

Annex XVII

Order of the Chairman of the Committee on Technical Regulating and Metrology under the Ministry of Industry and Trade of the Republic of Kazakhstan No. 136 of 13 May, 2005

On approval of the Regulations on conducting works with participation of the state authorities, technical committees on standardization and the conformity assessment bodies in the field of conformity assessment and accreditation

With a view of implementation of the Law of the Republic of Kazakhstan
“On Technical Regulating”, I ORDER:

1. Approve the enclosed Regulations on conducting works with participation of the state authorities, technical committees on standardization and the conformity assessment bodies in the field of conformity assessment and accreditation.
2. The control of the execution of this Order shall be conferred to the Deputy Chairman Momyshev Talgat Amangeldiyevich.
3. This Order shall take effect ten days after the date of its first official publication.

Chairman

A.Kussainov

Approved
by the Order of the Chairman of the Committee
on Technical Regulating and Metrology under the Ministry
of Industry and Trade of the Republic of Kazakhstan
No. 136 of 13 May, 2005

Regulations on conducting works with participation of the state authorities, technical committees on standardization and the conformity assessment bodies in the field of conformity assessment and accreditation

These Regulations were elaborated in accordance with Article 7 of the Law of the Republic of Kazakhstan “On Technical Regulating” and establish the interaction of the state authorities, technical committees on standardization and the conformity assessment bodies at conducting works in the field of conformity assessment and accreditation.

1. General provisions

1. In these Regulations the following main terms are used:
 - 1) accreditation – procedure by means of which the accreditation agency officially validates the authority of a juridical person to perform works in certain filed on the assessment of conformity of the objects of technical regulating with the established requirements;
 - 2) conformity assessment bodies – organizations irrespective of their form of ownership, being independent of the manufacturers (contractors) of the products, services,

suppliers and consumers of the products, services, having the conformity assessment experts-auditors on the staff and (or) laboratories in the assigned lines of activities accredited in accordance with the procedure established by the Government of the Republic of Kazakhstan;

3) conformity assessment – procedure resulting in a documentary certification (in the form of the conformity declaration or the certificate of conformity) of the conformity of an object with the requirements established by the normative legal acts in the field of technical regulating, by the standards or the terms of the treaties;

4) schedule of the conformity assessment – methods of establishing the conformity of an object with the requirements established by the normative legal acts in the field of technical regulating, by the standards or the treaties with the description of the specific stages of conducting that work (testing, the production evaluation, quality management system evaluation, the analysis of the normative and technical documentation and others);

5) technical committee on standardization – advisory-consultative agency to be established in the branches of the economics on a voluntary basis for the purpose of elaboration of standards and participation in establishment of the state system of technical regulating by the assigned objects of standardization or the lines of activities;

6) authorized agency – governmental body authorized by the legislation of the Republic of Kazakhstan to govern, control and supervise the works in the field of technical regulating and to represent the Republic of Kazakhstan in the international and regional organizations in the issues of standardization, conformity assessment and accreditation.

2. The interaction of the state authorities, the technical committees on standardization and the conformity assessment bodies at conducting works in the field of the conformity assessment and accreditation shall be based on the following principles:

1) the unity and integrity of the state system of technical regulating and the regulations of the conformity assessment;

2) the impermissibility of the combination of the accreditation and conformity assessment authorities by one body;

3) the incompatibility of the state control and the conformity assessment functions by one state authority;

4) the independence of the conformity assessment bodies from the manufacturers (contractors), the sellers and the buyers.

2. Conducting works with participation of the state authorities, technical committees on standardization and the conformity assessment bodies in the field of conformity assessment and accreditation

3. In accordance with the procedure established by the authorized agency, the technical committees on standardization shall participate in:

1) the elaboration of the fundamental state standards, international, regional standards, national standards of the foreign states and the amendments thereto in the field of the conformity assessment and accreditation;

2) the elaboration of the state standards for the specific processes and procedures of conducting the conformity assessment in respect of the uniform products which are subject to the obligatory conformity assessment and are determined by the normative legal acts in the field of technical regulating;

3) the examination of the state standards, the international, regional, national standards of the foreign states and the amendments thereto in the field of the conformity assessment and accreditation.

4. The accreditation of the conformity assessment bodies and the laboratories shall be carried out in accordance with the normative legal acts in the field of technical regulating, by an application of juridical persons.

5. The authorities of the conformity assessment bodies shall accrue upon the receipt of the accreditation certificate by such bodies, and shall cease in connection with the termination of the certificate's validity period or the certificate being invalidated in accordance with the procedure established by Article 36 of the Law of the Republic of Kazakhstan "On Technical Regulating".

6. The assessment of conformity of products and processes with the requirements established by the normative legal acts in the field of technical regulating shall be carried out by:

1) the manufacturer (contractor) of the products in the form of adopting of the conformity declaration;

2) the consumer of the products in the form of carrying out of the certification by the conformity assessment body upon the consumer's order;

3) the conformity assessment body in the form of carrying out the certification of the products, processes and issuance of the certificate of conformity.

7. The product conformity assessment within the Republic of Kazakhstan may be either of voluntary or obligatory nature.

8. In case of the obligatory conformity assessment it shall be verified that the of the products are in conformity with the obligatory requirements of the technical regulations, specific standards and other normative documents ensuring their safety for the life and health of the people, protection of their property and the environment.

9. The obligatory assessment of the products conformity shall be carried out in respect of conformity with the requirements and according to the conformity assessment schedules established by the normative legal acts in the field of technical regulating.

10. In case of the voluntary conformity assessment it shall be verified that the products are in conformity with the requirements of the standard or other normative document at the applicant's option, as well as with the specific requirements of the applicant.

11. The management of the conformity assessment works shall be carried out within the framework of the state system of technical regulating.

12. The following works shall be carried out in the field of the products, processes conformity assessment:

1) the submission and the examination of the application (application about the conformity) to the conformity assessment body;

2) making the decision by the results of the examination of the application (application about the conformity) including the selection of the conformity assessment schedule;

3) the execution of a contract between the applicant and the conformity assessment body on conducting works on the assessment of the product conformity;

4) sampling, identification of the samples of the declared products and their submission to the testing laboratory (center);

5) carrying out of the certification tests of the declared product samples and other works envisaged by the selected conformity assessment schedule;

6) the analysis of the results of tests or the examination of the documents received together with the application about the conformity;

7) making the decision about the possibility of the issue of the certificate of conformity;

8) the registration of the certificate of conformity in the register of the state system of technical regulating of the Republic of Kazakhstan and issue of the certificate of conformity to the applicant along with the right to marking the products with the conformity sign (if so provided by the certification schedule);

9) carrying out of the inspection control of the stability of the certified product characteristics and the functioning of the quality management system (if so provided by the certification schedule);

10) the submission of the information about the results of the product certification;

13. The state system of technical regulating shall ensure the realization of the unified policy in the field of the conformity assessment, training and attestation of the experts-auditors, maintaining of the system register and other requirements essential for the implementation of the conformity assessment objectives.