



On approval of the Rules for accreditation of organizations conducting examination of nuclear safety and (or) radiation safety, and (or) nuclear security

Unofficial translation

Order of the Minister of Energy of the Republic of Kazakhstan dated February 9, 2016 No. 45 . Registered with the Ministry of Justice of the Republic of Kazakhstan on March 28, 2016 No. 13538.

Unofficial translation

Footnote. The heading as amended by Order No. 144 of the Minister of Energy of the Republic of Kazakhstan dated 22.04.2021 (shall be enforced sixty calendar days after the date of its first official publication).

In accordance with subparagraph 10) of Article 6 of the Law of the Republic of Kazakhstan "On the Use of Nuclear Energy" and subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan "On State Services" **I hereby ORDER** to:

Footnote. Preamble - as amended by Order No. 282 of the Minister of Energy of the Republic of Kazakhstan dated 03.09.2021 (shall be enforced sixty calendar days after the date of its first official publication).

1. Approve the attached Rules for accreditation of organizations conducting examination of nuclear safety and (or) radiation safety, and (or) nuclear security.

Footnote. Paragraph 1 as amended by Order No. 144 of the Minister of Energy of the Republic of Kazakhstan dated 22.04.2021 (shall be enforced sixty calendar days after the date of its first official publication).

2. The Committee for Atomic and Energy Supervision and Control of the Ministry of Energy of the Republic of Kazakhstan, in the manner prescribed by the legislation of the Republic of Kazakhstan shall:

1) ensure the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, send a copy hereof to the official publication in periodicals and to the legal information system "Adilet", as well as to the Republican State Enterprise on the Right of Economic Management "Republican Center of Legal Information" of the Ministry of Justice of the Republic of Kazakhstan for inclusion in the State Register of Normative Legal Acts of the Republic of Kazakhstan and Reference Control Bank of Regulatory Legal Acts;

3) ensure placement of this order on the official Internet resource of the Ministry of Energy of the Republic of Kazakhstan and the intranet portal of government bodies;

4) within ten working days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, submit to the Department of Legal Services of the Ministry of Energy of the Republic of Kazakhstan the information on the implementation of measures provided for in subparagraphs 2) and 3) of this paragraph.

3. Control over the execution of this order shall be assigned to the supervising Vice Minister of Energy of the Republic of Kazakhstan.

4. This order shall come into effect upon expiry of twenty one calendar days after the day of its first official publication.

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*Minister of Energy of
the Republic of Kazakhstan*

V. Shkolnik

“AGREED”

Minister for Investment and
Development of the
Republic of Kazakhstan

_____A.Issekeshv

February 11, 2016

“AGREED”

Minister of National Economy of
the Republic of Kazakhstan

_____Ye. Dossayev

February 27, 2016

Approved
by Order No. 45
of the Minister of the
Republic of Kazakhstan
dated February 9, 2016

Rules for accreditation of organizations conducting examination of nuclear safety and (or) radiation safety, and (or) nuclear security

Footnote. The Rules as amended by Order No. 144 of the Minister of Energy of the Republic of Kazakhstan dated 22.04.2021 (shall be enforced sixty calendar days after the date of its first official publication).

Chapter 1. General provisions

1. These Rules for accreditation of organizations conducting examination of nuclear safety and (or) radiation safety, and (or) nuclear security (hereinafter referred to as the Rules)

have been developed in accordance with subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan "On State Services" (hereinafter referred to as Law on State Services), subparagraph 4) of paragraph 1 of Article 12 of the Law of the Republic of Kazakhstan "On Permits and Notifications", subparagraph 10) of Article 6 of the Law of the Republic of Kazakhstan "On the Use of Nuclear Energy" (hereinafter referred to as the Law) and define the procedure for the provision of the public service "Accreditation of organizations conducting examination of nuclear safety and (or) radiation safety, and (or) nuclear security" (hereinafter referred to as the Public Service).

2. The following concepts shall be used in these Rules:

1) the authorized body in the use of nuclear energy - the central executive body exercising management in the use of nuclear energy;

2) accreditation of organizations conducting examination of nuclear safety and (or) radiation safety, and (or) nuclear security - the procedure for official recognition by the authorized body in the nuclear energy use of the organization's competence to conduct examination of nuclear safety and (or) radiation safety, and (or) nuclear security.

3. The authorized body in the use of nuclear energy (hereinafter referred to as the Service Provider) shall accredit the organizations that conduct examination of nuclear safety and (or) radiation safety, and (or) nuclear security and maintain a register of accredited organizations that conduct examination of nuclear safety and (or) radiation safety, and (or) nuclear security, which shall be posted on the Internet resource of the Service Provider, as well as its department.

4. In accordance with Paragraph 3 of Article 26 of the Law, an organization carrying out an examination of nuclear safety and (or) radiation safety and (or) nuclear physical safety shall have:

1) at least five years of practical experience in the field of accreditation or activities directly related to the field of accreditation;

2) qualified personnel capable of performing work in the relevant field of accreditation;

3) software and hardware and (or) calculation methods for performing the declared types of work.

Software and hardware shall include computer software that allows input of input data and formulas to obtain results required to substantiate nuclear safety and/or radiation safety and/or nuclear physical safety.

Footnote. Paragraph 4 - in the wording of the order of the Minister of Energy of the Republic of Kazakhstan dated 09.01.2023 No. 4 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Chapter 2. Accreditation procedure of organizations conducting examination of nuclear safety and (or) radiation safety, and (or) nuclear security

5. To obtain the public service, a legal entity (hereinafter referred to as the service recipient) shall submit the documents required for the provision of the public service specified in paragraph 8 of the list of basic requirements for the provision of the public service "Accreditation of organizations carrying out nuclear safety expertise and (or) radiation safety, and/or nuclear physical safety "(hereinafter referred to as the List of basic requirements for public service provision) as set out in Annex 2 to the Rules by means of the www.egov.kz e-government web portal (the "Portal").

The service provider shall receive information on state registration (re-registration) of a legal entity from the relevant state information systems through the "electronic government" gateway.

When the service recipient submits all necessary documents through the Portal - through the "personal account" of the service recipient, the status of acceptance of the request for the public service provision is displayed, indicating the date of receipt of the result of the public service.

The list of the main requirements for the public service provision, including the characteristics of the process, the form, content and result of the provision, as well as other information taking into account the peculiarities of the public service provision, shall be given in the List of the main requirements for the public service provision.

Footnote. Paragraph 5 - in the wording of the order of the Minister of Energy of the Republic of Kazakhstan dated 09.01.2023 No. 4 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

6. On the day the documents shall be received, the employee of the service provider's office shall receive them, register them and submit them to the service provider's nuclear and radiation safety management for consideration.

The responsible contractor of the nuclear and radiation safety management of the service provider shall check the completeness and validity period of the submitted documents within 2 (two) working days from the moment of registration of the service recipient's application.

When the service recipient provides an incomplete package of documents and (or) information necessary for the public service provision in accordance with these Rules, the responsible contractor of the service provider within 2 (two) working days from the date of registration of the service recipient's application shall send a reasoned refusal to the service recipient's "personal account" in the form of Annex 3 to these Rules.

When the service recipient submits a complete package of documents and the absence of expired documents, the responsible contractor of the nuclear and radiation safety management of the service provider sends the package of documents to the nuclear physical safety and technical cooperation management of the service provider for consideration of their compliance with the requirements of these Rules within the period specified in part 2 of this paragraph.

Within fifteen (15) working days, the employee of the nuclear physical safety and technical cooperation department and the responsible contractor of the nuclear and radiation safety of the service provider prepare, on a first-come, first-served basis, conclusions on the compliance or non-compliance of the service recipient with the requirements of these Rules, and then submit them to the heads of these departments of the service provider for approval.

The responsible contractor of nuclear and radiation safety management of the service provider on the basis of the submitted conclusions within 3 (three) working days:

in the presence of all submitted conclusions on compliance with the submitted documents, shall draw up a certificate of accreditation of the organization carrying out the examination of nuclear safety and (or) radiation safety, and (or) nuclear physical safety in form, in accordance with Annex 4 to these Rules;

prepare and send to the service recipient a reasoned refusal to public service provision in the form specified in Annex 3 to these Rules on the grounds specified in paragraph 9 of the List of basic requirements for the public service provision.

The motivated refusal to provide the public service, signed by the electronic digital signature of the head of the service provider, shall be sent via the Portal to the "personal account" of the service recipient in the form set forth in Annex 3 to the Rules.

In accordance with Article 73 of the Administrative procedural code of the Republic of Kazakhstan, the service provider shall provide an opportunity for the service recipient to express his position (hearing) to a preliminary decision on refusal. In issuing an accreditation certificate to an organization carrying out nuclear safety and (or) radiation safety expertise and (or) nuclear physical safety, which the service recipient shall be notified of no later than three (3) working days before the decision is made.

The hearing procedure shall be carried out in accordance with the Administrative procedural code of the Republic of Kazakhstan.

Based on the results of the review of the package of documents, the conclusion and the result of the hearing, the service provider shall make one of the following decisions:

1) issue an accreditation certificate to the organization carrying out nuclear safety and (or) radiation safety expertise and (or) nuclear physical safety;

2) refuse to issue a certificate of accreditation of the organization carrying out the examination of nuclear safety and (or) radiation safety, and (or) nuclear physical safety.

Footnote. Paragraph 6 - in the wording of the order of the Minister of Energy of the Republic of Kazakhstan dated 09.01.2023 No. 4 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

7. Excluded by order of the Minister of Energy of the Republic of Kazakhstan dated 09.01.2023 No. 4 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

8. The service provider shall ensure entry of data on the public service provision stage into the information system for monitoring the public service provision.

When providing the public service through the state information system of permits and notifications, data on the stage of providing the public service are automatically transmitted to the information system for monitoring the public service provision.

Within 3 (three) working days from the date of introduction of amendments and (or) additions to these Rules, the service provider shall send information to the Unified Contact Center and place it on the unified platform of Internet resources of state bodies of the Republic of Kazakhstan www.gov.kz in the section "Ministry of Energy."

Footnote. Paragraph 8 - in the wording of the order of the Minister of Energy of the Republic of Kazakhstan dated 09.01.2023 No. 4 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Chapter 3. The procedure for appealing the accreditation results by organizations conducting examination of nuclear safety and (or) radiation safety, and (or) nuclear security

9. Complaint about the Public Service provision shall be considered by a higher administrative body, an authorized body for assessing and monitoring the public services quality (hereinafter referred to as the body considering the complaint).

The complaint shall be directed to the Service Provider, whose decision, action (inaction) is being appealed.

The service provider, whose decision, action (inaction) is being appealed, does not send a complaint to the body considering the complaint, if it makes a decision within 3 (three) working days that satisfies the requirements specified in the complaint.

When deciding to leave the complaint without satisfaction, the Service Provider, whose decision, action (inaction) is being appealed, no later than 3 (three) business days from the date of the received complaint, shall send it along with the administrative case to the body considering the complaint.

The Service Receiver's complaint, addressed to the Service Provider, in accordance with paragraph 2 of Article 25 of the Law on State Services is subject to consideration within 5 (five) working days from its registration date.

The complaint of the Service Receiver that came to the authorized body for assessing and monitoring the quality of public services, in accordance with paragraph 2 of Article 25 of the Law on State Services, is subject to consideration within 15 (fifteen) working days from its registration date.

Footnote. Paragraph 9 - as amended by Order No. 282 of the Minister of Energy of the Republic of Kazakhstan dated 03.09.2021 (shall be enforced sixty calendar days after the date of its first official publication).

10. In cases of disagreement with the Service Provider's decision, the Service Receiver may apply to the court in accordance with subparagraph 6) of Article 4 of the Law on State Services.

to the Rules for accreditation
of organizations conducting examination
of
nuclear safety and (or) radiation safety,
and (or) nuclear security

Footnote. Annex 1 as excluded by order of the Minister of Energy of the Republic of Kazakhstan dated 09.01.2023 No. 4 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Appendix 2
to the Rules for accreditation
of organizations conducting
examination of nuclear safety and
(or) radiation safety, and (or)
nuclear security

List of main requirements for public service provision accreditation of organizations carrying out nuclear safety and/or radiation safety expert review and/or nuclear physical safety

Footnote. Appendix 2 - in the wording of the order of the Minister of Energy of the Republic of Kazakhstan dated 09.01.2023 No. 4 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

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| 1. | Name of the service provider | Nuclear and energy supervision and control committee of the Ministry of Energy of the Republic of Kazakhstan (hereinafter referred to as the service provider). |
| 2. | Methods of public service provision | E-Government web portal: www.egov.kz (hereinafter referred to as the Portal). |
| 3. | Term of public service provision | Twenty (20) working days. |
| 4. | Form of public service provision | Electronic (fully automated). |
| 5. | Result of public service provision | Certificate of accreditation of the organization carrying out the examination of nuclear safety and (or) radiation safety, and (or) nuclear physical safety or a reasoned refusal to provide public service. The validity period of the accreditation certificate of the organization carrying out the examination of nuclear safety and (or) radiation safety and (or) nuclear physical safety shall be three years. The form of provision of the result of the public service provision: electronic. |
| 6. | The amount of payment charged to the service recipient during the public service provision, and the methods of its collection in cases | The public service shall be provided free of charge to legal entities (|

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| | provided for by the legislation of the Republic of Kazakhstan | hereinafter referred to as the service recipient). |
| 7. | Schedule of the service provider and information objects | <p>1) the service provider - from Monday to Friday from 9.00 to 18.30 , with a break for lunch from 13.00 to 14.30, except for weekends and holidays in accordance with the Labor Code of the Republic of Kazakhstan (hereinafter referred to as the Code);</p> <p>2) Portal - around the clock, with the exception of interruptions related to technical work (when the service recipient applies after the end of working hours, on weekends and holidays in accordance with the Code, acceptance of an application and documents, issuance of the results of the public service provision shall be carried out the next working day).</p> |
| 8. | List of documents and information required from the service recipient for the public service provision | <p>1) an application in electronic form in accordance with the Annex to this list of basic requirements for the public service provision;</p> <p>2) electronic copies of documents confirming the availability of at least five years of practical experience in the field of accreditation or activities directly related to the field of accreditation;</p> <p>3) electronic copies of documents confirming the qualification of personnel in the relevant field of accreditation (diplomas in the specialty corresponding to the field of accreditation, if there are certificates, , certificates confirming the qualification and completion of theoretical and practical training in the relevant field of accreditation);</p> <p>4) electronic copies of software and hardware and (or) calculation methods for performing the declared types of work.</p> |
| | | <p>1) establishing the inaccuracy of the documents submitted by the service recipient for receiving the public service, and (or) the data (information) contained in them;</p> <p>2) non-compliance of the service recipient and (or) submitted materials, facilities, data and</p> |

9.

Grounds for refusal to provide public services established by the legislation of the Republic of Kazakhstan

information required for the public service provision with the requirements established by the Accreditation Rules for organizations carrying out nuclear safety and (or) radiation safety expertise and (or) nuclear physical safety, approved by order of the Minister of Energy of the Republic of Kazakhstan dated February 9, 2016 No. 45 (registered in the Register of State Registration of Regulatory Legal Acts No. 13538);

3) non-compliance of the qualification of the service recipient's personnel with the declared accreditation area in accordance with the requirement of subparagraph 3) of paragraph 5 of Article 26 of the Law of the Republic of Kazakhstan "On use of atomic energy";

4) inconsistency of calculation methods and software tools of the declared accreditation area in accordance with the requirement of subparagraph 4) of paragraph 5 of Article 26 of the Law of the Republic of Kazakhstan " On use of atomic energy ";

5) in relation to the service recipient, there shall be a court decision (verdict) on the prohibition of activities or certain types of activities requiring the receipt of a certain public service that has entered into legal force;

6) in relation to the service recipient, there shall be a court decision that has entered into legal force, on the basis of which the service recipient shall be deprived of a special right related to a public service provision;

7) lack of consent of the service recipient to access the personal data of limited access required for the public service provision.

1) addresses of places of public service provision shall be placed on: a unified platform of Internet resources of state bodies - www.egov.kz, in the section " Ministry of Energy" in the subsection "Services"; Portal;

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| 10. | Other requirements taking into account the peculiarities of the public service provision, including those provided in electronic form | <p>2) The service recipient shall have the opportunity to receive the public service in electronic form through the Portal, provided that an electronic digital signature shall be available;</p> <p>3) The service recipient shall have the opportunity to receive information on the procedure and status of the public service provision in the remote access mode through the "personal account" of the Portal, as well as the Unified Contact Center ;</p> <p>4) a version for the visually impaired shall be available when providing public services through the Portal;</p> <p>5) contact numbers of reference services for the public service provision shall be indicated on a unified platform of Internet resources of state bodies - www.egov.kz, in the section "Ministry of Energy" in the subsection "Services." Unified contact center for the public service provision: 1414, 8-800-080-7777.</p> |
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Annex
to the List of main
requirements to public service provision "Accreditation of organizations,
carrying out expertise
nuclear safety and/or
radiation safety,
and/or nuclear physical
safety "

form

To: _____

(name
state body)

(Business identification
number)

From whom: _____

(last name, first name, patronymic
(if any)

individual/
name of the legal entity)

Details:

(Business identification

number, address,

contact phone number)

Application

I hereby ask you to carry out accreditation _____

(name of legal entity)

to implement the _____

(type of work in the field of accreditation)

by safety type (s) _____

The following documents shall be attached to the application:

1. _____
2. _____
3. _____
4. _____

By this application, I confirm the accuracy of the information provided and consent to the collection and processing of personal data, as well as access to personal data of limited access in accordance with the list of collected data provided for in paragraph 8 of the list of basic requirements for the public service provision for a period of 3 (three) years.

Head of legal entity

(last name, first name, patronymic (if any)) (signature)

Date of completion dated _____ "____", __ 20

Appendix 2-1
to the Rules for accreditation
of organizations conducting
examination of nuclear safety and
(or) radiation safety, and (or)
nuclear security
Form

Notification

Footnote. The Rules as added by Annex 2-1 in accordance with the order of the Minister of Energy of the Republic of Kazakhstan dated 03.09.2021 No. 282 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication); excluded by order of the Minister of Energy of the Republic of Kazakhstan dated 09.01.2023 No. 4 (shall

enter into force upon expiry of sixty calendar days after the day of its first official publication).

Appendix 3
to the Rules for accreditation
of organizations conducting
examination of nuclear safety and
(or) radiation safety, and (or)
nuclear security

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|----------|----------|----------|----------|
| Header 1 | Header 2 | Header 3 | Header 4 |
|----------|----------|----------|----------|

Form

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| [Name of the MO(in the state language)] requisites of the MO in the state language | [Name of the MO (in the Russian language)] requisites of the MO in the Russian language |
| Reasoned refusal to further consider the application / provision of public service | |
| Number: [Number] | [Name of the Service Provider] |
| Date of issue: [Date of issue] | |
| [Name of the MO], after consideration of your request of [application date] year No. [application number, informs that _____]. [Reason of rejected request]. | |
| [Position of the signer] | [full name of the signer] |

this document, according to paragraph 1 of Article 7 of the LRK of January 7, 2003

"On electronic document and electronic digital signature", is equivalent to a paper document

Appendix 4
to the Rules for accreditation
of organizations conducting
examination of nuclear and (or),
radiation and (or) nuclear physical
security
Form

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[Name of the MO(in the state language)]
requisites of the MO in the state language

[Name of the MO (in the Russian language)]
requisites of the MO in the Russian language

Certificate of accreditation of organization, conducting examination of nuclear safety and (or) radiation safety, and (or) nuclear security

In accordance with Article 26 of the Law of the Republic of Kazakhstan “On the Use of Nuclear Energy”

_____ (name of the legal entity)
is accredited to conduct

_____ (type of works in accreditation scope)
by type (s) of security _____

_____ using

_____ (method (s) of calculations and (or) software and hardware tools)
Certificate is valid until " ____ " _____ 20__
Head of the authorized body in the use of nuclear energy
or his deputy

_____ (full name, signature)

Series _____ No. _____ Date of issue: