

## Annex XIII

assessment bodies and (or) testing laboratories, as well as initiated by applicant 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 environment, including animals and plants, accounting for combination of hazard occurrence probability and depth of its implications;

5) harmonized standard – is a standard implementation of which assures meeting the requirements, established by normative and legal acts in the area of technical regulating;

6) state system of technical regulating is an aggregate of government bodies, juridical persons and natural persons implementing activities in the area of technical regulating within their competence as well as normative and legal acts, standards;

7) state classifier of technical and economic information is a document systemizing consolidated codes and names of classified groups of technical and economic information;

8) state standard - is a standard approved by an authorized body and accessible for a wide consumer community;

9) a state fund of legal and normative acts of the Republic of Kazakhstan in the area of technical regulating and standards is an aggregate of the specialized collections of legal and normative acts in technical regulating, standards and other normative documents of government bodies compiled within their competence;

10) a declaration of conformity is a document by which a producer (executor) certifies that the marketed product meets the established requirements;

11) a voluntary conformity assessment is a procedure, by which conformity of products, services and processes, carried out based on producer's (executor's) or seller's initiative is certified against the standard, other documents or special consumer requirements;

12) a product life cycle includes the processes of design, production, maintenance, storage, transportation, utilization and disposal of product;

13) stakeholders are natural persons, juridical persons, associations (unions), whose activities are directly related to the development of the legal normative acts in the area of technical regulating, as well as other parties, whose participation is specified by the international agreements made by the Republic of Kazakhstan;

14) an applicant is a natural person or juridical person submitting their products, services and processes for conformity assessment, as well as juridical persons applying for an accreditation and auditing (in the area of conformity assessment);

15) a conformity mark is a designation used to inform buyers that the product, service has undergone through a procedure of conformity assessment

against the requirements specified by legal normative acts in the area of technical regulating, by standards and other documents;

16) a product, service identification is a procedure assuring unambiguous identity of the product, service by their distinguishing features;

17) a manufacturer (executor) is a natural person or juridical person manufacturing product for subsequent alienation or own intermediate consumption as well as implementing works or delivering services under required and (or) unrequired contract;

18) an inspection check- is a check carried out by an accredited body to assess conformity of the certified product, service process against the requirements set by normative legal acts in the area of technical regulating in an order established by the authorized body;

19) testing laboratory (centre) (hereinafter- laboratory) is a laboratory including those of government bodies which carries out testing of product against the requirements established by normative documents on standardization;

20) an international standard is a standard adopted by an international organization for standardization and accessible for wide consumer community;

21) national standard is a standard of foreign state adopted by its designated body on standardization and accessible for wide consumer community;

22) normative document on standardization – is a document establishing norms, rules, characteristics, principles related to the different standardization activities or results thereof;

23) normative legal act in the area of technical regulating is a written official document of a set form, adopted in accordance with the present Law and the Law of the Republic of Kazakhstan "On Normative legal acts", establishing legal norms in the area of technical regulating, changing, terminating or suspending their force;

24) accreditation scope is a list of objects assigned to accredited conformity assessment bodies and (or) laboratories operating in the area of conformity assessment to assess their compliance with the requirements established by the normative legal acts in the area of technical regulating, by standards or agreements;

25) obligatory certification is a form of assessing conformity of goods and services with the requirements of the normative legal acts of technical regulating with involvement of conformity assessment bodies;

26) obligatory conformity assessment is a procedure to confirm conformity of product and service to the requirements set out in normative legal acts on technical regulating;

27) a conformity assessment body is a juridical person accredited in an established manner to carry out conformity assessment;

28) basic standard – is a standard having wide scope of application and

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 juridical person 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 through product life cycle processes;

33) a regional organization for standardization is 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 according to depth of its implications;

37) a certificate of conformity is a document certifying product, service conformity to the requirements established by normative legal acts in the area of technical regulating, standards' provisions or other documents;

38) certification is a procedure by which the conformity assessment body confirms, in writing, product, service conformity to the established requirements;

39) a standard is a normative document which establishes, for a purpose of multiple and voluntary use, the rules, general principles and characteristics for the objects of technical regulating, and which is approved in an order, established by the authorized body;

40) an organization standard is standard adopted by an organization;

41) standardization are the activities aimed to achieve an optimal degree of ordering the requirements applicable to product, service and processes through setting provisions for universal, multiple and voluntary use against real-existing and potential tasks;

42) a conformity assessment scheme includes methods of identifying object conformity to the requirements, established by normative legal acts in the area of technical regulating, by standard contract clauses describing specific stages of implementation (testing, evaluation of product, evaluation of quality management systems, analysis of normative and technical documents, and other);



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 supervise in the area of technical regulating.

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

3. The technical regulating operators are the government bodies as well as juridical persons and natural persons operating in the territory of the Republic of Kazakhstan and having a right of use relating 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:

- 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 of 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 legislation 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 measures 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 (or) addenda, 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 Kazakhstan 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 juridical persons in the area of technical regulating;
- 4) jointly with the government bodies elaborates the development programmes for the state system of technical regulating and coordinates their implementation;
- 5) organizes analysis and expertise of drafts and normative legal acts in the area of technical regulating against 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 and standardization, natural persons and juridical persons 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 legislatio

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

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) provide the applicant with unimpeded access to the rules and terms of conformity assessment;

2) admit no discrimination regarding the applicant;

3) provide information on the issued conformity certificates, registered conformity declarations and refusals objects' certification according to the rules of the state system of technical regulating in the area of conformity assessment;

4) ensure confidentiality of information, protecting applicant's commercial interest, irrespective of country of origin of product, service.

6. For violating the rules of obligatory conformity assessment and illegitimate issue of conformity certificates, the conformity assessment bodies incur responsibility pursuant the legislation of the Republic of Kazakhstan.

7. Conformity assessment bodies have no right to provide consulting services in the area of accreditation and must not be affiliated with persons deliv-

1. Natural persons and juridical person do following in the area of technical regulating:

1) prepare proposals on elaborati making amendments, cancelling

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

3. Experts-auditors on accreditation take part in accreditation of the conformity assessment bodies and laboratories in an order, established by the Government of the Republic of Kazakhstan.

4. The authorized body establishes qualification requirements, order of preparation and certification of experts-auditors on standardization, conformity assessment and accreditation, of issuance, suspension or nullification of expert-auditor certificate.

## Chapter 2. NORMATIVE LEGAL ACTS IN THE AREA OF TECHNICAL REGULATING

### Article 17. General provisions

1. The normative legal acts in the area of technical regulating are elaborated and applied for the objectives specified by item 1 Article 4 of this Law.

2. The requirements established by the normative legal acts in the area of technical regulating are obligatory, have direct effect throughout the whole territory of the Republic of Kazakhstan and could be changed by introducing amendments and (or) addenda in the respective normative legal acts in the area of technical regulating.

3. The requirements, determined by the normative legal acts in the area of

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 enactment providing for a transitional period, during which the issues are 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, inte

3. The authorized body compiled 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) addenda or cancellation of normative legal act in the area of technical regulating not later than one month after drafting development, amendments and addenda 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 contents do not comply with the

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

12. Given a need to develop, adopt and enact the normative legal act in the area of technical regulating, cause by emergency circumstances (direct threat to human life and health, environment or national security), the normative legal act in the area of technical regulating 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 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 are 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 and 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 to 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 registers 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, recognition, 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 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 accreditation;
- 2) existence of bilateral (multilateral) treaties (agreements) between the Republic of Kazakhstan and foreign states on cooperation in the area of standardization.

3. The natural persons and juridical persons of the Republic of Kazakhstan can use the standards of international and regional organizations, in which the Republic of Kazakhstan is not a member, provided that the contracts and agreements give reference to the indicated standards.

4. The authorized body establishes the order regulating application of international and regional standards, classifiers of technical and economic information, rules and recommendations, as well as national standards of foreign states on the territory of the Republic of Kazakhstan.

5. The international and regional standards to be used on the territory of the Republic of Kazakhstan should not contradict requirements established by the effective in the Republic of Kazakhstan normative legal acts in the area of technical regulating and harmonized with them standards, and are subject to agreement with state bodies on the issues within their respective competence.

6. The international and regional standards and standardization normative documents are applied on the territory of the Republic of Kazakhstan in equal manner and to an equal extent with state standards and standardization normative documents of the Republic of Kazakhstan.

7. The use of standards of foreign state organizations is exercised based on agreements (permissions) with organizations-holders of originals granting the right to apply the mentioned standards.

#### Article 25. State Standardization Planning

1. Standardization programs and action plans based on proposals of the government bodies, technical committees on standardization, natural persons and juridical persons of the Republic of Kazakhstan accounting for development priorities in the economy, sectors of the Republic of Kazakhstan, are approved in an order established by authorized body.

2. Development of state standardization programs and plans should account for the requirements of the normative legal acts, adopted by the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan; social and economic development plans of the Republic of Kazakhstan; research projects; annual and long-term state and sectoral scientific and technical programs.

3. The approved state standardization programs and action plans are

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

4. The authorized body establishes 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 expert 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 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 the 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 juridical persons, 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

conformity assessment enjoys legal force equal to certificates

assessment and assigned for 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 acts 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 juridical persons in an order, established by the Government of the Republic of Kazakhstan.

#### Article 36. Accreditation Certificate

1. An accreditation certificate is a document certifying official recognition of the authority of an accredited entity to carry out specific activities on conformity assessment.

Accreditation certificates issued by the authorized body are valid on the entire territory of the Republic of Kazakhstan.

Accreditation certificates should be registered in the state registry of accredited entities.

The authorized body sets a form of the accreditation certificate.

2. An accreditation certificate should be obligatorily escorted by a document setting accreditation scope and indicating specific types of works in the applied area of activities.

3. Accreditation certificate is not valid, if its terms expired.

Accreditation certificate is nullified, if the following cases occur:

1. the inspection check revealed violations in the operations of accredited entity, which make doubt its competence to carry out the works on conformity assessment in the set accreditation scope;
2. the entity has supplied deliberately false information while getting accreditation certificate.

4. Accreditation certificates or their equivalent documents, issued by foreign accreditation bodies, are recognized by the authorized body in accordance with concluded international agreements.

### Chapter 6. STATE CONTROL AND SUPERVISION OVER ENFORCEMENT OF THE NORMATIVE LEGAL ACTS IN THE AREA OF TECHNICAL REGULATING

#### Article 37. Government Bodies on Enforcement of State Control and Supervision over Technical Regulating Requirements

1. The authorized body, its regional branches, and other government bodies and their officials authorized to carry out state control and supervision pursuant the legislation of the Republic of Kazakhstan, implement the state control and supervision over enforcement of the requirements, established by the normative legal acts in the area of technical regulating (hereinafter – state control and supervision).

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 fulfillment 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 act of 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, with 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 identification certificate have unimpeded access to state control and supervision pursuant this Law;
- 2) obtain from natural persons and juridical persons 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 (analysis measurements) performance covered from the budget;
- 4) demand, at the stage of production, from the manufacturers (executors), sellers of product to show the declaration of conformity or certificate of conformity certifying product conformity requirements, established by the normative legal acts in the area of technical regulating, or their copies, if the use of such documents is set by the respective normative legal acts on technical regulating;
- 5) handle prescriptions to eliminate violations of the requirements, established by the normative legal acts in the area of technical regulating, or prohibit sale of product within the timeframe established accounting for the nature of violations, in the following cases:
  - incompliance of product with the requirements, established by the normative legal acts in the area of technical regulating;
  - lack of conformity assessment certificates (copies of conformity certificates), conformity declarations (copies of conformity declarations) for the product subject to obligatory conformity assessment;
  - marking of product with conformity mark without having rights on it;
- 6) suspend and (or) cancel validity of registration of the issued declarations of conformity and conformity certificates, in case of non-compliance with the requirements, established by the normative legal acts in the area of technical regulating;
- 7) make persons selling the product non-compliant with requirements, established by the normative legal acts in the area of technical regulating, answerable pursuant the legislation of the Republic of Kazakhstan;
- 8) participate in commissions on liquidation of products recognized unsuitable for sale and use in an order set by the Government of the Republic of Kazakhstan;
- 9) organize checking of causes of non-conformity at any stage of a life cycle of a product in case of detecting discrepancy of a ready product to normative legal acts in the area of technical regulating;
- 10) go to court in an order, established by the legislation of the Republic of Kazakhstan.

2. Chief State Inspectors hold the right to sign prescriptions.

The authorized body establishes form and order of issuing prescriptions.  
 3. The prescriptions, issued by officials of the government bodies, who implement state control and supervision, are mandatory for execution by all natural persons and juridical persons.

#### 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 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) observe commercial and other guarded by law secrets;



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

2. The government bodies are obliged, within one month, to notify the natural person and (or) juridical persons whose rights or legal interests were violated, on measures undertaken regarding the government body officials implementing state control and supervision and guilty in violating the legislation of the Republic of Kazakhstan.

#### Article 45. Responsibilities of Natural Persons and Juridical Persons for Non-observance of the Legislation on Technical Regulating

1. Natural persons and juridical persons (manufacturer, executor, seller) incur responsibility in accordance with laws of the Republic of Kazakhstan for the following:

- 1) safety of marketed product, services;
- 2) violation of the requirements established by the normative legal acts in the area of technical regulating;
- 3) non-fulfilment of the prescriptions and decisions of a body implementing state control and supervision specified by Article 40 of this Law.

2. Damage inflicted to human life or health, resulting from product, service non-compliance with the requirements established by the normative legal acts in the area of technical regulating, subject to compensation pursuant the civil legislation of the Republic of Kazakhstan.

### Chapter 8. FINAL AND TRANSITIONAL PROVISIONS

#### Article 46. Transitional Provisions

1. In the period until adoption of the normative legal acts in the area of technical regulating in pursuance of this Law, the provisions of the Article 14 and item 1 of Article 15 of the Law of the Republic of Kazakhstan "On Standardization" remain valid on the territory of the Republic of Kazakhstan.

The clauses of the acts and documents specified in the item 1 of Article 15 of the Law of the Republic of Kazakhstan "On Standardization" are subject to obligatory adherence only in part meeting the objectives specified in the item 1 of the Article 4 of this Law.

Upon enactment of the normative legal acts in the area of technical regulating for products and harmonized with them standards enabling conformity assessment of product, services against the requirements, established by the normative legal acts in the area of technical regulating, the state registration of technical conditions (TU) for these products is to be cancelled in an established

order.  
2.