

**On approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Socialist Republic of Vietnam on cooperation in quarantine and plant protection**

*Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated February 15, 2013 No. 139

Unofficial translation

The Government of the Republic of Kazakhstan **RESOLVES:**

1. To approve the attached Agreement between the Government of the Republic of Kazakhstan and the Government of the Socialist Republic of Vietnam on cooperation in quarantine and plant protection, executed in Astana on September 10, 2012.

2. This resolution shall take effect from the date of signing.

*Prime Minister  
of the Republic of Kazakhstan*

*S. Akhmetov*

Approved by  
Resolution No. 139  
of the Government  
of the Republic of Kazakhstan  
dated February 15, 2013

**Agreement**

**between the Government of the Republic of Kazakhstan and the Government of the Socialist Republic of Vietnam on cooperation in quarantine and plant protection**

The Government of the Republic of Kazakhstan and the Government of the Socialist Republic of Vietnam, further named the "Parties",

recognizing the benefits of international cooperation in the quarantine and plant protection and fight against quarantine objects that damage plants and plant products, and also control and prevention of their introduction and distribution in the territories of their states, guided by the International Plant Quarantine and Protection Convention of December 6, 1951;

have agreed as follows:

**Article 1 Definitions**

In the context of this Agreement, the terms used in it have the following meanings:

plants - live plants and their parts, including seeds and genetic material;

plant products - unprocessed material of plant origin (including grain), also processed products that, by their nature or by the method of their processing, may create a risk of introduction and spread of quarantine objects;

quarantine object - a pest, anticrop agent or weed that can blight the plants and plant products, absent or stenotopic in the territory of the Republic of Kazakhstan and the Socialist Republic of Vietnam in accordance with the national lists of quarantine objects;

phytosanitary control - actions taken to check the presence or absence of quarantine objects in plants, plant products and quarantined materials, also compliance with phytosanitary requirements;

treatment - the process of eradication, inactivation or removal of quarantine objects;

quarantined material (regulated articles) - any plant, plant product, storage place, packaging, vehicle, container, soil and any other organism, object or material that can serve as a shelter for quarantine objects or facilitate their distribution, for which phytosanitary measures are necessary, especially in international transportations;

consignment - a certain amount of plants, plant products and regulated articles imported from the territory of the state of one Party to the territory of the state of the other Party and provided with a phytosanitary certificate. A consignment may consist of one or more goods or loads;

legislation - for Kazakhstan Party: the Constitution of the Republic of Kazakhstan, other regulatory legal acts of the Republic of Kazakhstan and the Customs Union;

for Vietnam Party: Constitution of the Socialist Republic of Vietnam, other regulatory legal acts of the Socialist Republic of Vietnam.

## **Article 2 Authorized bodies**

The authorized bodies of the Parties ensuring execution of this Agreement are:

of Kazakhstan Party - the Ministry of Agriculture of the Republic of Kazakhstan;

of Vietnam Party - the Ministry of Agriculture and Rural Development of the Socialist Republic of Vietnam.

In order to formally exchange information, the authorized bodies of the Parties shall communicate through diplomatic channels.

In case of a change in the name of the abovementioned competent authorities of the states of the Parties, the Parties shall timely notify each other through diplomatic channels.

## **Article 3 Cooperation and exchange of information**

The parties shall undertake:

1) to exchange texts of normative legal acts and international treaties to which the states of the Parties are parties, concerning quarantine and plant protection;

2) to notify each other about changes in the regulatory legal acts of their states on the approval of national lists of quarantine objects, no later than two months from the date of their publication;

3) to notify each other about the occurrence and spread of quarantine objects in the territories of the states of the Parties, also about methods of fighting with them no later than two months from the date of their discovery;

4) to cooperate in the field of phytosanitary science by way of interaction between research institutes and organizations of quarantine and plant protection and not to transfer any results or information obtained on this basis to a third party without the consent of the other Party.

#### **Article 4 Requirements for imported consignments**

1. Each consignment of goods imported from the territory of the state of one Party to (through) the territory of the state of the other Party must comply with the requirements of the international obligations of the Parties and their legislation in the field of quarantine and plant protection.

2. Consignments imported into the territory of the other Party must pass phytosanitary control and provided by an official phytosanitary certificate.

3. The authorized bodies of the Parties, in accordance with the international obligations and laws of their states in the field of plant quarantine and protection, shall conduct phytosanitary control and, if necessary, laboratory testing, treatment of loads and their transportation means, also other measures to prevent the transfer of quarantine objects in the territory of their states.

4. The authorized bodies of the Parties shall be entitled, if necessary and scientifically valid, to determine additional phytosanitary measures for the import of separate consignments

In this case, the authorized bodies of the Parties shall undertake:

1) to notify each other after approval and publication of additional phytosanitary measures , no later than two months from the date of their publication;

2) to send rationale on the adoption of additional phytosanitary measures in response to a request from any of the competent authorities of the Parties.

5. Entry points for consignments shall be defined in accordance with the legislation of the importing Party.

6. The authorized bodies of the Parties shall notify each other of the entry points in the territories of their states in which phytosanitary control of imported goods is carried out.

7. When importing consignments, the packaging should be shavings, paper, plastic and other materials that cannot be carriers of quarantine objects and that must be free of soil. The authorized bodies of the Parties shall prohibit the import of soil (excluding peat), live rooted plants with soil, which may be carriers of quarantine objects.

8. Vehicles used by one Party to carry goods to the territory of the other Party must be thoroughly cleaned and, if necessary, decontaminated.

9. The authorized bodies of the Parties have the right to return the goods to the exporter or disinfect the cargo at the expense of its owner in case quarantine objects are detected during phytosanitary control of the importer, and if the cargo cannot be returned or disinfected, to be destroy it upon agreement with its owner, duly notifying the competent authorities of the other Party in each case.

## **Article 5 Phytosanitary certificate**

The phytosanitary certificate accompanying the consignment has to be in the original and filled out in English. All corrections, deletions and illegibility of the text in the phytosanitary certificate, not certified by the signature and seal of the state inspector, shall invalidate it.

In the event of re-export of goods, the phytosanitary certificate for re-export must necessarily be accompanied by the original phytosanitary certificate of the manufacturing state.

## **Article 6 Relationship with other international obligations**

The provisions of this Agreement do not affect the rights and obligations of the Parties arising from other international treaties to which their states are parties.

Issues not regulated by this Agreement shall be regulated in accordance with the International Plant Protection Convention of December 6, 1951, and the laws of the Parties.

## **Article 7 Settlement of Disputes**

In the event of a dispute regarding the application of the provisions of this Agreement, the Parties shall resolve them through negotiations and consultations.

## **Article 8 Amendments**

By mutual consent of the Parties, amendments and supplements may be entered to this Agreement that shall be its integral parts drawn up by separate protocols.

## **Article 9 Entry into effect**

This Agreement shall take effect on the thirty-first day from the date of receipt by diplomatic channels of the last written notice on the implementation by the Parties of the internal procedures necessary for its entry into force.

This Agreement is concluded for an indefinite term and remains valid until six months from the date of receipt by one of the Parties through diplomatic channels of a written notification of the other Party of its intention to terminate it.

Executed in Astana on September 10, 2012, in duplicate, each in the Kazakh, Vietnamese, Russian and English languages, all texts being equally authentic.

In case of disagreement in the interpretation of the provisions of this Agreement, the Parties refer to the text in English.

For the Government  
of the Republic of Kazakhstan

For the Government  
of the Socialist Republic of Vietnam