements on recognition of the equivalence of specified sanitary or phytosanitary measures.</p>	<p>Under the Draft Law the competence of authorized body in the sphere of sanitary and epidemiological welfare includes recognition of sanitary and epidemiological measures of other countries as equivalent if those measures ensure appropriate level of sanitary and epidemiological welfare on the territory of a country (paragraph 33 Article 7 – new).</p>	<p>Article 8 of the Law has recently been supplemented with the new sub-paragraph which reads as follows:</p> <p>The competence of authorized body in the sphere of veterinary and its local branches includes:</p> <p>18) recognition of veterinary and sanitary measures of other countries as equivalent if they ensure appropriate level of protection on the territory of a country.</p>	<p>According to Article 13(2) of the Law of the Republic of Kazakhstan, quarantine measures of other countries shall be recognized as equivalent, where they achieve the level of phytosanitary protection of the Republic of Kazakhstan". Also, according to Article 21 of the Law, "whenever the international agreements ratified by the Republic of Kazakhstan establish other rules than those contained in this Law, the rules established under the international agreements shall prevail".</p>
<p>8. Articles 5.1, 5.2., and 5.3: Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health.</p>	<p>In accordance with the Draft Law envisages the following amendments:</p> <ol style="list-style-type: none"> 1. Article 7 of the Law with sub-paragraph 32): <ul style="list-style-type: none"> Authorized body in the sphere of sanitary and epidemiological welfare: 32) establishes procedures of risk assessment taking into account internationally accepted methods of risk assessment; 2. Article 7-1 with sub-paragraph 14): <ul style="list-style-type: none"> Local branches of the authorized body in the sphere of sanitary and epidemiological welfare: 14) organize conduction of risk assessment; 3. Article 8 with sub-paragraph 24): <ul style="list-style-type: none"> Local executive bodies of oblasts (cities of Republican importance, capital): 	<p>The suggested addenda to the Law "On Veterinary" are being accepted and are incorporated into Article 8 of the Law as follows:</p> <p>"21) development and acceptance of veterinary norms based on sufficient scientific evidence and taking into account the consequences for the human and animal life and health, as well as the relevant international requirements".</p>	<p>Under Article 4(3) of the Law, state measures on plant quarantine applied in the Republic of Kazakhstan shall be based on the principle of "evaluation performed on scientific principles and incorporating scientific evidence of the potential for adverse effects of quarantine objects on plant resources and products of plant origin, and elimination of all uncovered injurious factors".</p>

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	<p>24) within their competence organize conduction of risk assessment;</p> <p>4. Para. 1 Article 9 with sub-paragraph 13): Republican Sanitary Epidemiological Station: 13) conduct risk assessment;</p> <p>5. Para. 2 Article 9 with sub-paragraph 9): State body conducting sanitary epidemiological expertise on the State border of the Republic of Kazakhstan, on the territories, transport; and state body conducting sanitary and epidemiological expertise in the course of official events with participation of the officials within their competence: 9) conduct risk assessment;</p> <p>6. Para. 3 Article 9 with sub-paragraph 9): Republican scientific research institutions working in the sphere of sanitary and epidemiological welfare: 9) conduct risk assessment;</p> <p>7. Para. 4 Article 9 with sub-paragraph 6): State anti-plague institutions: 6) conduct risk assessment.</p>		

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9. Article 6 and Annexes A.6 and A.7. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined.	<p>In accordance with the Draft Law, Article 7 is envisaged to supplement with the new sub-paragraph 34) which reads as follows:</p> <p>Authorized body in the sphere of sanitary and epidemiological welfare:</p> <p>34) shall determine specific territories or part thereof, free of diseases or areas of low pest or disease prevalence.</p>	<p>The suggested addenda to the Law "On Veterinary" are being accepted and will be incorporated into paragraph 20 of Article 8 of the Law as follows:</p> <p>"20) defining areas or their parts as pest- or disease-free areas and areas of low pest or disease prevalence, to control goods exported from such areas, provide the importing country with the confirmation and grant access to its representatives for inspection of such areas".</p>	<p>Under Paragraph 1(5) of Article 7 of the Law, the authorized state body on plant quarantine shall "perform quarantine inspection, laboratory testing and phytosanitary certification of imported or exported quarantinable products based on the phytosanitary characteristics of the area and place of its origin, and its destination point".</p> <p>The suggested addenda to the laws are being accepted. It is necessary to make addenda to subparagraph 5 of paragraph 1 of Article 7 of the Law, providing that the authorized body "5) shall make quarantine inspection, laboratory examination, and phytosanitary certification of imported and exported quarantined products taking into account the phytosanitary characteristics of the territory and place of origin as well as pest- or disease-free areas and areas of low pest or disease prevalence".</p>
10. Article 2.3, and Annex C.1(a) and (d). Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.	<p>Without discrimination, sanitary and epidemiological requirements apply in no less favourable manner to imported products than to like domestic products. Thus, the Resolution 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" stipulates that the same requirements for sanitary and epidemiological inspection shall apply both to domestic and imported products.</p> <p>Articles 18 and 19 of the Law establish norms for rights and responsibilities of natural persons and legal entities relating to sanitary and epidemiological welfare and acting as a fundamental principle of non-discrimination in WTO Members. The Law ensures that all foreign suppliers shall be treated in no less favourable manner than domestic suppliers.</p>	<p>According to Subparagraph 8) of Article 1 of the Law, the term "veterinary (veterinary and sanitary) rules" shall apply to a normative act establishing procedures for application of veterinary measures on the basis of the veterinary norms adopted by the authorized state body of the Republic of Kazakhstan on veterinary and binding for natural persons and legal entities operating in the veterinary sphere. Veterinary rules shall apply to foreign residents and citizens of other countries in the same way as to natural persons and legal entities of the Republic of Kazakhstan.</p> <p>No measures set out in the Law and other normative acts on veterinary are applied in a manner which would constitute a means of restriction or discrimination between suppliers of imported and domestic products. Hence, imported products – after they are transported</p>	<p>Under Paragraph 1(5) of Article 7 of the Law, the authorized state body shall "perform quarantine inspection, laboratory testing and phytosanitary certification of imported or exported quarantined products based on the phytosanitary characteristics of the area and place of its origin, and its destination point". No measures set out in the Law and other normative acts on plant quarantine are applied in a manner which would constitute a means of restriction or discrimination between suppliers of imported and domestic products. Hence, imported products – after they are transported across the border of the Republic of Kazakhstan – shall be subject to the same plant quarantine regime as domestic products. Same criteria are used in issuing phytosanitary certificates on imported and domestic quarantined products.</p>

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	<p>Normative acts of the state sanitary and epidemiological service are circulated in the entire territory of the Republic of Kazakhstan and are binding for all economic agents.</p>	<p>across the border of the Republic of Kazakhstan – shall be subject to the same veterinary regime as domestic products.</p> <p>The same criteria are used in the issuing of veterinary certificates for imported and transited products under control of the state veterinary service to certify their compliance with the acting sanitary requirements as for domestic products.</p> <p>The Republic of Kazakhstan applies restrictive measures to import, export and transit of products under control of the state veterinary service whenever in the country of origin there are registered instances of diseases listed in the Schedules A and B of the International Office of Epizootics. The International Office of Epizootics provides monthly updates of the Schedules</p> <p>The Republic of Kazakhstan avoids all measures resulting in discrimination of domestic or foreign suppliers. Acting controls are based on such factors as the appropriate level of epizootic protection in the country of origin, observance of acting veterinary rules in the course of transportation, and the availability of the required veterinary documents and of the import or transit authorization issued by the importing country.</p> <p>Also, the provisions of Article 4(7) of the Law 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 sales of products under control of the state veterinary service.</p>	

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<p>11. Article 8 and Annex C. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the SPS Agreement.</p> <p>(a) such procedures are undertaken and completed without undue delay and in no less favourable manner for imported products than for like domestic products;</p> <p>(b) the standard processing period of each procedure is published or that the anticipated processing period is communicated to the applicant upon request; when receiving an application, the competent body promptly examines the completeness of the documentation and informs the applicant in a precise and complete manner of all deficiencies; the competent body transmits as soon as possible the results of the procedure in a precise and complete manner to the applicant so that corrective action may be taken if necessary; even when the application has deficiencies, the competent body proceeds as far as practicable with the procedure if the applicant so requests; and that upon request, the applicant is informed of the stage of the procedure, with any delay being explained;</p> <p>(c) information requirements are</p>	<p>The acting legislation of the Republic of Kazakhstan on sanitary and epidemiological safety does not offer fully adequate tools required to fulfil the obligation set forth in this provision of the SPS Agreement.</p> <p>Implementation of this requirement, however, is planned to ensure in the framework of a subordinate act (Resolution of the Government of the Republic of Kazakhstan) to the Law.</p>	<p>1. Provisions of Paragraph 1(2) of Article 17 of the Law stipulate that veterinary inspectors may perform sampling of products subject to control of the state veterinary service for the purposes of diagnostics or veterinary and sanitary testing and that the anticipated processing period shall be communicated to the interested parties.</p> <p>2. In accordance with Article 20(8) of the Law, the Republic of Kazakhstan has adopted the Rules for the State Veterinary Inspection of Products Subject to Control of the State Veterinary Service Transported across the State Border of the Republic of Kazakhstan (hereafter – the Rules), which contain exhaustive regulations on import, export and transit of products subject to control of the state veterinary service (the Resolution of the Government of the Republic of Kazakhstan No. 407 of 28 April 2003).</p> <p>3. In particular, under the Rules, a 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 requirements for a specific category of imported products to the owner and shall apply to the authorized body in writing with a request to issue an import permit.</p> <p>The authorized body shall within a period of 5 business days issue an import permit for a specified product or return a refusal in writing with an indication of the reasons thereof.</p>	<p>1. In accordance with Article 5(2) of the Law, the Government of the Republic of Kazakhstan has adopted the Rules for the Protection of the Republic of Kazakhstan from Entry of Quarantine Objects (hereafter – the Plant Quarantine Rules) by the Resolution No. 773 of 1 August 2003, which establish detailed regulations on import, export, and transit of quarantinable products and contain norms ensuring the minimum appropriate level of control, inspection, and approval procedures.</p> <p>2. Thus, quarantinable products may be imported into or transited across the territory of the Republic of Kazakhstan through stations located on the state border of the Republic of Kazakhstan and equipped in accordance with the acting requirements set forth in the plant quarantine rules and norms, provided that quarantinable products are accompanied with:</p> <ol style="list-style-type: none"> 1) quarantine import permits issued by the authorized body on plant quarantine; 2) phytosanitary certificates issued by the quarantine services of exporting countries for every shipment of quarantinable products. 3) Quarantine import permits shall be issued for quarantinable products on the basis of written applications of natural persons and legal entities. <p>To apply for a quarantine import permit, natural persons and legal entities shall submit to the authorized body an application with the indication of the following information not</p>

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<p>limited to what is necessary for appropriate control, inspection and approval procedures, including for approval of the use of additives or for the establishment of tolerances for contaminants in food, beverages or feedstuffs;</p> <p>(d) the confidentiality of information about imported products arising from or supplied in connection with control, inspection and approval is respected in a way no less favourable than for domestic products and in such a manner that legitimate commercial interests are protected;</p> <p>(e) any requirements for control, inspection and approval of individual specimens of a product are limited to what is reasonable and necessary;</p>		<p>A veterinary inspector of the border veterinary station of the regional branch inspecting products at the point where they cross the national border of the Republic of Kazakhstan shall check and ensure the availability of a veterinary certificate and a permit of the authorized body; 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.</p> <p>4. In accordance with Article 20(7) of the Law, confidential information shall not be released without written authorization from the owner of products subject to control of the state veterinary service.</p>	<p>later than 30 days before the anticipated date of import or not later than 5 days before the anticipated date of transit:</p> <ol style="list-style-type: none"> 1) the purpose of import of quarantinable products to the Republic of Kazakhstan (transit) and their quantity broken down by product with an indication of pre-packaging methods and packaging types; 2) the place of destination and exploitation of products (address; for products in transit – transport route and country of destination); 3) the exporting countries from which quarantinable products are expected to be imported or transited, and the country of origin of quarantinable products; 4) the anticipated date of arrival of quarantinable products or the anticipated transit time; 5) the name of the border station used for the entry of quarantinable products to the Republic of Kazakhstan. <p>4. Government inspectors on plant quarantine of the border stations shall provide all necessary clarifications to the owners of products on the acting legislation of the Republic of Kazakhstan on plant quarantine; check and ensure the availability of quarantine permits and phytosanitary certificates issued by the national quarantine services of the exporting countries; conduct cursory inspections of the vehicles, quarantinable products, and packaging. Samples of quarantinable products shall be analyzed on the station to reveal possible</p>

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			<p>pests, diseases or weeds, and where necessary shall be forwarded together with specific products to the Republican quarantine centre in order to be certified as varieties belonging to the category of quarantinable products.</p> <p>4. In accordance with Article 13 of the Law:</p> <ul style="list-style-type: none"> - Where a supplier concludes a contract of delivery or a contract of transit of quarantinable products, the supplier shall obtain all available pertinent information on the acting quarantine measures from the authorized body and make necessary arrangements to prevent entry of quarantine objects. - Where the concluded contract contains confidential information, it shall not be released without written authorization from the supplier.
<p>(f) any fees imposed for the procedures on imported products are equitable in relation to any fees charged on like domestic products or products originating in any other Member and should be no higher than the actual cost of the service;</p>	<p>The acting legislation of the Republic of Kazakhstan on sanitary and epidemiological safety does not offer fully adequate tools required to fulfil the obligation set forth in this provision of the SPS Agreement.</p> <p>Implementation of this requirement, however, is planned to ensure in the framework of a subordinate act (Resolution of the Government of the Republic of Kazakhstan) to the Law.</p>	<p>The obligation set forth in Paragraph 1(f) of Annex 8 C of the WTO Agreement is reflected in the following legal norms:</p> <p>1. According to Article 35(2) of the Law, the owners of products subject to control of the state veterinary service shall bear all costs relating to the following procedures under provisions established by the authorized state body on regulation and control of natural monopolies:</p> <ol style="list-style-type: none"> 1) approbation, series control, and registration testing of veterinary drugs, feedstuffs, and feed additives; 2) identification of animals; markets; producing, slaughtering, storing, processing, and distributing organizations (for products subject to control of the 	<p>Under Article 13(5) of the Law, the costs of inspection and decontamination of quarantinable products, cargoes, and transport facilities, laboratory testing, issuance of quarantine certificates shall be covered by the owners under procedures set forth in international agreements on plant quarantine and the legislation of the Republic of Kazakhstan.</p> <p>No measures set out in the Law and other normative acts on plant quarantine are applied in a manner which would constitute a means of restriction or discrimination between suppliers of imported and domestic products. Hence, imported products – after they are transported across the border of the Republic of Kazakhstan – shall be subject to the same veterinary treatment as domestic products.</p>

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		<p>state veterinary service);</p> <p>3) veterinary and sanitary market testing;</p> <p>4) dehelminthization, desinsection, deratization, disinfection (except disinfection by the border veterinary control stations);</p> <p>5) treatment, prevention, diagnostics, and eradication of animal diseases, including parasitic infestations, except for dangerous animal diseases listed in the Schedule adopted by the Government of the Republic of Kazakhstan;</p> <p>6) paper forms of veterinary and sanitary reports and veterinary certificates.</p> <p>Funds raised by all of the above shall be transferred to the Republican budget on the basis of the procedures established under the acting legislation of the Republic of Kazakhstan.</p> <p>No measures set out in the Law and other normative acts on veterinary are applied in a manner which would constitute a means of restriction or discrimination between suppliers of imported and domestic products. Hence, imported products – after they are transported across the border of the Republic of Kazakhstan – shall be subject to the same veterinary regime as domestic products.</p>	

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(i) a procedure exists to review complaints concerning the operation of such procedures and to take corrective action when a complaint is justified.	<p>The acting legislation of the Republic of Kazakhstan on sanitary and epidemiological safety does not offer fully adequate tools required to fulfil the obligation set forth in this provision of the SPS Agreement.</p> <p>Implementation of this requirement, however, is planned to ensure in the framework of a subordinate act (Resolution of the Government of the Republic of Kazakhstan) to the Law.</p>	<p>The obligation set forth in Paragraph 1(i) of Annex C of the WTO Agreement is reflected in the following legal norms:</p> <ol style="list-style-type: none"> 1. Under Article 17(2) of the Law, any actions (failure to act) of veterinary inspectors may be appealed by natural persons and legal entities in superior bodies of the state veterinary service or in the court of law. 2. Under Article 36(1) of the Law, any person, if found guilty of a violation(s) of the acting veterinary legislation, shall be held responsible under the relevant provisions of the legislation of the Republic of Kazakhstan. 	<p>The obligation covered by Paragraph 1(i) of Annex C of the WTO Agreement is reflected in the following legal norms:</p> <ol style="list-style-type: none"> 1. Under Article 15 of the Law, the procedures set forth in the legislation of the Republic of Kazakhstan shall apply to the settlement of disputes on specific issues of plant quarantine. 2. Under Article 16 of the Law, any natural person or legal entity, where found guilty of a violation(s) of the acting legislation on plant quarantine, shall be held responsible under the relevant provisions of the legislation of the Republic of Kazakhstan.