

L A W ON ACCREDITATION

I. BASIC PROVISIONS

Article 1

This Law shall stipulate accreditation, status and operation of the national accreditation body in the Republic of Serbia and other issues of importance to accreditation.

Article 2

The terms used in this Law shall have the following meanings:

1) accreditation means determination of activities undertaken by the national accreditation body to confirm whether the conformity assessment bodies fulfil the requirements of relevant Serbian or international and European standards and, where applicable, all additional requirements defined for certain fields so that specific conformity assessment activities can be performed;

2) accreditation certificate means a document stating that a conformity assessment body is competent to perform, for a specific field and scope, conformity assessment activities;

3) peer assessment means assessment of the national accreditation body performed by national accreditation bodies from other countries or international and European organisations for accreditation against the rules of international and European organisations for accreditation;

4) competence means demonstrated ability to perform conformity assessment activities;

5) conformity assessment means any activity demonstrating that specific requirements relating to products, processes, services, systems or persons are fulfilled;

6) rules of accreditation means rules of the national accreditation body defining the accreditation process, requirements to be met by applicants for accreditation in order to be granted accreditation, and rights and obligations of those involved in accreditation granting and maintenance process;

7) conformity assessment body means a legal entity or part thereof performing conformity assessment activities, including testing, calibration, certification and inspection;

Other terms that are not defined in paragraph 1 of this Article, but are used in this Law, shall have the meaning stipulated by the law governing technical requirements for products and conformity assessment.

Article 3

Accreditation shall be used to determine competence of conformity assessment bodies to perform the following activities:

- 1) testing;
- 2) calibration;
- 3) inspection;
- 4) certification of products;
- 5) certification of management systems;
- 6) certification of persons.

In addition to competence to perform the activities referred to in paragraph 1 of this Article, accreditation shall be used to determine competence to perform other conformity assessment activities as laid down in the specific law.

Article 4

Accreditation is voluntary.

Accreditation can be mandatory if laid down in a specific law.

II. ACCREDITATION BOARD OF SERBIA

Article 5

The Accreditation Board of Serbia (hereinafter referred to as: ATS) is the sole accreditation body in the Republic of Serbia that is hereby delegated the performance of the accreditation activities referred to in Articles 3 and 8 of this Law.

The Founder of the ATS is the Republic of Serbia, whereas the Government of the Republic of Serbia shall, under legal powers, exercise the rights of the Founder.

During the course of its activities, the ATS shall use public funds.

The ATS shall not perform profit-making activities.

Article 6

The ATS is an institution that shall be registered in accordance with the law.

Public administration law shall be applied in case of establishment, organisation, status and activities-related issues of the ATS unless otherwise stipulated by this Law.

Article 7

The ATS shall meet the requirements of standards stipulating general requirements for accreditation bodies determining the competence of conformity assessment bodies.

The Establishment Act, Statute and other general acts of the ATS shall stipulate organisation and mode of operation of the ATS.

Article 8

In addition to the activities referred to in Article 3 of this Law, the ATS shall perform the following activities:

- 1) set forth and publish the Rules of Accreditation that are based on the relevant Serbian, international and European standards, and on documents of international and European organisations for accreditation;
- 2) keep a public Register of Accredited Conformity Assessment Bodies;
- 3) participate in the work of international and European organisations for accreditation;
- 4) perform other activities in accordance with the Law, Establishment Act and Statute.

The ATS shall specify the content and manner of keeping the Register referred to in paragraph 1, point 2), of this Article.

Article 9

The ATS shall, on a regular basis, make publically available information about its activities performed in accordance with Articles 3 and 8 of this Law, and about results of the peer assessment.

Article 10

The ATS shall be independent of the conformity assessment bodies it assesses.

The ATS must not:

- 1) provide consultancy services to conformity assessment bodies;

- 2) perform activities or provide services provided by conformity assessment bodies;
- 3) have proprietary and/or managerial rights or any other financial interests in conformity assessment bodies.

Article 11

Organs of the ATS are as follows:

- 1) Management Board
- 2) Director
- 3) Supervisory Board.

Mode of the establishment of the organs referred to in paragraph 1 of this Article, their scope, selection of organ members, decision-making method and other issues of importance to the work of the organs shall be stipulated by the ATS Establishment Act.

ATS activities and management shall be specified in detail by the ATS Statute.

Article 12

The Accreditation Council shall, as an advisory organ, be established within the ATS, as well as standing and/or temporary technical committees as bodies having competence in certain fields of accreditation.

The Accreditation Council is a professional advisory organ that provides professional opinions in terms of development of the accreditation system, takes the initiative for the extension of the ATS scope of activities and take stands on other technical issues.

Renowned experts and scientists from fields of relevance to the performance of activities falling under the ATS competences are selected as members of the Council representing interested parties therein.

Technical committees are technical bodies providing expertise required for certain fields of accreditation.

Establishment and mode of operation of the Accreditation Council and technical committees, rules and criteria for the selection of members, scope, mode of operation and other issues of relevance to their work shall be specified in detail by the Establishment Act and general acts of the ATS in accordance with the Law.

Article 13

Financial resources used for the operation of the ATS shall be provided by:

- 1) charging accreditation fees;
- 2) using budget assets of the Republic of Serbia;
- 3) using the assets coming from other sources in accordance with the law.

The resources referred to in paragraph 1, point 1) of this Article shall mean revenue made by providing services in accordance with the Charging Policy Document.

The assets coming from other sources shall mean other revenues made in accordance with the law.

Donations (gifts) must not be made by those using the services of the ATS.

The amount of financial resources necessary for the operation of the ATS shall be determined on the basis of activities defined in the Annual Work Programme as laid down in the Establishment Act.

The fees as regards the ATS membership in international and European organisations for accreditation shall be determined in the Annual Work Programme and provided from the budget of the Republic of Serbia.

III. ACCREDITATION PROCESS

Article 14

Accreditation process shall be instigated after the application for accreditation has been submitted by a conformity assessment body.

In addition to the application for accreditation, an applicant for accreditation shall submit receipts confirming that Republic administrative fee was paid to cover the accreditation application-processing costs referred to in paragraph 1 of this Article.

The application referred to in paragraph 1 of this Article shall contain name, address, and legal status of the applicant with clearly defined scope of accreditation that was requested, and other data and documentation in accordance with the Rules of Accreditation.

The ATS and an applicant for accreditation shall, by means of a contract, stipulate mutual rights and obligations in accordance with the ATS general acts.

A conformity assessment body shall enable the assessment team to gain an insight into all documents relevant to the performance of accreditation, access to all facilities connected to conformity assessment activities the accreditation is sought for, and provide contact details of all members of the staff involved in the said activities.

Article 15

If it was found, after the accreditation process has been carried out, that an applicant met the requirements of relevant Serbian or international and European standards, and, where applicable, all additional requirements including the requirements for specific fields, the ATS shall make a decision on accreditation and issue the accreditation certificate.

The issued accreditation certificate shall be valid for a limited period of time in accordance with the Rules of Accreditation.

If it was found during the accreditation process that an applicant failed to meet any of the the requirements referred to in paragraph 1 of this Article, the ATS shall make a decision on the termination of accreditation process.

If it is found, after the accreditation process has been finalised, that an applicant failed to meet the requirements referred to in paragraph 1 of this Article, the ATS shall make a decision not to grant accreditation.

Accreditation process shall be specified in detail by the Rules of Accreditation.

Article 16

The ATS shall, in addition to the accreditation certificate, allow a conformity assessment body to utilise the accreditation symbol to show its status of accredited conformity assessment body.

Article 17

An accredited conformity assessment body shall, throughout accreditation validity period, meet the requirements referred to in paragraph 1, Article 15, of this Law.

The ATS shall assess the fulfilment of the requirements referred to Article 15, paragraph 1 of this Law by means of surveillance of accredited conformity assessment bodies in accordance with the Rules of Accreditation.

During the surveillance referred to in paragraph 2 of this Article, the ATS shall make a decision on accreditation maintenance, change in accreditation scope, and on accreditation suspension or withdrawal.

If it is found during the accreditation validity period that a conformity assessment body made a serious breach of its obligations, the ATS shall make a decision on accreditation suspension or withdrawal.

Validity period of the decision on accreditation suspension shall not exceed six months.

The ATS can make a decision confirming the change in the accreditation scope, accreditation suspension or withdrawal even on the basis of a written request made by an accredited conformity assessment body.

Article 18

At the request of an accredited conformity assessment body, accreditation renewal shall be carried out in the same manner as accreditation granting.

If it is found after the accreditation renewal process that an applicant met the accreditation requirements referred to in paragraph 1, Article 15 of this Law, the ATS shall make a decision on accreditation renewal and shall issue the accreditation certificate.

If it is found, after the accreditation renewal process has been carried out, that an applicant failed to meet accreditation requirements referred to in paragraph 1, Article 15 of this Law, the ATS shall make a decision not to renew accreditation.

Article 19

An appeal can be lodged to the ATS against the decisions referred to in Articles 15, 17 and 18 of this Law within 15 days after the decision has been delivered.

The Appeal Committee shall make decisions on the appeals referred to in paragraph 1 of this Article within 30 days following the receipt of the appeals.

The Appeal Committee shall be established by the ATS Management Board.

The Appeal Committee shall be composed of seven members where one member shall be appointed from the Ministry in charge of accreditation affairs, and the remaining six members shall be appointed from the pool of experts in conformity assessment bodies: two members from experts in laboratory work, two members from experts in the work of inspection body, and two members from experts in the work of certification body.

The method of the establishment of the Appeal Committee and its mode of operation shall be specified in detail by the ATS Establishment Act and Statute.

The decision referred to in paragraph 2 of this Article shall be final, whereas an administrative dispute can be brought against it.

IV. CROSS-FRONTIER ACCREDITATION

Article 20

The ATS can refer a conformity assessment body registered in the Republic of Serbia to submit an application for accreditation to accreditation body from another country if the ATS does not perform the accreditation activities related to specific conformity assessment activities specified in the submitted application.

The ATS can ask accreditation body from another country to perform a part of accreditation process activities, and, in that case, the ATS shall issue the accreditation certificate.

The accreditation certificate issued by accreditation body from another country in accordance with paragraph 1 of this Article shall be entered in the Register of Accredited Conformity Assessment Bodies kept by the ATS.

Article 21

The ATS can perform accreditation on the basis of the application of a conformity assessment body from another country in the following cases:

- 1) if another country did not establish a national accreditation body;
- 2) if an accreditation body from another country does not perform accreditation of certain conformity assessment activities specified in the submitted application.

If the ATS receives an application for accreditation submitted by the conformity assessment body from another country as referred to in paragraph 1, point 2) of this Article, the ATS shall inform the accreditation body of the country of origin.

During the accreditation process referred to in paragraph 2 of this Article the accreditation body from another country can participate therein as an observer.

The ATS can, if requested by an accreditation body from another country, perform a part of activities when accrediting conformity assessment bodies from that country.

Article 22

After a peer assessment has been finalised, the ATS can enter into mutual recognition agreements confirming the equivalence of accreditation system with accreditation bodies from other countries, and with European and other international organisations for accreditation.

V. SURVEILLANCE OF THE ATS

Article 23

The ministry in charge of accreditation activities shall, in accordance with the law governing public administration activities, carry out surveillance of the ATS activities referred to in Articles 3 and 8 of this Law.

VI. PROVISIONAL AND FINAL PROVISIONS

Article 24

The Accreditation Board of Serbia, that was established by means of the Act on the Establishment of the Accreditation Board of Serbia ("Official Gazette of the RS", No. 96/06), shall, in accordance with this Law and Establishment Act, continue its activities with effect from the date of entry into force of this Law.

The Act on the Establishment of the Accreditation Board of Serbia shall be harmonised with the provisions of this Law within six months following the entry into force of this Law.

Article 25

Accreditation certificates issued as of the date of entry into force of this Law shall remain valid throughout their validity period.

Accreditation activities that commenced prior to the entry into force of this Law shall be finalised in accordance with the regulations that were valid as of the date of entry into force of this Law.

Article 26

The Law on Accreditation ("Official Journal of the S & M", No. 44/05) shall be repealed with effect from the date of entry into force of this Law.

Article 27

This Law shall enter into force on the eighth day following its publication in the "Official Gazette of the Republic of Serbia".