

**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**

R U L E S
**of recognition of foreign certificates of conformity, conformity marks,
testing reports, and other documents in the field of conformity assessment**

1. General provisions

1. These Rules were elaborated in accordance with Article 33 of the Law of the Republic of Kazakhstan “On Technical Regulation” and establish the procedure of recognition of foreign certificates of conformity, testing reports, conformity marks, and other documents in the field of conformity assessment in the state system of technical regulation in the Republic of Kazakhstan

2. These Rules shall apply to the accredited conformity assessment bodies, testing laboratories (centers), experts-auditors of conformity assessment, state bodies conducting safety monitoring and safety control of products imported to the Republic, customs clearance and customs control of the products, as well as to legal and natural persons carrying out foreign-economic activities.

3. The following definitions shall be used in these Rules:

1) importer – a legal or natural person importing products (goods) for their sale in the domestic market of Kazakhstan.

2) holder of the certificate of conformity – a legal or natural person whose products manufacture is certified by the conformity assessment body with the right to enclose along with the products the certificate of conformity or its copies executed in accordance with the procedure established by the authorized body.

3) recognition (in the field of conformity assessment) – the procedure by means of which the conformity assessment body in the Republic of Kazakhstan confirms in writing safety of a product, service or process on the basis of the foreign certificate of conformity, conformity mark, testing report or other document in the field of the conformity assessment held by the applicant.

Other definitions in these Rules shall be applied in accordance with the Law of the Republic of Kazakhstan “On Technical Regulation” and the Customs Code of the Republic of Kazakhstan.

4. Recognition of foreign certificates of conformity shall be performed in accordance with the concluded international treaties (agreements).

Recognition of foreign certificates of conformity issued in respect of products which are subject to mandatory assessment of the conformity shall be performed by means of their re-execution to the certificates of conformity in accordance with the forms established in the state system of technical regulation of the Republic of Kazakhstan.

5. Recognition of foreign certificates of conformity, testing reports, conformity marks and other documents issued in the foreign conformity assessment systems shall be performed provided that the respective international treaties (agreements) on recognition of the conformity assessment results are available.

In case of absence of the international treaties the assessment of the conformity of the imported products to the requirements established in respect of such products shall be conducted pursuant to

the same rules and regulations which are established in the state system of technical regulation for the domestic products.

6. For the purpose of conducting works on the recognition of conformity certificates of foreign countries, testing reports and conformity marks and other documents, the authorized body shall form, permanently update and present to any concerned organization, legal and natural persons the list of countries with which the Republic of Kazakhstan concluded the agreements on recognition of the results of the conformity assessment.

7. Recognition of foreign documents and marks in the field of the conformity assessment for the imported products shall be performed on the basis of the application from the importer (applicant) made up according to the form which is shown in Annex 1, on a contractual basis by the conformity assessment bodies accredited in the state system of technical regulation of the Republic of Kazakhstan and which scope of accreditation includes the declared type of products (goods).

8. Works on recognition of the documents and marks issued in the foreign systems of conformity assessment for imported products which are subject to mandatory assessment and are intended for sale shall be carried out provided that the products are accompanied with information in the official language or in Russian language.

The information shall contain the title of the product, the country and the enterprise of the manufacturer (contractor), shelf-life (serviceable life, operating life), storage conditions, method of application (when availability of the stated information is regulated by the normative legal act in the field of technical regulation). Responsibility for authenticity of the translation shall be borne by the applicant.

9. The conformity assessment body shall within maximum seven days, and in case of perishable goods – maximum two days, from receipt of the application and its registration, communicate to the applicant the decision on the results of the consideration of the application regarding works to be performed on recognition of the foreign certificate of conformity, testing report, conformity mark and other documents.

10. In case of any disagreements between the importer (applicant who requested to perform works on recognition) and the conformity assessment body the appeal shall be considered in accordance with the procedure established by the authorized body.

In case of disagreement with the decision of the appeal committee the applicant shall have a right to appeal against it in accordance with the procedure established by the legislation.

2. Procedure of recognition of the certificates of conformity and their copies

11. For the purpose of recognition of a foreign certificate of conformity or its copies the importer (applicant) shall enclose to his application the following documents:

1) original foreign certificate or its copy certified with the signature and seal of the conformity assessment body which issued the certificate of conformity or by the enterprise (company) being the holder of the original certificate or by the notary in accordance with the established procedure;

2) normative document stated in the foreign certificate of conformity in case when it is not an international document valid in the Republic of Kazakhstan;

3) documents accompanying the products: copies of customs declaration, certificate of origin of the products (goods), contract, waybill, invoice, testing report, sanitary report, veterinary report, phytosanitary certificate, quality system management certificate.

Failure to produce any of the above stated documents shall not serve as the basis of the refusal to issue the certificate of conformity, but shall be used as the basis for carrying out the required tests (examination) of the products in respect of indices unconfirmed by the documents presented by the applicant.

12. The documents enclosed to the application shall be in the official language or in Russian language. When they are stated in other languages, the authentic translation shall be attached to the documents and the applicant shall be responsible for the authenticity of the translation.

13. On the basis of the analysis of the application and the produced documents the conformity assessment body shall make a decision on the possibility to perform works on recognition of the

foreign certificate of conformity and, together with the importer (applicant), shall execute a contract on performance of works.

14. For the purpose of making a decision on recognition of the foreign certificate of conformity or its copy the following procedures shall be performed:

- 1) examination of the documents enclosed to the application;
- 2) identification of a product (good) for which the certificate of conformity was issued;
- 3) check-up of availability of the consumer information.

15. At the examination of the documents their authenticity and comparability of the data shall be established.

16. Identification of a product (good) shall be made by an expert-auditor of the conformity assessment body by the features, parameters, indices and requirements which in aggregate are sufficient for confirmation of the conformity of the product (goods) with the normative document, shipping document, supply agreement (contract), specification, label, tag and other document describing the product (goods).

The observance by the importer of requirements of the statutory legal acts of the Republic of Kazakhstan and normative documents on standardization in the part of availability of the required information in the marking of the product (goods), shall be taken into account at performing the identification of the product.

17. In case of positive decision on recognition of the foreign certificate of conformity or its copy, the conformity assessment body shall execute the certificate of conformity in accordance with the form adopted in the state system of technical regulation of the Republic of Kazakhstan.

In the form of the certificate of conformity to be completed, in the section "Certificate is issued on the basis..." a record with a reference to the recognized foreign certificate shall be made specifying the country, the issuing body, certificate number and date of issue.

18. Period of validity of the newly issued certificate of conformity shall be established by the conformity assessment body depending on the shelf life of the product and the period of validity of the re-executed foreign certificate but not more than one year.

If period of validity of the foreign certificate of conformity issued for mass produced products is expired, and the products which were produced during the period of its validity are being sold by the seller then the validity of the certificate may be extended for the whole period of the serviceable life or the shelf-life of the product provided that it's storage conditions are maintained.

The certificates of conformity for the perishable products may be recognized only if the conditions for storage and transportation are available.

19. Prior to issuance of the certificate, the conformity assessment body may, when necessary, conduct repeated tests to the full extent or by several indices to confirm the product conformity to the established requirements of the normative document.

20. The certificate of conformity (copy) issued for the products made outside of the certificate issuing country shall not be recognized, and the products shall pass the conformity assessment procedure as the products imported without the certificate of conformity recognized in the Republic.

21. In case of negative results of the recognition procedure the conformity assessment body shall give to the importer (applicant) a written refusal of optional form with explanation of the reason for refusal and, within twenty-four hours, shall notify the authorized body and its territorial sub-division with indication of reasons for refusal.

3. Procedure of recognition of the conformity marks

22. For the purpose of recognition of the conformity mark the importer (applicant) shall enclose to the application for performance of works the following:

1) sample of a product (package, packing), operational and/or technical documents marked with the conformity mark at that place where the information on certification is shown (certificate number and date of issue, title of the issuing body);

2) normative document, in accordance with which the declared product is manufactured, in case if it is not included in the category of international or regional documents valid in the Republic of Kazakhstan;

3) documentation accompanying the products: copies of customs declaration, certificate of origin of the products (goods), contract, waybill, invoice, testing report, sanitary report, veterinary report, phytosanitary certificate, quality system management certificate and the others.

23. For the purpose of making decision on recognition of the conformity mark the following procedures shall be performed:

1) identification of the product (goods) bearing the conformity mark and the sufficiency of the consumer information;

2) checking the basis for recognition of the conformity marks (accreditation in the state system of technical regulation of the Republic of Kazakhstan or availability of appropriate agreements on mutual recognition of the conformity assessment results);

3) check-up, when necessary (illegibility of the conformity mark image, lack of required information and so on) of the event of issuance of the certificate of conformity and granting to the manufacturer (seller) of the right to mark the products (goods) with the conformity mark.

24. In case of positive decision on recognition of the conformity mark the conformity assessment body shall execute the certificate of conformity in the form as adopted in the state system of technical regulation of the Republic of Kazakhstan.

In the form of the certificate of conformity to be completed, in the section “Certificate is issued on the basis...” a record with a reference on conducting the recognition of the conformity mark shall be made specifying the country, the issuing body, certificate number and date of issue.

25. In case of negative results of the recognition procedure the conformity assessment body shall issue a written refusal of optional form with explanation of the reasons for refusal and, within twenty-four hours, shall notify the authorized body and its territorial sub-division with indication of the reasons for refusal.

4. Procedure of recognition of testing reports, and other documents in the field of conformity assessment

26. The procedure of recognition of testing reports in the field of conformity assessment shall be performed only in case when the importer (applicant) has original documents or the copies certified respectively with the signature and seal of testing laboratory (center) or the organization which executed the document to be recognized, or by the enterprise (company) being the holder of the original of the copies submitted for the consideration, or by the notary in accordance with the established procedure.

27. In case when the document submitted for the recognition has clearly visible signatures and seals the conformity assessment body shall make on the title-page of the document a record of the below stated wording:

”document _____
(title)

passed the recognition procedure for the works in the field of the conformity assessment ” and that record shall be certified with the signature of the performer and the seal of the certification body.

28. In case of negative results of the recognition procedure the conformity assessment body shall, within twenty-four hours, give to the importer (applicant) a written refusal of optional form with explanation of the reasons for refusal.

Annex 1
to the Rules of recognition
of foreign certificates of conformity,
conformity marks, testing reports,
and other documents
in the field of conformity assessment

Form of the application for recognition of the certificates of conformity,
testing reports and conformity marks of the foreign states

Attn. Head of the conformity
assessment body

(title of the body, its legal address)

APPLICATION

for the performance of recognition _____

(title of the document or conformity mark)

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

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

in the person of _____

(position, name of the director of the enterprise-applicant or natural person)

requests to perform the recognition procedure _____

(title of the document or conformity mark, number and date of issue, name of issuing body)

and issue the certificate in the state system of technical regulation
of the Republic of Kazakhstan for _____

(description of products, type, model, mark, quantity, country, enterprise-manufacturer)

Enclosure: *)

I herewith undertake to pay all the expenses related to the recognition procedure of the document (mark) declared by myself, irrespective of the results of the recognition procedure.

Applicant _____
(personal signature)

Seal **)

(name)

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Note:

*) the application shall be enclosed with the document according to which it is proposed to perform the recognition procedure or a copy of the document executed in accordance with the established procedure. For the purpose of recognition of a foreign conformity mark the application shall be enclosed with the original of the manufacturer's quality certificate executed in accordance with the established procedure, as well as the details (postal address, phone, fax numbers, e-mail address) of the manufacturing enterprise and the foreign body which performed the works on conformity assessment and issued the approval for marking of the imported products with the conformity mark.

***) for a legal person