

On the safety of machines and equipment

Unofficial translation

The Law of the Republic of Kazakhstan dated 21 July, 2007 № 305.

Unofficial translation

This Law regulates social relations by definition, establishment, application and enforcement of requirements for machines and equipment, processes of their life cycle and sets the legal framework to ensure the protection of life, health of human and the environment

Chapter 1. GENERAL PROVISIONS Article 1. Basic definitions, used in this Law

1. The following basic definitions are used in this Law:

- 1) date of manufacture - the end date of the process of production of machines and equipment;
- 2) equipment - a technical device that is installed on the machine and is necessary to perform basic and (or) additional functions of machines, as well as combining them into a single system;
- 3) unacceptable risk - the risk, exceeding the level of safety of machines and equipment for human life and health, the environment, established by the legislation of the Republic of Kazakhstan;
- 4) acceptable risk level - the level of safety of machines and equipment, established by technical regulations and project documentation;
- 5) danger zone - the area, inside the machine or around it, where a person shall be at risk of harm to the life or health;
- 6) dangerous machines and equipment - machines and equipment that could present a danger to human life and health, the environment and deemed as non-complying with the safety requirements, established by this Law and technical regulations;
- 7) machine - a technical device or a set of devices, designed to convert energy, materials and information, consisting of interrelated components, at least one of which can be moved;
- 8) a designer of machine and (or) equipment (hereinafter - the designer) – an individual or a legal entity that develops the project documentation and instructions for operation of machines and (or) equipment;
- 9) the life cycle of machines and equipment - the processes of design, production, operation (including repair, maintenance and service), storage, transportation, sale, disposal and recycling;

10) safety of machines and equipment – absence of unacceptable risk, associated with injury to human life, health and the environment;

11) subjects, responsible for the safety of machines and equipment –the designer, the manufacturer, the authorized representative, the importer, the personnel (operators), the user of machines and equipment;

12) confirmation of conformity of machines and equipment - a procedure which results in a documentary attestation of conformity (in the form of a declaration of conformity or a certificate of conformity) of machines and (or) equipment to the requirements established by technical regulations, standardization documents or contract conditions; importer, personnel (operators), user of machines and equipment;

13) declaration of conformity of machines and equipment - a document by which the manufacturer certifies the compliance of machines and (or) equipment with the established requirements;

14) manufacturer – an individual or a legal entity that manufactures machines and (or) equipment;

15) user - an individual or a legal entity, performing operation of the machine and (or) equipment;

16) personnel (operators) – persons, engaged in commissioning, operation, adjustment, routine maintenance, cleaning, repair, storage or transportation of machines and equipment;

17) mark of conformity - a label, intended to inform consumers about the passage of the conformity assessment procedures by machines and (or) equipment;

18) authorized body - a state body, carrying out management and coordination of activities of other state bodies, ensuring the safety of machines and equipment in accordance with industry orientation and within its powers;

19) authorized representative – an individual or a legal entity, having a written authorization from the manufacturer, allowing the management (implementation) of trade on his (her) behalf;

20) limit state - the state of machines and equipment in which their continued operation or restoration of their serviceable state is impossible or impractical;

21) refusal - an event that is the violation of serviceable state of machines and equipment.

2. Definitions of the legislation of the Republic of Kazakhstan in the field of safety of machines and equipment, not mentioned in this Article, shall have the meanings defined in the relevant Articles of this Law.

Footnote. Article 1 with the change introduced by the Law of the Republic of Kazakhstan dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication).

Article 2. Legislation of the Republic of Kazakhstan in the field of safety of machines and equipment

1. Legislation of the Republic of Kazakhstan in the field of safety of machines and equipment is based on the Constitution of the Republic of Kazakhstan, consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes rules other than those contained in this Law, the rules of the international treaty shall apply.

Article 3. Sphere of application of this Law

1. This Law is valid on the territory of the Republic of Kazakhstan and applies to machines and equipment, manufactured in the Republic of Kazakhstan and imported into the territory of the Republic of Kazakhstan, as well as the processes of their life cycle.

2. This Law shall not apply to machines and equipment, the requirements for which are set by other laws of the Republic of Kazakhstan.

3. Machines and equipment that do not meet safety requirements, established by this Law and technical regulations, shall not be permitted in the processes of production, sales, storage, transportation, maintenance (including repair, maintenance and service).

4. The sale of machines and equipment on the territory of the Republic of Kazakhstan, not complying with the requirements of this Law, the technical regulations intended for display at exhibitions and demonstrations, shall not be permitted.

During these demonstrations and exhibitions the appropriate measures to protect human life and health, and the environment shall be taken.

Article 4. State system of bodies, ensuring the safety of machines and equipment

1. Unified state system of bodies, ensuring the safety of machines and equipment consists of:

- 1) The Government of the Republic of Kazakhstan;
- 2) an authorized body in the field of industry;
- 3) the authorized body in the field of industrial safety;
- 4) the authorized body in the field of agriculture;
- 5) the authorized body in the field of energy and mineral resources;
- 6) the authorized body in the field of transport and communications;
- 7) an authorized body in the field of regulation of trade activities.

2. The authorized bodies, referred to in subparagraphs 2) - 7) of paragraph 1 of this Article, carry out state regulation in the field of safety of machines and equipment in accordance with industry orientation.

Footnote. Article 4, as amended by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No,239-V (shall be enforced upon expiry of ten calendar days

after its first official publication); dated 27.12.2021 № 87-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 5. Competence of the Government of the Republic of Kazakhstan

The competence of the Government of the Republic of Kazakhstan shall be:

- 1) development of public policy in the field of safety of machines and equipment;
- 2) excluded by Law of the RK № 75-VII of 24.11.2021 (shall be enacted ten calendar days after the date of its first official publication);
- 3) excluded by Law № 75-VII of 24.11.2021 (shall take effect ten calendar days after the date of its first official publication);
- 4) perform other functions, assigned to it by the Constitution, Laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

Footnote. Article 5, as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); № 75-VII of 24.11.2021 (shall come into force ten calendar days after the date of its first official publication).

Article 6. Competence of the authorized bodies, ensuring the safety of machines and equipment

The competence of the authorized bodies, ensuring the safety of machines and equipment includes:

- 1) implementation of state policy in the field of safety of machines and equipment;
- 2) excluded by Law № 75-VII of 24.11.2021 (shall take effect ten calendar days after the date of its first official publication);
- 3) representation of the Republic of Kazakhstan in the international and regional organizations on conformation of compliance and ensuring safety of machines and equipment ;
- 3-1) inter-sectoral coordination of the activities of the public authorities that ensure the safety of machinery and equipment;
- 4) shall be excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication);
- 5) drafting, approving or harmonising legal regulations on the safety of machinery and equipment;
- 6) monitoring the consumer market in order to identify machines and equipment that do not comply this Law and technical regulations in the field of safety of machines and equipment, and the development of measures to prevent their implementation;
- 7) issuance of instruction to stop the production, sale and circulation on the market of machines and equipment, not complying with the safety requirements, established by this Law and technical regulations; with the exception of the market for agricultural machinery

and equipment, an instruction to stop of production, sales and circulation which is issued by the local executive bodies;

8) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015);

9) exercise other powers, stipulated by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 6, as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 № 188 (the order of enforcement see Art. 2); dated 19.03.2010 № 258-IV; dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No,239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 24.05.2018 № 156-VI (to be put into effect upon the expiration of ten calendar days after the day of its first official publication); № 75-VII of 24.11.2021 (shall go into effect ten calendar days after the date of its first official publication).

Article 7. Rights and obligations of subjects, responsible for the safety of machines and equipment

1. Subjects, responsible for the safety of machines and equipment, shall be entitled to:

- 1) timely receive the accurate information about compliance of the machines and equipment with the safety requirements, established by this Law and technical regulations;
- 2) apply to the authorized bodies with a statement of non-conformity of machines and equipment with the safety requirements, established by this Law and technical regulations.

2. Together with the rights under paragraph 1 of this Article, the manufacturer shall be entitled to:

- 1) participate in the development of regulatory legal acts in accordance with the legislation of the Republic of Kazakhstan;
- 2) develop and approve the standards of organizations, complying with the mandatory requirements of the legislation of the Republic of Kazakhstan in the field of safety of machines and equipment;
- 3) develop production control programs for the safety of machines and equipment;
- 4) implement a quality management system and a system for the safety of machines and equipment;
- 5) recover (repair) or significantly change (upgrade), distribute machines and (or) equipment.

3. Subjects, responsible for the safety of machines and equipment shall:

- 1) comply with the legislation of the Republic of Kazakhstan in the field of safety of machines and equipment;

2) cooperate with the authorized bodies for the prevention or reduction of risks, associated with machines and equipment.

4. Together with the obligations, stipulated in paragraph 3 of this Article, the manufacturer shall:

1) submit documents, proving the safety of machines and equipment to users, as well as to the authorized bodies to ensure the safety of machines and equipment, at their request;

2) provide machinery and equipment with operating instructions and other information in the state and Russian languages that comply with the requirements of the Law of the Republic of Kazakhstan "On Languages in the Republic of Kazakhstan", which are necessary for the user to assess possible risks and take appropriate security measures;

3) ensure the monitoring of the safety of machines and equipment in the processes of design, production, storage and transportation, as well as for repairs, maintenance and servicing, upgrading and distribution, where it participates;

4) verify the user's complaints on non-conformity of machines and equipment with the safety requirements, established by this Law;

5) stop immediately the production processes of machines and equipment in case a violation that led to the acquisition of the hazardous properties, provide their withdrawal from customers (users) and carrying out examination, and then take steps to eliminate the violation or, if necessary, organize their recycling or disposal;

6) provide the ability to identify hazards of machines and equipment in the stage of their implementation, storage, disposal and recycling;

7) ensure the timely and effective warning of the user, as well as taking the necessary measures up to withdrawal of machines and equipment in the case of the establishment of their inconsistency with the safety requirements, established by this Law and technical regulations.

5. Together with the obligations, stipulated in paragraph 3 of this Article, the authorized representative shall:

1) submit the documents, proving the safety of machines and equipment to users, as well as to the authorized bodies, ensuring the safety of machines and equipment, at their request;

2) verify the user's complaints on non-conformity of machines and equipment with the safety requirements, established by this Law;

3) ensure the monitoring of the safety of machines and equipment in the process of their sale, storage and transportation;

4) provide the ability to identify hazards of machines and equipment in the stage of their sale, storage, transportation;

5) ensure the timely and effective warning of the user, as well as taking the necessary measures up to withdrawal of machines and equipment in the case of the establishment of their inconsistency with safety requirements, established by this Law and technical regulations, and posing a threat to human life and health, the environment.

6. Together with the obligations, stipulated in paragraph 3 of this Article, the importer shall:

- 1) verify the user's complaints on non-conformity of machines and equipment with the safety requirements, established by this Law;
- 2) ensure the monitoring of the safety of machines and equipment in the process of their sale, storage and transportation;
- 3) provide the ability to identify hazards of machines and equipment in the stage of their sale, storage, transportation;
- 4) ensure the timely and effective warning of the user, as well as taking the necessary measures up to withdrawal of machines and equipment in the case of the establishment of their inconsistency with the safety requirements, established by this Law and technical regulations, and posing a threat to human life and health, the environment.

7. Together with the obligations, stipulated in paragraph 3 of this Article, the personnel (operators) shall:

- 1) immediately inform the authorized bodies on the violations of the safety requirements, established by this Law and technical regulations of putting into circulation machines and equipment, that led to the acquisition of hazardous properties in the process of operation, transportation, storage, disposal and recycling, and on the actions taken by them;
- 2) ensure the monitoring of the safety of machines and equipment in the process of their operation, disposal and recycling.

8. Together with the obligations, stipulated in paragraph 3 of this Article, the user shall:

- 1) immediately inform the authorized bodies on the violations of the safety requirements, established by this Law and technical regulations of the putting into circulation machines and equipment, that led to the acquisition of hazardous properties in the process of operation, transportation, storage, disposal and recycling, and on the actions taken by them;
- 2) ensure the monitoring of the safety of machines and equipment in the process of their sale, storage, transportation, disposal and recycling.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 29.12.2021 № 94-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 8: State control and supervision in the field of machinery and equipment safety

1. State control and supervision in the field of safety of machinery and equipment shall be carried out by authorized bodies in the order and within their competence established by the legislation of the Republic of Kazakhstan.

2. State control in the field of safety of machinery and equipment shall be carried out in the form of an unscheduled inspection and preventive control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

State supervision in the field of safety of machinery and equipment shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 8 of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

Chapter 2. SAFETY REQUIREMENTS FOR MACHINES AND EQUIPMENT Article 9. General requirements for safety of machines and equipment

1. Machines and equipment that are subject to this Law, shall meet the requirements for ensuring the safety of life, health of human and the environmental protection, provided by this Law and technical regulations.

2. In cases, where machines and equipment are subject to several technical regulations, for such machines and equipment fulfillment of the requirements of technical regulations under which they are subject, is necessary.

3. Safety of machines and equipment shall be provided by:

1) compliance with the requirements of legislation of the Republic of Kazakhstan in the field of safety of machines and equipment;

2) conformation of compliance of machines and equipment with the requirements of the legislation of the Republic of Kazakhstan in the field of safety of machines and equipment;

3) application of measures of state regulation in the field of safety of machines and equipment.

4. At all stages of the life cycle of machines and equipment, the ability of monitoring the fulfillment of all the safety requirements, established by this Law and technical regulations must be ensured.

5. If the comprehensive test is required for ensuring the safety of machines and equipment at every stage of the life cycle, it shall be carried out in full compliance with all the requirements of the project documentation.

6. Deviations from the conditions for safe use of machines and equipment, provided by the project documentation, should not be higher than the acceptable level of risk at all stages of the life cycle of machines and equipment.

7. Further use of upgraded machines and equipment for the purpose can only be based on the results of examination, confirming the compliance of the machines and equipment with the requirements of the legislation of the Republic of Kazakhstan in the field of safety of machines and equipment, obtaining the conclusion of the relevant state bodies, ensuring the safety of machines and equipment.

Article 10. Safety requirements of machines and equipment in the design

1. In the design of machines and equipment it is required to ensure the compliance of designs of machines and (or) equipment with the requirements of this Law and technical regulations.

2. In the design of machines and equipment the designer shall identify all possible hazards at all stages of the life cycle, including during normal operation, emergency situations (failures and external influences), estimated human errors.

3. Risks shall be assessed for all identified hazards by calculated, experimental and expert methods.

4. Taking into account the risk assessment carried out for each type of machines and equipment in the design, the full range of measures to eliminate or mitigate (reduce) risk to tolerable (acceptable) level at all stages of the life cycle of machines and equipment must be identified.

5. If it is impossible to reduce the risk below the acceptable level, the designer shall provide for a system of measures in the instructions manual to ensure the safety of human life and health, and the environment.

6. In the design of machines and equipment the project documentation shall be designed and its environmental expertise shall be carried out.

7. Project documentation includes a description of the project, detailed drawings of machines and equipment, control mechanisms, performance characteristics of machines and equipment, instruction manual.

Article 11. Safety requirements of machines and equipment in the production process

1. During the production process it is necessary to ensure the manufacture of machines and equipment with the requirements of project documentation, this Law and technical regulations.

2. During the production of machines and equipment, the manufacturer shall perform a full range of measures to ensure the safety and protection of the environment, provided by project documentation.

3. During the production process the ability to control the implementation of all technological operations that affect security, shall be ensured.

4. During the production of machines and equipment the instruction manual shall be designed.

Instruction manual shall include:

1) information on installation, assembly, commissioning and adjustment;

2) instructions for conventional using of the machine or equipment, and the safety measures to be observed during operation (including commissioning, use for its intended

purpose, maintenance, and all types of repair and technical examinations, protection means aimed at decrease in the intensity and localization of harmful factors, transportation and storage conditions);

3) specified attributes of service life and (or) the assigned resources;

4) a list of critical failures and possible human errors (errors of the user), leading to the incident (accident), and actions to prevent these errors;

5) the criteria of limit states;

6) instructions on transportation, storage, decommissioning, disposal and recycling;

7) the requirements for personnel.

5. All machines and equipment shall be clearly and indelibly marked with the following information:

1) the manufacturer's name and (or) its trademark;

2) the name of the machine and (or) equipment, designation of series or type, number;

3) the main indicators of application and conditions for use;

4) the date of manufacture.

All labels and markings shall be explained in the instruction manual.

6. Machines and equipment shall have the necessary warning labels or signs of the dangers, if it specified by technical regulations.

7. Materials and substances, used for machines and equipment shall meet the requirements , established by technical regulations.

8. Contents of technical documentation for certain types of machines and equipment shall be established by technical regulations.

9. Manufacturer, authorized representative shall keep the technical documentation within the ten years since the production of machines and equipment, or since the production of last model of machine and equipment in case of mass production.

Article 12. Safety requirements for the transportation and storage of machines and equipment

1. Transportation and storage of machines and equipment shall be carried out under the conditions, ensuring their safety in accordance with the legislation of the Republic of Kazakhstan in the field of safety of machines and equipment.

2. Persons, carrying out transportation and storage of machines and equipment, their components and parts, shall make a risk assessment taking into account all the safety requirements, provided by the designer, adopted technological processes and conditions during transportation and storage.

3. All the necessary requirements to ensure the safety of machines and equipment in the process of their transportation and storage, preservation of specifications, responsible for their safety, including the requirements for packaging, transportation and storage conditions, the

specified storage terms, instructions for re-examination of the state, replacing individual elements, parts, components with expired storage terms shall be provided in the technical documentation for machines and equipment.

4. Loading, unloading, transportation and storage of machines and equipment shall be carried out by qualified personnel in compliance with the safety requirements.

Article 13. Requirements for machines and equipment when placing and circulation on the market

1. Machines and equipment manufactured in the Republic of Kazakhstan or imported into to the Republic of Kazakhstan shall not be placed on the market, if they can cause harm to human life and health, and the environment.

Promotional products or other information on machines and equipment, that is misleading users about the safety and functionality upon condition of their proper installation, maintenance, operation, storage, disposal, recycling, shall not be allowed.

2. Manufacturer, authorized representative, and in their absence, the person, who place the machines and equipment, that are subject to mandatory conformity, on the market of the Republic of Kazakhstan, shall take steps to ensure their compliance with the requirements of this Law and technical regulations.

3. Machines and equipment without documents, certifying their compliance with the requirements of this Law and technical regulations shall not be placed and circulated on the market.

4. Equipment, intended for installation in another machine, that cannot function separately, shall be accompanied by a declaration of the manufacturer in the form, prescribed by the relevant technical regulations.

Article 14. Requirements to ensure safety in installation, operation and maintenance of machines and equipment

1. When carrying out the installation, operation, maintenance of machines and equipment, fulfillment of the requirements of technical regulations, project documentation for the system and the operating instructions of machines and equipment, shall be ensured.

Commissioning and technical inspection of amusement rides shall be performed in compliance with the national standard.

2. Upon entry in the design of machines and equipment the changes, reduction in the safety requirements set out in their technical documentation shall not be allowed.

3. Person, performing the repair of machines or equipment is required to perform the whole complex of measures, specified in the design, that ensure the safety of machines and equipment, established by the manufacturer in the technical documentation.

4. After the installation or repair of machines or equipment, operator (personnel) shall assess the risk of machines and equipment, if it is provided by the technical documentation for the relevant jobs.

Repaired machines and equipment that do not meet the technical documentation, can be used, if they comply with the technical regulations.

Footnote. Article 14 as amended by Law of the RK № 397-VI of 30.12.2020 (shall be enacted six months after the date of its first official publication).

Article 15. Requirements for cessation of production, sale, circulation on the market of machines and equipment

1. The manufacturer, authorized representative, importer and the user of dangerous machines and (or) equipment since the discovery of non-compliance with the safety requirements, established by this Law and technical regulations, or under the instructions of the state body shall immediately cease production processes, sale and circulation.

2. Failure to take measures, imposed by paragraph 1 of this Article entails the liability in accordance with the laws of the Republic of Kazakhstan.

Chapter 3. CONFORMITY ASSESMENT PROCEDURES Article 16. Confirmation of compliance

1. Confirmation of compliance of machines and equipment is carried out in accordance with the legislation of the Republic of Kazakhstan in the field of technical regulation.

2. A document confirming compliance issued by a foreign state shall be deemed valid in the Republic of Kazakhstan subject to its recognition by the state system of technical regulation in accordance with the legislation of the Republic of Kazakhstan in the field of technical regulation.

Footnote. Article 16 in the new wording of the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016).

Article 17. Technical regulations in the field of safety of machines and equipment

Technical regulations shall establish the safety requirements for machines and equipment, conformity assessment procedures, forms and content of technical documents, a list of hazardous machines subject to confirmation.

Chapter 4. FINAL AND TRANSITIONAL PROVISIONS Article 18. Responsibility for breach of the legislation in the field of safety of machines and equipment

Breach of the legislation of the Republic of Kazakhstan in the field of safety of machines and equipment entails liability, established by the laws of the Republic of Kazakhstan.

Article 19. Transitional provisions

1. Prior to enactment of the relevant technical regulations and standards harmonized with them, the state regulation shall be carried out in accordance with the legislation of the Republic of Kazakhstan to the extent, not inconsistent with this Law.

2. For machines and equipment, manufactured and put into operation before the enactment of this Law, the documents confirming their compliance shall remain in force for a period specified in them.

3. For machines and equipment put into operation before the introduction of this Law and subject to mandatory confirmation of compliance, upon their secondary admission to free circulation on the territory of the Republic of Kazakhstan after the enactment of this Law, mandatory compliance confirmation shall be conducted in accordance with the requirements of the legislation of the Republic of Kazakhstan in the field of technical regulation.

Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016).

Article 20. Procedure for the enactment of this Law

This Law shall enter into force from 1 January 2008.

*The President
of the Republic of Kazakhstan*