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**Working Party on the
Accession of Kazakhstan**

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ACCESSION OF KAZAKSTAN

Checklist of Illustrative SPS Issues for Consideration in Accession

The Ministry of Economy of the Republic of Kazakhstan has submitted the following information.

| Commitments (by the time of accession) | Comments | |
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| <p>1. Standstill: introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.</p> | <p>The legislative basis, regulating the issues of sanitary and phytosanitary measures, applied in the republic is currently at the stage of development. The new Draft Law of the Republic of Kazakhstan "On veterinary" has been prepared and the current Law of the Republic of Kazakhstan "On Quarantine of Plants" being amended.</p> <p>It is assumed, that in the legislative acts under development, the introduction of new standards, requirements in respect of the health of animals and safety of foodstuff will comply with the basic principles of the SPS Agreement: transparency, risk assessment criteria, availability of the information, etc.</p> <p>In case of any discrepancies in the requirements and standards of the RK, in accordance with Article 21 of the Law of the Republic of Kazakhstan "On Plant Quarantine" and the Article 3 of the Draft Law of the Republic of Kazakhstan "On Veterinary", the rules of International Agreements, ratified by the Republic of Kazakhstan, will be applied.</p> | |
| | Measures on Plants Quarantine | Measures on Veterinary |
| <p>2. Establishment and operation of a single contact point for information ("inquiry point")</p> | <p>At present, such Point has not been established.</p> | <p>Currently, such center in the Republic of Kazakhstan is not in place, but the new draft Law of the Republic of Kazakhstan "On Veterinary" provides for the establishment of the Inquiry Point.</p> |
| <p>3. Transparency: notifications and access to documentation:</p> | <p>It is assumed, that while incorporating the amendments and supplements to the Law "On Plant Quarantine", the issues of transparency and access to the information will be taken into account.</p> | <p>Veterinary Supervision Department of the Ministry of Agriculture of the RK collects the information on state veterinary supervision in the Republic. Besides, since 1993, the Republic of Kazakhstan is the member of the International Epizootic Bureau (IEB) and it uses the international information in area of veterinary, and also submit to the members of IEB upon their request the information on the current</p> |

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| | | <p>sanitary and veterinary situation in the territory of the Republic.</p> <p>Veterinary Supervision Department of the Ministry of Agriculture of the Republic of Kazakhstan created a web site in the Internet as follows: http://www.geocities.com/veterinary_kz/</p> <p>With the help of this web site, anyone can obtain the information on the veterinary service of the republic, learn about the legal basis in the republic as well as to obtain another information. The given site is constantly updated.</p> |
| a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis; | In accordance with the amendments and supplements to the Law of the Republic of Kazakhstan "On Plant Quarantine", which are under the development, the Department of Protection and Quarantine of Plants of the Ministry of Agriculture of the Republic of Kazakhstan will be responsible for the observation of the transparency obligations, preparation and submission of notices to the international organizations. | In accordance with the Law of the Republic of Kazakhstan "On Veterinary", the Veterinary Supervision Department of the Ministry of Agriculture of the Republic of Kazakhstan is the competent state body on veterinary and is a responsible entity in the Republic in respect of preparation, submission of notices to the international organizations, including WTO. |
| b) establish guidance or law requiring publication of proposed measures at an early stage for comments; | The provisions of the current Law of the Republic of Kazakhstan "On Plant Quarantine" do not provide for the publication at an early stage of measures under the development for the purposes of submission of comments. | The provisions of the current Law of the RK "On Veterinary" do not provide for the publication of at an early stage of measures under development for the purposes of submission of comments. |
| c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and | In accordance with the amendments and supplements to the Law of the Republic of Kazakhstan "On Plant Quarantine", which are under the development, the Department of Protection and Quarantine of Plants of the Ministry of Agriculture of the Republic of Kazakhstan will be responsible for the observation of the transparency obligations, preparation and submission of notices to the international organizations. | The Veterinary Supervision Department of Ministry of Agriculture (MA) of the Republic of Kazakhstan together with territorial veterinary services carries out state veterinary supervision. The Veterinary Supervision Department of the Ministry of Agriculture of the Republic of Kazakhstan coordinates the work related to administrative procedures, which provide for the submission of proposed measures to the IEB members. |
| 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 comment into account without discrimination. | The Current Law of the Republic of Kazakhstan "On Plant Quarantine" does not provide for a period of time to submit comments. | The Current Law of the Republic of Kazakhstan "On Plant Quarantine" does not provide for a period of time to submit comments. |

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| 4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health. | Kazakstan applies phytosanitary measures in that degree, which necessary in order to ensure safety of health of people, animals and plants. | Kazakstan ensures observation and application of sanitary measures in the framework of the IEB. |
| 5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence. | Article 4 (1), subitem 3 of the Law of the RK "On Plant Quarantine" says that principles of implementation of the state measures on plant quarantine in the territory of the Republic shall be as follows: objective, scientifically justified assessment of possible impact of quarantine objects on plant resources and products of plant origin and prevention of possible injury, caused by them. | Any provisions and instructions aimed at protection of animals, and for the purposes of safety of people, they shall be subject to mandatory examination and approbation, and also the International standards and norms of the International Epizootic Bureau shall be taken into account. After these procedures are in place they shall be approved by Scientific and Technical Council on Veterinary of the Ministry of Agriculture of the Republic of Kazakstan, which consists of famous veterinary scientists and veterinary specialists. |
| 6. Harmonization: to the extent possible members shall follow international standards, guidelines, and recommendations in establishing SPS measures. | Article 7 (1), subitem 8 of the Law of the Republic of Kazakstan "On Plant Quarantine" sets forth, that the state phytosanitary service shall develop together with research- scientific organizations, the quarantine measures based on the international norms and recommendations and shall carry out control over the fulfillment thereof by physical persons and legal entities, irrespective of the forms of ownership. | There are standards and norms, which ensure protection of animals and safety of people against animals' diseases. New standards and norms, complying with the requirements of the International Veterinary Code and European Union are taken into account in the course of development of standards. |
| 7. Equivalence: members shall recognize different measures that achieve the same level of protection. | Principle of equivalency is reflected in the Law of the Republic of Kazakstan "On Plant Quarantine", Article 13(1) Item 2 states, that quarantine measures of other countries are recognized, if they ensure an appropriate level of phytosanitary protection, applied in the republic. | Being the member of the IEB, Kazakstan shall conduct consultations in case of any differences in sanitary measures approaches and reach the agreement to recognize the equivalency of concrete sanitary measures. |
| 8. Risk Assessment: developing scientific evidence and conducting risk assessment to ensure that measures are based on science and applied only to the extent necessary to protect health. | In accordance with Article 4 (1) of the Law of the Republic of Kazakstan "On Plant Quarantine", the principles of implementation of the state measures on plant quarantine in the territory of Republic of Kazakstan are as follows: " objective, scientifically justified assessment of possible impact of quarantine objects on plant resources and products of a plant origin and prevention of possible injury, caused by them. | Veterinary practices of the republic possesses own methods on diagnostics, treatment and specific preventive measures against infectious animals' diseases, which proved to be reliable in the territory of republic. When using these methodologies, risk assessment method is applied, which include the elements of observance, scientifically justified proving, assessment of policy, possible risk management, introduction of measures and the liquidation, what meets the requirements the International Veterinary Code. |
| 9. Regional | In the amendments and supplements | In the new Draft Law of the |

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| <p>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> | <p>being incorporated to the Law of the Republic of Kazakhstan “On Plant Quarantine”, as assumed, regional conditions such as origin of the product, place of its destination will be taken into account.</p> | <p>Republic of Kazakhstan “On Veterinary”, as assumed, regional conditions such as origin of the product, place of its destination will be taken into account.</p> |
| <p>10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.</p> | <p>The same regime is applied with respect to all foreign suppliers and domestic suppliers. When issuing a quarantine certificate to certify the conformity of imported or transit products with the necessary phytosanitary requirements, the same criteria are applied that are used in respect of domestic suppliers.</p> | <p>The same regime is applied with respect to all foreign suppliers and domestic suppliers. In case of issuance of veterinary certificate to certify the conformity of imported or transit products with the necessary sanitary requirements, the same criteria are applied that are used in respect of domestic suppliers.</p> <p>Restrictions for the countries WTO-members will be applied the same way as they are currently applied, in case of unfavourable conditions with respect to animals’ diseases in accordance with list of A and B of the International Epizootic Bureau. The Republic of Kazakhstan such information receives from the International Epizootic Bureau since 1993. Discrimination in respect of domestic or foreign suppliers is excluded. The main requirements are as follows: favorable conditions in the territory where the products have been purchased from, conformity of the veterinary documents and the permission to the importation or transit from the country – importer.</p> |
| <p>11. 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 Agreement.</p> | <p>Procedures for quarantine control, laboratory examination and phytosanitary certification are reflected in implementing regulations, related to plant quarantine.</p> | <p>Procedures for sanitary control, laboratory examination and obtaining of a veterinary certificate are reflected in implementing regulations in the area of veterinary.</p> |