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ACCESSION OF KAZAKHSTAN

Submission from the Republic of Kazakhstan

Illustrative Check-list of 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.

Illustrative Table: Consistency of Acting Kazakh Legislation with the Norms of the
WTO Agreement on the Application of Sanitary and Phytosanitary Measures (hereafter – the Agreement)

Provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	Norms of the acting Kazakh legislation on veterinary/ conclusions and proposals		
	Measures on sanitary and epidemiological welfare	Veterinary	Plant Quarantine
<p>Article 2.2.</p> <p>Members shall ensure that any sanitary or phytosanitary measure is applied only to the extent necessary to protect human, animal or plant life or 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>Conclusion: No legal norms of the acting Law may be construed as containing direct indications to ensure that sanitary or epidemiological (preventive) measures shall be applied only to the extent necessary to protect human life or health.</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; 8) to stimulate the development of veterinary science and operate training and advanced training programs for veterinary experts. <p>Conclusion: The Law contains legal norms stipulating that:</p> <ul style="list-style-type: none"> - veterinary measures are applied only to the extent necessary to protect human and animal life or health; - veterinary measures may not be applied for any other purposes. <p>Hence, the Republic of Kazakhstan believes that the Law does not need to be amended to</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; 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>Conclusion: The Law contains legal norms stipulating that:</p> <ul style="list-style-type: none"> - phytosanitary measures are applied only to the extent necessary to protect human and plant life or health; - phytosanitary measures may not be applied for any other purposes. <p>Noting the above, the Republic of Kazakhstan</p>

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		include the above provisions as the fulfilment of the obligation set forth in Article 2.2 of the WTO Agreement is guaranteed by the acting edition of the Law.	believes that no amendments shall be necessary as the provisions of the acting Law are sufficient to ensure the fulfilment of the obligations set forth in Article 2.2 of the WTO Agreement.
<p>Articles 2.2., 3.3., and 5.2.</p> <p>Members shall ensure that any sanitary or phytosanitary measure is based on scientific principles and is not maintained without sufficient scientific evidence</p> <p>Members may introduce or maintain sanitary or phytosanitary measures which result in a higher level of sanitary or phytosanitary protection than would be achieved by measures based on the relevant international standards, guidelines or recommendations, if there is a scientific justification.</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 all programs operated to ensure the sanitary and epidemiological welfare 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 international agreements shall prevail. 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>Conclusion: The acting legislation of the Republic of Kazakhstan shall be amended to reflect a legal norm stipulating that sanitary measures which result in a higher level of sanitary protection than would be achieved by measures based on the relevant international standards, guidelines or recommendations, be applied if there is a scientific justification.</p>	<p>The obligations set forth in Articles 2.2, 3.3, and 5.2 of the WTO Agreement are reflected in the following legal norms of the Law: 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 protection of human life and health from anthroozoonoses. 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 Subparagraphs 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>Conclusions: According to Article 29(1) of</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"> - evaluation 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) <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>Conclusion: Provisions of the Law are sufficient to enable the Republic of Kazakhstan to fulfil its obligations undertaken under Articles 2.2, 3.3 and 5.2 of the Agreement</p>

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		the Law, the Republic of Kazakhstan operates veterinary norms specifying acceptable quantitative or qualitative parameters for indicators of the veterinary or sanitary factor as applied to the safety of human and animal health. Veterinary norms are established based on the available pertinent scientific evidence obtained in the framework of research projects run in accordance with the provisions of the veterinary legislation of the Republic of Kazakhstan.	
<p>Article 2.3, paragraphs 1 (a) and 1 (d) of Annex C</p> <p>Members shall ensure that their sanitary and phytosanitary measures do not arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail, including between their own territory and that of other Members.</p>	<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. 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>Conclusion: To highlight the principle of non-discrimination, Article 3 of the Law shall be amended to include the following additional norm regulating one of the underlying principles crucial for the sanitary and epidemiological welfare of the population:</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 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</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 quarantinable products based on the phytosanitary characteristics of the area and place of its origin, and its destination point".</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 plant quarantine regime as domestic products.</p> <p>Same criteria are used in issuing phytosanitary certificates on imported and domestic quarantinable products.</p> <p>Conclusion: No amendments are necessary to harmonize the Law and normative acts on plant quarantine with obligations undertaken by the Republic of Kazakhstan under Article 2.3 and Paragraphs 1(a) and 1(d) of Annex C of the WTO Agreement.</p>

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	<p>"Sanitary measures shall not be applied in a manner which would constitute a means of discrimination between countries where identical or similar conditions prevail, including between their own territory and that of other Members".</p>	<p>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> <p>Conclusion: No amendments are necessary to harmonize the Law and normative acts on veterinary with the obligations undertaken by the Republic of Kazakhstan under Articles 2.3, Paragraphs 1(a) and 1(d) of Annex C of the WTO Agreement.</p>	

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<p>Articles 2.3 and 5.6</p> <p>Sanitary and phytosanitary measures shall not be applied in a manner which would constitute a disguised restriction on international trade</p> <p>When establishing or maintaining sanitary or phytosanitary measures to achieve the appropriate level of sanitary or phytosanitary protection, Members shall ensure that such measures are not more trade-restrictive than required to achieve their appropriate level of sanitary or phytosanitary protection, taking into account technical and economic feasibility.</p>	<p>The Law contains no legal norms ensuring that sanitary and phytosanitary measures shall be applied in a manner which would constitute a disguised restriction on international trade only to the extent necessary to protect human life and health.</p> <p>Conclusion: The Law shall be amended to include provisions stipulating that sanitary and phytosanitary measures:</p> <ul style="list-style-type: none"> - shall set the minimum requirements allowing to protect human life and health, noting the potential risks; - may not be more trade-restrictive than required to achieve the minimum level of protection of human life or health. 	<p>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> <p>Conclusion: No amendments are necessary to harmonize the Law with the obligations undertaken by the Republic of Kazakhstan under Articles 2.3 and 5.6 of the WTO Agreement.</p>	<p>Under Article 1(4) of the Law of the Republic of Kazakhstan "On Plant Quarantine", a quarantine measure is "a procedure operated to prevent the entry or spread of quarantine objects in the territory of the Republic of Kazakhstan". Also, provisions set forth in Paragraph 2 of the "Rules for the Protection of the Republic of Kazakhstan from Quarantine Objects" adopted by the Resolution of the Government of the Republic of Kazakhstan No. 773 of 1 August 2003 stipulate that "plant quarantine programs shall be operated to protect the territory of the Republic of Kazakhstan from quarantine objects; to ensure their timely detection, efficient localization and eradication; and to check and ensure the observance of the acting legislation on plant quarantine". Consequently, phytosanitary measures are applied solely for the purposes described above, and may not be applied in a manner which would constitute a disguised restriction on international trade.</p> <p>Conclusion: Provisions of the Law are sufficient to enable the Republic of Kazakhstan to fulfil the obligations set forth in Articles 2.3 and 5.6 of the WTO Agreement.</p>

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<p>Article 3.1. and 3.3</p> <p>Members shall base their sanitary or phytosanitary measures on international standards, guidelines or recommendations, where they exist.</p>	<p>The Law contains no express provision stipulating that, as a general rule, sanitary regulations shall be based on international standards, guidelines or recommendations.</p> <p>Conclusion: The Law shall be amended to include a legal norm stipulating that international standards, guidelines or recommendations may be used in whole or in part as a basis for the development of sanitary and phytosanitary measures, except in cases where the Republic of Kazakhstan determines that the relevant international standards, guidelines or recommendations are not sufficient to achieve its appropriate level of protection of human life and health.</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>Conclusion: No amendments are necessary to harmonize the Law with the obligations undertaken by the Republic of Kazakhstan under Article 3.1 and 3.3 of the WTO Agreement.</p>	<p>Under Paragraph 1(8) of Article 7 of the Law "On Plant Quarantine", 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>Conclusion: No amendments are necessary to harmonize the Law with obligations undertaken by the Republic of Kazakhstan under Articles 3.1 and 3.3 of the WTO Agreement.</p>

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<p>Article 3.4.</p> <p>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>	<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>Conclusion: Since 2003 the Ministry of Health of the Republic of Kazakhstan functions as a contact centre for the Codex Alimentarius Commission.</p>	<p>Since 1993 the Republic of Kazakhstan is a member of the International Office of Epizootics. 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 Subparagraph 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>Conclusion: No amendments are necessary to harmonize the Law with the obligations undertaken by the Republic of Kazakhstan under Article 3.4 of the WTO Agreement.</p>	<p>Under Subparagraph 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 is at the final stage of negotiations on accession to the European and Mediterranean Plant Protection Organization (EPPO) operating within the framework of the International Plant Protection Convention. The draft of the resolution on the accession of the Republic of Kazakhstan to the Convention of the European and Mediterranean Plant Protection Organization (EPPO) is being finalized to reflect the latest comments submitted by the Office of the Prime-Minister of the Republic of Kazakhstan.</p> <p>Following its accession to the EPPO, the Republic of Kazakhstan will notify the WTO Committee on Sanitary and Phytosanitary Measures accordingly.</p> <p>Conclusion: No amendments are necessary to harmonize the Law with the obligations undertaken by the Republic of Kazakhstan under Article 3.4 of the WTO Agreement.</p>

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<p>Article 4</p> <p>Members shall accept the sanitary or phytosanitary measures of other Members as equivalent, even if these measures differ from their own or from those used by other Members trading in the same product, if the exporting Member objectively demonstrates to the importing Member that its measures achieve the importing Member's appropriate level of sanitary or phytosanitary 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>According to Article 2(2) of the Law, whenever the international agreements ratified by the Republic of Kazakhstan establish other rules than those contained in the Law, the rules established under the relevant international agreements shall prevail.</p> <p>However, the Law still needs to be amended to include a legal norm stipulating that the Republic of Kazakhstan may accept the sanitary or phytosanitary measures of other countries as equal.</p> <p>Conclusion: For this purpose, the Law shall include the following provision:</p> <p>"The Republic of Kazakhstan shall accept the sanitary requirements of other countries as equivalent in the framework of the relevant international treaties ratified by the Republic of Kazakhstan. Sanitary requirements shall be accepted as equivalent if in trade relations they achieve the appropriate level of protection of human life and health adopted by the Republic of Kazakhstan".</p>	<p>According to Paragraph 4 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, 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:</p> <ol style="list-style-type: none"> 1) if imported products conform with the acting veterinary (veterinary and sanitary) requirements established by the authorized body and have an accompanying veterinary certificate; 2) 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. <p>According to Section 4 of Paragraph 4.12 of the Rules for veterinary surveillance of international and cross-border shipments of animal products, adopted by the Decision of the Intergovernmental Council for Cooperation in Veterinary of 5 November 2003, international shipments of products subject to control shall have accompanying original veterinary certificates issued by a representative of the state veterinary service in the exporting country.</p> <p>Conclusion: No amendments shall be necessary to ensure the observance of the obligation set forth in Article 4 of the WTO Agreement.</p>	<p>According to Article 13(2) of the Law of the Republic of Kazakhstan "On Plant Quarantine", "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>Conclusion: No amendments shall be necessary to ensure the observance of the obligation set forth in Article 4 of the WTO Agreement.</p>

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<p>Articles 5.1, 5.2., and 5.3.</p> <p>Members shall ensure that their sanitary or phytosanitary measures are based on an assessment, as appropriate to the circumstances, of the risks to human, animal or plant life or health, taking into account risk assessment techniques developed by the relevant international organizations.</p> <p>In the assessment of risks, Members shall take into account:</p> <ul style="list-style-type: none"> - available scientific evidence; relevant processes and production methods; relevant inspection, sampling and testing methods; - prevalence of specific diseases or pests; - existence of pest- or disease-free areas; and - relevant ecological and environmental conditions; and quarantine or other treatment. <p>In assessing the risk to animal or plant life or health and determining the measure to be applied for achieving the appropriate level of sanitary or phytosanitary protection from such risk, Members shall take into account as relevant economic factors:</p> <ul style="list-style-type: none"> - the potential damage in terms of loss of production or sales in the event of the entry, establishment or spread of a pest or disease; - the costs of control or eradication in the territory of the importing Member; and - the relative cost-effectiveness of alternative approaches to limiting risks. 	<p>The Law contains no legal norms to ensure that sanitary and epidemiological rules and regulations of the Republic of Kazakhstan are based on an assessment of the risks to human health, taking into account risk assessment techniques developed by the relevant international organizations.</p> <p>Conclusion: The Law shall be amended to include provisions stipulating that sanitary and epidemiological rules and regulations of the Republic of Kazakhstan are based on an assessment of the risks to human life or health, taking into account risk assessment techniques developed by the relevant international organizations.</p>	<p>Under provisions set forth in Sub-Paragraphs 5) and 6) of Article 4 of the Law, the Republic of Kazakhstan operates norms ensuring that veterinary rules and norms shall be developed based on scientific principles and taking into account international veterinary norms and available scientific evidence for an objective assessment of epizootic conditions; and if there is a scientific justification, shall ensure a higher level of veterinary protection than would be achieved by measures based on the relevant international recommendations.</p> <p>To protect animal health and ensure timely diagnostics, veterinary centres will be equipped with modern equipment and diagnostic tools, and will operate in conformity with diagnostic standards and methodological guidelines for tests run to check the safety of products and raw materials of animal origin. Veterinary experts shall undergo training programs according to the principles of good laboratory practice.</p> <p>Also, international trade operations shall reflect zoning and regionalization principles. In the past, where a case of a Schedule A disease was reported, epizootic assessment results applied to the entire country. Now, given the zoning and regionalization practices, these restrictions, not always objectively applied, will be lifted.</p> <p>Conclusion: No amendments shall be necessary to ensure the observance of the obligation set forth in Articles 5.1, 5.2, and 5.3 of the WTO Agreement.</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> <p>Conclusion: Provisions of the Law are sufficient to enable the Republic of Kazakhstan to fulfil its obligations undertaken under Articles 5.1, 5.2, and 5.3 of the WTO Agreement.</p>

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<p>Article 5.7</p> <p>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.</p> <p>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.</p>	<p>The obligation set forth in Article 5.7 of the WTO Agreement is not covered in the acting legislation of the Republic of Kazakhstan.</p> <p>Conclusion: The Law shall be amended to include a legal norm stipulating that in cases where relevant scientific evidence is insufficient, the Republic of Kazakhstan 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 countries.</p>	<p>As a Member of the International Office of Epizootics, the Republic of Kazakhstan ensures the observance and application of veterinary norms and regulations in pursuance of the requirements of the International Animal Health Code. Restrictive measures shall be applied to the import of products subject to control of the state veterinary service on the basis of available pertinent information provided by the International Office of Epizootics on unfavourable epizootic conditions in a specific country in terms of animal diseases listed in the Schedules A and B.</p> <p>Conclusion: No amendments shall be necessary to ensure the observance of the obligation set forth in Article 5.7 of the WTO Agreement.</p>	<p>According to Article 8(1-1) of the Law, a government inspector on plant quarantine may provisionally adopt (introduce) quarantine measures to quarantinable products imported from other countries, where the available information on their phytosanitary conditions have not been properly analyzed. Also, the Republic of Kazakhstan is about to join the European and Mediterranean Plant Protection Organization (EPPO). Consequently, phytosanitary measures will be applied under the Rules established by the EPPO.</p> <p>Conclusion: No amendments shall be necessary to ensure the observance of the obligation set forth in Article 5.7 of the WTO Agreement.</p>

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<p>Article 6</p> <p>Members shall ensure that their sanitary or phytosanitary measures are adapted to the sanitary or phytosanitary characteristics of the area - whether all of a country, part of a country, or all or parts of several countries - from which the product originated and to which the product is destined.</p> <p>Members shall, in particular, recognize the concepts of pest- or disease-free areas and areas of low pest or disease prevalence. Determination of such areas shall be based on factors such as geography, ecosystems, epidemiological surveillance, and the effectiveness of sanitary or phytosanitary controls.</p>	<p>All sanitary, epidemiological and prevention programs operated by the state sanitary and epidemiological service include the whole package of measures, including characteristics of areas and other factors.</p> <p>According to Article 21 of the Law, the sanitary and epidemiological inspection is performed on the basis of the comprehensive assessment of sanitary, epidemiological effects, and effects on human health of various environmental entities; the incorporation of available pertinent research evidence on triggers and conditions of poisonings and outbreaks of diseases; and the assessment of the conformity of decisions made in the process of economic or other forms of activities with the requirements set forth in the acting sanitary and hygienic rules and regulations, and hygienic norms.</p> <p>However, the above provision seems to be insufficient to allow the Republic of Kazakhstan to fulfil the obligations set forth in Article 6 of the WTO Agreement.</p> <p>Conclusion: To meet the requirements set forth in Article 6 of the SPS Agreement, the Republic of Kazakhstan needs to introduce a number of amendments to the Law.</p>	<p>The obligations set forth in Article 6 of the WTO Agreement are reflected in the following legal norms:</p> <p>Subparagraph 27) of Article 1 of the Law contains a legal norm regulating the assessment of the risks to human and animal health. The procedure is called an "epizootic monitoring" and applies to a system for the collection of quantitative information on the spread of diseases carried by animals, including the epizootic inspection and all pertinent information on the evolution patterns of specific diseases carried by animals; on geographic, climatic, and environmental conditions of their habitats (breeding areas); and on veterinary and sanitary measures for the purpose of the subsequent statistical processing to analyze efficiency of veterinary and sanitary measures and to forecast entry of epizootic diseases, their dynamics, and ways for their eradication.</p> <p>Conclusion: No amendments shall be necessary to ensure observance of the obligation set forth in Article 6 of the WTO Agreement.</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>Conclusion: No amendments shall be necessary to ensure observance of the obligation set forth in Article 6 of the WTO Agreement.</p>

Provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	Norms of the acting Kazakh legislation on veterinary/ conclusions and proposals		
	Measures on sanitary and epidemiological welfare	Veterinary	Plant Quarantine
<p>Article 13</p> <p>Members are fully responsible under this Agreement for the observance of all obligations set forth herein. Members shall take such reasonable measures as may be available to them to ensure that non-governmental entities within their territories, as well as regional bodies in which relevant entities within their territories are members, comply with the relevant provisions of this Agreement.</p> <p>In addition, Members shall not take measures which have the effect of, directly or indirectly, requiring or encouraging such regional or non-governmental entities, or local governmental bodies, to act in a manner inconsistent with the provisions of this Agreement.</p>	<p>According to Article 6 of the Law, the Government of the Republic of Kazakhstan, within the limits of its competence, shall:</p> <ul style="list-style-type: none"> - formulate major objectives of the national policies on sanitary and epidemiological welfare; - direct activities of central and local executive bodies on sanitary and epidemiological welfare. <p>Conclusion: The requirements established under Article 13 of the WTO Agreement are met in the Law.</p>	<p>The obligations set forth in Article 13 of the WTO Agreement are reflected in the following legal norms:</p> <p>According to Article 8 of the Law, the authorized state body of the Republic of Kazakhstan on veterinary and its subsidiary bodies shall:</p> <ul style="list-style-type: none"> - pursue uniform national policies on veterinary; - organize and perform procedures of the state veterinary control to check and ensure that natural persons and legal entities of the Republic of Kazakhstan comply with the acting veterinary legislation. <p>The system of veterinary control of the Republic of Kazakhstan is a structure vertically integrated into the Ministry of Agriculture of the Republic of Kazakhstan and its regional subsidiary bodies and operating solely under the legislative acts of the Republic of Kazakhstan.</p> <p>Conclusion: Provisions of the Law are sufficient to enable the Republic of Kazakhstan to fulfil the obligations set forth in Article 13 of the WTO Agreement.</p>	<p>Under Article 3(3) of the Law, among the main purposes of plant quarantine is to implement procedures of state control to check and ensure the compliance with the acting legislation and rules on plant quarantine and ensure the required volume of activities on plant quarantine in the Republic of Kazakhstan</p> <p>The plant quarantine system of the Republic of Kazakhstan is a structure vertically integrated into the Ministry of Agriculture of the Republic of Kazakhstan and its regional subsidiary bodies and operating solely under the legislative acts of the Republic of Kazakhstan.</p> <p>Conclusion: Provisions of the Law are sufficient to enable the Republic of Kazakhstan to fulfil its obligations undertaken under Article 13 of the WTO Agreement.</p>

Provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	Norms of the acting Kazakh legislation on veterinary/ conclusions and proposals		
	Measures on sanitary and epidemiological welfare	Veterinary	Plant Quarantine
<p>Paragraphs 1 and 2 of Annex B</p> <p>1. Members shall ensure that all sanitary and phytosanitary regulations (sanitary and phytosanitary measures such as laws, decrees or ordinances which are applicable generally) which have been adopted are published promptly in such a manner as to enable interested Members to become acquainted with them.</p> <p>2. Except in urgent circumstances, Members shall allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force in order to allow time for producers in exporting Members, and particularly in developing country Members, to adapt their products and methods of production to the requirements of the importing Member.</p>	<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 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.</p> <p>Additionally, all interested parties may have access to the monthly information bulletin "Agro-Inform" containing the texts of all adopted normative acts on veterinary, and featuring a special FAQ section.</p> <p>Conclusion: Provisions of the acting legislation of the Republic of Kazakhstan are sufficient to enable the Republic of Kazakhstan to fulfil its obligations undertaken under Paragraphs 1 and 2 of Annex B of the WTO Agreement.</p>		
<p>Paragraphs 3 of Annex B</p> <p>Each Member shall ensure that one enquiry point exists which is responsible for the provision of answers to all reasonable questions from interested Members as well as for the provision of relevant documents regarding:</p> <p>a) any sanitary or phytosanitary regulations adopted or proposed within its territory;</p> <p>b) any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within its territory;</p> <p>c) risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;</p> <p>d) the membership and participation of the Member, or of relevant bodies</p>	<p>As per the obligation set forth in Paragraphs 3 and 10 of Annex B of the WTO Agreement, the following should be noted:</p> <p>Under the Resolution of the Government of the Republic of Kazakhstan No.220 of 28 February 2003, the Ministry of Agriculture of the Republic of Kazakhstan has established a joint-stock company "Kazagromarketing" to provide registration services in the bodies of justice; formulate major fields of activities; run marketing research in markets of agricultural products and processed goods; establish mechanisms of interaction with the marketing centres in the CIS and other foreign countries; develop and improve the Informational Marketing System of the Ministry of Agriculture of the Republic of Kazakhstan; provide marketing data to agricultural producers and analytical surveys on agriculture to public bodies.</p> <p>At present, the Republic of Kazakhstan is taking steps to establish a single WTO Enquiry Point on SPS/TBT. When established, the notification will be prepared and submitted to the WTO Committee on Sanitary and Phytosanitary measures.</p> <p>To ensure uniformity in the observance 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>According to Paragraph 5.1 of the Standard, the activities of the WTO Enquiry Point on SPS/TBT shall embrace all pertinent information on the developed and adopted technical regulations which may have a major trade impact, including all relevant documents regarding:</p> <ul style="list-style-type: none"> - technical regulations developed and adopted by the authorized bodies in accordance with the legislation of the Republic of Kazakhstan; - national standards of the Republic of Kazakhstan and documents of the same status, adopted by the authorized body on standardization, 		

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<p>within its territory, in international and regional sanitary and phytosanitary organizations and systems, as well as in bilateral and multilateral agreements and arrangements within the scope of this Agreement, and the texts of such agreements and arrangements.</p>	<p>metrology, and certification;</p> <ul style="list-style-type: none"> - conformity assessment procedures, applied by the public administration bodies; - control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within the territory of the Republic of Kazakhstan; - risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection; - the membership and participation of the Republic of Kazakhstan in international and regional organizations on standardization, systems for conformity assessment, in bilateral or multilateral agreements and arrangements within the scope of the WTO Agreement on TBT and the WTO Agreement on SPS, all pertinent information on the provisions of systems and agreements, and the texts of such agreements and arrangements. <p>Interactions between the public administration bodies and the WTO Enquiry Point on TBT/SPS involving information exchange shall allow to:</p> <ul style="list-style-type: none"> - provide notifications; - comment on draft technical regulations; - answer incoming inquiries. <p>It should also be noted that the observance of the provisions set forth in this Paragraph is required from the WTO Members.</p>		
<p>Paragraphs 5 of Annex B</p> <p>Whenever the international standard, guideline or recommendation does not exist or the content of a proposed sanitary and phytosanitary regulation is not substantially the same as the content of an international standard, guideline or recommendation, and if the regulation may have a significant effect on trade of other Members, Members shall:</p> <ol style="list-style-type: none"> a) publish a notice at an early stage in such a manner as to enable interested Members to become acquainted with the proposal to introduce a particular regulation; b) notify other Members, through the Secretariat, of the product to be covered by the regulation together with the brief indication on the objective and rationale of the proposed regulation. Such notifications shall take place at an early stage, when amendments can still be introduced; c) provide upon request to other 	<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 (WTO Enquiry Point on TBT and SPS) 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 regulations are requested by interested Members, they shall be supplied by the WTO Enquiry Point on TBT/SPS within a period of 15 business days.</p> <p>Under Subparagraph 6.1.5 of Paragraph 6 of the Standard, Members shall submit their comments on draft technical regulations of the Republic of Kazakhstan to the WTO Enquiry Point on TBT/SPS, 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 regulation, which shall not be less than 60 calendar days between the notification on a proposed technical regulation and its entry into force.</p> <p>In urgent circumstances, the Republic of Kazakhstan may reduce the term allowed for comments to 45 days, while the total period allowed for comments may not exceed 90 calendar days.</p>		

Provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	Norms of the acting Kazakh legislation on veterinary/ conclusions and proposals		
	Measures on sanitary and epidemiological welfare	Veterinary	Plant Quarantine
<p>Members copies of the proposed regulation and, whenever possible, identify the parts which in substance deviate from international standard, guideline or recommendation;</p> <p>d) without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take the comments and the results of the discussions into account.</p>			
<p>Paragraph 6 of Annex B</p> <p>6. However, where urgent problems of health protection arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 5 of this Annex as it finds necessary, provided that the Member:</p> <p>a) immediately notifies other Members, through the Secretariat, of the particular regulation and the products covered, with a brief indication of the objective and the rationale of the regulation, including the nature of the urgent problem(s)</p> <p>b) provides, upon request, copies of the regulation to other Members;</p> <p>c) allows other Members to make comments in writing, discusses these comments upon request, and takes the comments and the results of the discussions into account.</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 Paragraph 6 of Annex B.</p> <p>Conclusion: The observance of this paragraph, however, may be ensured in the framework of a subordinate act (Resolution of the Government of the Republic of Kazakhstan) to the Law.</p>	<p>No harmonization is necessary to ensure the observance of the obligations set forth in Paragraph 6 of Annex B of the WTO Agreement.</p> <p>According to Article 8(12) of the Law "On Veterinary" and Article 7(2) of the Law "On Quarantine", the authorized public bodies of the Republic of Kazakhstan on veterinary and plant quarantine shall also organize and provide to all interested parties all available pertinent information on the ongoing veterinary and quarantine programs, acting veterinary and quarantine rules and regulations, other normative acts of the Republic of Kazakhstan on veterinary and plant quarantine.</p> <p>Conclusion: Provisions of the Law are sufficient to enable the Republic of Kazakhstan to fulfil the obligations set forth in Paragraph 6 of Annex B of the WTO Agreement.</p>	

Provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	Norms of the acting Kazakh legislation on veterinary/ conclusions and proposals		
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<p>Paragraphs 10 of Annex B</p> <p>Members shall designate a single central government authority as responsible for the implementation, on the national level, of the provisions concerning notification procedures according to paragraphs 5, 6, 7 and 8 of Annex B.</p>	<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 and provision of notifications 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 and provision of notifications to international organizations and for the observance of obligations on openness.</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 and provision of notifications to international organizations.</p>		
<p>Annex C</p> <p>Control, inspection and approval procedures</p> <p>1. Members shall ensure, with respect to any procedure to check and ensure the fulfilment of sanitary or phytosanitary measures, that:</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</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 Paragraph of the WTO Agreement.</p> <p>Conclusion: The observance of this paragraph, however, may be ensured in the framework of a subordinate act (Resolution of the Government of the Republic of Kazakhstan) to the Law.</p>	<p>As per the obligations set forth in Paragraph 1 of Annex C of the WTO Agreement, the following should be noted:</p> <ol style="list-style-type: none"> 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. 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). 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 	<p>As per the obligations set forth in Paragraph 1 of Annex C of the WTO Agreement, the following should be noted:</p> <ol style="list-style-type: none"> 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. 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: <ul style="list-style-type: none"> quarantine import permits issued by the authorized body on plant quarantine; phytosanitary certificates issued by the quarantine services of exporting

Provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	Norms of the acting Kazakh legislation on veterinary/ conclusions and proposals		
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<p>request, the applicant is informed of the stage of the procedure, with any delay being explained;</p> <p>c) information requirements are 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>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>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>Conclusion: Provisions of the acting legislation are sufficient to enable the Republic of Kazakhstan to fulfil the obligations set forth in Article 8 of Annex B of the WTO Agreement.</p>	<p>countries for every shipment of quarantinable products.</p> <ul style="list-style-type: none"> - quarantine import permits shall be issued for quarantinable products on the basis of written applications of natural persons and legal entities. <p>3. 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 later than 30 days before the anticipated date of import or not later than 5 days before the anticipated date of transit:</p> <ul style="list-style-type: none"> - 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; - the place of destination and exploitation of products (address; for products in transit – transport route and country of destination); - the exporting countries from which quarantinable products are expected to be imported or transited, and the country of origin of quarantinable products; - the anticipated date of arrival of quarantinable products or the anticipated transit time; - 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</p>

Provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	Norms of the acting Kazakh legislation on veterinary/ conclusions and proposals		
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			<p>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 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>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>Conclusion: Provisions of the acting legislation are sufficient to enable the Republic of Kazakhstan to fulfil the obligations set forth in Annex C of the WTO Agreement.</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>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 Paragraph of the WTO Agreement.</p> <p>Conclusion: The observance of this paragraph may be ensured in the framework of a</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> <ol style="list-style-type: none"> 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 	<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</p>

Provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	Norms of the acting Kazakh legislation on veterinary/ conclusions and proposals		
	Measures on sanitary and epidemiological welfare	Veterinary	Plant Quarantine
	<p>subordinate act (Resolution of the Government of the Republic of Kazakhstan) to the Law.</p>	<p>procedures under provisions established by the authorized state body on regulation and control of natural monopolies:</p> <ul style="list-style-type: none"> - approbation, series control, and registration testing of veterinary drugs, feedstuffs, and feed additives; - identification of animals; markets; producing, slaughtering, storing, processing, and distributing organizations (for products subject to control of the state veterinary service); - veterinary and sanitary market testing; - dehelminthization, desinsection, deratization, disinfection (except disinfection by the border veterinary control stations); - 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; - paper forms of veterinary and sanitary reports and veterinary certificates. <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</p>	<p>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> <p>Conclusion: No amendments are necessary to harmonize the acting legislation of the Republic of Kazakhstan with the obligations undertaken under Paragraph 1(f) of Annex C of the WTO Agreement.</p>

Provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	Norms of the acting Kazakh legislation on veterinary/ conclusions and proposals		
	Measures on sanitary and epidemiological welfare	Veterinary	Plant Quarantine
		<p>veterinary regime as domestic products.</p> <p>Conclusion: Provisions of the acting legislation are sufficient to enable the Republic of Kazakhstan to fulfil the obligations set forth in Paragraph 1(f) of Annex C of the WTO Agreement.</p>	
<p>i) a procedure exists to review complaints concerning the operation of such procedures and to take corrective action when a complaint is justified.</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 Paragraph of the WTO Agreement.</p> <p>Conclusion: The observance of this paragraph may be ensured 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>Conclusion: Obligations set forth in Paragraph 1(i) of Annex C of the WTO Agreement are covered in the acting legislation of the Republic of Kazakhstan.</p>	<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. <p>Conclusion: Obligations set forth in Paragraph 1(i) of Annex C of the WTO Agreement are covered in the acting legislation of the Republic of Kazakhstan.</p>