

The Law of the Republic of Kazakhstan of July 3, 2002 № 331-II
On Plants Protection
(amended by the laws of the Republic of Kazakhstan of 09.07.04 N 584-II;
of 20.12.04 N 13-III)

This Law determines legal, economic and organizational basis of activities in the field of plants protection from blasts, weeds and plant diseases and directed to the preservation of harvest, its quality and prevention of adverse health effect to people and environment under realization of phytosanitary measures on the territory of the Republic of Kazakhstan.

Chapter 1. General provisions

Article 1. Basic measures used in the given Law.

The given Law uses the following basic terms:

1) **Hazardous organism** - blasts, weeds and plant diseases, with aversive conditions for soil, plants and agricultural products;

2) **State registration of pesticides (toxic chemicals)** – the procedure, finishing the process of biological, toxicological, hygienic and ecological evaluation of chemicals, according to the results of which physical persons and legal entities obtain registration certificates for their use on the territory of the Republic of Kazakhstan in accordance with legislation of the Republic of Kazakhstan on plants protection;

3) **state phytosanitary control** – activity of an authorized body and its territorial subdivision, directed to the observation of law of the Republic of Kazakhstan on plants protection by physical persons and legal entities;

4) **plants protection** – field of activity, directed to the development and practical use of phytosanitary monitoring methods, phytosanitary measures to the effect of loss prevention of crop products from hazardous and special danger hazardous organisms;

5) **primary components of pesticides (toxic chemicals)** – chemical and other agents, destined for production of pesticides (toxic chemicals);

6) **clearance of pesticides (toxic chemicals)** - measures, directed to utilization, underground disposal and annihilation of unauthorized or getting to worthlessness pesticides (toxic chemicals), as well as tare from it in accordance with legislation of the Republic of Kazakhstan;

7) **objects of agricultural appropriation** – agricultural and other holdings, grain storages and vegetable storages, warehouses, open areas, shop floors or other premises intended to production, storage and processing of vegetable products;

8) **hazardous organisms of special danger** – blasts and plants diseases, capable of periodic reproduction and expansion, damaging economically or ecologically, and included into the list of hazardous organisms of special danger, approved by the Government of the Republic of Kazakhstan;

9) **residual quantity of pesticides (toxic chemicals)** – quantitative index of chemicals content in vegetable products with which it is possible to estimate their safety for people and animals;

10) **pesticides (toxic chemicals)** – chemical, biological and other agents used against hazardous organisms and hazardous organisms of special danger as well as for preharvest drying, deleafing and plant growth regulating;

11) **the rules of storage, transportation and use of pesticides (toxic chemicals)** – obligatory requirements of safety to the conditions and technologies of storage, transportation and use of pesticides (toxic chemicals);

11-1) **production (formation) of pesticides (toxic chemicals)** – technological method of pesticide production (toxic chemicals) on the basis of primary components;

12) **vegetable products** – products for satisfaction of wants of population in food products, cattle in feeding stuff, and industry in raw materials;

13) **list of pesticides (toxic chemicals)** – the list of registered pesticides (toxic chemicals), permitted for application on the territory of the Republic of Kazakhstan;

14) **special equipment** – arrangement or equipment, intended for application of pesticides (toxic chemicals);

15) **special storage (burial site)** - storages, intended for burial of prohibited and worthless pesticides (toxic chemicals), as well as tare form it;

16) **authorized body** – state agency, realizing coordination and regulating of activities within the authorities of physical and legal bodies in the field of plants protection and state control for law observation of the Republic of Kazakhstan on plants protection;

17) **phytosanitary environment** – fixed status of objects of agricultural appropriation, which is determined by the quantity and harmfulness of hazardous organisms and hazardous organisms of special danger;

18) **phytosanitary measures** – series of measures, providing for the decrease of quantity and harmfulness of hazardous organisms and hazardous organisms of special danger;

19) **phytosanitary requirements** – established parameters of dimensions, used for determination of phytosanitary volumes determination;

20) **phytosanitary monitoring** – the system of measures, including inspection, supervision, keeping of development and expansion of hazardous organisms and hazardous organisms of special danger and development of phytosanitary prognosis on their basis;

20-1) **phytosanitary prognosis** – preliminary determination of possible spreading of and measure of development of hazardous organisms and hazardous organisms of special danger to the effect of terms and volumes planning for conduction of phytosanitary measures;

21) **Economic harmfulness level** – the quantity of hazardous organisms and hazardous organisms of special danger, resulting into loss of vegetable products, at which it is necessary to conduct phytosanitary measures.

Article 2. Legislation of the Republic of Kazakhstan on plants protection

1. The legislation of the Republic of Kazakhstan on plants protection is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulations of the Republic of Kazakhstan.

2. If international Agreement, ratified by the Republic of Kazakhstan established another rules, than those ones contained in this Law, the rules of international agreement shall be applied.

Article 3. Basic trends of the national policy in the field of plants protection

Basic trends of national policy in the field of plants protection are:

- 1) provision of food safety in the country;
- 2) provision of enabling phytosanitary environment обеспечение;
- 3) control and prevention of deleterious effect of pesticides (toxic chemicals) for people's health, infection of agricultural products and environment at the moment of phytosanitary measures conducting.

Chapter 2. State control in the field of plant protection

Article 4. State system of the Republic of Kazakhstan on plants protection

State system of the Republic of Kazakhstan includes:

- 1) The Government of the Republic of Kazakhstan;
- 2) an authorized body and its territorial subdivisions;
- 3) state local authorities in oblasts (cities of republican value, capitals);
- 4) state enterprises, functioning in the field of plants protection;
- 5) physical persons and legal entities, using the objects subject to state phytosanitary control.

Article 5. Competency of the Government of the Republic of Kazakhstan in the field of plants protection

Competency of the Government of the Republic of Kazakhstan in the field of plants protection includes:

- 1) development of basic trends of state policy in the field of plants protection;
- 2) approval of programs in the field of plants protection;
- 3) approval of hazardous organisms of special danger list;
- 4) international cooperation in the field of plants protection;
- 5) excluded in accordance with the Law of the Republic of the Kazakhstan of 20.12.04 N 13-

Article 6. Competency of authorized body and its territorial subdivisions

1. Competency of an authorized body includes:

1) elaboration and submission of programs to the Government of the Republic of Kazakhstan in the field of plants protection;

2) elaboration and submission of hazardous organisms of special danger list to the Government of the Republic of Kazakhstan;

2-1) elaboration and approval of regulations on plants protection *intra vires*;

3) elaboration and approval of rules of storage, transportation and application of pesticides (toxic chemicals).

3-1) elaboration and approval of licensing rules on production (formation), and rules of realization and application of pesticides (toxic chemicals);

4) elaboration and approval of the rules of conduction of registered tests and state registration of pesticides (toxic chemicals);

5) issuance of registration certificate for the application of pesticides right on the territory of the Republic of Kazakhstan;

6) elaboration, approval and keeping of pesticides (toxic chemicals) list;

7) approval of recommendations and instructional guidelines on conduction of phytosanitary measures;

8) approval of forms, protocols and instructions, as well as the order of its formation and harmonization with the legislation of the Republic of Kazakhstan;

9) establishment of phytosanitary measures;

10) licensing of activities on production (formation), realization and application of pesticides (toxic chemicals);

11) coordination of state agencies, physical persons and legal entities activities, under the conduction of phytosanitary measures;

12) establishment and implementation of state purchase of pesticides (toxic chemicals), works and services for their storage, transportation, as well as the formation of pesticides stock fund in the order established by the legislation of the Republic of Kazakhstan;

13) organization of work on deactivation of pesticides (toxic chemicals) on agreement with state ecological and sanitary epidemiological control authorities;

14) establishment of elaboration and approval in the order established by the legislation of the Republic of Kazakhstan phytosanitary regulations, forms of phytosanitary registration and reporting, as well as the order of their introduction with confirmation of central executive body of state statistics;

15) establishment of phytosanitary monitoring of hazardous organisms and hazardous organisms of special danger;

16) establishment of registered, production tests and state registration of pesticides (toxic chemicals);

17) establishment and coordination, actualization of orders for applied scientific research in the field of plants protection;

18) allocation of pesticides (toxic chemicals), acquired at the expense of budgetary funds, along the territory of the Republic of Kazakhstan depending upon the date of phytosanitary

monitoring and forming of phytosanitary environment, control for storage and transportation rules abundance and application of pesticides (toxic chemicals);

19) organization and actualization of expository work among the population on plants protection and rendering of methodical assistance on phytosanitary monitoring regarding hazardous organisms;

20) organization and provision of interested persons with information about regulations in the field of plants protection and phytosanitary measures;

21) exercising of cooperation with international organizations and state authorities; and participation in programs implementation in the field of plants protection;

22) Excluded in accordance with the Law of the Republic of Kazakhstan of 20.12.04 N 13-

2. The competency of territorial subdivisions of an authorized body includes exercising of functions, incumbent to them by an authorized body.

Article 7. Competency of state inspectors on plants protection

1. The head of the appropriate structural subdivision of an authorized body is the Leading State Inspector on plants protection of the Republic of Kazakhstan.

The heads of appropriate structural subdivisions of an authorized body are the leading state inspectors on plants protection of appropriate of political subdivisions of the Republic of Kazakhstan.

Other officials of an authorized body and its territorial subdivisions, dealing with plants protection directly, are state inspectors on plants protection.

2. Competency of the State Inspector General on plants protection of the Republic of Kazakhstan includes:

1) establishment and implementation of state phytosanitary control on the territory of the Republic of Kazakhstan;

2) instructions rendering to physical persons and legal entities on actualization of phytosanitary measures on the territory of the Republic of Kazakhstan and their execution control;

3) organization of phytosanitary records and reporting maintenance;

4) control of phytosanitary monitoring and measures on the territory of the Republic of Kazakhstan;

5) Excluded in accordance with the Law of the Republic of Kazakhstan of 20.12.04 N 13-III

3. The competency of the head state inspector on plants protection of the appropriate political unit includes:

1) organization and execution of phytosanitary control on the appropriate territory;

2) giving of instructions on execution of phytosanitary measures on the relevant territory to physical persons and legal entities and control of their execution;

3) organization and maintenance of phytosanitary records and reporting on the relevant territory and presentation of a report in the order established by the legislation of the Republic of Kazakhstan;

4) control of phytosanitary monitoring and measures on the relevant territory;

5) Excluded in accordance with the Law of the Republic of Kazakhstan of 20.12.04 N 13-III

4. The competence of state inspector on plants protection includes:

1) execution of state phytosanitary control on the appropriate territory;

2) maintenance of phytosanitary records and reports according to the established form and their introduction to an authorized body;

3) control of phytosanitary monitoring and phytosanitary measures realization on the appropriate territory;

4) Excluded in accordance with the Law of the Republic of Kazakhstan of 20.12.04 N 13-III

Article 8. The rights of state inspectors on plants protection

1. State inspectors on plants protection have right to:

1) to visit freely all the objects of phytosanitary control of physical persons and legal entities in the order established by the legislation of the Republic of Kazakhstan with an aim of control of observation of law on plants protection of the Republic of Kazakhstan;

2) to give instructions to physical persons and legal entities of liquidation of detected legislation of the Republic of Kazakhstan on plants protection violations;

3) suspend or prohibit the practice of individual entrepreneurs and legal entities without court decision in exceptional cases for the period not exceeding three days with compulsory applying claim to the court within the mentioned period. In this case, the act about prohibition or suspension of practice shall be valid until the court decision is made;

4) bring administrative action against individuals and legal entities in case of infringement of the legislation of the Republic of Kazakhstan on plants protection in accordance with the laws of the Republic of Kazakhstan.

2. It is possible to file an appeal against the actions of State inspectors in the order determined by the legislation of the Republic of Kazakhstan.

Article 9. Competence of Executive Powers of Oblasts (Cities of Republican Importance, Capitals) in the Area of Plants Protection

Local executive powers of oblasts (cities of republican importance, capitals) perform construction, keep and maintain the special depositories (burial grounds) in accordance with the legislation of the Republic of Kazakhstan.

Article 10. Government Organizations in the Area of Plants Protection

1. The Government of the Republic of Kazakhstan establishes governmental organizations operating in the area of plants protection with the purpose of performing the following activities:

1) phytosanitary monitoring of hazardous and extremely dangerous organisms;

1-1) preparation phytosanitary forecast;

2) manufacturing testing of the pesticides (insecticides) recommended for registration for their approbation in manufacture conditions;

3) inspection of agricultural produce for contents of residue of pesticides (insecticides), nitrates, nitrites and salines of heavy metals.

2. Phytosanitary monitoring of extremely dangerous organisms belongs to government supervision.

3. The government organizations performing in the area of plants protection, keep phytosanitary records and report to the authorized institution in the order determined by the legislation of the Republic of Kazakhstan.

Chapter 3. Government Phytosanitary Control

Article 11. Objectives of the Phytosanitary Control

Government phytosanitary control provides for:

1) control of individuals and legal entities to follow the requirements determined by the legislation of the Republic of Kazakhstan on plants protection;

2) phytosanitary monitoring and phytosanitary activities organizing and control;

3) keeping and provision of phytosanitary records and accounting;

4) detection and suppression of violation of laws of the Republic of Kazakhstan regarding plants protection;

5) registration and manufacture testing of pesticides (insecticide);

6) pesticides (insecticides) neutralization control;

7) control of special depositories (burial places) maintenance;

8) licensing regulations observance control.

Article 12. State Sanitary Pesticides (insecticides) Control

1. Production (formation), importation, storage, sale, transportation and usage of pesticides (insecticides), as well as their registration and manufacture testing are subject to the government phytosanitary control.

2. Production and importation of pesticides (insecticides) not undergone government registration, as well as their initial components for production of pesticides (insecticides) are prohibited, excluding probe samples imported for registration, manufacture testing and scientific research.

3. State registration of pesticides (insecticides) is performed in the procedures determined by the authorized upon concurrence with the authorities of ecological and sanitary-epidemiological control.

4. Pesticides (insecticides) undergone government registration shall be included in the list of pesticides (insecticides) which is under control of the authorized body.

Article 13. Objects Subject to the Government Phytosanitary Control

The objects subject to the government phytosanitary control are:

1) objects of agricultural purpose, right-of-ways and guard zones of motorroads, railway roads and other territories, which are habitats of hazardous and extremely dangerous hazardous organisms, and also crop production;

2) hazardous and extremely dangerous hazardous organisms;

3) special equipment and pesticides used for phytosanitary activities;

4) special depositories (burial places).

Article 14. Licensing of Activity in the Area of Plants Protection

1. For the purpose of prevention of detrimental effect of pesticides (insecticides) on people's health and the environment the following items shall be subject to licensing:

1) importation of pesticides (insecticides) and their initial components for production of pesticides (insecticides) are prohibited excluding probe samples imported for registration, manufacture testing and scientific research;

2) activity on production (formation), sale and usage of pesticides (insecticides).

2. the number of pesticides imported for registration, manufacture testing and scientific research shall be determined by the authorized body.

3. Qualifying requirements towards the individual persons and legal entities practicing in production (formation), sale and usage of pesticides (insecticides), shall be determined in accordance with the legislation of the Republic of Kazakhstan.

4. Upon the performance results a licensee shall keep records on supply and utilization of pesticides (insecticides) and present the phytosanitary accounts to the authorized body in the order determined by the legislation of the Republic of Kazakhstan.

Chapter 4. Requirements on Plants Protection

Article 15. Obligations of Individual Persons and Legal Entities on Prevention of Spread of Hazardous Organisms

Individuals and legal entities whose practice is connected with the objects of the government phytosanitary control shall:

1) provide for phytosanitary monitoring and phytosanitary measures on their territories with the purpose of prevention of spread of hazardous organisms;

2) follow the rules of storage, transportation and usage of pesticides (insecticides);

3) follow the instructions of the state inspectors on plants protection in accordance with the legislation of the Republic of Kazakhstan;

4) render assistance to the state inspectors on plants protection in their execution of the legislation of the Republic of Kazakhstan;

5) neutralize pesticides (insecticides);

6) keep phytosanitary records and present phytosanitary accounts to the authorized body.

Article 16. Stock of Pesticides (insecticides)

1. Stock of pesticides (insecticides) is a certain volume of regularly supplied renewed pesticides (insecticides) which is the state property under control (at disposal) of the authorized body.

2. Stock of pesticides (insecticides) is intended for liquidation of unforeseen mass spread of extremely dangerous hazardous organisms and formed out of the volume of pesticides purchased with budget funds on the base of phytosanitary monitoring taking into account the present phytosanitary situation.

3. Excluded in accordance with Law of the Republic of Kazakhstan dated 20.12.2004 No 13-III

4. Standard of stock of the sorts of pesticides (insecticides) to be used and order of their usage are determined by the authorized body.

Article 17. Phytosanitary Standards

1. Phytosanitary standards determine permissible quantitative and (or) qualitative rates characterizing phytosanitary situation in respect to its safety for crop production and objects of agricultural purposes

2. Phytosanitary standards are determined on the base of researches held in accordance with the Republic of Kazakhstan.

3. Phytosanitary standards are the base for performance of objective and reasonable planning of the volume of phytosanitary activities and forecast of possibility of mass multiplication, spread and liquidation of hazardous and extremely dangerous organisms.

4. Phytosanitary standards shall be the base for performance of government phytosanitary control carried out by state inspectors on plants protection.

Article 18. Order of Neutralization of Pesticides (insecticides)

1. The order of Neutralization of Pesticides (insecticides) shall be determined by the authorized bodies of government ecological and sanitary-epidemiological control.

2. Special depositories (burial places) shall be used for neutralization of pesticides (insecticides).

3. The authorized body of government ecological control shall issue the permit for construction of permit for special depositories (burial places), as well as permits for neutralization of pesticides (insecticides).

4. Upon concurrence with the authorized body and institutions of government ecological and sanitary-epidemiological control, local authorities of oblasts (cities of republican importance, capitals) shall determine the expediency of location of the special depositories (burial places) and their number.

Article 19. Coordination of Scientific Researches in the Area of Plants Protection and the Activity of Plants Protection Specialists' Development and Training

1. The authorized body shall organize, coordinate and control the conduction of application scientific studies in the area of plants protection, approve the methods, methodologies, recommendations developed during the studies, which regulate the order and means of phytosanitary activities.

2. Education programs on plants protection specialists' development and training are subject to approval of the authorized body.

Chapter 5. Financing of Plants Protection Activities and Liability of Infringement of Legislation on Plants Protection

Article 20. Funding sources for plant protection measures.

1. The activities, performed on accounts of budget funds, include:

1) performance of phytosanitary monitoring on detection of places of settlement of hazardous and extremely dangerous hazardous organisms;

2) purchase of pesticides (insecticides) for conduction of chemical treatment against extremely dangerous hazardous organisms, as well as formation, storage and renewal of stock of pesticides (insecticides);

3) customs clearance, storage and delivery of pesticides (insecticides) to places of works performances;

4) conduction of chemical treatment of places of settlement of extremely dangerous organisms higher than economic limit of harmfulness;

5) conduction of neutralization of pesticides (insecticides) purchased with budget funds;

6) conduction of application research studies on plants protection;

7) maintenance, construction and repair of special depositories (burial places).

2. Excluded in accordance with Law of the Republic of Kazakhstan dated 20.12.2004 No 13-III

3. The following phytosanitary activities are held at the expenses of owners of objects subject to government phytosanitary control in the order determined by the authorized body:

1) neutralization of pesticides (insecticides), purchased with own funds, in accordance with the instructions of state inspectors on phytosanitary control;

2) conduction of phytosanitary activities regarding hazardous organisms;

3) inspection of agricultural produce for contents of pesticide (insecticide) residue.

4. Registration and manufacture testing of pesticides (insecticides) is performed in the order determined by the authorized body.

Article 21. Liability of Infringement of the Legislation of the Republic of Kazakhstan on Plants Protection

1. Persons, guilty of infringement of the legislation of the Republic of Kazakhstan on plants protection, bear responsibility in accordance with laws of the Republic of Kazakhstan.

2. Imposition of fines or any other penalties does not exempt the guilty persons from compensation of injury in accordance with the procedures, determined by the civil legislation of the Republic of Kazakhstan.

President of the Republic of Kazakhstan

N. Nazarbayev