

**On approval of the Rules for recognition of conformity certificates of foreign states, product test protocols, conformity marks and other conformity assessment documents**

*Unofficial translation*

Order of the acting Minister of Trade and Integration of the Republic of Kazakhstan dated June 29, 2021 No. 434-NK. Registered with the Ministry of Justice of the Republic of Kazakhstan on July 9, 2021 No. 23422

Unofficial translation

**Note ILLI!**

**Shall enter into force from 01.07.2021.**

In accordance with paragraph 1 of Article 39 of the Law of the Republic of Kazakhstan "On technical regulation," **I hereby ORDER:**

1. To approve the attached Rules for the recognition of certificates of conformity of foreign states, product test protocols, conformity marks and other conformity assessment documents.

2. Shall be recognized as invalid:

1) order of the Acting Minister for Investment and Development of the Republic of Kazakhstan dated March 26, 2015 No. 331 "On approval of regulatory legal acts on compliance confirmation issues" (registered in the Register of State Registration of Regulatory Legal Acts under No. 10979);

2) order of the Minister of Trade and Integration of the Republic of Kazakhstan dated February 20, 2020 No. 30-NK "On introduction of amendments the order of the Acting Minister for Investment and Development of the Republic of Kazakhstan dated March 26, 2015 No. 331" "On approval of regulatory legal acts on compliance confirmation issues" (registered in the Register of State Registration of Regulatory Legal Acts under No. 20055).

3. The committee of technical regulation and metrology of the Ministry of Trade and Integration of the Republic of Kazakhstan, in accordance with the procedure established by the legislation, shall:

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

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

4. This order shall enter into force from July 1, 2021 and shall be subject to official publication.

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

*E. Kazanbayev*

Approved

## **Rules for recognition of certificates of conformity of foreign states, product test reports, conformity marks and other conformity assessment documents**

### **Chapter 1. General provisions**

1. These Rules for recognition of certificates of conformity of foreign states, product test reports, conformity marks and other conformity assessment documents (hereinafter referred to as the Rules) have been developed in accordance with paragraph 1 of Article 39 of the Law of the Republic of Kazakhstan "On technical regulation" (hereinafter referred to as the Law) and shall determine the procedure for recognition of certificates of conformity of foreign states, product test reports, conformity marks and other conformity assessment documents.

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

1) applicant - a legal entity registered in accordance with the legislation of the Republic of Kazakhstan or a member state of the Eurasian Economic Union or an individual registered as an individual entrepreneur (manufacturer, importer, person authorized by the manufacturer, seller), who provided products, processes and service for conducting a conformity assessment ;

2) compliance confirmation body - a legal entity accredited in accordance with the established procedure to carry out compliance confirmation activities;

3. Recognition of conformity certificates of foreign countries, product test protocols, conformity marks and other conformity assessment documents issued in foreign compliance confirmation systems shall be carried out in the presence of concluded international agreements (contracts) on mutual recognition of compliance assessment results.

4. In the absence of international treaties or agreements with international or regional non-governmental, non-governmental accreditation organizations, confirmation of the conformity of imported products shall be carried out in accordance with the requirements of technical regulations in force on the territory of the Republic of Kazakhstan.

5. In order to perform works on recognition of certificates of conformity of foreign countries, product test protocols, conformity marks and other documents on conformity assessment, the authorized body shall form and update the list of the following on its official website ([www.gov.kz](http://www.gov.kz)):

1) states with which the Republic of Kazakhstan has concluded agreements on the recognition of the results of confirmation of compliance;

2) foreign states with which the accreditation body of the Republic of Kazakhstan concluded agreements on mutual recognition, indicating the countries being parties to these agreements.

6. Recognition of conformity certificates of foreign countries, product test protocols, conformity marks and other documents on conformity assessment for imported products shall be carried out on a contractual basis by compliance confirmation bodies having the declared type of product (product) in their field of accreditation, on the basis of the applicant's application (hereinafter referred to as the application) in the form according to the Annex to these Rules.

The list of compliance confirmation bodies recognizing conformity certificates of foreign countries, product test protocols, conformity marks and other conformity assessment documents shall be posted on the official website of the accreditation body ([www.nca.kz](http://www.nca.kz)).

7. Works on recognition of certificates of conformity of foreign states, product test protocols, conformity marks and other documents on conformity assessment issued in foreign systems of conformity confirmation for imported products subject to mandatory confirmation and intended for sale shall be carried out if they are accompanied by information in Kazakh and Russian.

8. The information shall indicate the name of the product, country and enterprise-applicant, shelf life (shelf life, operation), storage conditions, method of application (if the presence of this information is regulated by the technical regulations).

9. The compliance confirmation body shall send a decision to the applicant within a period of not more than seven working days and for perishable products shall be not more than two working days from the moment of registration of the application based on the results of consideration of the application.

## **Chapter 2. Procedure for recognition of certificates of conformity of foreign states**

10. Recognition of certificates of conformity of foreign states issued for products subject to mandatory compliance confirmation shall be carried out by re-issuing them for certificates of conformity in the form established by the Rules for compliance assessment approved by the authorized body in accordance with Article 7, paragraph 2, subparagraph 1) of the Law (hereinafter referred to as the certificate of conformity).

11. In order to recognize the certificates of conformity of foreign states by the compliance confirmation body, the applicant shall attach to the application:

1) the original of the certificate of conformity of a foreign state or its copy, certified by the signature and seal of the compliance confirmation body that issued the certificate of conformity or the enterprise (company) that is the holder of the original certificate, or notarized;

2) a regulatory document specified in the certificate of conformity of a foreign state if it is not an international document recognized as valid in the Republic of Kazakhstan;

3) documents accompanying the products: copies of the customs declaration, certificate of origin of the products (goods), contract, invoice, product test report, hygienic conclusion,

veterinary document, phytosanitary certificate, certificate for the quality management system (if any);

4) a sample product of a single product for identification (in the case of delivery of single products).

12. Based on the analysis of the application and submitted documents, the compliance confirmation body within the timeframe, provided for in paragraph 11 of these Rules, shall decide to carry out work on the recognition of a certificate of conformity of a foreign state and, in accordance with the civil legislation of the Republic of Kazakhstan, shall conclude a contract for the work with the applicant or shall send a written reasoned response on the refusal to carry out work on the recognition of a certificate of conformity of a foreign state.

13. To make a decision on the recognition of a certificate of conformity of a foreign state, the following procedures shall be carried out:

- 1) examination of the documents attached to the application;
- 2) identification of products (goods) for which a certificate of conformity shall be issued;
- 3) verifying the availability of information for the consumer.

14. The compliance confirmation body during the examination of documents shall establish their authenticity and compare the requirements of regulatory documents for compliance with which the products shall be certified with the requirements of technical regulations and regulatory documents for standardization recognized as valid in the territory of the Republic of Kazakhstan for imported products.

In case of different requirements of the comparable regulatory documents for certain indicators imposed on the products, the compliance confirmation body performs repeated tests in full or for certain indicators to confirm compliance of the products with the established requirements of technical regulations and regulatory documents on standardization recognized as valid in the territory of the Republic of Kazakhstan.

15. Identification of products (goods) shall be carried out by the expert-auditor of the body to confirm compliance with the signs, parameters, indicators and requirements that are collectively sufficient to confirm its compliance with the regulatory document, shipping documentation, supply agreement (contract), specifications, label, label or document characterizing the products (goods).

When identifying products, compliance by the applicant with the requirements of technical regulations and regulatory documents on standardization recognized as valid in the territory of the Republic of Kazakhstan in terms of the availability of information in the labeling of products (goods) is taken into account. The results of product identification and storage conditions shall be reflected in the identification certificate.

16. To recognize the certificate of conformity of a foreign state with testing for some indicators, the certificate shall indicate the regulatory document for compliance with which additional tests have been carried out.

17. In the case of a positive decision on the recognition of a certificate of conformity of a foreign state, the compliance confirmation body draws up a certificate of conformity.

18. The certificate of conformity shall specify the technical regulations in force in the Republic of Kazakhstan establishing mandatory requirements for products, and in the section "Certificate issued on the basis of..." an entry is made with reference to the recognized certificate of conformity of a foreign state with an indication of the country, the authority that issued it, the number of the certificate and the date of issue.

19. The validity period of the newly issued certificate of conformity shall be established by the compliance confirmation body depending on the shelf life of the products and the validity period of the re-issued foreign certificate, but not more than one year.

20. If the validity period of the certificate of conformity of a foreign state issued for serial production products has expired, and the products issued during its validity period shall be sold by the seller, then the certificate applies to the entire shelf life or storage of the products if the storage conditions are met.

21. Certificates of conformity for perishable products shall be recognized only if the storage and transportation conditions specified in the regulatory documents for standardization are met.

22. A certificate of conformity issued for products manufactured not in the country that issued the certificate is not recognized, and the products undergo confirmation of compliance with all mandatory indicators established by regulatory documents for standardization.

23. The compliance confirmation body shall send a decision to the applicant within a period of not more than seven working days and for perishable products shall be not more than two working days from the moment of registration of the application based on the results of consideration of the application.

24. Based on the results of the application consideration, the compliance confirmation body shall decide on refusal to recognize certificates of conformity of foreign states, product test protocols, conformity marks and other documents on conformity assessment, if:

- 1) the application and the documents attached thereto are improperly executed;
- 2) an incomplete package of documents provided for in paragraphs 11, 25 and 29 of these Rules is attached to the application;
- 3) the submitted documents contain false information;
- 4) there is no possibility of reliable identification of the product (goods) by its distinctive features;
- 5) there is no information for the consumer.

If the reasons for the refusal are eliminated, the applicant re-applies for recognition of certificates of conformity of foreign countries, product test protocols, conformity marks and other documents on conformity assessment.

### **Chapter 3. Procedure for recognition of product test protocols**

25. The procedure for recognition of product test protocols in the field of compliance confirmation shall be carried out if the importer (applicant) has original documents (protocols or test reports) or copies thereof, certified by signature and seal (if any) of the test laboratory (center) or the organization that issued the recognized document or enterprise (company), which is the holder of original documents, or notarized.

26. If there are clearly visible signatures and seals (if any) on the document submitted for recognition by the compliance confirmation body, a record is made on the title page of the document on the passage of the recognition procedure for work in the field of compliance confirmation, which is certified by the signature of the performer and the seal (if any) of the compliance confirmation body.

27. The test results specified in the product test report that have passed the recognition procedure shall be used for issuing a certificate of conformity or declaration of conformity.

#### **Chapter 4. Procedure for recognition of conformity marks and other conformity assessment documents**

28. In order to recognize the sign of conformity and other documents on conformity assessment, the applicant shall attach to the application:

1) a sample of products (containers, packages), operational and (or) technical documents marked with a conformity sign in the place where information on certification shall be given (number and date of issuance of the conformity certificate, name of the authority that issued the certificate);

2) regulatory document, according to which the declared products shall be manufactured, if it is not included in the category of international or regional document valid in the Republic of Kazakhstan;

3) documentation accompanying the products: copies of the customs declaration and certificate on the origin of the products (goods), contract, invoice, product test report, hygienic conclusion, veterinary document, phytosanitary certificate, certificate for the quality management system.

29. To make a decision on the recognition of the conformity mark and other documents on conformity assessment, the following procedures shall be carried out:

1) identification of the product (goods), on which the conformity mark is applied, and the sufficiency of information for the consumer;

2) verifying the basis for the recognition of conformity marks (accreditation in the state system of technical regulation of the Republic of Kazakhstan or the existence of relevant agreements on mutual recognition of the results of compliance confirmation);

3) verifying the fact of issuing a certificate of conformity and granting the manufacturer (seller) the right to mark products (goods) with a sign of conformity.

30. In case of a positive decision on the recognition of the conformity mark and other documents on the conformity assessment, the compliance confirmation body shall draw up a conformity certificate.

In the certificate of conformity, in the section "Certificate issued on the basis of..." an entry is made with reference to the recognition of the mark of conformity, indicating the country, the authority that issued it, the number of the certificate and the date of issue.

Annex  
to Rules for recognition of  
confirmation certificate of foreign  
states, product test protocols  
conformity marks and other  
conformity and other conformity  
assessment documents  
Form

### **Application\***

Head of the body  
on confirmation of compliance

\_\_\_\_\_

(name of the body, legal address)

For recognition of \_\_\_\_\_

(name of the document or conformation mark)

in the state system of technical regulation of the Republic of Kazakhstan

\_\_\_\_\_

(name of the applicant, his legal address, phone number)

represented by \_\_\_\_\_

— (position, last name, first name, patronymic (if any) of the head of the enterprise  
applicant -enterprise or individual)

Requests a recognition process \_\_\_\_\_

(name of the document or conformation mark,

\_\_\_\_\_

№, date of issue, name of the body or laboratory that issued the document)

and register a declaration of conformity or issue a certificate

compliance in the state system of technical regulation

Republic of Kazakhstan on the \_\_\_\_\_

(product name, type, model, brand,

\_\_\_\_\_

quantity, country, applicant -enterprise)

I hereby undertake to pay all expenses associated with the recognition procedure

the document (sign) I declared, regardless of its results.

Applicant \_\_\_\_\_

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

Place of sealing (if any) \* \* " \_\_\_\_ " \_\_\_\_\_ 20

Note:

\* attached to the application is a document for which recognition is proposed or its copy, executed in accordance with the established procedure. To recognize a foreign sign of conformity of the original quality certificate of the applicant- enterprise is attached to the application,

duly executed, as well as details (postal address, telephone, fax, e-mail) of the applicant -enterprise and the foreign body that conducted the work on confirmation of compliance and gave permission to mark the imported products with a sign of conformity.

\* \* for a legal entity.