

LAW OF THE REPUBLIC OF KAZAKHSTAN

ON PLANT QUARANTINE

This Law shall define the legislative basis and principles necessary to perform state measures on plant quarantine which are a constituent part of the system of providing national security in the territory of the Republic of Kazakhstan.

CHAPTER I

General provisions

Article 1. Basic definitions used in this Law

In this Law the following definitions shall be used:

- 1). Imported quarantine permission – the document that permits import into the republic and transit of sub-quarantine products under conditions defined by the state phyto-sanitary service on plant quarantine of the RK.
- 2). Introductory- quarantine nursery – specially equipped nursery for elicitation of hidden infection by quarantine objects and other dangerous injurious organisms in imported plant and seed materials;
- 3). Quarantine zone – the territory, designated by an established order as a quarantine territory upon the finding of quarantine objects.
- 4). Quarantine measure - the procedure aimed at protection from penetration or spreading of quarantine objects in the territory of Kazakhstan.
- 5). Quarantine object –is according to the adopted List of quarantine types a pest, a pathogenic organism of plants or a weed, which can be injurious to plants and plant products that is absent or restrictively spread on the territory of Kazakhstan.
- 6). Plant quarantine (phyto-sanitary protection)– the legal regime providing the system of state measures aimed at protecting the plant resources of the Republic and the products of plant origin from import and intrusion of quarantine objects from other countries and also from quarantine zones of the republic, and if spreading occurs the regime to localize and liquidate the cause of spreading at the breeding grounds.
- 7). Control in the sphere of plant quarantine - an activity fulfilled by officials of the State phyto-sanitary service on plant quarantine to verify the fulfillment of the requirements, norms, rules and instructions on plant quarantine;
- 8). Breeding grounds of quarantine objects – the territory where quarantine measures have been taken or will be taken on an identified quarantine object.

Service on Plant Quarantine and its territorial bodies, other state bodies and local self-governmental bodies in the order established by legislation.

- 2 The state phyto-sanitary service on plant quarantine includes the Republic, oblast, city and frontier phyto-sanitary inspections, frontier phyto-sanitary offices, republic, zone and frontier phyto-sanitary laboratories, fumigation divisions and introductory quarantine nurseries.
- 3 Regulation of the State Phyto-Sanitary Agency on Plant Quarantine, Rules on protection of the territory of the RK from quarantine objects (hereafter Rules on plant quarantine) and the List of quarantine objects shall be approved by the government of the Republic of Kazakhstan.
4. Officials of the State phyto-sanitary service on plant quarantine shall be considered state inspectors on plant quarantine and shall be provided with uniforms according to the established procedure.
5. The right to be a quarantine inspector shall be granted to citizens with higher and secondary special education.

Article 6. Authorities of Local Representative and Executive Bodies and Local Self-government Bodies in the Sphere of Plant Quarantine

The local representative and executive bodies and local self-government bodies shall establish procedures for the bodies of state phyto-sanitary service on plant quarantine to carry-out official responsibilities, organize and implement in control over the implementation of quarantine measures by owners or by authorized bodies of sea- and river ports, railway stations, air terminals, entities providing postal service, markets, bus-stations and other objects;

Article 7. Competence of the State Phyto-Sanitary Service on Plant Quarantine

1. The State Phyto-Sanitary Service on Plant Quarantine shall :
 - 1) define the List of quarantine objects on which state measures on plant quarantine are established and performed;
 - 2) record information on the spreading of quarantine objects and provide interested persons with information;
 - 3) to develop and co-ordinate, according to the established procedure, normative and methodical documents concerning plant quarantine;
 - 4) provide control over the specific and efficient use of appropriations and material resources for quarantine measures;
 - 5) conduct quarantine inspection, laboratory examination and phyto-sanitary certification of imported and exported sub-quarantine products;
 - 6) organize and conduct disinfection of sub-quarantine products and means of transport in compliance with the rules and instructions on plant quarantine;
 - 7) inspect imported sub-quarantine products in introductory quarantine nurseries;
 - 8) Together with scientific-research organizations to develop quarantine measures based on international norms and recommendations and carry out control over the observance of these norms and recommendations by individuals and legal entities regardless of the form of ownership;

9)

STATE CONTROL IN THE SPHERE OF PLANT QUARANTINE

Article 10. Effectuation of State Control in the Sphere of

Customs documents on sub-quarantine products shall be processed after passing phyto-sanitary control.

Quarantine measures of other countries shall be recognized if such measures meet the appropriate level of phyto-sanitary protection applied in the Republic of Kazakhstan.

3. Products under-quarantine shall be transited upon the agreement with the State Phyto-Sanitary service on Plant Quarantine of the Republic of Kazakhstan.

4. Export and internal transportation of sub-quarantine products shall be permitted under the presence of phyto-sanitary certificates issued by the State Phyto-Sanitary Agency on Plant Quarantine of the Republic of Kazakhstan.

5. Inspection and disinfection of products under quarantine, cargo and transportation facilities , and the issuance of quarantine documents shall be charged to the owners of the products in accordance with inter-state treaties on plant quarantine and the legislation of the Republic of Kazakhstan .

Article 14. Procedure for Imposition and Withdrawal of Quarantine

1. A decision to establish or cancel a quarantine zone with a new quarantine regime proposed by the Bodies of State Phyto-Sanitary Agency on Plant Quarantine shall be made final by:

- 1) The Government of the Republic of Kazakhstan – on the territory of two or more oblasts;
- 2) Local executive body – in the territory of an oblast or region.

2. In quarantine zones, exportation of products infected by quarantine objects of sub-quarantine productions shall be either prohibited or restricted; measures on localization and liquidation of the breeding grounds of quarantine objects shall be developed and implemented; disinfection and technical processing of subquarantine products shall be carried out.

Infected products that have been transported from a quarantine zone shall be subject to either restitution, disinfection or transfer to processing organizations.

If an infected product is not subjected to disinfecting and processing, it shall be subject to withdrawal and destruction in the order established by normative legal acts.

A list of quarantine restrictions and measures on localization and liquidation of quarantine objects shall be made known to individuals, legal entities and the population of the quarantine zone.

CHAPTER IV

Settlement of Disputes and Liability for the Violation of Legislation on Plant Quarantine

Article 15. Settlement of Disputes in the Sphere of Plant Quarantine

Disputes in the sphere of plant quarantine shall be settled pursuant to procedures, stipulated by the legislation of the Republic of Kazakhstan.

Article 16. Liability for Violation of Legislation on Plant Quarantine

1. Individuals and legal entities that violate the legislation on plant quarantine shall be held liable for violation of the legislation on plant quarantine in accordance with the legislation of the Republic of Kazakhstan.

2. Monetary funds that have been recovered because of violation of plant quarantine legislation shall be transferred to the budgetary incomes of the republic in the order established by the legislation of the Republic of Kazakhstan.

CHAPTER V

Financing of State Phyto-Sanitary Service on Plant Quarantine and Quarantine Measures

Article 17 Financing of the State Phyto-Sanitary Service on Plant Quarantine

The state phyto-sanitary service on plant quarantine shall be financed by the republic's budgetary fund and monetary funds of the owners of sub-quarantine cargoes received for the fulfillment of the works stipulated by the intergovernmental agreements in the area of plant quarantine as well as other sources that are not prohibited by the legislation.

Article 18. Financing of State Measures on Plant Quarantine

1. Financing of state measures on localization and liquidation of quarantine objects, in accordance with the list of quarantine pests, plant diseases and weeds shall be from the **republic's** budget..

2. Measures on quarantine of plants under private ownership, as well as on lands of individuals and legal entities shall be financed out of monetary funds of owners and land users in accordance with the instructions of the Bodies of the State Phyto Sanitary Agency on Plant Quarantine and within the limit of the authority granted to them.

CHAPTER VI

International Cooperation in the area of Plant Quarantine

Article 19. Principles of International Collaboration in the Plant Quarantine Sector

The Republic of Kazakhstan shall implement international collaboration in the plant quarantine sector with regard to the principles of mutual safety in terms of entry and spreading of quarantine objects.

Article 20. Activity of Foreign Organizations and Citizens in the area Plant Quarantine in the Territory of the Republic of Kazakhstan

Foreign organizations and citizens shall be allowed to implement their activity in the sphere of plant quarantine on the territory of the Republic of Kazakhstan if it does not contradict the legislation of the Republic of Kazakhstan or is being regulated by international agreements.

Article 21. International Agreements of the Republic of Kazakstan in the Plant Quarantine Sector

If international treaties that have been ratified establish other norms than those contained in this Law, the rules of international treaties shall be applicable.

**12) President
of the Republic of Kazakhstan**