

**Law of the Republic of Kazakhstan N 344-1 dated February 11, 1999  
On Plant Quarantine  
(as amended through RK Laws N 488-1 dated November 29, 1999; N 293-II dated February 18, 2002;  
N 463-II dated July 3, 2003; N 13-III dated December 20, 2004 (effective since 01.01.05))**

*For information on the law being recognized as compliant with the RK Constitution see Resolution N 16/2 of the Constitutional Council of the Republic of Kazakhstan dated February 4, 1999*

This Law defines the legal framework and principles of state plant quarantine activities, which are a part

11) **fumigation teams** – divisions of the Republican State Plant Quarantine Enterprises performing disinfection of products subject to quarantine by gas disinsection upon request from individuals and legal entities based on the instructions of the authorized agency and its territorial bodies with border checkpoints and posts in accordance with the law of the Republic of Kazakhstan;

12) **foreign species** – any insect species, plant pathogen and weed not present in flora and fauna of the Republic of Kazakhstan, which, if introduced, may cause significant economic and environmental damage.

#### **Article 2.** Plant Quarantine Legislation

Plant quarantine legislation of the Republic of Kazakhstan is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulations.

#### **Article 3.** Principal Plant Quarantine Objectives

The principal plant quarantine objectives shall be as follows:

1) protecting the area of the Republic from introduction or individual entry of quarantine pests from abroad or any quarantine area;

2) detecting, localizing and eradicating quarantine pests, as well as preventing their introduction to those regions of the Republic where they are not present;

3) performing state control to ensure observance of the plant quarantine law and established rules and implementation of plant quarantine activities in the Republic.

#### **Article 4.** State Plant Quarantine Activities Guidelines

The following guidelines shall underlie the state plant quarantine activities in the Republic:

1) protection of plant resources and products of plant origin from damage and destruction by quarantine pests in order to maintain food and raw material security of the Republic;

2) state regulation, state control.

*Article 6 has been reworded under RK Law N 293-II dated February 18, 2003*

**Article 6.** State Plant Quarantine System

The state plant quarantine system of the Republic of Kazakhstan shall include:

- 1) the authorized agency and its territorial bodies with border checkpoints and posts;
- 2) the state quarantine offices established by resolution of the Government of the Republic of Kazakhstan – all Republican, regional and border quarantine laboratories, post-entry quarantine nurseries;
- 3) the Republican state plant quarantine enterprises with phytosanitary laboratories and fumigation teams.

*Article 7 has been amended under RK Law N 293-II dated February 18, 2002; RK Law N 463-II dated July 03, 2003 .*

**Article 7.** Authority of the Authorized Agency

1. The authorized agency shall:
  - 1) establish the List of Quarantine Pests to be covered by the state plant quarantine activities;
  - 2) keep records of quarantine pest occurrence and provide information to any interested parties;
  - 2-1) organize activities to detect, localize and eradicate quarantine pest focal areas and disinfect products subject to quarantine;
  - 2-2) within its authority approve plant quarantine regulations;

4. All government agencies and their officials shall provide assistance to the authorized agency in addressing its incumbent objectives.

*Article 7-1 has been inserted into the Law under RK Law N 293-II dated February 18, 2002.*

#### **Article 7-1.** Authority of State Quarantine Institutions and Republican State Enterprises

1. The State Quarantine Institutions shall:
  - 1) ascertain quarantine pests species and foreign species contained in samples supplied for laboratory testing;
  - 2) detect indiscernible infestation in seeds and planting materials.
2. The Republican State Enterprises shall:
  - 1) detect quarantine pests focal areas;
  - 2) localize and eradicate quarantine pests focal areas;
  - 3) perform disinfection of products subject to quarantine, including fumigation.

*Article 8 has been amended under RK Law N 488-I dated November 29, 1999; RK Law N 293-II dated February 18, 2002.*

#### **Article 8.** Rights of State Plant Quarantine Inspectors

The state inspectors of the authorized agency performing quarantine control shall be entitled to:

1) hold up cargoes and articles subject to quarantine to inspect them, conduct phytosanitary examination and disinfect them if required and also hold the above cargoes and articles up whenever shipped without a phytosanitary (quarantine) certificate or imported from abroad without an import quarantine permission in the manner prescribed by the law of the Republic of Kazakhstan;

*See: Letter N -3-2-17/1545 "On Reinforcement of Control" by the RK MSR Customs Committee dated February 23, 2002.*

1-1) apply (impose) temporary quarantine measures to products subject to quarantine imported from other states, whenever phytosanitary status data for such products have not been reviewed; as well as in cases when scientific substantiation on the basis of the available information, including the information, received from competent international organizations, and the information on phytosanitary measures, undertaken by other countries, is insufficient;

2) without any hindrance visit and inspect any organization of any form of ownership to check observance of the laws and the Plant Quarantine Rules; obtain any information required to perform their functions in the manner prescribed by the law of the Republic of Kazakhstan;

3) take samples of products subject to quarantine for laboratory testing;

4) make sure that natural and legal entities implement required activities in quarantine pests focal areas and vehicles;

5) apply administrative sanctions against officials, natural and legal entities tolerating any violations of the plant quarantine law;

6) suspend and ban economic activity of natural and legal entities until the Plant Quarantine Rules violations have been remedied.

Any ban or suspension of small business operations shall be brought into effect by officials of the authorized agency based on a court ruling.

The plant quarantine phytosanitary service shall lodge a statement of claim to ban or suspend small business operations with the court in the manner and on the grounds specified in the laws of the Republic of Kazakhstan.

Small business operations may be banned or suspended without a court ruling for the most of 3 days only in exceptional cases upon detection of quarantine pests; the statement of claim must be lodged with the court within this period. Any deed banning or suspending operations shall remain in force until a court ruling has been made.



- 1) seeds and planting material of agricultural, forest and ornamental crops, plants and their parts (cuttings, bulbs, tubers, fruits), as well as any other products of plant origin, which may be capable of carrying any quarantine pests;
- 2) plant disease pathogens – cultures of living fungi, viruses, bacteria, as well as nematodes, mites and insects;
- 3) collections of insects, plant disease pathogens, herbaria and collections of seeds;
- 4) agricultural machinery and tillage equipment, vehicles, any type of receptacles, packaging materials,

**Article 14.** Procedure of Quarantine Establishment and Withdrawal from Quarantine

1. Any decision to establish a quarantined area and introduce quarantine regime or repeal it shall be made based on the statement provided by the bodies of the authorized agency by:

- 1) the Government of the Republic of Kazakhstan – for any area covering two or more oblasts;

2. All quarantine activities covering any facilities owned by natural and legal entities, as well as any land plots, shall be performed at the cost of owners and land users based on the instructions of the authorized agency and its territorial bodies within the range of their authority.

## **Chapter 6. International Cooperation in the Area of Plant Quarantine**

### **Article 19.** Principles of International Cooperation in the Area of Plant Quarantine

The Republic of Kazakhstan shall be guided by the principles of reciprocal security in international cooperation in the area of plant quarantine to prevent introduction and spread of quarantine pests.

### **Article 20.** Plant Quarantine Related Activity of Foreign Organizations and Citizens in the Republic of Kazakhstan

Any plant quarantine related activity of foreign organizations and citizens in the Republic of Kazakhstan shall be allowed provided it is not in conflict with the laws of the Republic of Kazakhstan or is regulated by the international treaties.

### **Article 21.** International Plant Quarantine Related Treaties of the Republic of Kazakhstan

Whenever any international treaties ratified by the Republic of Kazakhstan contain any norms that are different from the ones specified hereby, the rules of the international treaties shall apply.

N. Nazarbayev  
President of the Republic of Kazakhstan