

On Plant Quarantine

Unofficial translation

The Law of the Republic of Kazakhstan dated 11 February 1999 № 344.

Unofficial translation

Footnote. In the text of the Law, the words “funds of republican budget”, “republican budget” are substituted by the words “budget funds” dated 20 December 2004 № 13 (shall be enforced from 1 January 2005).

This Law determines legal ground, aims, tasks and principles of carrying out the measures on plant quarantine that is a component part of a system of national security protection in the territory of the Republic of Kazakhstan.

Footnote. The preamble as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article2).

Chapter 1. General provisions Article 1. Basic definitions used in the Law

The following basic definitions shall be used in the Law:

1) is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

1-1) alien species – species of an insect, agent of disease of plant and undesirable plant that is absent in flora and fauna of the Republic of Kazakhstan which in case of entry may inflict significant economic and environmental damage;

2) is excluded by the Law of the Republic of Kazakhstan dated 16.07.2015 № 330-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

2-1) laboratory examination is an examination of samples of quarantine products, pests, causative agents of plant diseases and weeds in order to determine their species composition and their belonging to quarantine objects and alien species;

3) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

4) quarantineable products (quarantineable goods, quarantineable materials, quarantineable goods) (hereinafter - quarantineable products) - plants, products of plant origin , containers, packaging, cargos, soil, organisms or materials that may be carriers of quarantine objects and (or) contribute to their distribution, included in the list of quarantineable products and in respect of which it is necessary to take quarantine phytosanitary measures;

4-1) list of quarantineable products - a list of quarantineable products subject to state quarantine phytosanitary control and supervision;

- 5) quarantine zone – territory declared in established manner under quarantine due to detection of quarantine object;
- 6) a quarantine object - a pest, causative agent of plants disease or a weed that can cause significant harm to the plants and plant products, which is absent or restrictively spread in the territory of the Republic of Kazakhstan, included in the unified list of quarantine objects of the Eurasian Economic Union and (or) the list of quarantine objects and alien species in relation to which plants quarantine measures shall be established and implemented;
- 6-1) quarantine regime - a legal regime, providing for the mandatory implementation of plants quarantine measures aimed at eliminating the focus of spread of a quarantine object, limiting or terminating economic relations and suspending the transportation (movement) of quarantineable products from the territory of the quarantine zone in order to prevent the spread of the quarantine object;
- 7) center of spreading quarantine object – territory in which the quarantine object is detected and where the measures on plant quarantine shall be carried out or are carried out;
- 8) excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced from 01.01.2025);
- 9) is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication);
- 9-1) inspection – visual observation of quarantineable production, transport vehicles and accessories for carriage (as well as cabins, passenger compartments, luggage and cargo compartments of transport vehicles, containers), hand luggage and luggage of individuals;
- 9-2) documentary state quarantine phytosanitary control – inspection of quarantine documents confirming phytosanitary safety of quarantineable production for compliance with requirements of the legislation of the Republic of Kazakhstan in the field of plant quarantine, as well as existence of coordination of authorized body on plant quarantine for permission of import, export or transit of quarantine objects in scientifically research purposes;
- 9-3) law restrictive measure - a quarantine phytosanitary measure applied by the authorized body for plants quarantine in relation to individuals and legal entities;
- 9-4) state quarantine phytosanitary control – an activity of the authorized body for plants quarantine to check and monitor the compliance with the requirements of the legislation of the Republic of Kazakhstan by the inspected subjects in the field of plants quarantine, as a result of which law-restrictive measures can be applied without prompt response;
- 9-5) state quarantine phytosanitary supervision – the activity of authorized body on plant quarantine on inspection and supervision of compliance with requirements of the legislation of the Republic of Kazakhstan in the field of plant quarantine by inspected subjects, in the results of which the measures of legal restrictive nature may be applied, as well as measures of dynamic response;

10) authorized body on plant quarantine) hereinafter – authorized body) – central executive body carrying out management and cross-sector coordination in the field of plant quarantine;

10-1) the authorized plant quarantine organization (hereinafter - the authorized organization) is an organization established by the decision of the Government of the Republic of Kazakhstan that performs functions in accordance with the legislation of the Republic of Kazakhstan;

11) plant quarantine measures is a system of measures aimed at organizing and conducting work on identification, localization and liquidation the outbreaks of quarantine objects, disinfection, recycling, cleaning and destruction of contaminated quarantine products, disinfection and cleaning of premises and vehicles, returning of quarantine products;

12) republican state enterprise on ensuring the plant quarantine – republican state enterprise on the right of economic management created by the Government of the Republic of Kazakhstan;

13) is excluded by the Law of the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

14) plant quarantine (phytosanitary protection) – legal regime providing system of measures on plant quarantine oriented to protection of plant resources of the Republic of Kazakhstan and production of plant origin from quarantine objects;

14-1) temporary quarantine phytosanitary measures - a prohibition or restriction on the import of quarantineable products from other states to the territory of the Republic of Kazakhstan and (or) transit of quarantineable products across the territory of the Republic of Kazakhstan, used to ensure the protection of the territory of the Republic of Kazakhstan from import and (or) further distribution of quarantine objects or reduction of losses caused by them;

15) phytosanitary control post – a subdivision of the authorized body, located on the territory of the border and customs checkpoints (checkpoints across the State border of the Republic of Kazakhstan coinciding with the customs border of the Eurasian Economic Union) , and in other places of movement of quarantineable products through the customs border of the Eurasian Economic Union, located on the territory of the Republic of Kazakhstan within the limits of automobile communication, and other place, determined by the authorized body, equipped with the necessary equipment and devices, carrying out state quarantine phytosanitary supervision and (or) receipt of preliminary information on the import and transit of quarantined products;

16) phytosanitary certificate – document certifying quarantine condition of export quarantineable production;

17) phytosanitary risk assessment - a scientifically based assessment of probability of penetration, rooting or spreading of quarantine objects, taking into account the quarantine phytosanitary measures that may have been applied, and potential biological and economic

consequences linked with this, conducted by scientific-research organizations and the authorized body;

17-1) phytosanitary risk analysis is the process of studying, researching and evaluating biological, scientific and economic data for the purpose of identifying quarantine objects and alien species and adopting appropriate quarantine measures and activities on plant quarantine;

17-2) emergency measures – measures for immediate localization and elimination of foci of spread of quarantine objects for the first time or newly detected on the territory of the Republic of Kazakhstan.

18) shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated 30.06.2010 № 297-IV (shall be enforced from 01.07.2011); dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.11.2014 № 249-V (shall be enforced upon expiry of ninety calendar days after the date of its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 12.02.2015); dated 16.07.2015 № 330-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.12.2017 № 124-VI (shall be enforced dated 01.01.2018); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the date of its first official publication); dated 03.04.2019 № 243-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced from 01.01.2025).

Article 2. Legislation of the Republic of Kazakhstan in the field of plant quarantine

1. Legislation of the Republic of Kazakhstan in the field of plant quarantine is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts.

2. If international treaty ratified by the Republic of Kazakhstan establishes other rules than those provided by the Law, the rules of international treaty shall be applied.

Footnote. Article 2 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2).

Article 3. Main tasks of plant quarantine

Main tasks of plant quarantine are:

- 1) protection of the territory of the Republic of Kazakhstan from infection or independently entry of quarantine objects from other states or from quarantine zone;
- 2) detection, localization and liquidation of quarantine objects, as well as prevention of their entry to the regions of the Republic of Kazakhstan where they are absent;
- 3) conduct of state quarantine phytosanitary control and supervision of compliance with the legislation of the Republic of Kazakhstan in the field of plant quarantine.

Footnote. Article 3 as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2); dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 12.02.2015).

Article 4. Principles of carrying out the measures on plant quarantine

Footnote. Title of Article 4 as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2).

Principles of carrying out the measures on plant quarantine in the territory of the Republic of Kazakhstan are:

- 1) protection of plant resources and products of plant origin from damage and destruction by quarantine objects for the purpose of maintenance of food and raw security of the Republic of Kazakhstan and preservation of property;
- 2) state regulation in the field of plant quarantine, state quarantine phytosanitary control and supervision, responsibility for the breach of the legislation of the Republic of Kazakhstan in the field of plant quarantine;
- 3) objective, scientifically substantiated assessment of possible effect of quarantine objects to plant resources and products of plant origin and prevention of inflicting possible harm by them;
- 4) active participation of population, individuals and legal entities, organizations, bodies of state management and bodies of local self-government in performance of measures on plant quarantine;
- 5) international cooperation in the field of plant quarantine.

Footnote. Article 4 as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 № 125; dated 17.07.2009 № 189-IV (the order of enforcement see Article 2); dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.11.2014 № 249-V (shall be enforced upon expiry of ninety calendar days after the date of its first official publication).

Chapter 2. State regulation in the field of plant quarantine

Article 5. State regulation in the plant quarantine

State regulation in the plant quarantine shall be implemented by the authorized body, including its department with territorial divisions, including phytosanitary check points.

Footnote. Article 5 - as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 6. State system of ensuring the plant quarantine

State system of ensuring the plant quarantine of the Republic of Kazakhstan shall include:

- 1) the Government of the Republic of Kazakhstan;
- 2) authorized body;
- 3) state institutions for plant quarantine ensuring:
 - republican, zoned quarantine laboratories and laboratories under phytosanitary control posts;
 - introductory-quarantine gardens;
 - republican methodical centre of phytosanitary diagnostics and forecasts;
- 4) republican state enterprise on maintenance of quarantine of plants with phytosanitary laboratories;

5) is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 6 in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 10.11.2014 № 249-V (shall be enforced upon expiry of ninety calendar days after the date of its first official publication); dated 16.07.2015 № 330-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6-1. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

- 1) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);
- 2) create state institutions and republican state enterprise on ensuring the plant quarantine;
- 3) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Footnote. Chapter 2 is supplemented by Article 6-1 in accordance with the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2); is in the wording of the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 7. Competence of the authorized body

1. Authorized body shall:

1) form and realize state policy in the field of plant quarantine;
2) carry out state quarantine phytosanitary control and supervision;
3) coordinate and methodically manage the activities of local executive bodies in the field of plant quarantine;

3-1) develops methods, techniques, recommendations, governing the procedure and methods for carrying out plants quarantine measures;

4) develop and approve the rules on exemption and destruction of quarantineable production contaminated by quarantine objects not subjected to disinfection or processing;

5) develop and approve quarantine phytosanitary requirements, including taking into account the requirements of the legislation of the Republic of Kazakhstan in the field of biological safety;

5-1) establish the list of requirements, violation of which entails prompt response measures, and shall also establish, regarding specific violations of requirements, a specific type of prompt response measure, indicating the effective period of this measure (if necessary).

The list of requirements, violation of which entails prompt response measures, includes requirements that are the subject of state control in accordance with Article 143 of the Entrepreneur Code of the Republic of Kazakhstan;

5-2) develop and approve the procedure of investigations in plant quarantine;

6) develops and approves a list of regulated products;

7) develop and approve the rules on protection of territory of the Republic of Kazakhstan from quarantine objects and alien species;

7-1) *develop and approve the rules for compensation of the costs for laying and growing destroyed fruit and berry crops infected with bacterial burn of fruit trees to individuals and legal entities;*

7-2) *develop and approve the rules for conducting phytosanitary risk analysis;*

7-3) *issue, suspend, and revoke the account numbers;*

7-4) develop and approve the procedure for the use of material and technical means for photo and video recording in the implementation of state quarantine phytosanitary control and supervision;

8) develop and approve the list of quarantine objects and alien species in respect of which the measures on plant quarantine are established and carried out;

8-1) develop and approve a list of quarantine objects and alien species, in relation to which the measures on localization and liquidation of foci of spread shall be carried out at the expense of budget funds;

8-2) develop and approve the rules for the formation, management and maintenance of working collections of pathogens and industrial microorganisms used in the field of plant quarantine;

9) take a decision on establishment of a quarantine zone with introduction of a quarantine regime or its cancellation on the territory of two or more regions (except for the cases of local distribution of a quarantine object on the territory of regions), as well as develop and approve the procedure for conducting plants quarantine measures in these zones and carry out control and supervision over their implementation;

10) develop and approve the procedure for creating and storing a stock of pesticides for conducting plants quarantine measures;

11) carries out the state control over observance of legislation of the Republic of Kazakhstan in the field of quarantine of plants by local executive bodies;

12) determines the list of quarantine objects in respect of whom the measures on plant quarantine are established and carried out;

13) create a database on availability and distribution of quarantine facilities in the Republic of Kazakhstan and other states, measures and activities to combat them, post information on the official Internet resource and provides it upon request to an interested persons;

13-1) determine quarantineable objects, zones, places, production sites that are free or have a limited distribution of quarantine objects and (or) alien species, provide confirmation to the importing country and ensure access to the representatives of the importing country for conducting inspection in the cases, stipulated by international treaties ratified by the Republic of Kazakhstan;

14) develop and approve the provision on state inspectors on plant quarantine;

15) approve methods, techniques, recommendations regulating procedure and methods of carrying out the measures on plant quarantine;

16) develop, jointly with research organizations, quarantine phytosanitary measures based on the rules for conducting phytosanitary risk analysis, including taking into account the methodology for managing biological risks in accordance with the legislation of the Republic of Kazakhstan in the field of biological safety, international standards and recommendations and exercises constant control and supervision over their implementation by individuals and legal entities;

17) establish qualification requirements for holding position of a Chief State Inspector on plant quarantine and state inspectors on plant quarantine;

18) organize conduct of measures on plant quarantine and carry out control and supervision of their conduct within the competence;

19) determine conditions of transit of quarantineable products;

19-1) introduce and cancel temporary quarantine phytosanitary measures in accordance with the rules for protection of the territory of the Republic of Kazakhstan from quarantine objects and alien species;

20) carry out public procurement of pesticides, works and services for their storage, transportation, use for plant quarantine measures in the manner prescribed by the legislation of the Republic of Kazakhstan on public procurement;

21) create a stock of pesticides for conducting plants quarantine measures in the manner prescribed by the legislation of the Republic of Kazakhstan;

22) distribute pesticides purchased at the expense of budget funds for conducting plants quarantine measures on the territory of the Republic of Kazakhstan;

23) conduct primary quarantine phytosanitary control and supervision of imported, exported and transit quarantineable products at phytosanitary control posts, if necessary – its quarantine phytosanitary expertise and (or) laboratory expertise with sampling, for vehicles and devices for transportation (including cabins, salons, luggage and cargo compartments of vehicles, containers), hand luggage and baggage of individuals, make an act of quarantine phytosanitary control and supervision, put a corresponding stamp of the established sample about the passage of state quarantine phytosanitary control and supervision on the accompanying transport documents;

24) conduct secondary quarantine phytosanitary control and supervision at the point of destination of quarantineable products, sampling, if necessary - quarantine phytosanitary expertise and (or) laboratory expertise, taking into account the phytosanitary characteristics of the territory and its place of origin, point of destination, as well as zones, places, areas of production, free or having limited distribution of quarantine objects and (or) alien species, for vehicles and devices for transportation (including cabins, salons, luggage and cargo compartments of vehicles, containers), hand luggage and baggage of individuals, make an act of quarantine phytosanitary control and supervision, put a corresponding stamp of the established sample about the passage of state quarantine phytosanitary control and supervision on the accompanying transport documents;

25) conduct permanent quarantine inspection at the places of shipment of the exported quarantineable products, if necessary-quarantine phytosanitary expertise and (or) laboratory expertise with sampling and phytosanitary certification;

26) conduct documentary state quarantine phytosanitary control on phytosanitary control posts of imported, exported and transit quarantineable products;

27) conduct permanent inspection of quarantineable products, if necessary – its quarantine phytosanitary expertise and (or) laboratory expertise with sampling, and review quarantine documents at the objects of internal trade and organizations of the Republic of Kazakhstan;

28) conduct permanent control sampling observations of territories and premises of organizations, objects of internal trade, peasant or farm, homestead and suburban enterprises, growing, preparing, storing, processing and selling products of plant origin, lands of agricultural, forest, water and other purpose;

29) issue and control fulfillment of prescriptions on:

elimination of detected breaches of the legislation of the Republic of Kazakhstan in the field of plant quarantine;

on performance of measures on plant quarantine;

30) direct statement of claim in court on prohibition or suspension of activity of individual entrepreneurs and legal entities in the manner and on the grounds established by the legislative acts of the Republic of Kazakhstan;

31) organize and control measures to study imported seeding and planting materials in the authorized organization for the presence of latent infection with quarantine objects and alien species;

32) issues phytosanitary certificates for sub -carantine products;

33) ensure performance of international rules and requirements in accordance with concluded agreements in the field of plant quarantine;

34) carry out international cooperation in the field of plant quarantine;

35) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015);

36) develop and approve regulatory legal acts in the field of plant quarantine within the competence;

37) carry out other powers provided by the Law and other legislation of the Republic of Kazakhstan.

2. Head of department is a Chief State Inspector on plant quarantine of the Republic of Kazakhstan, and his (her) deputy – a deputy of the Chief State Inspector on plant quarantine of the Republic of Kazakhstan.

The heads of regional (cities of republican significance, the capital city), districts, cities of regional significance, territorial divisions of the departments shall be the chief state inspectors on plants quarantine of appropriate regions (cities of republican significance, the capital city), districts, cities of regional significance.

Other civil servants of the department and its territorial subdivisions that directly carried out state quarantine phytosanitary control and supervision are the state inspectors on plant quarantine.

3. Authorized body shall carry out the activity in interrelation with frontier, customs, law enforcement and other state bodies.

4. The decision of the authorized body, department of the authorized body and its territorial division, taken within the limits of their powers, shall be mandatory for execution by the officials, individuals and legal entities.

5. State bodies and their civil servants shall be obliged to render assistance to authorized body in solution of the tasks imposed on it.

Footnote. Article 7 is in the wording of the Law of the Republic of Kazakhstan dated 31.01.2006 № 125; as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 № 188-IV (the order of enforcement see Article 2); dated 17.07.2009 № 189-IV (the order of enforcement see Article 2); dated 19.03.2010 № 258-IV; dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.03.2011 № 420-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.11.2014 № 249-V (shall be enforced upon expiry of ninety calendar days after the date of its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 16.07.2015 № 330-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced the expiration of ten calendar days after the day of its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 28.10.2019 № 268-VI (the order of enforcement see Art. 2); dated 21.05.2022 № 123-VII (shall enter into force upon expiry of six months after the day of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (the procedure for coming into force, see Article 2).

Article 7-1. Functions of government agencies for plant quarantine

1. The authorized organization:

1) determines the species composition of pests, pathogens of plant diseases and weeds, including quarantine objects and alien species in samples that are submitted for laboratory examination;

2) reveals the latent infection with pests, pathogens of plant diseases and weeds, including quarantine objects and alien species in imported seeding and planting materials;

3) carries out the analysis of phytosanitary risk on a constant basis;

3-1) develops methods, techniques, recommendations, governing the procedure and methods for carrying out plants quarantine measures;

3-2) makes proposals to the authorized body on the exclusion of quarantine objects, alien species from the list of quarantine objects and alien species or supplementing it with quarantine objects, alien species based on the analysis of phytosanitary risk;

3-3) conducts training of state plant quarantine inspectors and interested persons;

3-4) ensures the deposit and storage of the collection of quarantine objects and alien species;

4) provides the authorized body with information on identified quarantine objects and alien species in samples that are submitted for laboratory examination;

5) provides the authorized body with methodological assistance in the development of quarantine phytosanitary requirements;

6) exercises other powers provided for by the legislation of the Republic of Kazakhstan.

2. The Republican methodological center for phytosanitary diagnostics and forecasts shall

:

1) conduct an examination of the territory in order to identify the foci of spread of quarantine objects and alien species;

2) determine the boundaries and area of the foci of spread of quarantine objects and alien species;

3) keep records of the foci of spread of quarantine objects and alien species;

4) provide short-term and long-term forecasts of the spread of quarantine objects and alien species to the department of the authorized body;

5) carry out other powers provided for by the legislation of the Republic of Kazakhstan.

Footnote. Is supplemented by Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 18.02.2002 № 293; in the new wording of the Law of the Republic of Kazakhstan dated 16.07.2015 № 330-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 7-2. State monopoly in the field of plant quarantine

1. Localization and elimination of foci of spread of quarantine objects and alien species included in the list of quarantine objects and alien species, in relation to which measures to localize and eliminate foci of proliferation are carried out at the expense of budget funds, and (or) emergency measures are related to the state monopoly and carried out by the republican state enterprise for plant quarantine

Activities for the implementation of quarantine phytosanitary examination of regulated products are technologically related to activities to localize and eliminate foci of spread of quarantine objects and alien species included in the list of quarantine objects and alien species , in relation to which measures to localize and eliminate foci of proliferation are carried out at the expense of budget funds , and / or taking emergency measures.

Conducting localization and liquidation of centers of spread of quarantine objects and alien species, as well as emergency measures is carried out in accordance with the rules for the protection of the territory of the Republic of Kazakhstan from quarantine objects and alien species.

2. Prices for goods (works, services) produced and (or) sold by a subject of state monopoly shall be established by the authorized body in coordination with anti-monopoly body.

Footnote. Chapter 2 is supplemented by Article 7-2 in accordance with the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2); is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 7-3. Competence of the authorized body in automobile checkpoints

Footnote. Chapter 2 is supplemented by Article 7-3 in accordance with the Law of the Republic of Kazakhstan dated 10.11.2014 № 249-V (shall be enforced upon expiry of ninety calendar days after the date of its first official publication); is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 7-4. Competence of state inspectors for plants quarantine

1. The competence of state inspectors for plants quarantine shall include:
 - 1) implementation of state quarantine phytosanitary control and supervision;
 - 2) control over execution of the issued order on elimination of the identified violations of the legislation of the Republic of Kazakhstan in the field of plants quarantine, on implementation of plants quarantine measures;
 - 3) rendering of state services in the field of plants quarantine in accordance with the legislation of the Republic of Kazakhstan;
 - 4) consideration of cases of administrative offences and imposition of administrative penalties;
 - 5) drawing up protocols on administrative offences;
 - 5-1) make a decision on:
 - stopping a vehicle and detaining quarantineable products and objects of state quarantine phytosanitary control and supervision;
 - removal of quarantineable products (including from postal items, hand luggage and baggage) or return of quarantineable products;
 - suspension of activities or certain types of them;
 - prohibition of activities or certain types of them;
 - 6) stopping vehicles and detaining quarantineable products and objects of state quarantine phytosanitary control and supervision at phytosanitary control posts for the period of

inspection, examination, quarantine phytosanitary examination and (or) laboratory examination and, if necessary, disinfection, destruction, also when they are transported without a phytosanitary certificate or in cases of non-compliance with quarantine phytosanitary requirements;

7) organization of conducting emergency measures in accordance with the rules for protection of the territory of the Republic of Kazakhstan from quarantine objects and alien species and control over their implementation;

8) carrying out other powers provided for by the legislation of the Republic of Kazakhstan

2. Actions (inaction) of state inspectors for plants quarantine may be appealed by individuals and legal entities to higher authorities and (or) the court.

Footnote. Chapter 2 is supplemented by Article 7-4 in accordance with the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced sixty calendar days after the date of its first official publication).

Article 8. Rights of state inspectors on plant quarantine

Upon carrying out of state quarantine phytosanitary control and supervision of state inspectors on plant quarantine shall have the right to:

1) in the manner prescribed by the legislation of the Republic of Kazakhstan, to arrest sub-quarantine products and objects of state quarantine phytosanitary control and supervision for the period of inspection, examination, quarantine phytosanitary examination and (or) laboratory examination and, if necessary, disinfection, destruction, as well as during their transportation without a phytosanitary certificate or in cases of inconsistency with quarantine phytosanitary requirements;

1-1) prohibit the import, export and transit of quarantineable products that do not meet the quarantine phytosanitary requirements and (or) the requirements of the legislation of the Republic of Kazakhstan in the field of plants quarantine;

2) visit and conduct observations of objects of state quarantine phytosanitary control and supervision in order to compliance of requirements of the legislation of the Republic of Kazakhstan, to receive necessary information for carrying out the powers in the manner established by the legislation of the Republic of Kazakhstan;

3) select samples of quarantineable products for quarantine phytosanitary expertise and (or) laboratory expertise;

4) issue instructions on elimination of the identified violations of the legislation of the Republic of Kazakhstan in the field of plants quarantine, on conducting necessary measures for plants quarantine to individuals and legal entities, as well as to the officials of local executive bodies;

5) bring to administrative responsibility of civil servants, individuals and legal entities admitted beaches of the legislation of the Republic of Kazakhstan in the field of plant quarantine;

6) excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced sixty calendar days after the date of its first official publication).

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 29.11.1999 № 488; dated 18.02.2002 № 293; dated 20.12.2004 № 13 (shall be enforced from 1 January 2005); dated 17.07.2009 № 188-IV (the order of enforcement see Article 2); dated 17.07.2009 № 189-IV (the order of enforcement see Article 2); dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2014 № 236-V (shall be enforced from 01.01.2015); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.11.2014 № 249-V (shall be enforced upon expiry of ninety calendar days after the date of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (the procedure for coming into force, see Article 2).

Article 8-1. Stock of pesticides for localization and liquidation of foci of spread of quarantine objects

Footnote. The title of Article 8-1 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Reserve of pesticides (toxic chemicals) for localization and liquidation of centres of spreading quarantine objects represents particular volume of regularly renewable pesticides (toxic chemicals) and is a state property being under the supervision (possession) of authorized body.

2. Reserve of pesticides (toxic chemicals) is intended for localization and liquidation of detected centres of spreading quarantine objects and shall be formed from the volume of pesticides (toxic chemicals) purchased at the expense of budget funds.

3. (is excluded).

Footnote. Is supplemented by Article 8-1 by the Law of the Republic of Kazakhstan dated 3 July 2003 № 462. As amended dated 20 December 2004 № 13 (shall be enforced from 1 January 2005); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9. Obligations of individuals and legal entities on prevention of the import and (or) spread of quarantine objects, alien species

Footnote. The title of Article 9 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Individuals and legal entities shall be obliged to:

1) meet and comply with the requirements of the legislation of the Republic of Kazakhstan in the field of plants quarantine and the instructions of the state inspector for plants quarantine on implementation of relevant plants quarantine measures;

2) represent details on existence of quarantineable production and quarantine objects upon request of state inspectors on plant quarantine;

3) ensure systematic observation of sowings, territories, depots, where the quarantineable production are stored, as well as represent available quarantineable production for inspection and examination;

4) notify immediately the authorized body in case of detection of quarantineable objects;

5) not create obstacles in conducting plants quarantine measures;

6) provide assistance in conducting localization and liquidation of foci of spread of quarantine objects and alien species;

7) carry out, at its own expense, the measures on localization and liquidation of foci of spread of quarantine objects and alien species included in the list of quarantine objects and alien species, in relation to which plants quarantine measures shall be established and implemented;

8) comply with the requirements of the introduced temporary quarantine phytosanitary measures.

Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9-1. Competence of local executive bodies of oblasts (cities of national importance, the capital)

A footnote. Title of Article 9-1 with the change introduced by the Law of the Republic of Kazakhstan dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Local executive bodies of oblasts (cities of national importance, the capital):

1) keep record of spreading quarantine objects and represent information to the authorized body and interested persons;

1-1) realize state policy in the field of plant quarantine;

2) organize conduct of measures on plant quarantine on objects of state quarantine phytosanitary control and supervision by individuals and legal entities – owners of these objects, as well as by bodies of state management;

3) within five working days from the date of receipt of the submission from the territorial divisions of the department of the authorized body, make a decision on establishment of a quarantine zone with introduction of a quarantine regime or its cancellation in the relevant territories;

4) carry out other powers imposed on local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local state management.

Footnote. The Law is supplemented by Article 9-1 in accordance with the Law of the Republic of Kazakhstan dated 18.02.2002 № 293; is in the wording of the Law of the Republic of Kazakhstan dated 10.01.2006 № 116 (the order of enforcement see Article 2 of the Law № 116); as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 № 125; dated 17.07.2009 № 189-IV (the order of enforcement see Article 2); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 12.02.2015); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9-2. State quarantine phytosanitary control and supervision

1. State quarantine phytosanitary control and supervision shall be carried out in the form of inspection and preventive control with a visit to the subject (object) of control and supervision in accordance with the Entrepreneur Code of the Republic of Kazakhstan.

2. Preventive control without visiting the subject (object) of control and supervision, investigation shall be carried out in accordance with the Entrepreneur Code of the Republic of Kazakhstan and this Law.

3. State quarantine phytosanitary control and supervision in relation to potentially hazardous biological facilities where pathogenic biological agents shall be handled, shall be carried out taking into account the features provided for by the legislation of the Republic of Kazakhstan in the field of biological safety.

Footnote. Chapter 2 is supplemented by Article 9-2 in accordance with the Law of the Republic of Kazakhstan dated 17.07.2009 № 188-IV (the order of enforcement see Article 2); in the wording of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 21.05.2022 № 123-VII (shall enter into force upon expiry of six months after the day of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced sixty calendar days after the date of its first official publication).

Chapter 3. State quarantine phytosanitary control and supervision

Footnote. Title of chapter 3 is in the wording of the Law of the Republic of Kazakhstan dated 10.11.2014 № 249-V (shall be enforced upon expiry of ninety calendar days after the date of its first official publication).

Article 10. Carrying out of state quarantine phytosanitary control and supervision

1. State quarantine phytosanitary control and supervision carried out in accordance with subparagraphs 23), 24) and 26) of paragraph 1 of Article 7 of this Law shall be carried out by state inspectors on plant quarantine of the authorized body for the purpose of prevention of import and distribution of quarantine objects in the territory of the Republic of Kazakhstan.

Conducting permanent quarantine inspections of quarantineable products, their quarantine phytosanitary expertise and (or) laboratory expertise with sampling, control sample surveys, review of quarantine documents and implementation of state quarantine phytosanitary supervision over implementation of plants quarantine measures in order to prevent the import of quarantine objects to the territory of the Republic of Kazakhstan, timely detection, localization and liquidation of existing foci of their distribution are aimed at protection of plant and food resources, prevention of unforeseen expenditures of budget funds for the fight against quarantine objects, as well as improving the competitiveness of domestic products.

2. Is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

3. State quarantine phytosanitary control and supervision, documentary state quarantine phytosanitary control, inspection of vehicles, examination, inspection of imported, exported and transit quarantineable products, quarantine phytosanitary measures are aimed at the safety of people's property related to the objects of plants quarantine control and supervision.

3-1. excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced sixty calendar days after the date of its first official publication).

4. Preventive control without visiting the subject (object) of control and supervision shall be performed by the department of the authorized body and territorial divisions of the department of the authorized body by analyzing, comparing data and information:

- 1) from information systems;
- 2) notifications and notices from authorized bodies of other states;
- 3) incoming from organizations included in the state plant quarantine system;
- 4) from open sources, media.

Subjects (objects) of preventive control without a visit shall be individuals and legal entities whose activities are related to import, export, production, procurement, processing, disinfection, storage, transportation and sale of quarantineable products.

The goals of preventive control without visiting the subject (object) of control and supervision shall be timely suppression and prevention of violations, giving the subjects of control the right to independently rectify violations identified by the department of the authorized body and territorial divisions of the authorized body's department based on the findings of preventive control without visiting the subject (object) of control and supervision, and reducing the administrative burden on them.

If a violation is detected in the preventive control without visiting the subject (target) of control and supervision in the actions (inaction) of the subjects of control and supervision, the department of the authorized body or territorial divisions of the authorized body's department shall send a recommendation to the subject of control and supervision within at least two working days from the date of detection of violation. The recommendation shall indicate the deadline for its implementation, which should not be less than three working days from the day following the date of its delivery.

The recommendation must be delivered to the subject of control and supervision personally against signature or in another way confirming the facts of its sending and receipt.

A recommendation sent in one of the following ways is considered delivered in the following cases:

- 1) personal delivery – from the date of the note in the recommendation for receipt;
- 2) by mail - from the date of note of receipt of the postal item by registered mail;
- 3) electronically – from the date of sending to the email address of the subject of control and supervision specified in the letter upon request.

The recommendation to rectify violations identified in preventive control without visiting the subject (object) of control and supervision must be executed within the period specified in the recommendation following the day of its delivery.

In case of disagreement with the violations specified in the recommendation the subject of control and supervision has the right to file an objection to the department of the authorized body or the territorial division of the authorized body's department that sent the recommendation within one working day following the date the recommendation was delivered.

In the event of non-execution within the established time limit of recommendations to rectify the violations identified in the preventive control without visiting the subject (object) of control and supervision preventive control with a visit to the subject (object) of control and supervision shall be appointed by inclusion in the semi-annual list of preventive control with a visit to the subject (object) of control and supervision.

The frequency of preventive control without visiting the subject (object) of control and supervision is determined as data and information are received.

Footnote. Article 10 is in the wording of the Law of the Republic of Kazakhstan dated 10.11.2014 № 249-V (shall be enforced upon expiry of ninety calendar days after the date of its first official publication); with amendments introduced by the Law of the Republic of

Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced sixty calendar days after the date of its first official publication).

Article 10-1. Prompt response measures and their application procedure in the plant quarantine area

1. During the inspection and (or) based on the results of state quarantine phytosanitary control, state plant quarantine inspectors shall apply prompt response measures in cases of detecting quarantine objects and alien species in quarantinable products that pose a direct threat to the plant resources of the Republic of Kazakhstan and products of plant origin, and also food security of the Republic of Kazakhstan.

2. Prompt response measures are the methods of influencing subjects (targets) of control and supervision provided for in this article, applied within the framework of:

1) state control and supervision in accordance with subparagraphs 4) and 7) of paragraph 4, subparagraph 2) of paragraph 9 of Article 129 of the Entrepreneur Code of the Republic of Kazakhstan;

2) preventive control with a visit to the subject (target) of control and supervision, unscheduled inspection, investigation.

3. Prompt response measures include:

stopping a vehicle and detaining quarantinable products and objects of state quarantine phytosanitary control and supervision;

withdrawal of quarantinable products (including from postal items, hand luggage and baggage) or return of quarantinable products;

suspension of activities or certain types of them;

prohibition of activities or certain types of them.

4. The grounds for applying prompt response measures shall be breaches of the requirements established by the legislation of the Republic of Kazakhstan, which are the subject of state control in accordance with subparagraphs 4) and 7) of paragraph 4, subparagraph 2) of paragraph 9 of Article 129 and Article 143 of the Entrepreneur Code of the Republic of Kazakhstan.

5. If a fact of violation of the requirements is detected, which is the ground for applying prompt response measures, the state plant quarantine inspectors shall draw up a supervisory act in the form of a resolution provided for in subparagraph 5-1) of paragraph 1 of Article 7-4 of this Law.

The supervisory act shall be drawn up and handed to the subject of control and supervision in accordance with Article 153 of the Entrepreneur Code of the Republic of Kazakhstan.

6. After issuing a supervisory act upon the state control results pursuant to subparagraphs 4) and 7) of paragraph 4, subparagraph 2) of paragraph 9 of Article 129 of the Entrepreneur

Code of the Republic of Kazakhstan, the state plant quarantine inspector shall directly apply prompt response measures.

7. In the event of refusal to accept supervisory act, when it is handed, a corresponding entry and a video recording shall be made, recording the fact of refusal to accept the supervisory act .

The supervisory act shall be sent to the legal address, location or actual address of the subject of control and supervision by registered mail with acknowledgment of receipt.

8. Refusal to receive a supervisory act shall not be a ground for its non-execution.

9. Violations of requirements identified during the inspection and (or) on state control results, which constitute the ground for applying prompt response measures, shall be reflected in reports on preventive control with a visit to the subject (target) of control and supervision and (or) unscheduled inspection, investigation, as well as in the injunction on rectifying the identified violations of the legislation of the Republic of Kazakhstan in the plant quarantine.

10. The control and supervision subject is obliged to rectify the identified violations of the requirements, which are the ground for applying prompt response measures, within the time limits specified in investigation the report, the injunction on rectifying the identified violations of the legislation of the Republic of Kazakhstan in the plant quarantine.

11. Before expiry of the deadlines provided for by the investigation report, the injunction on rectifying the identified violations, the control and supervision subject is obliged to provide information on the elimination of the identified violations with attachment (if necessary) of materials proving the fact that the violation was rectified.

If the information referred to in part one of this paragraph is provided, an unscheduled inspection shall be conducted in accordance with part two of paragraph 12 of this article.

12. In the event of non-elimination of identified violations of the requirements, constituting the ground for applying prompt response measures, steps shall be taken to bring the persons who committed the violations to justice in the manner established by the laws of the Republic of Kazakhstan.

13. Upon expiry of the deadline for rectifying violations of the requirements specified in the investigation report, the injunction on rectifying identified violations of the legislation of the Republic of Kazakhstan in the plant quarantine, an unscheduled inspection shall be conducted to check the elimination of identified violations of the requirements, constituting the ground for applying prompt response measures.

The effect of the supervisory act shall be terminated if the territorial division of the authorized body confirms the elimination of identified violations of the requirements, constituting the ground for applying prompt response measure, on the basis of the report on the unscheduled inspection in accordance with subparagraph 2-1) of paragraph 5 of Article 144 of the Entrepreneur Code of the Republic of Kazakhstan.

14. The subject of control and supervision, in case of disagreement with the results of state quarantine phytosanitary control, which entailed the prompt response measures, may file a complaint to invalidate the supervision act and cancel it.

The complaint shall be filed to a higher state body as prescribed by Chapter 29 of the Entrepreneur Code of the Republic of Kazakhstan, or to the court in the manner established by the legislation of the Republic of Kazakhstan.

Filing of a complaint shall not suspend execution of the supervisory act.

15. The grounds for invalidating a supervisory act and its cancellation shall be:

- 1) absence of grounds for the use of prompt response measures;
- 2) application of prompt response measures on the ground that does not correspond to this measure;
- 3) the use by the state plant quarantine inspector of prompt response measures on issues that are not within his competence.

16. Information on the application of prompt response measures shall be sent to the state body that, within its competence, pursues activities in state legal statistics and special records, in the manner determined by the Prosecutor General's Office of the Republic of Kazakhstan.

Footnote. Chapter 3 has been supplemented with Article 10-1 pursuant to the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced sixty calendar days after the date of its first official publication).

Article 11. Civil servants carrying out state quarantine phytosanitary control and supervision

Footnote. Title is in the wording of the Law of the Republic of Kazakhstan dated 10.11.2014 № 249-V (shall be enforced upon expiry of ninety calendar days after the date of its first official publication).

1. Officials of the department and its territorial divisions with phytosanitary control posts directly exercising state quarantine phytosanitary control and supervision shall be provided with uniforms (without shoulder straps), material resources, technical means for photo and video recording.

The list of civil servants having the right to wearing official uniform (without shoulder straps), samples of official uniform (without shoulder straps) and procedure for wearing shall be determined by the authorized body.

Natural norms for the provision of uniforms (without shoulder straps), as well as material resources, technical means for photo and video recording shall be approved by the authorized body in agreement with the central authorized body for budget planning.

2. Civil servants carrying out the state quarantine phytosanitary control and supervision shall have the right to compensation for harm inflicted to their life and health in the manner established by the civil legislation of the Republic of Kazakhstan.

Footnote. Article 11 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2); as amended by the Laws of

the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.01.2011 № 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.11.2014 № 249-V (shall be enforced upon expiry of ninety calendar days after the date of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 12. Objects of state quarantine phytosanitary control and supervision

Footnote. Title of Article 12 is in the wording of the Law of the Republic of Kazakhstan dated 10.11.2014 № 249-V (shall be enforced upon expiry of ninety calendar days after the date of its first official publication).

Objects of state quarantine phytosanitary control and supervision are:

1) seeding and planting materials of agricultural, forest and ornamental crops, plants and their parts (cuttings, bulbs, tubers, fruits), as well as any other production of plant origin that can be a carrier of quarantine objects;

2) agents of plant diseases – cultures of living mushrooms, viruses, bacteria, as well as ascarides, mites and insects;

3) collections of insects, agents of plant diseases, herbaria and seeds collections;

4) agricultural machinery and instruments for soil treatment, transport vehicles, all the types of packing, packing materials, industrial products and items of plant materials, monoliths and soil samples that may be carriers of quarantine objects;

5) the territory and premises of organizations, peasant or farm, household and summer cottages that grow, procure, store, process, disinfect and sell products of plant origin, lands for agricultural, forestry, water and other purposes;

6) objects of internal trade, railway stations, bus stations, river ports, piers, production facilities of mail operators;

7) compliance with the legislation of the Republic of Kazakhstan in the field of plant quarantine by local executive bodies.

Footnote. Article 12 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 № 116 (the order of enforcement see Article 2 of the Law № 116); dated 17.07.2009 № 188-IV (the order of enforcement see Article 2); dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.03.2011 № 420-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.11.2014 № 249-V (shall be enforced upon expiry of ninety calendar days after the date of its first official publication); dated 16.07.2015 № 330-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten

calendar days after the day its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 12-1. Permits and notifications, state services in the field of plants quarantine

1. To obtain a phytosanitary certificate, individuals and legal entities shall submit an application to the territorial subdivision of the department of the authorized body on the territory of the corresponding district, city of regional significance, city of republican significance, the capital city where the quarantineable products are located, present the quarantineable products to the state plants quarantine inspector for determination of the quarantine state.

A phytosanitary certificate shall be issued and certified by a personal signature and a seal (stamp) of the established form by a state plants quarantine inspector in accordance with the rules for protection the territory of the Republic of Kazakhstan from quarantine objects and alien species. A phytosanitary certificate shall be issued for each batch of quarantineable products and must certify its quarantine state, have information about the conducted disinfection, and fulfillment of other additional quarantine phytosanitary requirements for the supply of these products.

The grounds for a reasoned refusal to issue a phytosanitary certificate shall be:

- 1) failure to present quarantineable products for inspection by the applicant;
- 2) identification of quarantine objects in quarantineable products, except for the cases when the requirements of the importing country (during export) allow the presence of identified quarantine objects in quarantineable products;
- 3) identification of non-compliance with the requirements of the importing country (during export);
- 4) repeated (two or more times) failure to notify of the arrival or failure to present quarantineable products for inspection to an official of the authorized body of a member state of the Eurasian Economic Union shall be the basis for refusal to issue a phytosanitary certificate within thirty calendar days after receiving information from the relevant authorized state body of the state - a member of the Eurasian Economic Union, except for the cases of change of destination;
- 5) other grounds provided for by the laws of the Republic of Kazakhstan "On Public Services", "On Permits and Notifications".

2. Excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (for the procedure of entry into force, see art. 2).

3. For the import of quarantine objects for scientific-research purposes, according to the approved list, individuals and legal entities shall submit an application for a letter of approval for the import of quarantine objects for scientific-research purposes to the territorial

subdivision of the department of the authorized body on the territory of the relevant district, city of regional significance, city of republican significance, the capital city, where the quarantineable object is located.

A letter of approval for the import of quarantine objects for scientific-research purposes shall be issued for each quarantine object and shall be valid for six months from the date of its issuance.

The letter of approval for the import of quarantine objects for scientific-research purposes cannot be used more than once.

The letter of approval for the import of quarantine objects for scientific-research purposes shall be issued in accordance with the rules for protection of the territory of the Republic of Kazakhstan from quarantine objects and alien species.

The grounds for a reasoned refusal to issue a letter of approval for the import of quarantine objects for scientific-research purposes shall be non-compliance with the requirements for isolation of quarantine objects of various levels of biological safety and other grounds provided for by the laws of the Republic of Kazakhstan "On Public Services", "On Permits and Notifications."

4. To obtain an account number, individuals and legal entities shall submit an application to the territorial subdivision of the department of the authorized body on the territory of the corresponding district, city of regional significance, city of republican significance, the capital city where the quarantineable object is located, present the quarantineable object to the state plants quarantine inspector for determination of the quarantine state and compliance with quarantine phytosanitary requirements.

An account number shall be issued for implementation of activities on:

processing of grains contaminated with quarantine weeds (with the exception of quarantine weeds of the genus *Striga* spp.) and their processing products according to technologies that ensure deprivation of the seeds and fruits of quarantine weeds of viability;
decontamination and labeling of wood packaging material.

An account number shall be issued with the assignment of a code and a registration number in accordance with the rules for protection of the territory of the Republic of Kazakhstan from quarantine objects and alien species.

Issuance of an account number or a reasoned refusal to issue it shall be drawn up within ten working days from the date of submission an application for its receipt.

The grounds for a reasoned refusal to issue an account number shall be:

- 1) non-compliance of the quarantineable object with the quarantine phytosanitary requirements;
- 2) identification of foci of spread of quarantine objects on the territory of a quarantineable object;
- 3) other grounds provided for by the Law of the Republic of Kazakhstan "On Public Services".

The grounds for revoking an account number shall be:

1) identification of foci of spread of quarantine objects on the territory of a quarantineable object;

2) violation of quarantine phytosanitary requirements;

3) identification of living and (or) viable quarantine objects in products obtained by processing grain and products of its processing using technologies that ensure the deprivation of the seeds and fruits of quarantine weed plants of viability;

4) identification of living and (or) viable quarantine objects in disinfected and labeled wood packaging material;

5) other grounds provided for by the Law of the Republic of Kazakhstan "On Public Services".

5. Activities related to handling pathogenic biological agents shall be carried out on the basis of a permit for handling pathogenic biological agents and an Annex thereto in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Chapter 3 is supplemented by Article 12-1 in accordance with the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of twenty-one calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 21.05.2022 № 123-VII (shall enter into force upon expiry of six months after the day of its first official publication); dated 06.04.2024 № 71-VIII (the procedure for coming into force, see Article 2).

Article 13. The procedure for import, export, transit, domestic transportation, inspection and disinfection of quarantineable products

1. When concluding contracts for the supply of quarantineable products or their transit, the supplier shall be obliged to receive body the necessary information on quarantine phytosanitary measures from the authorized and provide conditions to prevent the import of quarantine objects.

The concluded contract containing information of a confidential nature should not be disclosed without the written consent of the supplier.

2. Import into the territory of the Republic of Kazakhstan, the beginning and completion of transit through the territory of the Republic of Kazakhstan of quarantineable products shall be permitted only through phytosanitary control posts.

Registration of customs documents for quarantineable products shall be carried out after completion of the state quarantine phytosanitary control and supervision.

Registration of customs documents for imported quarantineable products at the point of destination shall be carried out after secondary quarantine phytosanitary control and supervision.

Recognition of the equivalence of quarantine phytosanitary measures of other states shall be carried out in accordance with the international treaties of the Republic of Kazakhstan.

The imported and transit quarantineable products must comply with the quarantine phytosanitary requirements and the requirements of the legislation of the Republic of Kazakhstan in the field of plants quarantine.

The imported and transit quarantineable products shall be transported through the territory of the Republic of Kazakhstan in covered or insulated, serviceable and sealed containers, sealed packages, wagons, vans, refrigerated trucks and other vehicles.

The import of quarantineable products by foreign diplomatic missions, consular offices, representative offices of international organizations located on the territory of the Republic of Kazakhstan, as well as by persons enjoying privileges and immunity, shall be carried out in accordance with the legislation of the Republic of Kazakhstan and (or) international treaties ratified by the Republic of Kazakhstan.

In the places of destination of quarantineable products of high phytosanitary risk, the original phytosanitary certificate of the state of origin shall be subject to seizure by the state plants quarantine inspector during quarantine phytosanitary control and supervision.

2-1. It is prohibited to import into the territory of the Republic of Kazakhstan:

1) quarantineable products of high phytosanitary risk without phytosanitary certificates of the national quarantine services of the exporting countries;

2) quarantineable products contaminated with quarantine objects and alien species, with the exception of cases provided for by the unified quarantine phytosanitary requirements of the Eurasian Economic Union;

3) soil, live rooted plants with soil from zones, places and (or) production sites with centers of spread of quarantine objects;

4) causative agents of plants diseases - the culture of live fungi, bacteria, viruses, as well as insects, ticks, nematodes damaging plants, seeds of quarantine weeds, with the exception of samples imported by agreement with the authorized body for scientific-research purposes;

5) quarantineable products in relation to which temporary quarantine phytosanitary measures have been introduced.

3. Is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2).

4. The transportation of sub -carantine products is allowed in the presence of phytosanitary certificates issued by the territorial divisions of the authorized body:

1) outside the Republic of Kazakhstan, in compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of plants quarantine, availability of phytosanitary certificates in accordance with the quarantine phytosanitary requirements of the importing country;

2) within the Republic of Kazakhstan, subject to the requirements of the legislation of the Republic of Kazakhstan in the field of plant quarantine.

The quarantine state of quarantineable products exported outside the territory of the Republic of Kazakhstan for compliance with the quarantine phytosanitary requirements of the

importing country shall be certified by the state inspectors for plants quarantine at the points of initial shipment and a second time - at sea and river ports (wharves), airports, railway stations, production facilities of postal operators, objects of domestic trade, bus stations (bus stations) and other objects when reloading (forming) export consignments. When exporting outside the territory of the Republic of Kazakhstan without overload at the checkpoint across the State border of the Republic of Kazakhstan (phytosanitary control post), supervision shall be carried out only for the correct execution of the phytosanitary certificate issued from the place of shipment.

4-1 Excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced from 01.01.2025).

5. Inspection and disinfection of quarantineable products and vehicles, quarantine phytosanitary expertise and (or) laboratory expertise, issuance of quarantine documents shall be carried out at the expense of their owners in accordance with and in the procedure, established by the legislation of the Republic of Kazakhstan in the field of plants quarantine.

The quarantineable products, imported into the territory of the Republic of Kazakhstan, the transport on which the quarantineable products are transported, shall be subject to state supervision in the field of plants quarantine, and, if necessary, to quarantine inspection at phytosanitary control posts, as well as quarantine inspection at the place of destination of quarantineable products with registration of appropriate acts.

The State plant quarantine inspector explains to the owners of the sub - quarantine products the legislation of the Republic of Kazakhstan in the field of plant quarantine, establishes the presence of a phytosanitary certificate for sub - quarantine products of high phytosanitary risk, conducts an external inspection of transport, sub - quarantine products, selection of samples from sub - quarantine products, studying them on the spot in order to identify pests, plant diseases and weeds. If necessary, samples and objects are submitted to the authorized organization to confirm the classification of quarantine types of species

If the carrier refuses to submit quarantineable products for conducting state quarantine phytosanitary control and supervision, then they must be returned to the exporting country or the sender when carrying out interregional transportation of quarantineable products at the expense of their owner, about which the state inspector for plants quarantine shall notify the territorial subdivision of the department of the authorized body or border authorities and state revenue bodies of the Republic of Kazakhstan when carrying out the return of quarantineable products to the exporting country.

Quarantineable products, in which quarantine objects are found, shall be subject to return, decontamination, cleaning from quarantine weeds or technical processing, destruction. The costs associated with disinfection, cleaning or processing of quarantineable products, their destruction shall be paid by their owners.

Sowing and planting materials contaminated with quarantine objects of scientific or other value, upon applying of their owners, shall be transferred for research to an authorized

organization. When the infection with quarantine objects is eliminated, the sowing and planting materials shall be returned to their owners.

The seizure of quarantineable products (including from postal items, hand luggage and baggage) shall be carried out by the state inspector for plants quarantine, about which an act of seizure shall be drawn up.

After passing the quarantine inspection of quarantineable products and conducting necessary measures for plants quarantine, the state inspector for plants quarantine shall put a corresponding stamp of the established form about the passage of state quarantine phytosanitary control and supervision on the accompanying shipping documents and issue an act of quarantine phytosanitary control and supervision to its owner.

Cargo operations (reloading onto other vehicles) with quarantineable products at phytosanitary control posts shall be conducted by their owner with the permission of the state inspector for plants quarantine after conducting the state quarantine phytosanitary control and supervision and mandatory quarantine inspection.

The imported quarantineable products, as well as vehicles that have passed quarantine inspection at phytosanitary control posts, shall be submitted to the state inspector for plants quarantine for secondary quarantine phytosanitary control and supervision at the final destination of the quarantineable products.

Inspection of quarantineable products and vehicles, sampling for analysis and expertise at the point of destination of quarantineable products shall be carried out by state inspectors for plants quarantine of the territorial subdivision of the department of the authorized body, in case of detection of organisms similar in morphological characteristics to quarantine objects, alien species, symptoms of plants diseases, signs of damage to quarantineable products by quarantine objects and alien species, the samples shall be sent for laboratory expertise for establishing the species composition of pests, plants and weeds diseases. Based on the results of quarantine phytosanitary control and supervision, an act shall be drawn up with a record about the conditions for using these products.

6. Vehicles and quarantineable products contaminated with quarantine objects, products which disinfection is provided for, as well as vehicles and quarantineable products that are potentially dangerous in quarantine relation, shall be subject to disinfection by the instruction of the Chief state inspector for plants quarantine of the Republic of Kazakhstan.

Disinfection of quarantineable products, provided for by the instructions of state inspectors for plants quarantine based on the results of quarantine inspection, shall be conducted at the expense of the owners of quarantineable products on a contractual basis with individuals and legal entities that are allowed to carry out these types of activity in accordance with the legislation of the Republic of Kazakhstan.

Processing of grain and its processing products contaminated with quarantine weeds (with the exception of quarantine weeds of the genus *Striga* spp.), using technologies that ensure deprivation of seeds and fruits of quarantine weeds of viability, decontamination and labeling

of wood packaging material by individuals and legal entities that have not received an account number, shall be prohibited.

When quarantine objects are identified in quarantineable products at phytosanitary control posts, decontamination works shall be carried out at checkpoints across the State border of the Republic of Kazakhstan, coinciding with the customs border of the Eurasian Economic Union, in fumigation chambers, stacks, holds of ships and barges, wagons, containers and other types of transport.

After transportation of imported quarantineable products, as well as products from quarantine zones of the Republic of Kazakhstan, all types of vehicles shall be subject to mandatory cleaning with waste destruction, and, if necessary, fumigation in places determined by the state inspector for plants quarantine.

Footnote. Article 13 as amended by the Laws of the Republic of Kazakhstan dated 18.02.2002 № 293; dated 03.07.2003 № 462; dated 31.01.2006 № 125; dated 17.07.2009 № 188-IV (the order of enforcement see Article 2); dated 17.07.2009 № 189-IV (the order of enforcement see Article 2); dated 30.06.2010 № 297-IV (shall be enforced from 01.07.2011); dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.07.2011 № 461-IV (shall be enforced from 30.01.2012); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.11.2014 № 249-V (shall be enforced upon expiry of ninety calendar days after the date of its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 12.02.2015).; dated 16.07.2015 № 330-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.12.2017 № 124-VI (shall be enforced dated 01.01.2018); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of twenty-one calendar days after its first official publication); dated 16.11.2020 № 375-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced from 01.01.2025).

Article 13-1. Procedure for detection of quarantine objects

1. For the purpose of well-timed detection of quarantine objects, identification of centres of their spreading, the land and forest areas, plantings of agricultural, decorative, medical and other crops, buildings, structures, containers, depots, other objects and territories of organizations linked with production, processing, storage, transportation and sale of quarantineable production, and other objects that may be a source of contamination and spreading of quarantine objects shall be subject to systematic observation.

Performance of these works shall be ensured by individuals and legal entities under prescriptions of state inspectors on plant quarantine, as well as Republican methodical centre of phytosanitary diagnostics and forecast.

2. The results of an examination, as well as the pests, plant pathogens and weeds that are identified, are sent to the state plant quarantine inspectors to determine and confirm the belonging of these objects to quarantine species. In the event that objects cannot be determined, state plant quarantine inspectors send them to confirm their belonging to quarantine species to the authorized organization.

State inspectors for plants quarantine of territorial subdivisions of the department of the authorized body shall conduct control examinations of these objects. The results of examination shall be drawn up by an act on quarantine phytosanitary control and supervision.

Footnote. Chapter 3 is supplemented by Article 13-1 in accordance with the Law of the Republic of Kazakhstan dated 31 January 2006 № 125; as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2); dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 12.02.2015); dated 16.07.2015 № 330-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

Article 14. Procedure for imposition and removal of quarantine

1. Is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2).

2. Export of contaminated quarantineable production by quarantine objects in quarantine zones shall be prohibited or restrictions shall be imposed, the measures on plant quarantine shall be developed and carried out.

Contaminated production taken out from quarantine zone shall be subject to return, clearing, disinfection or transfer to its processing organizations.

Contaminated production, upon impossibility of its disinfection and processing shall be subject to withdrawal and destruction in the manner established by the regulatory legal acts.

List of quarantine restrictions and measures on plant quarantine shall be brought to notice of individuals, legal entities and population of quarantine zone.

Footnote. Article 14 as amended dated 20 December 2004 № 13 (shall be enforced from 1 January 2005); by the Law of the Republic of Kazakhstan dated 31 January 2006 № 125; dated 17.07.2009 № 189-IV (the order of enforcement see Article 2).

Chapter 4. Resolution of disputes and responsibility for breach of the legislation of the Republic of Kazakhstan in the field of plant quarantine

Footnote. Title of Chapter 4 as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2).

Article 15. Resolution of disputes in the field of plant quarantine

Disputes in the field of plant quarantine shall be resolved in the manner established by the legislation of the Republic of Kazakhstan.

Article 16. Responsibility for breach of the legislation of the Republic of Kazakhstan in the field of plant quarantine

Breach of the legislation of the Republic of Kazakhstan in the field of plant quarantine shall entail responsibility established by the Laws of the Republic of Kazakhstan.

Footnote. Article 16 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2).

Chapter 5. Financing of measures on plant quarantine

Footnote. Title of Chapter 5 is in the wording of the Law of the Republic of Kazakhstan dated 18 February 2002 № 293. As amended dated 20 December 2004 № 13 (shall be enforced from 1 January 2005).

Article 17. (Is excluded dated 20 December 2004 № 13 (shall be enforced from 1 January 2005).

Article 18. Financing plant quarantine activities

1. At the expense of budgetary funds, financing of activities shall be carried out for:

1) localization and liquidation of foci of spread of quarantine objects and alien species, determined by the authorized body in accordance with subparagraph 8-1) of paragraph 1 of Article 7 of this Law, as well as conducting of emergency measures;

2) organizing and providing access to the representatives of the importing country for conducting an audit of the system of state quarantine phytosanitary control and supervision;

3) organizing and conduct of inspections of quarantineable objects, zones, places, production sites, free or having a limited distribution of quarantine objects and (or) alien species by the representatives of the importing country.

2. At the expense of individuals and (or) legal entities funds the following activities are performed :

1) measures on localization and elimination the outbreaks of quarantine weeds at sites and land plots in the ownership and (or) land use of individuals and legal entities;

2) disinfection, technical recycling, cleaning and destruction of contaminated quarantineable products, return of quarantineable products;

3) disinfection and cleaning of premises and vehicles.

3. Financing of the activities provided for by subparagraph 3) of paragraph 1 of this Article, in excess of the volume of their financing at the expense of budgetary funds for the corresponding financial year, shall be carried out from other sources not prohibited by the legislation of the Republic of Kazakhstan.

Footnote. Article 18 in the new wording of the Law of the Republic of Kazakhstan dated 16.07.2015 № 330-V (shall be enforced from 01.01.2016); as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

**Chapter 6. International cooperation in the field
of plant quarantine Article 19. Principles of international cooperation in the field of plant
quarantine**

The Republic of Kazakhstan shall carry out international cooperation in the field of plant quarantine being regulated by principles of compliance of mutual security from entering and spreading of quarantine objects.

**Article 20. Activity of foreign persons and foreign legal entities in the field of plant quarantine in
the territory of the Republic of Kazakhstan**

Footnote. Title of Article 20 as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2).

Activity of foreign persons and foreign legal entities in the field of plant quarantine, if it is not inconsistent with the legislation of the Republic of Kazakhstan or regulated by international treaties shall be allowed in the territory of the Republic of Kazakhstan.

Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2).

Article 21. International treaties of the Republic of Kazakhstan in the field of plant quarantine

Footnote. Article 21 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (the order of enforcement see Article 2).

The President
of the Republic of Kazakhstan