



**On approval of the Decision Rules on the inclusion or exclusion of conformity assessment bodies in the national part (from the national part) of the unified register of conformity assessment bodies of the Eurasian Economic Union**

*Unofficial translation*

Order of the Minister of Trade and Integration of the Republic of Kazakhstan dated June 1, 2021, No. 384-HK. Registered with the Ministry of Justice of the Republic of Kazakhstan on June 3, 2021, No. 22917

Unofficial translation

**This order shall come into effect on July 1, 2021.**

In accordance with subparagraph 6) of paragraph 2 of Article 7 of the Law of the Republic of Kazakhstan "On Technical Regulation", **I HEREBY ORDER:**

1. To approve the attached Decision Rules on the inclusion or exclusion of conformity assessment bodies in the national part (from the national part) of the unified register of conformity assessment bodies of the Eurasian Economic Union.

2. The Committee for Technical Regulation and Metrology of the Ministry of Trade and Integration of the Republic of Kazakhstan in the manner prescribed by law shall ensure:

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

2) placement of this order on the Internet resource of the Ministry of Trade and Integration of the Republic of Kazakhstan.

3. This order shall come into effect on July 1, 2021, and is subject to official publication.

*Minister of Trade and Integration  
of the Republic of Kazakhstan*

*B. Sultanov*

Approved  
by Order of the Minister  
of Trade and Integration  
of the Republic of Kazakhstan  
dated June 1, 2021, No. 384-HK

**The Decision Rules on the inclusion or exclusion of conformity assessment bodies in the national part (from the national part) of the unified register of conformity assessment bodies of the Eurasian Economic Union**

**Chapter 1. General Provisions**

1. These Decision Rules on the inclusion or exclusion of conformity assessment bodies in the national part (from the national part) of the unified register of conformity assessment bodies of the Eurasian Economic Union (hereinafter referred to as the Rules) have been

developed in accordance with subparagraph 6) of paragraph 2 of Article 7 of the Law of the Republic of Kazakhstan "On Technical Regulation" (hereinafter referred to as the Law) and shall determine the procedure for making decisions on the inclusion or exclusion of conformity assessment bodies in the national part (from the national part) of the unified register of conformity assessment bodies of the Eurasian Economic Union.

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

1) conformity assessment body - a legal entity or its structural subdivision, carrying out work on conformity assessment;

2) conformity assessment body - a legal entity duly accredited to carry out conformity assessment activities, in accordance with subparagraph 1) of paragraph 1 of Article 9 of the Law;

3) experts-auditors for conformity assessment - individuals certified in the manner determined by the authorized body in accordance with subparagraph 13) of paragraph 1 of Article 7 of the Law;

4) testing laboratory (centre) (hereinafter referred to as the Laboratory) - a legal entity or a structural subdivision of a legal entity, acting on its behalf, carrying out tests (research);

5) the authorized body in the field of technical regulation (hereinafter referred to as the Authorized body) - a central executive body that manages intersectoral coordination in the field of technical regulation.

## **Chapter 2. The procedure for making decisions on the inclusion or exclusion of conformity assessment bodies in the national part (from the national part) of the unified register of conformity assessment bodies of the Eurasian Economic Union**

3. The inclusion or exclusion of conformity assessment bodies in the national part (from the national part) of the unified register of conformity assessment bodies of the Eurasian Economic Union (hereinafter referred to as the Register) shall be carried out by the authorized body based on the results of consideration of the application of conformity assessment bodies by the Commission to consider the issue of inclusion or exclusion of bodies on conformity assessment to the national part (from the national part) of the unified register of conformity assessment bodies of the Eurasian Economic Union (hereinafter referred to as the Commission), created by the authorized body. The application shall be sent in any form to the authorized body.

4. To verify the applicant's compliance with the conditions for inclusion in the Register specified in paragraph 6 of these Rules, the authorized body, within 20 (twenty) working days from the date of receipt of the application, shall check and submit for consideration by the Commission an application with information about the compliance of the body for assessing compliance with the conditions specified in paragraph 6 of these Rules.

5. The term for consideration of the application by the Commission shall be 10 (ten) working days from the date of receipt from the authorized body.

The decision of the Commission shall be formalized in a protocol, which shall be signed by its members and shall be recommendatory.

6. The Commission shall consider the application of the conformity assessment body and the information of the authorized body on the compliance of the conformity assessment body with the following conditions:

1) for conformity assessment bodies:

availability of a valid accreditation certificate in accordance with the legislation of the Republic of Kazakhstan in the field of conformity assessment in the declared field;

availability at a conformity assessment body in the field of accreditation of products subject to conformity assessment with the requirements of the technical regulations of the Eurasian Economic Union (for conformity assessment bodies that carry out work on assessing the conformity of products with the requirements of the technical regulations of the Eurasian Economic Union), or products included in a unified list (for conformity assessment bodies that carry out work on conformity assessment of products included in the unified list);

availability in the staff of the conformity assessment body of experts-auditors for products in all areas of activity in accordance with the scope of accreditation, carrying out activities based on an employment contract in one conformity assessment body;

absence of an outstanding or unexpunged criminal conviction by the management of the conformity assessment body that arose in connection with the illegal issuance of conformity assessment documents or an administrative penalty for committing an administrative offence in the field of conformity assessment;

absence during the period of validity of the accreditation certificate, violations identified during the year that resulted in the release into circulation of products that do not meet the requirements of the legislation of the Republic of Kazakhstan or regulatory documents (for products included in a unified list) or the requirements of the technical regulations of the Eurasian Economic Union, also cases massive violations (five or more) concerning one technical regulation and (or) numerous violations (ten or more) concerning three or more technical regulations or systematic violations (periodically repeated violations of three or more) during the validity of the accreditation certificate, unjustified issuance certificates compliance;

availability at the conformity assessment body on the legal basis of premises and equipment in the amount of at least 50 (fifty) per cent, which ensures the conduct of research (tests) and measurements of the characteristics (indicators) of products (product groups) included in the scope of accreditation for compliance with the requirements of technical regulations the Eurasian Economic Union, as well as products included in a unified list;

absence in the staff of a conformity assessment body of persons, including expert auditors for conformity assessment, who committed violations during the year, resulting in the release into circulation of products that do not comply with the requirements of the legislation of the Republic of Kazakhstan or regulatory documents (for products included in a unified list) or

the requirements of the technical regulations of the Eurasian Economic Union, as well as cases of mass violations (five or more) concerning one technical regulation and (or) numerous violations (ten or more) concerning three or more technical regulations or systematic violations (repeated violations of three or more) during the period of validity of the accreditation certificate, unreasonable issuance of certificates compliance;

absence within 1 (one) year preceding the day of applying to proven facts of violations in the course of joint work on conformity assessment with accredited persons, including conformity assessment bodies of foreign states, as a result of which there were cases of mass or systematic unjustified issuance of documents on confirmation of compliance;

a legal entity whose structural subdivision is accredited in the national accreditation system as a conformity assessment body has financial resources sufficient to ensure the performance of mandatory certification works in the declared scope, including ensuring liability for violation of the rules for performing conformity assessment before customers (the amount of insurance or the size of the authorized capital).

Conformity assessment bodies that have ceased their activity as a subject of accreditation and, at the same time, have not terminated the certificates of conformity issued by them for products issued as part of mandatory certification, or have not transferred the functions of inspection control to other conformity assessment bodies, shall not be included in the Register

2) for laboratories:

availability of a valid certificate of accreditation in accordance with the law Republic of Kazakhstan in the field of conformity assessment;

availability of laboratories in the field of accreditation of products subject to conformity assessment with the requirements of the technical regulations of the Eurasian Economic Union (for laboratories carrying out work on assessing the conformity of products with the requirements of the technical regulations of the Eurasian Economic Union), or products included in a unified list (for laboratories carrying out work on assessing the conformity of products included in the unified list);

absence of an outstanding or unexpunged criminal conviction by the laboratory management that arose in connection with the illegal issuance of conformity assessment documents or an administrative penalty for committing an administrative offence in the field of conformity assessment;

availability at the head and deputy heads of the laboratory of higher education in the speciality and (or) the direction of training corresponding to the entire scope of accreditation or part of it has at least 5 (five) years of experience in the field of conformity assessment while taking into account work experience for 10 (ten) years preceding the day the laboratory applied;

absence during the period of validity of the accreditation certificate, violations identified during the year, as well as persons who committed violations resulting in the release into

circulation of products that do not meet the requirements of the legislation of the Republic of Kazakhstan or regulatory documents (for products included in a unified list) or the requirements of technical regulations of the Eurasian Economic Union, as well as cases of mass violations (five or more) concerning one technical regulation and (or) numerous violations (ten or more) concerning three or more technical regulations or systematic violations (periodically repeated violations of three or more) during the period of validity certificate of accreditation, unreasonable issuance of test reports, including concerning products that are not covered by the scope of laboratory accreditation;

absence within 1 (one) year preceding the day of applying to proven facts of violations in the course of joint work on conformity assessment with accredited persons, including conformity assessment bodies of foreign states, as a result of which there were cases of mass or systematic unjustified issuance of documents on confirmation of compliance;

availability of a legal entity whose structural subdivision is accredited in the national accreditation system as a laboratory, financial resources sufficient to ensure the implementation of mandatory certification works in the declared scope, including to ensure liability for violation of the rules for performing work on conformity assessment to customers (amount insurance or the size of the authorized capital).

7. Based on the decision of the Commission, the authorized body shall decide to include the conformity assessment body in the Register, on which notification shall be sent to the conformity assessment body.

8. In case of non-compliance of the conformity assessment body with the conditions for inclusion in the Register, specified in paragraph 6 of these Rules, the authorized body shall refuse to include the conformity assessment body in the Register within 10 (ten) calendar days in compliance with the requirements established by Article 73 of the Administrative Procedure procedural code of the Republic of Kazakhstan.

9. The exclusion of the conformity assessment body from the Register shall be issued by the decision of the authorized body within 2 (two) working days in the following cases:

1) receipt of an application to the authorized body from the conformity assessment body for exclusion from the Register;

2) revocation, termination, suspension, deprivation, cancellation of the certificate of accreditation of the conformity assessment body;

3) non-compliance of the conformity assessment body with the conditions for inclusion in the Register, specified in paragraph 6 of these Rules.

10. The information contained in the Register shall be open and publicly available.