

On Technical Regulation

The Law of the Republic of Kazakhstan dated 9 November, 2004 No.603

Footnote.

Throughout the text the words “ by the regulatory legal acts in the field of technical regulation”, “of the regulatory legal acts in the field of technical regulation”, “regulatory legal acts in the field of technical regulation”, “ to the regulatory legal act in the field of technical regulation”, “of the regulatory legal act in the field of technical regulation”, “ regulatory legal act in the field of technical regulation”, “on the regulatory legal act in the field of technical regulation”, “of the regulatory legal acts in the field of technical regulation”, are substituted by the words “by the technical regulations”, “of the technical regulations”, “technical regulations”, to the technical regulations”, “of the technical regulation”, “technical regulation”, “on technical regulation”, “on the technical regulations” – by the Law of the Republic of Kazakhstan dated 29 December, 2006 No. 209 (the order of enforcement see Article 2);

throughout the text the words “and supervision”, “and supervision”, “and supervision” are excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 62-IV(the order of enforcement see Article 2).

This Law establishes the legal basis of the state system of technical regulation, directed to safety ensuring of production, services and processes in the Republic of Kazakhstan

Footnote. Preamble is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 1. General provisions

Article 1. Basic definitions used in this Law

The following basic definitions shall be used in this Law:

1) accreditation – procedure of official recognition by the body on accreditation of competence of an applicant to execute work in the defined scope on confirmation of compliance with the established requirements of the objects of technical regulation;

2) (Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2);

3) (Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2);

4) accreditation scope – officially recognized objects of conformity assessment, on which accreditation is distributed;

4-1) preliminary national standard – standard for the temporary application, intended to accumulation of requirement experience in the process of its application and available for the wide range of customers;

5) an audit (in the scope of confirmation of conformity) – systematic, independent and documented analysis of activity of accredited bodies on confirmation of compliance with the established requirements and (or) testing laboratories (centers), as well as performing on the

initiative of applicant of consistency control of certified products, services, processes, quality management systems;

5-1) military standard for goods (product), works and services of military and double-purpose - standard technical document, which in order of determined and special use establishes the rules, general principles and characteristics to the objects of military-oriented, containing information, that are the state secrets and restricted distribution, approved according to the procedure, determined by the Government of the Republic of Kazakhstan;

6) supplier - individual or legal entity, providing products, service;

7) producer (executor) - individual or legal entity, providing products for subsequent alienation or self-consumption in industrial purposes, as well as executing the work or rendering a service on non-gratuitous and (or) gratuitous contract;

8) inspectorial control - verification, carrying out by an accredited body on confirmation of compliance of certified products, process to the requirements, established by the technical regulation according to the procedure, determined by the authorized body;

9) (Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2));

9-1) consortium standard - standard, developed and approved by consortium, applied by its members;

10) service - the results of direct interaction of supplier and consumer and internal activity of supplier on consumer satisfaction;

11) risk - probability of causing of harm to human life or health, environment, as well as plant and animal life, in recognition of degree of its consequences;

12) Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication);

13) the state system of technical regulation - a set of individuals and legal entities, state bodies, carrying out work in the field of technical regulation within its competence, as well as regulatory legal acts, standards and standard technical documents;

14) register of the state system of technical regulation - a document of registration of technical regulation and standard technical documents, standards, classifiers of technical and economic information, bodies on confirmation of conformity, testing laboratories, technical committees on standardization, experts - auditors on confirmation of conformity, accreditation, determination of country of origin of goods, the status of goods of Custom union or foreign goods and issued documents in the scope of confirmation of conformity, except for the standards of organizations and consortia standards;

15) interested parties - individuals, legal entities and their association, unions, activity of which directly related with developing of technical regulations, as well as other persons, participation of which is provided by international treaties of the Republic of Kazakhstan;

16) compulsory certification - confirmation procedure of compliance of products with the requirements, established by the technical regulations, with participation of bodies on confirmation of conformity;

17) basic standard - a standard, having wide implications or containing the general provisions for determined field of technical regulation;

17-1) standard technical document - regulatory document, containing technical and technological standards;

17-2) Unified state fund of standard technical documents - a set of standards, classifiers of technical-and-economical information and standard technical documents, except for information, containing the state secrets and other legally protected secret, formed according to the procedure, established by the legislation of the Republic of Kazakhstan in the field of technical regulation;

18) products - a result of process or activity;

18-1) system of cataloging of products - organizational and technical informational system on characteristics and production manufacturers;

- 19) identification of products and services - a procedure, providing an unambiguous recognition of products, services on distinguishing features;
- 20) safety of goods and processes (hereinafter - safety) - absence of inadmissible risk, related with causing of harm to human life and health, environment, as well as plant and animal life, in recognition of combination of probability of a hazard and degree of its consequences;
- 21) product life cycle - processes of planning, production, operation, storage, transportation, sales, destruction and recovery of products;
- 22) regional standard - a standard, adopted by regional standards organization and available for wide range of customers;
- 23) applicant - individual or legal entity, providing the products, service, processes for confirmation of conformity, as well as legal entities, filling an application to accreditation and audit (in the scope of confirmation of conformity);
- 24) process - a set of interrelated and sequential actions (works) upon reaching of any specified result, including product realization;
- 25) conformity mark - designation, intended for informing the consumers on passing of products, service the procedure of confirmation of compliance with the requirements, established by technical regulation, standards and other documents;
- 26) certificate of conformance - a document, certified compliance of products, service with the requirements, established by technical regulation, provision of standards and other documents;
- 27) (Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2));
- 28) declaration of compliance - a document, that the producer (executor) certifies compliance of released for circulation products, service with the established requirements;
- 29) voluntary confirmation of conformity - procedure, by which confirmation of conformity of products, service, process, conducting on the initiative of producer (executor) or seller to the compliance with the standard, other document or special requirements of applicant is carried out;
- 30) compulsory confirmation of conformity - procedure, by which confirmation of compliance of products with the requirements, established by technical regulation is carried out;
- 31) confirmation of conformity - procedure, the result of which is documentary certificate (in the form of declaration of compliance or certificate of conformance) of compliance of object with the requirements, established by the technical regulations, standards or contracts conditions;
 - 31-1) experts - auditors on confirmation of conformity, accreditation, determination of country of origin of goods, the status of goods of Custom union or foreign goods - individuals, certified according to the procedure, determined by the authorized body;
- 32) body on confirmation of conformity - a legal entity, accredited in established procedure for execution of work on confirmation of conformity;
- 33) form of confirmation of conformity - a set of actions, the results of which are considered in evidence of compliance of products, service with the requirements, established by the technical regulations, standards or agreements;
- 34) a document in the scope of confirmation of conformity - certificate of conformance, issued by the accredited body on confirmation of conformity or declaration of compliance, adopted by producer, supplier of products;
- 35) the scheme of confirmation of conformity - methods of determination of compliance of object with the requirements, established by the technical regulations, standards or agreements , with description of particular phases of performance of this work (testing, evaluation of production, assessment of quality management system, analysis of regulatory and technical documentation and other);
- 36) Is excluded by the Law of the republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 37) certification - procedure, by which the body on confirmation of conformity certifies

compliance of production, service with the established requirements;

38) standard – a document, which in order of repeated and voluntary use, establishes the rules, general principles and characteristics to the objects of technical regulation;

39) standardization – an activity, oriented to achievement of optimal level of organization of requirements to the products, service and processes by establishing provisions for general, repeated and voluntary use in relation of actual and potential tasks;

40) regulatory document on standardization – a document, establishing the regulations, rules, characteristics, principles, relating to various types of standardization activity or its results;

41) regional standards organization – organization on standardization, participation in activity of which is opened for the relevant bodies on standardization only of one region: geographic or economic;

42) technical committee on standardization – consultative and advisory body, created in the branches of economy on a voluntary basis for the standards development and participation in creation of the state system of technical regulation on attached objects of standardization or directions of activity;

43) testing laboratory (center) (hereinafter – laboratory) – a legal entity or structural subdivision of legal entity, acting on his behalf, carrying out research, testing;

44) technical barrier – barrier, arising due to the difference or variability of requirements, containing in technical regulations and standards;

45) technical regulation – regulatory legal act, establishing the compulsory requirements to the products and (or) processes of its life cycle, developed and applied in accordance with the legislation of the Republic of Kazakhstan on technical regulation;

46) technical regulation – legal and regulatory regulation of relations, related with determination, establishment, application and execution of compulsory and voluntary requirements to the products, service, processes, including an activity on confirmation of conformance, accreditation and state control of observance of established requirements, except for the sanitary and phytosanitary measures;

47) **Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication);**

48) technical expert – an individual, own special knowledge or experience in relation of the object, subject to confirmation of conformity;

48-1) technical secretariat – organization, determined by the authorized body for carrying out of activity on verification the correctness and reasonableness of formulation of type approval of transport vehicle, type approval of chassis;

49) national classifier of technical-and-economical information – a document, which represents systematized collection of codes and names of classification of objects groups of technical-and-economical information;

50) an authorized body – state body, carrying out the state regulation in the field of technical regulation;

51) national standard – a standard, approved by the authorized body and available for the wide range of customers;

52) standard organization – a standard, approved by organization independently;

53) harmonized standard – a standard, providing fulfilment of requirements, established by the technical regulations;

53-1) non-governmental standard – a standard, developed and approved by noncommercial organization of the Republic of Kazakhstan;

54) international standard – a standard, adopted by international organization on standardization and available for the wide range of consumers;

55) standard of foreign state – a standard, adopted by the authorized body on standardization of foreign state and available for the wide range of consumers;

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2);

dated 16.02.2012 No. 562-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015).

Article 2. The legislation of the Republic of Kazakhstan in the field of technical regulation

Footnote. The title of Article 2 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The legislation of the Republic of Kazakhstan in the field of technical regulation is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts.

2. If the international treaty, ratified by the Republic of Kazakhstan establishes the other rules, than those provided by this Law, the rules of international treaty shall be applied.

Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 3. The scope of application of this Law

1. This Law shall regulate the social relations on determination, establishment, application and execution of compulsory and voluntary requirements to the products, service, processes of product life cycle (hereinafter – processes), confirmation of conformity, accreditation and state control in the field of technical regulation.

2. Objects of technical regulation shall be the products, service, and processes.

3. Subjects of technical regulation shall be the state bodies, as well as individuals and legal entities, carrying out an activity in the territory of the Republic of Kazakhstan and possessing a right of use in relation of objects of technical regulation in accordance with the civil legislation of the Republic of Kazakhstan.

Article 4. Basic purposes and principles of technical regulation

1. Basic purposes of technical regulation shall be:

1) in the field of compulsory regulation:

safety ensuring of products, processes for human life and health and environment, as well as plant and animal life;

national security protection;

prevention of actions, misleading of consumers about the safety and quality of products and service;

elimination of technical barrier on trade.

2) in the field of standardization:

competitive growth of domestic products;

conservation of natural and energy resources.

2. Technical regulation shall be based on the principles:

1) unity and integrity of the state system of technical regulation;

2) application of the unified terminology, rules of establishing requirements to the

products, service, processes;

3) practicality and achievability of purposes of technical regulation, ensuring the equal possibilities for participation in the processes of technical regulation, balance of interests of the state and interested parties;

4) equality of requirements to the domestic and imported products, service and procedures of confirmation of its compliance with the established requirements;

5) priority use of achievements of science and technology, standards of international and regional organizations upon development of technical regulations and standards;

6) compliance with the requirements of technical regulations to the level of development of economy, material and technical basis and scientific and technical development of the state;

7) availability of technical regulations, standards and information on it, on procedure of its development, confirmation, publication, except for information, containing the state secrets and other legally protected secret;

8) voluntary choice of standards in order of their application;

9) unified system and rules of confirmation of conformity;

10) inadmissibility of combining of powers by one body on accreditation and confirmation of conformity;

11) inconsistency of functions of the state control and conformation of conformity in the one state body;

12) independence of bodies on confirmation of conformity from producers (executors), sellers and buyers;

13) inadmissibility of restriction of competition in the works on confirmation of conformity.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 29 December , 2006 No. 209 (the order of enforcement see Article 2).

Article 5. Structure of the state system of technical regulation

Structure of the state system of technical regulation shall be:

1) The Government of the Republic of Kazakhstan;

2) an authorized body;

3) the state body within its competence;

3-1) body on accreditation;

4) expert councils in the field of technical relation upon state bodies;

5) Information center on technical barriers on trade, sanitary and phytosanitary measures (hereinafter – Information center);

6) technical committees on standardization;

7) bodies on confirmation of conformity, laboratories;

8) experts – auditors on confirmation of conformity, accreditation, determination of country of origin of goods, the status of goods of Custom union or foreign goods;

9) Unified state fund of standard technical documents.

Footnote. Article 5 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6. Competence of the Government of the Republic of Kazakhstan in the field of technical regulation

Competence of the Government of the Republic of Kazakhstan in the field of technical regulation shall include:

1) development of basic directions of the state policy in the field of technical regulation;

- 2) formation of the state system of technical regulation;
- 3) provision of legal reform in the field of technical regulation;
- 4) Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 5) Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 6) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); 7) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 8) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 8-1) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 9) (Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2));
- 10) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 10-1) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 11) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 12) determination of body (organization), authorized for certificate issuing on origin of goods for internal circulation;
- 13) Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015);
- 14) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 14-1) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 14-2) approval of procedure of training, retraining, raising of qualification of expert-auditors on confirmation of conformity, accreditation, determination of country of origin of goods, status of goods of Custom union or foreign goods and their attestation, as well as establishment of permissive requirements for them;
- 15) exercise other functions, imposed on it by the Constitution, the Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2); dated 11.07.2009 No. 184 (the order of enforcement see Article 2); dated 26.01.2011 No. 400-IV (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 16.02.2012 No. 562-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after its first official publication); or 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015).

Article 7. Competence of the authorized body

An authorized body shall exercise the following functions:
In the field of technical regulation:

- 1) participate in formation of the state system of technical regulation;
- 2) carry out realization of the state policy in the field of technical regulation;
- 3) carry out cross-sector coordination of activity of the state bodies, individuals and legal entities in the field of technical regulation;
 - 3-1) develop and approve the rules of confirmation and registration of type approval of transport vehicle, type approval of chassis;
- 4) **Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);**
 - 4-1) develop a plan on development of technical regulation;
- 5) organize analysis and carrying out expert examination and technical regulations for compliance of the state policy in the field of technical regulation and purposes, provided by paragraph 1 of Article 4 of this Law;
- 6) interact with the expert councils on development of technical regulation, individuals and legal entities on issues of technical regulation;
- 7) represent the Republic of Kazakhstan in international and regional standards organizations, confirmation of conformity and accreditation, participate in the works of international and regional standardization, mutual recognition of the results of confirmation of conformity;
- 8) organize maintenance of register of the state system of technical regulation;
 - 8-1) determine procedure of distribution and provision users with official publications of standard technical documents;
- 9) organize and coordinate the work of the Unified state fund of standard technical documents;
- 10) maintain the Information center;
- 11) determine procedure and organize training, retraining, raising of qualification of experts - auditors on confirmation of conformity, accreditation, determination of country of origin of goods, the status of goods of Custom union or foreign goods and their attestation, as well as establish qualifying requirements to them;
 - 11-1) **is excluded by the Law of the Republic of Kazakhstan dated 11.07.2009 No. 184 (the order of enforcement see Article 2);**
- 12) organize and coordinate the work on conducting of the state control of compliance with the requirements, established by the technical regulations;
- 13) **(Is excluded - dated 29 December, 2006 No. 209);**
- 14) carry out control by conducting of an annual verification of activity of organization, authorized for certificate issuing on origin of goods, of maintenance of order of certificate issuing on origin of goods and activity of the authorized body (organization) of maintenance of order of certificate issuing on origin of goods for internal circulation, determination of the status of goods of Common union and (or) foreign goods;
- 15) approve the rules of creation and maintenance of depositary classifiers of technical-and-economical information;
- 16) create consultative and advisory bodies in order to ensure the safety of products, processes;
- 17) approve the technical regulations;
- 18) carry out expertize, coordination of developed technical regulations, coordination of suspension or cancel the action of technical regulations, as well as initiation of issues of suspension or cancel the action of technical regulations by industrial state bodies;
- 19) establish procedure of development, expertize, acceptance, change and cancellation of technical regulations;
- 20) determining procedure of formation and maintenance of Unified State Fund of standard technical documents;
- 21) approve the plan on development of technical regulations;
- 22) develop and approve the rules on determination of country of origin of goods, certificate issuing on origin of goods and cancellation of its action;
- 23) establish procedure of product labeling.

In the scope of standardization:

- 1) determine procedure of development, coordination, registration, expertise, changes, cancellation and introduction of national standards, preliminary national standards and classifiers of technical-and-economical information into effect, except for the military standards to the goods (products), works and services of military and double purpose;
- 2) organize analysis and development of standards, harmonized with technical regulations;
- 3) determine procedure of registration and application of international, regional standards and standards of foreign states, standards of organization, classifiers of technical-and-economical information, rules, regulations and recommendations of foreign states on standardizations, confirmation of compliance and accreditation in the territory of the Republic of Kazakhstan, except for their application in the standards of organization;
- 4) **Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication)**
- 5) establish procedure of development of plans of the state standardization;
- 6) organize confirmation of translations of regulatory documents on standardization into the state and Russian languages;
- 7) develop procedure of marking of goods;
- 8) **Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015);**
- 9) determine procedure of development, ensuring of consensus, confirmation, recording, registration, designation, change, cancellation, actualization, storage, publication, distribution, observance of copyright of the developer and introduction of non-governmental standards into effect;
- 10) establish the forms of product index sheet.

In the scope of confirmation of conformity:

- 1) **is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2);**
- 2) **is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2);**
- 3) establish the forms of certificate of conformance, declaration on conformity, application-declaration, certificate on determination of origins of goods and organize their production;
- 3-1) **Is excluded by the Law of the Republic of Kazakhstan dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after its first official publicatio);**
- 3-2) establish the forms of certificate on determination of country of origin of goods;
- 4) develop the rules of the state system of technical regulation;
- 5) establish an appeal commission for consideration of complaints (appeals);
- 6) prepare proposals on cancellation of documents on issues of confirmation of conformity , issued by other organizations, if they do not meet the requirements of the state system of technical regulation in accordance with the legislation of the Republic of Kazakhstan;
- 7) provide organization of work on interlaboratory comparative tests (comparison);
- 8) maintain a register of foreign and international organizations, notified on commencement of carrying out of activity on issuance of documents in the scope of confirmation of conformity of foreign sample in the territory of the Republic of Kazakhstan;
- 9) develop and approve the rules on verification of correctness and reasonableness of formation of type approval of transport vehicle, type approval of chassis;

An authorized body shall exercise other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2); dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); dated 11.07.2009 No. 184 (the order of enforcement see Article 2); dated 19.03.2010 No. 258-IV; dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its

first official publication); dated 26.01.2011 № 400-IV (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.03.2013 No. 81-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 130-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 No 269-V (shall be enforced from 01.01.2015).

Article 8. Competence of the state of bodies in the field of technical regulation

State bodies within its competence in the field of technical regulation shall carry out:

1) analysis of scientific and technical level of technical regulations and interrelated with them standards;

1-1) approval, cancellation, suspension of technical regulations, as well as introduction of amendments in the technical regulations on issues, including in their competence on coordination with the authorized body;

2) preparation and making proposals on development of technical regulations or amendments and (or) additions in the technical regulations, actualization and unification of regulatory documents on standardization in the authorized body according to the procedure, established by the legislation of the Republic of Kazakhstan;

3) organization of work on development of technical regulations and national standards;

4) creation of expert councils for development of projects of technical regulations, preparation of proposals on issues, including to the competence of the state bodies;

5) maintenance of funds of technical regulations, standards and other documents on issues , including in their competence;

6) state control of carrying-out of requirements, established by the technical regulations according to the procedure, determined by the Laws of the Republic of Kazakhstan;

6-1) development and execution of plans of measures on implementation of technical regulations, as well as Custom union;

7) preparation and realization of plans on development of standards and other documents and their harmonization with international norms and requirements;

8) preparation of proposals on creation of technical committees on standardization, bodies on confirmation of conformity and laboratories on products, subject to the compulsory confirmation of conformity;

9) participation in development of non-governmental standards;

10) initiation of development of national standards on the basis of non-governmental standards;

11) other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 8-1. The body on accreditation

(Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2)).

Article 9. Expert councils in the field of technical regulation upon state bodies

1. Expert councils in the field of technical regulation upon state bodies shall be created for development of projects of technical regulations, preparation of proposals on issues, including in the competence of the state bodies, in the scope, related with development and application of technical regulation.

2. Composition and regulation on expert councils in the field of technical regulation upon state bodies shall be approved by the state bodies.

Composition of expert council shall include representatives of the state bodies, technical committees on standardization and other interested parties.

Article 10. Information system

1. Information system shall be created and shall operate according to the procedure, determined by the Government of the Republic of Kazakhstan for interaction with Secretariat of World trade organization, member countries of World trade organization, international organization in order of provision to the interested parties and foreign states on their requests the copies of documents and information on (about):

1) effectual or developed technical regulations, veterinary-sanitary, sanitary and phytosanitary measures, changes to them, and procedures of conformation of conformity of products, service;

2) membership or participation of the Republic of Kazakhstan in international organizations and international treaties in the field of standardization, conformation of conformity, accreditation, veterinary science, sanitary science and phytosanitary, bilateral and multilateral nature;

3) sources of publication of projects of developed and adopted technical regulations, standards,, veterinary-sanitary, sanitary and phytosanitary measures and procedure of confirmation of conformity of products, service or information on them.

2. Information, provided in paragraph 1 of this Article shall be placed in official print publications of the authorized body and information system of general use in the form of notification. Forms, procedure of filling and presentation of notifications shall be determined by the authorized body.

Footnote. Article 10 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 11. Technical committees on standardization

1. Technical committees on standardization shall be created in the branches of economy on proposals of the state bodies and interested parties for performance of works on standardization on inter-industry level.

Representatives of the state bodies and interested persons shall be included in the composition of the technical committees on standardization.

2. Competence on technical committees on standardization shall include:

1) preparation of proposals on determination of basic directions of development of the

state system of technical regulation on attached objects and directions of activity;

2) participation in development and expertize of national standards, preliminary national standards and classifiers of technical-and-economical information, international, regional standards, standards of foreign states and classifiers of technical-and-economical information of foreign states and amendments to them according to the procedure, established by the legislation of the Republic of Kazakhstan in the field of technical regulation;

3) participation of proposals on development of technical regulation and national standards.

3. Procedure of creation, work, liquidation of technical committees on standardization shall be established by the authorized bodies.

Footnote. Article 11 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 12. Bodies on confirmation of conformity

1. Bodies on confirmation of conformity - organization irrespective of their form of ownership, irrespective of producers (executors) of the products (service), having in the state of experts - auditors on confirmation of conformity and in the cases, provided by the legislation of the Republic of Kazakhstan of laboratory on attached directions of activity, accredited according to the procedure, established by the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment.

Bodies on confirmation of conformity, as well as foreign, shall subject to accreditation according to the procedure, established by the Government of the Republic of Kazakhstan.

Branches of bodies on confirmation of conformity shall be accredited in the composition of bodies on confirmation of conformity according to the procedure, established by the Government of the Republic of Kazakhstan.

2. Bodies on confirmation of conformity shall use the results of tests, accredited by the laboratories for the purposes of compulsory confirmation of conformity.

3. Bodies on confirmation of conformity shall exercise the following functions under the terms of agreement with applicant within the field of accreditation:

1) consider the applications of producers (executors), sellers to performance of works on compulsory confirmation of conformity, identify the products, service, provided for confirmation of conformity;

2) conduct the works on compulsory and voluntary confirmation of conformity;

3) conduct the works, necessary for acceptance of the declaration of conformity, on applications of producers (executors),

4) register declarations of conformity and application - declaration;

5) carry out a supervisory control of products, undergoing the compulsory confirmation of conformity according to the scheme of confirmation of conformity, in case of revelation of its non-conformity to the established requirements, suspend or cancel the validity of issued certificates of conformity or validity of registration of declaration of conformity according to the procedure, determined by the authorized body;

6) maintain a register of issued certificates of conformity and registered declarations on conformity.

4. Bodies on confirmation of conformity shall have a right to:

1) make the compulsory and voluntary confirmation of conformity of objects within the field of accreditation on application of producer (executor), seller;

2) (Is excluded - dated 29 December, 2006 No. 209)

3) request the presentation of documents, necessary for performance of works on confirmation of conformity from the applicant.

5. Bodies on confirmation of conformity shall be obliged to:

1) provide the applicant with an unimpeded access to information on rules and conditions of confirmation of conformity;

2) not allow discrimination in relation to the applicant;

3) carry out an electronic recording of data on registered declarations on conformity, issued certificates on conformity, on refusals in certification and their transfer according to the procedure, established by the authorized body;

4) ensure confidentiality of information, that is commercial interest of applicant, independent from country of origin of products, service.

6. Bodies on confirmation of conformity and experts - auditors shall bear responsibility for violation of rules of compulsory confirmation of conformity and illegal issuing of certificate of conformity, registration of declarations of conformity in application-declaration in accordance with the Laws of the Republic of Kazakhstan.

7. Bodies on confirmation of conformity shall not have a right to render the consulting services in the field of accreditation and shall not be affiliated with persons, rendering these services.

8. The body on confirmation of conformity shall have a beneficially owned laboratory of economic management, operational administration, providing the tests of objects, provided by accreditation scope of body on confirmation of conformity, in the volume, determined by the authorized body.

Footnote. Article 12 as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 No. 171 (the order of enforcement see Article 2); dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 No. 203-V (B shall be enforced upon expiry of six months after its first official publication).

Article 13. Laboratories

1. (Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 № 62-IV (the order of enforcement see Article 2)).

2. (Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 № 62-IV (the order of enforcement see Article 2)).

3. Laboratories on terms of agreement with bodies on confirmation of conformity or other applicants shall:

1) carry out a test of objects for the purposes of compulsory or voluntary confirmation of conformity within its field of accreditation;

2) provide reliability of results of tests; 3) execute and issue the results of works according to the procedure and in forms, which are established by the body;

4) carry out other activity in accordance with the legislation of the Republic of Kazakhstan.

3-1. (Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 № 62-IV (the order of enforcement see Article 2)).

4. Laboratories shall bear responsibility for presentation of unreliable results of tests of objects upon their confirmation in accordance with the Laws of the Republic of Kazakhstan.

5. Laboratory shall be obliged to ensure presentation of details on applicants, applied for performance of test works, recognition of results of test works, performed by the subjects of accreditation of third countries, results of tests in the state body in the scope of sanitary and epidemiological welfare of the population.

Footnote. Article 13 As amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2).

Article 14. Rights and obligations of individuals and legal entities in the field of technical regulation

1. Individuals and legal entities in the field of technical regulation shall:

1) prepare proposals on development, change, cancellation of technical regulations and standards, projects of regulatory legal acts in the field of technical regulation;

2) create the relevant subdivisions and services on standardization in the case of necessity, according to the purposes, provided by paragraph 1 of Article 4 of this Law.

2. Individuals and legal entities, selling the products, subject to confirmation of conformity, provide confirmation of their compliance with the requirements, established by the technical regulations, in accordance with this Law.

Footnote. Article 14 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 15. Unified state fund of standard technical documents

1. Unified state fund of standard technical documents shall be the state information resource.

2. Unified state fund of standard technical documents shall contain information on accepted standards, classifiers of technical-and-economical information and standard technical documents, except for the standards of organizations and consortia standards. Procedure of provision the users with official publications of specified documents shall be determined by the authorized body.

3. Information on adoption of each of the standard, classifier of technical-and-economical information and standard technical document and one of the copies shall be directed by the person, received a document, to the Unified state fund of standard technical documents for formation of unified information system, except for the standard of organizations and consortia standards.

Footnote. Article 15 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 16. Competence of experts – auditors on confirmation of conformity, accreditation

1. Competence of experts – auditors on confirmation of conformity shall participate in performance of works on confirmation of conformity of defined types of products, service in the composition of body on confirmation of conformity.

Individuals shall have a right to carry out an activity as an expert-auditor on confirmation of conformity only in the composition of one body on confirmation of conformity or laboratory.

Experts-auditors on confirmation of conformity shall have a right to execute works on confirmation of conformity of particular products, service, if they present the interests of applicant or are in the labour or other contractual relations with them.

2. Is excluded by the Law of the Republic of Kazakhstan dated 11.07.2009 No. 184 (the order of enforcement see Article 2).

3. Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2009 No. 62 - IV (the order of enforcement see Article 2).

4. Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31 - V (shall be enforced upon expiry of ten calendar days after its first official publication).

5. Attestation of expert-auditors shall be carried out once every five years according to the procedure, determined by the authorized body.

Footnote. Article 16 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2); dated 11.07.2009 No. 184 (the order of enforcement see Article 2); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 16-1. Expert organization and expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods

1. Expert organization shall certify and issue the acts of expert examinations on origin of goods, on determination of the status of goods of Custom union or foreign goods, drawing up by the expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods.

2. Expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods shall carry out its activity in the composition of one expert organization.

3. Competence of expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods shall be approved by qualification attestation, established by the authorized body of the form, giving the right to performance of works on determination of country of origin of goods, status of goods of Custom union or foreign goods.

Expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods, received qualification attestations, shall be entered into register of expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods.

4. Attestation of expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods shall be carried out by commission of attestation of expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods, which is created by the authorized body.

Attestation of expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods shall be carried out once every five years according to the procedure, determined by the authorized body.

5. Commission on attestation of expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods shall consist of not less than five persons. Composition of commission on attestation of expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods shall include the expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods, representatives of authorized body, National chamber of entrepreneurs of the Republic of Kazakhstan and other organizations. Chairman of commission on attestation of expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods shall be elected by majority of votes from the total number of its members.

6. For undergoing of attestation to the commission on attestation of expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods shall be presented the following documents:

- 1) application;
- 2) copy of document, prove one's identity;
- 3) copy of diploma of higher education;
- 4) copy of certificate of training center or certificate, approving theoretical training of individual;
- 5) ten copies of reports on serving internship, approving its participation on performance of works on determination of country of origin of goods, status of goods of Custom union or foreign goods;

6) certificate of employment or abbreviate from labour book, approving the total years of service not less than two years.

7. Expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods shall carry out its activity according to the procedure, determined by the authorized body.

8. To the expert-auditors on determination of country of origin of goods, status of goods of Custom union or foreign goods shall be prohibited to make an act of expert examinations on origin of goods, determination the status of goods of Custom union or foreign goods, if the presented data on goods are falsified and (or) unreliable.

Footnote. The Law is supplemented by Article 16-1 in accordance with the Law of the Republic of Kazakhstan dated 11.07.2009 No. 184 (the order of enforcement see Article 2); is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); or 04.07.2013 № 130-V (shall be enforced upon expiry of one year after its first official publication); dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after its first official publication).

Chapter 2. Technical regulations

Article 17. General provisions

1. Technical regulations shall be developed and applied for the purposes, provided by paragraph 1 of Article 4 of this Law.

2. Requirements, established by technical regulations are compulsory, shall have a direct effect over the whole territory of the Republic of Kazakhstan and may be changed by introduction of amendments and (or) additions in the relevant technical regulations.

3. Requirements, determined by technical regulations, shall be established and applied similarly and in equal measure independent from country of origin and (or) place of origin of products, except for establishment and application of sanitary and phytosanitary measures, directed to prevention of penetration of diseases to the Republic of Kazakhstan, borne by animal and plant or products produced from these.

Criteria of necessity, requirements and procedures of sanitary and phytosanitary measures shall be based on the extent of the actual scientifically based risk of causing harm of such products in all its processes.

4. Requirements, determined by technical regulations to the processes, shall be established and applied only in the case, if they are able to achievement of objectives, provided by paragraph 1 of Article 4 of this Law.

5. Requirements, established by technical regulations shall not create obstacles for the entrepreneurial activity in a greater degree, than it's necessary for the achievement of objectives, provided by paragraph 1 of Article 4 of this Law.

6. In the case of inconsistency of technical regulation to the interests of state policy, development of material and technical basis and technological level, as well as international treaties, ratified by Republic of Kazakhstan, authorized body shall be obliged to start the procedure for cancellation or introduction of amendments in such regulatory legal act.

7. Technical regulation shall stipulate terms and conditions of introduction it into effect, establishing the time of transitional period, during of which the issues for entering into force of technical regulation, development and (or) corrections of regulatory or technical documentation, as well as issues, related with products release shall be taken into account.

8. Requirements of technical regulations shall be recognized as fulfilled, if upon production used the harmonized standards.

Upon production may be used other standards on condition of ensure by them carrying-out

of requirements and regulations, established by technical regulations.

Footnote. Article 17 is amended by the Law of the Republic of Kazakhstan dated 29 December, 2006 No. 209 (the order of enforcement see Article 2).

Article 18. The content of the technical regulations

1. Technical regulations in recognition of extent of risk of causing of harm shall establish the baseline minimum requirements, ensuring the safety of products, processes.

2. Technical regulations shall contain:

- 1) an exhaustive list of products, processes, on which its requirements are distributed;
- 2) requirements to the characteristics of products, processes, ensuring achievement of objectives of adoption of technical regulation.

Selection rules of samples and tests of products, rules and forms of confirmation of conformity (as well as the schemes of confirmation of conformity) and (or) requirements to terminology, package, marking or labeling and rules of their marking may be contained in the technical regulation.

3. Technical regulation shall not contain requirements to the design and execution of products, except for the cases, when due to the lack of requirements to design and execution in recognition of degree of risk of causing of harm is not provided for achievement of objectives, provided by paragraph 1 of Article 4 of this Law.

4. Regulations and standards of foreign states, international and regional organizations may be applied as the basis upon development of technical regulations in whole or in part, if they correspond to the purposes, provided by paragraph 1 of Article 4 of this Law.

5. In the case, if it is impossible to determine requirements to the products, sustained use of which may inflict harm, marking of which depends on factors that are not allow to determine the degree of acceptable risk, technical regulations shall contain requirements, concerning information of consumer on possible harm of products and factors, on which it depends.

6. Special requirements to the objects of technical regulations may be contained in the technical regulations in recognition of degree of risk of causing of harm:

- 1) providing protection of certain categories of citizens (minors, pregnant women, nursing mothers, disabled persons);
- 2) applied in separate administrative-territorial units of the Republic of Kazakhstan if the absence of such requirements due to climatic and geographical features lead to not achieving of purposes, provided by paragraph 1 of Article 4 of this Law;
- 3) transfrontier hazardous production facilities, which in the case of man-caused emergency constitute a danger to life and health of person, environment of the Republic of Kazakhstan and other neighboring states.

7. Requirements, ensuring the safety of products, processes, shall be established only in the technical regulations.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 29 December, 2006 No. 209 (the order of enforcement see Article 2).

Article 19. Features of development, expertize, acceptance, amendment and cancellation of technical regulation

1. Technical regulation, amendments and (or) additions in the technical regulations shall be developed, applied and subject to cancellation according to the procedure, established in recognition of provisions of this Law.

2. Proposals on development, amendment, addition or cancellation of technical regulation shall be prepared by the state bodies, in a competence of which establishment of compulsory rules and regulations, in recognition of proposals of technical committees on standardization,

National chamber of entrepreneurs of the Republic of Kazakhstan, interested parties are included and shall be provided in the authorized body.

3. An authorized body shall form a draft plan on development of technical regulation and present it in the Government of the Republic of Kazakhstan for confirmation. An approved plan on development of technical regulations shall subject to publication during one month from the date of confirmation.

Financing of works on development of technical regulations shall not be allowed at the expense of budget funds, not provided in the plan on development of technical regulations.

4. State body, designed a project of technical regulation, shall place a notification of set form on development of a project, amendments and (or) additions or cancelation of technical regulation in the official print publication and information system not later than one month from the date of commencement of development of a project, amendments and additions or cancellation of regulatory legal act.

5. If the requirements, established by the technical regulations, are not meet requirements of relevant international standards or the relevant international standards are absent, or requirements, established by the technical regulations may have an impact on conditions of import into the Republic of Kazakhstan or export from the Republic of Kazakhstan of products, the state body, developing a project of technical regulation through the authorized body shall:

1) notify on list of products, on which the developed technical regulation, on its purpose and necessity of its development is distributed;

2) represent the comprehensive data on developed technical regulation or its copy with specification of regulations, content of which is not conform to requirements of international standards, at the request of interested parties and foreign states.

6. From the date of publication of notification on development of a project of technical regulation, its projects shall be available to the interested parties for examination.

7. A state body, developing a project of technical regulation shall:

1) organize a public discussion of the project;

2) update a project in recognition of received notes and place in the official print publication of the authorized body and information system of general use;

3) provide received notes on request of the interested parties to the project of technical regulations.

8. The term of public discussion of a project of technical regulation (from the date of publication of notification on termination of public discussion) shall be not less than sixty calendar days.

9. Notification on termination of public discussion of a project of technical regulation shall be published in the official print publication of the authorized body and information system of general use and shall contain information on the method of acquaintance with a project and list of received notes, the name of the state body, developing a project of technical regulation, its postal and e-mail address.

10. Final formulation of a project of technical regulation shall be represented for adoption according to the procedure, established by the legislation of the Republic of Kazakhstan.

11. The period of time, necessary for carrying out of measures on provision of compliance with its requirements shall be provided between the date of adoption and the date of entering into force or cancellation of technical regulation.

12. In case of necessity of development, adoption and entering into force of technical regulation, due to emergency circumstances (immediately dangerous to life and health, environment and national security), technical regulation shall be adopted without its public discussion.

Notification on adopted technical regulation shall be published in the official print publication of the authorized body and information system of general use, as well as directed to the Secretariat of World Trade organization.

Footnote. Article 19 as amended by the Laws of the Republic of Kazakhstan dated

29.12.2006 No. 209 (the order of enforcement see Article 2); dated 04.07.2013 No. 130-V (shall be enforced upon expiry of one year after its first official publication).

Chapter 3. Standardization. General provisions

Article 20. Regulatory documents on standardization of the Republic of Kazakhstan

1. Regulatory documents on standardization, being in force in the territory of the Republic of Kazakhstan shall include:

- 1) international standards;
- 2) regional standards and classifiers of technical-and-economical information, rules and recommendation on standardization;
- 3) national standards and classifiers of technical-and-economical information of the Republic of Kazakhstan;
- 4) standards of organizations;
- 5) recommendation on standardization of the Republic of Kazakhstan;
- 6) standards of foreign states, standards of organizations, classifiers of technical-and-economical information, rules, regulations and recommendation on standardization of foreign states;
- 7) non-governmental standard;
- 8) standard of consortium;
- 9) preliminary national standard.

2. Organization on standardization, the main object of activity which is development of regulatory documents on standardization, participation in the work of international organizations on standardization and interaction with foreign organizations shall carry out distribution of official publications of regulatory documents on standardization, specified in this Article, except for the standards of organization, standards of consortium and military standards for goods (products), works and services of military and double purpose.

Footnote. Article 20 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 21. National standards

1. National standards shall be compulsory in the case, if the Laws of the Republic of Kazakhstan or technical regulation contain specifications about this.

2. National standards shall be subdivided into:

- 1) basic standards, establishing the general organization and methodical provisions of the state system of technical regulation;
- 2) standards for products, service, which specifies requirements to homogenous groups of products, service and in the case of necessity to the particular products, service;
- 3) standards for processes;
- 4) testing standards of products, service, processes;
- 5) military standards for goods (products), works and service of military and double purpose.

3. Basic national standards shall be developed by the authorized bodies within its competence, as well as organizations on standardization, the main object of activity which is development of regulatory documents on standardization, participation in the work of international organizations on standardization and interaction with foreign organizations.

4. Standards of foreign states, international organizations shall be applied as the basis upon development of national standards in whole or in part, except for the cases, when these

standards are ineffective or inappropriate for achieving the purposes, provided by paragraph 1 of article 4 of this Law.

5. To the national standards may be established:

- 1) necessary requirements for the safety of products, processes, providing compliance with the requirements, established by the technical regulations;
- 2) requirements to classification of products, service;
- 3) measures of unification, compatibility and exchangeability of products;
- 4) terms and definitions;
- 5) indices of functional purpose, including consumer properties and characteristics of products, service, determining degree of quality;
- 6) rules of acceptance, package, marking, transportation, storage, utilization and destruction;
- 7) test methods of quality and safety;
- 8) requirements to preservation and rational use of all types of resources;
- 9) requirements to organization of production, providing the system implementation of management;
- 10) provision of organization and methodical character for the defined field of activity, as well as general technical regulations and rules.

6. National standards shall be applied in equal measure independent from the place of origin of products, service.

Footnote. Article 21 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 21-1. Preliminary of national standards

1. Preliminary national standards shall be developed for the purposes, provided by paragraph 1 of article 4 of this Law.

2. Preliminary national standards shall not contradict to the requirements, established by the legislation of the Republic of Kazakhstan in the field of technical regulation.

3. Quality indices, established in the preliminary national standards, shall not be lower of established by the national and regional standards.

4. Preliminary national standards shall duplicate the national and regional standards.

5. Preliminary national standards shall be applied for the purposes of confirmation of conformity.

Footnote. Chapter 3 is supplemented by Article 21-1 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 21-2. Non-governmental standards and standards of consortium

1. Non-governmental standards and standards of consortium shall be developed for the purposes, provided by paragraph 1 of Article 4 of this Law.

2. Quality indices, established in a non-governmental standards and standards of consortium shall not be lower of established by the national, regional and international standards.

3. Non-governmental standards shall duplicate the national, regional and international standards and shall be available for the wide range of customers.

4. Procedure of development, confirmation, recording, change, cancellation, registration, designation, publication of standards of consortium shall be determined by consortium.

5. Financing of development of non-governmental standards shall be prohibited at the

expense of funds of republican and local budgets.

Footnote. Chapter 3 is supplemented by Article 21-2 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 22. National classifiers of technical-and-economical information

1. Technical-and-economical information, used in the branches of economy and subject to recording shall subject to classification and coding.

2. Development of national classifiers of technical-and-economical information shall be conducted in accordance with the plans of works on national standardization.

3. State bodies shall carry out development, introduction and actualization of national classifiers of technical-and-economical information within its competence.

Register of national classifiers of technical-and-economical information shall be kept by the authorized body.

4. Coordination of works on creation and control of performance of system of classification and coding of technical-and-economical information in the Republic of Kazakhstan shall be established by the authorized body.

Footnote. Article 22 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication)

Article 23. Standards of organizations and recommendation on standardization in the Republic of Kazakhstan

1. Standards of organizations shall be independently developed and approved by the organizations to the objects of technical regulation, applied within organizations, as well as component parts of products, terminology, system of acceptance and control, technological equipment, instrument, as well as management of activity in the organizations within the frame of management system, development and launching into manufacture, and shall not subject to recording and registration in the authorized body.

Standards of organizations, specifying requirements of safety, shall not contradict to the requirements of technical regulations and standards, harmonized with them.

Standards of organizations shall not be applied for product release in circulation on the market.

1-1. In the absence of current technical regulation to the products, released by organization in circulation on the market, a preliminary national standard shall be developed and approved.

2. Recommendation shall include a voluntary for application organization and methodical provisions, concerning performance of works on standardization, ensuring the unity of measurements, confirmation of conformity.

Requirements to composition, formulation, content, presentation of recommendations, procedure of their development, coordination, approval, registration and application shall be established by organization, approving it.

Footnote. Article 23 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 10.07.2012 No. 31-V (the order of enforcement see Article 2).

Article 24. Application of international, regional standards and regulatory documents on standardization of foreign states

1. International, regional standards, classifiers of technical-and-economical information, rules, management and recommendation, as well as standards of foreign states and organizations, answering to the purposes, provided by paragraph 1 of Article 4 of this Law may be applied in the territory of the Republic of Kazakhstan.

2. Necessary conditions for application of international, regional standards and standards of foreign states as national standards shall be:

1) membership of the Republic of Kazakhstan in international and regional organizations on standardization, metrology and accreditation;

2) existence of international treaties of the Republic of Kazakhstan on cooperation in the field of standardization;

3) existence of an agreement between the authorized body on standardization and international or regional organization on cooperation in the field of standardization.

3. Application of standards of international and regional organizations by individuals and legal entities of the Republic of Kazakhstan, the members of which is not the Republic of Kazakhstan, as well as other regulatory documents on standardization of foreign states shall be carried out upon condition of existence of references to the specified standards or regulatory documents on standardization of foreign states in agreements or regulatory documents on standardization of the Republic of Kazakhstan.

4. International, regional standards and standards of foreign states, subject to application in the territory of the Republic of Kazakhstan, shall not contradict to the requirements, established by the technical regulations, being in force in the Republic of Kazakhstan, and standards, harmonized with them, be on qualitative indices not lower than national standards and shall be coordinated with the state bodies on issues, including in their competence.

5. Application of standards of organizations of foreign states shall be carried out upon condition of observance of copyrights of organization-holders of originals for application of these documents.

6. Requirements of paragraphs 2,3 and 4 of this Article shall not be distributed to international, regional standards and standards of foreign states in relation of goods, works and services, intended for organization and holding of international specialized exhibition in the territory of the Republic of Kazakhstan, upon condition, that such international, regional standards and standards of foreign states not contradict to the requirements, established by the technical regulations, being in force of the Republic of Kazakhstan and standards, harmonized with them, on qualitative indices not lower than national standards.

Footnote. Article 24 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 03.12.2013 No. 151-V (shall be enforced upon expiry of ten calendar days after its first official publication)

Article 25. Work planning on the state standardization

1. Work plans on standardization on the basis of proposals of the state bodies, technical committees on standardization, individuals and legal entities of the Republic of Kazakhstan in recognition of priority orientations in the branches of economy of the Republic of Kazakhstan shall be approved according to the procedure, established by the authorized body.

2. Upon development of work plans on the state standardization shall be considered the requirements, established by the regulatory legal acts of the President of the Republic of Kazakhstan, plans of social and economic development of the Republic of Kazakhstan and research

scientific works.

3. Approved work plans on the state standardization shall be published in official print publications and information system of general use.

4. Procedure of development of plans of the state standardization shall be established by the authorized body.

Footnote. Article 25 is in the wording of the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 25-1. Cataloging system of products

1. Cataloging system of products shall be created for the purposes of provision the subjects of technical regulation with information on characteristics and producers of domestic products.

2. Products, released in the Republic of Kazakhstan shall subject to registration in the cataloging system.

3. To the registration in the cataloging system of products shall not subject:

1) pilot samples (development batches) of products, development batches of products;
2) products of unique production, copyright objects, souvenirs, component parts of products.

4. Producers of products, subject to registration in the cataloging system of products, shall represent information on produced (manufactured) products on product index sheet in Kazakh and Russian languages in the authorized body in hard copy and electronic format.

5. An authorized body during ten business days from the date of reception of index sheet shall:

check the correctness of filling of index sheet and credibility of information, specified in it;

enter information in the cataloging system of products on released products in case of absence of violations and direct notification to the e-mail address of producer on introduction (inclusion) in the cataloging system of products with specification of assigned registration number;

direct a motivated letter of renunciation in the registration in case of revelation the fact of presentation of incomplete or inaccurate information in the index sheet.

6. Producer shall direct an index sheet with specification of relevant amendments to the authorized body during ten business days from the date of change of information, containing in index sheet.

7. An authorized body shall exclude products from the cataloging system in the following cases:

1) liquidation of producer;
2) application of producer;
3) revelation of facts of presentation of inaccurate information, being the basis for introduction (inclusion) of products to the cataloging system of products.

8. In the case, specified in subparagraph 3) of paragraph 7 of this Article, an authorized body shall direct a notification on exclusion of products from the cataloging system, to the e-mail address of producer, specified in the index sheet.

Footnote. Chapter 3 is supplemented by Article 25-1 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 4. Confirmation of conformity

Article 26. Confirmation of conformity of products and processes to the established requirements

1. Objects of confirmation of conformity shall be the products (except for pharmaceutical products, products of medical purpose and medical equipment), processes.

2. Confirmation of compliance of products with the requirements, established by the technical regulations shall be conducted by:

1) producer (executor) of products in the form of acceptance of declaration on conformity ;

2) consumer of products in the form of conducting of certification on its instruction by the body on confirmation of conformity;

3) body on confirmation of conformity in the form of conducting of certification and issuance of certificate of conformance.

3. Work management on confirmation of conformity shall be carried out within the frame of state system of technical regulation.

4. The state system of technical regulation shall ensure conducting of unified policy in the scope of confirmation of conformity and establish the basic rules and procedures of confirmation of conformity, training and attestation of expert-auditors, maintenance of register of system and other requirements, necessary for realization of purposes of confirmation of conformity.

5. Confirmation of conformity of products shall have a compulsory or voluntary character in the territory of the Republic of Kazakhstan.

6. Foreign and international organizations, issuing the documents in the scope of confirmation of conformity of foreign sample, shall have a right to carry out an activity in the territory of the Republic of Kazakhstan with notification of the authorized body on commencement of activity according to the procedure, established by the Law of the Republic of Kazakhstan "On administrative procedures".

Footnote. Article 26 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after its first official publication).

Article 27. Compulsory confirmation of conformity

1. Products, subject to the compulsory confirmation of conformity shall be determined by the technical regulations.

2. Compulsory confirmation of conformity shall be carried out in the forms of:

1) adoption of declaration on conformity by manufacturer (executor);

2) conducting of compulsory certification.

3. Compulsory confirmation of conformity of products shall be carried out on compliance with the requirements and on schemes of confirmation of conformity, established by the technical regulations.

4. Schemes of confirmation of conformity shall contain the methods of establishment of conformity (test, assessment of production, system assessment of quality management, analysis of technical documentation, supervisory control) and shall be applied by the bodies on confirmation of conformity and (or) producers (executors) of products upon conducting of compulsory certification or adoption of declaration on conformity.

Upon compulsory confirmation of conformity of products may be attracted the technical experts.

5. Products, previously used, imported for exhibition and without its proper use, as well

as delivered by humanitarian supplies shall not be related to the objects of compulsory confirmation of conformity, unless otherwise established by the technical regulations.

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated No. 209 (the order of enforcement see Article 2); dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2).

Article 27-1. Verification of correctness and reasonableness of formation of type approval of transport vehicle, type approval of chassis

1. Verification of correctness and reasonableness of formation of type approval of transport vehicle, type approval of chassis shall be carried out for the purposes of approval and registration of type approval of transport vehicle, type approval of chassis.

2. Body on confirmation of conformity shall represent the list of documents, specified in the rules of verification of correctness and reasonableness of formation of type approval of transport vehicle, type approval of chassis to the technical secretariat.

3. Consideration of documents shall be carried out by the technical secretariat during thirty business days, calculated from the date of receipt.

4. In the case of incompleteness of presented documents and (or) their non-compliance with the requirements, established in the rules on verification of correctness and reasonableness of formation of type approval of transport vehicle, type approval of chassis, technical secretariat shall return presented documents with the annex of written motivated refusal to the body on confirmation of conformity during fifteen calendar days.

5. In the case of favorable decision, technical secretariat shall direct type approval of transport vehicle, type approval of chassis to the authorized body.

Footnote. Chapter 4 is supplemented by Article 27-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015).

Article 27-2. Approval and registration of direct type approval of transport vehicle, type approval of chassis

1. Approval and registration of direct type approval of transport vehicle, type approval of chassis shall be carried out in accordance with the rules on approval and registration of type approval of transport vehicle, type approval of chassis.

2. Technical secretariat shall provide the type approval of transport vehicle, type approval of chassis to the authorized body for approval and registration.

3. Approval and registration of direct type approval of transport vehicle, type approval of chassis shall be carried out by the authorized body during ten calendar days, calculated from the date of their receipt to the authorized body.

Footnote. Chapter 4 is supplemented by Article 27-2 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015).

Article 28. Rights and obligations of producers (executors), sellers of products in the scope of confirmation of conformity

1. Producers (executors) and sellers of products shall have a right to:

1) choose the form and scheme of confirmation of conformity, provided for this products, requirements, established by the technical regulations;

2) apply to any body on confirmation of conformity, accreditation scope of which is distributed to the claimed products;

3) apply a conformity mark of the state system of technical regulation in the scope of confirmation of conformity to the products, undergoing the compulsory confirmation of

conformity, unless otherwise provided by selected scheme of confirmation of conformity;

4) apply to the authorized body with complaints to illegal actions of bodies on confirmation of conformity and accredited laboratories in accordance with the legislation of the Republic of Kazakhstan;

5) apply to court for protection of their rights and legitimate interests.

2. Producers (executors), sellers of products, subject to the compulsory confirmation of conformity shall be obliged to:

1) ensure compliance of products with the requirements, established by the technical regulations;

2) ensure conducting of confirmation of conformity of products;

3) provide conditions for conducting of supervisory control of products, undergoing confirmation of conformity, if it is provided by selected scheme of confirmation of conformity;

4) sell the products only after confirmation of conformity;

5) provide necessary information, certificates of conformance (copies of certificates of conformance), declaration on conformity (copies of declarations of conformity) of products upon conducting of the state control;

6) specify information on certificate of conformity or declaration on conformity in the associated documentation;

7) suspend or terminate sales of products, if duration of certificate of conformity or declaration of conformity is expired or validity of certificate of conformity or declaration of conformity is suspended, canceled or terminated;

8) inform the body on confirmation of conformity on amendments, introduced in the technical documentation or technological processes of production of certified products;

9) suspend production of products, not relevant to the requirements, established by the technical regulations, on the results of confirmation of conformity.

Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan 05.07.2008 No. 62-IV (the order of enforcement see Article 2).

Article 29. Certificate of conformance

1. Certificate of conformance shall be issued to the applicant by the body on confirmation of conformity for the products upon condition of positive results of execution of all procedures according to the selected scheme of confirmation of conformity.

2. In the certificate of conformance shall be specified:

1) name and location of applicant, producer (executor) of products, body, issued a certificate of conformity;

2) name of certified products, allowing to identify it;

3) name of technical regulation, to the compliance with the requirements of which certification is conducted;

4) information on conducted researches (tests) and measurements;

5) information on documents, presented by applicant to the body on confirmation of conformity in evidence of compliance of products with the requirements, established by the technical regulations;

6) duration of certification.

3. Certificate of conformance shall be drawn up on letterhead paper, form and procedure of filling of which is established by the authorized body.

Certificate of conformance shall subject to registration in the body on confirmation of conformity, issued it.

4. Certificate of conformance for serial released products shall be issued for the term, established by the scheme of confirmation of conformity.

Validity of certification of conformance shall be distributed in over the whole territory of the Republic of Kazakhstan.

Article 30. Conformity mark

1. Conformity mark shall be intended for marking of products, undergoing procedure of confirmation of conformity.

2. Image of conformity mark, technical requirements and procedure of marking shall be established to them by the Government of the Republic of Kazakhstan.

3. Producer (executor), seller, received a certificate of conformance shall have a right to apply a conformity mark by any convenient ways for them, established by the rules of the state system of technical regulation in the scope of confirmation of conformity.

4. Marking of conformity mark for the products, subject to the compulsory confirmation of conformity and that did not undergo confirmation of compliance with the requirements, established by the technical regulations.

5. Products, marked by conformity mark may be accompanied by copies of certificate of conformance.

Footnote. Article 30 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 31. Declaration of conformity

1. Declaration of conformity shall be drawn up by producer (executor) of products, subject to the compulsory confirmation of conformity, in the case, if it is provided by the technical regulations, as well as on a voluntary basis in relation of any products, not subject to the compulsory confirmation of conformity.

2. (Is excluded - dated 29 December, 2006 No. 209)

3. Declaration of conformity shall contain:

- 1) name and location of applicant;
- 2) information about the object of confirmation of conformity, allowing to identify this object;
- 3) name of technical regulation, to the compliance with the requirements of which production is approved;
- 4) application of applicant on safety of products upon its use in accordance with purposive appointment and adoption of measures by applicant on assure compliance of products with the requirements, established by the technical regulations;
- 5) information on conducted researches (tests) and measurements, certificate of quality management system, as well as documents, constituted as a ground for confirmation of compliance of products with the requirements, established by the technical regulations;
- 6) duration of declaration on conformity;
- 7) other information, provided by the relevant technical regulations.

The form of declaration on conformity, procedure of drawing up and registration of declaration shall be established by the authorized body.

4. Declaration on conformity shall be applied for the term, established by producer (executor) of products, on the basis of planned period of release of this products, but not more than one year.

5. Declaration on conformity of products shall subject to registration in the body on confirmation of conformity, accreditation scope of which includes this type of products.

6. Declaration on conformity, drawn up and registered according to the procedure, established by the rules of the state system of technical regulation in the scope of confirmation of conformity, shall have effect over the whole territory of the Republic of Kazakhstan equally with certificate of conformance.

7. Declaration of conformity shall be carried out by:

- 1) adoption of declaration of conformity on the basis of own evidences;

2) adoption of declaration of conformity on the basis of evidences, received with participation of body on confirmation of conformity.

The list of materials, which may be used as the evidences for confirmation of conformity, shall be determined by the relevant technical regulations.

Technical documentation, results of own researches (tests) and measurements and (or) other documents, constituted a ground for confirmation of compliance of products with the requirements, established by the technical regulations, shall be used as the evidences.

Upon declaration of conformity on the basis of own evidences and evidences, received with participation of body on confirmation of conformity, an applicant shall have a right to use research reports (tests) and measurements, conducted in laboratory voluntary in addition to own evidences, represent certificate of quality management system.

Certificate of quality management system may be used as a part of evidences upon adoption of declaration of conformity of products, except for the case, if for such products other form of confirmation of conformity is provided by technical regulations.

8. First copy of declaration of conformity and materials, used as the evidences for confirmation of conformity shall be kept by the applicant during three years from the date of expiry of period of validity of declaration of conformity, and the second copy of declaration of conformity in the body on confirmation of conformity, registered it.

Footnote. Article 31 as amended by the Law of the Republic of Kazakhstan dated 29 December, 2006 No. 209 (the order of enforcement see Article 2).

Article 32. Conditions of circulation of products on the market, subject to the compulsory confirmation of conformity

1. Necessary condition of circulation of products on the market, subject to the compulsory confirmation of conformity (certification and declaration) shall be its compliance with the requirements, established by the technical regulations, approved in accordance with the established procedure.

2. Import and sales of products, subject to the compulsory confirmation of conformity, not undergone confirmation of conformity, shall be prohibited.

Advertising of products, subject to the compulsory certification and not undergone it in the Republic of Kazakhstan shall not be allowed.

3. Obligation on confirmation of conformity shall be provided in the agreements, concluded for supply of imported products, subject to the compulsory confirmation of conformity

4. Accompaniment of products with information in the state and Russian languages, including the name of products, country and manufacturer (executor), storage time (validity, operation), storage conditions, method of application (if existence of specified information is regulated by technical regulations) shall be provided in agreements, concluded for supply of imported products, subject to the compulsory confirmation of conformity and intended for the trade.

Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 29 December, 2006 No. 209 (the order of enforcement see Article 2).

Article 33. Recognition of results of confirmation of conformity of foreign states

1. Certificates of conformance of foreign states, test certificates of products, conformity marks shall be recognized in accordance with international treaties or concluded agreements with international and regional non-state, non-government organizations on accreditation.

2. Procedure of recognition of foreign certificate of conformance, test certificates, conformity marks and other documents in the scope of confirmation of conformity shall be

determined by the authorized body.

3. Provision of this Article shall not be distributed to the foreign certificates of conformance, test certificates, conformity marks and other documents in the scope of confirmation of conformity in relation of goods, works and services, intended for organization and holding of international specialized exhibition in the territory of the Republic of Kazakhstan.

Footnote. Article 33 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2013 No. 151-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 34. Voluntary confirmation of conformity of products, services, processes

1. Voluntary confirmation of conformity of products, services, processes, on which requirements, established by the technical regulations are not distributed, shall be conducted on the initiative and requirements of applicant.

Voluntary confirmation of conformity shall not substitute the compulsory confirmation of conformity of products, if it is established by the technical regulation.

2. Voluntary confirmation of conformity shall be conducted by the body on confirmation of conformity on a contractual basis.

3. (Is excluded - dated 29 December, 2006 No. 209)

Footnote. Article 34 as amended by the Law of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2).

Chapter 5. Accreditation of bodies on confirmation of conformity and laboratories

Article 35. Accreditation

Accreditation of bodies on confirmation of conformity and laboratories shall be carried out in accordance with the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment.

Footnote. Article 35 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2).

Article 36. Accreditation certificate

(Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2)).

Chapter 6. State control of compliance with the requirements, established by the technical regulations

Article 37. State bodies, carrying out the state control of compliance with the requirements, established by the technical regulations

1. State control of compliance with the requirements, established by the technical regulations (hereinafter – state control), shall be carried out by the authorized body, its territorial bodies, other state bodies, authorized to carry out the state control in accordance with the legislation of the Republic of Kazakhstan and their civil servants.

2. An authorized body and its territorial bodies, their civil servants shall carry out

the state control in relation of products at the stage of its sales.

3. State bodies, authorized to carry out the state control and their civil servants shall :

1) hold activities on the state control on issues, entering the competence, according to the procedure, established by the legislation of the Republic of Kazakhstan;

2) take enforcement actions on suppression and non-admission of sales of products, not meeting the requirements, established by the technical regulations in accordance with the legislation of the Republic of Kazakhstan;

3) hold activities on the state control of bodies on confirmation of conformity and laboratories only upon the applications of individuals, legal entities and reports of the state bodies, as well as body on accreditation.

Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 62-IV (the order of enforcement see Article 2).

Article 38. Objects of the state control

Objects of the state control of compliance with the requirements, established by the technical regulations shall be the products, processes, bodies on confirmation of conformity and laboratory, on which the action of technical regulation is distributed.

Article 39. Civil servants, carrying out the state control

1. Civil servants, carrying out the state control shall be included:

1) Chief state inspector of the Republic of Kazakhstan on the state control – head of the authorized body;

2) assistants of Chief state inspector of the Republic of Kazakhstan on the state control – assistants of the head of an authorized body;

3) chief state inspectors of regions, cities of republican significance, the capital on the state control – heads of territorial subdivisions;

4) assistants of chief state inspectors of regions, cities of republican significance, the capital and cities on the state control – assistants of the heads of territorial subdivisions and heads of their structural subdivisions;

5) state inspectors of regions, cities of republican significance, the capital and cities on the state control – specialists on the state control of territorial subdivisions.

2. Civil servants, carrying out the state control, listed in subparagraphs 3) – 5) of paragraph 1 of this Article, shall be certified according to the procedure, established by the state bodies within its competence.

3. State control in the field of technical regulation shall be carried out in the form of verification and other forms.

Verification shall be carried out in accordance with the Law of the Republic of Kazakhstan “On the state control and supervision in the Republic of Kazakhstan”. Other forms of the state control shall be carried out in accordance with this Law.

Footnote. Article 39 as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 No. 125; dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.03.2013 No. 81-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 40. Rights of civil servants, carrying out the state control

1. Civil servants, carrying out the state shall have a right to:

1) attend the objects in order to control in the field of technical regulation concerning compliance with the requirements of the Laws of the Republic of Kazakhstan, decrees of the President of the Republic of Kazakhstan and provisions of the Government of the Republic of Kazakhstan in the field of technical regulation;

2) receive the documents and information, necessary for conducting the state control, from individuals and legal entities according to the procedure, established by the legislation of the Republic of Kazakhstan;

3) hold selection of tests and samples of products for the state control:

with allocation of cost of expended samples and expenses for performance of tests (analysis, measurements) at the expense of budget funds in the case of compliance of products with the requirements, established by the technical regulations;

with allocation of cost of expended samples and expenses for performance of tests (analysis, measurements) at the expense of verified persons in the case of inconsistency of products to the requirements, established by the technical regulation;

4) request presentation of declaration of conformity or certificate of conformance, approving compliance of products with the requirements, established by the technical regulations, or their copies, if application of such documents is provided by the relevant technical regulations, by producers (executors), sellers of products at the stage of sales of products;

5) issue instructions to rectify violations of requirements, established by the technical regulations and (or) on prohibition of sales of products within the term, determined in recognition of nature of violation, in the following cases:

inconsistency of products to the requirements, established by the technical regulations;

absence of certificates of conformance (copies of certificates of conformance), declarations of conformity (copies of declarations of conformity) for the products, subject to the compulsory confirmation of conformity;

marking the products with conformity mark without a right for that;

5-1) issue instructions to rectify violations of procedure of determination of country of origin of goods, status of goods of Custom union and (or) foreign goods, certificate issuing on origin of goods, certificate of origin of goods for internal reference, conclusions of forms of goods of Custom union and (or) foreign goods, in which the product data unreliable;

6) suspend and (or) cancel the action of registration of issued declarations of conformity and certificates of conformance in the case of detection of inconsistency of products to the requirements, established by the technical regulations;

7) bring persons, selling the products not relevant to the requirements, established by the technical regulations, to responsibility in accordance with the Laws of the Republic of Kazakhstan;

8) participate in commissions on destruction of products in the case of recognition it as not suitable for selling and use according to the procedure, established by the Government of the Republic of Kazakhstan;

9) organize verification of reasons of inconsistency at any stage of product life cycle in the case of establishment of inconsistency of end products to the technical regulations;

10) apply to court according to the procedure, established by the legislation of the Republic of Kazakhstan.

2. Right of signature of instructions belongs to the chief state inspectors and their assistants.

Forms of instructions and procedure of their issuance shall be established by the authorized body.

3. Instructions, issued by civil servants of the state bodies, carrying out the state control, are compulsory for execution by all individuals and legal entities.

Footnote. Article 40 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 17.07.2009 No. 188-IV (the

order of enforcement see Article 2); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015)

Article 41. Obligations of civil servants, carrying out the state control

Civil servants, carrying out the state control shall be obliged to:

- 1) conduct an explanatory work on application of the legislation of the Republic of Kazakhstan on technical regulation in the course of measures on the state control, inform producers (executor), sellers on existing technical regulations;
- 2) comply commercial and other legally protected secret;
- 3) comply with the procedure of carrying out of state control, established by the legislation of the Republic of Kazakhstan;
- 4) take measures on rectifying of discovered violations on the basis of conducted state control.

Article 42. Appeal of actions (omission) of civil servants, carrying out the state control

Action (omission) of civil servants, carrying out the state control may be appealed in accordance with the legislation of the Republic of Kazakhstan.

Article 43. Protection measures of civil servants, carrying out the state control

Civil servants, carrying out the state control, or their close relatives shall have a right to compensation for harm, caused to life and health in accordance with the legislation of the Republic of Kazakhstan, if such cases are related with performance of their official responsibilities.

Chapter 7. Responsibility of the state bodies, their civil servants, individuals and legal entities for nonobservance of the legislation of the Republic of Kazakhstan in the field of technical regulation

Article 44. Responsibility of the state bodies and their civil servants upon carrying out of the state control

1. State bodies and their civil servants shall bear responsibility in the case of non-performance or improper performance of their official responsibilities upon carrying out of measures on the state control and in the case of commission of illegal actions (omission) in accordance with the Laws of the Republic of Kazakhstan.

2. State bodies shall be obliged to inform individual and (or) legal entity, the rights and legal interests of which are violated, on measures, adopted in relation of civil servants of the state bodies, carrying out measures on the state control, guilty in violation of the legislation of the Republic of Kazakhstan.

Article 45. Responsibility of individuals and legal entities for nonobservance of the legislation of the Republic of Kazakhstan in the field of technical regulation

1. Individuals and legal entities (producer, executor, seller) shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan for:

- 1) safety of products, sold in the market;
- 2) violation of requirements, established by the technical regulations;
- 3) non-execution of instructions and decisions of body, carrying out the state control, provided by Article 40 of this Law.

2. Harm, caused to life, health and property of citizen or property of legal entity shall subject to compensation in accordance with the civil legislation of the Republic of Kazakhstan in the result of inconsistency of products to the requirements.

Footnote. Article 45 as amended by the Law of the Republic of Kazakhstan dated 29 December, 2006 No. 209 (the order of enforcement see Article 2).

Chapter 8. Final and transitional provisions

Article 46. Transitional provisions

1. Requirements of relevant regulatory documents on standardization, directed to achievement of objectives of safety, established in paragraph 1 of Article 4 of this Law shall be compulsory in the territory of the Republic of Kazakhstan before entering into force of technical regulations in accordance with this Law.

2. Works on confirmation of conformity shall be carried out according to provisions of the Law of the Republic of Kazakhstan "On certification" before entering into force of relevant technical regulations in the scope of confirmation of conformity.

3. Regulatory documents on standardization, being in force in the Republic of Kazakhstan, duplicate or not relevant to them, shall subject to cancellation according to entering into force of technical regulations.

4. Documents on accreditation, issued in accordance with the established procedure by the body on confirmation of conformity and laboratories, before enforcement of this Law, as well as certificates, issued before enforcement of this Law shall be considered as valid until termination of term specified in it.

5. Technical regulation in relation of particular objects shall be carried out by the acts in a part, not contradicted to this Law before entering into force of relevant technical regulations.

Footnote. Article 46 as amended by the Laws of the republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 47. Procedure of enforcement of this Law

1. This Law shall be enforced upon expiry of six months after its first official publication.

2. Shall be considered to have lost force the following Laws of the Republic of Kazakhstan:

1) The Law of the Republic of Kazakhstan dated 16 July, 1999 "On standardization" (Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No. 20, Article 724; 2003, No. 12, Article 82);

2) The Law of the Republic of Kazakhstan dated 16 July, 1999 "On certification" (Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No. 20, Article 725; 2001, No. 1, Article, 7; No. 15-16, Article 231; No. 23, Article 321; 2003, N 12, Article 82).

3. The Laws of the Republic of Kazakhstan, specified in paragraph 2 of this Article, lose force, except for the cases, provided by Article 46 of this Law.

The President
of the Republic of Kazakhstan

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