

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

Unofficial translation

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

Unofficial translation

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

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

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

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

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

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

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

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

B. Sultanov

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

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

Footnote. The Rules are in the wording of the Order of the Acting Minister of Trade and Integration of the Republic of Kazakhstan dated 13.03.2025 № 99-HK (shall come into effect ten calendar days after the date of its first official publication).

Chapter 1. General provisions

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

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

1) Conformity assessment body – a legal entity or its structural subdivision that carries out conformity assessment activities;

2) Conformity certification body – a legal entity accredited in the prescribed manner to perform conformity certification activities;

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

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

5) accreditation body - a republican state enterprise carrying out accreditation activities and being a member of international accreditation organizations.

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

3. Inclusion or exclusion of conformity assessment bodies in the national part (from the national part) of the unified register of conformity assessment bodies of the Eurasian Economic Union (hereinafter - the Register) shall be carried out by the accreditation body based on the results of consideration of materials by the Commission for consideration of the issue of inclusion or exclusion of conformity assessment bodies in the national part (from the national part) of the unified register of conformity assessment bodies of the Eurasian Economic Union (hereinafter - the Commission), established by the head of the accreditation body.

4. For the purposes of checking the applicant's conformity with the conditions for inclusion in the Register specified in paragraph 6 of these Rules, the accreditation body shall, within 20 (twenty) working days from the date of the decision on accreditation, submit materials for consideration of the Commission, accompanied by information on the conformity of the accreditation body with the conditions specified in paragraph 6 of these Rules.

5. The period for consideration of materials by the Commission shall be 10 (ten) working days from the date of submission by the accreditation body.

The decision of the Commission shall be formalized in a protocol, which is signed by its members within the period specified in the first part of this paragraph.

6. The Commission examines the materials and information for compliance by the conformity assessment body with the following conditions:

1) for conformity certification bodies:

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

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

the presence on the staff of the conformity certification body of expert auditors on products in all areas of activity in accordance with the scope of accreditation, carrying out activities on the basis of an employment contract in one conformity certification body;

the absence, among the management of the conformity certification body, of any outstanding or unexpunged criminal conviction related to the unlawful issuance of conformity assessment documents, or of any administrative penalty imposed for an administrative offense in the field of conformity assessment;

the absence, during the validity period of the accreditation certificate, of any violations identified within a one-year period that resulted in the placement on the market of products that do not comply with the requirements of the legislation of the Republic of Kazakhstan or normative documents (for products included in the unified list), or with the requirements of the technical regulations of the Eurasian Economic Union; as well as the absence of mass violations (five or more) in relation to a single technical regulation, and/or multiple violations (ten or more) in relation to three or more technical regulations, or systematic violations (repeated violations, three or more) during the validity period of the accreditation certificate, and also the absence of cases of unjustified issuance of certificates of conformity;

the conformity certification body's lawful possession of premises and equipment, in an amount of no less than 50 (fifty) percent, sufficient to carry out testing and measurement of the characteristics (parameters) of products (product groups) included in the scope of accreditation for compliance with the requirements of the technical regulations of the Eurasian Economic Union, as well as of products included in the unified list;

the absence, among the personnel of the conformity certification body, including conformity certification auditors and experts, of individuals who, within a one-year period, committed violations that resulted in the placement on the market of products that do not

comply with the requirements of the legislation of the Republic of Kazakhstan or normative documents (for products included in the unified list), or with the requirements of the technical regulations of the Eurasian Economic Union; as well as the absence of cases of mass violations (five or more) related to a single technical regulation and/or multiple violations (ten or more) involving three or more technical regulations, or systematic violations (recurring violations, three or more) during the validity period of the accreditation certificate, or cases of unjustified issuance of certificates of conformity;

the absence, during the one (1) year preceding the date of submission of materials for consideration by the Commission, of any established facts of violations committed in the course of joint conformity certification activities with accredited entities, including conformity assessment bodies of foreign states, that resulted in cases of mass or systematic unjustified issuance of conformity certification documents;

the availability of financial resources by the legal entity whose structural subdivision is accredited within the national accreditation system as a conformity certification body, sufficient to ensure the performance of the declared scope of mandatory certification activities, including coverage of liability for violations of the rules for conducting conformity certification activities towards clients (through an insurance amount or the size of the charter capital).

Conformity certification bodies that have ceased their activities as accredited entities, but have not invalidated the certificates of conformity for products issued under mandatory certification, or have not transferred the functions of conducting inspection control to other conformity certification bodies, shall not be included in the Register.

2) for laboratories:

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

the availability, within the scope of accreditation of laboratories, of products subject to conformity assessment with the requirements of the technical regulations of the Eurasian Economic Union (for laboratories performing conformity assessment of products with the requirements of the technical regulations of the Eurasian Economic Union), or products included in the unified list (for laboratories performing conformity assessment of products included in the unified list);

the absence of any unexpunged or outstanding criminal conviction of the laboratory's management arising from the unlawful issuance of conformity assessment documents, or of any administrative penalty imposed for an administrative offense in the field of conformity assessment;

the head and deputy heads of the laboratory possess higher education in a specialty and/or field of study corresponding to the full scope of accreditation or a part thereof, and have at

least five (5) years of professional experience in the field of conformity assessment, with such experience being counted within the ten (10) years preceding the date of submission of materials by the laboratory;

the absence, during the period of validity of the accreditation certificate, of violations identified within a one-year period, as well as of individuals responsible for violations that resulted in the release into circulation of products not complying with the legislation of the Republic of Kazakhstan or with normative documents (in the case of products included in the unified list), or with the requirements of the technical regulations of the Eurasian Economic Union; the absence of cases of widespread violations (five or more) related to a single technical regulation and/or multiple violations (ten or more) related to three or more technical regulations, or systematic violations (repeated violations, three or more times) during the validity of the accreditation certificate; and the absence of unjustified issuance of test reports, including for products not covered by the scope of the laboratory's accreditation;

the absence, during the one (1) year preceding the date of submission of materials for consideration by the Commission, of proven instances of violations committed in the course of joint conformity certification activities with accredited entities, including conformity assessment bodies of foreign states, which resulted in cases of mass or systematic unjustified issuance of conformity certificates;

the availability, on the part of the legal entity whose structural unit is accredited within the national accreditation system as a laboratory, of financial resources sufficient to ensure the performance of the declared scope of work related to mandatory conformity certification, including the capacity to bear responsibility for any breach of rules governing the performance of conformity certification activities before clients (through insurance coverage or the amount of authorized capital).

7. From the date of the Commission's decision, the accreditation body within 2 (two) working days decides on the inclusion of the conformity assessment body in the Register, of which a notification shall be sent to the conformity assessment body.

8. In case of non-compliance of the conformity assessment body with the conditions for inclusion in the Register specified in paragraph 6 of these Rules, within 5 (five) working days from the date of the Commission's decision, the accreditation body shall refuse to include the conformity assessment body in the Register, subject to the requirements established by Article 73 of the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan

9. Exclusion of a conformity assessment body from the Register shall be formalized by the decision of the accreditation body from the date of the Commission's decision within 2 (two) working days in cases of:

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

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

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

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