

**Approved
by the Order of the Chairman
of the Committee on Technical
Regulation and Metrology
of the Ministry of Industry and Trade
of the Republic of Kazakhstan
No. 119 of April 22, 2005**

**Rules of suspension or cancellation of the validity
of issued Certificates of Conformity or the validity of registration
of Conformity Declarations**

1. General provisions

1. These Rules were elaborated in accordance with Article 12 of the Law of the Republic of Kazakhstan “On Technical Regulation” and establish the procedure of suspension or cancellation of the validity of issued Certificates of Conformity or the validity of registration of Conformity Declaration.

2. The requirements of the Rules shall apply to the accredited conformity assessment bodies, bodies of state control of their activities as well as legal and natural persons participating in the activities of the state system of technical regulation of the Republic of Kazakhstan.

3. The conformity assessment bodies which conducted the conformity assessment, registration of the conformity declaration of the products and the officials conducting state control of the compliance with the requirements established by the normative legal acts in the field of technical regulation, shall have the right to suspend or to cancel the validity of the issued certificates of conformity or the validity of the registration of conformity declaration.

2. Procedure of suspension or cancellation of the validity of the issued certificates of conformity or the validity of the registration of conformity declarations by the conformity assessment body

4. The validity of the certificate of conformity or the validity of the conformity declaration may be suspended or cancelled in the following cases:

- 1) by mutual agreement between the conformity assessment body and the applicant in connection with the termination of the production of the article or the cessation of activities of the company;
- 2) by negative results of the inspection of certified products;
- 3) by negative results of the state control of compliance with the requirements established by the normative legal acts in the field of technical regulation.

5. The suspension of the validity of issued certificates of conformity by the conformity assessment body shall be made in the following cases:

- 1) negative result of the products testing;
- 2) change of the structure (composition), completeness of a product, organization and (or) manufacturing technology without an appropriate notification of the conformity assessment body;
- 3) noncompliance with the technology requirements;
- 4) termination of production of that kind of a product or rendering of a service;
- 5) when in the course of the state control the non-conformity of the products with the requirements established by the normative legal acts in the field of technical regulation is discovered.

6. Suspension of validity of the certificate of conformity shall be made for the period up to one month.

7. Decision on suspension of validity of the certificate of conformity shall be made at that time when the applicant can eliminate detected grounds of the non-conformity by means of correcting measures to be coordinated with the conformity assessment body which has previously issued that certificate, and can prove the conformity of a product at repeated inspection.

8. Cancellation of validity of the certificate of conformity may be made in the following cases:
- 1) changes of a normative legal act or a normative document on the product or testing methods;
 - 2) when the detected non-conformity is unremovable;
 - 3) when the applicant failed to take appropriate actions during the period of a temporary suspension of the certificate validity;
 - 4) when the production of the article is canceled (transferred to another manufacture) or when the company is liquidated.
9. Decision on suspension or cancellation of the validity of the certificate of conformity shall be made by the conformity assessment body which has issued the certificate, with mandatory making the appropriate record in the register of the state technical regulation system. Execution of the decision shall be conducted in accordance with Annex 1 to these Rules.
10. Decision on cancellation of the validity of the certificate of conformity or the validity of the conformity declaration shall be communicated to the applicant.
11. A cancelled certificate shall be subject to return to the body that has issued it, within 3 days from the date of delivery of the decision on cancellation of validity of the certificate of conformity to the applicant.
12. Conformity assessment body shall inform in writing the authorized body about the suspension or cancellation of the validity of the certificate of conformity.
13. Decision on cancellation of validity of the conformity declaration registration shall be made by the conformity assessment body in case of receiving the message from the officials conducting state control, on detection of non-conformity of the declared products with the requirements of the normative legal documents in the field of technical regulation.

3. Procedure of suspension or cancellation of the validity of certificates of conformity or the validity of conformity declarations registration by the officials conducting state control

14. In case of detection by the official conducting state control in accordance with Article 40 of the Law of the Republic of Kazakhstan “On technical regulation”, of non-conformity of the certified products with the requirements of the normative legal acts in the field of technical regulation, an instruction of appropriate form on elimination of violations and suspension of the validity of the certificate of conformity or the validity of the registration of conformity declaration for the period up to one month, shall be executed.
15. In case when the violations specified in the instruction are not eliminated after the deadline indicated therein, the decision on cancellation of the validity of the certificate of conformity or the validity of the registration of the conformity declaration, shall be made.
16. The conformity assessment body that has issued the certificate of conformity or registered the conformity declaration, upon the receipt of the decision of the body of state control shall, within three days period, make a record in the register of state technical regulation system on cancellation of the certificate of conformity or the registration of the conformity declaration.
17. The applicant who accepted the conformity declaration, in case of detection by the officials conducting the state control, of non-conformity of products with the established requirements shall, within three days period, inform the conformity assessment body which has made the registration of the declaration, on termination of the validity of the conformity declaration,.
18. Cancellation of the validity of the certificate of conformity or the registration of the conformity declaration shall enter into force from the date of making an appropriate record in the register of the state system of technical regulation.
19. In case of disagreement with the decision of the conformity assessment body or of the official conducting state control, on the suspension or cancellation of the validity of the certificates of conformity or the validity of the registration of the conformity declaration, the applicant shall have the right to appeal against such decision in accordance with the procedure established by the legislation.

« ____ » _____ 2005

Head of _____

full name of the applicant enterprise

Name of the Head

address of the enterprise

DECISION

As a result of _____
type of inspection, No. of the notification letter

the fact of _____
change of the normative documentation, design, product completeness,

manufacture technology without notification of the certification body; non-compliance with the technology requirements

change of control and testing methods without co-ordination with the certification body; termination of production

_____ has been established

In accordance with the Law of the Republic of Kazakhstan «On Technical Regulation» the
DECISION has been made:

TO SUSPEND (CANCEL)

The validity of the certificate of conformity (registration of the conformity declaration) No. _____
issued (registered) by the conformity assessment body

for the period till _____

for _____
name of a product, service, process

from « ____ » _____ 2005

Head of the conformity
assessment body

_____ Name

signature