

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/KAZ/32/Rev.1
23 September 2002

(02-5098)

**Working Party on the
Accession of Kazakhstan**

Original: English

ACCESSION OF KAZAKHSTAN

Check-list of Illustrative SPS Issues
for Consideration in Accession to the WTO

Revision

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

Commitments (by the time of accession)	Measures on Plants Quarantine	Measures on Veterinary	Measures on ensuring of sanitary-and-epidemiological safety of population
<p>1. 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 on quarantine of plants and veterinary includes the Law of the Republic of Kazakhstan 10 July 2002 No. 339-II "On veterinary" and the Law of the Republic of Kazakhstan 11 February 1999 No.344-I "On Quarantine of Plants". The amendments and additions are made into the Law of the Republic of Kazakhstan dated from February 2002 "On Quarantine of Plants" (The Law of the Republic of Kazakhstan 11 February 1999 No. 344-I)</p> <p>In the given Laws the requirements in respect of the health of animals and safety of foodstuff are reflected according to the main principles of the SPS Agreement: transparency, risk assessment criteria, availability of the information, etc.</p> <p>The existing standards in respect of veterinary science and plant quarantine are at the stage of study and harmonization according to the international requirements.</p> <p>If the International Agreements ratified by the Republic of Kazakhstan establish other norms than that are in corresponding laws according to the Article 21 of the Law of the Republic of Kazakhstan and Article 2 of the Law of the Republic of Kazakhstan the rules of International Agreements, ratified by the Republic of Kazakhstan, will be applied.</p>		<p>Legislative base regulating issues of sanitary measures required for life safety and human health includes the Law of the Republic of Kazakhstan of 8 July 1994 No. III-XIII "On sanitary-and-epidemiological safety of population", Decree of the President of the Republic of Kazakhstan of 16 November 1998 No. 4153 "On "People's health" state program, the Enactment of the Government of the Republic of Kazakhstan of 29 November 2000 No. 1783 "On approval of the Protocol on unified order of application of technical, medical, pharmaceutical, sanitary, veterinary, phytosanitary and ecological standards, norms, rules and requirements in respect to the goods, imported to the states-participants of agreements on Customs Union"; Decree of the Prime-Minister of the Republic of Kazakhstan "On measures on improvement of sanitary-and-epidemiological expertise in the Republic of Kazakhstan" of 30 December 1999 No. 181-p, the joint enactment of the Agency on metrology and certification of the Ministry of economy and trade of the Republic of Kazakhstan, Customs Committee of the Republic of Kazakhstan and Head state sanitary doctor of the Republic of Kazakhstan "On security of products (goods, processes, services) safety for human health" of 9 July 1997 No. 225/07.</p> <p>Effective legal acts on state sanitary-and-epidemiological inspection and standards on foodstuff safety do not contradict international standards.</p>

Commitments (by the time of accession)	Measures on Plants Quarantine	Measures on Veterinary	Measures on ensuring of sanitary-and-epidemiological safety of population
<p>2. Establishment of a single stationary operated information bureau</p>	<p>The Republic of Kazakhstan has a necessary database which received from all regions in Veterinary Science Department and Plants Quarantine Department. Availability of the information is provided with departments for all interested persons (Article 7, Item 1, Sub-item 2 of the Law of the Republic of Kazakhstan " On Quarantine of Plants", Article 8, Item 12 of the Law of the Republic of Kazakhstan "Veterinary").</p> <p>In connection with acceptance of the decision of the Government of the Republic of Kazakhstan No. 1627 from 30 October 2000 "On matters of formation of information and marketing system (hereinafter as to "IMS") of the Ministry of Agriculture of the Republic of Kazakhstan" the uniform information center providing with the operative analytical and marketing information between the agricultural commodity producers and the state bodies and also other participants of the agrarian market including for the member-countries of the WTO functions. In the frameworks IMS the Ministry of Agriculture (hereinafter as to MA RK) creates a website as follows: www.minagri.kz and the regular bulletin of the Ministry "AgroInform" in which all are published accepted by the MA RK normative and legal acts including on veterinary science, quarantine and protection of plants are issued.</p>		<p>In the system of state sanitary-and-epidemiological inspection of the Republic of Kazakhstan the required database is available, there are more than 20 programmes of automated management system (AMS), which is regularly renewed with information of territorial subdivisions. A monthly "Korshagan orta zhane khalyk densaulygy". Environment and human health" bulletin is published regularly, covering an information on sanitary-and-epidemiological situation in the Republic.</p>

Commitments (by the time of accession)	Measures on Plants Quarantine	Measures on Veterinary	Measures on ensuring of sanitary-and-epidemiological safety of population
<p>3. Openness principle (transparency):</p> <ul style="list-style-type: none"> - notifications and access to documentation: 	<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>According to the Article 7, Item 1, Sub-item 2 of the Law of the Republic of Kazakhstan "On Quarantine of Plants" the conducting of account of distribution of quarantine objects and representation information to interested persons is provided.</p> <p>Besides in the Article 7, Item 1, Sub-item 7-1, of the Law of the Republic of Kazakhstan "On Quarantine of Plants" creation of database on presence and distribution of quarantine objects in the Republic of Kazakhstan and foreign countries, measures and actions on struggle against them is stipulated.</p>	<p>Veterinary Supervision Department of the Ministry of Agriculture of the Republic of Kazakhstan collects the information on state veterinary supervision in the Republic. According to the Article 8, Item 12 of the Law of the Republic of Kazakhstan "On veterinary science" in the competence of the authorized state body in the field of veterinary science and its territorial divisions include the organization and maintenance of representation to interested persons of the information on the carried out veterinary actions, the established veterinary rules and standards and others normative and legal acts of the Republic of Kazakhstan in the field of veterinary science".</p> <p>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 sanitary and veterinary situation in the territory of the republic.</p>	<p>Complete information of sanitary-and-epidemiological inspection over the foodstuff quality and safety enters the Committee of state sanitary-and-epidemiological inspection of the Ministry of public health.</p>

Commitments (by the time of accession)	Measures on Plants Quarantine	Measures on Veterinary	Measures on ensuring of sanitary-and-epidemiological safety of population
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.	Under the Law of the Republic of Kazakhstan "On sanitary-and- epidemiological safety of population", the Enactments of the Cabinet of Ministers of the Republic of Kazakhstan of 25 April 1995 No. 547 "On approval of provision on state sanitary-and-epidemiological service of the Republic of Kazakhstan" the Committee on state sanitary-and-epidemiological inspection of the Republic of Kazakhstan is a competent central state body on preparation, sending of notifications to international organization.
b) establish guidance or law requiring publication of proposed measures at an early stage for comments;	In the Republic of Kazakhstan the given norm is a prerogative of subordinate legislation of normative and legal acts. In the execution of the Article 8 of the Law of the Republic of Kazakhstan "On veterinary" and Articles 7 of the Law of the Republic of Kazakhstan "On Plant Quarantine" the norm providing for publication at an early stage of measures notices concerning the prospective introduction of a concrete measure for acquaintance and representations of comments will be reflected in subordinate legislation of normative and legal acts.		This standard is regulated by the Law of the Republic of Kazakhstan "On legal acts". Ministry of public health of the Republic of Kazakhstan and Committee on state sanitary-and-epidemiological inspection of the Ministry of public health of the Republic of Kazakhstan present their comments on effective legislative base in public health and sanitary-and-epidemiological safety of population.
c) Provision development in law or administrative procedure to provide copies of proposed measures to WTO Members; and	In the Republic of Kazakhstan the given norm is a prerogative of subordinate legislative acts. In the execution of the Article 8 of the Law of the Republic of Kazakhstan "On veterinary" and Article 7 of the Republic of Kazakhstan "On Plant Quarantine" the norm providing for publication at an early stage of measures notices concerning the prospective introduction of a concrete measure for acquaintance and representations of comments will be reflected in subordinate legislation of normative and legal acts.		In the Republic of Kazakhstan this standard is a prerogative of subordinate legislative acts.

Commitments (by the time of accession)	Measures on Plants Quarantine	Measures on Veterinary	Measures on ensuring of sanitary-and-epidemiological safety of population
<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 comment into account without discrimination.</p>	<p>The projects of the developed laws concerning interests of the majority of citizens (including "On veterinary" and "On Plant Quarantine" are published in an official press for general discussion with the indication of terms of reception of offers and remarks. Terms are established by the developer, usually in 30-days term.</p> <p>In the Republic of Kazakhstan the given norm is a prerogative of subordinate legislative acts. In the execution of the Article 8 of the Law of the Republic of Kazakhstan "On veterinary" and Article 7 of the Republic of Kazakhstan "On Plant Quarantine" the norm providing for publication at an early stage of measures notices concerning the prospective introduction of a concrete measure for acquaintance and representations of comments will be reflected in subordinate legislation of normative and legal acts.</p>		<p>Pursuant to the Article 24 of the Law of the Republic of Kazakhstan "On sanitary-and-epidemiological safety of population" proposed alterations and additions in legislative acts in force are open for discussion in scientific and public circles. Being elaborated draft laws referred to interests of a majority of citizens are published in the official press for discussion.</p>
<p>4. Necessity sanitary and phytosanitary measures are applied only to the extent necessary to protect human, animal or plant health.</p>	<p>Kazakhstan applies phytosanitary measures in that degree, which necessary in order to ensure safety of health of people, animals and plants.</p> <p>According to the Article 4, Item 1 of the Law of the Republic of Kazakhstan "On Plant Quarantine" one of principles of a state policy in plant quarantine is the providing the protection of vegetative resources and vegetable products from damage and destruction by quarantine objects with a view of maintenance of food and raw safety of the country.</p>	<p>Kazakhstan ensures observation and application of sanitary measures in the framework of the IEB.</p> <p>According to the Article 4, Item 7 of the Law of the Republic of Kazakhstan "On veterinary" the unreasonable restrictions in realization under inspection to the State Veterinary Supervision of cargoes are not supposed at the realization of veterinary actions with the purpose of maintenance of the veterinary - sanitary well-being.</p>	<p>Under the legislation in force of the Republic of Kazakhstan the sanitary measures are applied with a view of ensuring a favorable human environment and securing a sanitary-and epidemiological safety of population by exercising control over the foodstuff safety, conformity of food raw material, food and other products with sanitary rules and standards, hygienic standards.</p>

Commitments (by the time of accession)	Measures on Plants Quarantine	Measures on Veterinary	Measures on ensuring of sanitary-and-epidemiological safety of population
5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.	Article 4, Sub-item 3 of the Law of the Republic of Kazakhstan "On Plant Quarantine" provided 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. Article 4, Sub-item 5 of the Law of the Republic of Kazakhstan "On Plant Quarantine" provided that the state policy in the veterinary supervision is directed on the development of veterinary rules and specifications on a scientific basis in view of an objective estimation epizootic situations and the international standards in the veterinary science.	In the Republic of Kazakhstan all standards and provisions of legislation in force, regulating human health protection are scientifically justified. The new standards and provisions are worked out on the basis of proposals of scientific-and- research institutes. In the Article 22 of the Law of the Republic of Kazakhstan "On sanitary-and-epidemiological safety of population" the following standard is provided: "Sanitary rules and standards, hygienic standards are worked out by scientific-and- research institutes, sanitary-and-epidemiological stations and other specialized institutions. Sanitary rules and standards, hygienic standards are reconsidered periodically with emergence of new scientific and practical data".
6. Harmonization: to the extent possible members shall follow international standards, guidelines, and recommendations in establishing SPS measures.	Article 7 (1), sub-item 8 of the Law of the Republic of Kazakhstan "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.	Together with the project TACIS the work on harmonization of the Republican veterinary legislation to the international standards and norms is conducted. Under the development of new standards the requirements of the International Veterinary Code are taken into account.	The work on bringing of national legislation in line with international requirements is carried out regularly. In case of elaboration of new legal acts the general principles of "Code of Alimentarius", referred to foodstuff hygiene, as well as agreements on sanitary-and-epidemiological issues and foodstuff safety, are to be taken into consideration.

Commitments (by the time of accession)	Measures on Plants Quarantine	Measures on Veterinary	Measures on ensuring of sanitary-and-epidemiological safety of population
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 Kazakhstan "On Plant Quarantine", Article 13, 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, Kazakhstan shall conduct consultations in case of any differences in sanitary measures approaches and reach the agreement to recognize the equivalency of concrete sanitary measures. The principle of equivalence will be reflected in normative and legal acts "Veterinary-sanitary requirements at export, import and transit of under inspection to the state veterinary supervision of cargoes"	Kazakhstan, being a member of World Health Organization (further – WHO), jointly with other international organizations carries out an activity on coordination of actions in the area of foodstuff safety, performed at the level of countries and participants in elaboration of global WHO strategy in the field of foodstuff and concrete regional demands.
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 Kazakhstan "On Plant Quarantine", the principles of implementation of the state measures on plant quarantine in the territory of Republic of Kazakhstan 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 possess 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.	Risk assessment for application of measures, required for human life and health protection is carried out by the territorial bodies of public health and state sanitary-and-epidemiological inspection. Scientific fundamentals of risk assessment and ensuring of application of measures required for human health protection are stipulated in legislation of the Republic of Kazakhstan on health protection and sanitary-and-epidemiological safety. State sanitary-and-epidemiological service exercises sanitary-and-epidemiological inspection over the infectious diseases, generalizes an information about microorganisms in foodstuff and their connection with diseases causing in food. These assessments serve for elaboration of national rules in the area of foodstuff and other directive and normative documents.

Commitments (by the time of accession)	Measures on Plants Quarantine	Measures on Veterinary	Measures on ensuring of sanitary-and-epidemiological safety of population
9. 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.	In Article 7, Item 1, sub-item 5 of the Law of the Republic of Kazakhstan "On Plant Quarantine" is provided that the authorized state body "carries out the quarantine examination, laboratory examination and phytosanitary certification of imported and exported underquarantine production as assumed phytosanitary characteristics of territory and origin of the product and place of its destination will be taken into account.	In Article 20, Item 3 of the Law of the Republic of Kazakhstan "On veterinary" is stipulated that import, export and transit under inspection to the state veterinary supervision is carried out according to an estimation epizootic situations of corresponding territories.	Putting into effect sanitary-and-hygienic and antiepidemic measures by bodies of state sanitary-and-epidemiological inspection provide for the entire complex of measures, including regional characteristics and other factors. Sanitary-and-epidemiological expertise, carried out by bodies and institutions of state sanitary-and-epidemiological inspection, is based on complex assessment of impact of inhabitancy objects on sanitary-and-epidemiological situation, human health, examination of reasons and conditions of disease origin and poisoning of people; assessment of conformity of taken in the process of economic or other activities decisions with requirements of sanitary-and—hygienic rules and standards, hygienic standards.
10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.	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 (The Law of the Republic of Kazakhstan "On Plant Quarantine", Article 20)	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. Restrictions for the countries WTO- members will be applied the same way as they are currently applied, in case of unfavorable 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	The same regime is applied to all foreign suppliers as to domestic ones. Legal acts of state sanitary-and-epidemiological inspection are applicable within the entire territory of the Republic and compulsory for execution by all managing subjects.

Commitments (by the time of accession)	Measures on Plants Quarantine	Measures on Veterinary	Measures on ensuring of sanitary-and-epidemiological safety of population
		<p>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>According to the Item 7, Article 4 of the Law of the Republic of Kazakhstan "On veterinary" the unreasonable restrictions in realization under inspection to the State Veterinary Supervision of cargoes are not supposed at the realization of veterinary actions with the purpose of maintenance of the veterinary - sanitary well-being.</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 feed-stuffs comply with Agreement.</p>	<p>Currently this standard prevails within the framework of intergovernmental agreements of the Republic of Kazakhstan. At the same time, the legal base of the Republic of Kazakhstan regarding the procedure of control, inspection and licensing is being brought in line with international standards. This standard will be fulfilled upon bringing them in line.</p>		