

Annex VI

THE LAW OF THE REPUBLIC OF KAZAKHSTAN

"On Amendments and Addenda to Legislative Acts of the Republic of Kazakhstan on Separation of Authorities between the Levels of State Governance and Budget Relations" (in connection with amendments made in laws "On Plants Quarantine" and "On Veterinary")

Article 1. To make amendments and addenda to the following legislative acts of the Republic of Kazakhstan

72. The Law of the Republic of Kazakhstan *"On Plants Quarantine"* of 11 February, 1999 (Gazette of the Parliament of the Republic of Kazakhstan, 1999, N 2-3, p. 34; N 23, p. 931; 2002, N 4, p. 30; 2003, N 15, p. 121):

1) the text of the Law:

to change the words "of funds of the republican budget", "of republican budget" with the words "of budgetary funds";

2) Article 7:

paragraph 1:

to eliminate subparagraph 4);

sub-paragraph 5):

to eliminate the words "as well as";

to insert the words ", as well as pest-free areas or areas of low pest prevalence";

to eliminate subparagraph 11);

2) Article 8:

to insert the words ", as well as in cases when scientific evidence on the basis of the available information, including that from the relevant international organizations as well as from phytosanitary measures applied by other countries, is insufficient" in sub-paragraph 1-1);

4) Article 8-1:

paragraph 2: to insert words "and maintained through pesticides (insecticides) purchases funded from the budgetary funds ";

to eliminate paragraph 3;

5) Article 9-1:

to eliminate paragraph 1;

to eliminate the words "and provide" in sub- paragraph 2) of paragraph 2;

6) Article 11 to reword as follows:

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

"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.";

7) subparagraph 2) of paragraph 1 of Article 14 to reword as follows:

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

8) the heading of Chapter 5 reword as follows:

"Chapter 5: Financing of Plant Quarantine Activities";

9) to eliminate Article 17;

10) in the heading of Article 18:

to eliminate the word "state";

to insert the word "detection" before the word "activities".

107. The Law of the Republic of Kazakhstan *"On Veterinary"* of 10 July, 2002 (The Gazette of the Parliament of the Republic of Kazakhstan, 2002, N 15, p.148):

- 1) Article 5:
 - to eliminate the word "republican" in subparagraph 2);
 - to eliminate the words "upon submission by the authorized state body in the field of veterinary" in sub paragraph 3);
 - to change the words "funds of the republican budget" with the words "budgetary funds" in sub paragraph 4);
 - to eliminate subparagraph 7);
- 3) paragraph 2 of Article 7:
 - to change the words "may simultaneously act as" with the word "are";
- 3) Article 8:
 - to change the words "funds of the republican budget" with the words "budgetary funds" in subparagraph 3);
 - to change the word "organization" with the word "implementation" in subparagraph 7);
 - subparagraph 8):
 - to change the words "organization of elaboration" with the word "elaboration";
 - to remove the words "in the field of veterinary" after the word "Kazakhstan";
 - sub- paragraph 10) to set forth as follows:
 - "10) organization of veterinary scientific research and re-training of experts in the field of veterinary";
 - to change the word "organization" with the word "carrying out" in subparagraph 11);
 - to eliminate the words " organization and" in subparagraph 12);
 - to change the word "organization" with the word "implementation" in sub- paragraph 13);
 - subparagraph 18) to reword as follows:
 - "18) acceptance of the fact that veterinary measures in other countries are equivalent, if such measures guarantee an appropriate level of safe on the territory of the country,";
 - to insert subparagraphs 19) - 21) as follows:
 - "19) introduction of temporary veterinary measures in the cases, when scientific evidence of the exporting country on the basis of the available pertinent information, including the information, received from international organizations, is insufficient;
 - 20) identification of territories, or parts thereof, that are free from diseases, or have low disease prevalence, carrying out control over traffic of goods exported from these territories, providing confirmations to the importing country, and ensuring access to its representatives with the purpose of carrying out inspections of these territories
 - 21) development and approval of veterinary norms, that are based on sufficient scientific ground, and take into account the consequences related to life and health of humans and animals, as well as correspond to international requirements.";
- 4) Article 10 to reword as follows:
 - "Article 10. Competence of the Representative and Executive Rayon (City) Veterinary Bodies
 - Competence of the Representative Rayon (City) Veterinary Body shall cover:
 - 1) approval of the rules and regulations concerning keeping of animals in inhabited settlements;
 - 2) approval of the rules and regulations concerning walking out of dogs and cats in inhabited settlements;
 - 3) establishment the limits of sanitary territories for keeping of animals.
 - Competence of the Executive Rayon (City) Veterinary Body shall cover:
 - 1) submission of rules and regulations concerning keeping of animals, walking out of dogs and cats in inhabited settlements, as well as suggestions on setting the limits of sanitary territories for keeping animals, to the local districts (cities) representative veterinary body for approval;
 - 2) Organizing the catching and destruction of stray dogs and cats (pounds);

3) Organizing sanitary slaughtering of diseased animals, construction of burial grounds for cattle (bio-thermal pits), and ensuring that they are maintained in compliance with the veterinary norms.";

5) to insert Article 10-1 as follows:

"Competence of Akim (Governor) of City of Rayon Subordination, Settlement, Aul (Village), Aul (Village) District.

Competence of Akim (Governor) of City of Rayon Subordination, Settlement, Aul (Village), Aul (Village) District shall cover:

1) identification of pasture locations for animals on the territory belonging to the inhabited settlement;

2) organization of sanitary cleaning on the territory of the inhabited settlements.";

6) to eliminate paragraph 2 of Article 11;

7) Article 16:

to eliminate subparagraphs 1) and 6) of paragraph 1;

to eliminate subparagraph 5) of paragraph 2;

paragraph 3:

paragraph one to reword as follows:

"3. Authorities of a State Chief Veterinary Inspector of Oblast and his deputy shall include:";

sub-paragraph 1) to reword as follows:

"1) organization and implementation of the state veterinary supervision on the territory of an Oblast";

to eliminate the words "(capital, city of republican status)" in subparagraph 2);

to eliminate subparagraph 6);

to insert paragraph 3-1 as follows:

"3-1. Authorities of a State Chief Inspector of City of Republican Subordination, Capital City and His Deputy shall include:

1) organization and implementation of the state veterinary supervision on the territory of City of Republican Subordination, Capital;

2) publication of acts mandatory for execution pursuant to the state veterinary supervision on the territory of City of Republican Subordination, Capital City;

3) issuance of veterinary documents on the state veterinary regulated articles;

4) keeping records of veterinary statistics and reports and submission thereof within the procedure established by the veterinary legislation of the Republic of Kazakhstan;

5) decision on removal of veterinary inspectors working on the territory for a period required for establishment of reasons caused their removal.";

to eliminate subparagraphs 2) and 6) of paragraph 4;

8) paragraph 3 of Article 21:

to insert the words "of the district (city)" after the words "the local executive authorities";

9) paragraph 5 of Article 24:

to change the words "protection of health of citizens" with the word "healthcare";

10) Article 27:

paragraphs 1, 3 and 4 to reword as follows:

"1. Quarantine regime of quarantine zone and restrictive measures shall be established by a decision of a local executive body of the appropriate administrative territorial unit upon the statement of a chief state veterinary inspector of the appropriate territory in case of emergence of infectious animal diseases.

3. Decision on termination of restrictive measures, or quarantine shall be taken by a local executive body of the appropriate administrative territorial unit upon a statement of the chief state veterinary inspector of the appropriate territory provided that a set of veterinary measures has been implemented.

4. After termination of quarantine by the decision of local executive bodies of the appropriate administrative territorial unit upon a statement of a chief state veterinary inspector of the appropriate territories restrictive measures stipulated by the veterinary law of the Republic of Kazakhstan can be introduced by authorized veterinary body";

11) Article 35:

paragraph 1:

to change the words "republican budget" with the words "budgetary funds" in paragraph one;

to eliminate subparagraph 8);

sub- paragraph 6) of paragraph 2:

to eliminate the word "republican".