

# **Law of the Republic of Kazakhstan**

control of over compliance of the certified products, services, processes and quality management systems with the established requirement;

4) safety of products, services and processes (further- safety) – a lack of inadmissible risks related to causing harm to life or health of people, to



containing general provisions for certain area of technical regulating;

29) conformity assessment is a procedure resulting in a documented confirmation (in the form of a declaration of conformity or certificate of conformity) that object conforms to the requirements, established by normative legal acts in the area of technical regulating, by standards or agreement clauses;

30) a supplier is a natural person or legal entity delivering products, services;

31) product is a result of process or activity;

32) process is a set of inter-related and consecutive actions (works) to achieve a certain targeted result including product life cycle processes;

33) a regional organization for standardization is a standardization organization open for participation of the respective standardization bodies of one region only: either geographic or economic;

34) a regional standard is a standard adopted by regional standardization organization and accessible for wide consumer community

35) a register of the state system of technical regulating is a document to keep records of the normative legal acts in the area of technical regulating, standards;

36) a risk is a probability of inflicting damage to human life or health, environment, including animals and plants accounting for depth of its implications;

37) a certificate of conformity is a document certifying product, service conformity to the requirements establishe.08 597.214.519(37 Tc42.5(t4(cts in the area of t



1. This law regulates the public relations on defining, establishing, application and executing of obligatory and voluntary requirements for products, service, product life cycle processes (hereinafter, processes), conformity assessment, accreditation and state control and supervision in the area of technical regulating.

2. Products, service and processes are objects of technical regulating.

3. The technical regulating operators are the government bodies as well as legal entities and natural persons operating in the territory of the Republic of Kazakhstan and having a right of use regarding the technical regulating objects in accordance with the civil legislation of the Republic of Kazakhstan.

#### **Article 4. Fundamental Principles and Objectives of Technical Regulating**

1. Main objectives of technical regulating are as follows:

- 1) Assuring safety of products, services and processes for human life and health and environment, including animals and plants;
- 2) assuring national safety;
- 3) preventing actions, misleading the consumers with regard to safety of product, service;
- 4) elimination of technical barriers in trade;
- 5) increasing product competitiveness.

2. Technical regulating is based on the following principles:

- 1) unity and integrity of the state system of technical regulating;
- 2) use of unified terminology and rules for setting requirements for products, services and processes;
- 3) expediency and attainability of technical regulating objectives, assuring equal opportunities of involvement in the technical regulating processes, and balance of the state and stakeholders' interests;
- 4) equal requirements for domestic and imported products, service and procedures of their conformity assessment against the established requirements;
- 5) prioritized use of the technologic and scientific achievements, standards of the international and regional organizations in developing normative legal acts in the area of technical regulating and standards;
- 6) compliance of requirements of the normative legal acts in the area of technical regulating with the level of national economy development, material and technical resources, and scientific and technical development of the state;
- 7) accessibility of normative legal acts in the area of technical regulating, standards and information thereon, of order of their development, approval, and publication, except the state secret or any other guarded by legislation confidential information;

- 8) voluntary selection of standards for application;
- 9) uniform system and rules of conformity assessment;
- 10) inadmissibility of one body to hold authorities on both accreditation and conformity assessment;
- 11) inadmissibility of one government body to combine functions on state control and supervision with those on conformity assessment by;
- 12) independence of conformity assessment bodies from producers (executors), sellers and buyers;
- 13) inadmissibility of limiting competition in the conformity assessment activities.

### **Article 5. Structure of the State System of Technical Regulating**

A structure of state system of technical regulating consists of:

- 1) the Government of the Republic of Kazakhstan;
- 2) authorized body;
- 3) government bodies within their competence;
- 4) expert councils in the area of technical regulating under the government bodies;
- 5) Information centre on technical barriers to trade, sanitary and phytosanitary measures (hereinafter – Information centre);
- 6) technical committees for standardization;
- 7) conformity assessment bodies, laboratories;
- 8) expert-auditors on conformity assessment, standardization and accreditation;
- 9) state fund of the normative legal acts in the area of technical regulating and standards.

### **Article 6. Competence of the Government of the Republic of Kazakhstan in the area of technical regulating**

The following are in the competence of the Government of the Republic of Kazakhstan:

- 1) elaboration of new areas in government policies in the area of technical regulating;
- 2) building state system of technical regulating;
- 3) assuring legal reforming in the area of technical regulating;
- 4) approval of development programme for the state system of technical regulating;
- 5) approval of rules to use protecting technologies and list of documents and objects subject to obligatory protection;
- 6) approval of rules of creation and maintaining depository of classifiers of technical-economic information;

7) creation of consultative and advisory bodies to assure safety of product, service, processes;

8) adoption, amendment and (or) addition, cancellation of normative legal documents in the area of technical regulating within their competence;

9) establishing the order of accreditation of conformity assessment bodies and laboratories;

10) implementing of other functions imposed by the Constitution, the Laws of the Republic of Kazalistan and acts by the President of the Republic of Kazakhstan.

### **Article 7. Competence of Authorized Body**

The authorized body carries out the following functions:

In the area of technical regulating:

1) participates in forming the state system of technical regulating;

2) implements state policy in the area of technical regulating;

3) coordinates inter-sector activities of the government bodies, natural persons and legal entities in the area of technical regulating;

4) jointly with the government bodies elaborates the development programmes for the state system of the technical regulating and coordinates their implementation;

5) organizes analysis and expertise of drafts and normative legal acts in the area of technical regulating against state policies in the area of technical regulating and objectives, specified by item 1 of Article 4 of this Law;

6) interacts with the technical committees on standardization, natural persons and legal entities on the issues of technical regulating;

7) represents the Republic of Kazakhstan in the international and regional organizations on standardization, conformity assessment and accreditation, takes part in the international and regional activities on standardization, mutual recognition of conformity assessment results;

8) organizes maintaining of the register of the state system of technical regulating;

9) organizes and coordinates the activities of the state fund of the Republic of Kazakhstan of the normative legal acts in the area of technical regulating and standards;

10) assures functioning of Information Centre;

11) defines order and organizes certification assessment of expert-auditors on conformity assessment, standardization, and accreditation and also organizes training and upgrading of the professional staff in the area of technical regulating;

12) organizes and coordinates the activities on implementing state control and supervision over enforcement of the requirements established by the normative legal acts in the area of technical regulating;



13) in an order, established by the legislation of the Republic of Kazakhstan, issues, suspends and nullifies validity of accreditation certificate for the period of six months, makes natural persons and legal entities answerable for violation of the requirements established by the normative legal acts in the area of technical regulating regarding products, services at the stage of their realization;

If the reasons, which caused suspending validity of accreditation certificate remain, or if repeated violation of requirements set by normative legal acts in the area of technical regulating is discovered during the term of accreditation certificate validity, only court nullifies accreditation certificate upon submission of authorised body.

In the area of standardization:

1) establishes the order to develop, agree, account, approve, expertise, change, cancel and commissioning the state standards and classifiers of technical and economic information;

2) organizes analysis and elaboration of standards harmonized with normative legal acts in the area of technical regulating;

3) establishes order of accounting and application of the international, regional and national standards, classifiers of technical and economic information, foreign states' rules and guidelines on standardization, conformity assessment and accreditation on the territory of the Republic of Kazakhstan;

4) organizes publication and dissemination of the official issues of state, international, regional standards, foreign state standards, rules and recommendations on standardization, conformity assessment and accreditation and publishes information about them;

5) establishes order to elaborate plans and programmes on state standardization;

6) organizes certification of the translations of the standardization normative acts into state and Russian languages.

In the area of conformity assessment and accreditation:

1) establishes rules to carry out activities with pa

7) organizes activities on proficiency testing (inter-laboratory comparisons).

Authorized body carries out other functions in accordance with the legislation of the Republic of Kazakhstan.

### **Article 8. Competence of the Government Bodies in the Area of Technical Regulating**

Government bodies implement the following within their competence in the area of technical regulating:

1) analysis of scientific and technical level of normative legal acts in the area of technical regulating and related to them standards;

2) preparation and submission to the authorized body, in an order established by the legislation of the Republic of Kazakhstan, proposals on elaboration of normative legal acts in the area of technical regulating or amendments and (or) additions to the normative legal acts in the area of technical regulating, updating and unification of normative documents on standardization;

3) organization of activities to elaborate normative legal acts in the area of technical regulating and state standards pursuant the plans and programmes being adopted in the Republic of Kazakhstan;

4) creation of expert councils to draft normative legal acts in the area of technical regulating, prepare proposals on the issues falling under the competence of the government bodies;

5) maintenance of funds of normative legal acts in the area of technical regulating, standards and other documents on the issues of their competence;

6) state control and supervision over enforcement of the requirements established by the normative legal acts in the area of technical regulating pursuant the legislation of the Republic of Kazakhstan;

7) preparation and implementation of plans and programmes on developing standards and other documents and their harmonization with the international norms and requirements;

8) preparation of the proposals to create standardization technical committees, conformity assessment bodies and laboratories for the products, services subject to obligatory conformity assessment.

### **Article 9. Expert Councils in the Area of Technical Regulating under the Government Bodies**

1. Expert councils in the area of technical regulating under the government bodies are created to draft normative legal acts in the area of technical regulating, prepare proposals on the issues covered by the government

bodies' competence in the area related to elaborati

technical regulating and state standards.

3) ask the applicant to provide documents needed to carry out conformity assessment.

5. Conformity assessment bodies are liable to:

1. Natural persons and legal entities do the following in the area of technical regulating:

1) prepare proposals on elaboration, making amendments, cancelling normative legal acts in the area of technical regulating and state standards, drafts of normative legal acts in the area of technical regulating and standards;

2) in case of need, for the purpose specified by item 1 of Article 4 of this Law, create respective units and services on standardization.

2. Natural persons and legal entities selling products, services, which are subject to obligatory conformity assessment, ensure their compliance with the requirements established by the normative legal acts in the area of technical regulating in accordance with the legislation of the Republic of Kazakhstan.

### **Article 15. State Fund of the Republic of Kazakhstan of Normative Legal Acts in the Area of Technical Regulating and Standards**

1. The authorized body and government bodies form, within their competence, the State Fund of the Republic of Kazakhstan of the normative legal acts in the area of technical regulating and standards.

2. Official information on the drafted and adopted normative legal acts in the area of technical regulating, national, international, regional standards and technical and economic information classifiers, organization standards and recommendations on standardization as well as indicated documents have to be accessible for the users except the information presenting state or other protected by law secret.

3. Publication of and provision of users by standards and normative documents on standardization, metrology, certification, accreditation, catalogues and indices of standards and information thereon is carried out in an order established by the authorized body.

4. Document developer supplies information on adoption of each standard or other normative document on standardization and one copy of documents to the authorized body to form a single enquiry and bibliography database.

### **Article 16. Competence of the Expert-auditor on Conformity Assessment, Standardization, Accreditation**

1. Expert-auditors on conformity assessment participate in carrying out the works on conformity assessment of certain types of products, service as a part of conformity assessment body or based on agreement (contract) in

2. Experts-auditors on standardization have right to participate in the activities on international and

base and level of scientific and technical development as well as international agreements, ratified by the Republic of Kazakhstan, the authorized body is liable to start procedure of cancellation or amendment of such normative legal act.

7. The normative legal act in the area of technical regulating should specify a term and conditions of its enactment providing for a transitional period, during which the issues are to be taken into account on bringing into effect the normative legal act in the area of technical regulating and (or) correction of normative or technical documentation as well as issu



conformity (including conformity assessment schemes) and (or) requirements to terminology, packaging, marking and labelling and rules of printing marks, labels.

3. The normative legal act in the area of technical regulating should not contain requirements to construction and performance of products, except cases, if due to a lack of requirements to construction and performance with accounting for risk degree to inflict harm, the achievement of the objectives specified under **item 1** of Article 4 of this Law is not ensured.

4. Norms and standards of foreign states, international and regional organizations can be applied as a base for developing normative legal acts in the area of technical regulating partly or fully, if they comply with the objectives set in item 1 of Article 4 of this Law.

5. If it is impossible to determine requirements to products, service, durable use of which may inflict harm, which occurrence depends on factors disabling to identify degree of permissible risk, the normative legal act in the area of technical regulating should contain requirements to inform the consumers of potential harm of product, service and factors, which it depends on.

6. The normative legal acts in the area of technical regulating accounting for a degree of risk to inflict harm may contain special requirements to objects of technical regulating:

- 1) ensuring protection of specific categories of people (minors;

3. The authorized body compiles draft programme for developing normative legal act in the area of technical regulating of the Republic of Kazakhstan and submits it to the Government of the Republic of Kazakhstan for approval. The approved development programme of the normative legal act in the area of technical regulating of the Republic of Kazakhstan is subject to publication within one month since approval date.

4. The government body, which drafted normative legal act in the area of technical regulating, places in the official publication and common use information system a notification, made in the established form, on developed draft amendment and (or) addition or cancellation of normative legal act in the area of technical regulating not later than one month after drafting development, amendments and additions or cancellation began.

5. If requirements established by the normative legal acts in the area of technical regulating do not comply with the requirements of the respective international standards or respective international standards are lacking, or requirements established by the normative legal acts in the area of technical regulating may affect the terms of product importing into the Republic of Kazakhstan or product exporting from the Republic of Kazakhstan, the government body, which drafted a normative legal act in the area of technical regulating, does the following through the authorized body:

1) notifies on the list of products to be covered by the drafted normative legal act in the area of technical regulating, on its objective and necessity of its development;

2) submits, on request of the interested parties and foreign states, detailed information on the drafted normative legal act in the area of technical regulating or act's copy indicating the norms, whose content does not comply with the requirements of the international standards.

6. From the moment the notification on the draft normative legal act in the area of technical regulating is published, the draft should be accessible to the stakeholders for familiarization.

Providing copy of draft is charged, and fee should not exceed the costs of copy preparation and be single for all applicants.

7. The government body, which drafted the normative legal act in the area of technical regulating, is to do the following:

1) organize public discussion of the draft;

2) finalize the draft accounting for collected comments and place it in the official publication of the authorized body and common use information system;

3) submit, on request of the stakeholders, the received comments on the draft normative legal act in the area of technical regulating.

8. Duration of the public discussion of the draft normative legal act in the area of technical regulating (since the date of publication of the notification on its development until the date of published notification on completion of public discussion) should be not less than sixty calendar days.

9. Notification on completion of public discussion of the draft normative legal act in the area of technical regulating should be published in the official publication and common use information system and should contain information on the way of familiarization with the draft and list of the received remarks, title of the government body, which drafted normative legal act in the area of technical regulating, and its the post and electronic address.

10. The final edition of the draft normative legal act in the area of technical regulating is submitted for adoption in an order, established by the legislation of the Republic of Kazakhstan.

11. Between the dates of adoption and enactment or cancellation of the normative legal act in the area of technical regulating, a period needed to carry out measures to ensure enforcement of its requirements, should be stipulated.

12. Given a need to develop, adopt and enact the normative legal act in the area of technical regulating, caused by emergency circumstances (direct threat to human life and health, environment or national security), the normative legal act in the area of technical regulating is adopted without its public discussion.

The authorized body should publish notification on the adopted normative legal act in the area of technical regulating in the official publication and common use information system, and alos send to the Secretariat of the World Trade Organization.

### **Chapter 3. STANDARDIZATION. GENERAL PROVISIONS**

#### **Article 20. Normative Documents on Standardization of the Republic of Kazakhstan**

The normative documents on standardization valid on the territory of the Republic of Kazakhstan include:

- 1) international standards;
- 2) regional standards and classifiers of technical and economic information, rules and recommendations on standardization;
- 3) state standards and classifiers of technical and economic information of the Republic of Kazakhstan;
- 4) standards of organizations;
- 5) recommendations on standardization of the Republic of Kazakhstan;
- 6) national standards, standards of organizations, classifiers of technical and economic information, rules, norms and recommendations on standardization of foreign states.

#### **Article 21. State Standards of the Republic of Kazakhstan**

1. The authorized body sets an order of development, agreement, adoption, recording, amendment, and cancellation of the state standards.
2. The state standards are divided into:
  - 1) basic standards, which set general organizational and methodological provisions for the state system of technical regulating;
  - 2) standards for product, service, which establish requirements to homogenous groups of products, services and, where necessary, to specific product, service;
  - 3) standards for processes;
  - 4) standards on methods of control over the products, services and processes.
3. The enterprises of the authorized body develop the basic state standards.
4. The norms and standards of the foreign states, international organizations may be applied as a base for developing state standards of the Republic of Kazakhstan fully or partly, except the cases when these standards are inefficient or inappropriate for achieving the objectives, specified by item 1, Article 4 of this Law.
5. The state standards may establish:
  - 1) necessary requirements on safety of products, services, processes ensuring enforcement of the requirements, established by the normative legal acts in the area of technical regulating;
  - 2) requirements to product, service classification;
  - 3) indicators for product unification, compatibility and inter-changeability;
  - 4) terms and definitions;
  - 5) functionality indicators, including consumer properties and characteristics of product, service;
  - 6) rules for acceptance, packaging, marking, transportation, storage, utilization and disposal;
  - 7) methods for testing quality and safety;
  - 8) requirements to preservation and rational use of all types of resources;
  - 9) requirements to production organization assuring implementation of quality and environmental management systems;
  - 10) organizational and methodological provisions for a specific field of activities as well as general technical norms and rules.
6. The state standards are applied voluntarily on an equal basis irrespective of the place of origin of product, service.

**Article 22. State Classifiers of Technical and Economic Information  
of the Republic of Kazakhstan**

1. Technical and economic information used in economy's sectors and subject to recording is subject to classification and codification.

2. The development of state classifiers of technical and economic information is performed pursuant the state standardization programs and action plans.

3. The state bodies implement, within their competence, the development, maintenance and updating of the state classifiers of technical and economic information.

The authorized body maintains register of state classifiers of technical and economic information.

4. The authorized body establishes coordination and control over the functioning of the system of classification and codification of technical and economic information in the Republic of Kazakhstan.

### **Article 23. Standards of Organizations and Recommendations on Standardization of the Republic of Kazakhstan**

1. Standards of organizations are independently developed and adopted by organizations for the objectives defined under **item 1** in Article 4 of this Law.

An order for the development, approval, recording, amendment, cancellation, registration, designation, publication of standards of organizations is determined independently by the approving organizations, taking into account the provisions of the item 1 Article 4 of this Law.

Standards of organizations are voluntary for the use and should not contradict the requirements established by the normative legal acts in the area of technical regulating.

2. Recommendations include voluntary for use organizational and methodological provisions related to activities on standardization, on assuring unity of measurements and conformity assessment.

Requirements to structuring, formatting, content and wording of recommendations, order of their development, concordance, approval, registration and application are determined by the approving organization.

### **Article 24. Application of International, Regional, National Standards and Standardization Normative Documents of Foreign States**

1. The Republic of Kazakhstan allows the

2. The necessary conditions for using international and regional, national standards of foreign states as the state standards of the Republic of Kazakhstan are the following:

- 1) membership of the Republic of Kazakhstan in international and regional organizations on standardization, metrology and technical regulation

published in the official publications and common-use information system.

4. The authorized body establishes an order of the development of state standardization programs and action plans.

## **Chapter 4. CONFORMITY ASSESSMENT**

### **Article 26. Conformity Assessment of Product and Processes against Established Requirements**

1. The product, service and processes are the objects of conformity assessment.

2. Conformity assessment of the product against the requirements, established by the normative legal acts in the area of technical regulating, is implemented by:

- 1) Manufacturer (executor) of product in the form of adopting the conformity declaration;
- 2) Consumer of product, service in the form of carrying out certification by conformity assessment body following consumer's instruction;
- 3) Conformity assessment body in the form of carrying out certification and issuing conformity certificate.

3. Conformity assessment activities are managed in the framework of the state system of technical regulating.

4. The state system of technical regulating ensures unity of conformity assessment policies in the area of conformity confirmation and establishes basic rules and procedures of conformity assessment, training and certification of expert auditors, maintenance of the system register as well as other requirements necessary to accomplish conformity assessment objectives.

5. Product conformity assessment on the territory of the Republic of Kazakhstan is obligatory or voluntary.

### **Article 27. Obligatory Conformity Assessment**

1. The normative legal acts in the area of technical regulating determine the products subject to obligatory conformity assessment.

2. Obligatory conformity assessment is carried out in the following forms:

1. a declaration of conformity adopted by the producer (executor);
2. implementing obligatory certification.

3. Obligatory conformity assessment of product is performed against requirements and following schemes, established by the normative legal acts in the area of technical regulating.

4. Schemes of obligatory conformity assessment contain methods of

identifying conformity (testing, evaluation of production, assessment of quality management system, analysis of technical documents, inspection check) and are applied by conformity assessment bodies and (or) producers (executors) in the course of obligatory certification or adoption of the declaration of conformity.



certificate of conformity or declaration of conformity expired, or the certificate of conformity or declaration of conformity has been suspended or terminated;

8) notify the conformity assessment body on changes made to the technical documents or technological processes of production of certified product;

9) suspend manufacturing of the product, which do not conform to the requirements established by the normative legal acts in the area of technical regulating, based on results of conformity assessment.

### **Article 29. Certificate of Conformity**

1. The conformity assessment body issues to the applicant a certificate of conformity for a product given positive results regarding performance of all procedures, specified by the selected scheme of conformity assessment.

2. The certificate of conformity should indicate the following:

1. name and location of the applicant, producer (executor) of product and the body issuing conformity certificate;

2. name of the certified product allowing its identification;

3. title of the normative legal act in the area of technical regulating, against which the certification has been carried out;

4. information on performed investigations (tests) and measurements;

5. information on documents supplied by the applicant to the conformity assessment body as evidence of conformity of product to the requirements, established by the normative legal acts in the area of technical regulating;

6. period of certificate validity.

3. Certificate of conformity is made on letterhead, and form and filling order of which are set by the authorized body.

4. Certificate of conformity for industrially manufactured product is issued for the terms, established by conformity assessment scheme.

Certificate of conformity is valid throughout the entire territory of the Republic of Kazakhstan.

### **Article 30. Conformity Mark**

1. A conformity mark is used to mark products certified under procedures of obligatory conformity assessment.

2. The authorized body sets design of the conformity mark, relevant technical requirements and marking procedures.

3. The producer (executor), seller awarded by the certificate of conformity, has right to use the conformity mark in any convenient for producer, seller ways established by the rules of state system of technical regulating in the

area of conformity assessment.

4. Printing conformity mark on the product subject to the obligatory conformity assessment and not certified against conformity to the requirements, established by the normative legal acts in the area of technical regulating is not permitted.

### **Article 31. Declaration of Conformity**

1. A declaration of conformity is made by the manufacturer (executor) of product subject to obligatory conformity certification, if this is specified by the normative legal acts in the area of technical regulating as well as in voluntary manner regarding any product, which is not subject to obligatory conformity assessment.

2. The manufacturers (executors), registered in the Republic of Kazakhstan as legal entities, are entitled to adopt declaration of conformity.

3. A declaration of conformity should contain:

1. name/title and location of the applicant;
2. information on the conformity assessment object enabling this object identification;
3. title of the normative legal act in the area of technical regulating, against requirements of which the product is certified;
4. a statement of the applicant on product safety when used according to its assignment and on measures the applicant has undertaken to ensure product compliance with the requirements of the normative legal acts in the area of technical regulating;
5. information on performed investigations (tests) and measurements, certificate of the quality management system as well as documents, based on which the product conformity to the requirements established by the normative legal acts in the area of technical regulating is certified;
6. validity period of the declaration of conformity;
7. other information specified by the relevant normative legal acts in the area of technical regulating.

The form of the declaration of conformity, order of declaration processing and registration is defined by the authorized body.

4. Declaration of conformity is adopted for a period established by the product manufacturer (executor) based on the projected period of manufacturing of this product, but not exceeding 1 year.

5. Declaration of conformity of product is to be registered with the conformity assessment body, whose accreditation scope covers the product in question.

6. Declaration of conformity made and registered pursuant the order established by the rules of the technical regulating state system in the area of

conformity assessment enjoys legal force equal to certificates

assessment and assigned for the retail sale should specify that product is to be escorted with information in official and Russian languages, including the name of product, country and manufacturer (executor), shelf-life (expiration date, service life), storage conditions, mode of use (if indication of such information is required by normative legal act in the area of technical regulating).

### **Article 33. Recognition of Conformity Assessment Results Issued by Foreign States**

1. Certificates of conformity of foreign states, product test protocols, conformity marks are recognized in accordance with international agreements.

2. Procedures for recognition of foreign certificates of conformity, test protocols, conformity marks and other documents in the area of conformity assessment are set by the authorized body.

### **Article 34. Voluntary Conformity Assessment of Product, Service, Processes**

1. Voluntary conformity assessment of product, service, processes, which are not covered by the requirements established by the normative legal acts in the area of technical regulating, is carried out by an initiative and pursuant requirements of the applicant.

Voluntary conformity assessment does not replace the obligatory conformity assessment of product, service, if the latter is required by the normative legal act in the area of technical regulating.

2. Conformity assessment body carries out voluntary conformity assessment on a contract base.

3. The government bodies of the Republic of Kazakhstan are not authorized to adopt the normative legal acts obliging the product manufacturers (executors), sellers to carry out voluntary conformity assessment of product, service.

## **Chapter 5. ACCREDITATION OF THE CONFORMITY ASSESSMENT BODIES AND LABORATORIES**

### **Article 35. Accreditation**

1. Accreditation of the conformity assessment bodies and laboratories is implemented in accordance with the normative legal acts in the area of technical regulating.

2. The entities to be accredited are the following:

- 1) conformity assessment bodies;
- 2) laboratories.

3. Accreditation of entities is carried out upon application of the legal entities in an order, established by the Government of the Republic of Kazakhstan.

### **Article 36. Accreditation Certificate**

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2. The authorized body and its territorial branches, their officials implement state control and supervision regarding the product at the stage of their realization (sale).

3. The government bodies authorized to implement state control and supervision and their officials do the following:

- 1) Carry out measures on state control and supervision on the issues of their competence, in an order established by the legislation of the Republic of Kazakhstan;
- 2) Undertake actions to suppress and prevent sales of the product non-compliant with the requirements, established by the normative legal acts in the area of technical regulating pursuant the legislation of the Republic of Kazakhstan.

### **Article 38. Objects of State Control and Supervision**

Objects of state control and supervision over enforcement of the requirements, established by the normative legal acts in the area of technical regulating are the products, processes, accredited conformity assessment bodies and laboratories, which fall under the action the normative legal act in the area of technical regulating.

### **Article 39. Officials implementing State Control and Supervision**

1. The officials carrying out state control and supervision include the following:

- 1) Chief State Inspector of the Republic of Kazakhstan for state control and supervision- a head of the authorized body;
- 2) Deputy Chief State Inspectors of the Republic of Kazakhstan for state control and supervision– deputy heads of the authorized body;
- 3) Chief State Inspectors of the oblasts and cities for state control and supervision– heads of the territorial bodies;
- 4) Deputy Chief State Inspectors of the oblasts and cities for state control and supervisionover – deputy heads of the territorial bodies and heads of the structural units;
- 5) State Inspectors for state control and supervision– specialists of all categories of the territorial bodies.

2. Officials implementing state control and supervision listed in sub-items 3) - 5) of item 1 of this Article should be certified in an order set by the government bodies, within their competence.

### **Article 40. Rights of Officials implementing State Control and Supervision**

Officials implementing state control and supervision have the following rights to:

- 1) upon presentation of check prescription and service identification certificate have unimpeded access to carry state control and supervision pursuant this Law;
- 2) obtain from natural persons and legal entities the documents and information needed to carry out state control and supervision in an order set by legislation;
- 3) carry out sampling of products for state control and supervision with costs of used samples and testing (analyses, measurements) performance covered

The authorized body establishes form and order of issuing prescriptions.

3. The prescriptions, issued by the officials of the government bodies, who implement state control and supervision, are mandatory for execution by all natural persons and legal entities.

#### **Article 41. Responsibilities of Officials implementing State Control and Supervision**

The officials implementing state control and supervision are liable to:

- 1) provide, in the course of carrying out state control and supervision, necessary clarifications on application of the laws of the Republic of Kazakhstan on technical regulating; inform manufacturers (executors), sellers on existing normative legal acts in the area of technical regulating;
- 2)



and in case of undertaking illegitimate actions (failure to act) incur responsibility in accordance with the legislation of the Republic of Kazakhstan.

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