

On Accreditation in the Field of Conformity Assessment

Unofficial translation

The Law of the Republic of Kazakhstan dated 5 July, 2008 № 61-IV.

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This Law regulates public relations in the field of accreditation of conformity assessment bodies, as well as related relations.

Footnote. Preamble as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication).

Article 1. Basic definitions used in the Law

The following basic definitions shall be used in the Law:

1) accreditation – procedure of official recognition of competence of applicant by the accreditation body to execute works in the particular field of conformity assessment;

2) accreditation certificate – a document, issued by the accreditation body, certified the competence of the subjects of accreditation to execute the work in the particular field of conformity assessment;

2-1) revocation of accreditation certificate – a decision of the accreditation body on temporary invalidation of accreditation certificate or the parts of accreditation scope of subject of accreditation in the case of non-conformity of the subject of accreditation to the accreditation criteria, on conformity of which it is accredited, before elimination of reasons, constituted a ground to revocation of accreditation certificate;

3) accreditation mark – a designation, provided by the accreditation body to the subject of accreditation for information sharing of third persons on undergoing of procedure of accreditation;

3-1) Accreditation Council - a permanent consultative and advisory body established for the strategic development of the accreditation system, ensuring openness and accessibility of information in the field of accreditation;

4) accreditation body - a republican state enterprise that carries out accreditation activities and is a member of international accreditation organizations;

4-1) Accreditation experts - individuals certified in accordance with the procedure determined by the accreditation body;

5) a system of accreditation – a set of the state bodies, individuals and legal entities, performing the work in the scope of accreditation in the field of conformity assessment within its competence;

6) accreditation criteria – a set of requirements, to which the applicant shall satisfy for its accreditation and subject of accreditation;

7) updating of materials of accreditation – introduction of amendments to the documents of the subject of accreditation, not involving re-issuance of accreditation certificate;

8) accreditation scope – officially recognized objects of conformity assessment, on which the accreditation is distributed;

9) expansion of accreditation scope – a process of increasing the list of objects of conformity assessment by the subject of accreditation;

10) reduction of accreditation scope – a process of reducing the list of objects of conformity assessment by the subject of accreditation;

11) is excluded by the Law of the Republic of Kazakhstan dated 29.03.2016 № 479-V (entered into force on the expiration of twenty-one calendar days after the day of its first official publication);

12) register of subjects of accreditation – the unified system of recording of subjects of accreditation;

13) subject of accreditation - a conformity assessment body that has been accredited in the manner prescribed by this Law;

13-1) monitoring of the activities of the subject of accreditation - a set of measures for the collection, processing, analysis and use of data and information about the activities of subjects of accreditation for compliance with the accreditation criteria, carried out by the accreditation body in accordance with this Law;

13-2) accreditation scheme - rules and processes related to the accreditation of conformity assessment bodies, to which identical requirements apply;

13-3) evaluation - a process carried out by the accreditation body in order to determine the competence of the applicant (subject of accreditation) on the basis of standardization documents and in accordance with the legislation of the Republic of Kazakhstan;

13-4) assessment technique - a method used by the accreditation body to conduct an assessment in accordance with standardization documents, including international accreditation organizations, to which the accreditation body is a member;

14) is excluded by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

14-1) calibration laboratory (center) - a legal entity or a structural subdivision of a legal entity, acting on its behalf, calibrating measuring instruments;

15) witness assessment - supervision by the accreditation body of the conformity assessment body performing conformity assessment activities within its scope of accreditation ;

15-1) repeated accreditation – regular procedure of official recognition of the competence of applicant by the accreditation body to execute works in the particular field of conformity assessment;

15-2) is excluded by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication);

16) a legal entity, carrying out metrological certification of procedure of measurements – legal entities, certified to performance of works on metrological certification of procedure of measurements;

17) comparison of the results of verification and calibration of measuring means - comparison of research results, metrological characteristic of measurement means;

18) an applicant – a legal entity, filed an application for accreditation;

19) comparative tests – conducting and assessment of the test results on the same similar objects of tests by two or more laboratories (centers);

20) testing laboratory (center) – a legal entity or structural subdivision of legal entity, acting on its behalf, carrying out verification of measurement means;

21) conformity assessment - direct or indirect determination of compliance with the requirements for the object of conformity assessment;

21-1) body for conformity assessment - a legal entity or its structural unit, carrying out work on conformity assessment;

22) objects of conformity assessment - objects defined by technical regulations and (or) standardization documents, subject to conformity assessment, research, testing, measurement, verification, calibration, certification and other types of assessment;

23) bodies on conformation of conformity – legal entities, performance the work on confirmation of conformity of products, processes, services, management systems or personnel;

23-1) experts-auditors on confirmation of conformity - individuals certified in accordance with the procedure determined by the authorized body;

24) testing laboratory (center) – a legal entity or structural subdivision of legal entity, acting on its behalf, carrying out investigation, testing;

25) technical expert – individual, possessing special knowledge or experience in relation of the object, subject to the conformity assessment;

26) an authorized body – the state body, carrying out the state regulation in the field of technical regulation and ensuring the unity of measurements.

Footnote. Article 1 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 34-V (shall be enforced from the date of its official publication); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication) ; dated 29.03.2016 № 479-V (shall be enforced upon the expiration of twenty-one calendar days after the day of its first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication); dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 2. The legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment

1. The legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts.

2. If the international treaty, ratified by the Republic of Kazakhstan establishes the other rules, than those provided by this Law, the rules of international treaty shall be applied.

Article 3. Basic purposes and principles of accreditation

1. The basic purposes of accreditation shall be:

- 1) consumer protection in the issues of security and quality of products, processes, services;
- 2) competitive growth of domestic products;
- 3) improvement of quality and reliability of conformity assessment;
- 4) elimination of technical barriers on trade;
- 5) creating conditions of yield of domestic products to foreign markets and recognition of the results of works of subjects of accreditation of the Republic of Kazakhstan by the international organization and foreign countries.

2. The principles of accreditation shall be:

- 1) voluntariness;
- 2) information availability on procedures, accreditation criteria;
- 3) transparency of activity on accreditation in the field of conformity assessment;
- 4) non-discrimination;
- 5) competence;
- 6) the unity and system integrity of accreditation;
- 7) independence;
- 8) inadmissibility of combining of activity on accreditation with activity on conformity assessment;
- 9) priority of the use of standards of international (regional) organizations in the implementation of accreditation.

Article 4. Accreditation system

An accreditation system shall include:

- 1) The Government of the Republic of Kazakhstan;
- 2) an authorized body;
- 3) accreditation body;
- 4) a subject of accreditation;

5) expert auditors for accreditation, conformity assessment, technical experts.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 5. Competence of the Government of the Republic of Kazakhstan in the scope of accreditation in the field of conformity assessment

Competence of the Government of the Republic of Kazakhstan in the scope of accreditation in the field of conformity assessment shall include:

1) development of basic directions of the state policy in the field of accreditation;

2) excluded by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication);

2-1) excluded by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication);

3) exercise other functions, imposed on it by the Constitution, the Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 5 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 № 34-V (shall be enforced from the date of its official publication); dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication);

Article 6. Competence of the authorized body

An authorized body within its competence shall:

1) implement the state policy in the field of accreditation;

1-1) is excluded by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication);

1-2) represents the interests of the Republic of Kazakhstan in international and regional accreditation organizations;

1-3) creates the Accreditation Council, develops and approves its composition and regulations on it;

2) Is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);

3) carry out control of observance of the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment;

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

5) exercise of 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.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 № 188-IV (the order of enforcement see Article 2); dated 19.03.2010 № 258-IV; dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 № 34-V (shall be enforced from the date of its official publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 7. Accreditation body

1. Is excluded by the Law of the republic of Kazakhstan dated 10.07.2012 № 34-V (shall be enforced from the date of its official publication).

1-1. The accreditation body must meet the following requirements:

- 1) to have on staff at least two expert auditors on accreditation in each activity area;
- 2) to be a member of international accreditation organizations;
- 3) not be affiliated with the subjects of accreditation.

2. Accreditation body:

1) has the right:

to involve expert auditors for accreditation, conformity assessment, technical experts and other persons with special knowledge to participate in the work on accreditation;

to participate in the work of international (regional) non-public and non-governmental organizations for accreditation;

to organize comparative tests and comparisons of the results of verification and calibration of measuring instruments;

to determine the procedure, criteria and conditions for the application of assessment techniques;

to conduct scheduled and unscheduled assessments; to monitor the activities of the subjects of accreditation for compliance with the accreditation criteria;

to carry out certification of expert auditors for accreditation;

2) is obliged:

to establish the forms of the accreditation certificate, annexes to the accreditation certificates, the accreditation mark;

to carry out work on accreditation in compliance with the procedure established by this Law;

not to allow disclosure of information constituting a commercial or other secret protected by law, which became known during the accreditation work;

to maintain a register of subjects of accreditation;

to maintain and support an Internet resource, officially publish a register of subjects of accreditation on it, post regulatory legal acts on accreditation in the field of conformity assessment;

in case of revocation of the accreditation certificate or termination of the post-accreditation agreement, to notify the authorized body in writing within three working days;

to consider applications for reissuing an accreditation certificate, updating accreditation materials;

to examine complaints and applications and make decisions on them within the terms established by the laws of the Republic of Kazakhstan, and to place information on the adopted decisions on the Internet resource within at least ten working days;

to withdraw, return the accreditation certificate and apply to the court with an application for the annulment of the accreditation certificate on the grounds and in the manner provided for by this Law; to quarterly submit the results of scheduled and unscheduled assessments, as well as monitoring the activities of the subject of accreditation to the authorized body;

to ensure the execution of a ruling that has entered into force in a case of an administrative offense issued by a court, a department of the authorized body and its territorial divisions regarding the suspension, deprivation of an accreditation certificate by entering information into the register of subjects of accreditation;

to comply with the requirements of the international regulatory document regulating the activities of the accreditation body;

to ensure the implementation and application of documents of specialized international organizations that establish common criteria and rules in the field of accreditation and conformity assessment.

3. Permanent commission on consideration of materials of accreditation shall be created for consideration of materials of accreditation and adoption of decisions on it by the head of the accreditation body. Decision of commission shall bear a recommended character.

Quantitative composition of commission shall be odd-numbered, consist of at least three persons and include at least one expert - auditor of accreditation.

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 № 178-IV; dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 34-V (shall be enforced from the date of its official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 7-1. Monitoring the activities of subjects of accreditation

1. Monitoring of the activities of the subjects of accreditation is carried out through monitoring by the accreditation body of the results of the work, services and processes provided by the subjects of accreditation in the field of accreditation.

2. In case of revelation of a violation of the accreditation criteria based on the results of monitoring the activities of the subjects of accreditation, measures are taken in accordance with this Law.

3. The rules for monitoring the activities of the subjects of accreditation are approved by the authorized body.

Footnote. The Law is supplemented by Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 8. Applicants and subjects of accreditation

Footnote. The heading of Article 8 is as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

1. excluded by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced 01.01.2016).

2. Results of conformity assessment of the subjects of accreditation shall be recognized over the whole territory of the Republic of Kazakhstan.

3. Foreign organizations, their branches and representatives, carrying out activity on conformity assessment in the territory of the Republic of Kazakhstan, for recognition of the results of their activity shall subject to accreditation in accordance with this Law.

3-1. The applicant has the right:

1) based on the results of the survey at the location, to apply to the accreditation body to extend the deadlines for eliminating inconsistencies, indicating justified reasons, but not more than thirty working days;

2) to file appeals against the decisions of the accreditation body to the appeal committee.

3-2. The applicant must:

1) comply with and fulfill the requirements for accreditation established by the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment, standardization documents, as well as documents of international accreditation organizations, to which the accreditation body is a member, in accordance with which accreditation is requested or granted;

2) provide the accreditation body, when conducting a survey at the location, with access to the premises (premises), equipment and information;

3) organize witness assessments in accordance with the declared scope of accreditation.

4. The subjects of accreditation shall have a right to:

- 1) use the accreditation mark;
- 2) apply to the accreditation body with an application to expand or reduce the scope of accreditation, re-accreditation, voluntary revocation, renewal of the revoked accreditation certificate and termination of the accreditation certificate;
- 3) file appeals against the decisions of the accreditation body to the appeal committee;
- 4) excluded by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

5. The subjects of accreditation shall be obliged to:

1) observe the legislation of the Republic of Kazakhstan and the requirements of regulatory documents, on conformity of which they are accredited;

2) perform the works within the accreditation scope;

3) refer to accreditation certificate within the accreditation scope;

4) inform an accreditation body on termination of activity in the approved accreditation scope or upcoming liquidation;

5) correct identified inconsistencies to the accreditation criteria in the terms, established by the decision of accreditation body;

6) ensure the conduct of a scheduled (unscheduled) assessment and on-site inspection by the accreditation body;

6-1) provide access to the premises (premises), equipment, information, including the presence of personnel;

6-2) ensure the conduct of a witness assessment and pay for the cost of work on the assessment;

7) participate in the comparative tests and comparison of the results of verification and calibration of measurements means;

8) return an accreditation certificate during five business days from the date of acceptance of a decision on termination of accreditation certificate, in the case of termination of accreditation certificate;

9) terminate a reference to accreditation in the case of termination, cancellation, suspension or deprivation of accreditation certificate;

10) terminate a reference to accreditation certificate or the field of accreditation that are temporarily recognized as invalid, in the case of revocation of accreditation certificate.

10-1) provide access to information, documents, reports necessary for accreditation.

6. The subject of accreditation, which issued a document on conformity assessment for products that do not meet the requirements of technical regulations and are subject to withdrawal in accordance with the legislation of the Republic of Kazakhstan in the field of technical regulation, bears responsibility established by the laws of the Republic of Kazakhstan.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 9. Bodies on conformation of conformity

1. Bodies on conformation of conformity shall be independent from producers (executors) of products (services), suppliers and consumers of products (services).

2. Branches of bodies on confirmation of conformity shall be accredited on application of legal entity in accordance with this Law.

An accreditation scope of branches of bodies on confirmation of conformity shall be approved separately.

3. Bodies on confirmation of conformity shall not have a right to render the consulting services, affecting to the impartiality and objectivity of process of conformity assessment.

4. Bodies on confirmation of conformity shall ensure impartiality upon performance of work on confirmation of conformity, assessing the risks arising in the results of activity on confirmation of conformity, and have financial stability and appropriate resources for securing obligations in the field of activity.

Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 10. Testing, verification and calibration laboratories (centers) and legal entities, carrying out metrological certification of Procedure of measurements

1. Testing, verification and calibration laboratories (centers) and legal entities, carrying out metrological certification of procedure of measurements shall carry out its activity in accordance with this Law, the legislation of the Republic of Kazakhstan in the field of technical regulation and on ensuring uniformity of measurements.

2. Verification laboratories (centers) shall be independent of producers (executors) of products (services), suppliers and consumers of products (services).

3. Testing, verification and calibration laboratories (centers) shall ensure traceability of measurements by reception of size of measurement unit from the state standards of measurement unit in accordance with the legislation of the Republic of Kazakhstan on ensuring the unity of measurements, in the case of their absence – from national standards of measurement units of other countries.

4. Testing, verification, calibration laboratories (centers) shall ensure impartiality in the performance of works on verification of conformity, assess the risks arising from the activity,

and have financial stability and appropriate resources to secure the obligations in the activity field.

Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 11. Expert-auditors for accreditation, conformity assessment, technical experts

1. Expert-auditors for accreditation, conformity assessment, technical experts participate in the accreditation work in accordance with this Law.

2. Expert auditors for accreditation, conformity assessment, technical experts carry out their activities on the basis of an employment or civil law contract.

Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 12. Accreditation mark

1. An accreditation mark shall be used to inform third parties on undergoing of procedure of accreditation by the subject of accreditation.

2. Provided accreditation mark to the subject of accreditation shall contain the number of issued accreditation certificate.

3. Procedure of use of accreditation mark shall be determined by post-accredited agreement.

Article 13. The stages of accreditation

1. An accreditation shall include the following stages:

1) reception, pendency of application and presented documents;

2) conclusion of preaccredited agreement;

3) an expertize of presented documents;

4) inspection of the applicant at its location;

5) making decisions on accreditation or on refusal of accreditation;

6) conclusion of post-accredited agreement, approval of accreditation scope and issuance of accreditation certificate or termination of preaccredited agreement.

2. Repeated accreditation shall be conducted with observance of all stages, provided by paragraph 1 of this Article. An application to the repeated accreditation shall be filed by the applicant not later than six months before the expiration of the term of effect of accreditation certificate.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 14. Accreditation criteria

Applicants and subjects of accreditation shall match to the following criteria:

- 1) have the status of a legal entity or structural subdivision of legal entity, acting on its behalf;
- 2) have qualified personnel, allowing to perform the works on conformity assessment with stated accreditation scope;
- 3) have beneficially owned economic management, operative management or in temporary possession and use the premises, facilities and material resources, necessary for performance of works on conformity assessment;
- 4) meet the requirements of regulatory documents, for compliance with which they are accredited (accredited), taking into account the accreditation scheme;
- 5) carry out work on conformity assessment in full and within the limits approved in the field of accreditation.

The normative documents in this Law are understood as standardization documents.

Footnote. Article 14 with the change introduced by the Law of the RK dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication); dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 15. Presentation and pendency of an application

1. An applicant shall present to the accreditation body the following documents:

- 1) an application for accreditation;
- 2) notarized copies of documents, establishing the legal status of applicant;
- 3) the declared scope of accreditation;
- 3-1) quality manual;
- 4) passport for the declared area of activity in the field of conformity assessment;
- 5) details on personnel, performing the works on conformity assessment, for bodies on confirmation of conformity;
- 6) regulations on structural divisions and their structure.

An applicant shall provide relevant information depending on regulatory document, chosen by them.

All documents, except for application, shall be presented in two copies.

2. The forms of documents, specified in subparagraph 1), 3-1) and 4) of the first part of paragraph 1 of this Article, shall be established by the authorized body.

3. In the event that the application and (or) the documents attached to it do not correspond to the established form or are not presented in full, as well as in the case of the use of the declared equipment by another accredited laboratory, the accreditation body within five working days, calculated from the date of their receipt, refuses and returns the documents to the applicant indicating the reasons for the return by mail or hands them to the representative on purpose against signature.

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 16. Preaccredited agreement

1. Preaccredited agreement shall be concluded between accreditation body and applicant.
2. The material conditions of preaccredited agreement shall be:
 - 1) a subject of an agreement;
 - 2) rights and obligations of the parties;
 - 3) cost of works;
 - 4) responsibility of the parties.
3. Model preaccredited agreement shall be approved by the authorized body.
4. Preaccredited agreement shall be terminated in the following cases:
 - 1) liquidation of legal entity;
 - 2) termination of an agreement in accordance with the civil legislation of the Republic of Kazakhstan;
 - 3) non-elimination of the term of inconsistencies, established by the accreditation body, identified upon documentation expertise or inspection of applicant at its location;
 - 4) detection of inconsistencies by the accreditation body upon repeated documentation expertise or upon repeated inspection at the location of applicant, accordingly specified in the primary expert-auditor's conclusion on accreditation or in the report of group of inspection;
 - 5) adoption of decision on refusal in accreditation by the accreditation body.

Article 17. An expertize of presented documents

1. An expertize of presented documents shall be carried out in the term of not more than thirty business days, calculated from the date of conclusion of agreement.

An expertize of presented documents upon repeated accreditation shall be conducted in a part of changes in the documents of subject of accreditation and the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment.

2. The accreditation body appoints an expert-auditor for accreditation to carry out the expertise, and technical experts on the declared objects of conformity assessment can be involved.

3. Conclusion of expert-auditor on accreditation shall contain:

- 1) conformity assessment of presented documents to the accreditation criteria;
- 2) specifications to the inconsistency of documents on specific criteria (upon availability of inconsistencies);
- 3) recommendation on amendment of presented documents (if it's necessary) and procedure of approval of performance of these recommendations by the applicant;
- 4) conclusions on conformity or non-conformity of presented documents to the accreditation criteria.

4. Based on the opinion of the expert-auditor on accreditation, the accreditation body makes one of the following decisions:

- 1) on examination of the applicant at the location;
- 2) on the need to eliminate the identified inconsistencies by the applicant.

Notification of the decision taken is sent to the applicant within three working days from the date of the decision made by the accreditation body.

5. An applicant shall eliminate identified inconsistencies and inform on it an accreditation body in a written form by mail with presentation of supporting documents on elimination of inconsistencies during thirty business days from the date of reception of notification, specified in subparagraph 2) of first part of paragraph 4 of this Article. An accreditation body shall conduct a repeated expertise of documents, if it's necessary, during seven business days from the date of reception of notification.

Footnote. Article 17 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016; dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication)).

Article 18. Inspection of applicant at its location

1. Inspection of applicant at its location shall be conducted in order to assess the competence of an applicant, conformity of information, provided in the documents, to the actual state.

2. The survey shall be carried out by the accreditation expert-auditor or a survey group formed by the accreditation body.

3. The inspection team should consist of at least two persons, the head of the team should be an expert-auditor of accreditation, who has carried out the examination of documents.

4. To the group on inspection may be included on agreement:

experts-auditors on confirmation of conformity, technical experts, specialists of the state bodies and other organizations on stated accreditation body.

5. The term of inspection shall not exceed ten business days, calculated from the date of arrival of a group of inspection to the location of applicant or its structural subdivision, located out of the location of applicant. Total period of inspection of applicant, having structural subdivision shall not exceed thirty business days.

6. According to the results of their work a group of inspection draws up a report, which shall contain conformity assessment of applicant to the accreditation criteria.

7. A report shall be drawn up by the head of the group in recognition of all notes of its members in two copies and shall be signed by all members of group. One copy of the report shall be given to the applicant.

8. In the case of disagreement with the report of group on inspection, an applicant may present their notes to the accreditation body in written form during three business days by mail or by fax connection and shall be considered as received accordingly from the date of the mark of the accreditation body in notification on reception of postal item or on the date of sending of fax message.

9. On the basis of report of a group on inspection and in recognition of notes of applicant (in their existence), an accreditation body shall adopt one of the following decisions in the term not more than five business days:

- 1) on consideration of collected materials of accreditation;
- 2) on elimination of identified inconsistencies by the applicant.

Notification on adopted decision shall be directed to the applicant in written form during three business days from the date of adoption decision by mail or by fax connection and shall be considered as received accordingly from the date of the mark of applicant in notification on reception of postal item or on the date of sending of fax message.

10. An applicant shall eliminate identified inconsistencies and inform an accreditation body on its elimination in a written form by mail with presentation of supporting documents on elimination of inconsistencies during twenty business days from the date of reception of notification, specified in subparagraph 2) of first part of paragraph 9 of this Article, after which an accreditation body shall conduct its repeated inspection if it's necessary. The term of repeated inspection of applicant or its structural subdivision shall not exceed five business days, calculated from the date of arrival of a group on inspection to the location of applicant.

11. The term of elimination of inconsistencies shall be extended by the accreditation body on a written application of applicant, in which the reasons are stated, but not more than two months.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated

30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 19. Adoption of decisions on accreditation or refusal in accreditation

1. Decision on accreditation or on refusal in accreditation shall be adopted by the accreditation body during thirty business days, calculated from the date of reception of collected materials to the commission on consideration of materials of accreditation.

In the case of identification of inconsistencies by the commission on consideration of materials of accreditation, to the accreditation criteria, the term, necessary for elimination of inconsistencies shall be presented to the applicant, but not more than two months. In the specified case, the term, provided by first part of this paragraph shall be suspended.

2. In the case of adoption of positive decision the post-accredited agreement shall be concluded and the document, determining accreditation scope, shall be approved, an accreditation certificate and one set of documents shall be issued.

3. Upon negative decision, a motivated refusal shall be directed to the applicant in written form during five business days from the date of adoption decision by mail or by fax connection and shall be considered as received accordingly from the date of the mark of accreditation body in notification on reception of postal item or on the date of sending of fax message.

A set of documents shall be directed to the applicant by mail or handed over to its representative purposely under signed.

Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 20. Post-accredited agreement

1. Post-accredited agreement shall be concluded between an accreditation body and the subject of accreditation.

2. The material conditions of post-accredited agreement shall be:

1) a subject of an agreement;

2) rights and obligations of the parties;

3) cost of works;

4) the procedure and terms for conducting scheduled and unscheduled assessments, reissuing an accreditation certificate, updating accreditation materials;

5) procedure of conducting of comparative tests and (or) comparison of results of verification and calibration of measurement means;

6) responsibility of the parties.

3. The model post-accredited agreement shall be approved by the authorized body.

4. Post - accredited agreement shall be terminated in the following cases:

- 1) liquidation of legal entity;
- 2) expiration of validity of accreditation certificate;
- 3) forfeiture of accreditation certificate;
- 4) cancellation of accreditation certificate;

5) *Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

6) non-elimination of inconsistencies, constituted as a ground for revocation of accreditation certificate;

7) termination of an agreement in accordance with the civil legislation of the Republic of Kazakhstan.

5. The date of termination of post-accredited agreement on the grounds, provided by subparagraph 6) of paragraph 4 of this Article, shall be considered the day, following the date of expiry of elimination of inconsistencies.

Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 21. Accreditation certificate

1. Accreditation certificates, issued by the accreditation body, shall be valid over the whole territory of the Republic of Kazakhstan and have validity of five years.

2. Validity of accreditation certificate shall be calculated from the date of adoption a decision on accreditation shall include period of time, during of which an accreditation certificate was revoked.

2-1. Accreditation body may extend validity of previously issued accreditation certificate to the date of adoption of decision on accreditation not more than three months in the case of observance of term, established by paragraph 2 of Article 13 of this Law by the subject of accreditation upon necessity of completion of works upon repeated accreditation.

3. The compulsory annex to the accreditation certificate shall be the document, approved by the accreditation body and determining an accreditation scope.

4. Accreditation certificate shall subject to registration in the register of the subjects of accreditation.

5. In the accreditation certificate shall be specified:

- 1) name, organizational-legal form, location of the subject of accreditation;
- 2) regulatory document, on conformity of which a subject of accreditation is accredited;
- 3) registered number of accreditation certificate;

4) the date of registration of accreditation certificate in the register of the subjects of accreditation;

5) validity of accreditation certificate;

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

6. The forms of accreditation certificate shall be the documents of exact reporting, have protection and number.

7. Accreditation certificate shall be issued in single copy; transfer of accreditation certificate to other legal entities is prohibited.

8. Lost, mutilated accreditation certificates, annexes to accreditation certificates shall be considered as invalid from the date of filing of written application (with annex of documents, approving the fact of loss, mutilating of accreditation certificate, annex to the accreditation certificate) to the accreditation body.

Accreditation body shall effect an issuance of copy of accreditation certificate, annexes to the accreditation certificate during five business days from the date of filling of an application

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).

Article 22. Re-issuance of accreditation certificate

1. The ground of re-issuance of accreditation certificate shall be:

- 1) reorganization of the subject of accreditation;
- 2) change of location of the subject of accreditation;
- 3) change of the name of the subject of accreditation;
- 4) an application of the subject of accreditation on expansion or reduction of the scope of accreditation.

2. The subject of accreditation shall file an application on re-issuance of accreditation certificate with notification of new details and documents, provided by subparagraph 3) and 4) of paragraph 1 of Article 15 of this Law to the accreditation body during ten calendar days, calculated from the date of occurrence of one of the grounds of re-issuance of accreditation certificate, provided by subparagraphs 1) – 3) of paragraph 1 of this Article, as well as in the case of reduction of the scope of accreditation.

3. Upon expansion of the scope of accreditation of the subject of accreditation simultaneously with application shall provide information on existence of relevant specialists, equipment, premises in the expansible scope, to the accreditation body.

4. Upon re-issuance of accreditation certificate of the accreditation body shall be conducted an inspection on location of the subject of accreditation in the manner provided by Article 18 of this Law, in the cases:

- 1) change of location of test, verifying, calibration laboratories (centers);
- 2) expansion of the scope of accreditation.

5. The documents on re-issuance of accreditation certificate shall be considered by the accreditation body during fifteen business days, calculated from the date of their receipts.

In the term, provided by this paragraph, shall not be included the term of carrying on investigation on location of the subject and elimination of inconsistencies to the accreditation criteria, if they were identified by the accreditation body.

6. In the case of positive decision, an accreditation body shall re-issue an accreditation certificate and restate the document, determining the scope of accreditation.

7. Decision on refusal in re-issuance of accreditation certificate shall be adopted upon revelation of unreliable information, non-elimination of inconsistencies, identified in the course of investigation by the subject of accreditation within the established term, as well as detection of inconsistencies, identified upon primary inspection upon repeat inspection in the presented documents and details.

A notification on adopted decision shall be directed to the subject of accreditation in a written form during three business days from the date of adoption decision by mail or by fax connection and shall be considered as received accordingly from the date of the mark of applicant in notification on reception of postal item or on the date of sending of fax message.

8. Validity of accreditation certificate shall not be terminated upon re-issuance.

Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 23. Update of materials of accreditation

1. Update of materials of accreditation in the absence of grounds, provided by paragraph 1 of Article 22 of this Law, in the cases:

1) introduction of amendments and (or) additions to the regulatory documents, specified in the documents of the subject of accreditation, and (or) enforcement of the new regulatory document;

2) change of the composition of the specialists, carrying out the works on conformity assessment;

3) change of measurement means and testing facilities.

2. Upon updating the subject of accreditation shall file an application with foundation of the reasons of updating and two copies of documents, in which the amendments were introduced, to the accreditation body.

3. An accreditation body shall consider the documents in the terms not more than ten business days from the date of their receipts.

In the case of positive decision and in the absence of grounds for the re-issuance of accreditation certificate, an accreditation body shall take the introduced amendments into consideration, if it is necessary restate the document, determining the scope of accreditation, on which shall notify the subject of accreditation by mail or by fax connection and it shall be

considered as received accordingly from the date of the mark of applicant in notification on reception of postal item or on the date of sending of fax message.

4. Decision on refusal in updating of materials of accreditation shall be adopted by the accreditation body upon revelation of unreliable information and (or) information, concerning expansion of the scope of accreditation, in the presented documents and details.

A notification on adopted decision shall be directed to the subject of accreditation in a written form during three business days from the date of adoption decision by mail or by fax connection and shall be considered as received accordingly from the date of the mark of applicant in notification on reception of postal item or on the date of sending of fax message.

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 24. Register of the subject of accreditation

1. An accreditation body shall form and keep a register of the subject of accreditation.

2. Register of the subject of accreditation shall contain the following:

- 1) details, specified in paragraph 5 of Article 21 of this Law;
- 2) the objects of conformity assessment, included in the scope of accreditation;
- 3) surname, name, patronymic (in its existence) of the head of the subject of accreditation;
- 4) the date and ground of re-issuance of accreditation certificate;

5) the date, ground of updating of the materials of accreditation and information on updated materials of accreditation;

6) dates and results of scheduled and unscheduled assessments;

7) dates and grounds for revocation and renewal of the revoked accreditation certificate;

8) the date and ground of termination of validity of accreditation certificate;

9) cancellation date of accreditation certificate;

10) dates and grounds for suspension of validity and deprivation of the accreditation certificate;

11) a mark on issuance of the copy of accreditation certificate.

3. Information, specified in paragraph 2 of this Article, shall be recorded in the register of the subjects of accreditation during seven business days from the date of occurrence of a ground.

4. Information, contained in the register of the subject of accreditation, shall be public for familiarization with it of individuals and legal entities.

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 25. Scheduled and unscheduled assessments of subjects of accreditation

1. Scheduled and unscheduled assessments are carried out on the basis of a post-accreditation agreement. The first planned assessment is carried out no later than eighteen months after the date of initial accreditation.

Subsequent scheduled assessments are carried out no later than twenty-four months from the date of the previous scheduled assessment.

In case of receipt of an appeal from an individual or legal entity, a message from a state body about the admission by the subject of accreditation of violations of the accreditation criteria, or if the accreditation body detects violations of the accreditation criteria based on the results of monitoring the activities of the subject of accreditation, the accreditation body has the right to conduct an unscheduled assessment.

In case of confirmation of violations, the costs of conducting an unscheduled assessment conducted by the accreditation body are reimbursed by the subject of accreditation that committed the violations.

2. The term for conducting a scheduled assessment of the subject of accreditation or its structural subdivision, located outside the location of the subject of accreditation itself, is established depending on the scope of accreditation of the subject of accreditation and the number of its structural subdivisions. The period for conducting an unscheduled assessment should not exceed three working days.

3. The accreditation body, when conducting a scheduled or unscheduled assessment, has the right to request the necessary explanations, documents and information from the subject of accreditation.

4. The results of scheduled and unscheduled assessments are drawn up in a report in duplicate, which indicates:

- 1) date, time and place of drawing up the report;
- 2) the date and number of the decision of the head of the accreditation body, on the basis of which a scheduled or unscheduled assessment was carried out;
- 3) last names, first names, patronymics (if they are indicated in identity documents) of accreditation experts-auditors who conducted scheduled and unscheduled assessments;
- 4) the name of the subject of accreditation, last name, first name, patronymic (if it is indicated in the identity document), the position of the representative of the subject of accreditation, who was present during the scheduled or unscheduled assessment;
- 5) date, time and place of scheduled or unscheduled assessment;
- 6) information about the results of the assessment, including the identified nonconformities and their nature;
- 7) recommendations for the elimination of non-conformities and the deadline of their elimination;
- 8) information about familiarization or refusal to familiarize with the report of the representative of the subject of accreditation, his signature or information about the refusal to sign.

One copy of the report is given to the representative of the subject of accreditation.

The accreditation body considers the report within ten working days from the date of its receipt and, in the absence of grounds for revoking the accreditation certificate or sending the collected materials to the authorized body in the manner prescribed by paragraph 2 of Article 26 of this Law, takes the information into account or decides to eliminate the identified non-conformities with the accreditation criteria by the subject of accreditation.

Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 26 Revocation, termination and suspension of validity, deprivation and cancellation of the accreditation certificate

Footnote. The heading of Article 26 is as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

1. An accreditation certificate shall be revoked by the accreditation body in the following cases:

- 1) existence of the written application of the subject of accreditation;
- 2) identification of inconsistencies to the accreditation criteria, affecting to the reliability of results of conformity assessment;
- 3) non-elimination of identified inconsistencies to the accreditation criteria according to the term, established by the accreditation body;
- 3-1) confirmation of the facts specified in the complaint or the message of the state body, on the admission by the subject of accreditation of violations of the accreditation criteria;
- 4) non-elimination of identified negative results of competitive tests and (or) comparison of the results of verification, calibration of the measurement means;
- 5) on the results of the monitoring of activity of the subjects of accreditation upon detection of violations of accreditation criteria and conditions of post-accredited agreement;
- 6) failure to provide or submission of unreliable data in accordance with the procedure determined by the authorized body within ten calendar days from the date of issue of the document on assessment (confirmation) of compliance of information on electronic accounting of the results of assessment (confirmation) of compliance in accordance with the legislation of the Republic of Kazakhstan in the field of technical regulation.

An accreditation certificate may be revoked in a part of activity of structural subdivision of the subject of accreditation.

Upon occurrence of the cases, provided in subparagraphs 1), 2), 3), 3-1) and 4) of the first part of this paragraph, not relating to the whole scope of accreditation certificate, an accreditation body shall make decision on temporary invalidation of a part of the accreditation scope of the subject of accreditation.

2. In case, if there are essential elements of administrative infractions in the identified inconsistencies to the accreditation criteria, an accreditation body shall direct the collected materials to the authorized body for adoption of appropriate measures during three business days, calculated from the date of identification of such inconsistency.

3. Copy of decision on revocation of accreditation certificate shall be directed to the subject of accreditation by mail by registered mail with delivery notification during three business days from the date of adoption of decision and shall be recognized as received from the date of a mark of applicant in notification of postal or other communication organization.

3-1. The accreditation certificate is considered to be withdrawn from the date of receipt by the accreditation subject of a copy of the decision to withdraw the accreditation certificate and renewed from the date of making a decision by the accreditation body to renew the accreditation certificate, but not earlier than two months from the date of making a decision to withdraw the accreditation certificate.

4. A subject of accreditation from the date of receipt of decision on revocation of accreditation certificate shall be obliged to take measures on elimination of identified inconsistencies.

After elimination of inconsistencies, constituted as a ground for revocation of accreditation certificate, a subject of accreditation shall represent information on their elimination in a written form to the accreditation body for adoption decision on renewal of accreditation certificate or the part of the scope of accreditation.

If it is necessary to confirm information about the elimination of identified non-conformities, the accreditation body conducts an unscheduled assessment in the manner prescribed by Article 25 of this Law.

The decision to renew or refuse to renew the accreditation certificate or part of the scope of accreditation is made by the accreditation body within ten working days, calculated from the date of submission by the subject of accreditation of information on the elimination of inconsistencies, and in cases of scheduled and unscheduled assessments - from the day they are completed.

If the accreditation body has not notified the subject of accreditation of its decision in writing within the specified term, the accreditation certificate shall be renewed upon the expiration of the specified term, but not earlier than two months from the date of making the decision on revocation of the accreditation certificate.

5. Validity of accreditation certificate shall be terminated on the following grounds:

- 1) existence of a written application of the subject of accreditation;
- 2) termination of post-accreditation agreement.

6. Cancellation of the accreditation certificate is carried out by the court in the manner prescribed by the laws of the Republic of Kazakhstan, at the request of the accreditation body in the event that the applicant or the subject of accreditation is found to provide false information upon receipt of accreditation.

7. Suspension and deprivation of the certificate of accreditation are carried out in accordance with the Code of the Republic of Kazakhstan on administrative offenses.

Footnote. Article 26 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 29.12.2014 № 269-V (shall be enforced dated 01.01.2015); dated 29.10.2015 № 376-V (shall be enforced dated 01.01.2016); dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 27. Resolution of disputes

1. Applicants and subjects of accreditation have the right to file appeals against negative decisions of the accreditation body based on accreditation materials to the appeal committee.

2. The Appeal Committee is a permanent body and has the right to make decisions with the participation in its work of more than half of its members.

The composition of the appeal committee is formed by the accreditation body. Three representatives from public associations in the field of conformity assessment and an authorized body and one representative from the accreditation body are delegated to the appeal committee. The members of the Appeal Committee who took part in the decision-making by the accreditation body against which the appeal was filed, or who are related to the applicant or the subject of accreditation that filed the appeal, do not participate in the decision-making by the Appeal Committee.

3. The chairman of the appeal committee is elected by a majority vote of its members.

The secretary of the appeal committee is an employee of the accreditation body who does not participate in the decision-making by the appeal committee.

The chairman of the appeal committee approves the regulations on the appeal committee, manages its activities, holds a meeting of the appeal committee, plans its work.

4. The appeal committee, within ten working days from the date of receipt of the appeal, submits a conclusion, which is adopted by voting, on the validity of the decision taken by the head of the accreditation body.

5. The head of the accreditation body notifies the applicant or the subject of accreditation that filed the appeal about the results of consideration of the conclusion of the appeal committee within three working days from the date of submission of the conclusion.

6. Applicants and subjects of accreditation upon occurrence of disputes on issues of accreditation shall have a right to apply to a court in the manner established by the legislation of the Republic of Kazakhstan.

7. Resolution of disputes and complaints containing an expression of dissatisfaction with the actions (inaction) of the subject of accreditation or the accreditation body, as well as their

personnel, by a third party is carried out in accordance with this Law and other laws of the Republic of Kazakhstan.

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication).

Article 28. Recognition of the results of accreditation, conducted by the foreign accreditation bodies

1. Recognition of the results of accreditation, conducted by the foreign accreditation bodies in the Republic of Kazakhstan, shall be carried out on the basis of recognition of equivalence of accreditation systems, procedures and requirements, applied upon accreditation.

2. Mutual recognition of the results of accreditation shall be carried out by conclusion of bilateral and multilateral agreements.

3. Accreditation certificates or the documents, equivalent to them, issued by the foreign accreditation bodies, shall be recognized in the Republic of Kazakhstan in accordance with agreements, concluded with international (regional) non-state, non-governmental organizations on accreditation.

Article 29. Responsibility for violation of the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment

Violation of the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment shall entail responsibility, established by the Laws of the Republic of Kazakhstan.

Article 30. State control over compliance with the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment

1. State control over compliance by the accreditation body with the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment is carried out in the form of an unscheduled inspection in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

2. State control over observance by accreditation subjects of the legislation of the Republic of Kazakhstan on accreditation in the conformity assessment shall be carried out in the form of unscheduled inspection, preventive control with a visit to the subject (object) of control and preventive control without a visit to the subject (object) of control.

2-1. Unscheduled inspection and preventive control with a visit to the subject (object) of control shall be carried out in accordance with the Entrepreneur Code of the Republic of Kazakhstan.

3. Preventive control without visiting the subject (object) of control over compliance of accreditation subjects with the legislation of the Republic of Kazakhstan on accreditation in the conformity assessment shall be carried out in accordance with the Entrepreneur Code of the Republic of Kazakhstan and this Law.

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

Preventive control without visiting the subject (object) of control shall be carried out by studying, analyzing, comparing information obtained from various information sources, including on the basis of information:

- 1) provided by subjects of state control and supervision, state bodies and other organizations;
- 2) retrieved from information systems;
- 3) obtained from mass media and other open sources, applications of individuals and legal entities.

On the conclusions of preventive control without visiting the subject (object) of control, a recommendation to rectify the identified violations (hereinafter - recommendation) shall be issued within at least five working days from the date of identification of violations without initiation of administrative proceedings with mandatory explanation to the subject of control of the method of rectifying the violations.

The recommendation shall be delivered to the controlled subject personally against the signature or in any other way confirming the facts of sending and receipt.

A recommendation sent by one of the following methods shall be deemed to have been delivered to the controlled subject in the following cases:

- 1) by hand - from the date of marking of receipt in the recommendation;
- 2) by mail - by registered letter;
- 3) electronically - from the date of sending it to the control subject's e-mail address.

Recommendation on the results of preventive control without visiting the subject (object) of control shall be executed within ten working days from the day following the date of its delivery.

If the control subject disagrees with the violations specified in the recommendation, it shall have the right to file an objection to the territorial unit of the authorized body's department that sent the recommendation within five working days from the day following the date of its delivery.

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

The results of preventive control without visiting the subject (object) of control shall be subject to recording in a special registration log of preventive control without visiting the

subject (object) of control, which shall be numbered, laced and sealed with the seal of the territorial unit of the department of the authorized body.

Footnote. Article 30 as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced six months after the day of its first official publication); as amended by the Law of RK dated 06.04.2024 № 71-VIII (enacted upon expiration of sixty calendar days after the day of its first official publication).

Article 31. Final and transitional provisions

1. This Law enters into force upon expiry of ten calendar days after its first official publication, except for paragraph 2 of Article 10, which shall be enforced from 1 July, 2009.

2. Accreditation certificates, issued before the enforcement of this Law, shall be recognized as valid.

*The President
of the Republic of Kazakhstan*

N.Nazarbayev

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