

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

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

This Law defines the legal framework and principles of state plant quarantine activities, which are a part of the system designed to safeguard national security in the Republic of Kazakhstan.

**Chapter 1. General Provisions**

*Article 1 has been amended under RK Law N 293-II dated February 18, 2002*

**Article 1. Basic Definitions Used in This Law**

The following definitions shall be used in this Law:

1) **import quarantine permission** – a document permitting entry into, as well as transit through the Republic for products subject to quarantine upon terms determined by the authorized agency of the Republic of Kazakhstan;

2) **post-entry quarantine nurseries** – specially equipped nurseries to determine whether imported planting material and seeds are contaminated with indiscernible quarantine pests or other extremely dangerous injurious organisms;

3) **quarantine area** - an area that has been declared quarantined upon detection of any quarantine pest;

4) **quarantine measure** – a procedure designed to prevent introduction or spread of quarantine pests within the territory of the Republic;

5) **quarantine pest** – under the approved list of quarantined species, any pest, plant disease pathogen or weed, which may cause substantial damage to plants and plant products and which is not present or not widely distributed in the Republic;

5-1) **quarantine certificate** – a document certifying the quarantine status of products intended for inland transportation subject to quarantine;

6) **plant quarantine (phyto-sanitary protection)** – a legal regime providing for the system of state activities to protect Republican plant resources and plant products from any introduction and entry of quarantine pests from other states, as well as from any quarantine area of the Republic, and to localize and eradicate their focal areas if they spread;

7) **plant quarantine control** – any activity performed by officials of the authorized agency to oversee observance of the requirements established in the plant quarantine norms, rules and instructions;

7-1) **phytosanitary risk assessment** – any scientifically grounded assessment of probability of introduction, establishment or spread of quarantine pests performed by science and research organizations and the authorized agency in view of phytosanitary measures, which could be taken, and related potential biological and economic effects;

8) **quarantine pest focal area** – an area where any of quarantine pests has been detected and where quarantine measures are to be implemented or are being implemented;

9) **products subject to quarantine** – any materials (cargoes) capable of spreading quarantine pests;

9-1) **Republican State Plant Quarantine Enterprises** – state enterprises established by the Government of the Republic of Kazakhstan to detect, localize and eradicate quarantine pest focal areas, which are not vested with any authority to perform state control and supervision;

9-2) **authorized agency** – a state agency performing quarantine control to ensure observance of plant quarantine by individuals and legal entities in the Republic of Kazakhstan;

10) **phytosanitary certificate** – a document certifying the quarantine status of exported products subject to quarantine;

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

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

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

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

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

The principal plant quarantine objectives shall be as follows:

- 1) protecting the area of the Republic from introduction or individual entry of quarantine pests from abroad or any quarantine area;
- 2) detecting, localizing and eradicating quarantine pests, as well as preventing their introduction to those regions of the Republic where they are not present;
- 3) performing state control to ensure observance of the plant quarantine law and established rules and implementation of plant quarantine activities in the Republic.

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

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

- 1) protection of plant resources and products of plant origin from damage and destruction by quarantine pests in order to maintain food and raw material security of the Republic;
- 2) state regulation, state control and liability for any violation of the plant quarantine law;
- 3) objective and scientifically grounded assessment of potential impact of quarantine pests on plant resources and products of plant origin and prevention of potential damage that they may cause;
- 4) active involvement of population, individuals, legal entities, organizations, public and local administration agencies in plant quarantine activities;
- 5) international cooperation in the area of plant quarantine based on relevant agreements.

## **Chapter 2. State Plant Quarantine Regulation**

*Article 5 has been reworded under RK Law N 293-II dated February 18, 2003*

## **Article 5. State Plant Quarantine Regulatory Bodies**

1. State regulation in the area of plant quarantine shall be performed by the Government of the Republic of Kazakhstan, the authorized agency and its territorial bodies.

2. The Authorized Agency Provision, the Quarantine Pests Safety Rules for the Republic of Kazakhstan (hereinafter – “Plant Quarantine Rules”) and the List of Quarantine Pests controlled through the budgetary funds, shall be approved by the Government of the Republic of Kazakhstan.

3. All officials of the authorized agency and its territorial bodies with border checkpoints and posts performing direct plant quarantine control shall be deemed to be the state plant quarantine inspectors and shall be supplied with uniforms in a manner established by the laws of the Republic of Kazakhstan.

The Provision on State Plant Quarantine Inspectors shall be approved by the authorized agency.

The eligibility criteria for the state plant quarantine inspectors shall be based on qualification requirements established by the authorized agency in accordance with the Republic of Kazakhstan Civil Service Law.

*See: Resolution of the Government of the Republic of Kazakhstan N 941 dated June 26, 2000 "On Establishment of the State Offices within the Ministry of Agriculture of the Republic of Kazakhstan", Provision on Structural Divisions of the Ministry of Agriculture of the Republic of Kazakhstan and its Territorial Agencies Responsible for Plant Quarantine Phytosanitary Control.*

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

#### **Article 6. State Plant Quarantine System**

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

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

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

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

1. The authorized agency shall:

- 1) establish the List of Quarantine Pests to be covered by the state plant quarantine activities;
- 2) keep records of quarantine pest occurrence and provide information to any interested parties;
- 2-1) organize activities to detect, localize and eradicate quarantine pest focal areas and disinfect products subject to quarantine;
- 2-2) within its authority approve plant quarantine regulations;
- 3) develop and agree all plant quarantine normative and methodological documents in the prescribed manner;

*Subparagraph 4 has been eliminated under RK Law N 13-III dated December 20, 2004*

4-1) organize and implement state procurement of pesticides (insecticides), works and services related to their storage, transportation and application to localize and liquidate quarantine pest focal areas in the manner prescribed by the laws of the Republic of Kazakhstan;

4-2) establish a stockpile of pesticides (insecticides) to localize and liquidate quarantine pest focal areas in the manner prescribed by the laws of the Republic of Kazakhstan;

4-3) distribute pesticides (insecticides) purchased through the budgetary funds within the Republic of Kazakhstan to localize and liquidate quarantine pests focal areas;

5) perform quarantine inspection, laboratory tests and phytosanitary certification of imported and exported products subject to quarantine based on phytosanitary characteristics of the area, place of origin and destination, as well zones free of quarantine pests or in which they have no wide distribution;

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

6) issue instructions to perform disinfection of products subject to quarantine, as well as vehicles in accordance with the Plant Quarantine Law of the Republic of Kazakhstan and monitor execution thereof;

7) organize inspection of imported products subject to quarantine in post-entry quarantine nurseries to detect indiscernible infestation with quarantine pests and foreign species;

7-1) create a database of quarantine pests present and prevalent in the Republic of Kazakhstan and other countries and measures and activities to control them;

8) jointly with scientific and research organizations develop quarantine measures based on scientific phytosanitary risk assessment principles with consideration of the requirements set out in the international norms and recommendations and oversee their execution by natural and legal entities;

9) issue phytosanitary certificates, quarantine certificates and import quarantine permissions for products subject to quarantine;

10) represent plant quarantine related interests of the Republic in international organizations;

*Subparagraph 11 has been eliminated under RK Law N 13-III dated December 20, 2004*

2. The authorized agency shall perform its activities in coordination with border, customs, law-enforcement and other government agencies.

3. Any decision made by the authorized agency and its territorial bodies within their authority shall be binding upon all officials, natural and legal entities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Article 8-1 has been inserted into the Law under RK Law N 463-II dated July 3, 2003*

**Article 8-1.** Stockpile of Pesticides (Insecticides) to Localize and Eradicate Quarantine Pests Focal Areas

1. The stockpile of pesticides (insecticides) to localize and eradicate quarantine pests focal areas is an assigned pool of regularly renewed pesticides (insecticides) belonging to government property and maintained by the authorized agency.

2. The stockpile of pesticides (insecticides) is designed to localize and eradicate detected quarantine pests focal areas and maintained through pesticides (insecticides) purchases funded from the budgetary funds.

**Article 9.** Responsibilities of Officials in Government Agencies, Organizations and Natural and Legal Entities Involved in Operations Related to Products Subject to Quarantine

All officials in government agencies and organizations, as well as natural and legal entities involved in operations related to manufacturing, procuring, processing, storing, transporting and selling products subject to quarantine shall be bound to:

- 1) follow the requirements of this Law, Plant Quarantine Rules and instructions of the authorized agency related to implementation of the appropriate quarantine activities;
- 2) provide data on presence of products subject to quarantine and quarantine pests upon request from inspectors of the authorized agency;
- 3) ensure regular examination of crops, territories and warehouses where products subject to quarantine are stored and allow available products subject to quarantine to be inspected and examined;
- 4) promptly notify the authorized agency of any detected quarantine pests.

*Article 9-1 has been inserted into the Law under RK Law N 293-II dated February 18, 2003*

**Article 9-1.** Authority of Local Plant Quarantine Public Administration Bodies

*Paragraph 1 has been eliminated under RK Law N 13-III dated December 20, 2004*

2. In accordance with the law of the Republic of Kazakhstan, local executive authorities shall:

- 1) create conditions for the territorial bodies of the authorized agency to perform their functions;
- 2) organize implementation of quarantine activities by natural and legal entities in the quarantine areas of railway stations, sea and river ports (wharfs), airports, bus terminals (stations), markets, post-offices and other facilities owned by them and by public administration bodies.

**Chapter 3. State Plant Quarantine Control**

**Article 10.** State Plant Quarantine Control Implementation

Implementation of state plant quarantine control shall rest with the authorized agency.

*Article 11 has been amended under RK Law N 13-III dated December 20, 2004*

**Article 11.** Safeguards for Public Officers Implementing State Plant Quarantine Control

1. All public officers implementing state plant quarantine control shall be entitled to compensation of damages in case of death or mutilation in the manner prescribed by the law.

**Article 12.** Plant Quarantine Control Articles

Plant quarantine control articles shall include the following:

1) seeds and planting material of agricultural, forest and ornamental crops, plants and their parts (cuttings, bulbs, tubers, fruits), as well as any other products of plant origin, which may be capable of carrying any quarantine pests;

2) plant disease pathogens – cultures of living fungi, viruses, bacteria, as well as nematodes, mites and insects;

3) collections of insects, plant disease pathogens, herbaria and collections of seeds;

4) agricultural machinery and tillage equipment, vehicles, any type of receptacles, packaging materials, manufactured goods and articles made of plant materials, monoliths and soil specimens, which may be vectors of quarantine pests;

5) territory and premises of organizations, farms, homestead lands and suburban plots growing, harvesting, storing, processing and selling products of plant origin, agricultural lands, woodlands, lands under water and other areas regardless of their departmental affiliation and forms of ownership.

*Also see: Nomenclature of Basic Products Subject to Quarantine and Plant Quarantine Phytosanitary Control.*

*Article 13 has been amended under RK Law N 293-II dated February 18, 2002; RK Law N 463-II dated July 3, 2003.*

### **Article 13. Import and Export Procedure for Products Subject to Quarantine**

1. When going into any agreements for supply or transit of products subject to quarantine, any supplier must obtain the required information on quarantine measures from the authorized agency and ensure prevention of introduction of quarantine pests.

There shall be no disclosure of any signed agreement containing confidential information without a written consent of the supplier.

2. Any products subject to quarantine shall be allowed to be imported to the Republic of Kazakhstan only through the checkpoints at the state border of the Republic of Kazakhstan, which have border phytosanitary points and posts equipped in accordance with the plant quarantine rules and norms.

Any customs documents for products subject to quarantine shall be issued only upon completion of phytosanitary control.

Any quarantine measures of other countries shall be recognized provided they ensure the appropriate level of phytosanitary protection applied in the Republic.

2-1. The following articles shall be prohibited for importation into the Republic of Kazakhstan:

1) any products subject to quarantine without import quarantine permissions of the authorized agency and phytosanitary certificates of the national quarantine services of exporting countries;

2) products subject to quarantine infested with quarantine pests and foreign species;

3) soil, live rooted plants in soil;

4) plant disease pathogens – cultures of living fungi, bacteria, viruses, as well as insects, mites, nematodes causing damage to plants, seeds of quarantine weeds, except samples brought in for scientific and research purposes, as agreed with the authorized agency.

3. Products subject to quarantine shall be allowed for transit as agreed with the authorized body of the Republic of Kazakhstan.

4. Any exports of products subject to quarantine shall be allowed only if accompanied by phytosanitary or quarantine certificates issued by the territorial bodies of the authorized agency:

1) outside of the Republic of Kazakhstan – with phytosanitary certificates;

2) within the Republic of Kazakhstan – with quarantine certificates.

5. Inspection and disinfection of products subject to quarantine, cargoes and vehicles, laboratory tests and issuance of quarantine documents shall be paid for by their owners in accordance with and in the manner prescribed by the plant quarantine interstate agreements and laws of the Republic of Kazakhstan.

*See: Rules to ensure protection of the territory of the Republic of Kazakhstan from quarantine pests, Rules to ensure protection of the territory of the Republic of Kazakhstan from quarantine pests, plant diseases and weeds, Letter N TK-3-2-17/1545 “On Reinforcement of Control” by the RK MSR Customs Committee dated February 23, 2002.*



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

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

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

*Subparagraph 2 has been amended under the RK Law N 13-III dated December 20, 2004*

2) executive authorities of oblasts (cities of the republican importance, capitals) – for any area covering one oblast, city or rayon only.

2. Within the quarantined area there shall be prohibitions or restrictions of exports of products subject to quarantine infested with quarantine pests; there shall be developed and implemented activities to localize and eradicate quarantine pests focal areas, products subject to quarantine shall be disinfected and chemically treated.

Any infected products moved out of any quarantine area shall be returned, disinfected or handed over to treatment organizations. Whenever it is impossible to disinfect or treat infected products, they shall be seized and destroyed in the manner specified by the normative legal acts.

The list of quarantine restrictions and measures to localize and eradicate quarantine pests shall be made available to natural, legal entities and population of the quarantine area.

### **Chapter 4. Settlement of Disputes and Liability for Plant Quarantine Law Violations**

#### **Article 15.** Settlement of Plant Quarantine Related Disputes

Any plant quarantine related disputes shall be settled in the manner prescribed by the laws of the Republic of Kazakhstan.

*Article 16 has been amended under RK Law N 293-II dated February 18, 2002.*

#### **Article 16.** Liability for Plant Quarantine Law Violations

1. Any natural or legal entity violating the plant quarantine law shall be liable for such violations in accordance with the laws of the Republic of Kazakhstan.

*The title of Chapter 5 has been reworded under RK Law N 293-II dated February 18, 2002*

### **Chapter 5. Financing Authorized Agency, State Quarantine Institutions and Plant Quarantine Activities**

*The wording of Article 17 used in RK Law N 293-II dated February 18, 2002; RK Law N 463-II dated July 3, 2003 has been retained*

#### **Article 17.** Financing Authorized Agency, Its Territorial Bodies with Border Checkpoints and Posts, and State Quarantine Institutions

The authorized agency, its territorial bodies with border checkpoints and posts, as well as the state quarantine institutions shall be financed from the budgetary funds.

*Article 18 has been amended under RK Law N 293-II dated February 18, 2002 /*

*The title of Article 18 has been reworded under RK Law N 13-III dated December 20, 2004*

#### **Article 18.** Financing Plant Detection and Quarantine Activities

1. All state activities designed to localize and eradicate quarantine pests, as per the list of quarantine pests, plant diseases and weeds, shall be financed from the budgetary funds.

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

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

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

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

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

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

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

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

N. Nazarbayev  
President of the Republic of Kazakhstan