

# Law of the Republic of Kazakhstan as of November 9, 2004 N 603-II

## ON TECHNICAL REGULATING

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This Law establishes legal framework of the state system of technical regulating, aimed at assuring safety of products, services and processes in the Republic of Kazakhstan.

### **Article 1. General provisions**

#### **Clause 1. Main Terms used in this Law**

This Law operates the following main terms:

1) an accreditation is a procedure, by which an accreditation body officially recognizes the authority of legal entity to carry out activities in certain area to assess conformity of the objects of technical regulating to the established requirements;

2) an accreditation certificate is a document certifying the right of a conformity assessment body and/or testing laboratories (centres) to operate in certain area of conformity assessment issued according to the operational rules in the area of conformity assessment and accreditation;

3) audit (in the area of conformity assessment) – is a systematic, independent documented analysis of the operations of the accredited conformity assessment bodies and (or) testing laboratories, as well as initiated by applicant

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

4) safety of products, services and processes (further- safety) – a lack of inadmissible risks related to causing harm to life or health of people, to environment, including animals and plants accounting for combination of hazard occurrence probability and depth of its implications;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

containing general provisions for certain area of technical regulating;

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

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

31) product is a result of process or activity;

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

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

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

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

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

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

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

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

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

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

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

43) technical barrier – a barrier occurring due to difference or volatility of the requirements containing in the normative legal acts in the area of technical regulating and standards;

44) a technical committee on standardization is consultative advisory body, formed voluntarily in economy's sectors to develop standards and participate in building state system of technical regulating on the assigned standardization objects or areas of activities;

45) technical expert is a natural person having special knowledge or expertise regarding the object, conformity of which is to be assessed;

46) technical regulating is legal and normative regulating of relations in the area of defining, establishing, application and implementation of obligatory and voluntary requirements for products, service and processes, including activities on conformity assessment, accreditation and government control and supervision over enforcement of the established requirements, except for sanitary and phytosanitary measures;

47) an authorized body is a government body, authorized pursuant the legislation of the Republic of Kazakhstan to manage, control and oversee the activities in the area of technical regulating and to represent the Republic of Kazakhstan in the international and regional organizations on standardization, conformity assessment and accreditation issues;

48) service – is a result of direct interaction of supplier and consumer and supplier's internal activities to meet the needs of a consumer;

49) form of conformity assessment is an established set of actions, the results of which are deemed to prove product, service compliance with the requirements established by normative legal acts in the area of technical regulating, by standards or contracts;

50) auditor-expert on conformity assessment, standardization, and accreditation is a specialist certified in a manner established by the authorized body.

## **Article 2. Legislation of the Republic of Kazakhstan on Technical Regulating**

1. The legislation of the Republic of Kazakhstan on technical regulating is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other normative legal acts.

2. If an international treaty ratified by the Republic of Kazakhstan stipulates the rules other than those contained in this Law, the provisions of the international treaty prevail.

## **Article 3. Scope of the Law Application**

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

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

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

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

1. Main objectives of technical regulating are as follows:

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

2. Technical regulating is based on the following principles:

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

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

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

A structure of state system of technical regulating consists of:

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

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

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

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

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

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

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

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

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

The authorized body carries out the following functions:

In the area of technical regulating:

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

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

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

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

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

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

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

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

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

10) assures functioning of Information Centre;

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

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



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

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

In the area of standardization:

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

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

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

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

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

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

In the area of conformity assessment and accreditation:

1) establishes rules to carry out activities with participation of the government bodies, technical committees on standardization and conformity assessment bodies;

2) carries out accreditation of the legal entities;

3) establishes forms of conformity certificate, conformity declaration and accreditation certificate;

4) elaborates the rules of the state system of technical regulating;

5) creates appealing commission to review complaints (appeals);

6) prepares proposals on cancelling documents on conformity assessment issued by other organizations, if they do not meet the requirements of the state system of technical regulating in accordance with the legislation of the Republic of Kazakhstan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

bodies' competence in the area related to elaboration and application of normative legal acts in the area of technical regulating.

2. Government bodies approve composition and status provisions of the expert councils in the area of technical regulating under government bodies.

Expert councils include the representatives of government, standardization committees and other stakeholders.

### **Article 10. Information Centre**

1. Information centre is created and functions in an order established by the Government of the Republic of Kazakhstan to interact with the World Trade Organization Secretariat, WTO member-states, international organizations to provide document copies and information requested by the interested parties and foreign states on the following:

1) existing or being drafted normative legal acts in the area of technical regulating, standards, amendments thereto and procedures of product, service conformity assessment;

2) membership or participation of the Republic of Kazakhstan in the international organizations and international agreements on standardization, conformity assessment, and accreditation of bilateral or multilateral nature;

3) publication sources for drafts of and adopted normative legal acts in the area of technical regulating, standards or information thereon.

2. Information is placed in an official issue of the authorized body and information system of common use in the form of notification. Authorized body defines a form of notification, order to fill and present it.

### **Article 11. Technical Committees on Standardization**

1. Standardization technical committees are created in the economy sectors based on proposals of the government bodies and interested parties to carry out standardization activities at inter-sector level.

The technical committees on standardization include representatives of the government bodies and stakeholders.

2. Competence of standardization technical committees covers the following:

1) prepare proposals to define main development trends of the state system of technical regulating for assigned objects and field of activities;

2) participate in elaboration and expertise of state standards and technical and economic information classifiers, international, regional and national standards and classifiers of technical and economic information of foreign states and amendments thereto, in an established order;

3) prepare proposals for the development programmes on the state system of technical regulating on elaboration of normative legal acts in the area of

technical regulating and state standards.

3. Authorized body establishes order of creation, operation, and liquidation of technical committees on standardization.

### **Article 12. Conformity Assessment Bodies**

1. Conformity assessment bodies are the organizations, which, irrespective of ownership forms, are independent from manufacturers (executors), suppliers and consumers of product, service, of government bodies, staffed with experts-auditors on conformity assessment and (or) laboratories in the assigned fields of activities, and are accredited in an order, established by the authorized body.

Conformity assessment bodies, including the foreign ones, are subject to accreditation in an order established by the Government of the Republic of Kazakhstan.

Branches of conformity assessment bodies have to be accredited as a part of conformity assessment body in an order established by the Government of the Republic of Kazakhstan.

2. Legal authority of the conformity assessment body occurs as it gets accreditation certificate and terminates when certificate expires or nullified in an order established by this Law.

3. Based on the agreement with the applicants, the conformity assessment bodies implement the following functions within their scope of accreditation:

1) review the applications of manufacturers (executors), sellers to carry out the works on obligatory conformity assessment, identify the product, service submitted for conformity assessment;

2) carry out works on obligatory conformity assessment;

3) carry out, based on request of manufacturers (executors), the works needed to adopt conformity declaration;

4) register the conformity declarations;

5) carry out pursuant conformity assessment scheme inspection check of product, service which have gone through obligatory conformity assessment; if non-compliance with the established requirements is uncovered, suspend or cancel validity of issued conformity certificates or validity of registered conformity declaration in an order established by authorized body;

6) maintain registry of the issued conformity certificates and registered conformity declarations.

4. Conformity assessment bodies are entitled to:

1) carry out obligatory and voluntary conformity assessment of objects within accreditation scope upon application of the manufacturer (executor), seller;

2) in order to implement conformity assessment procedures involve, on contract base, the competent organizations, experts-auditors on conformity assessment, technical experts on products, service or activities;

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

5. Conformity assessment bodies are liable to:

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

2) admit no discrimination regarding the applicant;

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

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

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

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

### **Article 13. Laboratories**

1. Laboratories are the organizations and their structural units (branches, representations), irrespective of their ownership form, which are accredited in an order established by the Government of the Republic of Kazakhstan.

2. Legal authority of the laboratories to make testing for conformity assessment purpose arises, when it gets accreditation certificate and terminates with its expiration, revoke, nullification and recognition of its invalidity in an order, established by the Government of the Republic of Kazakhstan.

3. Based on the contract with the conformity assessment bodies or other applicants, the laboratories do the following:

1) carry out testing of objects for the purpose of obligatory or voluntary conformity assessment within their accreditation scope;

2) assure reliability of testing results;

3) make and issue the results in an order and form established by the authorized body;

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

4. The laboratories incur responsibility in accordance with the legislation of the Republic of Kazakhstan for providing unreliable results of object testing while conformity assessment.

### **Article 14. Rights and Obligations of Natural Persons and Legal Entities in the Area of Technical Regulating**

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

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

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

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

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

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

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

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

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

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

1. Expert-auditors on conformity assessment participate in carrying out the works on conformity assessment of certain types of products, service as a part of conformity assessment body or based on agreement (contract) in accordance with the normative legal acts in the area of technical regulating.

Expert-auditors on conformity assessment are not entitled to make conformity assessment of a specific product, service, if they represent interests of or have labour or other contract relations with applicant.

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

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

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

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

### **Article 17. General provisions**

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

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

3. The requirements, determined by the normative legal acts in the area of technical regulating, are established and applied in the same manner and to an equal extent irrespective of the origin country and (or) origin place of product, service, except establishing and application of the sanitary and phytosanitary measures aimed at preventing penetration of the diseases carried by animals or plants, or products of their processing into the Republic of Kazakhstan.

Criteria of necessity, requirements and procedures of sanitary and phytosanitary measures are based on a degree of scientifically grounded risk to inflict harm by such product, service at all its processes.

4. Requirements determined by normative legal acts in the area of technical regulating to the processes, are established and applied only in case, if they may affect achieving the objectives specified by item 1, Article 4 of this Law.

5. The requirements established by the normative legal acts in the area of technical regulating should not pose obstacles for entrepreneurship and trade activities more than it is necessary to achieve the objectives specified by item 1, Article 4 of this Law.

6. If the normative legal act in the area of technical regulating does not comply with the interests of state policy, development of material and technical

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

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

8. The normative legal acts in the area of technical regulating are adopted in the following fields:

- 1) industrial and production safety;
- 2) safety of maintaining buildings, constructions, facilities and adjacent to them territories;
- 3) fire safety;
- 4) biological safety;
- 5) electromagnetic compatibility;
- 6) ecological safety;
- 7) nuclear and radiation safety;
- 8) chemical safety;
- 9) electric safety;
- 10) information safety;
- 11) toxicological safety;
- 12) unity of measurements;
- 13) safety of food products;
- 14) safety of food for children;
- 15) mechanical safety.

### **Article 18. Content of Normative Legal Acts in the Area of Technical Regulating**

1. Normative legal acts on technical regulating set the minimally necessary requirements ensuring safety of products and processes accounting for a degree of risk to inflict damage.

2. Normative legal act on technical regulating should contain:

- 1) an exhaustive list of products, services and processes covered by the act's requirements;
- 2) requirements to characteristics of products, services, processes ensuring accomplishment of objectives of adoption of normative legal acts in the area of technical regulating.

Normative legal acts in the area of technical regulating act may contain rules on sampling and testing of product, service, rules and forms to assess its



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

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

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

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

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

1) ensuring protection of specific categories of people (minors; handicapped; pregnant and breastfeeding women);

2) applicable in specific administrative territorial units of the Republic of Kazakhstan, if a lack of such requirements would result, due to climatic and geographic imperatives, in a failure to achieve the objectives specified in item 1 of Article 4 of this Law;

3) for trans-border hazardous production sites which, in the event of technogenical emergencies, pose a threat for human life and environment of the Republic of Kazakhstan and other bordering countries.

### **Article 19. Peculiarities of Development, Expertise, Adoption, Amendment and Cancellation of Normative Legal Act in the Area of Technical Regulating**

1. The normative legal act in the area of technical regulating, amendments and (or) additions thereto are developed, adopted and subject to cancellation in an established order accounting for provisions of this Law.

2. The government bodies, whose competence covers establishing obligatory rules and norms accounting for proposals of the technical committees on standardization, and stakeholders, prepare proposals on development, ammendment, addition or cancellation of the normative legal act in the area of technical regulating and submit them to the authorized body.

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

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

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

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

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

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

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

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

1) organize public discussion of the draft;

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The authorized body sets an order of development, agreement, adoption, recording, amendment, and cancellation of the state standards.

2. The state standards are divided into:

- 1) basic standards, which set general organizational and methodological provisions for the state system of technical regulating;
- 2) standards for product, service, which establish requirements to homogenous groups of products, services and, where necessary, to specific product, service;
- 3) standards for processes;
- 4) standards on methods of control over the products, services and processes.

3. The enterprises of the authorized body develop the basic state standards.

4. The norms and standards of the foreign states, international organizations may be applied as a base for developing state standards of the Republic of Kazakhstan fully or partly, except the cases when these standards are inefficient or inappropriate for achieving the objectives, specified by item 1, Article 4 of this Law.

5. The state standards may establish:

- 1) necessary requirements on safety of products, services, processes ensuring enforcement of the requirements, established by the normative legal acts in the area of technical regulating;
- 2) requirements to product, service classification;
- 3) indicators for product unification, compatibility and inter-changeability;
- 4) terms and definitions;
- 5) functionality indicators, including consumer properties and characteristics of product, service;
- 6) rules for acceptance, packaging, marking, transportation, storage, utilization and disposal;
- 7) methods for testing quality and safety;
- 8) requirements to preservation and rational use of all types of resources;
- 9) requirements to production organization assuring implementation of quality and environmental management systems;
- 10) organizational and methodological provisions for a specific field of activities as well as general technical norms and rules.

6. The state standards are applied voluntarily on an equal basis irrespective of the place of origin of product, service.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The Republic of Kazakhstan allows the use of international and regional standards, classifiers of technical and economic information, rules, guidelines and recommendations; national standards, standards of organizations, classifiers of technical and economic information, rules and recommendations on standardization of foreign states, which meet the objectives set under item 1 of Article 4 of this Law.

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

- 1) membership of the Republic of Kazakhstan in international and regional organizations on standardization, metrology and accreditation;
- 2) existence of bilateral (multilateral) treaties (agreements) between the Republic of Kazakhstan and foreign states on cooperation in the area of standardization.

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

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

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

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

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

### **Article 25. State Standardization Planning**

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

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

3. The approved state standardization programs and action plans are

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

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

## **Chapter 4. CONFORMITY ASSESSMENT**

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

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

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

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

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

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

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

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

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

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

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

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

4. Schemes of obligatory conformity assessment contain methods of

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

Technical experts can be involved in carrying out obligatory conformity certification.

5. Second-hand products and humanitarian aid supplies are not included in the objects subject to obligatory conformity assessment, unless otherwise is specified by the legislative acts of the Republic of Kazakhstan.

### **Article 28. Rights and Obligations of Producers (Executors), Sellers of Product in the Area of Conformity Assessment**

1. Producers (executors) and sellers of product have right to:
  - 1) select the form and scheme of conformity assessment against the requirements stipulated for respective product by the normative legal acts in the area of technical regulating;
  - 2) lodge applications with any conformity assessment body, accreditation scope of which covers the applied product;
  - 3) use the conformity mark of the state system of technical regulating in the area of conformity assessment for the product, which has undergone through obligatory conformity assessment, if stipulated by the selected conformity assessment scheme;
  - 4) complain to the authorized body on illegitimate actions of the conformity assessment bodies and accredited laboratories according to the legislation of the Republic of Kazakhstan;
  - 5) apply to the court to protect own rights and legal interests.
2. Producers (executors), sellers of product subject to obligatory conformity assessment should:
  - 1) ensure conformity of their products to the requirements established by the normative legal acts in the area of technical regulating;
  - 2) ensure carrying out of obligatory conformity assessment of product;
  - 3) ensure conditions for inspection check of product, which has undergone through obligatory conformity assessment, if stipulated by the selected conformity assessment scheme;
  - 4) sell the product only after conformity assessment;
  - 5) in the course of state control and supervision provide the concerned parties with necessary information, certificates of conformity (copies of conformity certificates), declarations of conformity (copies of declarations of conformity) of product;
  - 6) indicate in escorted documents information on the certificate of conformity or declaration of conformity;
  - 7) suspend or terminate distribution of product, if validity of the



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

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

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

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

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

2. The certificate of conformity should indicate the following:

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

2. name of the certified product allowing its identification;

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

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

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

6. period of certificate validity.

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

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

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

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

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

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

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

area of conformity assessment.

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

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

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

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

3. A declaration of conformity should contain:

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

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

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

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

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

conformity assessment enjoys legal force equal to certificates of conformity on the entire territory of the Republic of Kazakhstan.

7. Conformity can be declared by:

1. adoption of the declaration of conformity based on own evidences;
2. adoption of the declaration of conformity based on the evidences obtained through involvement of conformity assessment body.

List of materials, which can be used as evidences for conformity assessment, is defined by a respective normative legal act in the area of technical regulating.

Technical documents, results of own investigations (tests) and measurements and (or) other documents, which served grounds to certify product conformity to the requirements, established by the normative legal acts in the area of technical regulating, are used as evidencing material.

While declaring conformity based on own evidence and those obtained through involvement of conformity assessment body, the applicant has right to use, at his own choice, and in addition to the own evidence, the investigation (test) protocols and measurements, carried out in the laboratory and to furnish the quality management system certificate.

A certificate of the quality management system can be used as evidence while adopting declaration of product conformity, except the cases when the normative legal acts in the area of technical regulating specify other forms of conformity assessment for the specific product.

8. The applicant should keep a first copy of declaration of conformity and supporting evidencing documents for 3 years starting from the date of conformity declaration expiry. A second copy of the declaration of conformity is stored at the conformity assessment body, which registered this declaration.

### **Article 32. Conditions of Marketing of Product Subject to Obligatory Conformity Certification**

1. Conformity of marketed product to the requirements established by the normative legal acts in the area of technical regulating, approved in an established manner, is a necessary condition for marketing the product subject to obligatory conformity assessment (certification or declaration).

2. Sale of the product, which is subject to obligatory conformity assessment and which has failed to undergo conformity assessment, is prohibited.

Advertising of product, which is subject to obligatory conformity assessment and has failed to undergo conformity assessment in the Republic of Kazakhstan, is prohibited.

3. The contracts on import of product subject to obligatory conformity assessment should specify a liability to certify conformity.

4. The contracts on import of the product subject to obligatory conformity

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

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

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

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

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

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

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

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

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

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

### **Article 35. Accreditation**

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

2. The entities to be accredited are the following:

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

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

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

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

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

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

The authorized body sets a form of the accreditation certificate.

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

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

Accreditation certificate is nullified, if the following cases occur:

1. the inspection check revealed violations in the operations of accredited entity, which make doubtful its competence to carry out the works on conformity assessment in the set accreditation scope;
  2. the entity has supplied deliberately false information while getting accreditation certificate.
4. Accreditation certificates or their equivalent documents, issued by foreign accreditation bodies, are recognized by the authorized body in accordance with concluded international agreements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The officials implementing state control and supervision are liable to:

- 1) provide, in the course of carrying out state control and supervision, necessary clarifications on application of the laws of the Republic of Kazakhstan on technical regulating; inform manufacturers (executors), sellers on existing normative legal acts in the area of technical regulating;
- 2) observe commercial and other guarded by law secrets;
- 3) pursue an order of implementing state control and supervision set by the legislation of the Republic of Kazakhstan;
- 4) based on the results of state control and supervision, undertake measures to eliminate the revealed violations.

#### **Article 42. Appeal against Actions of Officials, implementing State Control nad Supervision**

Action (or failure to act) of the officials implementing state control and supervision could be appealed pursuant the legislation of the Republic of Kazakhstan.

#### **Article 43. Measures to Protect Officials implementing State Control and Supervision**

The officials implementing state control and supervision or their close relatives have a right to death or injury indemnity pursuant the legislation of the Republic of Kazakhstan, if death or injury occurred on duty.

### **Chapter 7. RESPONSIBILITIES OF GOVERNMENT BODIES, THEIR OFFICILAS, NATURAL PERSONS AND LEGAL ENTITIES FOR NON-OBSERVANCE OF THE LEGISLATION ON TECHNICAL REGULATING**

#### **Article 44. Responsibilities of the Government Bodies and their Officials implementing State Control and Supervision**

1. The government bodies and their officials in case of unduly performance of their duties while implementing state control and supervision



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

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

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

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

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

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

### **Chapter 8. FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 46. Transitional Provisions**

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

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

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

order.

2. Until the relevant normative legal acts in the area of technical regulating in the field of conformity assessment are enacted, activities on conformity assessment are implemented pursuant the provisions of the Law of the Republic of Kazakhstan “On Certification”.

3. As the normative legal acts in the area of technical regulating are enacted, the duplicating or non-compliant normative documents on standardization acting in the Republic of Kazakhstan are subject to cancellation.

4. Documents on accreditation issued in an established order to the conformity assessment bodies and laboratories until this Law becomes effective, as well as the certificates issued before enactment of this Law, are considered valid until expiration date, indicated in them.

5. Until the respective normative legal acts in the area of technical regulating are adopted, the technical regulating regarding the specific objects is to be carried out in accordance with normative legal acts in part, not contradicting this Law.

#### **Article 47. Order of Law Enactment**

1. This Law enters into force upon expiration of 6 months starting from the date of its official publication.

The following legislative acts of the Republic of Kazakhstan loose their legal force:

- 1) the Law of the Republic of Kazakhstan dd. 16 July of 1999 “On Standardization” (Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No. 20, ar. 724; 2003, No. 12, art. 82);
  - 2) the Law of the Republic of Kazakhstan of 16 July 1999 “On Certification” (Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No. 20, art. 725; 2001, No.1, art. 7; No. 15-16, art. 231; No.23, art 321; 2003, No. 12, art. 82).
2. The Laws of the Republic of Kazakhstan indicated in the item 2 of this Article loose their legal force except the cases specified in the Article 46 of this Law.

The President  
of the Republic of Kazakhstan

N. Nazarbayev