

ANNEX 6

On Approval of the Rules of Creation and Operation of the Enquiry Point for Technical Barriers to Trade, Sanitary and Phytosanitary Measures

Resolution of the Government of the Republic of Kazakhstan
No. 718 of 11 July 2005

For the purpose of implementing the Law of the Republic of Kazakhstan of 9 November 2004 "On Technical Regulating" the Government of the Republic of Kazakhstan **DECREES:**

1. To approve the attached Rules of creation and operation of the Enquiry Point for Technical Barriers to Trade, Sanitary and Phytosanitary Measures.

2. The present Resolution shall enter into force from the date of its signature.

*Prime Minister
of the Republic of Kazakhstan*

**Rules of creation and operation of the Enquiry Point for technical barriers
to trade, sanitary and phytosanitary measures**

1. The present Rules of creation and operation of the Enquiry Point for technical Barriers to Trade, Sanitary and Phytosanitary Measures (hereinafter referred to as the Rules) have been developed in accordance with the Law of the Republic of Kazakhstan "On Technical Regulating" of 9 November, 2004.

2. The Enquiry Point for Technical Barriers to Trade, Sanitary and Phytosanitary Measures (hereinafter referred to as The Enquiry Point) shall be created on the basis of the Enquiry Point for Interaction with the World Trade Organization Members on Issues Concerning Accreditation, Standardization, Metrology and Certification under the organizational subdivision of the Republican State Enterprise "Kazakhstan Standardization and Certification Institute" of the Committee for Technical Regulating and Metrology of the Ministry of Industry and Trade of the Republic of Kazakhstan in accordance with the procedure, established by legislation of the Republic of Kazakhstan.

3. The main functions of the Enquiry Point shall be as follows:

1) interaction with the WTO Secretariat, WTO members, international organizations with purpose to provide interested parties and foreign countries, upon their requests, with copies of the documents and information on:

existing or being developed normative legal acts in the field of technical regulating, standards, sanitary and phytosanitary measures (further- the SPS measures), changes to them and product or service conformity assessment procedures;

membership or participation of the Republic of Kazakhstan in the international organizations and international treaties on standardization, SPS measures, conformity assessment, bilateral and multilateral accreditations;

sources of publishing drafts of normative legal acts which are being developed and approved in the field of technical regulating, SPS measures, standards or information on them.

2) Placing information in the official publication of the authorized body in the field of technical regulating and information system for general use in form of notification.

4. For the purpose of implementing its functions, the Enquiry Point shall have a right:

to conduct seminars, workshops and other events concerning range of issues within the jurisdiction of the Enquiry Point;

to request and receive information and materials from stakeholders concerning technical regulating and SPS measures;

to interact with the WTO Secretariat, WTO members, international organizations in the area of technical regulating and SPS measures.

5. Termination of the Enquiry Point's activity shall be made in the order, stipulated by legislation of the Republic of Kazakhstan.

Approved by
the Order of the Chairman of the Committee for
Technical Regulating and Metrology
under the Ministry of Industry and Trade
of the Republic of Kazakhstan
№ 94 of April 1, 2005

The Rules of completion and submission of notifications by the Enquiry Point on technical barriers to trade, sanitary and phytosanitary measures

The Rules are developed in accordance with Article 10 of the Law of the Republic of Kazakhstan "On Technical Regulating".

The present Rules shall establish order of completing and submitting notifications by the Enquiry Point on technical barriers to trade, sanitary and phytosanitary measures (hereinafter referred to as the notifications).

The present Rules shall be designed for the use of the Enquiry Point on technical barriers to trade, sanitary and phytosanitary measures (further – the Enquiry Point), as well as natural and legal persons and their associations, unions, activity of which is directly related to development of the normative legal acts in the field of technical regulating, sanitary and phytosanitary measures and other parties, participation of which is stipulated by the international agreements of the Republic of Kazakhstan (hereinafter referred to as stakeholders).

1. General provisions

1. Completion of the notifications shall be done for:

1) information on the approved or being developed normative legal acts in the field of technical regulating and sanitary and phytosanitary measures (hereinafter referred to as SPS measures), that may significantly impact on the international trade;

2) information on development of the draft, amendments and (or) additions or cancellation of the normative legal act in the field of technical regulating and SPS measures;

3) information on development of the draft, amendments and (or) additions or cancellation of the standards of the Republic of Kazakhstan;

4) information on the existing or being developed conformity assessment procedures for products, services;

5) information on the approved or being developed sanitary and phytosanitary rules;

6) information on the control and inspection procedures, production and quarantine regimes, approval procedures on the permissible level of pesticides and food additives, that are in force in the Republic of Kazakhstan;

7) information on the risk assessment procedures, factors to take into account and identification of the appropriate level of sanitary and phytosanitary protection;

8) information on the membership or participation of the Republic of Kazakhstan in the international and regional organizations and international agreements on standardization, conformity assessment, veterinary, plant protection and quarantine, accreditation, as well as in the bilateral and multilateral agreements in the framework of the Agreements on technical barriers to trade (hereinafter referred to as TBT) and SPS measures;

9) information on the sources of published drafts and approved normative legal acts in the field of technical regulating, SPS measures, standards and information on them.

2. The order of completing and submitting the Enquiry Point notifications

2. The Notifications, depending on the date of coming in force, shall be divided to:

- 1) regular;
- 2) urgent.

3. The regular notifications shall be submitted to the Enquiry Point by the information services at the stage of developing normative legal acts in the field of technical regulating, SPS measures, standards, changes to them and conformity assessment procedures for products, services with purpose to give interested members of the World Trade Organization (WTO) an opportunity to get familiar with intention of the country to introduce a specific regulation.

4. The urgent notifications shall be submitted to the Enquiry Point by the information services while approval of the normative legal acts in the field of technical regulating, SPS measures, standards, changes to them and conformity assessment procedures for products, services with purpose to notify interested WTO members on introduction of the specific regulation, related to urgent problems of protection of life and health of human, animals and plants, environment protection.

The order of completing urgent notifications in the framework of TBT and SPS Agreements is attached in the Annex 1.

5. The notifications to the WTO Secretariat, Committee on TBT, Committee on SPS measures and to the WTO members shall be submitted in English.

6. The Enquiry Point, through publication of information on the existing and being developed normative legal acts in the field of technical regulation, sanitary and phytosanitary measures, standards, changes to them and conformity assessment procedures for products, services, shall place them in the official printing of an authorized body and general purpose information system in form of notifications.

7. The Enquiry Point shall give identification number for the notifications, submitted to the WTO Secretariat, Committee on TBT, Committee on SPS measures and to WTO members.

8. The notifications shall be completed according to the forms, approved by the present Order.

9. The information, presented in the notifications, shall fully and clearly characterize notification object and degree of its compliance with the requirements of the international standards, instructions and recommendations of the international, regional and national organizations.

10. Each notification section should be completed. If no information, the records "not known" or "not identified" shall be put in the section.

11. The size of the notifications shall be not more than 2 pages, of A4 format, font - Times New Roman 12.

Annex 1
to the Rules of completion and submission of
the notifications of the Enquiry Point on
technical barriers to trade,
sanitary and phytosanitary measures

**Order of completing and submitting urgent notifications in the
framework of WTO agreement on SPS measures**

Notification section	Recommendations on completion
1. Notifying party	The Republic of Kazakhstan 1)
2. Responsible body	The name of the responsible body of the public administration, approving document. Name of the public administration body, developing draft sanitary or phytosanitary measure establishment
3. Covered products (service or other object)	Number(s) of product name according to the data of the national lists, submitted to the WTO (no abbreviations are permitted) Regions or countries, which could be impacted by the provisions of the document, where the notification is submitted 2) Codes of GN FET inclusively
4. Name of the document	Identification and full name of the developing document. Number of pages. Information on availability of the translation and on translation perspectives. Information on the availability of the translation of the descriptive notes of the document
5. Description of the content	Descriptive notes to the draft document (shall provide for understanding of chances to use document, must not contain abbreviations)
6. Purpose and justification	The basic requirements: [] food product safety; [] animal health; [] plant protection; [] human protection from pests, animals/plants or diseases; [] protection of territories from harmful pests
7. Essence of the urgent problem	Reason (s) to apply urgent measures
8. International standards, instructions and recommendations	International standards, instructions, recommendations are available [] In case of availability of the international standards, instructions, recommendations, the relevant reference or deviations from them shall be given
9. Relevant documents	Printing where the notification is published, including date and reference number. Language (s) on which the notification is published. Reference to the international equivalent of the developing document (with specific reference number or other identification). Description of deviations from given international equivalent. Measures taken and documents where changes were introduced (including date and reference number or other identification marks). Proposal and the basic document for which a reference is made (with exact reference number or other identifications). Language (s) of the published notification (s). Language (s) of the new documents or descriptive notes to them. Printing to publish a new document. In case the documents can not be provided for free, then cost of the service shall be indicated
10. Effective date	Proposed date of document in effect. Period of validity
11. Document can be obtained from	The responsible body to work with the comments. The TBT/SPS Enquiry Point [] and/or [] name and details of the responsible public administration body, assigned additionally for work with the

	<p>comments (response) (including address, phone and/or fax numbers, e-mail address and/or web-site in Internet, if available). The responsible person for preparing notifications. Name and details of the assigned responsible body of the public administration, name of the person, exercising interaction and in charge of preparing notifications (including address, phone and/or fax numbers, e-mail address and/or web-site in Internet, if available)</p>
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1) – If necessary the name of the local authority shall be indicated;

2) – To list, if possible, the exposed countries, otherwise to use phrases "all the countries exporting goods to the Republic of Kazakhstan ", "all the countries, subject to the published language".

Approved by
the Order of the Chairman of the Committee on
technical regulating and metrology
of the Ministry of Industry and Trade
of the Republic of Kazakhstan
№ 94 of April 1, 2005

Notification in the framework of WTO Agreement on TBT and SPS measures
WORLD TRADE ORGANIZATION

Date
(00-0000)

NOTIFICATION

Notifying party of the Agreement:
Responsible body:
Responsible body for work with the comments:
Notified according to Article []:
Covered products:
Name of the document:
Description of the content:
Purpose and justification:
Relevant documents:
Proposed date of approving document:
Proposed date of document in effect:
Final date to provide comments:
Document can be obtained from:
Responsible person for preparing notifications:

Approved by
the Order of the Chairman of the Committee on
technical regulating and metrology
of the Ministry of Industry and Trade
of the Republic of Kazakhstan
№ 94 of April 1, 2005

**Notification on participation in the international and regional organizations on
technical, sanitary and phytosanitary measures**

WORLD TRADE ORGANIZATION
G/TBT/Notif/
Date
(00-0000)

NOTIFICATION

Notifying party:
Name of bilateral or multilateral Agreement:
Agreement participants:
Effective date of the Agreement:
Covered products:
Agreement object:
Brief description of the Agreement:
Additional information can be obtained from:
Responsible person for preparing notifications: