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## **LAW OF THE REPUBLIC OF KAZAKSTAN «ON CERTIFICATION»**

This Law shall establish legal basis of certification of products, quality systems and production, (further – processes), works and services in the Republic of Kazakhstan, regulate the relations in the sphere of certification, establish rights, obligations and responsibility of the participants of certification.

### **Chapter I. General provisions**

#### **Article 1. Purposes of Certification**

The main purposes of certification are:

Guarantying of products, processes, works and services safety for life and health of people, property of citizens and environment protection;

Protection of consumer's interests, regarding the quality of products and services, Elimination of technical barriers in Trade, providing with competitive products at the internal and external markets;

Facilitation in providing necessary conditions for the activity of legal entities and private persons at Kazakhstani common Trade market, as well as for participation in international, economic, scientific-technical co-operation and international Trade;

#### **Article 2. Basic Terms and Definitions.**

The following definitions shall be used in this Law:

Accreditation – an official recognition by the Authorized Body of a competence of organization to fulfill works in a specified (announced) sphere as a body on certification and testing laboratory (center);

Certificate of accreditation - a document issued in accordance with the rules of state system of certification that certifies that this body on certification or testing laboratory are empowered to fulfill specific works in established sphere of activity;

Audit (in certification) - an independent analysis of activity of accredited bodies on certification and (or) testing laboratories (centers), as well as control of conformity of certified products, processes and services with the established requirements that is carried out on initiation of an applicant;

Register of the state certification system – a document which registers certificates of conformity, accredited bodies on certification and testing laboratories (centers), experts-auditors on certification, normative documents in the sphere of certification;

Declaration on conformity (application on conformity) – a document of a supplier (manufacturer, seller), the established form in the state system of the certification that certifies the conformity of production with the established requirements;

An applicant - a legal person, private entrepreneur (manufacrer, seller, executor), who submits production, process, work, services for certification and is responsible for its quality and safety;

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Mark of conformity - protected in an established order mark, applied in accordance with the rules of state certification system, providing indication for a necessary confidence that the given product, process, work, service are in compliance with the specific standard or another normative document;

Inspection control - control on observance of the established rules of certification and on conformity of certified production (process, service) with the established requirements, by accredited bodies on certification, testing laboratories (centers) carried out by authorized bodies;

Identification of production - procedure, providing in the sphere of production, circulation, exploitation a exact identification of a definite product by distinguishing features;

Testing laboratory (center) - a laboratory (center) carrying out tests of production to prove its conformity with the requirements of the normative document;

Normative document on certification - a document that establishes the norms, rules, specifications, principles, with respect to the different types of activity on certification or its results, approved by a competent body in order, established by the legislation on standardization”;

Body (organization) on certification of similar products, processes, works, services - a legal entity, accredited for carrying out of the works on certification in specified sphere of activity in order established by the state system of certification (further – body on certification of similar products, processes, works, services);

Procedure of certification – an official order of actions for fulfillment of works on certification;

Rules of certification – a normative document on certification that defines the order (procedure) of fulfillment of the works on certification of the group of similar products, processes, works, services, as well as obligatory requirements to the registration of the results of such works;

Certification – a procedure of proving the conformity by means of which a body on certification independently from the manufacturer (seller, executor) and the consumer (buyer) certifies in writing the conformity of the product, process, service with the established requirements;

Certificate of conformity - a document, issued under the rules of state certification system, that proves that a necessary confidence is provided with respect to compliance of the properly identified product, process, work, service with the requirements of technical regulations, standards or other normative documents;

Certificate of origin – a document of the established form that accompanies the product, certifying the country of origin of the product;

Expert-auditor on certification - a specialist, attested under the established order to carry out works on certification and accreditation in the specified sphere of activity.

### **Article 3. Legislation on Certification**

1. The legislation on certification includes this Law and other normative legal acts of the Republic of Kazakhstan.

2. If international treaties ratified by the Republic of Kazakhstan establish the rules, other than those provided in this Law, then the rules of international treaties shall be applied.

## **Chapter II**

### **Procedure of Certification**

#### **Article 4. Organizational Structure of the State System of Certification**

1. The organizational structure of the state system of certification shall be formed by:
  - State body on standardization, metrology and certification;
  - Accredited bodies on certification of similar products, processes, works, services;
  - Accredited testing laboratories (centers)

2. State system of certification shall provide an implementation of unified scientific and technical policy in the sphere of certification and establish basic rules and procedures of certification, requirements to the bodies on certification, testing laboratories (centers) and procedures of their accreditation, procedure of preparation and attestation of experts-auditors on certification, rules of keeping the Register of state certification system, auditing and inspection control, other requirements, that are necessary for realization of the purposes of certification.

#### **Article 5. Certification works management**

1. Certification works management shall be carried out by the state body on standardization, metrology and certification.

2. Legal entities and private individuals shall organize and carry out their activity on certification in accordance with the provisions of this Law, other normative legal acts of the Republic of Kazakhstan as well as with the requirements of normative documents acting in the State system of certification.

#### **Article 6. Rights and Obligations of the State Body on Standardization, Metrology and Certification in the Sphere of Certification**

1. The statutory functions of the state body on standardization, metrology and certification are:

Creation of state certification system and organization of its functioning;

Participation in forming and implementation of state policy in the sphere of certification, carrying out of perspective plans of certification development;

Preparation of the lists of products (works, goods and services), that are subjected to mandatory certification;

Accreditation in the state system of certification of organizations for the right to carry out the works on certification and testing in the order established by the state system of certification;

Bodies on certification of similar products, processes, works, services;

Attesting of experts-auditors;

Organization of inspection control over the activity of testing laboratories (centers) and bodies on certification of similar products, processes, works, services;

Keeping a register of the state system of certification;

2. The rights of the state body on standardization, metrology and certification:

To establish forms of certificates of conformity and marks of conformity of the state system of certification, order of their issue and application;

To take decisions on suspension or annulment of accreditation attest of testing laboratories (centers) and bodies on certification of similar products, processes, works, services;

To give permissions for carrying out works on certification to the competent organizations with their further accreditation in the established order;

To issue instructions on repeal of documents on certification, issued by other organizations, if they are in contradiction with the requirements of the normative documents of the state system of certification;

To delegate their authorities on issuing certificates of conformity for the products, processes, services and certificates of origin of goods to the state enterprises that are under their jurisdiction;

To apply legal remedies specified by legislation to the persons responsible for violation of the rules and procedures of certification.

#### **Article 7. Bodies on Certification of Similar Products, Processes and Services**

1. Legal entities of all types of property, independent from the producers of the products, its suppliers and consumers (independent from legal entities and private persons that render services and from consumers of these services) with testing laboratories (centers) in their structure that meet the requirements, established by the normative documents of the state system of certification can be the bodies on certification of similar products, processes, works, services. Bodies on certification of similar products, processes, works, services shall subject to the accreditation in the order established by the state body on standardization, metrology and certification.

The affiliates and representative offices of the bodies on certification shall be permitted to carry out the works on certification under the condition of their accreditation in the order established by the state body on standardization, metrology and certification.

2. When accrediting the bodies on certification of similar production, processes, services the following conditions shall be considered:  
objects of certification shall be defined;

the categories and types of normative documents, the conformity to the requirements of which is being certified shall be established;

the rules and procedures to conduct certification of objects included in the sphere of accreditation shall be regulated.

3. Accredited bodies on certification of similar products, processes, works, services shall be registered in the established order in the Register of state system of certification.

## **Article 8. Testing Laboratories (Centers)**

1. Testing laboratories (centers) can have a status of a legal entity or be a structural sub-divisions of a legal entity.
2. Organizations that carry out the tests with the purposes of certification shall subject to accreditation in order established by the state body on standardization, metrology and certification.
3. In the process of certification tests in the laboratories (centres) , that are the structural sub-divisions of a legal entity the presence of the representative of the body on certification that assigned the testing laboratory (center) to fulfill the tests shall be provided.

## **Article 9. Certificate of Conformity**

Bodies on certification of products, processes, services shall conduct certification within the limit of the sphere of accreditation, issue certificates of conformity in the form established by the state body on standardization, metrology and certification.

## **Article 10. Marks of Conformity**

The marks of conformity are designated to mark certified products.  
The order of application of the marks of conformity shall be established by the rules of state system of certification.

## **Article 11. Types of Certification of Products, Processes and Services**

1. Two types of certification are established: mandatory and voluntary. Mandatory certification - a certification of products, works, services included into the list of products, works, services subjected to the mandatory certification of their conformity with the mandatory requirements of a standard or other normative document, ensuring its safety for the life and health of people, property of citizens and environment. The list of products subjected to the mandatory certification shall be established by the Government of the Republic of Kazakhstan.

Voluntary certification shall be conducted on initiation of an applicant (manufacturers, sellers, executors) with the purpose to prove the conformity of the products, processes, works, services with the requirements of normative documents announced by the applicant.

2. A voluntary certification of products (works, services) subject to mandatory certification may not replace mandatory certification of these products (works, services).

## **Article 12. Requirements, ensuring safety of the products**

1. Realization of works, services and products that are subjected to mandatory certification shall be prohibited without a certificate of conformity.  
An advertising of works, services and products subject to mandatory certification and which have not passed through certification in the Republic of Kazakhstan shall be prohibited.
2. The contracts (agreements) on import of products, subjected to mandatory certification shall have provisions for existence of certificate and (or) mark of conformity, recognized by the state system of certification, and for accompanying of the products by documents for its exploitation in the state language and Russian.

## **Article 13. Normative Documents on Certification and Requirements to them**

1. Requirements, established by normative documents on certification, shall be based on modern achievements of science, technique and technology, harmonize with the requirements of international (regional) standards, rules, norms and recommendations on standardization, consider the conditions of use of production, fulfillment of processes, works and services.
2. As a basis for development of normative documents on certification the international technical regulations and standards shall be applied, with the exception of those cases when they are ineffective or unfit due to the lack of security for the life and health of people, significant technological problems.
3. Normative documents on products, subjected to mandatory certification, shall include requirements under which a mandatory certification, methods of control on conformity with those requirements, rules of product marking, requirements to information on certification, included into covering documentation are carried out.
4. The rules of working out, approving, issuing of the normative documents on certification shall comply with the Legislation of the Republic of Kazakhstan.

## **Chapter III**

### **State Control on Observation of the Rules of Certification, Quality of Certified Production and Inspection Control.**

## **Article 14. State Control over Observation of the Rules of Certification, Quality of Certified Production**

1. State control on observation of the rules of certification, quality of certified production, works and services shall be carried out by a state body on standardization, metrology and certification, and their territorial sub-divisions in accordance with the legislation on standardization and certification.

2. Legal entities of all kinds of property, (including foreign companies) and private individuals at the stage of development, preparation of production, its manufacturing, delivery, realization , use (exploitation), storage, transportation and utilization shall be under a state control on observation of the rules of certification, quality of certified production, works, services.

3. The order and regularity of carrying out state control on observation of the rules of certification, quality of certified production, works and services shall be established by a state body on standardization, metrology and certification.

#### **Article 15. Inspection Control over the activity of the bodies on certification and testing laboratories**

1. An inspection control over the activity of accredited bodies on certification, and testing laboratories (centers), shall be carried out by a state body on standardization, metrology and certification or its territorial sub-divisions in the order, established by a state system of certification.

2. An inspection control over certified products, processes, works, services shall be carried out by bodies on certification in the order, established by a state system of certification.

#### **Article 16. Rights of Officials, that carry out an Inspection Control and State Control Over Observation of the Rules of Certification, the quality of certified products**

1. The Officials, carrying out state control over the quality of certified products, works, services and inspection control over observation of the rules on certification shall have the following rights:

After presentation an official certificate and prescription for fulfillment of works to have unimpeded access for fulfillment of the state control over the quality of certified products (works, services) or inspection control of observing the rules of certification ;

To send an inquiry and obtain from legal entities and private persons the documents and information, required for fulfillment of state control over the quality of certified products, works, services and inspection control over observation of the rules on certification;

To carry out in accordance with the acting normative documents sampling of product for control on its conformity with charging the costs of used samples and testing (analysis, measuring) expenses against the production costs of tested objects;  
To take legal measures established by legislation to influence on legal entities and individuals violating the legislation on standardization and certification.



## **Chapter IV**

### **Responsibility for Violation of Legislation on Certification**

#### **Article 17. Responsibility of Legal Entities, Officials, Economic Subjects and Private Persons for Violation of Legislation on Certification**

Legal entities, officials of economic subjects of all types of property and private persons shall bear responsibility in accordance with the acting legislation for violation of the Legislation on Certification.

## **Chapter V.**

### **Financing Works on Certification**

#### **Article 18. Financing Works on Certification.**

1. The following items are subjected to the state financing:  
Expenses on maintenance of state body on standardization, metrology and certification;  
State Programs in the sphere of standardization, metrology and certification;

2. Works in the state system of certification, carried out by the accredited bodies on certification, testing laboratories (centers), state organizations that are under the jurisdiction of the state body on standardization, metrology and certification, stipulated by this Law and that are not defined in point 1 of this Article shall be financed on the basis of agreement or by means of other sources that are not prohibited by legislation.

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## **Chapter VI**

### **Dispute Settlement**

**Article 19. Disputes in the sphere of certification**

Disputes in the sphere of certification are considered in the order established by the legislation of the Republic of Kazakhstan.

President of the Republic of Kazakhstan