

On technical regulation

Unofficial translation

The law of the Republic of Kazakhstan dated December 30, 2020 № 396-VI.

Unofficial translation

This Law shall establish the fundamental principles of technical regulation that arise when establishing, fulfilling requirements for products related to its processes, providing services, and also shall define the legal basis for the functioning of the state system of technical regulation.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic concepts used in this Law

The following basic concepts shall be used in this Law:

1) manufacturer - a legal entity or an individual registered in accordance with the legislation of the Republic of Kazakhstan - a member of the Eurasian Economic Union, registered as an individual entrepreneur, carrying out on its own behalf the production or production and sale of products;

2) a person authorized by the manufacturer - a legal entity or an individual registered as an individual entrepreneur registered in accordance with the legislation of the Republic of Kazakhstan or a member state of the Eurasian Economic Union, which, on the basis of an agreement with the manufacturer, including a foreign manufacturer, shall perform actions on behalf of this manufacturer when assessing the conformity and issuance of products in the territory of the Republic of Kazakhstan;

3) evidentiary materials - objective evidence, including those obtained through photo and video recording, containing information on the product sampling selection, results of testing, research and (or) measurements, as well as documents on conformity assessment and (or) other documents proving conformity of the object of conformity assessment to the requirements of technical regulations, and (or) documents confirming preservation in testing laboratories (centers) of control samples of products (if preservation of control samples of studied (tested) products is provided for by regulatory legal acts of the Republic of Kazakhstan and (or) regulatory technical documents), achievement of required indicators and parameters and, where necessary, the legal status and (or) the right of the manufacturer, importer, person authorized by the manufacturer, seller to accept the declaration of conformity;

4) general safety declaration - a document voluntarily accepted by the manufacturer, authorized manufacturer, importer, seller in relation to products not included in the Unified

list of products, in respect of which mandatory requirements shall be established within the Customs Union, approved by the decision of the Commission of the Customs Union (hereinafter referred to as the Unified list), as well as products included in the Unified list, but in respect of which technical regulations have not been adopted or implemented;

5) importer - a legal entity or an individual registered as an individual entrepreneur registered in accordance with the legislation of the Republic of Kazakhstan or a member state of the Eurasian Economic Union, who has concluded a foreign trade agreement (contract) with a foreign manufacturer (seller) for the transfer of products produced in batches and makes these products available and (or) its sale in the territory of the Republic of Kazakhstan;

6) assignment of international identification codes to vehicle manufacturers - fixing of separate identification marks to the vehicle manufacturer registered as a legal entity or an individual registered as an individual entrepreneur, carrying out activities in the territory of the Republic of Kazakhstan;

7) certificate of assignment of an international identification code to a vehicle manufacturer - a document confirming assignment of an international identification code to a vehicle manufacturer registered as a legal entity or an individual registered as an individual entrepreneur, carrying out activities in the territory of the Republic of Kazakhstan;

8) service - activities aimed at meeting the needs of individuals and (or) legal entities, the results of which have no material expression that meets the requirements of standardization documents;

9) the state system of technical regulation - a set of subjects of technical regulation and relations between them to establish requirements for objects of technical regulation in regulatory legal acts, standardization documents and their execution;

10) the register of data of the state technical regulation system (hereinafter referred to as the register of technical regulation) - an electronic database of technical regulations, accreditation subjects, issued documents on conformity assessment, audit experts on confirmation, equipment, product information that does not meet the requirements of technical regulations, and other information in the field of technical regulation;

11) mandatory certification - a form of mandatory confirmation of compliance by a body to confirm compliance of objects of technical regulation with the requirements of technical regulations;

12) regulatory technical document - document containing technical and technological standards;

13) training center - a legal entity that prepares and improves the qualifications of expert auditors to confirm compliance, determine the country of origin of the goods, the status of the goods of the Eurasian Economic Union or foreign goods;

14) interrelated standards - national and (or) interstate standards ensuring compliance with the requirements established by technical regulations;

- 15) products - the result of activity presented in material form and intended for further use for economic and other purposes;
- 16) the safety of products and processes - the absence of unacceptable risks associated with causing harm to life, human health, the environment, including to the plant and wildlife;
- 17) issuance of products - delivery (sale) or import of products (including shipment from the manufacturer's warehouse or shipment without warehousing) for the purpose of distribution in the territory of the Republic of Kazakhstan during entrepreneurial activities;
- 18) life cycle of products - processes of design (including surveys), production, construction, installation, adjustment, operation, storage, transportation, sale and disposal of products;
- 19) applicant - a legal entity or an individual registered as an individual entrepreneur (manufacturer, importer, person authorized by the manufacturer, seller) registered in accordance with the legislation of the Republic of Kazakhstan or a member state of the Eurasian Economic Union, who provided products, processes and services for conformity assessment;
- 20) process - a set of interrelated and consistent actions (works) in order to achieve any given result, including processes of the product life cycle;
- 21) seller - a legal entity registered in accordance with the legislation of the Republic of Kazakhstan or an individual registered as an individual entrepreneur selling products to the purchaser (consumer);
- 22) conformity mark - a symbol used to inform consumers about the passage of products and services through procedures for confirming compliance with the requirements established by technical regulations and (or) national standards;
- 23) certificate of conformity - a document certifying compliance of technical regulation objects with the requirements established by technical regulations and (or) standardization documents;
- 24) the holder of the conformity certificate - the applicant for the conformity assessment, who has received the conformity certificate;
- 25) declaration of conformity - a document by which the manufacturer, importer, person authorized by the manufacturer or seller certifies compliance of products, processes and services issued in circulation with the requirements of technical regulations and standardization documents;
- 26) conformity assessment - direct or indirect determination of compliance with the requirements imposed on the object of technical regulation;
- 27) voluntary confirmation of compliance - the procedure by which the conformity of products, processes and services shall be confirmed, carried out at the initiative of the applicant for compliance with the documents on standardization and (or) requirements of the applicant;

- 28) mandatory confirmation of conformity - the procedure by which the conformity of products to the requirements established by technical regulations shall be confirmed;
- 29) conformity of compliance - a procedure that results in a documentary certificate (in the form of a declaration of conformity or a certificate of conformity) of the object of technical regulation to the requirements established by technical regulations and (or) standardization documents;
- 30) conformity of compliance body - a legal entity accredited in the established manner to carry out conformity of compliance activities;
- 31) experts-auditors on conformity of compliance - individuals certified in the manner determined by the authorized body;
- 32) conformity of compliance scheme - set and sequence of conformity of compliance procedures;
- 33) certification - the procedure by which the certification authority shall certify the conformity of the products and/or related process, as well as services to the established requirements;
- 34) test - a procedure within the framework of conformity or an independent form of conformity assessment carried out by a testing laboratory (center), the result of which shall be the determination by the established method of one or more quantitative and (or) qualitative characteristics of the properties of a product sample, another object of conformity assessment;
- 35) testing laboratory (center) (hereinafter referred to as laboratory) - legal entity or structural subdivision of legal entity acting on its behalf, performing tests (research);
- 36) a technically complex product - an industrial product with a technically complex internal device, which includes a plurality of structural or heterogeneous elements, forming one whole, allowing it to be used as intended;
- 37) technical barrier - an obstacle arising in trade between countries due to the difference or variability of requirements contained in technical regulations and (or) standardization documents;
- 38) technical regulations - a regulatory legal act establishing requirements for products or for products and related processes of its life cycle, developed and applied in accordance with the legislation of the Republic of Kazakhstan in the field of technical regulation or an international agreement ratified by the Republic of Kazakhstan;
- 39) technical regulation - legal regulation of relations in the field of establishing, applying and fulfilling mandatory requirements for products or for products and related design processes (including surveys), production, construction, installation, adjustment, operation, storage, transportation, sale and disposal, as well as in the field of conformity assessment;
- 40) the authorized body in the field of technical regulation (hereinafter referred to as the authorized body) - the central executive body providing leadership and intersectoral coordination in the field of technical regulation;

41) technical regulation information system - an automated information system designed to store, process, search, distribute, transmit and provide data and information contained in the registers of technical regulation, the state system for ensuring the unity of measurements, the national standardization system and unified registers of issued or accepted documents on conformity assessment of the Eurasian Economic Union;

42) web-portal of information system of technical regulation (hereinafter referred to web-portal) - internet-resource providing a single point of access to information system of technical regulation;

43) technical secretariat - an organization determined by the authorized body to carry out activities to verify the correctness and validity of approval of a vehicle type, approval of a chassis type, collection of information on issued certificates of safety of a vehicle structure and assignment of international identification codes to vehicle manufacturers;

44) principles of good laboratory practice - a system of requirements aimed at ensuring the quality of preclinical laboratory research, including the processes of organizing, planning, the procedure for conducting and monitoring preclinical laboratory research in the field of human health, environmental safety, the design, archiving and presentation of the results of such research;

45) monitoring the conformity of good laboratory practice - in the framework of contractual relations, periodic inspections of laboratories and/or audits of their research results in order to confirm compliance with the principles of good laboratory practice.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 2. Legislation of the Republic of Kazakhstan in the field of technical regulation

1. The legislation of the Republic of Kazakhstan in the field of technical regulation shall be based on the Constitution of the Republic of Kazakhstan and shall consist of this Law and other regulatory legal acts.

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

3. The peculiarities of technical regulation in relation to some types of products (works, services) defined by the agreement on the Eurasian Economic Union shall be regulated by the Laws of the Republic of Kazakhstan.

Article 3. Sphere of ensuring this Law

1. This Law shall regulate public relations arising when establishing and fulfilling mandatory requirements for products, including buildings and structures related to requirements for products and design processes (including surveys), production, construction, installation, commissioning, operation, storage, transportation, sale and disposal, application

on a voluntary basis of requirements for products, processes and services, conformity assessment and state control and supervision in the field of technical regulation, as well as establishes the legal basis of the state technical regulation system.

2. The objects of technical regulation shall be:

products, except for civil aviation products, products used to protect information constituting a state secret (state secrets) or related to restricted access information protected in accordance with the laws of the Republic of Kazakhstan, products, information about which constitutes a state secret (state secrets), products for which requirements are established related to ensuring safety in the use of atomic energy, products that were in use, veterinary drugs, medicines, medical articles (articles of medical purpose and medical equipment), products with scientific content of small-scale and pilot industrial production;

related to product requirements processes of design (including surveys), production, construction, installation, adjustment, operation, storage, transportation, sale and disposal;

services in the field of voluntary certification, with the exception of services in the field of veterinary medicine, plant protection and quarantine, state, medical, educational, financial, banking and other services, the regulation of which shall be established by other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

3. Subjects of technical regulation shall be state bodies, individuals and legal entities that shall be part of the structure of the state system of technical regulation, as well as individuals and legal entities that have the right to own, use and (or) order in relation to objects of technical regulation in accordance with civil legislation of the Republic of Kazakhstan.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 01.07.2024 № 104-VIII (effective sixty calendar days after the date of its first official publication).

Article 4. Main objectives and principles of technical regulation

1. The main objectives of technical regulation shall be:

1) ensuring the safety of products, processes and services for human life and health and the environment, including flora and fauna ;

2) prevention of actions misleading buyers (consumers) regarding the safety and quality of products, services, including through ensuring the reliability of their assessment of conformity, traceability of products or products and related processes;

3) elimination of technical barriers to trade;

4) assistance to consumers, including consumers, in competent selection of products, processes and services.

2. Technical regulation shall be based on the following principles:

1) unity and integrity of technical regulation and conformity assessment;

2) establishment of unified mandatory requirements in technical regulations, as well as technical regulations of organizations to which the Republic of Kazakhstan shall be a party;

- 3) feasibility and achievability of technical regulation goals to ensure equal opportunities for participation in technical regulation processes, balance of interests of the state and stakeholders;
- 4) voluntary selection from interrelated standards;
- 5) declaration by the manufacturer, importer, authorized person by the manufacturer, seller of safety of their products;
- 6) the responsibility of the manufacturer, importer, person authorized by the manufacturer, seller for issuing products that do not comply with technical regulations and (or) standardization documents;
- 7) ensuring equal opportunities for technical regulatory entities to participate in technical regulatory processes;
- 8) equality of requirements for domestic and imported products and services;
- 9) availability of technical regulations and information on them, the procedure for their development, approval, publication, with the exception of information constituting state secrets and other secrets protected by Law;
- 10) using the achievements of science and technology, international, regional standards and standards of foreign states in the development of technical regulations and interconnected standards;
- 11) compliance with the requirements of technical regulations with the level of economic development, material and technical base and scientific and technical development of the state ;
- 12) inadmissibility of combining the authority for accreditation and conformity of compliance with one body;
- 13) incompatibility in one state body of the functions of conformity of compliance and state control and supervision;
- 14) independence of conformity of compliance bodies from manufacturers, importers, persons authorized by the manufacturer, sellers;
- 15) inadmissibility of limitation of competition in work on conformity of compliance;
- 16) reliability and traceability of conformity assessment procedures;
- 17) improving the competitiveness of products, works and services by improving their quality.

Article 5. Structure of the state system of technical regulation

The structure of the state system of technical regulation shall consist of:

- 1) Government of the Republic of Kazakhstan;
- 2) the authorized body, its department, territorial divisions of the department;
- 3) state bodies within the limits of their competence;
- 4) accreditation body;
- 5) National standardization body;

6) expert councils in the field of technical regulation at state bodies (hereinafter referred to as the expert councils);

7) Information Center on technical barriers to trade, sanitary and phytosanitary measures (hereinafter referred to as the Information Center);

8) accreditation subjects, including conformity of compliance bodies, laboratories;

9) audit experts on conformity of compliance and accreditation.

Article 6. Competence of the Government of the Republic of Kazakhstan in the field of technical regulation

The competence of the Government of the Republic of Kazakhstan in the field of technical regulation includes:

1) development of the basic directions of state policy in the field of technical regulation and organization of their implementation;

2) determination of authorized bodies exercising state control and supervision over compliance with the requirements of the relevant technical regulations determined by the Government of the Republic of Kazakhstan at the stages of the product life cycle.

Footnote. Article 6 - as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 7. Competence of the authorized body

1. In the field of technical regulation, the authorized body shall exercise the following powers:

1) forms the state system of technical regulation;

2) forms and implements the state policy in the field of technical regulation;

3) carry out intersectoral coordination of the activities of state bodies, individuals and legal entities in the field of technical regulation;

4) develop and approve rules for approval and registration of vehicle type approvals, chassis type approvals;

5) develop and approve rules for assigning international identification codes to vehicle manufacturers;

6) develop and approve the form of the certificate of assignment of the international identification code to the vehicle manufacturer;

7) develop and approve rules for the implementation of principles of good laboratory practice;

8) develop and approve a plan for the development of technical regulations;

9) interact with expert councils, individuals and legal entities on issues of technical regulation;

10) form a negotiating position on technical regulation issues and represent the Republic of Kazakhstan in international and regional organizations on technical regulation, conformity assessment and accreditation in the field of conformity assessment;

11) develop and approve rules for the formation, maintenance and performance

12) ensure the operation of the Information Center;

13) develop and approve permitting requirements for expert auditors to confirm compliance, a list of documents confirming compliance with them, as well as rules for certification, renewal of certificates of expert auditors to confirm compliance in agreement with the authorized body in the field of permits and notifications and the authorized body in the field of informatization;

14) develop and approve requirements for training centers, rules for their inclusion in the register of technical regulation;

15) carry out state control and supervision regarding the issuance of products for compliance with the requirements of technical regulations, as well as compliance by subjects of state control and supervision in the field of technical regulation with the requirements established by the legislation of the Republic of Kazakhstan in the field of technical regulation, other regulatory legal acts of the Republic of Kazakhstan or decisions of the Eurasian Economic Commission;

16) develop and approve test sheets and criteria for assessing the degree of risk in accordance with the Entrepreneur Code of the Republic of Kazakhstan for conducting state control and supervision in the field of technical regulation regarding the issuance of products for compliance with the requirements of technical regulations;

16-1) establishes the list of requirements, violation of which entails prompt response measures, and also determines regarding specific violations of requirements a specific type of prompt response measure with indication of the duration of this measure (if necessary).

The list of requirements, breaching of which entails prompt response measures, shall include requirements that are subject to state control in accordance with Article 143 of the Entrepreneur Code of the Republic of Kazakhstan;

16-2) establishes the procedure for organizing and conducting test purchases in the field of technical regulation;

17) establish consultation bodies in order to ensure the safety of products and processes;

18) carry out expertise, approval of developed technical regulations, approval of suspension or cancellation of technical regulations, including initiation of issues of suspension or cancellation of technical regulations by state bodies;

19) develop and approve rules for the development, examination, adoption, amendment and cancellation of technical regulations;

20) develop and approve technical regulations;

21) develop and approve rules for the recall of products that do not meet the requirements of technical regulations;

22) prohibit the issuance of products that pose a direct threat to the rights and legitimate interests of individuals and legal entities, human life and health, the environment, in accordance with this Law;

23) cancel the conformity assessment documents in accordance with this Law;

24) take measures to prevent the issuance of products that do not meet the requirements of technical regulations;

25) seize products that pose a direct threat to the rights and legitimate interests of individuals and legal entities, human life and health, the environment, in accordance with this Law, and file a lawsuit in court to deprive the subject of supervision of the right to own, use and (or) dispose of such products in accordance with the civil procedure legislation of the Republic of Kazakhstan;

26) make proposals to state bodies on bringing normative legal acts and legal acts affecting objects of technical regulation in accordance with the legislation of the Republic of Kazakhstan in the field of technical regulation, technical regulations and national standards;

27) appeal to the court in case of non-fulfillment or improper fulfillment by individuals, legal entities of legal requirements or instructions, decisions issued by officials in the field of technical regulation.

2. In the field of conformity assessment, the authorized body exercises the following powers:

1) develop and approve rules for conformity assessment;

2) provide organization of work on inter-laboratory comparative tests (comparison);

3) develop and approve rules to verify the correctness and validity of vehicle type approvals, chassis type approvals;

4) develop and approve the rules for issuing products not included in the Unified List included in the Unified List, but in respect of which technical regulations have not been adopted or entered into force, as well as the list of products in respect of which a declaration on general safety is adopted, the form of a declaration on general safety;

5) approve for application in the territory of the Republic of Kazakhstan in order to ensure compliance with the requirements of the technical regulations of the Eurasian Economic Union, conduct studies (tests) and measurements in assessing the compliance of objects of technical regulation with the requirements of the technical regulations of the Eurasian Economic Union national (state) standards of the member states of the Eurasian Economic Union as national standards of the Republic of Kazakhstan;

6) develop and approve rules for making decisions on 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 authorized body exercises 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 7 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official

publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 8. Competence of state bodies in the field of technical regulation

Within the limits of their competence in the field of technical regulation, public authorities shall:

1) development, approval, cancellation, suspension of technical regulations, as well as introduction of amendments and (or) additions to technical regulations on issues within their competence, in agreement with the authorized body;

2) preparation and submission to the authorized body in the manner established by the legislation of the Republic of Kazakhstan of proposals on the development of technical regulations or amendments and (or) additions to technical regulations;

3) creation of expert councils;

4) state control and supervision, in accordance with the procedure defined by the Entrepreneur Code of the Republic of Kazakhstan, of compliance with the requirements of the relevant technical regulations within the established competence;

5) development and execution of action plans for the implementation of technical regulations, including the Eurasian Economic Union;

6) implementation of the principles of good laboratory practice in accordance with the rules approved by the authorized body;

7) development (participation in the development) of a regulatory and methodological framework in the field of good laboratory practice;

8) preparation of proposals for the creation, modernization and equipment of conformity of compliance bodies and laboratories for products subject to mandatory conformity of compliance;

9) participation in the work on 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;

10) in case of application of regulatory technical documents to implement the requirements of technical regulations, making proposals for their development as national standards in the manner established by the legislation of the Republic of Kazakhstan in the field of standardization;

11) other powers provided 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.

Article 9. State monopoly on accreditation in conformity assessment

1. The state monopoly on accreditation in the field of conformity assessment shall include :

1) accreditation in the field of conformity assessment;

2) formation, maintenance of the technical regulation register;

3) monitoring compliance with good laboratory practice.

2. The activities specified in paragraph 1 of this Article shall be carried out by a republican state enterprise established by the decision of the Government of the Republic of Kazakhstan.

3. Prices for goods (works, services) produced and/or sold by the state monopoly entity shall be set by the authorized body in agreement with the antimonopoly authority.

Article 10. Powers of the National standardization authority

The National technical regulatory standardization authority shall, within its competence, participate in the development of technical regulations in accordance with this Law.

Article 11. Expert council

1. Expert councils shall create in the supervised industries to develop proposals for improving activities, developing promising areas, considering issues related to the application of technical regulations, conducting an analysis for compliance with state policy and goals in the field of technical regulation.

2. The composition of expert councils and their regulations shall be approved by state bodies.

Representatives of state bodies, specialized technical committees for standardization, the National Chamber of Entrepreneurs, industry associations and other interested persons may be included in the composition of expert councils.

3. The work of expert councils shall be carried out in the form of meetings. Taking into account the recommendations of expert councils, proposals and comments shall be formed in international treaties and acts constituting the Law of the Eurasian Economic Union, and the legislation of the Republic of Kazakhstan, as well as the negotiating position of the Republic of Kazakhstan.

Article 12. Information Center

1. The Information center is established and operates in accordance with the procedure determined by the authorized body for interaction with the Secretariat of the World Trade Organization, members of the World Trade Organization, international and foreign standardization organizations in order to provide consulting services and provide the interested parties and foreign states with copies of documents and information on:

1) current or developed technical regulations, veterinary and sanitary and phytosanitary measures, standardization documents and changes to them, procedures for confirming the compliance of products and services;

2) membership or participation of the Republic of Kazakhstan in international organizations and international agreements of a bilateral and multilateral nature in the field of standardization, in the field of technical regulation, accreditation, veterinary science and phytosanitary, in the field of sanitary and epidemiological well-being of the population;

3) sources of publication of projects of developed and adopted technical regulations, standardization documents, veterinary and phytosanitary measures and procedures for confirming compliance of products, services or information about them.

2. Interaction with the Secretariat of the World Trade Organization and members of the World Trade Organization on issues related to the obligations of the Republic of Kazakhstan in the World Trade Organization shall be carried out through the World Trade Organization Information Center in accordance with the legislation of the Republic of Kazakhstan on the regulation of trade activities.

3. The information referred to in paragraph 1 of this Article shall be placed in the form of notifications on the Internet resource of the Information center.

Forms, procedures for filling out and submitting notifications shall be determined by the authorized body.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 13. Conformation of compliance bodies

1. conformity of compliance bodies are subject to accreditation in accordance with the procedure established by the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment.

2. In case of mandatory confirmation, conformity of compliance bodies should use the test results of accredited laboratories.

3. The conformity of compliance bodies performs the following functions under the terms of the agreement with applicants within the accreditation area:

1) consider applications of applicants for performance of works on mandatory and voluntary conformity of compliance, identify products, services provided for conformity of compliance;

2) carry out work on mandatory and voluntary confirmation of conformity;

3) carry out the work necessary for the adoption of the declaration of conformity at the request of the applicants.

4. Conformity of compliance bodies shall have the right to:

1) carry out mandatory and voluntary confirmation of compliance of technical regulation objects within the accreditation area on applications of applicants with issuance of certificates of conformity and (or) registration of declarations of conformity;

2) request from applicants the submission of documents and (or) information necessary for the performance of works on conformity of compliance.

5. Compliance authorities shall be required to:

1) provide applicants with unimpeded access to information on procedures and conditions for confirming compliances;

2) prevent discrimination against applicants;

3) record data on registered, issued, suspended, cancelled (terminated) conformity assessment documents, certification failures and their transfer in accordance with the rules of conformity assessment;

4) ensure the confidentiality of information constituting the commercial interest of applicants, regardless of the country of origin of the products, services;

5) comply with the requirements of the legislation of the Republic of Kazakhstan in the field of technical regulation.

6. Conformity of compliance bodies and expert auditors for violation of the legislation of the Republic of Kazakhstan in the field of technical regulation shall be responsible in accordance with the Laws of the Republic of Kazakhstan.

7. Conformity of compliance bodies shall not be entitled to provide consulting services in the field of accreditation and should not be affiliated with the persons providing these services

8. Conformity of compliance bodies shall be entitled to ownership or other legal basis and shall use laboratories provide testing of technical control objects.

Article 14. Laboratories

1. Laboratories under the terms of the agreement with conformity of compliance bodies or other applicants shall:

1) conduct tests of objects for the purpose of mandatory or voluntary confirmation of compliance within the scope of their accreditation;

2) ensure reliability of test results;

3) draw up and issue the results of the work in the manner and according to the forms that shall be determined by the rules of conformity assessment;

4) photo and/or video recording of tests, results of studies (tests) and product measurements, if specified in the technical regulations;

5) retain control samples of studied (tested) products, if it is provided by regulatory legal acts of the Republic of Kazakhstan and (or) regulatory technical documentation;

6) carry out other activities in accordance with the legislation of the Republic of Kazakhstan.

2. The laboratory must have ownership or other legal basis and use laboratory equipment, the scope (list) of which in certain industries shall be established by an authorized body.

3. For violation of the legislation of the Republic of Kazakhstan in the field of technical regulation, laboratories shall be liable in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 15. Competence of audit experts to confirm compliance, requirements to them and grounds for suspension, deprivation (withdrawal) of certificates of audit experts to confirm compliance

1. Audit experts on conformity of compliance shall participate in the work on conformity of compliance of some types of products, processes and services as part of the conformity of compliance body.

2. Individuals shall be certified by an authorized body and have the right to carry out activities as an expert auditor to confirm compliance in the composition of only one body to confirm compliance.

3. Audit experts on conformity of compliance shall not be entitled to perform work on conformity of compliance of specific products, processes and services, if they represent the interests of the applicant or shall be in labor or other contractual relations with him.

4. Suspension of the certificate of the expert-auditor on conformity of compliance is carried out by the department of the authorized body in the event that the fact of compliance confirmation work is established on the basis of such certificate of the expert-auditor by another person.

5. Deprivation (withdrawal) of the certificate of the expert-auditor on confirmation of compliance shall be carried out by a court decision on the claim of the agency of the authorized body, its territorial subdivision, accreditation body in the following cases:

1) establishment of the fact that the expert auditor had provided inaccurate or deliberately distorted information in documents that were the basis for issuing a certificate;

2) re-establishment of the fact of compliance confirmation work on the basis of such certificate of the expert auditor by another person;

3) three-fold violation of the legislation of the Republic of Kazakhstan, which shall not entail the imposition of an administrative sanction in the form of suspension of the certificate of the expert auditor to confirm compliance;

4) repeated violation of the legislation of the Republic of Kazakhstan, which caused damage to the rights and legitimate interests of individuals and legal entities, the interests of the state and (or) entailing the imposition of an administrative sanction in the form of suspension of the certificate of the expert auditor to confirm compliance.

Article 16. Monitoring compliance with good laboratory practices

1. Compliance with good laboratory practice shall be monitored to verify the procedures and regulations used by laboratories included in the good laboratory practice compliance monitoring programme to assess the compliance of laboratories with good laboratory practice principles and to compare primary data and records with those contained in intermediate and final laboratory reports.

2. The functions of the body for monitoring the conformity of good laboratory practice shall be vested in the subject of the state monopoly established in accordance with Article 9, paragraph 2, of this Law, which shall perform the following functions:

- 1) monitor the compliance of the laboratory with the principles of good laboratory practice;
- 2) determine the status of compliance of the laboratory with the principles of good laboratory practice;
- 3) prepare inspectors who monitor compliance with good laboratory practice;
- 4) maintain a register of laboratories included in the program for monitoring compliance with the principles of good laboratory practice;
- 5) exchange information related to the monitoring of compliance with good laboratory practices.

Article 17. Rights and obligations of the holder of the conformity certificate, the person accepting the declaration of conformity

1. For certification of serial production, the applicant may be a manufacturer or a person authorized by the manufacturer.

When importing serial production into the territory of the Republic of Kazakhstan, the applicant for its certification must be a person authorized by the manufacturer.

For the certification of a batch of products (single product), applicants may be a manufacturer, seller, importer, person authorized by the manufacturer.

Upon import into the territory of the Republic of Kazakhstan of products (single product) produced in batches, the applicant for its (his) certification must be an importer.

2. The holder of the conformity certificate shall have the right to:

- 1) apply to the conformity of compliance body with a request for re-certification;
- 2) submit to the conformity of compliance body an application for amendments and/or additions to the conformity certificate, issuance of a duplicate certificate, termination of the certificate, issuance of the certificate during re-certification;
- 3) to appeal to the authorized body decisions and (or) actions (inaction) of the conformity of compliance body, and in case of disagreement with the decision of the authorized body or failure to receive a response within the period established by Law of the Republic of Kazakhstan - to appeal to the court;
- 4) exercise other rights in accordance with this Law, other Laws of the Republic of Kazakhstan, technical regulations of the Eurasian Economic Union and other Law of the Eurasian Economic Union, as well as international treaties of the Republic of Kazakhstan that do not constitute the rights of the Eurasian Economic Union, an agreement for the performance of certification works.

3. The holder of the conformity certificate shall:

- 1) constantly fulfill the certification requirements, including the implementation of the relevant changes brought to it by the conformity of compliance body, in accordance with the terms of the agreement between the applicant for certification and the conformity of compliance body;

2) comply with the requirements for products established by the technical regulations for compliance with which certification was carried out;

3) upon suspension or cancellation of the certificate of conformity, cease to use all advertising materials that contain references to certification and take the measures provided for by the certification scheme;

4) inform the conformity of compliance body about all changes in the product, the process of its production, the control system (if any), changes in the technological equipment of the production, the transfer of production areas, changes in the organizational and legal status or form of ownership, address, contact details.

4. It shall not be allowed to use on the territory of the Republic of Kazakhstan when issuing products subject to mandatory conformity of compliance, conformity certificates, the information about which shall not be available in the technical regulation register or unified registers of issued or accepted documents on conformity assessment of the Eurasian Economic Union.

5. The holder of a certificate of conformity bears the responsibility established by the Laws of the Republic of Kazakhstan for the issuance of products that do not meet the requirements established by technical regulations and do not comply with the information specified in the certificate of conformity.

6. A person who accepts a declaration of conformity shall have the right to:

1) select any conformity of compliance scheme used in the declaration of conformity from among the schemes provided for this conformity assessment object taking into account the conditions of their application;

2) determine the specific composition of evidentiary materials in relation to a certain object of conformity assessment taking into account the selected scheme of conformity of compliance and requirements to the composition of evidentiary materials determined by technical regulations, and in cases where technical regulations shall be absent or the composition of evidentiary materials shall not be determined by them, in accordance with the rules of conformity assessment;

3) submit to the conformity of compliance body in writing an application for registration of the declaration of compliance, unless otherwise provided by the technical regulations of the Eurasian Economic Union and other Law of the Eurasian Economic Union;

4) submit to the conformity of compliance body in writing an application to terminate the registration of the declaration of compliance, a notification of termination of the declaration of compliance with the technical regulations of the Eurasian Economic Union or an application to terminate the declaration of compliance in a single form;

5) to appeal to the authorized body decisions and (or) actions (inaction) of the conformity of compliance body, and in case of disagreement with the decision of the authorized body or failure to receive a response within the period established by the Law of the Republic of Kazakhstan - to appeal to the court.

7. The person accepting the declaration of conformity shall:

1) comply with the requirements of conformity assessment rules and (or) decisions of the Eurasian Economic Union regarding conformity declaration and registration of conformity declarations;

2) ensure compliance of products, in respect of which a declaration of compliance has been adopted and registered, with the requirements established by technical regulations;

3) suspend or terminate the issuance of products in respect of which there shall be a registered declaration of conformity, if these products do not meet the requirements of technical regulations.

8. When importing mass-produced products into the territory of the Republic of Kazakhstan, a declaration of conformity adopted by an authorized manufacturer shall be recognized.

When importing products into the territory of the Republic of Kazakhstan, a declaration of conformity adopted by the importer shall be recognized.

9. It shall not be allowed to use on the territory of the Republic of Kazakhstan when issuing products subject to mandatory confirmation of compliance, declarations of compliance, information about which is not available in the register of technical regulation or unified registers of issued or accepted documents on conformity assessment of the Eurasian Economic Union.

10. A person who has accepted a declaration of conformity shall be responsible for issuing a product that has passed the procedure for confirming compliance with the requirements established by the technical regulations and does not comply with the information specified in the declaration of conformity.

11. The provisions of Article, paragraph 1 shall apply to holders of a certificate of safety of a vehicle type construction, approval of a vehicle type with the exceptions provided for in the relevant technical regulations of the Eurasian Economic Union.

Article 18. Technical regulation register

1. The register of technical regulation shall be formed on the basis of data and information of state bodies in the field of permits and notifications, individuals and legal entities, other central and local executive bodies, the State corporation "Government for citizens," as well as unified registers of issued or adopted documents on conformity assessment of the Eurasian Economic Union.

2. Access to the data of the technical regulation registry for its users shall be carried out through the web portal of the authorized body.

3. The formation, maintenance and monitoring of the register shall include:

1) maintenance, transfer and storage of the technical regulation register data through the technical regulation information system;

2) provision of data and information to state bodies having the right to receive information included in the information system of technical regulation, in accordance with the Laws of the Republic of Kazakhstan;

3) provision of electronic services to users through the information system of technical regulation;

4) publication of information and information from the technical regulation register;

5) other functions in accordance with the legislation of the Republic of Kazakhstan.

Chapter 2. TECHNICAL REGULATIONS

Article 19. General provisions

1. Technical regulations shall be developed and applied for the purposes provided for in Article 4, paragraph 1 of this Law.

2. The requirements of the adopted and put into effect technical regulations of the Republic of Kazakhstan and technical regulations of the Eurasian Economic Union shall be mandatory for compliance by all subjects of technical regulation.

3. The requirements established by the technical regulations shall be mandatory, have direct effect throughout the territory of the Republic of Kazakhstan and can be introduced by amendments and (or) additions to the relevant technical regulations.

4. The technical regulations of the Republic of Kazakhstan and other regulatory legal acts of the Republic of Kazakhstan or the decisions of the Eurasian Economic Commission shall apply to products and/or related to product requirements of development, design, survey, production, construction, installation, commissioning, operation (use), storage, transportation (transportation), sale and disposal processes, in respect of which technical regulations of the Eurasian Economic Union have not been put into effect.

5. In the production in the Republic of Kazakhstan of products intended for export outside the customs territory of the Eurasian Economic Union, if the terms of the foreign trade agreement define different technical requirements than those established by the technical regulations of the Republic of Kazakhstan or the technical regulations of the Eurasian Economic Union, the terms of such an agreement shall be applied.

6. The requirements specified in the technical regulations for the processes shall be established and applied only if they may affect the achievement of the objectives stipulated in Article 4, paragraph 1 of this Law.

7. The requirements set forth in the technical regulations shall not create obstacles to entrepreneurial activity to a greater extent than is necessary to fulfill the objectives stipulated in Article 4, paragraph 1 of this Law.

8. If the technical regulations do not comply with the provisions of Article 4 of this Law, the interests of state policy, the development of the material and technical base and the level

of scientific and technical development, as well as international treaties ratified by the Republic of Kazakhstan, the state body that adopted the technical regulations shall be obliged to begin the procedure for canceling or amending such regulatory legal act.

9. The technical regulation shall provide for the period and conditions for its implementation, which shall establish the time of the transition period during which the issues for the implementation of the technical regulation, the development and/or introduction of amendments and/or additions to the regulatory technical documentation, as well as issues related to the production, should be taken into account.

10. The requirements of the technical regulations shall be considered to be fulfilled if interconnected standards were used in the production of products.

Analysis and systematization of interconnected standards shall be carried out by the National standardization body in accordance with the legislation of the Republic of Kazakhstan in the field of standardization.

In the production of products, standardization documents can be used, provided that they comply with the requirements and standards established by technical regulations.

11. In the absence of product conformity verification schemes in the technical regulations, they shall be determined in national standards.

Article 20. Contents of technical regulations

1. Technical regulations, taking into account the degree of risk of harm, shall establish the minimum necessary requirements to ensure the safety of products and processes related to the requirements for these products.

2. The technical regulations shall contain:

- 1) an exhaustive list of products, processes that shall be subject to its requirements;
- 2) requirements to product characteristics, processes ensuring achievement of technical regulations adoption goals.

The technical regulations may contain product sampling and testing rules, conformity assessment forms and schemes, and/or requirements for terminology, packaging, labeling or marking and application rules.

3. The technical regulations shall not contain requirements for the design and execution of products, except in cases when, due to the absence of requirements for the design and execution, taking into account the degree of risk of harm, the achievement of the goals provided for in Article 4, paragraph 1 of this Law shall not be ensured.

4. International, regional and foreign standards may be applied as a basis for the development of technical regulations in whole or in part, if they are in accordance with the objectives stipulated in Article 4, paragraph 1 of this Law.

5. If it is not possible to determine the requirements for products whose long-term use may cause harm, which depends on factors that do not allow determining the degree of permissible risk, the technical regulation should contain requirements for informing the consumer about possible harm to the products and the factors on which it depends.

6. The technical regulations, taking into account the degree of risk of harm, may contain special requirements:

1) protecting certain categories of citizens (minors, pregnant women, breastfeeding mothers, persons with disabilities));

2) applied in separate administrative-territorial units of the Republic of Kazakhstan, if the absence of such requirements due to climatic and geographical characteristics leads to the failure to achieve the goals stipulated by Article 4, paragraph 1 of this Law;

3) to trans boundary hazardous production facilities, which in case of technological emergencies pose a threat to human life and health, the environment of the Republic of Kazakhstan and other neighboring states.

7. The technical regulations shall establish requirements that ensure the safety of products and processes.

8. It shall not be allowed to introduce amendments and additions to the technical regulations containing requirements for product safety and life cycle processes related to its requirements below those established in the accepted technical regulations.

Footnote. Article 20 as amended by Law № 129-VII of the Republic of Kazakhstan dated 27.06.2022 (shall be enacted ten calendar days after the date of its first official publication).

Article 21. Peculiarities of development, examination, adoption, amendments and cancellation of technical regulations

1. Technical regulations, amendments and/or additions to technical regulations shall be developed, adopted and subject to cancellation in accordance with the established procedure taking into account the provisions of this Law.

2. Proposals for developing, amending, adding or terminating technical regulations shall be prepared by state bodies whose competence includes the establishment of mandatory rules and standards, taking into account the proposals of technical committees on standardization, the National Chamber of Entrepreneurs of the Republic of Kazakhstan, the National standardization body, interested parties and submitted to the authorized body.

3. The authorized body shall prepare and approve a project plan for the development of technical regulations. The approved plan for the development of technical regulations should be published on the Internet resource of the authorized body within ten calendar days from the date of approval in the established procedure.

Financing at the expense of budgetary funds for the development of technical regulations that shall not be provided for by the plan for the development of technical regulations shall not be allowed.

4. The state body that has developed the project technical regulations shall place on the Internet resource of the authorized body a notification of the established form on the development of the project, amendments and (or) additions or cancellation of the technical

regulations no later than thirty calendar days from the moment of the beginning of work on the development of the project, amendment and addition or cancellation of the regulatory legal act.

5. The State body that developed the project technical regulations shall:

- 1) organize a public discussion of the project;
- 2) finalize the project taking into account the comments received and places it in the public information system;
- 3) submit the received comments to the project technical regulations upon request to interested parties;
- 4) create a list of interrelated standards, the application of which ensures compliance with the requirements of technical regulations, as well as a list of standards containing rules and methods of research (tests) and measurements, including sampling rules, necessary for the application and implementation of technical regulations and evaluation (confirmation) of conformity of products (hereinafter referred to as a list of standards containing rules and methods), which shall be drawn up in the form of an Annex to the project technical regulation

The list of interconnected standards, as a result of which compliance with the requirements of technical regulations shall be ensured, shall not be formed if the requirements of technical regulations can be fulfilled directly.

The list of standards containing rules and methods shall not be created in cases when the technical regulation does not contain requirements for conducting conformity assessment or when an assessment of compliance with the requirements of the technical regulation can be carried out without conducting studies (tests) and measurements.

The list of standards containing rules and methods shall include national standards and (or) interstate standards, and in the absence of them, measurement methods that shall be mandatory for the assessment (confirmation) of product conformity.

If the list of standards containing rules and methods does not contain a national standard, an interstate standard, a measurement methodology necessary for the application and execution of the requirements of the technical regulation and the assessment of conformity of technical regulation objects, the corresponding requirement of the technical regulation shall be put into effect only after the corresponding national standard and (or) an interstate standard, and in their absence, the measurement method shall be included in the list of standards containing rules and methods.

6. The period of public discussion of the project technical regulation (from the day of publication of the notification on its development to the day of publication of the notification on the completion of the public discussion) should be at least sixty calendar days.

7. The notification on the completion of the public discussion of the project technical regulation should be published on the Internet resource of the authorized body and contain information on the way to get acquainted with the project and the list of comments received,

the name of the state body that developed the project technical regulation, its postal and electronic addresses.

8. The final version of the project technical regulations shall be submitted for adoption in the procedure established by the legislation of the Republic of Kazakhstan.

9. Between the date of adoption and the date of entry into force or cancellation of the technical regulation, the period of time necessary for the implementation of measures to ensure compliance with its requirements should be provided.

10. If it is necessary to develop, adopt and implement technical regulations, including amendments to them caused by extraordinary circumstances (information from a state body about an immediate threat to human life and health, the environment or national security), the technical regulations shall be adopted without notification and public discussion.

11. Notification of the adopted technical regulations should be published on the Internet resource of the authorized body, and also sent to the Secretariat of the World Trade Organization through the World Trade Organization Information Center in accordance with the legislation of the Republic of Kazakhstan on the regulation of trade activities.

Chapter 3. CONFORMITY ASSESSMENT

Article 22. Conformity assessment

1. Assessment of compliance of issued products with the requirements of technical regulations and (or) documents on standardization shall be carried out before its issuance, unless otherwise established by technical regulations.

2. Conformity assessment rules shall establish:

- 1) forms, diagrams, conformity assessment procedures;
- 2) the form of documents on conformity assessment, the procedure for their execution, issuance, periodic assessment, suspension, renewal and termination;
- 3) procedure for creation and application of voluntary certification system, as well as maintenance of register of registered voluntary certification systems and procedure for submission of information contained in the specified register.

Article 23. Conformity assessment forms and objects

1. Conformity assessment shall be carried out in the following forms:

- 1) confirmation of compliance (declaration of conformity and certification);
- 2) tests if according to technical regulations they are an independent form of conformity assessment;
- 3) other, established by technical regulations and (or) national standards.

2. The establishment by state authorities of the conformity assessment forms provided for in paragraph 1 of this Article shall be subject to approval by the authorized body.

3. Conformity assessment objects shall be defined by technical regulations and/or standardization documents.

Article 24. Conformity assessment documents

Conformity assessment documents shall include:

- 1) certificate of conformity;
- 2) declaration of conformity;
- 3) test report if the test is an independent form of conformity assessment according to technical regulations;
- 4) declaration on general security;
- 5) vehicle design safety certificate;
- 6) approval of the vehicle type;
- 7) approval of the chassis type;
- 8) other documents established by technical regulations and (or) standardization documents in the forms of registration (state registration), testing, examination and (or) in other form.

Article 25. Confirmation of compliance of products and processes and services to established requirements

1. Confirmation of compliance of products with the requirements established by technical regulations shall be carried out in the form of acceptance of a declaration of compliance and (or) in the form of certification and issuance of a certificate of compliance.

2. Compliance verification works shall be managed within the framework of the state technical regulation system.

3. Compliance of a technically complex product and (or) technically complex goods with obligatory requirements shall be confirmed in the form of certification; test reports shall be prepared for constructive elements of a technically complex product and (or) technically complex goods, unless otherwise stipulated by technical regulations.

4. Confirmation of compliance of products and processes in the territory of the Republic of Kazakhstan shall be mandatory or voluntary.

5. Conformity of compliance schemes shall contain methods for establishing conformity (tests, analysis of production status, quality management system assessment, technical documentation analysis, product analysis) and shall be used by conformity of compliance bodies and (or) manufacturers of products when conducting certification procedures or adopting a declaration of conformity.

Technical experts may be involved when confirming product of compliance.

6. Foreign and international organizations issuing documents on conformity assessment of a foreign model shall have the right to carry out activities in the territory of the Republic of Kazakhstan with notification of the authorized body about the beginning of activities in the procedure established by the Law of the Republic of Kazakhstan "On permits and notifications."

Footnote. Article 25 as amended by Law № 87-VII of Kazakhstan dated 27.12.2021 (shall be brought into force ten calendar days after the date of its first official publication).

Article 26. Mandatory confirmation of compliance

1. Products subject to mandatory conformity of compliance shall be determined by technical regulations.

2. Mandatory conformity of compliance shall be carried out in the following forms:

1) adoption of the declaration of conformity;

2) mandatory certification.

3. Mandatory confirmation of compliance shall be carried out only in cases established by the relevant technical regulations and exclusively for compliance with its requirements.

Organization standards may be used for product identification purposes, but organization standards may not be used for mandatory conformity of compliance procedures.

4. It shall not apply to objects of mandatory conformity of compliance of products that were in use, imported for the exhibition and without its intended use, as well as supplied through humanitarian assistance, unless otherwise established by technical regulations.

Article 27. Declaration on general safety of products

1. The Declaration on the general safety of products shall be drawn up in respect of products not included in the Unified List, as well as products included in the Unified List, but in respect of which technical regulations have not been adopted or entered into force.

2. A declaration on the general safety of products shall be adopted on a voluntary basis by the manufacturer, authorized manufacturer, importer, and seller and entered into the technical regulation information system on the basis of a notification received from the person who accepted the declaration.

3. The voluntary application of national standards that apply to products in circulation shall be sufficient to ensure overall product safety.

4. The Declaration on general product safety shall be adopted on the basis of evidence obtained from the application of national standards and/or other standardization documents and/or the use of technical documentation and/or the results of studies (tests) and measurements.

Article 28. Verification of correctness and validity of vehicle type approval, chassis type approval

1. Verification of the correctness and validity of approval of a vehicle type, approval of a chassis type shall be carried out for the purpose of approval and registration of approval of a vehicle type, approval of a chassis type.

2. The conformity of compliance authority shall submit a list of documents specified in the regulations on the correctness and validity of approval of a vehicle type, approval of a chassis type to the technical secretariat.

3. Documents shall be reviewed by the technical secretariat within thirty working days from the date of their receipt by the technical secretariat.

4. In cases where the submitted documents are incomplete and/or they do not comply with the requirements established by the rules for verifying the correctness and validity of the approval of the vehicle type, the approval of the chassis type, the technical secretariat shall

return the submitted documents with a written reasoned refusal to the conformity of compliance body within fifteen calendar days.

5. If so, the technical secretariat shall send the approval of the vehicle type, the approval of the chassis type to the authorized body.

6. The technical secretariat collects data on the certificates issued by laboratories on the safety of the vehicle structure with violations in their registration and issuance.

Article 29. Approval and registration of vehicle type approvals, chassis type approvals

1. Approval and registration of vehicle type approvals, chassis type approvals shall be carried out in accordance with the regulations on approval and registration of vehicle type approvals, chassis type approvals.

2. The technical secretariat shall submit to the authorized body the approval of the vehicle type, the approval of the chassis type for approval and registration.

3. Approval and registration of vehicle type approvals and chassis type approvals shall be carried out by the authorized body within ten calendar days calculated from the date of their admission to the authorized body.

Article 30. Assignment of international identification codes to vehicle manufacturers

1. The assignment of international identification codes to vehicle manufacturers shall be carried out by the technical secretariat in accordance with the rules for assigning international identification codes to vehicle manufacturers.

2. The vehicle manufacturer shall send the list of documents in accordance with the rules for assigning international identification codes to vehicle manufacturers to the technical secretariat in order to obtain an international identification code for the vehicle manufacturer.

3. The review of documents on the assignment of international identification codes to vehicle manufacturers shall be carried out within thirty calendar days calculated from the date of their receipt by the technical secretariat.

4. Based on the results of the review of the documents, the vehicle manufacturer shall be issued a certificate of assignment of an international identification code to the vehicle manufacturer.

Article 31. Rights and obligations of manufacturers, importers, authorized persons by the manufacturer, sellers of products in the field of conformity of compliance

1. Manufacturers, importers, persons authorized by the manufacturer and sellers of products may:

1) select the form and schemes provided for this product to confirm compliance with the requirements established by technical regulations;

2) apply to any conformity of compliance body, the area of accreditation of which applies to the declared products;

3) apply the conformity mark to products that have passed the mandatory conformity of compliance, if this is provided by the selected conformity of compliance scheme;

4) complain to the authorized body about illegal actions of accreditation subjects in accordance with the legislation of the Republic of Kazakhstan;

5) apply to the court for protection of their rights and legitimate interests.

2. Manufacturers, importers, persons authorized by the manufacturer, sellers of products subject to mandatory conformity of compliance shall:

1) ensure compliance of products with the requirements established by technical regulations;

2) ensure that the conformity of the products shall be confirmed;

3) submit at the request of consumers, including consumers, certificates of conformity, declarations of conformity of products, their copies;

4) indicate in the accompanying documentation information about the certificate of conformity or declaration of conformity;

5) suspend or terminate the issuance of products if the validity of the certificate of conformity or declaration of conformity has expired or the validity of the certificate of conformity or declaration of conformity has been suspended, canceled or terminated;

6) notify the conformity of compliance body about amendments introduced to the technical documentation or technological processes of production of certified products;

7) suspend production and (or) issuance of products that shall not meet the requirements established by technical regulations, based on the results of conformity of compliance;

8) ensure the recall of products that shall not meet the requirements set forth in the technical regulations;

9) execute the instructions of the authorized body and other state bodies authorized to carry out state control and supervision of compliance with the requirements of technical regulations, within the deadlines established by them.

Article 32. Conformity certificate

1. The conformity certificate shall be issued to the applicant by the conformity of compliance body for products, processes and services, subject to positive results of all procedures according to the selected conformity of compliance scheme.

The holders of the certificate of conformity shall be the manufacturer, importer, person authorized by the manufacturer, seller.

2. The forms of the conformity certificate and how they are issued shall be determined by the conformity assessment rules.

The conformity certificate shall be registered in the technical regulation register or single registers of issued or accepted documents on conformity assessment of the Eurasian Economic Union by the conformity of compliance body that issued it.

3. The conformity certificate shall apply throughout the territory of the Republic of Kazakhstan.

4. A certificate of conformity for serially produced products shall be issued for the period established by the conformity of compliance scheme.

Article 33. Conformity sign

1. The conformity sign shall be intended to mark products that have passed the conformity of compliance procedure.

2. The image of the conformity sign, its technical requirements and the marking procedure shall be determined by national standards.

3. The manufacturer, the importer, the person authorized by the manufacturer, the seller receiving the certificate of conformity shall be entitled to apply the conformity sign in any manner convenient for them to the established national standards.

4. It shall not be allowed to apply a conformity sign to products subject to mandatory conformity of compliance and not having passed the conformity of compliance to the requirements established by technical regulations and (or) national standards.

Article 34. Declaration of conformity

1. The declaration of conformity shall be drawn up in respect of the products subject to mandatory conformity of compliance, if this is provided for in the technical regulations.

The persons accepting the declaration of conformity shall be the manufacturer, the importer, the person authorized by the manufacturer, the seller.

2. The validity of the declaration of conformity for serially produced products and for a batch of products shall be established by the conformity of compliance scheme.

3. The declaration of conformity shall be subject to registration in the register of technical regulation or single registers of issued or accepted documents on conformity assessment of the Eurasian Economic Union by the conformity of compliance body, the area of accreditation of which includes this type of product.

4. Declaration of conformity may be performed by:

1) adoption of a declaration of conformity on the basis of its own evidence;

2) adoption of a declaration of conformity on the basis of evidence obtained with the participation of a certification body of quality management systems and (or) an accredited laboratory, and (or) a product certification body.

The list of documents that can be used as evidence to confirm compliance shall be determined by the relevant technical regulations.

As evidence, technical documentation, results of own studies (tests) and measurements and (or) other documents that served as a basis for confirming the compliance of products with the requirements established by technical regulations shall be used.

When declaring conformity on the basis of own evidence and evidence obtained with the participation of the conformity of compliance body, the applicant of his choice, in addition to his own evidence, has the right to use the protocols of studies (tests) and measurements carried out in the laboratory, to submit a certificate of the quality management system.

The certificate of the quality management system may be used as part of evidence when accepting a declaration of conformity, except if a different form of conformity of compliance is provided for such products by technical regulations.

5. For a period of three years from the expiry of the declaration of conformity, the first copy of the declaration of conformity and the materials used as conformity of compliance shall be kept by the applicant, and the second copy of the declaration of conformity shall be kept by the confirmation body that registered it.

Article 35. Conditions of circulation on the market of products for which technical regulations have been put into effect

1. The necessary condition for circulation on the market of products, in respect of which technical regulations have been put into effect, shall be its compliance with the requirements established by technical regulations, confirmed in accordance with the established procedure.

2. Products that comply with the requirements of the technical regulations of the Eurasian Economic Union applicable to these products and have passed the conformity assessment procedures established by the technical regulations of the Eurasian Economic Union shall be subject to mandatory labeling with a single sign of circulation of products on the market of the Eurasian Economic Union in accordance with the Law of the Eurasian Economic Union.

It is prohibited to issue products for which technical regulations have been put into effect that have not passed the conformity assessment, as well as without the availability of documents on conformity assessment or in the absence of information on the presence of such documents in the register of technical regulation or unified registers of issued or accepted documents on conformity assessment of the Eurasian Economic Union.

It shall not be allowed to advertise products for which technical regulations have been put into effect that have not passed the conformity assessment in the established manner.

3. Manufacturers, authorized by the manufacturer, importers, sellers of products when issued at the request of officials, carry out state control and supervision in the field of technical regulation, submit to them documents on the assessment of product compliance, established technical regulations, or information on the availability of such documents from the register of technical regulation or unified registries of issued or accepted documents on conformity assessment of the Eurasian Economic Union, other evidentiary materials.

Article 36. Voluntary confirmation of compliance

1. Voluntary confirmation of compliance shall be carried out in the form of voluntary certification.

2. Voluntary certification shall be carried out on the initiative and requirements of the applicant in relation to any objects of conformity assessment for their compliance with standardization documents, and in their absence - to the declared requirements.

3. The procedure for the operation and application of the voluntary certification system, as well as the maintenance of the register of registered voluntary certification systems and the submission of information contained in the specified register, shall be determined by the authorized body.

4. The voluntary certification system may be established by a legal entity and/or an individual registered as an individual entrepreneur, or by several legal entities and/or individuals registered as individual entrepreneurs.

The person or persons who have established a voluntary certification system shall establish a list of objects subject to certification and their characteristics, for compliance with which voluntary certification shall be carried out, shall determine the participants in this voluntary certification system. The voluntary certification system may provide for the use of a conformity sign.

5. Voluntary confirmation of compliance shall not replace the mandatory confirmation of compliance of products, if this is established by technical regulations or other regulatory legal acts.

6. Voluntary conformity of compliance shall be carried out by the conformity of compliance body on a contractual basis.

7. The requirements for the procedure for the voluntary confirmation of compliance and the assignment of conformity sign shall be established by national standards.

8. State bodies, local executive bodies and other organizations shall be implementing measures to create favorable conditions for stimulating the development of domestic production of goods, works and services that have passed voluntary confirmation of compliance with national standards.

Article 37. Confirmation of service compliance

Confirmation of service compliance shall be carried out by voluntary certification of the services provided for compliance with the established requirements of the legislation of the Republic of Kazakhstan and documents on standardization.

Schemes used during certification shall be determined by the applicant taking into account the peculiarities of service performance, the possibility of testing, the required level of evidence, possible costs of the applicant while ensuring the safety of the consumer's property in the procedure determined by the rules for conformity assessment.

Article 38. Product tests

1. The test objectives shall be:

1) determination of characteristics of properties of a product sample, another object of conformity assessment;

2) ensure that the conformity of compliance shall be performed if the tests are conformity of compliance procedure;

3) other purposes specified in Article 4, paragraph 1 of this Law, if tests are an independent form of conformity assessment.

2. The test principles shall be:

1) reliability of test results, impartiality during tests;

2) other principles specified in Article 4, paragraph 2 of this Law, if tests are an independent form of conformity assessment.

3. Tests shall be a procedure within the framework of conformity of compliance, if this is provided by the conformity of compliance scheme used for certification or declaration of conformity. Tests shall be an independent form of conformity assessment, if required by technical regulations.

4. Tests shall be carried out by the laboratory on the basis of the applicant's application for testing and subject to the conclusion of a contract for the performance of test work, except for the case provided for in Article 43, paragraph 4 of this Law.

5. Tests shall be carried out by an accredited laboratory with the relevant accreditation area in cases where this is provided by the conformity of compliance scheme used for certification or declaration of conformity.

Article 39. Recognition of the results of verification of conformity of foreign countries

1. Certificates of conformity of foreign countries, product test reports, conformity signs and other documents on conformity assessment shall be recognized in the procedure determined by the authorized body.

2. The provisions of this Article shall not apply to foreign certificates of conformity, test reports, conformity signs and other documents on conformity assessment in relation to goods, works and services intended for post-exhibition use of the territory of an international specialized exhibition, as well as the implementation of projects in the territory of special economic zones.

Chapter 4. STATE CONTROL AND SUPERVISION IN THE FIELD OF TECHNICAL REGULATION CARRIED OUT BY THE AUTHORIZED BODY

Article 40. Objectives, subjects and objects of state control and supervision in the field of technical regulation

1. State control and supervision in the field of technical regulation shall be aimed at preventing, identification, suppression of violations of the legislation of the Republic of Kazakhstan in the field of technical regulation in order to ensure the safety of technical regulation facilities for human life and health and the environment, including plant and animal life, protection of physical property, legal entity and states, including through ensuring the reliability of their conformity assessment, exclusion of situations that mislead consumers regarding safety and quality of objects of technical regulation, and elimination of technical barriers to trade.

2. Subjects of state control and supervision in the field of technical regulation shall be:

- 1) audit experts on conformity of compliance, accreditation;
- 2) accreditation subjects;
- 3) expert organization and expert auditors to determine the country of origin of the goods, the status of the goods of the Eurasian Economic Union or foreign goods;

4) an organization authorized to issue a certificate of origin of goods and a certificate of origin of goods for internal circulation, on determining the status of goods of the Eurasian Economic Union or foreign goods;

5) training centers;

6) accreditation body;

7) manufacturers, importers, sellers, persons authorized by manufacturers, who have the right to own, use and (or) order in relation to objects of technical regulation in accordance with the civil legislation of the Republic of Kazakhstan.

3. The object of state control and supervision in the field of technical regulation shall be products in respect of which technical regulations have been put into force.

4. State control and supervision in the field of technical regulation shall be carried out by the agency of the authorized body, its territorial subdivisions and their officials in relation to subjects of control and supervision and products, in respect of which technical regulations have been put into force, at the stage of its issuance, with the exception of products subject to state sanitary-epidemiological, veterinary-sanitary, quarantine-phytosanitary control and supervision, compliance with the legislation of the Republic of Kazakhstan in the field of technical regulation, other regulatory legal acts of the Republic of Kazakhstan or decisions of the Eurasian Economic Commission.

5. State control in technical regulation shall be carried out in the form of inspection, preventive control with a visit to the subject (object) of control and supervision, preventive control without a visit to the subject (object) of control and supervision and test purchase.

The inspection and preventive control with a visit to the subject (object) of control and supervision shall be carried out by territorial units of the authorized body's department as required by the Entrepreneur Code of the Republic of Kazakhstan.

Preventive control with visits to the subject of control and supervision, associated with the need to take samples of products, shall be carried out by territorial units of the authorized body's department in accordance with the Entrepreneur Code of the Republic of Kazakhstan and this Law.

Preventive control without visiting the subject of control and supervision, test purchase shall be carried out by territorial units of the the authorized body's department in accordance with the Entrepreneur Code of the Republic of Kazakhstan and this Law.

Footnote. Article 40 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 41. Preventive control without visiting the subject of control and supervision

Footnote. The title of Article 41 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

1. The objectives of preventive control without visiting the subject of control and supervision are timely suppression and prevention of violations, giving the subject of control and supervision the right to independently rectify the violations identified by preventive control without visiting the subject of control and supervision, and reducing its administrative burden.

2. Preventive control without visiting the subject (object) of control and supervision is carried out by studying, analyzing, comparing information obtained from various sources of information, including on the basis of information:

1) represented by entities of state control and supervision, state bodies and other organizations;

2) received from the information system of technical regulation and other information systems;

3) received from the mass media and other open sources, appeals of individuals and legal entities.

3. The object of preventive control without visiting the subject of control and supervision shall be products for their compliance with the requirements of technical regulations when they are released into circulation, and the subject of control and supervision shall be a person who has the right of possession, use and (or) disposal with respect to them in accordance with the civil legislation of the Republic of Kazakhstan.

4. On the results of preventive control without visiting the subject (object) of control and supervision, a recommendation to rectify the identified violations (hereinafter - recommendation) shall be drawn up within at least five working days from the date of identified violations without initiation of administrative proceedings with mandatory explanation to the subject of control and supervision of the method of eliminating the violations.

5. The recommendation must be handed over to the subject of control and supervision personally under signature or in another way confirming the facts of sending and receiving.

A recommendation made in one of the following ways shall be deemed to have been delivered in the following cases:

1) on purpose - from the date of the sign in the recommendation on receipt;

2) by mail - by registered mail;

3) electronically - from the date of sending to the electronic address of the subject of control and supervision.

6. The recommendation shall be executed within ten working days from the day following the date of its delivery, and in the case of a longer period of the conformity assessment procedure established by standardization documents and measurement methods included in the list of standards containing rules and methods - within thirty working days from the day following on the date of the recommendation delivery.

7. The subject of control and supervision, in case of disagreement with the violations indicated in the recommendation, has the right to send an objection to the territorial subdivision of the agency of the authorized body that sent the recommendation within five working days from the day following the day of its delivery.

8. Frequency of preventive control without visiting the subject (object) of control and supervision - monthly no later than the 25th day, no more than once a month.

9. The results of preventive control without visiting the subject (object) of control and supervision shall be recorded in a special registration logbook of preventive control without visiting the subject (object) of control and supervision, which shall be numbered, laced and sealed with the seal of the territorial unit of the authorized body's department.

Footnote. Article 41 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 42. Products sampling within preventive control with a visit to the subject (object) of control and supervision or test purchase

1. Products sampling shall be made during preventive control with a visit to the subject of control and supervision or test purchase as required by Articles 144-2, 144-3 and 149 of the Entrepreneur Code of the Republic of Kazakhstan and this Law. Sampling of products shall be made at the stage of their release into circulation for testing for compliance of such products with the technical regulations requirements.

2. Decision of the chief territorial state control and supervision inspector of the oblast, city of republican status, capital city or the person acting in his capacity, adopted in accordance with the procedure for organization and conduct of test purchase in the field of technical regulation, approved by the authorized body, shall be the ground for conducting the test purchase.

3. On the results of preventive control with a visit to the subject (object) of control and supervision or test purchase within the framework of this article in case of violations, in accordance with the Entrepreneur Code of the Republic of Kazakhstan a recommendation to rectify the identified violations shall be drawn up.

Footnote. Article 42 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 43. Sampling of products in the field of technical regulation

1. Sampling of products shall be carried out in accordance with Article 149 of the Entrepreneur Code of the Republic of Kazakhstan in relation to products included in the list of products for testing its compliance with the requirements of technical regulations, which shall be determined and approved by an authorized body.

2. The grounds for such selection shall be the analysis of violations of technical regulations in the conformity assessment of products and (or) absence of documents on conformity assessment or of information on such documents in the register of technical regulation or unified registers of issued or accepted documents on conformity assessment of the Eurasian Economic Community (EEC) for products put into circulation in respect of which technical regulations have been enacted, revealed as a result of preventive control and (or) unscheduled inspection of subjects (objects) of state control and supervision.

3. Officials of territorial subdivisions of the agency of the authorized body shall select samples of products for monitoring and supervision in order to test them in laboratories accredited in accordance with the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment and selected in accordance with the legislation of the Republic of Kazakhstan on public procurement. The number of samples taken shall be determined by the officials of the territorial subdivisions of the authorized body, taking into account the requirements of regulatory legal acts, national and interstate standards for products and methods of testing products. Product samples shall be collected in the presence of the head or representative of the subject of control and supervision and certified by a document confirming the fact of purchase of products.

4. Sampling of products shall be carried out:

cost of used samples and costs of testing (analyses, measurements) at the expense of budget funds in case of compliance of products with the requirements established by technical regulations and standardization documents;

cost of used samples and costs of testing (analyses, measurements) at the expense of the persons to be checked in case of non-compliance of the products with the requirements established by technical regulations and standardization documents.

Sampling of technically complex goods (products) for product testing may be performed without procurements, if the methods of testing will not be destructive to that technically complex good (product), and in the presence of the head or representative of the entity subject to control and supervision.

5.Excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Footnote. Article 43 as amended by Law № 87-VII of the Republic of Kazakhstan dated 27.12.2021 (shall come into force ten calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 44.Prompt response measures and their application procedure

1. In the course of implementation and (or) on the state control results, the territorial units of the authorized body's department shall apply prompt response measures in cases of detection of products (goods), activities of the subject (object) of control and supervision, which pose a direct threat to the constitutional rights, freedoms and legitimate interests of

individuals and (or) legal entities, life and health of people, environment, national security of the Republic of Kazakhstan.

2. Prompt response measures shall be the methods of impact on subjects (objects) of control and supervision, applied in the course and (or) following the results of inspection, preventive control with a visit to the subject of control and supervision, test purchase of products (goods), the types of which are stipulated by this Article.

3. Prompt response measures shall include the following types:

- 1) prohibition of products launch into circulation;
- 2) withdrawal of products.

4. The grounds for prompt response measures shall be breaching of the requirements established by the legislation of the Republic of Kazakhstan, which are the subject of state control in accordance with Article 143 of the Entrepreneur Code of the Republic of Kazakhstan.

5. In the course of implementation and (or) on the state control results in case of detected violations of requirements, which are the ground for applying prompt response measures, the territorial units of the authorized body's department shall draw up a supervision act in the form of a resolution on applying prompt response measures in the form approved by the authorized body.

The resolution on applying prompt response measures shall be drawn up and handed over to the subject of control and supervision as required by Article 153 of the Entrepreneur Code of the Republic of Kazakhstan.

6. In case of refusal to accept the resolution on applying prompt response measures, when it is delivered by hand, a corresponding record shall be made in it and a video recording shall be made to record the fact of refusal to accept the resolution on application of prompt response measures.

The resolution on applying a prompt response measures shall be sent to the legal address, location or actual address of the subject of control and supervision by a letter with notification of its delivery.

7. Refusal to receive an order on applying prompt response measures shall not be the ground for its non-execution.

8. The violations of requirements revealed in the course of implementation and (or) by the results of state control, which are the ground for applying prompt response measures, shall be reflected in the act on the results of preventive control with a visit to the subject (object) of control and supervision and (or) inspection, and (or) test purchase of products (goods), and also in the instruction on rectifying violations of the requirements of the technical regulation legislation of the Republic of Kazakhstan.

9. The control and supervision subject shall be obliged to rectify the revealed violations of the requirements, which are the ground for a prompt response measure, within the terms

specified in the instruction on rectifying violations of the requirements of the technical regulation legislation of the Republic of Kazakhstan.

10. Before the expiration of the terms indicated in the instruction on rectifying violations of the legislation of the Republic of Kazakhstan in technical regulation, identified by the preventive control with a visit to the subject (object) of control and supervision, inspection and (or) test purchase, the control and supervision subject shall be obliged to provide information on elimination of the identified violations with the attachment of materials proving the fact of the rectified violation.

11. If information is provided on elimination of revealed violations, which are the ground for applying a prompt response measure, in accordance with paragraph 10 of this Article or upon expiration of the deadline for elimination of violations revealed in the course of implementation or as a result of preventive control with a visit to the subject (object) of control, inspection and (or) test purchase, an unscheduled inspection shall be conducted to control their elimination.

The order on applying prompt response measures shall be terminated if the territorial unit of the authorized body's department confirms elimination of revealed violations of the requirements being the ground for applying prompt response measures, on the basis of the act on the unscheduled inspection results according to subparagraph 2-1) of paragraph 5, Article 144 of the Entrepreneur Code of the Republic of Kazakhstan.

12. In case of failure to eliminate the revealed violations of the requirements, which are the grounds for prompt response measures, based on the unscheduled inspection results, steps shall be taken to bring the persons who committed violations to responsibility as prescribed by the laws of the Republic of Kazakhstan.

13. If the control and supervision entity disagrees with the state control results, which entailed prompt response measures, it may file a complaint to invalidate the decision on applying prompt response measures and revoke it.

The complaint shall be filed with a higher state body in the procedure prescribed by Chapter 29 of the Entrepreneur Code of the Republic of Kazakhstan, or with a court as prescribed by the legislation of the Republic of Kazakhstan.

Filing of a complaint shall not suspend the execution of the resolution on applying prompt response measures.

14. The grounds for invalidation of a resolution on applying prompt response measures shall be:

- 1) absence of grounds for applying prompt response measures;
- 2) application of prompt response measures on the grounds that do not correspond to this measure;
- 3) application of prompt response measures by the territorial units of the authorized body's department on the matters that are outside their competence.

15. Information on applied prompt response measures shall be sent to the state body, engaged within its competence in state legal statistics and special records, in the procedure, determined by the General Prosecutor's Office of the Republic of Kazakhstan.

16. The withdrawn products shall be stored in the manner determined by the authorized body.

17. The withdrawn products that do not meet the technical regulations requirements and pose a direct threat to the constitutional rights, freedoms and legitimate interests of individuals and (or) legal entities, people's life and health, the environment, national security of the Republic of Kazakhstan are not subject to use in economic and other activities and must be destroyed or can be disposed of or recycled in compliance with the requirements established by the authorized body, as well as the environmental legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan in veterinary medicine, on civil protection, and the requirements of regulatory legal acts in sanitary and epidemiological welfare of the population, or taken back outside the Republic of Kazakhstan.

After application of product withdrawal, the territorial unit of the authorized body's department shall notify the manufacturer, importer, the person authorized by the manufacturer about the need of measures to prevent the release into circulation of products that do not comply with the requirements of technical regulations.

18. Costs associated with carriage (transportation), storage, destruction, disposal, recycling of seized products or their return exportation outside the Republic of Kazakhstan shall be incurred by the control and supervision entity.

19. If laboratory tests of products point to their non-compliance with the requirements of technical regulations, the document on conformity assessment for the withdrawn products shall be revoked by officials of the territorial unit of the authorized body's department that issued the resolution on applying prompt response measures in the form of products withdrawal.

20. Documents on conformity assessment for products, which have not passed conformity assessment in the established order, shall be revoked by officials of the territorial unit of the authorized body's department, performing state control and supervision in technical regulation.

21. In case of detection during realization of the state control and supervision in the technical regulation of forged documents on conformity assessment, criminal prosecution bodies shall be notified thereof.

Footnote. Article 44 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 45. Officials exercising state control and supervision in the field of technical regulation

1. Officials exercising state control and supervision shall include:

- 1) Chief state inspector of the Republic of Kazakhstan for state control and supervision - head of the department of the authorized body;
- 2) Deputies of the chief state inspector of the Republic of Kazakhstan for state control and supervision - deputy heads of the department of the authorized body;
- 3) chief territorial state inspectors for state control and supervision - heads of territorial divisions;
- 4) deputy chief territorial state inspectors for state control and supervision - deputy heads of territorial subdivisions and (or) heads of their structural subdivisions;
- 5) state inspectors for state control and supervision - specialists in state control and supervision of territorial units.

2. Recommendations, regulations, decisions on the seizure of products and on the prohibition of the issuance of products, drawn up (issued, issued) by officials exercising state control and supervision in the field of technical regulation, shall be mandatory for all subjects of state control and supervision.

Article 46. Rights and duties of officials exercising state control and supervision in the field of technical regulation

1. Officials exercising state control and supervision in the field of technical regulation shall have the right to:

- 1) take samples of products, with the exception of products subject to state sanitary-epidemiological, veterinary-sanitary, quarantine-phytosanitary control and supervision;
- 2) make recommendations and make decisions on the prohibition of the issuance of products or on the seizure of products;
- 3) in cases stipulated by this Law, cancel the operation of documents on conformity assessment for products;
- 4) to hold persons who produce products that do not meet the requirements established by technical regulations liable in accordance with the Laws of the Republic of Kazakhstan;
- 5) take part in commissions for the destruction of products if it is declared unsuitable for sale and use;
- 6) if technical regulations are found to be inconsistent with technical regulations, initiate before other state bodies in the field of technical regulation within their competence a check of the causes of non-conformity at any stages of the life cycle;
- 7) sue in case of violation of the legislation of the Republic of Kazakhstan in the field of technical regulation;
- 8) issue instructions to eliminate violations of the requirements of the legislation of the Republic of Kazakhstan in the field of technical regulation;
- 9) exercise other rights in accordance with the Laws of the Republic of Kazakhstan.

2. Officials exercising state control and supervision in the field of technical regulation shall be obliged to:

- 1) carry out explanatory work on the application of the legislation of the Republic of Kazakhstan in the field of technical regulation, inform manufacturers authorized by the manufacturer of persons, importers, sellers about existing technical regulations;
- 2) observe commercial and other secrets protected by the Law;
- 3) take measures to suppress and prevent the issuance of products belonging to the subject of control and supervision, if it poses an immediate threat to the rights and legitimate interests of individuals and legal entities, human life and health, the environment;
- 4) perform other duties stipulated by the Laws of the Republic of Kazakhstan.

Chapter 5. FINAL AND TRANSITIONAL PROVISIONS

Article 47. Liability of individuals and legal entities for non-compliance with the legislation of the Republic of Kazakhstan in the field of technical regulation

1. Individuals and legal entities shall be liable for non-compliance with the legislation of the Republic of Kazakhstan in the field of technical regulation in accordance with the Laws of the Republic of Kazakhstan.
2. Damage caused to life, health or property of an individual or property of a legal entity as a result of non-compliance of products with the requirements established by technical regulations shall be compensated in accordance with civil legislation of the Republic of Kazakhstan.
3. If it is established that as a result of violation of conformity assessment procedures or their known inaccuracy, products that do not meet the requirements of technical regulations that are subject to exemption were issued, the accreditation entity that issued (registered) the conformity assessment document or the product test report that served as the basis for issuing (registration) of the conformity assessment document shall be liable to the Laws of the Republic of Kazakhstan.

Article 48. Procedure for enacting this Law

1. This Law shall be recognized as invalid six months after the date of its first official publication.
2. To recognize as invalid the Law of the Republic of Kazakhstan dated November 9, 2004 "On technical regulation" (Statements of the Parliament of the Republic of Kazakhstan, 2004, № 21, Article 164; 2006, № 3, Article 22; № 15, Article 92; № 24, Article 148; 2008, № 15-16, Article 60; 2009, № 17, Article 80; № 18, Article 84; 2010, № 5, Article 23; 2011, № 1, Article 2; № 2, Article 26; № 11, Article 102; 2012, № 5, Article 41; № 14, Article 92, 95; № 15, Article 97; 2013, № 4, Article 21; № 14, Article 75; № 15, Article 81; № 21-22, Article 114; 2014, № 10, Article 52; № 19-I, 19-II, Article 96; № 23, Article 143; 2015, № 20-IV, Article 113; № 22-V, Article 156; 2016, № 6, Article 45; № 7-II, Article 53; 2017, № 11, Article 29; № 22-III, Article 109; № 23-III, Article 111; 2018, № 10, Article 32; № 19, Article 62; № 24, Article 94; 2019, № 7, Article 37, 39).

President

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