

On approval of the form of the protocol on administrative offences in the field of veterinary medicine, as well as the Rules for its preparation and issuance

Unofficial translation

Order No. 19 of the Minister of Agriculture of the Republic of Kazakhstan dated January 28, 2020. Registered with the Ministry of Justice of the Republic of Kazakhstan on February 4, 2020 under No. 19972.

Unofficial translation

In accordance with subparagraph 46-25) of Article 8 of the Law of the Republic of Kazakhstan "On veterinary", **I HEREBY ORDER:**

Footnote. The preamble is in the wording of the order of the Minister of Agriculture of the Republic of Kazakhstan dated 12.05.2022 No. 148 (shall be enforced ten calendar days after the date of its first official publication).

1. That the following documents shall be approved:

1) the form of a protocol on administrative offences in the field of veterinary medicine pursuant to Annex 1 hereto;

2) the Rules for drawing up and issuing a protocol on administrative offences in the field of veterinary medicine according to Annex 2 hereto.

2. That, in compliance with the procedure established by law, the Department of Veterinary, Phytosanitary and Food Safety of the Ministry of Agriculture of the Republic of Kazakhstan shall:

1) provide state registration hereof with the Ministry of Justice of the Republic of Kazakhstan;

2) ensure placement hereof on the website of the Ministry of Agriculture of the Republic of Kazakhstan after its official publication.

3. That the supervising Vice-Minister of Agriculture of the Republic of Kazakhstan shall be in charge of the execution of this Order.

4. That this Order shall be put into effect ten calendar days after the date of its first official publication.

*Minister of Agriculture
of the Republic of Kazakhstan*

S. Omarov

Appendix 1 to Order of the
Minister of Agriculture
of the Republic of Kazakhstan
No. 19 dated January 28, 2020
Нысан/Document form

Protocol on administrative offenses in the field of veterinary № _____

Footnote. Appendix 1 - as amended by the order of the Minister of Agriculture of the Republic of Kazakhstan dated 12.05.2022 No. 148 (shall be enforced ten calendar days after the date of its first official publication).

Осы Ветеринария саласындағы әкімшілік құқық бұзушылық туралы хаттама (бұдан әрі – хаттама) "Әкімшілік құқық бұзушылық туралы" Қазақстан Республикасы Кодексінің (бұдан әрі – Кодекс) 703, 802, 803 және 804-баптарына сәйкес толтырылды/ This protocol on an administrative offense in the field of veterinary (hereinafter – the protocol) is drawn up in accordance with Articles 703, 802, 803 and 804 of the Code of the Republic of Kazakhstan on administrative offenses (hereinafter – Code).

1. Хаттама толтырылған күн/ Date of drawing up the protocol "___" _____ жыл/ year

2. Хаттама толтырылған орын/ Place of drawing up the protocol

(region, district, city, settlement, village)

3. Хаттаманы жасаған адамның лауазымы, тегі, аты, әкесінің аты (бар болса)/

Position, surname, first name, patronymic (if any) of the person who drew up the protocol

4. Өзіне қатысты іс қозғалған тұлға туралы мәліметтер/

Information about the person against whom the case was initiated:

жеке тұлғалар үшін/for individuals:

тегі, аты, әкесінің аты (бар болса)/ surname, first name, patronymic (if any)

туған жылы, айы, күні/date of birth _____

тұрғылықты жері/place of residence _____

жеке басын куәландыратын құжаттың атауы мен деректемелері/

name and details of the identity document

жеке сәйкестендіру нөмірі/individual identification number

жұмыс орны/place of work _____

телефонның, факстың, ұялы байланыстың абоненттік нөмірі және (немесе) электрондық

мекенжайы (егер бұлар болса)/ subscriber's telephone, fax, cellular phone number and (or) e-mail address (if any)

заңды тұлғалар үшін/for legal entities:

атауы/name _____

орналасқан жері/location _____

заңды тұлғаны мемлекеттік тіркеу (қайта тіркеу) нөмірі және күні/ number and date of state registration (re-registration) of the legal entity _____

—

—

бизнес-сәйкестендіру нөмірі/business identification number _____

банк деректемелері/bank details _____

телефонның, факстың, ұялы байланыстың абоненттік нөмірі және (немесе) электрондық

мекенжайы (егер бұлар болса)/ subscriber's telephone, fax, cellular phone number and (or) e-mail address (if any)

;

5. Субъект: жеке тұлға (01), жеке кәсіпкер (02), заңды тұлға (03), шетелдік заңды тұлға(04), шетелдік қатысуы бар заңды тұлға (05), лауазымды адам (25), лауазымды адамғатенестірілген адам (26), заңды тұлға филиалы (27), заңды тұлға өкілдігі (28)/

Subject: individual (01), individual entrepreneur (02), legal entity (03), foreign legal entity (04),

legal entity with foreign participation (05), official (25), person equated to official (26), branch

of a legal entity (27), representative office of a legal entity (28)

6. Коммерциялық ұйымның ұйымдастырушылық-құқықтық нысаны: мемлекеттік кәсіпорын (01), шаруашылық серіктестік (02), акционерлік қоғам (03), өндірістік кооперативі (04),

өзгелер (05); кәсіпкерлік субъектілерінің санаты: шағын кәсіпкерлік субъектісі (12), орта кәсіпкерлік субъектісі (13), ірі кәсіпкерлік субъектісі (14); коммерциялық емес ұйымның

ұйымдық-құқықтық нысаны: мекеме (08), мемлекеттік мекеме (10)/ Organizational and legal

form of a commercial organization: state enterprise (01), business partnership (02), joint stock

company (03), production cooperative (04), others (05); category of business entities: small business

entity (12), medium-sized business entity (13), large business entity (14); organizational and legal form of a non-profit organization: institution (08), state institution (10)

7. Әкімшілік құқық бұзушылықтың жасалған орны, уақыты мен мәні/
Place, time of commission and essence of the administrative offense

8. Метрологиялық тексерудің атауы, нөмірі, күні, егер ол әкімшілік құқықбұзушылықты анықтау және тіркеу кезінде пайдаланылса, техникалық құралдың көрсеткіштері/
The name, number, date of metrological verification, indications of the technical means, if it was used to clarify and record an administrative offense

9. Істі шешу үшін қажетті мәліметтер, оның ішінде әкімшілік құқық бұзушылық туралы істің қаралатын уақыты мен орны, сондай-ақ әкімшілік құқық бұзушылық жасау

фактісін растайтын құжаттар, (іске қатысты және (немесе) заттай дәлелдемелер болып

табылатын файлдық құжаттар мен медиа-файлдар) қоса беріледі/ Information necessary

for resolution of the case, including the time and place of consideration of the case of an administrative offense, as well as documents confirming the fact of the commission of an administrative offense (file documents and media files related to the case and (or) being material evidence) are attached _____

10. Өзіне қатысты іс қозғалған жеке тұлғаның немесе заңды тұлға өкілінің түсініктемесі/

Explanation of an individual or a representative of a legal entity against whom a case has been initiated _____

11. Құқық бұзушылық біліктілігі Кодекстің ___ бабы ___ бөлігі ___ тармағы/
Qualification of the offense article _____ part _____ paragraph _____ of the Code

12. Кодекстің 738-бабына сәйкес іс жүргізу тілі анықталды/
According to article 738 of the Code , the language of the proceedings in the case is _____

13. Қорғаушының болуы: талап етілмейді (1), тартылды (2)/ Availability of a lawyer:
not required (1), involved (2) _____

14. Аудармашының болуы: талап етілмейді (1), тартылды (2)/ Availability of a translator:
not required (1), involved (2) _____

15. Куәлар, жәбірленушілер, куәгерлер (тегі, аты, әкесінің аты (бар болса), жеке сәйкестендіру нөмірі, тұрғылықты жерінің мекенжайы, телефоны) (бар болса)/
Witnesses, victims, witnesses (surname, first name, patronymic (if any), individual identification number, residential address, telephone number) (if any)

16. Әкімшілік құқық бұзушылық туралы іс қозғалған адам әкімшілік бұзушылық туралы хаттаманы қол қойып алудан бас тартқан жағдайда жазылатын жазба/
A note in case of refusal to accept an administrative offense protocol against a receipt by a person
against whom an administrative offense case has been initiated _____

(хаттаманы толтырған адамның қолы/ signature of the person who drew up the protocol)

17. Өзіне қатысты іс қозғалған тұлғаның болмауы немесе тиісті түрде келмеуі туралы
белгі/A note on the absence or non-appearance of the person against whom the case was initiated _____

(хаттаманы толтырған адамның қолы/ signature of the person who drew up the protocols)

18. Әкімшілік құқық бұзушылық туралы іс қозғалған адам болмаған жағдайда толтырылған хаттаманың почта арқылы жолданғаны туралы ақпарат/

Information about sending the protocol by mail if it is drawn up in the absence of the person against whom a case of administrative offenses has been initiated

(хаттаманы толтырған адамның қолы/ signature of the person who drew up the protocol)

19. Өзіне қатысты іс қозғалған тұлғаның хаттаманы алған кезден бастап үш тәулікшінде

оны қайтармау фактісі жөнінде хаттама көшірмесінде тиісті жазба жасалады/

A note in a copy of the protocol on the fact of non-return of the protocol within three days from the date of receipt by the person against whom the case was initiated

(хаттаманы толтырған адамның қолы, жазбасы/ a note, signature of the person who drew up the protocol)

20. Кодекстің 744, 747, 810, 811-баптарына сәйкес хаттаманы толтыру кезінде әкімшілік

жауапкершілікке тартылушы адамға, сондай-ақ іс бойынша іс жүргізудіңбасқа да қатысушыларына, құқықтары және міндеттері түсіндірілді/ When drawing up the protocol,

to the person against whom the case was initiated, as well as other participants in the proceedings

in the case, their rights and obligations were explained in accordance with Articles 744, 747,810, 811 of the Code _____

Кұқықтармен және міндеттермен таныстым:/ Familiarized with the rights and obligations:

/ _____ / _____ / _____

(адамның (жеке тұлғаның заңды өкілінің немесе заңды тұлға өкілінің) тегі, аты, әкесінің

аты (бар болса)/ surname, first name, patronymic (if any) of the person (legal representative

of an individual or representative of a legal entity)/

_____/_____/_____

_____/ (адамның (жеке тұлғаның заңды өкілінің немесе заңды тұлға өкілінің) тегі, аты, әкесінің

аты (бар болса) / ((surname, first name, patronymic (if any) of the person (legal representative

of an individual or representative of a legal entity)/

_____/_____/_____

_____/ (адамның (жеке тұлғаның заңды өкілінің немесе заңды тұлға өкілінің) тегі, аты, әкесінің

аты (бар болса)/ surname, first name, patronymic (if any) of the person (legal representative

of an individual or representative of a legal entity) Хаттаманы толтырған адам/ The person

person

who drew up the protocol

— Әкімшілік құқық бұзушылық туралы іс жүргізіліп жатқан адам (адамның өкілі)/

The person (representative of the person) in respect of whom the proceedings on the case of an

administrative offense are being conducted: хаттама мазмұнымен/ with the contents of the protocol:

— (танысты/танысудан бас тартты/ got acquainted/refused to get acquainted)

Жәбірленушілер (бар болса)/ Victims (if any)

— Куәлер (бар болса)/ Witnesses (if any) _____

— Куәгерлер (бар болса)/ Witnesses (if any) _____

Қолхат/ Acknowledgement

Хаттаманың көшірмесін алдым/ I received a copy of the protocol:

_____ жылғы " _____ " _____ / _____

— (оған қатысты іс қозғалған жеке тұлғаның немесе заңды тұлға өкілінің қолы)

" _____ " _____ year _____

— (signature of the individual or representative of the legal entity against whom the case is initiated)

_____ жылғы " _____ " _____
/ _____

— (жәбірленуші жеке тұлғаның немесе заңды тұлға өкілінің қолы)

" _____ " _____ year _____

— (signature of the affected individual or representative of a legal entity)

Annex 2 to Order of the
Minister of Agriculture
of the Republic of Kazakhstan
No. 19 dated January 28, 2020

Rules for drawing up and issuing a protocol on administrative offences in the field of veterinary medicine

Chapter 1. General provisions

1. These Rules for drawing up and issuing a protocol on administrative offenses in the field of veterinary (hereinafter referred to as the Rules) have been developed in accordance with the Code of the Republic of Kazakhstan on Administrative Offenses (hereinafter referred to as the Code), subparagraph 46-25) of Article 8 of the Law of the Republic of Kazakhstan " On veterinary" (hereinafter referred to as the Law) and determine the procedure for drawing up and issuing a protocol on administrative offenses, when establishing violations of the requirements of the legislation of the Republic of Kazakhstan in the field of veterinary.

Footnote. Paragraph 1 - as amended by the order of the Minister of Agriculture of the Republic of Kazakhstan dated 12.05.2022 No. 148 (shall be enforced ten calendar days after the date of its first official publication).

Chapter 2: Procedure for drawing up and issuing a protocol on administrative offences in the field of veterinary medicine

2. Protocols on administrative offences shall be drawn up by authorised officials of the authorised body in the field of veterinary medicine:

on cases of administrative offences considered by the courts (Article 416 of the Code (on violations of safety requirements for food products subject to veterinary and sanitary control and oversight));

cases of administrative offences handled by the authorised body in the sphere of veterinary medicine (Article 406 of the Code).

Protocols on administrative offences shall be drawn up by:

1) the Chief State Veterinary and Sanitary Inspector of the Republic of Kazakhstan and his/her deputies;

2) State Veterinary and Sanitary Inspectors at veterinary control posts;

3) Chief State Veterinary-Sanitary Inspectors of regions, cities of republican status, the capital city and their deputies;

4) state veterinary and sanitary inspectors of regions, cities of republican status, the capital;

5) chief state veterinary-sanitary inspectors and their deputies, state veterinary-sanitary inspectors of districts, cities of regional status.

3. The protocol on an administrative offense shall specify:

the date and place of drawing up the protocol;

the position, surname and initials of the person who drew up the protocol;

information about the person against whom the case has been initiated (for individuals – surname, first name, patronymic (if any), date of birth, place of residence, name and details of the identity document, identification number, place of work, telephone, fax, cellular telephone number and (or) e-mail address (if they are available); for legal entities – the name, location, number and date of state registration (re-registration) of the legal entity, identification number and bank details, telephone, fax, cellular telephone number and (or) e-mail address (if any);

place, time of commission and essence of the administrative offense;

article of the Special part of Section 2 of the Code, providing for administrative responsibility for this offense; surnames, first names, patronymics (if any), addresses of witnesses and victims, if any;

explanation of an individual or a representative of a legal entity against whom a case has been initiated; name, number, date of metrological verification, indications of a technical means, if it was used in clarifying and fixing an administrative offense;

the information necessary for the resolution of the case, including the time and place of consideration of the case of an administrative offense, as well as documents confirming the fact of the commission of an administrative offense (file documents and media files related to the case and (or) being material evidence) are attached.

Footnote. Paragraph 3 - as amended by the order of the Minister of Agriculture of the Republic of Kazakhstan dated 12.05.2022 No. 148 (shall be enforced ten calendar days after the date of its first official publication).

4. The language of the proceedings shall be determined when drawing up a protocol on an administrative offence. A person against whom proceedings are instituted, as well as witnesses and attesting witnesses taking part in the proceedings on an administrative offence shall be informed of their rights, duties and responsibilities under Articles 462, 654, 738, 744, 754, 755, 810 and 811 of the Code and a relevant entry shall be made in the protocol.

5. The protocol on an administrative offence shall be signed by the person who drew it up and the person (representative of the person) in respect of whom proceedings on the case of an administrative offence are conducted, except in cases stipulated by Article 807 of the Code . In the presence of victims and witnesses, as well as in cases where witnesses are involved, the protocol shall also be signed by these persons.

6. In the event of the absence or non-appearance of a duly notified person, the record of the administrative offence shall be signed by the person who drew up the record, with a note therein indicating the absence or non-appearance of the person against whom the case was initiated.

7. In case of refusal to accept the protocol on an administrative offence against a signature by the person against whom the case was initiated, a corresponding entry shall be made in the protocol by the person who drafted it.

8. A natural person or a representative of a legal entity against whom proceedings have been instituted shall be given the opportunity to familiarise themselves with the protocol on an administrative offence. These persons may provide explanations and comments on the content of the protocol, as well as the reasons for their refusal to sign it, which shall be attached to the protocol. If these persons refuse to sign the protocol on an administrative offence, an appropriate entry shall be made in the protocol. Signing the protocol by a person against whom a case has been instituted shall be evidence that the person is familiar with the protocol and shall not be an admission of guilt of committing an administrative offence.

9. To an individual or a representative of a legal entity against whom a case has been initiated, as well as to the victim, a copy of the protocol on an administrative offense is handed over against a receipt immediately after its drawing up, except for the cases provided for in paragraph 10 of these Rules.

When drawing up a protocol on an administrative offense in electronic form, participants in the proceedings on an administrative offense case are informed about its placement on the e-government web portal and (or) the information service of the authorized body in the field of legal statistics and special accounting.

At the request of the person (representative of the person) in respect of whom proceedings on an administrative offense are being conducted, a copy of the protocol is submitted immediately by delivery on paper or by sending it to the postal or e-mail address specified by him, as well as in any other way provided for in paragraph 10 of the Rules for maintaining the

Unified register of administrative proceedings approved by the order of the Acting Prosecutor General of the Republic Kazakhstan dated July 10, 2020 No. 85 (registered in the Register of state registration of regulatory legal acts No. 20962).

Footnote. Paragraph 9 - as amended by the order of the Minister of Agriculture of the Republic of Kazakhstan dated 12.05.2022 No. 148 (shall be enforced ten calendar days after the date of its first official publication).

10. In the absence of the person in respect of whom the case was initiated on the grounds provided by paragraph 5 of Article 803 of the Code, the protocol on an administrative offence shall be sent by registered mail with notification to the person in respect of whom the case was initiated within two days after its drawing up. Failure to return the protocol within three days from the date of receipt by the person against whom the case was instituted shall be deemed a refusal to sign it, of which an appropriate entry shall be made in a copy of the protocol.

11. The protocol on an administrative offence shall be drawn up immediately after the discovery of an administrative offence.

12. If an administrative offense is detected during an inspection conducted in accordance with Chapter 13 of the Entrepreneurial Code of the Republic of Kazakhstan, a protocol on an administrative offense is drawn up immediately after the completion of the relevant inspection.

Footnote. Paragraph 12 - as amended by the order of the Minister of Agriculture of the Republic of Kazakhstan dated 12.05.2022 No. 148 (shall be enforced ten calendar days after the date of its first official publication).

13. In cases where additional clarification is needed with regard to the circumstances of an administrative offence, the identity of the natural person or the identity of the legal person and the representative of the legal person against whom the case is brought, the protocol on an administrative offence shall be drawn up within three days of the establishment of the circumstances in question.

14. The protocol on an administrative offence, and in the case stipulated by paragraph nine of Article 803 of the Code, a copy of the protocol on an administrative offence shall be sent for consideration to the court, body (official) authorized to consider the case on an administrative offence within 3 (three) days from the date of its drawing up.

15. State veterinary and sanitary inspectors keep records of issued protocols, compile a report on the inspection of individuals and legal entities and divisions of local executive bodies operating in the field of veterinary, as well as identified violations of legislation in the field of veterinary (hereinafter – report) in accordance with Appendix 45 to the order of the Minister of Agriculture of the Republic of Kazakhstan dated February 25, 2014 No. 16-07/114 "On approval of forms of veterinary accounting and reporting" (registered in the Register of state registration of regulatory legal acts No. 9342) and provide a report in accordance with subparagraph 4) of paragraph 24 and paragraph 25 of the Rules for maintaining, submitting

veterinary records and reporting, approved by the order of the Minister of Agriculture of the Republic of Kazakhstan dated April 30, 2015 No. 7-1/394 (registered in the Register of state registration of regulatory legal acts No. 11265).

State veterinary and sanitary inspectors, when drawing up a protocol on an administrative offense in paper form, within a day after it is drawn up, ensure that the original protocol on an administrative offense and the documents collected in the course of proceedings (in the form of PDF, JPEG, PNG, SVG, Tiff-documents) are attached to the Unified register of administrative proceedings (hereinafter referred to as URAP), except for documents containing state secrets.

File documents and media files related to the case and (or) being material evidence are enclosed in the URAP, and if it is impossible, they are attached to the case materials with an indication in the protocol on an administrative offense.

Footnote. Paragraph 15 - as amended by the order of the Minister of Agriculture of the Republic of Kazakhstan dated 12.05.2022 No. 148 (shall be enforced ten calendar days after the date of its first official publication).

16. Actions (inaction) of state veterinary and sanitary inspectors may be appealed against by individuals and legal entities to a higher authority and (or) to a court.

17. State veterinary and sanitary inspectors shall be guided by the provisions of the Code when drawing up a protocol on an administrative offence in the part not regulated by these Rules.