

LAW ON ACCREDITATION

I. GENERAL PROVISIONS

Article 1

This Law regulates accreditation, status and operation of the national accreditation body in the Republic of Serbia and other issues relevant to the accreditation.

Article 2

The definitions used in this Law shall have the following meaning:

- 1) accreditation is an act of verification performed by the national accreditation body in order to confirm whether the conformity assessment bodies fulfil requirements of relevant Serbian and/or international and European standards and, where applicable, any additional requirements defined for specific fields, to carry out specific conformity assessment activities;
- 2) accreditation certificate is a document confirming the competence of conformity assessment body to perform conformity assessment activities in a specified subject or fields of expertise;
- 3) peer evaluation is an assessment of a national accreditation body performed by national accreditation bodies from other countries, or international and European organisations for accreditation in accordance with the rules of international and European organisations for accreditation;
- 4) competence is certified ability to perform conformity assessment activities;
- 5) conformity assessment is any activity demonstrating that specific requirements relating to a product, process, service, system or person have been fulfilled;
- 6) rules of accreditation are rules of the national accreditation body that relate to accreditation procedure, fulfilled accreditation requirements by the accreditation applicants, and rights and obligations of interested parties involved in accreditation granting and maintenance process;
- 7) conformity assessment body is a legal entity or part thereof that performs conformity assessment activities, including testing, calibration, certification and inspection;

Definitions that are not defined in paragraph 1 of this Article, but are used in this Law, shall have the meaning regulated by the Law on technical requirements for products and conformity assessment.

Article 3

Accreditation shall be used to determine the competence of conformity assessment bodies to carry out 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 the 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, in accordance with the specific law.

Article 4

Accreditation is voluntary.

Accreditation is compulsory only if regulated by a specific law.

II. ACCREDITATION BOARD OF SERBIA

Article 5

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

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

ABS shall use Government property as means for performing its tasks and activities.

ABS shall not operate on a profit-making basis.

Article 6

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

Provisions of the Law governing public administration shall be applied to issues of establishment, organisation, status and operation of ABS, unless regulated differently by this Law.

Article 7

ABS must fulfil the requirements of standards determining general requirements for accreditation bodies that certify the competence of conformity assessment bodies.

The Establishment Act, Statute and other general acts of ABS, shall regulate organisation and manner of operation of ABS.

Article 8

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

- 1) set forth and publish the Rules of Accreditation 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 content and manner of keeping the Register referred to in paragraph 1 point 2) of this Article shall be determined by ABS.

Article 9

Information regarding activities performed by ABS in accordance with Articles 3 and 8 of this Law and results of peer assessment shall be made publically available.

Article 10

ABS shall be independent from the conformity assessment bodies it assesses.

ABS 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

Governing bodies of ABS are:

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

Manner of the establishment of the bodies referred to in paragraph 1 of this Article, their scope, selection of body members, decision-making method and other issues relevant to the work of the bodies shall be regulated by the Establishment Act of ABS.

Operation and management of ABS shall be regulated in detail by ABS Statute.

Article 12

ABS shall set up an Accreditation Council, as a consulting body, and standing and/or ad hoc technical committees as expert bodies for specific fields of accreditation.

Accreditation Council operates as a consulting body in view of conferring expert opinion regarding development of the accreditation system, proposing the development of scope of operation of the ABS and takes into consideration other relevant expert issues.

Accreditation Council comprises eminent experts and specialist from the field of study relevant for conducting tasks and activities of the ABS, as well as interested stakeholders.

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

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

Article 13

ABS is funded from following sources:

- 1) charging accreditation fees;
- 2) budget of Republic of Serbia;
- 3) other sources, in accordance with the Law.

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

ABS must not take any gifts (donations) from the service users.

The amount of financial resources necessary for the operation of ABS shall be determined on the basis of activities defined in the Annual Work Programme, in accordance with the Establishment Act.

Funds for membership fees of ABS 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 PROCEDURE

Article 14

Accreditation procedure shall be instituted on the basis of application submitted by a conformity assessment body.

In addition to the application for accreditation, an applicant must submit an evidence of payment of Republic administrative fee for processing of application 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 requested scope of accreditation, and other data and documentation, in accordance with the Rules of Accreditation.

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

The applicant is obliged to enable members of ABS to have full access to all necessary documentation relevant for conducting accreditation procedure, to all premises relevant to activities for applied conformity assessment accreditation and to provide contact with staff engaged in conformity assessment activities.

Article 15

ABS shall make a decision on accreditation and issue a certificate on accreditation, if conducted accreditation procedure established that applicant fulfils requirements of relevant Serbian or international and European standards and, when applicable all additional requirements including the requirements for specific fields.

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

Should it be established, during the accreditation procedure, that an applicant failed to meet any of the requirements referred to in paragraph 1 of this Article, ABS shall make a decision on termination of accreditation procedure.

Should it be established, after the accreditation procedure, that an applicant failed to meet the requirements referred to in paragraph 1 of this Article, ABS shall make a decision not to grant accreditation.

Accreditation procedure shall be regulated in detail by the rules of accreditation.

Article 16

In addition to the accreditation certificate, ABS shall award the accreditation symbol that conformity assessment body uses to prove its status of accredited conformity assessment body.

Article 17

An accredited conformity assessment body is obliged to fulfil requirements referred to in paragraph 1 of Article 15 of this Law, during the accreditation validity period.

ABS shall assess the fulfilment of the requirements referred to in paragraph 1 of Article 15 of this Law by monitoring the work of accredited conformity assessment bodies in accordance with the rules of accreditation.

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

Should it be established that, during the accreditation validity period, a conformity assessment body made a serious breach of its obligations, ABS shall make a decision on accreditation suspension or withdrawal.

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

ABS can make a decision confirming the change in the accreditation scope, accreditation suspension or withdrawal, 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 can be renewed under the same procedure it was awarded.

If established that, after the accreditation renewal procedure has been carried out, an applicant met the accreditation requirements referred to in paragraph 1 of Article 15 of this Law, ABS shall make a decision on accreditation renewal and shall issue the accreditation certificate.

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

Article 19

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

The Appeal Committee shall make decisions on the appeal referred to in paragraph 1 of this Article within 30 days after the submission of the appeal.

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

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

The manner of the establishment of the Appeal Committee and its mode of operation shall be regulated in detail by the ABS Establishment Act and Statute.

Decision referred to paragraph 2 of this Article is final and administrative dispute can be initiated against it.

IV. CROSS-BORDER ACCREDITATION

Article 20

ABS can refer a conformity assessment body registered in the Republic of Serbia to submit an application for accreditation to an accreditation body from another country, if ABS does not perform the accreditation activities in respect of conformity assessment activities for which accreditation is sought.

ABS may request an accreditation body from another country to carry out a part of accreditation procedure activities, and in such case, ABS shall issue the accreditation certificate.

The accreditation certificate issued by an 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 ABS.

Article 21

ABS can conduct the accreditation procedure 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 accreditation body from another country does not perform accreditation of certain conformity assessment activities for which the accreditation is sought.

Should ABS receive an application for accreditation from the conformity assessment body of another country, as referred to in paragraph 1 point 2) of this Article, ABS shall inform the accreditation body in which the requesting conformity assessment body is established..

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

Upon request of an accreditation body from another country, ABS can perform a part of conformity assessment accreditation procedure for conformity assessment bodies from requesting country.

Article 22

After a successful peer evaluation, ABS can conclude agreements on mutual recognition of accreditation system equivalence with accreditation bodies of other countries, European and other international accreditation organizations.

V. SURVEILLANCE OF THE ABS

Article 23

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

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 24

The Accreditation Board of Serbia established by the Decision on the Establishment of the Accreditation Board of Serbia („Official Gazette of the RS”, No. 9606) 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 prior to 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 terminated in accordance with the regulations that were in force prior to 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”.