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## Legal Forms of Veterinary Safety Provision: Veterinary Control and Veterinary-Sanitary Examination

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### Abstract

The article is concerned with the legal provision problem of veterinary safety through the example of veterinary inspection and veterinary sanitation in the Republic of Kazakhstan. There was carried out the analysis of some legal acts in the matter of veterinary of the Republic of Kazakhstan under the conditions of market establishment and development in sovereign Kazakhstan. In the article, there is defined the conception and content of veterinary safety and also are stated the problems of veterinary safety enforceability of the country under the conditions of integration process and world economy globalization. On the ground of theoretical provisions' analysis of contemporary experience of Kazakhstan, applicable Kazakh legislation, there were developed recommendations and proposals for veterinary safety improvement of the Republic of Kazakhstan.

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### Introduction

System of state control and supervision strongly depends on the condition of governmental regulatory policy and must be organized in such way that not only to ascertain the fact of violations and in order to stimulate bondable activity.

During the accomplishment of the state control and supervision activity, the particular importance has the prevention and precautions of threats to people and environment which may arise from the activity of business entities activity. Effective control and supervision system must be organized in such way in order to stimulate

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business entities for carrying out of systematical work on revelation and correction of legal requirements violations.

Global trends also testify that the majority of governments try to reduce the administrative load upon business entities including the load of control and supervision of state activity. All this is accomplished for improving of business environment and promotes further development of business, employment problems solution and development of these countries' economic generally. Agricultural industry is one of the integral constituent parts of Kazakh economy. Under market conditions, there are changed the forms and methods of influence upon participants in different public interrelations. In connection to this, we advance a view that state regulation of agricultural interrelations is by nature of purposeful activity of the state for creating of legal, economic, social and other conditions for development of competitive national agricultural production, the provision of food supply security, implementation of market instruments into agricultural activity organization, the development of international cooperation in agrarian sector upon the conditions and within the limits provided by applicable legislation (Yerkinbayeva, 2008).

Control is one of the most important state's authoritative function of allowing to ensure compliance with the obligatory regulations and requirements and most of all to prevent the commission of delinquencies and in case of their presence to apply the measures of punishment. In the opinion of S.T. Kulteev, the state control in the field of agricultural industry is a part of common state control, the most important legal measure of compliance with the agrarian legislation provision, the function of state management and legal institution of agrarian law (Kulteleyev, 2005). Veterinary control is a part of state supervision in the field of agrarian field which has certain specificity in a view of that veterinary is complex of specific science knowledge and practical basis, directed to diseases research and food intoxication (affection) of animals their preventive measures, diagnosis, medical treatment and liquidation, the provision of state veterinary-sanitary control institutions compliance with legal requirements in the field of veterinary and also the protection of people against diseases which are common for humans and animals simultaneously (The law of RK on veterinary, 2002).

#### **Main part. The Institutions performing the activity in veterinary control in Republic of Kazakhstan.**

In Republic of Kazakhstan, the veterinary control is executed by the inspectors of different level and scope of authorizations namely state veterinary inspectors of Republic of Kazakhstan which can simultaneously be the heads and their deputies, the main specialists of the structures authorized state body in the field of veterinary in regions of Astana and Almaty, districts (towns) rural okrugs, markets and organizations specialized in producing, procurement (slaughter), storage, processing and sale of cargos under controlled by state veterinary supervision; main state veterinary inspectors on the state border and in transport including the veterinary checkpoints; administrators of veterinary subdivisions of state bodies performing the activity in the field of veterinary and their deputies also performing the state veterinary supervision over the state veterinary control institutions which belong to corresponding state bodies.

Along with above-listed officials, the control in this field is executed by the prosecution and internal affairs agencies, sanitary and nature conservation control institutions, local executive bodies, actions of which frequently are not coordinated and duplicate each other what shows the inefficiency of events carried out by them.

For the purposes to render assistance to the state bodies in veterinary control performing it is necessary to improve interaction efficiency between veterinary control institutions, public prosecutor's office, bodies of internal affairs and nature conservation control and sanitary, to perfect the forms and methods of their activities that demands to be formalized in legal normative acts.

The practice shows that such solutions are effective, that it is possible to follow through the example of bodies of internal affairs and veterinary medicine police activity within a framework of one agency, Ministry of Internal Affairs of Republic of Kazakhstan. For instance, by the Order of Ministry of Internal Affairs of Republic of Kazakhstan from January 14, 2002, No. 27 approved the instruction "On work organization of bodies of internal affairs concerning the activity in the field of nature protection and veterinary police".

In the applicable legislation there was not created **the single terminology** in field researched. *The example is the appliance of such definitions as "state control in the field of veterinary", "state veterinary-sanitary control", "veterinary supervision"*. This circumstance gives us reason to talk about the necessity to submit these definitions to single standards for the purpose to understand them correctly and the most important is exact appliance of veterinary legislation.

By the Order a.i. Ministry of Agriculture RK, dated December 31, 2009, approved the regulations of veterinary

documents issue for objects controlled by the state veterinary-sanitary supervision (About the adoption of regulations veterinary documents issuing to the facilities of the state veterinary sanitary control, 2010). These regulations define the single order of work organization on veterinary documents issue formalization for the objects controlled by state veterinary supervision.

State veterinary-sanitary inspectors performing the state veterinary-sanitary control in Republic of Kazakhstan **have the right:** to visit freely (on presentation of official ID) in order stated by legislation of Republic of Kazakhstan, objects controlled by state veterinary –sanitary supervision and also to receive the information related to activity of individuals and legal entities in the field of veterinary; to carry on the samples collection at the objects controlled by state veterinary-sanitary supervision for their diagnostics or veterinary-sanitary examination with the notification of concerned persons about the terms of their research performance; to carry on the state veterinary-sanitary control; to issue veterinary documents; in case of revelation in the territories of veterinary-sanitary prosperity and also unfavourable points of transported (moved) objects constituting danger for health of animals and humans to withdraw and exterminate in order stated by legislation of Republic of Kazakhstan, to participate in their extermination (disinfection) or processing and also to inform about the above-mentioned facts the state bodies authorized in the field of Health care; to determinate the causes, conditions of appearance and spreading of exotic and infectious diseases of animals and the origin of dangerous products and raw materials of animal origin in relation of veterinary sanitation; to request and receive necessary information from the state bodies and other organizations for performance of their duties, obligations and rights imposed on them; to suspend or forbid business and economic activity of legal entity or individuals without court judgment in cases of threats arising or spreading of extremely dangerous and other infectious diseases of animals which are common as for humans and animals in order stated by legislation of Republic of Kazakhstan in the field of veterinary science; to examine cases of administrative punishments for violations of requirements of the legislation of Republic of Kazakhstan in the field of veterinary science; to consider complaints about administrative violations and impose administrative penalties for requirements breach of legislation of Republic of Kazakhstan in the field of veterinary science.

The expertise is the serious instrument of the provision of one or another strong requirements and standards in certain areas of social life. With respect to the environmental assessment, N.S. Baimbetov believes that the consolidation of the provisions of the environmental review is not overabundance but necessity conditioned by its importance (Baimbetov, 2000).

The specific kind of assessment is carrying out in the field of veterinary science. This assessment is aimed at compliance test of the products and raw products of animal origin, forage and livestock supplements to the veterinary standards of organoleptical, sensory, biochemical, microbiological, parasitological, toxicological and radiological studies in the order prescribed by the authority. **In the basic law "On Veterinary Science"** the definition of the veterinary-sanitary examination term is given only, and such regulations as its principles and regulations of the procedure were ignored. In this regard, we want to note that the regulations of veterinary-sanitary examination conducting of food products to determine its safety have been approved by the Minister of Agriculture of the Republic of Kazakhstan from the 1<sup>st</sup> April of 2008 No.199. We would like to mention that the document regulates only the procedure of the veterinary-sanitary examination of food products at all stages of its lifecycle and applied to all entities engaged in procurement (slaughter) of animals, production, processing and sale of food products subjected to veterinary supervision. The law of the Republic of Kazakhstan "On Food Safety" from the 21<sup>st</sup> of July, 2007 No. 301-III LRK ( About the safety of the nutritive products, 2010) is the basis of the preparation of this document.

According to the results of veterinary-sanitary examination of food products the expert report is issued, according to the issue rules of the expert report to the veterinary laboratories according to the results of diagnostics or veterinary-sanitary examination of the objects of state veterinary supervision, approved by Order of the Deputy Prime Minister of the Republic of Kazakhstan Minister of Agriculture of the Republic of Kazakhstan from the 4<sup>th</sup> of December, 2002, No.399, registered in the Register of State Registration of laws and regulations under the number 2100 (The regulations of the expert report issuing to the veterinary laboratories based on the diagnostics and veterinary-sanitary examination of the state veterinary supervision objects, 2010). On the basis of the expert report the veterinary document about further use of the food products, their utilization and/or destruction in accordance with the Issue Rules of the veterinary documents (veterinary-sanitary conclusion, veterinary certificate) by the veterinary inspectors for the state veterinary supervision facilities, approved by Order of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Agriculture of the Republic of Kazakhstan from the 15<sup>th</sup> of November, 2002 No. 372, registered in the Register of State Registration of laws and regulations under the number 2087 (The

regulations of the veterinary documents issuing (veterinary-sanitary conclusion, veterinary certificate) to the veterinary inspectors for the state veterinary supervision objects, 2010) is drawn up by the authorized body in the field of veterinary science. In the absence of veterinary document the food products are not permitted to the following process (stage) of its life cycle till the establishment of their origin and safety.

In accordance with Regulations, the veterinary-sanitary examination at the stage of processing (creation) food products are subjected to the projects of normative and technical documentations and/or test samples of food products. *To the processing processes (stages) of food products (production) are related the following:* animal slaughter, (capture) fish, collection of raw milk, honey out of apiaries and eggs for production (manufacture) food products and also production of livestock supplements. Veterinary-sanitary examination, at the slaughter stage, consists of examination carried out in accordance with Regulation of pre-slaughter examination of animals intended for slaughter and post-slaughter veterinary-sanitary examination of carcasses and organs and their sanitary assessment approved by the Order of Ministry of Agriculture of Republic of Kazakhstan from October 31, 2002. No. 351 registered in Register of State Registration of normative and legal acts under the number 2105 (The regulations of the ante-mortem inspection of the meat-producing animals and post-mortem veterinary-sanitary examination of the carcasses and organs and their sanitary evaluation, 2010). According to the results of post-slaughter examination, there is carried out stamping of carcasses and organs on accordance with Regulations on veterinary stamping of meat approved by the Order of Ministry of Agriculture of Republic of Kazakhstan from March 19, 2003 No. 140, registered in Register of State Registration of normative and legal acts under the number 2236 (The regulations on the veterinary marking of meat, 2010).

Veterinary-sanitary examination of food products, during the process (stage) of their production, is carried out at all stages of technological process and related packing, packaging, labeling processes, and also internal production storage, transportation of food products. To the process (stage) of turnover according to Regulations, there are accessed the food products which passed through the veterinary-sanitary examination.

Veterinary-sanitary examination of food products on the objects internal sale, is carried out in accordance with the Regulations of the examination carrying order on the markets approved by the Order of Minister of Agriculture of Republic of Kazakhstan from October 31, 2002 No. 352 registered in Register of State Registration of normative and legal acts under the number 2105 (The regulations of the carrying out of the veterinary-sanitary examination on the markets, 2010).

All further history proves that the developed Western countries tried to escape from ownership giving it out to private persons (About the safety of the nutritive products, 2010), and saved the title only for protection of natural resources from destructive use by private persons (Baimbetov, 2000).

## Conclusions

As we can see the serious problems connected with high level of the administrative barriers, exist in the veterinary science field today that was shown due to the analysis of the current situation. Primarily, it is associated with the imperfection of the mechanisms for the implementation of phytosanitary and veterinary control.

To solve this problem, it is provided the cancellation of the quarantine certificate and perfection of the phytosanitary quarantine introduction mechanisms. In addition, it is proposed to cancel the obligation to obtain import quarantine permits. They recorded what kind of products, from where, through which checkpoints and on which decontaminated warehouse in the Republic of Kazakhstan the entrepreneur can import it. Instead of this, it is proposed to provide the possibility of rapid information access of the importers via the Internet to the requirements and registries. Such decision, at the least estimated, will allow to the entrepreneurs to reduce the costs and expand the production (S. Fairfax).

For the manufacturers of the animal products the disinfection is the significant expenditure item. At present, the only organizations within jurisdiction of the state can engage in this activity. Obviously, this commercial activity is included to the chain of control measures and coordinated, ultimately, by the control institutions. The Government of the Republic of Kazakhstan proposes to carry out the liberalization of the services supply mechanisms in the field of the quarantined products disinfection through the enabling of its implementation by non-governmental organizations in all cases (Mayers, 1991).

Separately, we want to note the decision on establishment of the intensity of the state veterinary control during the products import depending on the confidence level in the system of veterinary certification of the foreign state, that will allow significantly to optimize trade compatibility with trustworthy importing countries of quarantined products and

to provide the honest entrepreneurs with the favourable conditions for trade activities.

It is necessary to take a number of other important decisions that reduce the administrative influence on the manufacturers of animal products, in particular, to increase the validity of the accompanying veterinary documents depending on the type of regulated goods; to establish the unlimited registry of the livestock supplements for animals and annual the export permit for industrially produced feed and livestock supplements for animals. The gradual transition to an electronic issuing system of the veterinary accompanying documents is planned as well as the possibility of the commitment of the legally significant acts in the field of veterinary science by the non-governmental accredited specialists and organizations is provided for.

Many decisions relating to the simplification of the veterinary control at import and export of controlled goods are implemented. The form and procedure of the veterinary accompanying documents issuing for the finished goods being moved between states within the customs union are simplified.

For example, now it is not required to draw the veterinary certificate for cheese, cottage cheese, dried and smoked fish, the butter during the transportation from Russia to the Republic of Kazakhstan, it will be enough to have a stamp on the documents accompanying the products that such products are safe in respect of the veterinary.

In addition, in the case of the large goods splitting, it will be not required to draw the original veterinary certificates for each formed batch, it will be enough to have the copy issued for the original party.

The necessity to obtain the import permits for the separate types of goods is canceled. In the field of the veterinary control we refused the import permits for forage for the pets (cat, dog, etc.), since such products does not carry the veterinary risks. This decision will allow reducing the administrative load on the "Zoo business."

And this is only the part of the decisions, on the implementation of which the executive authorities are working now.

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