

## **On protection of plants**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 3 July, 2002 № 331.

#### **Unofficial translation**

Footnote. Throughout the text the words "(of chemicals)", "(chemicals)" и "(of a chemical)" excluded by the Law of the RK dated 28.10.2019 № 268-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

This Law determines legal, economic and organizational basis of carrying out of activity in the field of plants protection from pests, weeds and plant diseases and is directed at preserving the harvest, its quality and prevention of negative effect on health of people and environment within implementation of phytosanitary measures in the territory of the Republic of Kazakhstan.

### **Chapter 1. General provisions Article 1. Basic definitions used in this Law**

The following basic definitions are used in this Law:

1) special storages (burial grounds) - storages designed for the safe storage with subsequent utilization or destruction of prohibited or decayed pesticides, as well as containers from them;

2) special machinery - a device and (or) equipment designed for the use of pesticides;

3) objects of agricultural nature - agricultural and other lands, granaries, greenhouses, warehouses, open spaces, production and other premises designed for production, storage and processing of crop products;

4) especially dangerous harmful organisms - pests and plants diseases, capable of periodic mass reproduction and distribution, causing economic, environmental damage and included in the list of especially dangerous harmful organisms, approved by the authorized body;

4-1) bioagents - organisms that reproduce in natural conditions, destroying and (or) suppressing the vital activity of harmful, especially dangerous harmful organisms, as well as quarantine objects, used for plants protection;

5) harmful organisms - pests, weeds and plant diseases that have a negative effect on the soil, vegetation and agricultural products;

6) economic threshold of harmfulness - the number of harmful and especially dangerous harmful organisms, causing losses of crop products, which requires conducting of phytosanitary measures;

7) state control in the field of plant protection (hereinafter referred to as the state phytosanitary control) - activity of the department of the authorized body and its territorial

subdivisions on inspection and observation for compliance of activity of physical and legal entities, as well as officials with the requirements of the legislation of the Republic of Kazakhstan on plant protection;

8) plants protection – a sphere of activity, aimed at development and practical application of methods of phytosanitary monitoring, phytosanitary measures in order to prevent losses of plant products from harmful and especially dangerous harmful organisms;

8-1) plants protection agents - pesticides, bioagents, as well as technical and other means used to protect plants;

9) crop products - products intended to meet the needs of the population in food, livestock – in feed and industry – in raw materials;

10) pesticides - chemical and (or) biological substances (insecticides, rodenticides, fungicides, herbicides, anti-emergence agents and plants growth regulators, defoliant, desiccants) used to combat harmful and especially dangerous harmful organisms, quarantine objects and alien species, pests of stored agricultural products, as well as for seed dressing, pre-harvest drying, leaf removal and plants growth regulation;

11) detoxication of pesticides - measures aimed at utilization, destruction of prohibited or decayed pesticides and containers from them, as well as containers from the used pesticides in accordance with the legislation of the Republic of Kazakhstan;

12) state registration of a pesticide - a procedure, according to the results of which a registration certificate for a pesticide shall be issued to the registrant (applicant) in accordance with the legislation of the Republic of Kazakhstan;

13) initial components of pesticides - chemical and other substances intended for the production of pesticides;

14) residual amount of pesticides - a quantitative indicator of the content of pesticides in crop products and environmental objects, with the help of which their safety for humans and animals shall be assessed;

15) production (formulation) of pesticides - a technological process for the manufacture of pesticides based on initial components;

15-1) temporary registration of pesticides - temporary state registration of pesticides;

16) list of pesticides - a list of registered pesticides allowed for production (formulation), import, storage, transportation, sale and use in the territory of the Republic of Kazakhstan;

16-1) registration (small-plot and production) tests of pesticides - a procedure for confirming the effectiveness and safety of the use of pesticides, carried out on small-plot experiments and in production conditions, including biological, economic, toxicological, hygienic and environmental assessments of pesticides, in accordance with the rules for conducting registration (small-plot and production) tests and state registration of pesticides;

17) the authorized body in the field of plants protection (hereinafter-the authorized body) – a central executive body, carrying out leadership in the field of plants protection, as well as, cross-sectoral coordination within its powers;

17-1) registrant (applicant) - an individual or legal entity who has submitted an application for registration (small-plot and production) tests of pesticides, as well as state registration of pesticides for obtaining a registration certificate;

18) phytosanitary situation - the current state of agricultural objects, determined by the number and harmfulness of harmful and especially dangerous harmful organisms;

19) phytosanitary forecast - a preliminary determination of the possible spread and degree of development of harmful and especially dangerous harmful organisms in order to plan the terms and scope of conducting phytosanitary measures;

20) phytosanitary monitoring - a system of measures, including examination, observation, registration of development and spread of harmful and especially dangerous harmful organisms, as well as elaboration of a phytosanitary forecast on their basis;

21) phytosanitary standards - established parameters of values used to determine the volume of phytosanitary measures;

22) phytosanitary measures - a set of measures to ensure the destruction and (or) reduction in the number and harmfulness of harmful and especially dangerous harmful organisms below the economic threshold of harmfulness.

**Footnote. Article 1 in wording of the Law of the Republic of Kazakhstan dated 29.12.2006 № 209 (order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 № 188-IV (order of enforcement see Article 2); dated 17.07.2009 № 189-IV (order of enforcement see Article 2); dated 10.01.2011 № 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).**

## **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 regulatory legal acts of the Republic of Kazakhstan.

2. If an international treaty, ratified by the Republic of Kazakhstan, establishes other rules than those appear in this Law, the rules of the international treaty shall apply.

## **Article 3. Basic objectives of the state policy in the field of plants protection**

Basic objectives of the state policy in the field of plants protection are:

- 1) ensuring the food security of the state;
- 2) provision of favourable phytosanitary situation;
- 3) caution and prevention of the harmful effects of pesticides on humans health, pollution of agricultural products, the environment upon conducting phytosanitary measures.

**Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (order of enforcement see Article 2).**

## **Chapter 2. State regulation in the field of plants protection Article 4. State system of plants protection of the Republic of Kazakhstan**

State system of plants protection of the Republic of Kazakhstan includes:

- 1) the Government of the Republic of Kazakhstan;
- 2) the authorized body, department of the authorized body and its territorial divisions;
- 3) local executive bodies of regions (cities of republican significance, the capital);
- 4) state organizations carrying out the plants protection activities;
- 5) individuals and legal entities using the objects subject to the state phytosanitary control.

**Footnote. Article 4 as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 № 13 (shall be enforced from 1 January, 2005); dated 17.07.2009 № 189-IV (order of enforcement see Article 2); dated 28.12.2018 № 210-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 5. Competence of the Government of the Republic of Kazakhstan in the field of plants protection**

**Footnote. Article 5 is excluded by the Law of the Republic of Kazakhstan dated 04/19/2023 № 223-VII (effective ten calendar days after the date of its first official publication).**

## **Article 6. Competence of the authorized body**

Competence of the authorized body shall include:

- 1) formation and implementation of the state policy in the field of plant protection;
- 2) elaboration and approval within its competence of the regulatory legal acts in the field of plants protection;
- 3) carrying out the coordination and methodological supervision of local executive bodies in the field of plants protection;
- 4) elaboration and approval of the list of highly dangerous harmful organisms;
- 5) elaboration and approval of technical regulations on the safety of plants protection agents (pesticides);

5-1) issuance of a conclusion (permit) for the import of samples of unregistered plants protection agents (pesticides) for conducting registration (small-plot and production) tests and (or) scientific researches in accordance with the decisions of the Board of the Eurasian Economic Commission;

5-2) issuance of a license for the import of plants protection agents (pesticides);

5-3) developing and approving procedures for conducting plant protection investigations;

6) elaboration and approval of qualification requirements for the following subspecies of activities on:

production (formulation) of pesticides;

the sale of pesticides;

the use of pesticides by aerosol and fumigation methods;

7) elaboration and approval of the rules for registration (small-plot and production) tests and state registration of pesticides in agreement with the authorized body in the field of environmental protection and the state body in the field of sanitary and epidemiological welfare of the population;

8) state registration of pesticides and issuance of registration certificates for pesticides;

9) elaboration, approval and maintenance of the list of pesticides;

10) elaboration and approval of the rules for conducting phytosanitary measures;

11) elaboration and approval of forms of protocols and prescriptions, as well as order of their compilation and adoption in accordance with the legislation of the Republic of Kazakhstan;

12) organization of phytosanitary measures;

13) coordination of activity of the state bodies, individuals and legal entities in performance of phytosanitary events;

14) organization and conduct of public procurement of pesticides, works and services for their storage, transportation, use, as well as the creation of a stock of pesticides in the manner established by the legislation of the Republic of Kazakhstan;

15) elaboration and approval of phytosanitary regulations, forms of phytosanitary record, as well as manner of their submission;

16) organization of phytosanitary monitoring of harmful and highly dangerous harmful organisms;

17) organization of registration (small-plot and production) tests and state registration of pesticides;

18) organization and coordination, carrying out the orders of applied scientific research in the field of plants protection;

19) distribution of pesticides, purchased at the expense of budgetary funds across the territory of the Republic of Kazakhstan, depending on the data of phytosanitary monitoring and the current phytosanitary situation;

20) carrying out cooperation with international organizations and state bodies and participation in the realization of international programmes in the field of plants protection;

21) establishment of the stock standard for the types of pesticides and the procedure for its use;

22) organization and execution of state phytosanitary control;

22-1) consideration of draft standardization documents within the competence, as well as preparation of proposals for development, amendment, revision and cancellation of national, interstate standards, national classifiers of technical and economic information and standardization recommendations for submission to the authorized body in the field of standardization;

23) monitoring the compliance with the legislation of the Republic of Kazakhstan on protection of plants by local executive bodies;

24) determination of the procedure for detoxication of pesticides, as well as the conditions for keeping special storages (burial grounds) in proper state, in agreement with the authorized body in the field of environmental protection and the state body in the field of sanitary and epidemiological welfare of the population;

25) approval of methods, methodology, recommendations, regulating the order, ways of implementing the phytosanitary measures, organization, coordination and control over conduct of applied scientific research in the field of plants protection as well as approval of programmes of education (educational programmes) of training and improvement of skills for specialists in plants protection;

26) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V ( shall be enforced from 01.01.2015);

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after the day of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2023 № 223-VII (effective ten calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

## **Article 7. Competence of state inspectors for plants protection**

1. The head of the department of the authorized body shall be the Chief state inspector for plants protection of the Republic of Kazakhstan.

Leaders of relevant territorial subdivisions of the agency are chief state inspectors for plants protection of relevant administrative and territorial units of the Republic of Kazakhstan

Other officials of the agency who directly perform the state phytosanitary control are the state inspectors for plants protection.

2. The competence of the Chief state inspector for plants protection of the Republic of Kazakhstan includes:

1) organization and implementation of state phytosanitary control over compliance with the requirements of the legislation of the Republic of Kazakhstan on plants protection in the territory of the Republic of Kazakhstan;

2) issuance of instructions to individuals and legal entities on elimination of the identified violations of the legislation of the Republic of Kazakhstan on plants protection and control over their implementation;

3) organization of phytosanitary accounting and reporting;

4) selection of samples during the implementation of state phytosanitary control;

5) drawing up protocols on administrative offences, considering cases of administrative offences and imposing administrative penalties;

6) carrying out other powers provided for by the legislation of the Republic of Kazakhstan

3. The competence of the Chief state inspector for plants protection of the corresponding administrative-territorial unit includes:

1) organization and implementation of state phytosanitary control over compliance with the requirements of the legislation of the Republic of Kazakhstan on plants protection in the relevant territory;

2) issuance of instructions to individuals and legal entities on elimination of the identified violations of the legislation of the Republic of Kazakhstan on plants protection and control over their implementation;

3) organization, maintenance of phytosanitary accounting and reporting in the relevant territory and submission of a report in the manner prescribed by the legislation of the Republic of Kazakhstan;

4) selection of samples during the implementation of state phytosanitary control;

5) drawing up protocols on administrative offences, considering cases of administrative offences and imposing administrative penalties.

4. The competence of the state inspector for plants protection includes:

1) organization and implementation of state phytosanitary control over compliance with the requirements of the legislation of the Republic of Kazakhstan on plants protection in the relevant territory;

2) keeping phytosanitary accounting and reporting in the established form and submitting them to the department of the authorized body;

- 3) selection of samples during the implementation of state phytosanitary control;
- 4) drawing up protocols on administrative offences, considering cases of administrative offences and imposing administrative penalties;
- 5) issuance of instructions to individuals and legal entities on elimination of the identified violations of the legislation of the Republic of Kazakhstan on plants protection and control over their implementation.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 № 13 (shall be enforced from 1 January, 2005); by the Law of the Republic of Kazakhstan dated 31 January, 2006 № 125; dated 17.07.2009 № 189-IV (order of enforcement see Article 2); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 8. Rights of state inspectors for plants protection**

1. State inspectors for plants protection have the right:

**Customer attention!**

As regards amendments in the subparagraph 1) see the Law of the RK dated 17.07.2009 № 188-IV (the order of entry into force see Article.2) and dated 17.07.2009 № 189-IV (the order of entry into force see Article.2).

- 1) to visit objects of the state phytosanitary control with purpose of state phytosanitary control;
- 2) to issue prescriptions to the individuals and legal entities on elimination of detected violations of the legislation of the Republic of Kazakhstan on plants protection;
- 3) suspend or prohibit the activity or its individual types without a court decision in the cases provided for by Article 48 of the Code of the Republic of Kazakhstan on administrative offenses, with compulsory presentation of materials on administrative violation case to the court within three days. In this case, the act on prohibition or suspension of activities is valid until a court decision is made;
- 4) bring to administrative responsibility the individuals and legal entities in case of violation of legislation of the Republic of Kazakhstan on plants protection in accordance with the Laws of the Republic of Kazakhstan.

2. Actions of state inspectors for plants protection may be challenged in a manner prescribed by the legislation of the Republic of Kazakhstan.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 № 188-IV (order of enforcement see Article 2); dated 17.07.2009 № 189-IV (order of enforcement see Article 2); dated 05.07.2014 № 236-V (shall be enforced from 01.01.2015).

#### **Article 9. Competence of local executive bodies of regions (cities of republican significance, the capital) in the field of protection of plants**



Footnote. The title of Article 9 as amended by the Law of the Republic of Kazakhstan dated 28.12.2018 № 210-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

The competence of local executive bodies of regions (cities of republican significance, the capital) in the field of protection of plants shall include:

1) organization of work on the detoxication of pesticides in agreement with the authorized body in the field of environmental protection and the state body in the field of sanitary and epidemiological welfare of the population;

1-1) realization of the state policy in the field of plants protection;

2) excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

3) excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

4) construction, maintenance and keeping in proper condition of special storages (repositories);

4-1) organization and implementation of phytosanitary measures to combat non-gregarious locusts with numbers above the economic threshold of harmfulness;

5) licensing of activities for:

production (formulation) of pesticides;

the sale of pesticides;

the use of pesticides by aerosol and fumigation methods;

6) carrying out other powers imposed on local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local public administration.

Footnote. Article 9 in the wording of the Law of the Republic of Kazakhstan dated 10.01.2006 № 116 (order of enforcement see Article 2 of the Law №116); as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (order of enforcement see Article 2); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 10. State organizations carrying out activity in the field of plants protection**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (order of enforcement see Article 2)

1. State organizations, carrying out activity in the field of plants protection shall be created by the Government of the Republic of Kazakhstan in order to perform the following types of activity:

- 1) conducting phytosanitary monitoring on identifying the places of settlement by harmful and especially dangerous harmful organisms;
- 2) preparation and submission of a phytosanitary forecast of the spread of harmful and especially dangerous harmful organisms to the department of the authorized body;
- 3) conducting registration (production) tests of pesticides recommended for registration for their approbation in production conditions;
- 4) analysis and expertise of agricultural products for the content of pesticide residues;
- 5) carrying out other powers provided for by the legislation of the Republic of Kazakhstan

2. excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication).

3. State organizations carrying out the activity in the field of plants protection shall keep phytosanitary records and submit reports to the authorized body in the manner prescribed by the legislation of the Republic of Kazakhstan.

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 № 584; dated 17.07.2009 № 188-IV (order of enforcement see Article 2); dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Chapter 3. Requirements of plants protection**

Footnote. Chapter 3 in new wording of the Law of the Republic of Kazakhstan dated 31 January, 2006 № 125.

#### **Article 11. Phytosanitary monitoring and phytosanitary measures**

For the purpose of ensuring a favourable phytosanitary situation individuals and legal entities whose activity is related to objects of state phytosanitary control shall carry out the phytosanitary monitoring in their territories and carry out phytosanitary measures in case of detection of harmful and highly dangerous harmful organisms with the amount higher than the economic threshold of harmfulness.

#### **Article 12. Storage, sale and use of pesticides**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (order of enforcement see Article 2); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Storage, sale and use of pesticides should be carried out under the conditions, ensuring prevention of harmful effects of pesticides on human health and the environment.

2. Mandatory requirements for the conditions of storage, sale and use of pesticides shall be established by technical regulations in the field of pesticides turnover.

3. Is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI ( shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 12 as amended by the Laws of the Republic of Kazakhstan dated 29 December, 2006 № 209 (order of enforcement see Article 2); dated 12 January, 2007 № 222 ( shall be enforced upon expiry of 6 months from the date of its first official publication); dated 17.07.2009 № 189-IV (order of enforcement see Article 2); dated 28.10.2019 № 268-VI ( shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 13. Phytosanitary record and reports**

1. Individuals and legal entities whose activities are related to the objects of state phytosanitary control shall keep phytosanitary registration and submit phytosanitary reports to the department of the authorized body.

2. Types of phytosanitary reports, forms and terms of their submission shall be determined by the authorized body.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (order of enforcement see Article 2); dated 28.10.2019 № 268-VI ( shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 14. Licensing of activities in the field of plants protection**

Licensing of activities in the field of plants protection shall be carried out in accordance with the legislation of the Eurasian Economic Union in the field of non-tariff regulation, as well as in accordance with the legislation of the Republic of Kazakhstan on permits and notifications in the sphere of rendering state services.

The activities of individuals and legal entities for the production (formulation) of pesticides, the sale of pesticides, the use of pesticides by aerosol and fumigation methods, as well as for the import of plants protection agents (pesticides) shall be prohibited without an appropriate license obtained in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 14-1. Detoxication of pesticides**

1. Prohibited, decayed pesticides, containers from them, as well as containers from the used pesticides shall be subject to detoxication in accordance with the procedure for detoxication of pesticides.

2. Special storage facilities (burial grounds) shall be used for pesticide neutralization, as well as special technical facilities for their utilization and destruction.

3. A permit for construction of special storage facilities (burial grounds), as well as for detoxication of pesticides shall be issued by the authorized body in the field of environmental protection.

4. The expediency of placing special storages facilities (burial grounds) in the regions and their number shall be determined by the local executive bodies of regions, cities of republican significance and the capital city in agreement with the authorized body in the field of environmental protection and the state body in the field of sanitary and epidemiological welfare of the population.

Footnote. Article 14-1 in the new wording of the Law of the Republic of Kazakhstan dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 14-2. Stock of pesticides**

1. A stock of pesticides is a certain volume of regularly renewed pesticides and is a state property under the jurisdiction (disposal) of the department of the authorized body.

2. A stock of pesticides is intended for liquidation of the unforeseen mass spread of especially dangerous pests and is formed from the volume of pesticides purchased at the expense of budgetary funds, on the basis of phytosanitary monitoring, taking into account the current phytosanitary situation.

3. Is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI ( shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 14-2 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 14-3. Phytosanitary normative standards**

1. Phytosanitary standards shall determine the permissible quantitative and (or) qualitative values of indicators characterizing the phytosanitary situation in terms of its safety for crop products, agricultural facilities, and ensuring an acceptable level of biological risks.

2. Phytosanitary standards shall be established on the basis of studies conducted in accordance with the legislation of the Republic of Kazakhstan, as well as taking into account the requirements of the legislation of the Republic of Kazakhstan in the field of biological safety.

3. Phytosanitary regulations are the basis for carrying out an objective and reasonable planning of volume of phytosanitary measures as well as forecasting the possibility of mass multiplication, expansion and liquidation of harmful and highly dangerous harmful organisms

4. Phytosanitary regulations are the basis for the execution of state phytosanitary control by state inspectors for plants protection.

**Footnote. Article 14-3 as amended by the Law of the Republic of Kazakhstan dated 21.05.2022 № 123-VII (shall enter into force upon expiry of six months after the day of its first official publication).**

#### **Article 14-4. Coordination of scientific research in field of plants protection and activity on training and skills improvement of specialists in plants protection**

1. The authorized body shall organize, coordinate and control the performance of applied scientific research in the field of plants protection, approves the methods elaborated in the result of research, methodologies, recommendations regulating the order and ways of implementing the phytosanitary measures.

2. Educational programmes of training and skills improvement of specialists in plants protection are subject to approval by the authorized body.

**Footnote. Article 14-4 as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (order of enforcement see Article 2).**

#### **Article 14-5. Obligations of individuals and legal entities whose activity is related to the objects of state phytosanitary control**

Individuals and legal entities whose activity is related to the objects of state phytosanitary control shall:

1) carry out phytosanitary monitoring and phytosanitary measures and prevent the development and spread of harmful and especially dangerous harmful organisms with numbers above the economic threshold of harmfulness;

2) comply with the safety requirements in the sphere of pesticide turnover, established by technical regulations;

3) keep phytosanitary accounting and submit the reports to the department of the authorized body;

4) conduct registration (small-plot and production) tests of pesticides in accordance with the rules for registration (small-plot and production) tests and state registration of pesticides;

5) detoxicate pesticides and keep special storage facilities (burial grounds) in proper state;

6) comply with the requirements for licensed types of activities;

7) fulfill the instructions of state inspectors for plants protection in accordance with the legislation of the Republic of Kazakhstan on plants protection;

7-1) ensure access of state inspectors for plants protection to the objects of state phytosanitary control;

8) assist the state inspectors for plants protection in their performance of legislation of the Republic of Kazakhstan on plants protection.

**Footnote. Article 14-5 as amended by the Law of the Republic of Kazakhstan dated 29 December, 2006 № 209 (order of enforcement see Article 2); dated 28.10.2019 № 268-VI ( shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 14-6. State registration of pesticides**

1. State registration of pesticides shall be conducted based on the results of registration (small-plot and production) tests in accordance with the rules for registration (small-plot and production) tests and state registration of pesticides.

The grounds for a reasoned refusal in state registration of pesticides shall be:

1) non-compliance of the chemical composition, formulation and production technology (formulation) of pesticides, declared for registration (small-plot and production) tests with the chemical composition, formulation and production technology (formulation) of pesticides submitted for state registration of pesticides;

2) violation of the rights of patent holders for inventions related to pesticides;

3) other grounds provided for by the laws of the Republic of Kazakhstan "On Public Services", "On Permits and Notifications".

Pesticides that have passed state registration shall be allowed for production (formulation), import, storage, transportation, sale, use and shall be entered in the list of pesticides by the authorized body.

Temporary registration of pesticides for a period not exceeding two years shall be allowed in accordance with the rules for registration (small-plot and production) tests and state registration of pesticides, for:

1) the fight against certain harmful and especially dangerous harmful organisms, as well as quarantine objects detected for the first time on the territory of the Republic of Kazakhstan, the spread of which can lead to significant harm to plants and plant products, deterioration of the phytosanitary situation, if pesticides of the required purpose are not available;

2) biological products with low risk.

During the period of temporary registration of a biological product, registration (small-plot and production) tests must be conducted with further submission of the documents required for its state registration by the registrant (applicant).

2. Deprivation (revocation) of a registration certificate for a pesticide shall be carried out in the following cases:

1) obtaining previously unknown information about the danger of a pesticide for human health or the environment, confirmed by the authorized body in the field of environmental

protection and the state body in the field of sanitary and epidemiological welfare of the population;

2) inclusion of the pesticide in the list of plants protection agents prohibited for import into the customs territory of the Eurasian Economic Union, subject to Annexes A and B of the Stockholm Convention on persistent organic pollutants dated May 22, 2001;

3) confirmation the fact of absence of biological effectiveness of the applied registered pesticide based on the results obtained as a result of conducting phytosanitary measures.

3. Suspension of the registration certificate validity for a pesticide shall be carried out based on the results of conducting state phytosanitary control, in which the fact of non-compliance of the chemical composition and amount of the active substance of the applied registered pesticide with the chemical composition and amount of the active substance declared in the registration dossier during its state registration was revealed.

When establishing the fact of non-compliance of the chemical composition and amount of the active substance of the applied registered pesticide with the chemical composition and amount of the active substance declared in the registration dossier during its state registration, the department of the authorized body shall make a decision to suspend the registration certificate validity for a pesticide for a period of twelve months.

The renewal of the registration certificate validity shall be carried out in the manner established by the legislation of the Republic of Kazakhstan on permits and notifications.

4. Production (formulation), import, storage, transportation, sale and use of pesticides that have not passed state registration, as well as initial components for the production (formulation) of unregistered pesticides shall be prohibited, with the exception of prototypes, imported for registration (small-plot and production) tests and (or) scientific researches on the basis of a conclusion (permit document) for the import of samples of unregistered plants protection agents (pesticides) for registration (small-plot and production) tests and (or) scientific researches in accordance with the decisions of the Board of the Eurasian economic commission. The number of pesticides imported for registration (small-plot and production) tests and (or) scientific researches shall be determined by the authorized body.

The grounds for a reasoned refusal to import unregistered samples of pesticides intended for registration (small-plot and production) tests and (or) scientific researches shall be the absence of unregistered pesticides in the plans for conducting registration (small-plot and production) tests of pesticides, the absence of a contract for conducting scientific researches, as well as other grounds provided for by the legislation of the Republic of Kazakhstan.

**Footnote. Chapter 3 is supplemented by Article 14-6 in accordance with the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (the order of enforcement see Art. 2).**

#### **Chapter 4. State phytosanitary control**

Footnote. Chapter 4 in new wording by the Law of the Republic of Kazakhstan dated 31 January, 2006 № 125.

## **Article 15. Objects subject to state phytosanitary control**

Objects subject to the state phytosanitary control are:

- 1) objects of agricultural application, right of way and protective zones of automobile roads, railways and other territories inhabited by harmful and highly dangerous harmful organisms, as well as crop production;
- 2) harmful and highly dangerous harmful organisms;
- 3) pesticides and containers from under them, as well as containers from under used pesticides, special equipment, which shall be used for phytosanitary measures;
- 4) special storages (repositories).

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

### **Article 15-1. State phytosanitary control**

Footnote. The title of Article 15-1 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. State phytosanitary control shall be carried out in the form of inspection, preventive control with visiting of control subject (facility), preventive control without visiting of control subject (facility) and investigation.

Inspection and preventive control with visiting the subject (facility) of control shall be carried out in accordance with the Entrepreneur Code of the Republic of Kazakhstan.

1-1. State phytosanitary control and supervision in relation to potentially hazardous biological facilities where pathogenic biological agents shall be handled carried out taking into account the features provided for by the legislation of the Republic of Kazakhstan in the field of biological safety.

2. Preventive control without visiting the subject (facility) of control and investigation shall be carried out in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Law.

3. Preventive control without visiting the subject (object) of control shall be carried out by the department of the authorized body and (or) its territorial units by analyzing, comparing data and information:

- 1) from information systems;
- 2) from phytosanitary accounting and reporting;



3) coming from organizations included in the state system of protection of plants of the Republic of Kazakhstan;

4) from open sources, the media.

The objectives of preventive control without visiting the subject (object) of control shall be the timely suppression and prevention of violations, providing the subjects of control with the right to independently eliminate violations revealed by the department of the authorized body and (or) its territorial units based on the results of preventive control without visiting the subject (object) of control, and reducing administrative burden on them.

Preventive control without visiting the subject (object) of control shall be carried out by analyzing, comparing data and information available in the authorized body, and (or) information received from organizations, subjects of control, state bodies, authorized bodies of other states.

Preventive control without visiting the subject (object) of control shall be carried out quarterly no later than the 25th day of the month following the reporting period.

In case of revelation of violations in the actions (inaction) of the subject of control according to the results of preventive control without a visit to the subject (object) of control, a recommendation shall be drawn up and sent no later than five working days from the date of revelation of violations.

The recommendation should be handed over to the subject of control personally under signature or in any other way, confirming the facts of sending and receiving.

A recommendation sent by one of the following methods shall be considered to be delivered in the following cases:

1) personal delivery - from the date of making a note in the recommendation on receipt;

2) by mail - by registered letter;

3) by electronic means - from the date of sending to the electronic address of the subject of control indicated in the letter upon request.

The recommendation to eliminate violations revealed following the results of preventive control without visiting the subject (object) of control should be executed within ten working days from the day following the day it was delivered.

In case of disagreement with the violations specified in the recommendation, the subject of control shall have the right to send to the department of the authorized body and (or) its territorial units that have sent the recommendation, an objection within five working days from the day following the day the recommendation was delivered.

Failure to comply with the recommendations on elimination of violations revealed following the results of preventive control without visiting the subject (object) of control within the established time period shall entail the appointment of preventive control with a visit to the subject (object) of control by inclusion in the semi-annual list of preventive control with a visit to the subject (object) of control.

4. The decision on conducting preventive control with a visit to the subject (object) of control in order to conduct an examination of the territory and objects for identification and establishing the causes of occurrence and spread of harmful and (or) especially dangerous harmful organisms, as well as identification of the facts of sale, storage, use and ( or) the import of pesticides that have not passed state registration, falsified pesticides shall be accepted by the head of the regional (city of republican significance, the capital city) territorial subdivision of the department of the authorized body in the presence and (or) receipt of information:

1) on the spread of a harmful and (or) especially dangerous harmful organism that was previously unregistered in the territory of the region (city of republican significance, the capital city);

2) on deterioration of the phytosanitary situation in border territories with the countries bordering the Republic of Kazakhstan and regions (facts of migration of especially dangerous harmful organisms);

3) on the conduct of operational phytosanitary measures against especially dangerous harmful organisms in the relevant territory;

4) on the facts of sale, storage, use and (or) import of pesticides that have not passed state registration, counterfeit pesticides in order to prevent their spread;

5) on the revealed facts of presence of a residual amount of pesticides in crop products exported from the relevant territory.

**Footnote.** The Law is supplemented by Article 15-1 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.05.2022 № 123-VII (shall enter into force upon expiry of six months after the day of its first official publication); dated 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 16. Civil servants carrying out the state phytosanitary control**

**Footnote.** Article 16 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (order of enforcement see Article 2).

#### **Article 17. Objectives of state phytosanitary control**

State phytosanitary control shall include the control over:

1) performance of phytosanitary monitoring and phytosanitary measures;

2) compliance with the requirements of technical regulation on the safety of plants protection agents (pesticides) in the production (formulation), storage, sale and use of pesticides, as well as the regulations for the use of pesticides specified in the list of pesticides;

3) keeping and submission of phytosanitary records and reports;

4) conducting registration (small-plot and production) tests of pesticides;

5) detoxication of pesticides and maintenance of special storage facilities (burial grounds) in proper state;

6) compliance with the requirements established by the legislation of the Republic of Kazakhstan on permits and notifications.

**Footnote. Article 17 as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (order of enforcement see Article 2); dated 15.07.2011 № 461-IV ( shall be enforced from 30.01.2012); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after the day its first official publication); dated 28.10.2019 № 268-VI ( shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 18. Control over performance of phytosanitary monitoring and phytosanitary measures**

1. Control over performance of phytosanitary monitoring and phytosanitary measures shall be carried out to detect the existence of harmful and highly dangerous harmful organisms at the objects of agricultural assignment, right of ways and protective zones of automobile roads, railways and other territories inhabited by harmful and highly dangerous harmful organisms, as well as crop production.

2. Control over performance of phytosanitary monitoring and phytosanitary measures shall be performed in period of occurrence of optimal terms of development and expansion of harmful and highly dangerous harmful organisms in time periods not exceeding three times a year and not longer than two days.

#### **Article 19. Control over the storage, sale and use of pesticides**

1. Control over the storage, sale and use of pesticides shall be carried out for compliance with the conditions of storage, sale and use of pesticides with the mandatory requirements of technical regulation on the safety of plants protection agents (pesticides), as well as the regulations for the use of pesticides specified in the list of pesticides. To determine the compliance with the mandatory requirements of technical regulation on the safety of plants protection agents (pesticides), samples shall be taken.

2. Control over the storage, sale and use of pesticides shall be carried out at a frequency of no more than two times a year and a duration of no more than five working days, and with an extension of up to five working days.

Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 19-1. Control over keeping and submission of phytosanitary records and reports**

1. Control for keeping and submission of phytosanitary records and reports shall be carried out on a permanent basis to determine completeness and timeliness of submission of phytosanitary reports.

2. Control over keeping and submission of phytosanitary records and reports shall be carried out in established terms of submission of reports in time periods not exceeding three times a year and not longer than two days.

#### **Article 19-2. Control over conducting the registration (small-plot and production) tests of pesticides**

1. Control over conducting the registration (small-plot and production) tests of pesticides shall be carried out for methodological consistency, as well as compliance with the rules for conducting the registration (small-plot and production) tests and state registration of pesticides.

2. Control over conducting the registration (small-plot and production) tests of pesticides shall be carried out during the period of their conducting with a frequency of no more than two times a year and a duration of no more than five working days, and with an extension of up to five working days.

Footnote. Article 19-2 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 19-3. Control over the detoxication of pesticides and the state of special storage facilities (burial grounds)**

1. Control over the detoxication of pesticides shall be carried out at the facilities subject to state phytosanitary control, in order to identify prohibited, decayed pesticides and containers from pesticides to be detoxicated, as well as to assess the state of special storage facilities (burial grounds).

2. Is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

3. Control over the detoxication of pesticides shall be carried out after completion of field works, with a frequency of no more than two times a year and a duration of no more than two days.

Footnote. Article 19-3 as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (order of enforcement see Article 2); dated 16.05.2014 № 203-V (shall

be enforced upon expiry of six months after the day its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 19-4. Control for observance of license rules**

Footnote. Article 19-4 is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012).

#### **Article 19-5. Form of completion of state phytosanitary control**

Footnote. Article 19-5 shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Chapter 4-1. General requirements to safety of trade in pesticides (chemical pesticides)**

Footnote. Chapter 4-1 is supplemented by the Law of the Republic of Kazakhstan dated 29 December, 2006 № 209 (order of enforcement see Article 2)

#### **Article 19-6. Requirements for safety of pesticides**

Mandatory safety requirements for pesticides during their storage, sale, application, neutralization and package labeling shall be established by the technical regulations on the safety of plant protection products (pesticides).

Footnote. Article 19-6 in the wording of the Law of RK dated 06.04.2024 № 71-VIII ( shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 19-7. Safety requirements for the use of pesticides**

Footnote. Article 19-7 as excluded by the Law of the RK dated 06.04.2024 № 71-VIII ( shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 19-8. Requirements to marking the packing of pesticides**

Footnote. Article 19-8 as excluded by the Law of the RK dated 06.04.2024 № 71-VIII ( shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 19-9. Safety requirements for the storage of pesticides**

Footnote. Article 19-9 as excluded by the Law of the RK dated 06.04.2024 № 71-VIII ( shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

## **Article 19-10. Safety requirements for transportation of pesticides**

Footnote. Article 19-10 is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 5. Sources of financing of measures of plants protection and responsibility for violation of the legislation of the Republic of Kazakhstan on plants protection**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (order of enforcement see Article 2).

## **Article 20. Sources of financing of measures of plants protection**

1. Measures carried out on the account of budget funds shall include:

- 1) performance of phytosanitary monitoring for detection of places of contamination by harmful and highly dangerous harmful organisms;
- 2) purchase of pesticides for conducting chemical treatments against gregarious locusts (Asian, Moroccan and Italian locusts) with numbers above the economic threshold of harmfulness, as well as the formation, storage and renewal of pesticide stock;
- 3) customs declaration, procurement of services for the storage and transportation of pesticides against gregarious locusts (Asian, Moroccan and Italian locust) with numbers above the economic threshold of harmfulness;
- 4) procurement of services for chemical treatment of places colonized by gregarious locusts (Asian, Moroccan and Italian locust) with numbers above the economic threshold of harmfulness;
- 5) conducting the detoxication of pesticides purchased at the expense of budgetary funds;
- 6) conduct of applied scientific research in the field of plants protection;
- 7) maintenance, building construction and repair of special storages (repositories);
- 8) purchase of pesticides, services for their storage, transportation, chemical treatment of places colonized by non-gregarious locusts with numbers above the economic threshold of harmfulness.

### **2. (excluded)**

3. The measures carried out at the expense of individuals and legal entities whose activities are related to the objects of state phytosanitary control shall include:

- 1) detoxication of pesticides purchased at their own expense, on the basis of an instruction of state inspectors for plants protection;
- 2) carrying out phytosanitary measures against harmful, especially dangerous harmful organisms, with the exception of the measures specified in subparagraphs 2), 3), 4) and 8) of paragraph 1 of this Article;
- 3) analysis and expertise of agricultural products for the content of residual pesticides.

4. Registration (small-plot and production) tests of pesticides shall be carried out at the expense of the registrants (applicants) of pesticides.

Footnote. Article 20 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 № 584; dated 20.12.2004 № 13 (shall be enforced from 1 January, 2005); dated 17.07.2009 № 188-IV (order of enforcement see Article 2); dated 30.06.2012 № 297-IV (shall be enforced from 01.07.2010); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 21. Responsibility for violation of the legislation of the Republic of Kazakhstan on plants protection**

Violation of the legislation of the Republic of Kazakhstan entails responsibility established by the Laws of the Republic of Kazakhstan.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 № 189-IV (order of enforcement see Article 2).

*President  
of the Republic of Kazakhstan*