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## **Kazakhstan - Republic of**

### **Food and Agricultural Import Regulations and Standards - Narrative**

#### **FAIRS Country Report**

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**Report Highlights:**

This report is an overview of the general legal and technical requirements for food and agricultural imports imposed by the Republic of Kazakhstan.

## **Executive Summary**

This report is an overview of the general legal and technical requirements for food and agricultural imports imposed by the Republic of Kazakhstan.

The USDA Foreign Agricultural Service (FAS) offices in Astana prepared this report on Food and Agricultural Import Regulations and Standards (FAIRS) for U.S. exporters of domestic food and agricultural products. While the USDA office in Kazakhstan believes this report to be accurate, policies may have changed since its preparation, or clear and consistent information about these policies was not available. FAS/Kazakhstan recommends that U.S. exporters verify requirements with their import partners before any goods are shipped. **Note: FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

Kazakhstan, as a new member of the World Trade Organization (WTO) and the Eurasian Economic Union (EAEU), is still in the process of revising its import procedures to be in compliance with those agreements. While the legal framework has improved, in practice, Kazakhstan has not yet taken all of the steps expected of members to these organizations in improving the environment for trade.

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**List of Abbreviations**

CIS - Commonwealth of Independent States, includes Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

CU – a Customs Union between Russia, Belarus, and Kazakhstan, launched on January 1, 2010.

CU Commission – Customs Union Commission, the CU regulatory body until July 1, 2012.

EEC – Eurasian Economic Commission, replaced the CU Commission as the regulatory body of the Customs Union as of July 1, 2012.

EAEU – Eurasian Economic Union

HN – Hygienic Norms

SanPiN – Sanitary Norms and Rules

## Section I: General Food Laws

Kazakhstani food and trade regulations have or are undergoing reform as Kazakhstan continues policy integration with Armenia, Belarus, Kyrgyzstan and Russia via the Eurasian Economic Union, which replaced the Customs Union on January 1, 2015. For additional details, please, see GAIN report [RS 1478 Eurasian Integration Continues with the Eurasian Economic Union](#).

In late 2015, Kazakhstan joined the World Trade Organization and continues to adjust policies pursuant to international standards. For instance, Kazakhstan agreed to harmonize its SPS measures with OIE, IPPC and Codex. Risk assessment in Kazakhstan is conducted according to Codex standard CAC/GL 62-200.

### Kazakhstani Legislation and Principal Regulatory Documents on Foodstuff Imports

Kazakhstan's regulatory framework governing the import of foodstuffs consists of: (1) Eurasian Economic Union documents, (2) Kazakhstani Laws, (3) Kazakhstani Government decrees, and (4) regulatory documents of the executive bodies of the Republic of Kazakhstan. The major documents are the following:

#### 1. Eurasian Economic Union documents:

##### *General*

- CU Customs Code, in force since July 1, 2010 (as amended through April 16, 2010) <<http://www.tsouz.ru/Docs/kodeks/Pages/default.aspx>>, includes unofficial translation into English
- EEU Treaty <<http://www.eurasiancommission.org/ru/Lists/EECDocs/635375701449140007.pdf>>

##### *Tariff and TRQs*

- Unified CU Customs Tariff, in effect as of August 23, 2012 (as amended through October 14, 2014) <<http://www.eurasiancommission.org/ru/act/trade/catr/ett/Pages/default.aspx>>
- EEC Council Decision No. 54 of July 16, 2012 “On Approval of the Unified Commodity Nomenclature of the Foreign Economic Activity of the Customs Union and the Common Customs Tariff of the Customs Union” (as amended through October 14, 2014) <[http://www.alt.ru/show\\_orders.php?action=view&filename=12sr0054](http://www.alt.ru/show_orders.php?action=view&filename=12sr0054)>
- EEC Collegium Decision No. 242 of October 30, 2013, “On the List of Goods, which are Subject to Tariff-Rate Quotas in 2014, and the Volume of Tariff-Rate Quotas for Imports of these Goods into the Member States of the Customs Union and Single Economic Space” (refers to beef, pork, poultry, and whey) <<http://www.eurasiancommission.org/docs/Download.aspx?IsDlg=0&ID=4895&print=1>>
- EEC Collegium Decision No. 131 of August 19, 2014, “On the List of Goods, which are Subject to Tariff-Rate Quotas in 2015, and the Volume of Tariff-Rate Quotas for Imports of these Goods into Member States of the Customs Union and Single Economic Space” (refers to beef, pork, poultry, and whey) <<http://www.eurasiancommission.org/ru/Lists/EECDocs/635441275105815879.pdf>>
- EEC Collegium Decision No. 189 of October 14, 2014, “On Amendments to the List of Goods, which are Subject to Tariff-Rate Quotas in 2014, and the Volume of Tariff-Rate Quotas for Imports of these Goods into the Member States of the Customs Union and Single Economic Space” <<http://www.eurasiancommission.org/ru/Lists/EECDocs/635489033670382536.pdf>>

##### *General SPS Measures*

- CU Commission Decision No. 625 of April 7, 2011 “On Harmonization of CU Legal Acts in the Field of Sanitary, Veterinary and Phytosanitary Measures with International Standards” (as amended through June 22,

2011) <[http://www.tsouz.ru/KTS/KTS26/Pages/R\\_625.aspx](http://www.tsouz.ru/KTS/KTS26/Pages/R_625.aspx),  
<[http://www.tsouz.ru/KTS/KTS29/Pages/R\\_722.aspx](http://www.tsouz.ru/KTS/KTS29/Pages/R_722.aspx)>

- CU Commission Decision No. 721 of June 22, 2011 “On Application of International Standards, Recommendations, and Guidelines”  
<<http://www.eurasiancommission.org/docs/Download.aspx?IsDlg=0&ID=1845&print=1>>
- EEC Collegium Decision No. 212 of November 6, 2012 “On Regulation on the Uniform Procedure of Carrying Out Examination of Legal Acts in the Sphere of Implementation of Sanitary, Veterinary and Phytosanitary Measures”  
<<http://www.eurasiancommission.org/docs/Download.aspx?IsDlg=0&ID=3659&print=1>>
- CU Commission Decision No. 835 of October 18, 2011 “On Equivalence of Sanitary, Veterinary or Phytosanitary Measures and Conduct of Risk Assessment” (as amended through February 11, 2014)  
<[http://www.tsouz.ru/KTS/KTS32/Pages/R\\_835.aspx](http://www.tsouz.ru/KTS/KTS32/Pages/R_835.aspx)>,  
<<http://www.eurasiancommission.org/ru/Lists/EECDocs/635277363854434033.pdf>>

#### *Sanitary Measures*

<<http://www.eurasiancommission.org/ru/act/txnreg/depsanmer/regulation/Pages/Санитарные-меры.aspx>>

- CU Commission Decision No. 299 of May 28, 2010 “On the Application of Sanitary Measures in the Customs Union” (as amended through September 18, 2014)

#### *Veterinary Measures*

<<http://www.eurasiancommission.org/ru/act/txnreg/depsanmer/regulation/Pages/Ветеринарно-санитарные-меры.aspx>>

- CU Commission Decision No. 317 of June 18, 2010 “On the Application of Veterinary-Sanitary Measures in the Customs Union” (as amended through October 9, 2014)
- CU Commission Decision No. 455 of November 18, 2010 adopted “The Unified List of Dangerous and Quarantine Diseases of Animals of the Customs Union”
- CU Commission Decision No. 607 of April 7, 2011 “On Common Forms of Veterinary Certificates on Imported Goods Subject to Veterinary Control into the Customs Union Territory” (as amended through February 11, 2014)
- CU Commission Decision No. 624 of April 7, 2011 “On the Regulation on the Procedure of Development and Maintenance of the Register of Companies and Persons which Carry out Production, Reprocessing and (or) Storing Products Subject to Veterinary Control (Surveillance) and Imported into the territory of the Custom Union”
- CU Commission Decision No. 810 of September 23, 2011 “On Exemptions from the Application of the Veterinary Measures in Respect of Goods Included in the Unified List of Goods Subject to Veterinary Control (Surveillance)” (as amended through May 16, 2013)
- CU Commission Decision No. 834 of October 18, 2011 “On Regulation of Common System of Joint Inspections of Objects and Sampling of Goods (Products), Subject to Veterinary Control (Surveillance)”
- EEC Council Decision No. 94 of October 9, 2014 “On Regulation on Common System of Joint Inspections of Objects and Sampling of Goods (Products), Subject to Veterinary Control (Surveillance)”  
<<http://www.eurasiancommission.org/ru/Lists/EECDocs/635488834367146071.pdf>>

#### *Phytosanitary Measures*

<<http://www.eurasiancommission.org/ru/act/txnreg/depsanmer/regulation/Pages/Фитосанитарные-меры.aspx>>

- CU Commission Decision No. 318 of June 18, 2010 “On Assurance of Plant Quarantine in the Customs Union” (as amended through October 9, 2014)

#### *Technical Regulation* <<http://www.eurasiancommission.org/ru/act/txnreg/deptexreg/tr/Pages/default.aspx>>

- CU Commission Decision No. 319 of June 18, 2010 “On Technical Regulation in the Customs Union” (as amended through April 9, 2013)
- CU Commission Decision No. 526 of January 28, 2011 “Common List of Products which shall be Subject to Mandatory Requirements within the Customs Union” (as amended through November 23, 2012)

- CU Commission Decision No. 620 of April 7, 2011 “Common List of Products, Subject to Mandatory Evaluation (Confirmation) of Compliance within the Customs Union with the Issuance of Common Documents” (as amended through November 11, 2014)
- CU Commission Decision No. 621 of April 7, 2011 “On the Regulation on Application of Standard Schemes for Evaluation (Confirmation) of Compliance with Technical Regulations of the Customs Union”
- CU Commission Decision No. 629 of April 7, 2011 “On Draft Procedure for Establishment of Lists of International and Regional (Interstate) Standards, and in their Absence - National (State) Standards, Ensuring Compliance with Technical Regulations of the Customs Union and Necessary for Assessment (Confirmation) of Compliance” (as amended through May 31, 2012)
- CU Commission Decision No. 711 of July 15, 2011 “On the Common Sign of Circulation of Products on the Market of the Member States of the Customs Union (as amended through July 20, 2012)  
<<http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/normbaza/Pages/EAC.aspx>>
- EEC Collegium Decision No. 293 of December 25, 2012 “On the Unified Forms of a Certificate of Conformity and a Declaration of Conformity with the Technical Regulations of the Customs Union and the Rules of their Execution”  
<<http://www.eurasiancommission.org/docs/Download.aspx?lsDlq=0&ID=3814&print=1>>
- CU Technical Regulation TR TS 005/2011 “On Safety of Packaging” (as amended through June 10, 2014)  
<<http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/tr/Pages/bezopypakovki.aspx>>  
For English translation please see GAIN report [RS1253 Customs Union Technical Regulation on Safety of Packaging](#)
- CU Technical Regulation TR TS 015/2011 “On Safety of Grain” (as amended through November 20, 2012)  
<<http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/tr/Pages/bezpozerna.aspx>>  
For English translation please see GAIN report [RS1250 Customs Union Technical Regulation on Safety of Grain](#)
- CU Technical Regulation TR TS 024/2011 “Technical Regulation on Oils and Fats”  
<<http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/tr/Pages/MasloGirov.aspx>>  
For English translation please see GAIN report [RS1326 Customs Union Technical Regulation on Fat and Oil Products](#)
- CU Technical Regulation TR TS 021/2011 “On Food Safety” (as amended through June 10, 2014)  
<<http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/tr/Pages/PischevayaProd.aspx>>  
For English translation please see GAIN report [RS1233 Customs Union Technical Regulation on Food Safety](#)
- CU Technical Regulation TR TS 022/2011 “On Food Labeling”  
<<http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/tr/Pages/PischevkaMarkirivka.aspx>> For English translation please see GAIN report [RSATO1211 Customs Union Technical Regulations on Food Products Labeling](#)
- CU Technical Regulation TR TS 023/2011 “Technical Regulation on Juice Products from Fruits and Vegetables” (as amended through November 13, 2012)  
<<http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/tr/Pages/SokovayaProd.aspx>>  
For English translation please see GAIN report [RS1334 Customs Union Technical Regulation on Juice](#)
- CU Technical Regulation TR TS 027/2012 “On Safety of Certain Types of Specialized Food Products, Including Dietary Therapeutic and Dietary Prophylactic Nutrition”  
<<http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/tr/Pages/bezopSpecProd.aspx>>  
For English translation please see GAIN report [RS1340 Customs Union Technical Regulation on Specialized Foods](#)
- CU Technical Regulation TR TS 029/2012 “Safety Requirements for Food Additives, Flavorings, and Technological Aids” (as amended through September 18, 2014)  
<<http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/tr/Pages/bezopPischDobavok.aspx>> For English translation please see GAIN report [RS1338 Customs Union Technical Regulation on Food Additives](#)
- CU Technical Regulation TR TS 033/2013 “On Safety of Milk and Dairy Products”  
<<http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/tr/Pages/%D0%A2%D0%A0-%D0%A2%D0%A1-033.aspx>> For English translation please see GAIN report [RS1382 Customs Union Technical Regulation on Milk and Dairy Products](#)

- CU Technical Regulation TR TS 034/2013 “On Safety of Meat and Meat Products”  
<<http://www.eurasiancommission.org/ru/act/texnreg/deptexreg/tr/Pages/%D0%A2%D0%A0-%D0%A2%D0%A1-034.aspx>> For English translation please see GAIN report [RS1384 Customs Union Technical Regulation on Meat](#)

## 2. Kazakhstani Laws in effect to the extent that they do not contradict EAEU Agreements and/or CU Commission/EEC Decisions:

### *General*

- Civil Code of the Republic of Kazakhstan (latest update as of December 07, 2015)  
[http://adilet.zan.kz/rus/archive/docs/K940001000\\_/16.11.2015](http://adilet.zan.kz/rus/archive/docs/K940001000_/16.11.2015)
- Law on Trade Regulation No 544 dated April 12, 2004 <http://adilet.zan.kz/rus/docs/Z040000544>
- Law on Consumer’s Rights Protection No 274-IV dated May 4, 2010  
<http://adilet.zan.kz/rus/docs/Z100000274>
- Law on Competition No 112-IV dated December 25, 2008 <http://adilet.zan.kz/rus/docs/Z080000112>
- Law on permits and notifications No 202-V dated May 16, 2014 <http://adilet.zan.kz/rus/docs/Z1400000202>
- Law on special protection, anti-dumping measures and compensation of third countries No 316-V dated June 8, 2015 <http://adilet.zan.kz/rus/docs/Z1500000316>
- Law on state regulation of biofuel production and trade No 351-IV dated November 15, 2010  
<http://adilet.zan.kz/rus/docs/Z1000000351>

### *General SPS Measures*

- Law on Food Safety No 301 dated July 21, 2007 <http://adilet.zan.kz/rus/docs/Z070000301>

### *Veterinary Measures*

- Law on Animal Health No 339 dated July 10, 2002 <http://adilet.zan.kz/rus/docs/Z020000339>

### *Phytosanitary Measures*

- Law on Plant Quarantine No 344 dated February 11, 1999 <http://adilet.zan.kz/rus/docs/Z990000344>
- Law on Plant Protection No 331 dated July 3, 2002 <http://adilet.zan.kz/rus/docs/Z020000331>

### *Technical Regulation*

- Law on Technical Regulation No 603-II dated November 9, 2004 (amendments on December 29, 2014)  
[http://www.kazmemst.kz/pb/pb.php?ELEMENT\\_ID=27](http://www.kazmemst.kz/pb/pb.php?ELEMENT_ID=27)

## 3. Kazakhstani Government Regulations:

### *Veterinary Measures*

- Legal acts on veterinary science dated October 30, 2014 of No. 7-1/559 [http://mgov.kz/wp-content/uploads/2015/06/71-559\\_legal\\_acts\\_in\\_the\\_field\\_of\\_veterinary.docx](http://mgov.kz/wp-content/uploads/2015/06/71-559_legal_acts_in_the_field_of_veterinary.docx)
- Rules for transportation (movement) of the transported objects within the territory of the Republic of Kazakhstan № 149 dated January 21, 2012 [http://mgov.kz/wp-content/uploads/2015/06/149\\_Rules\\_for\\_transportation.docx](http://mgov.kz/wp-content/uploads/2015/06/149_Rules_for_transportation.docx)
- Rules for slaughterhouses of agricultural animals intended for subsequent sale No 7-1/370 dated April 2, 2015 <http://adilet.zan.kz/rus/docs/V1500011591#z0>
- Agricultural animals identification Rules No 7-1/68 dated January 30, 2015  
<http://adilet.zan.kz/rus/docs/V1500011127#z0>
- Rules of Issuance of Permits for Exportation, Importation and Transit of goods, with account of Epizootic Situation in the Relevant territory No. 16-04/647 dated December 9, 2014 [http://mgov.kz/wp-content/uploads/2015/06/Order\\_of\\_Ministry\\_of\\_Agriculture\\_16-04\\_647.doc](http://mgov.kz/wp-content/uploads/2015/06/Order_of_Ministry_of_Agriculture_16-04_647.doc)
- Requirements on drug and veterinary preparations safety, used for animal health, dated April 23, 2008 No 380 <https://www.memst.kz/tr/14.php>

### *Phytosanitary Measures*

- Rules on keeping the territory of the Republic of Kazakhstan from quarantine objects and foreign species No 15-08/590 dated June 29, 2015 <http://adilet.zan.kz/rus/docs/V1500012032#z74>
- Phytosanitary requirements to imported products of quarantine concern No 4-4/66 dated January 30, 2015 <http://adilet.zan.kz/rus/docs/V1500011781>
- List of quarantine objects and foreign species, subject to quarantine measures and list of very dangerous organisms No 4-4/282 dated March 30, 2015 <http://adilet.zan.kz/rus/docs/V1500011739#z6>
- On approval of the Rules on reclaiming and destruction of regulated products infected by quarantine objects, that cannot be subject to decontamination or processing No 15-4/513 dated June 3, 2015 <http://adilet.zan.kz/rus/docs/P1100001287>
- Law of the Republic of Kazakhstan “On plant quarantine” dated February 11, 1999 No 344 [http://mgov.kz/wp-content/uploads/2015/06/On\\_Plant\\_Quarantine.doc](http://mgov.kz/wp-content/uploads/2015/06/On_Plant_Quarantine.doc)
- Requirements on pesticides safety, dated May 29, 2008 No 515 <https://www.memst.kz/tr/21.php>
- Requirements on vegetables and root crops and its product safety, dated June 6, 2008 (amendments as of November 15, 2010) <https://www.memst.kz/tr/22.php>

### *Technical Regulations*

- Requirements on package, labelling and marking dated March 21, 2008 No 277 (amendments on July 1, 2010) <https://www.memst.kz/tr/9.php>
- Requirement on feedstuff and feed additive safety dated March 18, 2008 No 263 <https://www.memst.kz/tr/8.php>
- Requirement on safety of grain, dated April 8, 2008 No 337 (amendments as of September 6, 2010) <https://www.memst.kz/tr/13.php>
- Requirement on the safety of milling products, starch and starch products, dated April 26, 2008 <https://www.memst.kz/tr/15.php>
- Requirement on food additives, its manufacturing and circulation, dated May 4, 2008 No 410 (amendments as of January 21, 2011) <https://www.memst.kz/tr/16.php>
- Requirements on baby formula, and foods making dietary and/or health claims, dated May 4, 2008 No 411 (amendments as of January 21, 2011) <https://www.memst.kz/tr/17.php>
- Requirements on drinking water safety, dated May 1, 2008 No 456 (amendments as of January 21, 2011) <https://www.memst.kz/tr/18.php>
- Requirements for baked bread and confectionary products, dated May 26, 2008 No 496 (amendments as of January 21, 2011) <https://www.memst.kz/tr/19.php>
- Requirements to meat and meat products safety dated April 8, 2008 No 336 (amendments as of April 2, 2011) <https://www.memst.kz/tr/12.php>
- Requirement to drugs and biological preparations used in animal health safety No 380 of April 23, 2008 <https://www.memst.kz/tr/14.php>
- Conformity Assessment procedures dated February 4, 2008 No 90 (amendments on December 10, 2009) <https://www.memst.kz/tr/4.php>
- Requirements on juice and juice products safety dated February 27, 2008 No 199 <https://www.memst.kz/tr/5.php>
- Requirements on milk and dairy products safety March 11, 2008 No 230 (amendments as of November 15, 2010) <https://www.memst.kz/tr/7.php>
- Requirements on bottled water safety, dated June 9, 2008 No 551 (amendments as of January 21, 2011) <https://www.memst.kz/tr/23.php>
- Requirements for agricultural and forestry tractors, trailers and machinery safety, dated December 30, 2008 No 1295 <https://www.memst.kz/tr/30.php>
- Requirements for fish and fishery products safety, dated May 19, 2009 No 743 (amendments as of November 15, 2010) <https://www.memst.kz/tr/45.php>
- Requirements for butter and fat products, dated July 9, 2009 (amendments as of January 21, 2011) <https://www.memst.kz/tr/46.php>
- Requirements for biologically active food additive, dated July 15, 2009 No 2117 (amendments as of January 21, 2011) <https://www.memst.kz/tr/47.php>
- Requirements for fertilizer safety, dated May 28, 2010 No 491 <https://www.memst.kz/tr/61.php>

- Requirements for agricultural product processing and meat product processing, dated June 10, 2010 No 552 <https://www.memst.kz/tr/62.php>
- Requirements to agricultural products processing/ plant products, dated June 15, 2010 No 588 <https://www.memst.kz/tr/64.php>
- Requirements to toddler and teenager food safety, dated September 14, 2010 No 935 <https://www.memst.kz/tr/77.php>
- Requirements for the safety of food, derived from genetically-engineered plants and/or animals, dated September 21, 2010 No 969 <https://www.memst.kz/tr/77.php>
- Requirements for the safety of alcohol products, dated October 20, 2010 No 1081 <https://www.memst.kz/tr/79.php>
- Requirements for honey and bee farming products safety, dated November 5, 2010 No 1160 <https://www.memst.kz/tr/80.php>
- Requirements for egg and egg product safety, dated November 5, 2010 No 1160 <https://www.memst.kz/tr/80.php>
- Requirement for canned food, dated November 15, 2010 No 1201 <https://www.memst.kz/tr/83.php>
- Requirements for Bioethanol safety, dated February 24, 2011 No 179 <https://www.memst.kz/tr/85.php>
- Requirements for biodiesel safety, dated February 10, 2011 No 116 <https://www.memst.kz/tr/86.php>

#### 4. Kazakhstani Competent Authority Regulations:

##### *Veterinary Measures*

- Ministry of Agriculture order No 7-1/587 dated June 29, 2015 Veterinary (veterinary-sanitary) rules <http://adilet.zan.kz/rus/docs/V1500011940>

#### Kazakhstan Regulatory Bodies for Imported Foodstuffs

The Committee of the Veterinary Control and Surveillance of the Ministry of Agriculture of the Republic of Kazakhstan monitors veterinary conditions within Kazakhstan and enforces Kazakhstani legal requirements for animal health.

The Agricultural State Inspection Committee of the Ministry of Agriculture of the Republic of Kazakhstan monitors phytosanitary conditions within Kazakhstan and enforces Kazakhstani legal requirements for plant health.

The Committee on Consumer Rights Protection of the Ministry of National Economy of the Republic of Kazakhstan is responsible for food safety. This Committee may prohibit the sale of products that do not meet official requirements.

The Committee on Technical Regulation and Metrology is part of the Ministry of Investment and Development. This Committee manages product assessment, processing, and servicing to determine if products conform to national standards and certification criteria.

The Committee of State Revenue, of the Ministry of Finance regulates foreign economic activity using a system of customs fees and charges. It is also responsible for customs control.

The Ministry of National Economy is in charge of non-tariff regulations for external economic activities, including licensing and quota administration and determination of import quota volumes.

## Eurasian Economic Union (EAEU)

Since 2010, Kazakhstan has been part of the Eurasian economic integration project with Russia and Belarus. The process, which first materialized in 2010 in the form of the Russia-Belarus-Kazakhstan Customs Union and evolved into the Single Economic Space (SES) in 2012, continued with the launch of the Eurasian Economic Union (EAEU) on January 1, 2015, which currently includes Armenia, Belarus, Russia, Kazakhstan and Kyrgyzstan. The CU/SES/EEU regulatory body is the Eurasian Economic Commission (EEC), which replaced the initial CU body, the Customs Union Commission, in 2012. For details on the EEC structure and authority please see GAIN report [RS1478 Eurasian Integration Continues with the Eurasian Economic Union](#).

### **Section II: Food Additive Regulations**

In July 2012, the EEC adopted the Technical Regulation of the Customs Union on “Safety Requirements for Food Additives, Flavorings, and Technological Aids” (TR TS 029/2012), which contains a list of food additives allowed for use in food product manufacturing. The TR TS 029/2012 came into effect on July 1, 2013, and became the primary document regulating production and quality of products in the sector of food ingredients and additives. Production and circulation of products meeting the pre-existing CU and national requirements of the EAEU Member States was allowed during a transition period, which expired on February 15, 2015. For more information please see GAIN report [RS1338 Customs Union Technical Regulation on Food Additives](#).

Kazakhstani Technical regulation “[Requirements on food additives safety, its manufacturing and circulation](#)”, dated May 4, 2008 No 410 (amended as of January 21, 2011) lists specific food additives requirements.

### **Section III: Pesticides and Other Contaminants**

Kazakhstani tolerances are based on the requirements stipulated in the EAEU technical regulations on safety of food and agricultural products that came into force on July 1, 2013. For details see GAIN reports [RS1343 Customs Union Food Technical Regulations in Force as of 1 July 2013](#), [RS1382 Customs Union Technical Regulation on Milk and Dairy Products](#), and [RS1384 Customs Union Technical Regulation on Meat. Section 15 in Chapter II](#) of the CU Commission Decision No. 299, “Requirements for Pesticides and Agrochemicals,” provides maximum residue levels (MRLs) for soil, air, water, the human body, and agricultural products. On November 10, 2015, the Eurasian Economic Commission adopted Amendments to the Requirements for Pesticides and Agrochemicals: the text of the amendments in Russian is here: [EEC Decision 149](#). The amendments came into force on December 18, 2015. FAS/Moscow reported on these amendments, including the new list of MRLs for Pesticides in agricultural and food products (see GAIN report [RS1596 Eurasia Economic Union - New Pesticide MRLs](#).)

In addition to the abovementioned legislation, the Kazakhstani technical regulation “Requirement to Pesticides Safety” No 515 dated May 29, 2008 <http://adilet.zan.kz/rus/docs/P080000515> requires pesticides to be registered in Kazakhstan and to be included on the List of pesticides permitted for use in Kazakhstan. Kazakhstan enforces licensing requirements for the importation of pesticides.

## **Section IV: Packaging and Container Requirements**

The CU Technical Regulation “On Safety of Packaging” (TR TS 005/2011) came into force on July 1, 2012, but production and circulation of food products in accordance with the pre-existing CU and national requirements of the EAEU Member States was allowed until February 15, 2014. TR TS 005/2011 contains requirements for all kinds of packaging including metal, polymer, carton, wooden, glassy, composite packing. The food packaging should comply with the sanitary-hygienic requirements given in Attachment 1 of the TR TS 005/2011. Before the packaging can be released into circulation in the territory of the Eurasian Economic Union, it needs to go through the obligatory confirmation of compliance with the requirements of the current Technical Regulation. As a result, producers and importers must obtain the [declaration of conformity](#) for the packaging.

Other EAEU technical regulations also establish product-specific packaging requirements for specific food products, including fat-and-oil products, juice products, meat products, alcohol products, milk and dairy products, and specialized dietary food products. For more information please see GAIN reports [RS1343 Customs Union Food Technical Regulations in Force as of 1 July 2013](#), [RS1382 Customs Union Technical Regulation on Milk and Dairy Products](#), and [RS1384 Customs Union Technical Regulation on Meat](#).

Specifications for packaging are a vital part of each commercial contract. Before signing a contract, the importer should research the specific packaging requirements and advise the exporter accordingly.

Packaging (e.g., cardboard or paper boxes, plastic or polymer packets, bottles or cans) that comes into direct contact with products must be certified.

The permeability of the packaging material to gas, steam, water, fats, and odors is an important consideration. For instance, chilled meat must be packaged in materials with low-vapor permeability in order to prevent the loss of moisture. The material must also meet specific gas-permeability levels to preserve the color. Products must be packed reliably, taking into account their nature, the method of transport, and storage temperatures.

For more information please see GAIN report [RS1253 Customs Union Technical Regulation on Safety of Packaging](#).

## **Section V: Labeling Requirements**

On July 1, 2013, the Technical Regulation of the Customs Union “Food Products Labeling” (TR TS 022/2011) came into effect. The document outlines regulations for food product labeling including the requirements for name, ingredients, nutritional content and value, quantity, date of production, validity, address of manufacturer and importer, presence of genetically modified organisms, etc. Production and circulation of food products in accordance with the pre-existing CU and national requirements of the EAEU Member States was allowed during a transition period, which expired on February 15, 2015. For more information please see the GAIN report [RSATO1211 Customs Union Technical Regulations on Food Products Labeling](#).

EAEU technical regulations on safety of certain food and agricultural products require that regulated products that meet their requirements and have passed conformity assessment procedures be marked with the uniform mark of products in circulation on the market of the EAEU Member States (EEC conformity mark, approved by [Decision of the CU Commission No. 711 of July 15, 2011](#)). At the same time, there are certain transition provisions that apply to the EEC conformity mark labelling requirement. For details please see GAIN reports [RS1493 Eurasian Conformity Mark for Poultry and Red Meats](#), and [RS1506 Eurasian Conformity Mark for Food Products](#).

Kazakhstani [Technical regulation “Requirements on Products Labelling” No 14471 dated November 26, 2016](#) specifies national requirements on products labelling.

### Other Specific Labeling Requirements

#### *Biotech Products*

All imported GE grain and oilseed lines must be registered with the Customs Union prior to importation into Kazakhstan, and the presence of non-registered lines cannot exceed 0.9 percent. Currently, Kazakhstan’s imports of U.S. corn and soybeans (and soybean products) are largely non-existent because the GE lines are not yet registered.

For more information, please, see [Kazakhstan 2016 Agricultural Biotechnology Report](#).

For products with biotech components, information must be provided when these components contain more than the permitted level of biotech ingredients. The CU Technical Regulation TR TS 022/2011 on Food Labeling requires that food products shall be labeled as GE if the presence of biotech component is more than 0.9 percent. (Up to 0.9 percent of each biotech ingredient is considered adventitious and does not require labeling.)

The information on the label must read (in Russian):

- for products containing viable GE microorganisms – “Product contains live genetically modified microorganisms;”
- for products containing unviable GE microorganisms – “Product is obtained based on genetically modified microorganisms;” and
- for products that are free from technological GE microorganisms or for products obtained based on components free from technological GE microorganisms – “Product has components that are obtained based on genetically modified microorganisms.”

The requirements for information on GE organisms/line in feeds of plant origin are stipulated in the CU Technical Regulation “On Safety of Grain”, which covers both grains and oilseeds (TR TS 015/2011, please see GAIN report [RS1250 Customs Union Technical Regulation on Safety of Grain](#).) This Technical Regulation stipulates that grain/oilseeds transported unpackaged should be accompanied by shipping documents that ensure its traceability and provide information on GE organisms/lines if presence of GE organisms/lines is higher than 0.9 percent. For such grain/oilseeds the information should be given: “Genetically modified grain” or “grain obtained from the use of genetically modified organisms” or “grain contains components of genetically modified organisms,” indicating the unique identifier of the transformation event.

Moreover, CU Technical Regulation “On Safety of Grain” stipulates that grain/oilseeds (both for food and feed use) may contain only registered GE lines. Presence of more than 0.9 percent of non-registered GE lines is prohibited both in products that are declared as GE, and in non-GE products.

### *Organic Products*

Kazakhstan approved Organic Production Law No 423-V dated November 27, 2015 <http://adilet.zan.kz/rus/docs/Z1500000423>. The law is aimed at the promotion of healthy foods, environmental protection and rational soil use and includes the following:

- organic production must be labelled with the national mark of organic production conformity;  
and
- organic production must be completed in accordance with the rules of organic production.

## **Section VI: Other Specific Standards**

### Specific Standards for Meat and Poultry Products

Meat and poultry export requirements are frequently revised. Please consult the current export requirements at <http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products/export-library-requirements-by-country/Kazakhstan>.

### Specific Standards for Pork

Before joining to the World Trade Organization, Kazakhstan was requiring imported pork to be shipped frozen to mitigate the risk of trichinae. The United States did not consider this mitigation measure to be necessary for U.S. pork as U.S. producers maintain stringent biosecurity protocols that serve to limit the prevalence of trichinae to extremely low levels in commercial swine. This trade concern was resolved by Kazakhstan's commitment to follow Codex Maximum Residue Level as part of the [WTO commitment package on SPS](#).

### Specific Standards for Fish and Seafood Products

Specific export procedures for the U.S. fish and seafood processors interested in shipping their products to Kazakhstan are published on the U.S. Department of Commerce/National Marine Fisheries Service: [http://www.seafood.nmfs.noaa.gov/export/export\\_requirements/fishfisheryproductsfishMeal.html](http://www.seafood.nmfs.noaa.gov/export/export_requirements/fishfisheryproductsfishMeal.html).

### Specific Standards for Wine, Beer and Other Alcoholic Beverages

The Eurasian Economic Union has drafted a Technical Regulation on the "Safety of Alcoholic Beverages" (TR), which has already gone through the public comment period and now is pending Member States' approval. The TR sets unified mandatory requirements for alcoholic products and its processes of manufacturing, storage, transportation, disposal and recycling, as well as mandatory requirements to terminology, packaging, labeling, ensuring product safety and preventing action misleading consumers, and systematizing the provisions of the regulations of the EAEU Member States. For details please see GAIN report [RSATO1203 CU Draft Technical Regulation on Safety of Alcoholic Beverages](#).

Kazakhstani legislation, which regulates alcohol products, includes the following:

- Kazakh Law on "[State regulation of the ethyl spirit and alcohol products manufacturing and circulation](#)" No 429 dated July 16, 1999 specifies, that alcohol products are those food products, which contain ethyl spirit more than 1.5 percent, except products for medical purposes.
- [Technical regulation "Requirements to Alcohol Products Safety"](#) No 1081 dated October 20, 2010

## **Section VII: Facility and Product Registration Requirements**

### *Products under sanitary-epidemiological control*

CU Commission Decision No. 299 of May 28, 2010, and its amendments, define the products subject to sanitary-epidemiological control. To clear customs, these products must be accompanied by documents confirming their conformity with Russian standards of safety and quality, i.e. - the [state registration](#) (only for regulated products that are imported into the EAEU for the first time) and the [Declaration of Conformity](#). To expedite customs clearance procedures, and to reduce the cost of clearance and temporary storage, it is recommended that the state registration and declaration of conformity of the imported products be conducted approximately one month in advance of the shipment's arrival at customs. To do this, the supplier must provide the following to the importer:

- Product samples of every type and/or name, in sufficient quantities to conduct the sanitary-epidemiological expert examination and certification (samples for testing are not subject to customs fees);
- Contract to supply the product (or data about the contract), the annex to the contract or specifications (or the data about it);
- Documents confirming the origin, safety, and quality of the product (issued by the authorities of the country of origin), manufacturer of the product, the certificate of origin or another document confirming the origin, quality certificate and/or protocols of testing, and analysis; and
- Samples or mockups of the label.

All documents, labels, and markings must be translated into the Russian language, and copies and their translations must be certified in accordance with established procedures.

### Product Registration

Prior to importation, importers must register certain products that are subject to sanitary-epidemiological control. Initially, a list of products subject to state registration was established by CU Commission Decision No. 299 and included a wide range of food products. However, with entry into full force of the CU Technical Regulation on Food Safety as of February 15, 2015, the list of products that are subject to state registration per CU Commission Decision No. 299 was reduced to currently include only one type of food products, as follows:

Baby foods from EAEU HS group 03 that are imported to the EAEU for the first time. Specifically, per CU Commission Decision, the actual HS codes of such baby foods may be from one of the following EAEU HS headings: 0305, 0306, 0307, 0308, 1604, 1605, and 2104.

The list of products per CU Commission Decision No. 299 and the standard form of state registration can be found at:

<http://www.eurasiancommission.org/ru/act/txnreg/depsanmer/regulation/Pages/Санитарные-меры.aspx>.

The key EAEU document regulating state registration of certain food products is currently the CU Technical Regulation on Food Safety, which establishes the following list of products that are subject to state registration:

- Specialized food products, as follows:

- food products for baby food, including potable water for baby food;
  - food products of dietary therapeutic and dietary prophylactic nutrition;
  - mineral natural, medical table mineral water, medical mineral water with mineralization above 1 mg/dm<sup>3</sup> or of lower mineralization, containing biologically active substances in the amount of not less than balneological norms;
  - food products for sportsmen, pregnant and nursing women; and
  - biologically active additives to food (BAA).
- Novel food products<sup>1</sup>.

### *Biotech Crops*

In early 2011, the Kazakh Government drafted a law, “On State Regulation of Genetic Engineering Activities,” in order to regulate biotechnology in Kazakhstan. This law was stalled in the Kazakh Parliament until 2016. In May 2016, the draft law “On State Regulation of Genetic Engineering Activities” was withdrawn from the Kazakhstani Parliament. The reason given for the withdrawal of the draft law was that passage of the law might require additional budgetary expenditure. Without passage of this measure, development of agricultural biotechnology is unlikely to occur in Kazakhstan. Industry sources indicate that it is unlikely that such a law would be considered again before 2018.

All imported GE grains and oilseeds must have their lines registered in the Customs Union prior to importation into Kazakhstan, and the presence of non-registered lines cannot exceed 0.9 percent. Currently, Kazakhstan’s imports of U.S. corn and soybeans (and soybean products) are largely non-existent because the GE lines are not yet registered.

For more information, please, see [Kazakhstan 2016 Agricultural Biotechnology Report](#).

### ***Products under veterinary control***

CU Commission Decision No. 317, and its amendments, define the products subject to veterinary control:

<http://www.eurasiancommission.org/ru/act/txnreg/depsanmer/regulation/Documents/Пр.1%20Единый%20перечень%20тов.pdf>. This list includes the following categories:

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<sup>1</sup> The CU Technical Regulation on Food Safety defines novel food products as “food products (including food additives and flavorings) that were not previously used for human consumption on the customs territory of the Customs Union, namely: with new or deliberately modified primary molecular structure; consisting of or being isolated from microorganisms, fungi or algae; from plants; isolated from animals, obtained from GMO or with their use; nanomaterials and nanotechnology products except for food products obtained by traditional methods, being in circulation and considered safe by virtue of experience.”

- Live animals (all animals, including agricultural, domestic, wild, zoo, sea, commercial fur, circus, laboratory animals, etc.), live birds (all birds, including domestic, wild, ornamental, etc.), semen, and embryos;
- All types of meat and meat by-products, including poultry;
- Milk and dairy products;
- Food products of egg-processing;
- Materials of animal origin;
- Feed and feed additives for animals including pet food; and
- Fish and sea-products and products of their processing.

### Lists of Approved Establishments

In general, products subject to veterinary control are required to come from establishments identified on approved supplier lists. Kazakhstani Ministry of Agriculture currently maintains such lists for the following U.S. commodities:

- Meat and Meat Products: Poultry;
- Fish and Seafood;
- Meat and Meat Products: Pork;
- Meat and Meat Products: Beef / Veal;
- Meat and Meat Products: sub-products and Fat of Beef;
- Food Products: Finished Beef Products;
- Food Products: Finished Lamb Products;
- Food Products: Finished Poultry Products;
- Food Products: Finished Pork Products;
- Food Products: Finished Horse Meat Products;
- Food Products: Prepared Meat Products;
- Feed and Feed Additives;
- Feed and Feed Additives: Feed for Non-Productive Animals, Bird, Fish;
- Meat and Meat Products: sub-products and Fat of Pork;
- Live Animals: Day-Old Chicks;
- Live Animals: Hatching Eggs;
- Non-Edible Products: Raw Intestines (Casings);
- Products Not Requiring a Permit: Feed and Feed Additives; and
- Meat and Meat Products: sub-products and Fat of Poultry.

Establishments wishing to be added to the existing lists should contact the appropriate, competent U.S. authority:

- USDA/Food Safety and Inspection Service;
- USDA/Animal and Plant Health Inspection Service, or
- U.S. Department of Commerce/National Marine Fisheries Service.

The Eurasian Economic Union has indicated that it is “temporarily” exempting the following products from the listing requirement:

- Animals and genetic material;
- Bee products;
- Raw materials of animal origin (skin, hair, raw fur skins, feathers, etc.);
- Animal feed of vegetable origin;
- Food additives of animal origin;
- Composite (containing animal origin components) products; and
- Gelatin.

## **Section VIII: Other Certification and Testing Requirements**

### Licensing

#### *Tariff Rate Quotas (TRQs)*

In order to bring a product into Kazakhstan at the in-quota tariff rate for beef, pork and poultry, it is necessary for the importer to secure a license. The Kazakhstan Ministry of National Economy (MNE) issues licenses. The MNE reviews license applications within 15 working days of submission and then issues the licenses. Licenses are required per contract on an annual basis.

#### *Alcohol*

### Excise Stamps

Excise stamps are required on all alcoholic products for sale to consumers, except beer and wine. Rules on alcohol product labelling are specified in: <http://adilet.zan.kz/rus/docs/V1500010611> No 144, dated February 27, 2015.

### ***Products under sanitary-epidemiological control***

#### Declaration of Conformity

Customs Union Commission Decision No. 319, of June 18, 2010, partially adopted some of Russia's system for safety assessments, but still allowed for businesses to follow the guidelines of EAEU Member States, if they prefer. As a result, there is no official unified list covering all goods and products that are subject to mandatory safety assessment (confirmation) for the EAEU, so both a [list approved by the CU Commission Decision 620](#), and [a list approved by the Russian Government Resolution No. 982](#) (which is more extensive) should be consulted in order to determine whether a product is subject to mandatory safety assessment (confirmation).

Eventually, the plan is for technical regulations of the Eurasian Economic Union to replace the above two lists as the relevant EAEU technical regulations are developed and adopted to mandate declaration of conformity for these goods.

In particular, EAEU technical regulations for food products currently establish declaration of conformity procedures for almost all agricultural and food products, including fat-and-oil products, juice products,

meat products, alcohol products, milk and dairy products, and specialized dietary food products. For more information please see GAIN reports [RS1343 Customs Union Food Technical Regulations in Force as of 1 July 2013](#), [RS1382 Customs Union Technical Regulation on Milk and Dairy Products](#), and [RS1384 Customs Union Technical Regulation on Meat](#).

A similar list approved by the CU Commission Decision No. 620 only requires a declaration of conformity for the following agricultural products:

- Tobacco products;
- Animal, bird, and fish feed: compound feed and feed additives (e.g., soy meal, milk powder, fishmeal, etc.); and
- Finished fish and seafood products, including canned fish and seafood, caviar.

Declarations of conformity are usually valid for three years and allow importers to mark products with a sign of conformity.

In addition to implementing EAEU and CU import requirements, Kazakhstan now requires that importers and/or domestic producers of certain specific goods obtain a Certificate of State Registration before the product can be sold in Kazakhstan. The Ministry of Health's Committee of State Sanitary and Epidemiological Supervision, which was moved under the Committee of Consumer Rights Protection, at the Ministry of National Economy in August 2014, is responsible for issuing these certificates. Goods subject to this certification requirement include:

- biologically active supplements, childhood nutrition;
- equipment and devices for water supply systems;
- items of intimate hygiene and products for disinfection (except of those used in veterinary services); and
- items designated for contact with food products (except dishes, table amenities, and microwaves).

### ***Products under veterinary control***

#### Veterinary Health Certificate

Veterinary certificates are generally required for all products subject to veterinary control. Please consult the current FAIRS Export Certificate report for a list of individual certificates.

#### Import Permits

In order to import beef, pork and poultry products into Kazakhstan at the in-quota tariff rate, importers must secure a license. The Ministry of National Economy (MNE) is responsible for the issuance of licenses. The MNE reviews license applications within 15 working days of submission and then issues the licenses. Licenses are required per contract on an annual basis.

### ***Products under phytosanitary control***

CU Commission Decision No. 318 of June 18, 2010 (as amended through October 9, 2014,) approved the “Regulation on the Procedure of Phytosanitary Quarantine Control (Supervision) at the Customs Border of the Customs Union” and the “Common List of Regulated Products (Materials, Commodities) Subject to Quarantine Phytosanitary Control.” The list divided products into two groups: regulated products of high phytosanitary risk and regulated products of low phytosanitary risk.

In September 2015, Russia notified the WTO of the following draft Common Quarantine Phytosanitary Requirements of the Eurasian Economic Union (EAEU) via [G/SPS/N/RUS/102](#):

- Draft decision “On Approval of the Unified Quarantine Phytosanitary Requirements of the Eurasian Economic Union – original in [Russian](#). For English, please see GAIN report [RS1566 Draft EAEU Phytosanitary Requirements Notified to WTO](#).”

When adopted, the above document will establish the respective procedures and ways of cooperation between the EAEU Member States aimed at protection of plants and the territory of the Union from penetration and spread of quarantine objects on this territory.

#### Phytosanitary Certificates

Products should be imported only through phytosanitary control posts or vehicle border crossing points of the Republic of Kazakhstan. The phytosanitary control posts run first quarantine phytosanitary checks and surveillance for the imported or transiting products. The second quarantine phytosanitary checks and surveillance is conducted at the destination point. The quarantine phytosanitary checks includes sampling, laboratory tests, if needed and/or depending on phytosanitary characteristics of the exporting country. Imported products of quarantine concern should be transported in closed, isothermal, sealed containers, hermetically packed, in wagons, trailers or cold storage vehicle and other transportation means.

[Kazakhstan phytosanitary certificate](#) is approved by the Ministry of Agriculture Order No 4-4/66 dated January 30, 2015.

In accordance with the Decision of the EEC Council No. 50 of August 16, 2013, since mid-September 2013 the use of replacement phytosanitary certificate is allowed under the condition that the authorized agencies of exporting countries guarantee safety and wholesomeness of regulated products from the moment of out-loading to the moment of entry to the customs territory of the Eurasian Economic Union (for details see GAIN report [RS1389 Amended CU Regulations Allow Replacement Phytosanitary Certificates](#).)

#### List of Quarantine Pests

[Ministry of Agriculture Order No 4-4/282 of March 30, 2015](#) approves the List of Quarantine Pests and List of Very Dangerous Pests.

[Ministry of Agriculture Order No 4-4/66 of January 30, 2015](#) specifies the Kazakhstani phytosanitary requirements for imported products of quarantine concern, in accordance with the EAEU approach and international requirements. This order approves requirements by quarantine pest, by country, and by product groups.

## **Section IX: Import Procedures**

It is recommended that an importer, with the help of up-to-date information sources, check all import documents closely and ensure they do not violate the laws of Kazakhstan or Kazakhstani product-specific regulations, including rules recently revised due to EAEU policies and WTO accession.

While the formation of the EAEU is ultimately expected to allow customs clearance of imported goods on the external border of the Eurasian Economic Union, currently, during a transitional period as defined by Article 368 of the EAEU Customs Code, the EAEU customs declaration is based on the “residency principle,” i.e. the applicant shall submit a customs declaration only to specific customs bodies of the country where the applicant is registered or permanently lives in the EAEU. The residency principle will apply until entry into force of a relevant international agreement between the EAEU Member States allows for the presentation of the goods declaration to any customs office in the EAEU.

It is recommended that customs clearance be carried out by an agency located in the country where the customs clearance must be performed, or at least by a representative of this party *in situ*.

Import permits are issued in the name of physical or legal entities that are officially registered in the territory of the Republic of Kazakhstan with the Kazakhstan tax authorities. Typically, a product’s exporter handles export customs-clearance and the product’s importer handles import customs-clearance.

### EAEU Classification of Commodities and Customs Tariff

All imported commodities are classified in accordance with the Codes of the Customs Commodities’ Nomenclature of the Foreign Economic Activity of the Eurasian Economic Union. The descriptions of the current edition of the Nomenclature and the EAEU Customs Tariff, as amended through September 28, 2015, can be found online at:

<http://www.eurasiancommission.org/ru/act/trade/catr/ett/Pages/default.aspx>. The EAEU codes are similar, but not identical to the U.S. Customs Service Harmonized Code numbers. The current EAEU Commodity Codes are based on the HS Nomenclature 2012 Edition.

### Customs Payments

Customs duties, fees, and the value-added tax (VAT) are usually paid in advance to avoid delays in customs clearance. Customs duties, payments, and taxes depend on the type of product and are calculated based on the customs value of the product. The customs value of goods imported into the EAEU, which is used as a basis for calculation of the import custom duties and taxes, includes the cost of goods, insurance costs, and costs of transportation of the goods to the customs border. Depending on the actual circumstances, including contractual arrangements, an importer may, in addition, have to include royalties (payable for the right to use trademarks and other IP rights in order to resell the goods) or other income into the customs value of those goods, provided that the importer must directly or indirectly (e.g., via third parties) pay those royalties, other license fees and/or other income as a direct consequence of importation of the goods being valued at customs.

Traders should use the EAEU Customs Tariff and the Kazakhstani Tax Code to calculate customs duties and fees. Customs duties, fees, and payments are calculated based on rates from the customs value of the goods and are assigned while developing the consignment's customs declaration. Tariff rates are subject to change, so importers and exporters should monitor amendments to the tariff schedule. Customs clearance fees are established by the Ministry of National Economy ([www.economy.gov.kz](http://www.economy.gov.kz)) and can be searched [here](#).

### Customs Clearance

Customs clearance usually occurs at the point of destination and typically takes between two and four days. In Kazakhstan, imported goods are generally released one business day after the customs declaration registration. Imported goods are normally cleared at customs either before their shipment to Kazakhstan customs territory or at the time the goods reach the designated customs house/post (and are placed in a special temporary customs warehouse, if needed).

Customs clearance is normally completed by the importer who files the appropriate documents or by the customs broker. The main document required for customs clearance is the customs declaration, which should be filed by the importer (or a customs broker acting on its behalf). The importer is also, generally, required to submit the following documents:

- Supporting documentation with respect to the declared customs value of the goods (e.g., foreign trade contract, payment documentation, exporter's official price lists, commercial invoice etc.);
- Transportation documents for international carriage of goods or waybill;
- Document, confirming the payment of relevant customs fees and payments if applicable;
- Documents, confirming the authority to be fully or partly exempt from customs fees and payments, if applicable;
- Documents confirming the authority of an entity or individual(s) to represent the importer/exporter before the customs authorities (e.g., customs broker agreement or power of attorney);
- Documents confirming the legal capacity of the entities, data on which is indicated in the customs cargo declaration, to operate in Kazakhstan (e.g., statutory documents, the accreditation certificate of the branch or representative office of a legal entity, the passport (ID) of an individual, the state registration certificate of a legal entity or individual entrepreneur, etc.);
- Relevant tax registration documents of such entities;
- A foreign-trade contract and/or other commercial documents relevant to the products being declared, as required for the selected customs regime (e.g., commercial invoice from the supplier/exporter, shipping documentation, e.g. for sea transportation – the Bill of Lading, for vehicle transportation - CMR);
- A “transaction passport” for the foreign-trade contract, which is a currency control document issued by the importer's Kazakh bank (the Kazakh importer would have to provide the supply contract with its foreign supplier to its local bank for the purposes of opening and registering the “transaction passport”);
- Documents proving the right to apply tariff preferences or tax benefits, if any;
- A country of origin certificate;
- A certificate of conformity, declaration of conformity, sanitary registration certificate;

- Documents proving the provision of security for making customs payments; other guarantees, if required (if customs payments have been made in full for the customs clearance of imported products, this provision would not be applicable);
- A phytosanitary certificate and/or veterinary health certificate, if applicable; and,
- Other certificates and licenses, if required.

These documents must be issued in the name of the importer and must be in official languages of the country-members of the EAEU and in foreign languages. However customs authorities have a power to request the translation of the documents into Kazakh or Russian.

The list above is a general list of the documents required for the customs clearance of goods under any customs regime declared for importation into Kazakhstan; the list of the required documents may be expanded for a given customs regime. At the request of the customs authorities, the importer should also present additional documents relevant to the importation at issue.

International border posts at the border of Kazakhstan:

<http://www.tsouz.ru/db/dta/Documents/inoutKZ.PDF>

#### Pre-Arrival Submission for Automobile/Rail/Air Shipments

[CU Commission Decision No. 899](#) of December 9, 2011, mandates a pre-arrival submission of information about goods imported into the EAEU customs territory by automobile transport two hours prior to the good's arrival. This requirement came into force on June 17, 2012.

The scope of a pre-arrival submission is as follows:

- The sender, recipient of the goods in accordance with the transportation (shipment) documents; their names and addresses;
- The seller and the buyers of the goods in accordance with the commercial documents of the carrier;
- Country of origin, country of destination;
- The declarant;
- The carrier, its name and address;
- The vehicle of international transport, which carried the goods, or its state registration;
- The name, quantity, value of goods in accordance with the commercial, transportation (shipment) documents;
- Code of the goods in accordance with the Harmonized Commodity Description and Coding System or the Nomenclature of Foreign Economic Activity of the Eurasian Economic Union for at least the first six digits;
- Gross weight or volume of goods, as well as the quantity of goods in additional units (if such information is available) for each code of the Nomenclature for Foreign Economic Affairs of the Eurasian Economic Union or the Harmonized Commodity Description and Coding System;
- The number of packages; their labeling and types of packaging;
- The destination of the goods in accordance with the transportation (shipment) documents;
- Documents confirming compliance with the restrictions associated with the movement of goods across the customs border of the Eurasian Economic Union, if such movement is permitted;
- Planned transshipment of goods or cargo operations in a way;

- Time and place of arrival of goods into the customs territory of the Eurasian Economic Union;
- Availability of goods whose import into the customs territory of prohibited or restricted; and
- Place and date of drawing up international commodity transport bill of lading.

According to the [EEC Collegium Decision No. 196](#) of September 17, 2013, as of October 1, 2014, pre-arrival submission of information about goods imported into the EAEU customs territory via railway is required two to four hours prior to the good's arrival. For details please see GAIN reports [RS1349 Draft CU Pre-Notification Requirement for Imports by Rail](#) and [RS1368 Customs Union Ag Times No. 15](#).

It is planned that pre-arrival submission of information about goods imported into the EAEU customs territory by air will be required as of April 1, 2017.

## **Section X: Copyright and/or Trademark Laws**

To facilitate its WTO accession and attract foreign investment, Kazakhstan continues to improve its legal regime for protecting intellectual property rights (IPR). The Civil Code and various laws, in principle, protect U.S. intellectual property.

Trademark violation is a crime in Kazakhstan. Registration fees charged to foreign trademark applicants are significantly higher than those charged to domestic applicants. Applications for trademark, service mark, and appellations-of-origin protection must be filed with the National Patent Office and approved by the Ministry of Justice. Trademarks and service marks are afforded protection for ten years from the date of filing. The 1996 Law on Copyrights and Related Rights largely conforms to the requirements of the WTO TRIPS Agreement and the Berne Convention. Copyright Law allows licensed vendors to seek damages from unauthorized dealers selling pirated merchandise.

According to official reports, customs authorities seized goods worth \$21 million in 2013 and one rights holder filed suit in court. The Ministry of Justice estimated approximately \$200 million in seizures in 2014, but noted that the vast majority of cases were dismissed due to inaction by rights-holders.

Customs authorities have also expressed a concern over the passive position of many rights-holders and what they perceive as an unwillingness to address IPR protection challenges jointly with government bodies.

In 2014, new procedures came into force that make formerly administrative violations criminal violations and lengthen criminal jail terms from five years to seven years. Articles 198 and 199 of the new Criminal Code define punishment for violations of copyright and allied rights, and for violations of rights for inventions, useful models, industrial patterns, selective achievements, and integrated circuits topographies.

Patent protection is available for inventions, industrial designs, prototypes, novel processes, and products with industrial applications. The National Institute of Intellectual Property performs formal examinations of patent applications. Unsuccessful applicants can appeal the National Institute of Intellectual Property's decisions to the Ministry of Justice. Kazakhstan is a member of the Moscow-based Eurasian Patent Bureau and the Munich-based European Patent Bureau.

Disclosure of trade secrets, production, purchase, transportation, storage, or sale of unregistered or counterfeit pharmaceuticals are prosecuted under the Administrative Code and the Civil Code, although enforcement of these prohibitions is considered lax.

Following the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) requirements, Kazakhstan has been improving its IPR legislation for the last decade. In 2014, Article 8 of the Patent Law was modified to extend protection based on novelty and originality. The Law on Trademarks has been amended to ensure equal protection for trademarks and geographic indications by determining priority based on registration date. The Law on Selective Achievements has strengthened the rights of patent attorneys, defined their qualification requirements, and sets time limits for conducting patent examinations.

Kazakhstan has joined multiple international agreements intended to strengthen its IPR protection regime. Kazakhstan has ratified 18 of 24 treaties endorsed by the World Intellectual Property Organization (WIPO). <http://www.wipo.int/wipolex/en/profile.jsp?code=KZ>).

## Appendix I: Key Government Regulatory Agency Contacts

1. Committee of the Veterinary Control and Surveillance  
010000, Astana, Kenessary 36, floor 6  
Tel: 7 (7172) 555-815  
Fax: 7 (7172) 555-815  
Email: [priemnaya.kvkn@minagri.gov.kz](mailto:priemnaya.kvkn@minagri.gov.kz)  
<http://mgov.kz/napravleniya-razvitiya/veterinarnaya-bezopasnost/>

Committee of the Veterinary Control and Surveillance  
reports to the Ministry of Agriculture: [www.mgov.kz](http://www.mgov.kz)

2. Committee of the State Inspection in Agriculture  
010000, Astana, Kenessary 36  
Tel: 7 (7172) 555-961  
e-mail: [priemnaya.kgiapk@minagri.gov.kz](mailto:priemnaya.kgiapk@minagri.gov.kz)

Committee of the State Inspection in Agriculture  
reports to the Ministry of Agriculture: [www.mgov.kz](http://www.mgov.kz)

3. Consumer Rights Protection Committee  
010000, Astana, Orynbor, 8  
Tel: 7 (7172) 74-17-72  
Fax: 7 (7172) 74-17-72  
[www.kzpp.gov.kz](http://www.kzpp.gov.kz)

Consumer Rights Protection Committee  
reports to the Ministry of National Economy: [www.economy.gov.kz](http://www.economy.gov.kz)

4. Technical Regulation and Metrology Committee  
010000, Astana, Orynbor 11  
Tel: 7 (7172) 270-701  
[www.memst.kz](http://www.memst.kz)

Technical Regulation and Metrology Committee  
reports to the Ministry of Industry and Development: [www.mid.gov.kz](http://www.mid.gov.kz)

5. Eurasian Economic Commission  
115114, Moscow, Letnikovskaya ul., 2, bld. 1, bld. 2  
Tel./Fax: 011 7 (495) 669-2400  
<http://www.eurasiancommission.org/ru/Pages/default.aspx>

## **Appendix II: Other Import Specialist Technical Contacts**

### Certification bodies

- Kazakh Institute of Standardization and Certification –certification/declaration of conformity  
11, Orynbor, Bld. “Ethalon Center”  
010000, Astana, Yessil district  
Tel. 7 (7172) 79-34-22  
<https://www.memst.kz/contacts/podvedomstvennye.php>

Customs brokers list - [http://www.keden.kz/ru/tam\\_nav.php?type=1](http://www.keden.kz/ru/tam_nav.php?type=1)