

## **Annex 9**

# **ON SAFETY OF MACHINERY AND EQUIPMENT**

**LAW OF THE REPUBLIC OF KAZAKHSTAN NO. 305 of 21 JULY 2007**

This Law regulates public relations for determination, establishment, application and fulfillment of requirements to machinery and equipment, processes of their life cycle and establishes legal bases for ensuring safety to guarantee protection of human life, health and of environment.

## **Chapter 1. GENERAL PROVISIONS**

### **Article 1. General Definitions Used in This Law**

1. The following general definitions are used in this Law:

1) date of manufacture — a date of the end of the process of manufacture of machinery and equipment;

2) equipment — a technical device that is mounted on a machine and necessary to perform principal and (or) additional functions of a machinery, as well as to unite them in a single complex;

3) inadmissible risk — a risk exceeding the safety level of machinery and equipment for human life and health, environment as established by the legislation of the Republic of Kazakhstan;

4) admissible risk level — a safety level of machinery and equipment as established by technical regulations and design documents;

5) dangerous zone — a zone inside the machine or around it within which the man is exposed to a risk of inflicting harm to life or health;

6) dangerous machinery and equipment — machinery and equipment which are dangerous to life and health of a man, environment and recognised inconsistent with safety requirements established by this Law and technical regulations;

7) machine (machinery) — a technical unit or a totality of units designated for transformation of energy, materials and information, consisting of mutually related components, out of which at least one can move;

8) designer of the machine and (or) equipment (henceforth —designer) — a natural or juridical person elaborating design documents and operating manuals for machinery and (or) equipment;

9) life cycle of machinery and equipment — processes of designing, manufacture, operation (including repair, maintenance and servicing), storage, transportation, selling, destruction and utilization;

10) safety of machinery and equipment — the absence of an inadmissible risk related to inflicting of harm to life, health of a man and environment;

11) subjects responsible for safety of machinery and equipment — a designer, a manufacturer, an authorised representative, an importer, personnel (operators), a user of machinery and equipment;

12) conformity assessment of machinery and equipment — a procedure, the result of which is document of the conformity assessment (in the form of a conformity declaration or conformity certificate) of machinery and (or) equipment with requirements established by technical regulations, regulatory documents for standardisation or terms of contracts;

13) conformity declaration of machinery and equipment — a document by which the manufacturer certifies the conformity of machinery and (or) equipment released for circulation with established requirements;

14) manufacturer — a natural or juridical person which manufactures machinery and (or) equipment;

15) user — a natural or juridical person performing operation of a machine and (or) equipment;

16) personnel (operators) — persons engaged in setting up, operation, adjustment, maintenance, cleaning, repair, storage or transportation of machinery and equipment;

17) conformity symbol — a mark to inform buyers that machinery and (or) equipment passed the procedure of conformity assessment;

18) authorised body — a state body performing administration and coordination of activities of other state bodies ensuring safety of machinery and equipment in accordance with the sector direction within granted authorities;

19) authorised representative — a natural or juridical person having authorities in writing from the manufacturer allowing to conduct (carry out) trading on its behalf;

20) marginal state — a state of machinery and equipment under which their further operation or restoration of their state of operability are impossible or inexpedient;

21) failure — an event constituting a fault of the state of operability of machinery and equipment.

2. Definitions of the legislation of the Republic of Kazakhstan in the field of safety of machinery and equipment not indicated in this Article are used in the meanings determined in appropriate articles of this Law.

## **Article 2. Legislation of the Republic of Kazakhstan in the Field of Safety of Machinery and Equipment**

1. The legislation of the Republic of Kazakhstan in the field of safety of machinery and equipment is based on the Constitution of the Republic of Kazakhstan, consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. Where an international agreement ratified by the Republic of Kazakhstan establishes other rules than those which are contained in this Law, then rules of the international agreement shall be applied.

## **Article 3. The Scope of This Law**

1. This Law shall be valid in the territory of the Republic of Kazakhstan and cover machinery and equipment manufactured in the Republic of Kazakhstan and imported into the territory of the Republic of Kazakhstan, as well as processes of their life cycle.

2. This Law shall not cover machinery and equipment, requirements to which are established by other laws of the Republic of Kazakhstan.

3. Machinery and equipment inconsistent with safety requirements established by this Law and technical regulations shall not be admitted to the processes of manufacture, selling, storage, transportation, operation (including repair, maintenance and servicing).

4. It shall be prohibited to sell machinery and equipment in the territory of the Republic of Kazakhstan inconsistent with requirements of this Law, technical regulations which are designated for showing at exhibitions and demonstrations.

During the course of such demonstrations and exhibitions necessary measures must be undertaken to protect life, health of people and environment.

## **Article 4. The State System of Bodies Ensuring Safety of Machinery and Equipment**

1. The common state system of bodies ensuring safety of machinery and equipment shall be composed by:

- 1) the Government of the Republic of Kazakhstan;
- 2) the authorised body in the field of industry and trade;
- 3) the authorised body in the field of emergency situations;
- 4) the authorised body in the field of agriculture;
- 5) the authorised body in the field of energy and mineral resources;
- 6) the authorised body in the field of transport and communications.

2. The authorised bodies indicated in subparagraphs 2)—6) of paragraph 1 of this Article shall perform state regulation in the sphere of safety of machinery and equipment in accordance with sectoral directions.

#### **Article 5. The Scope of the Government of the Republic of Kazakhstan**

The scope of the Government of the Republic of Kazakhstan shall comprise:

- 1) elaboration of the state policy in the field of safety of machinery and equipment;
- 2) approval of technical regulations in the field of safety of machinery and equipment;
- 3) inter-sectoral coordination of activities of the state bodies ensuring safety of machinery and equipment.

#### **Article 6. The Scope of the Authorised Bodies Ensuring Safety of Machinery and Equipment**

The scope of the authorised bodies ensuring safety of machinery and equipment shall comprise:

- 1) implementation of the state policy in the field of safety of machinery and equipment;
- 2) elaboration and coordination of technical regulations in the field of ensuring of safety of machinery and equipment;
- 3) representation of the Republic of Kazakhstan at international and regional organisations for conformity assessment and ensuring of safety of machinery and equipment;

4) state control and supervision of compliance with requirements established by this Law and technical regulations in the field of safety of machinery and equipment, within their scope;

5) elaboration, approval or coordination of regulatory legal acts in the field of safety of machinery and equipment, except for approval of a technical regulation;

6) monitoring of the consumer market for the purposes of exposure of machinery and equipment inconsistent with requirements of this Law and technical regulations in the field of safety of machinery and equipment, and elaboration of measures for non-admission of them for selling;

7) issue of an instruction concerning suspension of manufacture, selling and circulation in the market of machinery and equipment inconsistent with safety requirements established by this Law and technical regulations.

## **Article 7. Rights and Obligations of Subjects Responsible for Safety of Machinery and Equipment**

1. Subjects responsible for safety of machinery and equipment shall have the right:

1) to receive in time reliable information on the conformity of machinery and equipment with safety requirements established by this Law and technical regulations;

2) bring to authorised bodies a petition concerning the inconsistency of machinery and equipment with safety requirements established by this Law and technical regulations.

2. In addition to the rights stipulated by paragraph 1 of this Article, the manufacturer shall have the right:

1) to participate in elaboration of regulatory legal acts in accordance with the legislation of the Republic of Kazakhstan;

2) to elaborate and approve organisation's standards to be consistent with obligatory requirements of the legislation of the Republic of Kazakhstan in the field of safety of machinery and equipment;

3) to elaborate industrial control programs for safety of machinery and equipment;

4) to introduce systems of management of quality and safety of machinery and equipment;

5) to restore (repair) or to change (modernize) considerably, to distribute machinery and (or) equipment.

3. Subjects responsible for safety of machinery and equipment shall be obliged:

1) to comply with requirements of the legislation of the Republic of Kazakhstan in the field of safety of machinery and equipment;

2) to collaborate with the authorised bodies on issues of prevention or decrease of risks related to machinery and equipment.

4. In addition to the obligations stipulated by paragraph 3 of this Article, the manufacturer shall be obliged:

1) to present documents certifying the safety of machinery and equipment to users, as well as to the authorised bodies ensuring safety of machinery and equipment, upon their request;

2) to provide machinery and equipment with an operating manual and other information in the State and Russian languages, which is necessary to the user to evaluate potential risks and to undertake appropriate safety measures;

3) to ensure control over safety of machinery and equipment in the processes of designing, manufacture, storage and transportation, as well as in cases of repair, maintenance and servicing, modernization and distribution, in which it participates;

4) to check users' complaints concerning the inconsistency of machinery and equipment with safety requirements established by this Law;

5) to stop immediately processes of manufacture of machinery and equipment in the event when a violation has been committed which resulted in the acquisition by them of dangerous properties, to ensure re-call of them from buyers (users) and conducting of an expert examination, after that to undertake measures for elimination of the violation or, if necessary, to organise their utilization or destruction;

6) to ensure the possibility of identification of danger of machinery and equipment on the stage of their selling, storage, destruction and utilization;

7) to ensure timely and effective warning of the user, as well as undertaking of necessary measures up to re-call of machinery and equipment in case of establishment of their inconsistency with safety requirements established by this Law and technical regulations.

5. Besides the obligations stipulated by paragraph 3 of this Article, the authorised representative shall be obliged:

1) to present documents certifying the safety of machinery and equipment to users, as well as to the authorised bodies ensuring safety of machinery and equipment, upon their request;

2) to check users' complaints concerning the inconsistency of machinery and equipment with safety requirements established by this Law;

3) to ensure control over safety of machinery and equipment in the process of their selling, storage and transportation;

4) to ensure a possibility of identification of danger of machinery and equipment on the stage of their selling, storage, transportation;

5) to ensure timely and effective warning of the user, as well as undertaking of necessary measures up to re-call of machinery and equipment in case of establishment of their inconsistency with safety requirements established by this Law and technical regulations and being dangerous to life and health of people, environment.

6. Besides the obligations stipulated by paragraph 3 of this Article the importer shall be obliged:

1) to check users' complaints concerning the inconsistency of machinery and equipment with safety requirements established by this Law;

2) to ensure control over safety of machinery and equipment in the process of their selling, storage and transportation;

3) to ensure a possibility of identification of danger of machinery and equipment on the stage of their selling, storage, transportation;

4) to ensure timely and effective warning of the user, as well as undertaking of necessary measures up to re-call of machinery and equipment in case of establishment of their inconsistency with safety requirements established by this Law and technical regulations and being dangerous to life and health of people, environment.

7. Besides the obligations stipulated by paragraph 3 of this Article, personnel (operators) shall be obliged:

1) to inform the authorised bodies immediately of violations of safety requirements established by this Law and technical regulations in relation to machinery and equipment released in circulation, which resulted in acquisition by them of dangerous properties in the process of operation, transportation, storage, destruction and utilization, and of measures undertaken by them;

2) to ensure control over safety of machinery and equipment in the process of their operation, destruction and utilization.

8. Besides the obligations stipulated by paragraph 3 of this Article the user shall be obliged:

1) to inform the authorised bodies immediately of violations of safety requirements established by this Law and technical regulations in relation to machinery and equipment released in circulation, which resulted in acquisition by them of dangerous properties in the process of operation, transportation, storage, destruction and utilization, and of measures undertaken by him;

2) to ensure control over safety of machinery and equipment in the process of their selling, storage, transportation, destruction and utilization.

## **Article 8. State Control and Supervision in the Field of Safety of Machinery and Equipment**

1. State control and supervision in the field of safety of machinery and equipment shall be implemented by the authorised bodies in accordance with the procedure and within the limits of their scope established by legislative acts of the Republic of Kazakhstan.

2. State control and supervision in the field of safety of machinery and equipment shall be performed in the form of sheduled and non-scheduled inspections.

3. The scheduled inspection shall be conducted not more than one time per year.

4. The non-scheduled inspection shall be conducted when the authorised body ensuring safety of machinery and equipment has received information:

1) on facts of accidents and failure of machinery, equipment related to violation of safety requirements established by this Law and technical regulations;

2) on facts of inflicting of harm to life and health of a man, environment;

3) on facts of violation of safety requirements to machinery and (or) equipment.

5. The inspection in the field of safety of machinery and equipment shall be conducted in two stages:

1) document inspection;

2) inspection of the risk evaluation.

6. The document inspection in the field of safety of machinery and equipment shall be performed by:

1) checking the verity and consistency of information for the user in the operating manual with requirements of this Law, technical regulations;

2) checking the consistency of information contained in the safety certificate and in documents in the sphere of conformity assessment.

The contents of safety certificates for certain types of machinery and equipment shall be established by technical regulations.



7. When inspecting the risk evaluation the authorised body shall deliver machinery and equipment or their certain parts to a testing laboratory (centre) accredited by the body for accreditation in the field of technical regulation to conduct tests (researches).

8. The program of risk evaluation shall be elaborated by the authorised body.

## **Chapter 2. SAFETY REQUIREMENTS TO THE MACHINERY AND EQUIPMENT**

### **Article 9. General Requirements to Ensuring of Safety of Machinery and Equipment**

1. Machinery and equipment, which are covered by this Law, shall be consistent with requirements ensuring safety to life, health of a man and protection of the environment established by this Law and technical regulations.

2. In the event when machinery and equipment are covered by several technical regulations, for such machinery and equipment it shall be necessary to comply with requirements of all the technical regulations, which they are covered by.

3. Safety of machinery and equipment shall be ensured by:

1) compliance with requirements of the legislation of the Republic of Kazakhstan in the field of safety of machinery and equipment;

2) conformity assessment of machinery and equipment with requirements of the legislation of the Republic of Kazakhstan in the field of safety of machinery and equipment;

3) application of state regulation measures in the field of safety of machinery and equipment.

4. On all the stages of the life cycle of machinery and equipment a possibility of control over fulfillment of all the safety requirements established by this Law and technical regulations shall be ensured.

5. When a complex of tests is to be conducted on each stage of the life cycle of machinery and equipment to ensure safety, they must be conducted in the complete volume with fulfillment of all the requirements of the design documents.

6. Deviations from terms of the safe use of machinery and equipment stipulated by design documents on all the stages of the life cycle of machinery and equipment shall not exceed the allowed risk level.

7. The further use of modernized machinery and equipment according to the intention shall be possible only according to results of the expert examination certifying the conformity of machinery and equipment with requirements of the legislation of the Republic of Kazakhstan in the field of safety of machinery and equipment, with obtaining of a conclusion of appropriate state bodies ensuring safety of machinery and equipment.

#### **Article 10. Safety Requirements to Machinery and Equipment in Designing**

1. When designing machinery and equipment one shall ensure the consistency of the design of machinery and (or) equipment with requirements of this Law and technical regulations.

2. When designing machinery and equipment the designer must identify all the potential hazards on all the stages of the life cycle, including in case of normal operation, emergency situations (failures and external affects), expected errors of personnel.

3. For all the identified hazards risks must be evaluated by calculation, experimental and expert methods.

4. With respect to the conducted evaluation of risks for each type of machinery and equipment the whole complex of measures must be determined in designing to liquidate and (or) to reduce the risk to the allowable (acceptable) level on all the stages of the life cycle of machinery and equipment.

5. Where it is impossible to reduce the risk below the allowable level, the designer shall be obliged to stipulate in the operating manual a system of measures ensuring safety to life and health of a man and environment.

6. When designing machinery and equipment one must elaborate design documents and conduct their ecological expert examination.

7. Design documents shall comprise a technical description, detailed drawings of machinery and equipment, control mechanisms, operating characteristics of machinery and equipment, operating manual.

## **Article 11. Safety Requirements to Machinery and Equipment in Production**

1. In production it shall be necessary to ensure the consistency of the process of manufacture of machinery and equipment with requirements of the design documents, this Law and technical regulations.

2. In production of machinery and equipment the manufacturer shall be obliged to implement the whole complex of measures for ensuring of safety and protection of the environment as determined by the design documents.

3. In production a possibility of control over fulfillment of all the technological operations, which safety depends on, shall be ensured.

4. The operating manuals shall be elaborated in production of machinery and equipment.

The operating manual shall include:

- 1) instructions for assemblage, mounting, setting up or adjustment;
- 2) instructions for regular use of the machine or equipment and measures for ensuring of safety, which must be observed in operation (including commissioning, use according to the direct destination, maintenance, all types of repair and technical examinations, protection means directed to decreasing intensity and localisation of harmful industrial factors, transportation and storage conditions);
- 3) set indicators of the life time and (or) set resource;
- 4) list of critical failures, probable errors of personnel (user) resulting in an incident (accident), and actions preventing said errors;
- 5) criteria of marginal states;
- 6) instructions concerning transportation, storage, for putting out of operation, destruction and utilization;
- 7) requirements to personnel.

5. All the machinery and equipment shall have clear and non-washable marking containing information as follows:

- 1) name of the manufacturer and (or) its trade mark;
- 2) name of the machine and (or) equipment, designation of the series or type, number;
- 3) general indicators of destination and terms of application;
- 4) date of manufacture.

All the marking symbols shall be explained in the operating manual.

6. Machinery and equipment shall have necessary warning records or symbols concerning dangers, where it is stipulated by technical regulations.

7. Materials and substances applied for machinery and equipment shall be consistent with requirements established by technical regulations.

8. Contents of technical documents for certain types of machinery and equipment shall be established by technical regulations.

9. The manufacturer, authorised representative shall be obliged to keep technical documents within ten years from the moment of manufacture of machinery and equipment or from the moment of manufacture of the last sample of the machine and equipment in case of series production.

## **Article 12. Safety Requirements in Transportation and Storage of Machinery and Equipment**

1. Transportation and storage of machinery and equipment shall be performed in conditions ensuring their safety in accordance with requirements of the legislation of the Republic of Kazakhstan in the field of safety of machinery and equipment.

2. Persons performing transportation, storage of machinery and equipment, their units and parts shall make a risk evaluation taking into account all the requirements in relation to safety as stipulated by the designer, accepted technological processes and terms in case of transportation and storage.

3. All the necessary requirements to ensuring of safekeeping of machinery and equipment in the process of their transportation and storage, presentation of technical characteristics causing their safety, in particular requirements to package, terms of transportation and storage, stated dates of storage, indications concerning dates of re-

examination of the conditions, replacement of certain elements, parts, units with expired shelf life, shall be stipulated in the technical documents to machinery and equipment.

4. Loading, unloading, transportation and storing of machinery and equipment shall be conducted by trained personnel in compliance with safety requirements.

### **Article 13. Requirements to Machinery and Equipment in Placement and Circulation in the Market**

1. Machinery and equipment manufactured in the territory of the Republic of Kazakhstan or imported into the territory of the Republic of Kazakhstan shall not be sold in the market if they can inflict harm to life, health of a man and environment.

Advertising products or other information on machinery and equipment, which misleads users with regard to their safety and functional destination, provided that they are properly installed, serviced, operated, stored, destroyed, utilized, shall not be allowed.

2. The manufacturer, authorised representative, and, where they are absent, person placing machinery and equipment subject to obligatory conformity assessment, in the market of the Republic of Kazakhstan shall be obliged to undertake measures to assess their conformity in accordance with requirements of this Law and technical regulations.

3. Machinery and equipment having no documents certifying their conformity with requirements of this Law and technical regulations shall not be placed and circulated in the market.

4. Equipment designated for installation in another machine, which can not function separately, shall be accompanied by a manufacturer's declaration under the form established by the appropriate technical regulations.

### **Article 14. Requirements Ensuring Safety in Assemblage, Operation and Repair of Machinery and Equipment**

1. When assembling, operating, repairing the machinery and equipment, compliance with requirements of technical regulations, design documents to the system and operating manual to machinery and equipment, shall be ensured.

2. Where modifications are introduced to the design of machinery and equipment, it shall not be allowed to reduce safety requirements established in their technical documents.

3. A person repairing a machine or equipment shall be obliged to fulfill the whole complex of measures determined by the design, which ensures safety of machinery and equipment as established by the manufacturer in the technical documents.

4. After the assemblage or repair of the machine or equipment the operator (personnel) shall make a risk evaluation of machinery and equipment if it is stipulated by the technical documents to appropriate types of operations.

Repaired machinery and equipment inconsistent with technical documents may be used in case if they meet the technical regulations.

#### **Article 15. Requirements to Cessation of Manufacture, Selling, Circulation of Machinery and Equipment in the Market**

1. From the moment of exposure of the inconsistency with safety requirements established by this Law and technical regulations or on the base of the directive of the state body, the manufacturer, authorised representative, importer and user of dangerous machinery and (or) equipment shall be obliged to cease immediately processes of manufacture, selling and circulation.

2. Failure to undertake measures stipulated by paragraph 1 of this Article shall entail the responsibility in accordance with laws of the Republic of Kazakhstan.

### **Chapter 3. CONFORMITY ASSESSMENT PROCEDURES**

#### **Article 16. Conformity assessment**

1. Conformity assessment of machinery and equipment shall be conducted in accordance with the legislation of the Republic of Kazakhstan concerning technical regulation.

2. The document in the sphere of conformity assessment issued by a foreign state shall be considered as valid in the Republic of Kazakhstan provided that it is recognised by the state technical regulation system in accordance with the legislation of the Republic of Kazakhstan concerning technical regulation.

#### **Article 17. Technical Regulations in the Sphere of Safety of Machinery and Equipment**

Technical regulations shall establish safety requirements to machinery and equipment, procedures for conformity assessment, forms and contents of technical documents, list of dangerous types of machinery liable to conformity assessment.

### **Chapter 4. FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 18. Responsibility for Violation of the Legislation in the Field of Safety of Machinery and Equipment**

Violation of the legislation of the Republic of Kazakhstan in the field of safety of machinery and equipment shall entail responsibility established by laws of the Republic of Kazakhstan.

#### **Article 19. Transitional Provisions**

1. Before enactment of appropriate technical regulations and standards harmonised with them state regulation shall be conducted in accordance with the legislation of the Republic of Kazakhstan in the part not contradicting this Law.

2. For machinery and equipment being manufactured and put into operation before the enactment of this Law documents certifying their conformity shall be valid within the term indicated in them.

3. For machinery and equipment put into operation before the enactment of this Law and subject to obligatory conformity assessment, where they are put for free

circulation repeatedly in the territory of the Republic of Kazakhstan after the enactment of this Law, the obligatory conformity assessment shall be conducted according to requirements of the legislation of the Republic of Kazakhstan concerning technical regulation.

**Article 20. The Procedure for Enactment of this Law**

This Law shall be enacted from 1st January 2008.

*President  
of the Republic of Kazakhstan*