

ANNEX II

STATE STANDARD OF THE REPUBLIC OF KAZAKHSTAN

National Certification System of the Republic of Kazakhstan

**THE ORDER OF THE EXAMINATION OF APPEALS
ST RK 3.10-97**

Official Edition

Agency on Standardization, Metrology and Certification,
Ministry of Economy and Trade of the Republic of Kazakhstan
(GOSSTANDART)

Almaty

Foreword

1. ELABORATED AND SUBMITTED BY: Research and Practical Centre 'KazCERTIKO'
2. APPROVED AND PUT IN FORCE BY: Gosstandart Resolution No. 26 of August 7th, 19997, Republic of Kazakhstan
3. TO REPLACE: RD 50 RK 3.5-94 "National Certification System of the Republic of Kazakhstan. The Order of the Examination of Appeals"

This standard shall not be replicated and circulated without the consent of the Gosstandart.

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STATE STANDARD OF THE REPUBLIC OF KAZAKHSTAN

National Certification System of the Republic of Kazakhstan
THE ORDER OF THE EXAMINATION OF APPEALS

Took Effect on: 01.10.97

1. Scope of Application

This standard provides for the general provisions and the Order of the examination of appeals in the National Certification System of the Republic of Kazakhstan (hereinafter referred to as the NCS of the Republic of Kazakhstan).

This standard is compulsory and obliging for all juridical and natural persons involved in activity of the NCS of the Republic of Kazakhstan.

2. References

- ST RK 3.0-94 National Certification System of the Republic of Kazakhstan.
General Provisions
- IOS/IEC Guideline 2, General Terms and Definitions in Standardization and
Related Operations

3. Terms

Terms and definitions used herein meet ISO/IEC Guideline 2 and have been defined in ST RK 3.0.

Besides ST RK 3.0, this standard uses the following term:

Appeal is a contestation of a Resolution or Decision in the Board of Appeals.

4. Main Provisions

4.1 Whenever there are disputed issues in the activity of the National Certification System, an appellant has the right to appeal to the Board of Appeals.

4.2 The following entities shall process appeals:

- boards of appeals at the good (work, services) certification bodies, quality and production management bodies, commissions of the supervisory bodies;

- board of appeal at Gosstandart.

4.3 Boards of appeals shall employ specialists with qualification and work experience allowing them making unbiased and justified decisions.

4.4 Executives of certification and supervisory bodies shall create boards of appeals by issuing relevant ordinances. Ordinance by Gosstandart Director shall be required to establish the Gosstandart Board of Appeals.

4.5 A board of appeal must have at least three members. If a board of appeal has an odd number of members, the chairman is the casting vote.

4.6 Main tasks of boards of appeals:

- scrutinize and carefully study the subject matter of an appeal; whenever necessary, send employees to check and investigate on spot, as well as to take other measures necessary to make an unbiased decision;
- make justified decisions, ensure the prompt and due execution of such decisions;
- notify the appellant in writing on the decision made in regard of his/her appeal, and in cases of negative decisions, provide supported justification with references to the existing standards and legal provisions;
- upon an appellant's requires, clarify the procedure for appealing a decision in superior organizations;
- analyse and summarise appeals with the purpose of improving the certification system operation, making necessary changes in the constituting documents of the NCS of the Republic of Kazakhstan.

5. Order and Terms for Examination of Appeals

5.1 An appellant may direct an appeal in writing to a board of appeals whenever the appellant disagrees with a decision on good (work, services) certification, certificate suspension, certificate cancellation, denial of the right to use a conformity mark, as well as in other certification related situations.

5.2 An appeal shall be made within one month since the date of receipt of the notification on the decision made. Submitted appeal does not suspend the decision made by the certification body.

5.3 An appellant shall submit the following to the board of appeal:

- an appeal;

- correspondence on the disputed matter among the appellant, test laboratory (centre) and the certification body;
- other documents upon the board's request.

5.4 When processing appeals, the board shall take measures to keep undisclosed confidential data, which represents commercial secret. A decision on an appeal shall be based on voting. Whenever necessary, the commission shall discuss the matter with any party. All participants of a meeting held by the board of appeals shall sign the minutes made after the meeting.

5.5 Any party involved has the right to invite an expert auditor adequately qualified in the subject in question.

5.6 The board of appeals shall notify the appellant on its decision within 10 days after the meeting. If no objections were made within one month, the decision shall be qualified accepted.

5.7 The appellant shall incur all costs associated with the submitting and processing of the appeal.

5.8 Whenever an appellant disagrees with the decision made by the certification or supervisory body's board of appeals, such appellant has the right to direct an appeal to the Gosstandart Board of Appeals.

5.9 Decisions made by the Gosstandart Board of Appeals shall be final and binding.

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Key words: appeal, board of appeals, certification.

Revision 1

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National Certification System
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The Order of the Examination of Appeals

Approved and put into force by
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To set paragraph 5.9 as follows:

“Decisions made by the Gosstandart Board of Appeals may be contested in the court under the existing laws of the Republic of Kazakhstan”.