

CROATIAN PARLIAMENT

2259

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I herewith make the following

DECISION

OF DECLARING THE LAW ON ACCREDITATION

I herewith declare the Law on Accreditation, which was adopted by the Croatian Parliament at its session on 25 September 2003.

No.: 01-081-03-3245/2
Zagreb, 1 October 2003

President of the
Republic of Croatia
Stjepan Mesić, signed

LAW ON ACCREDITATION

I. GENERAL PROVISIONS

Article 1

This Law shall regulate the establishment and activities of the body which performs tasks of the national accreditation agency, as well as determine the scope of accreditation, and the relation between accreditation and conformity assessment regulations.

Article 2

For the purpose of this Law, accreditation means a procedure by which an independent accreditation body formally recognizes that a legal or natural person is competent to carry out specific tasks.

Article 3

For the purpose of this Law, the following definitions shall apply:

- conformity assessment means any activity concerned with determining directly or indirectly that certain requirements are fulfilled,
- accreditation certificate means a document or set of documents stating that competence for performing specific conformity assessment tasks has been confirmed,
- technical inspection means the examination of product technical documentation, testing of product, process or installation, and determination of their conformity with specific requirements or, on the basis of professional judgment, general requirements.

II. ACCREDITATION BODY

Article 4

(1) For permanent and independent carrying out of tasks of the national accreditation agency, the Government of the Republic of Croatia shall establish by a decree an independent accreditation body (hereinafter referred to as: Accreditation Body) as a public institution.

(2) The Accreditation Body performs the following tasks:

- accreditation of testing and calibration laboratories,
- accreditation of legal or natural persons performing certification of products, management systems and personnel,
- accreditation of legal or natural persons conducting technical inspection or similar activities,

- other assessments and confirming the competence for carrying out of conformity assessment procedures, including determining whether legal or natural persons meet conformity assessment requirements set by conformity assessment regulations.

(3) The Accreditation Body participates in the work of European and international accreditation organizations and represents the Republic of Croatia in these organizations. As part of its activities, the Accreditation Body also performs other tasks laid down by the Foundation Charter and the Statute if the goal of these tasks is not profit making.

(4) The Accreditation Body has the sole right to carry out tasks referred to in paragraph 2 of this Article if not prescribed otherwise by another law.

(5) The organization, authority and the decision-making process, as well as other issues relevant for carrying out the tasks and operating of the Accreditation Body shall be regulated by the Statute in line with the Law and the Foundation Charter of the Accreditation Body.

(6) The Accreditation Body performs its activities in accordance with the regulations relating to public institutions if this Law does not regulate certain issues otherwise.

Article 5

(1) The Accreditation Body provides its funds from its own activities, the government budget and other sources in accordance with the modes and conditions laid down in the Foundation Charter.

(2) The amount of funds to be obtained from the government budget is determined by the scope of activities referred to in paragraph 2 of Article 4 of this Law, the scope being laid down in the annual working program, and by taking into account the anticipated

amount of funds to be provided from other sources referred to in paragraph 1 of this Article.

(3) Membership fees of the Accreditation Body paid to international and European accreditation organizations are also funded from the government budget.

III. SCOPE OF ACCREDITATION

Article 6

In the accreditation procedure, the competence of legal and natural persons for carrying out of tasks, for which the accreditation is being granted, is verified with regard to the requirements set by regulations, relevant international and European standards, or equivalent national standards, as well as documents issued by European and international accreditation organizations.

Article 7

(1) The accreditation processes conducted by the Accreditation Body are regulated by the Foundation Charter, the Statute and other internal regulations, and must be based on international and European standards, or equivalent national standards, as well as documents issued by the European and international accreditation organizations.

(2) Accreditation is performed based on the application submitted by a legal or natural person.

(3) The Accreditation Body and a legal or natural person regulate by a contract mutual rights and obligations concerning the obtaining of the accreditation certificate and maintaining of accreditation.

(4) The Accreditation Body is obliged to conclude a contract with a legal or natural person applying for accreditation. When concluding the contract, the Accreditation Body has to inform the legal or natural person in an unambiguous and transparent way about the requirements for obtaining accreditation and the accreditation procedure. The contract regulates the rights and obligations of the signatories and the carrying out of the accreditation procedure in accordance with the standards and documents referred to in Article 6 of this Law.

(5) If the Accreditation Body determines that a legal or natural person complies with the requirements set by standards or documents referred to in Article 6 of this Law , it shall grant the accreditation certificate to the legal or natural person.

(6) The validity of the accreditation certificate is time-limited. The accredited body must continuously comply with the accreditation requirements over the period in which the accreditation certificate is valid.

(7) The Accreditation Body shall pass a decision on the withdrawal of accreditation if it determines that the accredited body does not comply with some of the accreditation requirements.

(8) Against the decision referred to in the previous paragraph a complaint can be filed with the body determined by the Statute of the Accreditation Body.

IV. ACCREDITATION AND CONFORMITY ASSESSMENT REGULATIONS

Article 8

(1) Conformity assessment regulations may determine the manner in which the Accreditation Body is to participate in the process of designating conformity assessment bodies.

(2) Conformity assessment regulations may determine that based on the accreditation certificate a body is presumed competent to perform conformity assessment.

(3) The competence of the body referred to in the previous paragraph may also be proved in other ways.

V. TRANSITIONAL AND FINAL PROVISIONS

Article 9

(1) The Government of the Republic of Croatia shall adopt a Foundation Charter of the Accreditation Body and appoint the temporary director of the Accreditation Body not later than September 30, 2004.

(2) Funds for starting the work of the Accreditation Body shall be provided from the budget of the Republic of Croatia.

(3) The Accreditation Body shall start operating on January 1, 2005.

Article 10

(1) The establisher shall provide the Accreditation Body with necessary facilities, and the Accreditation Body shall take over from the State Office for Standardization and Metrology tangible assets and equipment intended for carrying out of tasks relating to accreditation and the employees who perform these tasks.

(2) The amount of tangible assets and equipment referred to in paragraph 1 of this Article shall be regulated in more detail by the Foundation Charter of the Accreditation Body.

Article 11

Regulations prescribing the status and salaries of employees in public institutions shall apply to the employees of the Accreditation Body.

Article 12

The State Office for Standardization and Metrology shall perform the activities of the Accreditation Body until it starts operating.

Article 13

(1) The accreditation procedures that were started up to the day of entering into force of this Law shall be concluded in accordance with the regulations that were effective until the day of entering into force of this Law.

(2) Accreditations granted according to the provisions of the Law on Standardization (*Official Gazette* No. 55/96) shall remain effective until their expiry.

Article 14

The provisions of Articles 24-31 of the Law on Standardization (*Official Gazette* No. 55/96) shall cease to be effective on the day this Law starts to be applied.

Article 15

This Law shall enter into force on the eighth day after its publication in the *Official Gazette* and shall be applied from January 1, 2005.

Class: 383-01/03-01/04
Zagreb, 25 September 2003

President
of the Croatian Parliament
Zlatko Tomčić, signed