

Pursuant to Article 4, Paragraph 5 of the Law on Accreditation («Official Gazette» No. 158/2003) and Article 15, Paragraph 1 of the Decree on the Founding of the Croatian Accreditation Agency («Official Gazette» No. 158/2004 and 44/2005) the Administrative Board of the Croatian Accreditation Agency, at the sessions held on 06 May 2005 and 14 June 2005 passed the following

STATUTE OF THE CROATIAN ACCREDITATION AGENCY

I. GENERAL PROVISIONS

Article 1

This Statute regulates the name, registered office, activities of the Croatian Accreditation Agency (further in the text HAA) as well as the structure of the Croatian Accreditation Agency, authorities, operating methods and decision-making procedures by certain bodies, and other issues that are of interest for the operation of the Croatian Accreditation Agency.

Article 2

HAA is a legal entity with rights, liabilities and responsibilities defined by the Law on Accreditation («Official Gazette» No. 158/03 – further in the text: Law), Law on Institutions («Official Gazette» No. 76/93, 29/97 and 47/99), the Decree on the Foundation of the Croatian Accreditation Agency («Official Gazette» No. 158/04 and 44/05) (further in the text: Decree) and by this Statute.

HAA is an independent, not-for-profit, public institution which acts as the national accreditation service in the Republic of Croatia in compliance with the Law and the Decree.

Article 3

The founder of HAA is the Croatian Government on behalf of the Republic of Croatia.

The founder realizes the rights and liabilities by insuring independence, impartiality and integrity of HAA providing international comparability with the national accreditation agencies of other countries, membership in the European and international organizations for accreditation and access and signing of agreements on mutual recognition of accreditation certificates and documents granted by the accredited bodies.

II. STATUS, NAME, REGISTERED OFFICE, ACTIVITIES, MARK AND STAMP OF THE CROATIAN ACCREDITATION AGENCY

Article 4

HAA carries out the activities, does business and participates in legal transaction, under the name of «HRVATSKA AKREDITACIJSKA AGENCIJA».

The abbreviation of the name is: «HAA».

The name in English is «CROATIAN ACCREDITATION AGENCY».
The registered office of HAA is in Zagreb.

Article 5

The name HRVATSKA AKREDITACIJSKA AGENCIJA has to be displayed on the building which houses the registered office and where the activities take place.

Article 6

HAA performs the legal transactions within the framework of its activities, independently with all the rights and liabilities without restrictions on its own behalf and on its own account.
HAA accounts for its activities by all its assets.

Article 7

The operation of HAA includes the activities and tasks defined by the Law and the Decree.

HAA establishes connections and cooperates with other institutions in the field of technical infrastructure for quality in the Republic of Croatia with the aim of their development and harmonization of the interests of the Republic of Croatia. HAA cooperates in particular with the central bodies of the state administration, national bodies in the field of standardization, metrology, testing and other activities of conformity assessment, associations in the field of activities, scientific institutes and institutions of higher education. Cooperation proceeds in such a way as not to interfere with the independence, impartiality or integrity of HAA. The goal of cooperation is the exchange of experiences, data and information within the field of HAA activities and participation in joint projects.

HAA cooperates in the work of the European and international associations for accreditation and represents the Republic of Croatia.

Article 8

HAA has its mark.

The HAA mark has been registered at the State Intellectual Property Office.

Article 9

HAA stamp is a round stamp of 30 mm in diameter, with the text along the edge in a semicircle as follows: «REPUBLIKA HRVATSKA - HRVATSKA AKREDITACIJSKA AGENCIJA, Zagreb», and in the middle of the stamp is the HAA mark. The stamp is used for regular HAA activities.

HAA stamp is a round stamp of 38 mm in diameter, with the text along the edge in a semicircle as follows: «REPUBLIKA HRVATSKA – HRVATSKA AKREDITACIJSKA AGENCIJA, Zagreb», and in the middle of the stamp is the Croatian coat of arms. The stamp is used to validate public documents issued by HAA within the scope of its activities.

In office work, HAA uses the "mail entry" stamp of rectangular form with the following text: «HRVATSKA AKREDITACIJSKA AGENCIJA» and a space in which the entry number and date of receiving the item are entered.

The number of stamps and the way they are used is defined by a special decision brought by the Director General. If HAA uses several stamps of the same diameter, then each of the stamps has to be marked by an ordinal number which is placed in the middle above the Croatian coat of arms, i.e. for stamps without the coat of arms, the ordinal number is placed above the HAA mark.

The Director General or person authorized by the Director General is responsible for keeping and proper usage of the stamps.

III. LEGAL STATUS, REPRESENTATION OF THE CROATIAN ACCREDITATION AGENCY

Article 10

HAA has acquired the status of a legal entity by having been registered in the Register of Companies.

Article 11

HAA is represented in the country and abroad by the Director General, without limitations within his/her authorities and activities entered into the Register of Companies.

Article 12

The Director General is authorized to conclude independently within the scope of HAA activities contracts and other legal activities within the legal transactions with a value that does not exceed the amount of HRK 200,000 (two hundred thousand).

For signing contracts or other legal transactions exceeding the amount of HRK 200,000 (two hundred thousand), i.e. for requesting or approving loans and credits in case the amount is higher than HRK 200,000 (two hundred thousand), the Director General has to have approval of the HAA Administrative Board.

For signing contracts, other legal transactions or for undertaking legal actions in case of acquisition, management, alienation or burdening of imovables regardless of their value, the Director General must seek approval of the HAA Administrative Board and the Croatian Government.

The request for approval shall be submitted in writing.

IV. STRUCTURE AND BODIES OF THE CROATIAN ACCREDITATION AGENCY

1. Structure of the Croatian Accreditation Agency

Article 13

HAA performs professional, legal, administrative, financial and other activities within the scope of its operation in structural units with the corresponding departments and sections.

The basic HAA structural units are:

1. The Director General office,

2. Department for Accreditation of Testing and Calibration Laboratories,
3. Department for Accreditation of Certification Bodies (for products, management systems (quality, environment, safety, etc.) and personnel),
4. Department for Accreditation of Inspection Bodies,
5. Department for Confirmation of the Competence of Conformity Assessment Bodies,
6. Department for General Administrative Services.

Article 14

The Director General Office:

The Director General Office performs professional and administrative tasks for the official requirements of the Director General, protocol activities for the Director General and his/her deputy, activities related to the public mass media, relations with the central bodies of the government administration, HAA Administrative Board, HAA Accreditation Council and the HAA Technical Committees.

Article 15

Department for Accreditation of Testing and Calibration Laboratories:

The Department for Accreditation of Testing and Calibration Laboratories performs professional tasks related to the procedures of accreditation and surveillance of the accredited testing and calibration laboratories according to the fields of testing and calibration, develops rules for laboratory accreditation, participates in the work of technical committees of the European and international organization for the accreditation of the laboratories, participates in the work of the HAA technical committees, participates in the development of the documentation regarding the quality management system of HAA operation, participates in the work of task groups and committees of the central bodies of the government administration in developing the regulations which regulate the fields of assessing competence of the laboratories.

Article 16

Department for Accreditation of Certification Bodies:

Department for Accreditation of Certification Bodies performs professional activities related to procedures of accreditation and surveillance of accredited certification bodies that certify products, management systems (quality, environment, safety, etc.), develops rules for accreditation, participates in the work of technical committees of the European and international organization for the accreditation of certification bodies, participates in the work of HAA technical committees, participates in the development of quality management system documents of HAA operation, participates in the work of task groups and committees of the central bodies of government administration in developing the regulations which regulate the field of assessing the competence of certification bodies.

Article 17

Department for Accreditation of Inspection Bodies:

The Department for Accreditation of Inspection Bodies performs professional tasks related to the procedures of accreditation and surveillance of accredited inspection bodies according to the fields and types of inspection, develops rules for the accreditation of inspection bodies, participates in the work of technical committees of the European and international organization for the accreditation of inspection bodies, participates in the work of HAA technical committees, participates in the development of documents of the quality management system of HAA operation, participates in the work of task groups and committees of central bodies of government administration in developing the regulations which regulate the fields of assessing the competence of the inspection bodies.

Article 18

Department for Confirmation of the Competence of Conformity Assessment Bodies:

The Department for Confirmation of the Competence of Conformity Assessment Bodies performs professional tasks related to the procedures of assessing competence and surveillance of the work of the conformity assessment bodies according to the conformity assessment areas and the regulations under the authority of the central bodies of government administration, develops the rules for assessing the competence of the conformity assessment bodies, participates in the work of technical committees of the European and international organization for accreditation, participates in the work of HAA technical committees, participates in the development of the documents regarding the quality management system of the HAA operation, participates in the work of task groups and committees of the central bodies of government administration in developing the regulations which regulate the areas of assessing the competence of conformity assessment bodies.

Article 19

Department for General Administrative Services:

Department for General Administrative Services performs legal, personnel, financial, bookkeeping, accountancy, information technology and other administrative activities of HAA.

Article 20

The Director General rosters employees for certain activities and tasks. The Director General sets down the duties, rights and responsibilities as well as special conditions for the selection, training and appointment of professional workers.

The Director General appoints and revokes the heads of the HAA internal organizational units.

The scope of activities of each organizational unit with the respective departments and sections, operating method, tasks, and responsibilities shall be defined by the by-law on the internal organization and systematization of the workplaces in compliance with this Statute.

2. The Croatian Accreditation Agency bodies

Article 21

HAA bodies include:

- Administrative Board,
- Director General,
- Accreditation Council,
- Appeal Committee.

The Director General makes decisions about the foundation of technical committees, their composition and scope of work. The technical committees shall be composed in such a way as to insure the balance among the representatives of the conformity assessment bodies, production companies and users of their products and services.

The Croatian Accreditation Agency Administrative Board

Article 22

The Administrative Board supervises the operation of HAA.

The Administrative Board has a President and four members, appointed by the Croatian Government for a period of four years.

The member of the Administrative Board may be relieved of duty before the mandate expires if:

- the member personally requests to be relieved,
- the member does not fulfil the respective duties over a period of more than three months,
- the member loses capability of carrying out the duties,
- the member's actions damage the HAA good reputation.

A written and well-argued proposal to relieve a member of the Administrative Board may be submitted by the Administrative Board and the Director General.

Article 23

The Administrative Board has the following authorities:

1. to pass the HAA Statute with the approval of the Croatian Government,
2. to pass the regulation on Systematization of workplaces and operation methods,
3. to pass the regulation on Employees' Income,
4. to pass the general rules for accreditation and other assessments and confirmations of competence,
5. to pass the programme of action and development of HAA and to supervise the implementation,
6. to pass the financial plan and the annual account,
7. to adopt the annual reports on the operation of HAA,
8. to propose to the Croatian Government the status changes or change in the scope of activities,
9. to appoint and revoke the Director General deputy and assistants,
10. to make decisions on giving approval to the Director General in the acquisition, burdening and alienation of real assets or other HAA assets in compliance with Article 12 of this Statute,
11. to make decisions on borrowing according to Article 12 of this Statute,
12. to pass the Rules of Procedures for its work,

13. to appoint HAA representatives into international organizations and their working bodies at the proposal of the Director General,
14. to appoint and revoke the members of the Accreditation Council.

Article 24

The Administrative Board works and makes decisions at meetings.

Meetings of the Administrative Board are conducted and summoned by the Administrative Board President, as required in collaboration with the Director General or at the proposal of Director General, and in his/her absence, by the Deputy of the Administrative Board President appointed by the Administrative Board.

Article 25

The Administrative Board makes decisions whether the majority of the members are present at the meeting.

Decisions are made by the majority of votes of the total number of members.

Article 26

The meetings of the Administrative Board are held as required, and at least four times a year.

Article 27

The members of the Administrative Board are answerable for their work to the Croatian Government.

Article 28

The President and the members of the Administrative Board are entitled to remuneration for their work in compliance with the HAA by-laws.

The members of the Administrative Board are entitled to remuneration of their travelling expenses for attending the meetings.

Article 29

The President of the Administrative Board:

- summons and conducts the meetings of the Administrative Board,
- signs the decisions and by-laws brought by the Administrative Board,
- coordinates the work of the members of the Administrative Board, represents the Administrative Board towards other bodies and persons.

Article 30

The Director General participates in the work of the Administrative Board without the right to make decisions.

The Croatian Accreditation Agency Director General

Article 31

The work of HAA is managed by the Director General.

The Director General is responsible for the legality of work and operation of the HAA and performs the following tasks:

1. proposes to the Administrative Board the HAA Statute and other HAA by-laws,
2. proposes to the Administrative Board the Programme of Activities and Development of HAA, financial plan and annual account,
3. proposes to the Administrative Board the annual report on the work of HAA,
4. proposes to the Administrative Board incentives for changes or expansion of operation,
5. submits to the Administrative Board the proposals and opinions on individual issues in the work of HAA,
6. submits to the Administrative Board reports regarding the work and operation of HAA,
7. proposes appointments and revocations, i.e. appoints and revokes deputy and assistances
8. signs and terminates work contracts with employees,
9. makes decisions on employees' rostering to certain jobs and tasks,
10. makes decisions on the rights from labour relations,
11. gives written authorization to other person in order to represent the HAA in legal transactions,
12. gives authority for signing of financial documentation,
13. gives instructions and guidelines for the HAA operation,
14. insures cooperation with the central bodies of the government administration, economic associations, and professional institutions and organizations in Croatia and abroad,
15. implements the decisions made by the Administrative Board,
16. makes decisions on the appeals regarding accreditation procedures,
17. appoints members of the technical committees,
18. performs other tasks included in his/her scope of responsibility by law or other regulations, this Statute, HAA by-laws and the documents of the HAA quality management system,
19. proposes to the Administrative Board the appointment of HAA representatives in the international organizations and their working bodies.

Article 32

The Director General makes decisions about the granting of the first accreditation, maintenance, extension or reduction of the scope of accreditation, re-accreditation, suspension and withdrawal of accreditation.

The Director General can authorize HAA employees to make the decision on granting of the accreditation, except in case of the first accreditation and the withdrawal of accreditation.

The Director General and the persons from Paragraph 2 of this Article shall request advice and recommendation of the Technical Committee before making the decision on accreditation.

Decisions on accreditation are published on the HAA Internet pages.

Article 33

The Director General is appointed and revoked by the Croatian Government.

The Director General is appointed for a mandate of four years at the proposal of the Minister responsible for Science, on the basis of a public tender.

The decision on publishing the invitation for tenders shall be made by the Administrative Board at least three months before the current mandate expires.

The invitation for tenders shall be published in Official Gazette.

The contents of the invitation for tenders have to be in compliance with the Decree and this Statute.

Article 34

The person appointed for the Director General shall be a Croatian citizen meeting the following conditions and qualifications:

- university degree,
- at least 10 years of working experience,
- at least two years of working experience related to technical work within the scope of accreditation,
- organizing capabilities and work management capabilities,
- active knowledge of the English language,
- ability to work with computers,
- has not been convicted of any offence against life and person, against freedom and rights of humans and citizens, against human dignity and morality, against marriage, family and the youth, against assets nor any offence against the Republic of Croatia.

Article 35

The Director General has a Deputy and one or more Assistants who are appointed and revoked by the Administrative Board at the proposal of the Director General.

The Deputy substitutes the Director General in case the Director General is absent or unable to perform, within the Director General's authorities in compliance with Articles 31 and 32 of this Statute.

The Director General Deputy performs also other duties according to the Director General's orders and authorization

Employees

Article 36

Professional work at HAA is performed by professional associates, advisers and senior advisers appointed on the basis of a public tender.

Professional associate, adviser, and senior adviser can be a selected person with appropriate academic degree in compliance with the Regulations on Internal Organization and Systematization of Workplaces and who meets the conditions of knowing one foreign language and the basics of computer literacy.

Accreditation Council of the Croatian Accreditation Agency

Article 37

The Accreditation Council is advisory body to the Director General that insures impartiality in the HAA operation.

The Accreditation Council is entitled to be informed about the accreditation procedures and has the right to provide opinion and give proposals regarding the respective procedures.

The Accreditation Council has 19 members and they are:

- 4 representatives of the central bodies of government administration proposed by the Minister responsible for Science,
- 4 representatives of the conformity assessment bodies that have been accredited by HAA,
- 4 representatives of industrial associations,
- 3 representatives of the consumers,
- 1 representative of the national standardization body,
- 1 representative of the higher education,
- 1 representative of the legal metrology,
- 1 representative of the scientific metrology.

The members of the Accreditation Council are appointed and revoked by the Administrative Board at the proposal of the Director General. The Accreditation Council members are appointed for a mandate of four years without the right to be reappointed. Should the number of members during this period be reduced for any reason, a new member is appointed for the time left until the expiry of the previous member's mandate.

Article 38

The Accreditation Council is managed by the Accreditation Council President who is appointed by the members from among the members by the majority vote at the first meeting.

The President and the members of the Accreditation Council shall have adequate knowledge about:

- national, European and international accreditation system,
- accreditation criteria,
- requirements on recognizability and credibility of accreditation procedures,
- European and international requirements for the recognition of accreditation procedures and signing of international agreements in the field of accreditation.

The Accreditation Council member may be revoked by the Administrative Board before the expiry of their mandate in case:

- the member personally requests to be revoked,
- the revocation is requested in writing by the body that had proposed the member,
- the member fails to fulfil the duties for more than three months,
- the member loses the capability to perform the duties,
- the member damages by his/her actions the HAA reputation

Article 39

The Accreditation Council participates in:

- development of the accreditation principles,
- maintaining the integrity of the decision-making process about the granting of the first accreditation, maintenance of accreditation, expansion or reduction of the scope of accreditation, reaccreditation, suspension or withdrawal of accreditation,

- provides advice on matters that affect the confidentiality in accreditation procedures.

The Accreditation Council gives proposals on appointments of the members of the Appeal Committee regarding solution of appeals.

The Croatian Accreditation Agency Appeal Committee

Article 40

The Appeal Committee is an impartial and independent body that makes decisions regarding appeals of the accredited bodies and bodies in the process of accreditation, and with regard to the accreditation procedure, granting of accreditation, expansion or reduction of the scope of accreditation as well as suspension or withdrawal of accreditation.

The Appeal Committee has a President and two members appointed by the Director General at the proposal of the Accreditation Council depending on the contents of the appeal to be solved.

V. STATUTE AND OTHER BY-LAWS

Article 41

The HAA by-laws include the Statute, regulations, and other by-laws brought by the HAA bodies within the scope of their activities.

The by-laws which define the structure and operation of HAA, procedures and criteria for accreditation shall be in line with the respective national, European and international standards as well as with the documents of the European and international accreditation organizations.

Article 42

The Statute amendments may be proposed by the Administrative Board and the Director General.

VI. THE CROATIAN ACCREDITATION AGENCY ASSETS AND LIABILITIES

Article 43

HAA operating means include the following:

1. funds from the budget,
2. funds realized by HAA provision of services,
3. funds from other sources according to the regulations,
4. immovable and movable assets taken over from the State Office for Metrology.

Article 44

HAA realizes the funds from the budget of the Republic of Croatia, on the basis of the approved annual work programme.

Article 45

HAA is answerable for its liabilities by its entire assets.

The Republic of Croatia has joint and several, as well as unlimited liability for HAA obligations.

Article 46

HAA does not perform the activities with the aim of making profit.

Should HAA make profit as result of its activities, the profit shall be used exclusively for carrying out and further development of HAA activities.

Should HAA incur loss as result of its activities, the decision on the method of covering the loss is made by the Croatian Government.

VII. OPENNESS TO PUBLIC AND CONFIDENTIALITY

Article 47

The work of HAA is open to public. All the information about the HAA activities shall be available to the public, except for those documents and data that have been proclaimed confidential in compliance with the accreditation rules and the Law.

Article 48

Confidential refers to all the documents and data that HAA acquires by performing the activities related to accreditation, except for the general data about the accredited body and the scope of granted accreditation. Confidential data shall not be made available to the third parties without written consent of the HAA service user, unless there is a legally stipulated obligation to publish such data.

Apart from the data mentioned in Paragraph 1 of this Article, the documents and the data that have been proclaimed state, military, business, professional or other secret are also considered confidential.

Confidentiality can be defined by law, acts and by-laws of HAA and contracts.

Employees and associates of HAA are obliged to insure the confidentiality of data acquired during their work. Breaching confidentiality of such documents and data by releasing information to unauthorized parties represents for the HAA employees serious violation of responsibilities, i.e. for the associates a reason for terminating the contract.

VIII. SUPERVISION OF THE CROATIAN ACCREDITATION AGENCY OPERATION

Article 49

The legality of HAA actions is supervised by the Ministry responsible for Scientific Affairs.

IX. TRANSITIONAL AND CONCLUDING PROVISIONS

Article 50

The by-laws defined by this Statute shall be passed by the HAA Administrative Board within 90 days from the day this Statute comes into force.

Until the by-laws mentioned in Paragraph 1 of this Article are passed, the by-laws of the State Office for Metrology shall be adequately applied.

Article 51

On the day of starting to operate, HAA takes over the activities of the State Office for Metrology related to accreditation, material assets and equipment intended for carrying out the activities related to accreditation in compliance with the special Study on Separation from Article 18 of the Decree and the employees of the Department of Accreditation of the State Office for Metrology.

Article 52

This Statute is brought by the approval of the Croatian Government and comes into force upon the eighth day after having been published on the HAA bulletin board.

Class: 024-03/05-01/01
Reg.No.: 558-04/1-05-10
Zagreb, 14 June 2005

President of the
Croatian Accreditation Agency Administrative Board

Prof. Juraj Božičević, D.Sc.

By the Decision No.: Class: 023-03/05-02/10, Reg. No.: 5030108-05-1 of 15 June 2005 the Croatian Government has approved this Statute. The Statute has been published on the bulletin board on 16 June 2005 and came into force on 24 June 2005.