

Pursuant to Article 7, paragraph 2 of the Law on Accreditation (“Official Gazette of the RS”, No. 73/10) and Article 43, paragraph 1 of the Law on Government (“Official Gazette of the RS” Nos. 55/05 and 71/05 – corrigendum, 101/07 and 65/08),

the Government shall enact the

DECISION ON AMENDMENTS OF THE ACT ON ESTABLISHMENT OF THE ACCREDITATION BOARD OF SERBIA

(Official Gazette of the RS, No. 14/11)

The master document entered into force on 24/02/2011 and its application started on 24/02/2011

I. BASIC PROVISIONS

Article 1

The Accreditation Body of Serbia, as a national accreditation body in the Republic of Serbia, shall be organised as an institution and shall perform its activities in accordance with regulations governing the legal status of public services.

Article 2

The Accreditation Body of Serbia was established by means of the Act on Establishment of the Accreditation Board of Serbia (“Official Gazette of the RS”, No. 96/06) and on 8th December 2006 was entered in the Court Register of the Commercial Court in Belgrade, reference No. 5-978-00.

Article 3

- (1) The Accreditation Body of Serbia (hereinafter referred to as: ATS) shall have legal personality.
- (2) Rights, obligations and responsibilities of the ATS shall be stipulated by the law, this Decision and the Statute.
- (3) The ATS has all of its assets as a guarantee in case of all the duties arising from legal relations with third parties.
- (4) ATS shall be entered in the Court Register.

II. NAME AND HEAD OFFICE OF THE ACCREDITATION BODY

Article 4

- (1) Full name of the ATS is: Akreditaciono telo Srbije.
- (2) Abbreviated name of the Accreditation Body of Serbia is: ATS.
- (3) When having legal relations with foreign entities the ATS may use, in addition to the Serbian version of its name, the English version of its name: "Accreditation Body of Serbia".
- (4) The ATS Head Office is located in Belgrade, 2 Mihaila Pupina, New Belgrade.

III. SEAL AND STAMP

Article 5

- (1) The ATS has a big and a small seal and these are circular in shape and edged with a wide outer circular line and with a thin inner circular line. In the middle part of the said seals are small coats of arms of the Republic of Serbia with the following text imprinted as the first line: *Accreditation Body of Serbia*, while the second line contains the following text: *Republic of Serbia, Belgrade*.
- (2) Texts on the big and small seals are written in Serbian, in Cyrillic letters.
- (3) The ordinal number of the seal written in Roman numerals is below the coat of arms and in the middle of the small seal.
- (4) The big seal is 32 mm in diameter, while the small one is 22 mm in diameter.

Article 6

- (1) The ATS stamp is rectangular in shape the dimensions of which are 60 x 30 mm. It contains the full name of the ATS and columns to enter the date of incoming mail and filling number of the document.
- (2) Text on the stamp is written in Serbian language, in Cyrillic letters.

Article 7

Number of seals and stamps, manner of their use and storage, and number of persons in charge of their handling shall be stipulated in detail by the Statute and document adopted by the Director.

Article 8

- (1) The ATS has a symbol that it uses for its own identification and it is the intellectual property of the ATS.
- (2) In addition to the accreditation certificate the ATS awards the accreditation symbol to conformity assessment bodies that use it to indicate their accredited status.

IV. FOUNDER OF THE ATS

Article 9

Founder of the ATS is the Republic of Serbia, whereas the Government of the Republic of Serbia (hereinafter referred to as: Founder), Belgrade, 11 Nemanjina Street, can, under legal powers, exercise rights of the Republic of Serbia.

Article 10

- (1) Assets used by the ATS when performing its activities are state owned.
- (2) The Founder shall provide facilities needed for the operation of the ATS, resources and equipment as laid down in the law.
- (3) The ATS shall manage the assets referred to in paragraph 2 of this Article in accordance with the Law and this Decision.

V. SCOPE OF THE ATS

Article 11

(1) Accreditation Board shall:

- 1) determine the competence of conformity assessment bodies to perform testing, calibration, inspection, product certification, management system certification, and certification of personnel;
- 2) determine the competence to perform other conformity assessment activities in accordance with the specific law;
- 3) develop and publish the Rules of Accreditation that are based on relevant Serbian, international and European standards and documents of international and European organisations for accreditation;
- 4) keep the public Register of Accredited Conformity Assessment Bodies;
- 5) participate in the work of international and European organisations for accreditation;

6) perform other activities in the field of accreditation in accordance with the law, this Decision and the Statute.

(2) Content and manner of keeping the Register referred to in paragraph 1, point 4) of this Article shall be stipulated in detail by the document adopted by the Director.

(3) The ATS shall not perform profit-making activities.

VI FINANCING OF THE ATS

Article 12

(1) 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 as stipulated by the law.

(2) The financial resources referred to in paragraph 1, point 1) shall mean revenues made by providing services in accordance with the Charging Policy Document.

(3) Financial resources from other sources shall mean other revenues made in accordance with the law.

(4) The ATS cannot accept gifts (donations) from those using the services thereof.

(5) The financial resources intended for membership fees to be paid by the ATS to join international and European organisations for accreditation shall be provided from the budget of the Republic of Serbia as stipulated in the Work Programme.

Article 13

(1) The amount of financial resources necessary for the operation of the ATS to be provided from the budget of the Republic of Serbia shall be determined on the basis of anticipated income to be made by charging accreditation fees, and anticipated income from other resources.

(2) The Work Programme that is for each calendar year adopted by the ATS and then submitted to the ministry in charge of accreditation affairs (hereinafter referred to as: Ministry) shall also contain the financial plan.

(3) The Founder shall give its approval to the Work Programme, and to its amendments.

VII. ATS STRUCTURE

Article 14

Bodies of the ATS are as follows: Management Board, Director and Supervisory Board.

Management Board

Article 15

- (1) The Management Board shall define the ATS policy and monitor its implementation.
- (2) The Management Board is composed of a Chairperson and four members.
- (3) The Chairperson and members are appointed and formally recognised by the Founder.
- (4) Two members of the Management Board are appointed by the Founder.
- (5) Two members of the Management Board are proposed by the association of accredited conformity assessment bodies from accredited conformity assessment bodies.
- (6) One member of the Management Board is proposed from the ATS members of the staff.
- (7) Chairperson and members of the Management Board shall hold university degrees have and experience in the field of accreditation and/or conformity assessment.
- (8) Manner of proposing members of the Management Board from the ATS members of the staff shall be stipulated in detail by the Statute.

Article 16

- (1) The Management Board shall:

- 1) pass the Statute;
 - 2) pass the Work Programme that includes the Financial Plan;
 - 3) adopt the Financial Report;
 - 4) adopt the ATS Annual Report;
 - 5) make decisions on the use of assets as stipulated by the law;
 - 6) make decisions on how to dispose of assets having greater values;
 - 7) make decisions on accreditation fee rates;
 - 8) determine the amount of the Director's earnings;
 - 9) adopt a general act on criteria for payroll accounts, remuneration rates and other sources of employees' income;
 - 10) give its consent to the act on internal organisation and functional titles and job descriptions;
 - 11) appoint and replace the Chairperson and members of the Accreditation Council;
 - 12) make decision on the establishment of the Appeals Committee;
 - 13) make decision on remuneration rates for the Chairpersons and members of the Management and Supervisory Boards in accordance with the acts adopted by the Government;
 - 14) carry out other activities in accordance with the law, this Decision and the Statute.
- (2) The acts referred to in paragraph 1, points 1), 2), 3) and 7) of this Article shall be adopted by the Management Board if approved by the Founder, while the act referred to in paragraph 1, point 6) of this Article shall be adopted if an approval had previously been given by the Founder.
 - (3) The Charging Policy Document shall be published in the "Official Gazette of the Republic of Serbia".

Article 17

- (1) Mandate of the Chairperson and members of the Management Board lasts for four years with the possibility of reappointment.
- (2) In case when the mandate of a member of the Management Board ceases before the expiry of the mandate he/she was given, the new member shall be appointed and the mandate shall last until the expiry of the mandate of the member he/she replaced.
- (3) The decisions shall be agreed by majority voting of the Management Board members.
- (4) Mode of operation and decision-making of the Management Board shall be stipulated in detail in the Statute and Rules of Procedure of the Management Board.

Article 18

- (1) Chairperson and members of the Management Board are entitled to receive remuneration for participating in the Management Board sessions.
- (2) The remuneration rate referred to in paragraph 1 of this Article shall be determined by the Management Board by means of a special decision unless otherwise stipulated in a document adopted by the Government.
- (3) Criteria for determining the remuneration rate for the Chairperson and members of the Management Board and the mode of payment thereof shall be stipulated in detail by the Statute.

Director

Article 19

- (1) The Director shall manage the operation of the ATS and shall be responsible for the legitimacy of the work and technical activities of the ATS.
- (2) The Director shall be accountable to the Management Board.
- (3) The Director is appointed and replaced by the Founder at the proposal of the Management Board.
- (4) The Management Board shall propose a candidate for the ATS Director on the basis of an advertised vacancy.
- (5) The advertised vacancy shall be managed by the Management Board.
- (6) The Director shall have a university degree, experience in performing accreditation related activities and experience in performing managerial activities.
- (7) The appointment shall be for five years with the possibility of reappointment.
- (8) The Director cannot be a member of the Management Board or Supervisory Board.
- (9) The Director cannot be a member of the Management Board or member of the Supervisory Board of an accredited conformity assessment body or applicant for accreditation.
- (10) Mode of selection of the Director, and requirements to be met by a candidate for the Director shall be stipulated in detail in the Statute.

Article 20

The Director shall:

- 1) represent and act on behalf of the ATS;
- 2) organise and manage the operation of the ATS;
- 3) provide the legality of the operation of the ATS and its technical activities;
- 4) supervise the use of assets;
- 5) exercise and implement decisions made by the Management Board;
- 6) propose the acts to be reviewed and adopted by the Management Board;
- 7) pass the act related to organisation, functional titles and job descriptions with the consent of the Management Board;
- 8) make decisions related to the operation of the ATS other than those to be made by the Management Board;
- 9) pass individual acts;
- 10) make decisions on the rights and duties of the ATS members of the staff as stipulated by the law;
- 11) perform other activities in accordance with the law, this Decision and the Statute.

Article 21

- (1) The ATS Director represents and acts on behalf of the ATS.
- (2) In Director's absence or any hindrance, the Deputy Director shall represent the ATS and act on its behalf.
- (3) The Director may authorise one of the ATS employees or any other person to represent the ATS or acts on its behalf in case of certain legal affairs or actions before court or other bodies, whereas the written authorisation shall specify the scope of vested powers.

Supervisory Board

Article 22

The Supervisory Board is a body conducting surveillance into the legitimacy of the work and financial activities of the ATS and is accountable to the Management Board as stipulated by the law, this Decision and the Statute.

Article 23

- (1) The Supervisory Board is composed of a Chairperson and two members.
- (2) The Chairperson and members of the Supervisory Board are appointed and replaced by the Founder.
- (3) One of the members of the Supervisory Board is proposed by the Ministry.
- (4) One of the members of the Supervisory Board is proposed by the association of accredited conformity assessment bodies from accredited conformity assessment bodies.
- (5) One of the members of the Supervisory Board is proposed from the ATS members of the staff.

- (6) Manner of proposing members of the Supervisory Board from the ATS members of the staff shall be stipulated in detail by the Statute.
- (7) The appointment of the Chairperson and members of the Supervisory Board will be for four years with the possibility of reappointment.
- (8) In case when the mandate of a member of the Supervisory Board ceases before the expiry of the mandate he/she was given, the new member shall be appointed and the mandate shall last until the expiry of the mandate of the member he/she replaced

Article 24

The Supervisory Board shall:

- 1) conduct surveillance into the legitimacy of the work of ATS bodies;
- 2) control authenticity and completeness of the Report on Work Programme Implementation;
- 3) control authenticity and completeness of the Financial Report;
- 4) perform other activities as stipulated by the law, this Act and the Statute.

Article 25

- (1) The Supervisory Board works and makes decisions during sessions.
- (2) Sessions of the Supervisory Board are summoned when necessary, i.e. at least twice a year.
- (3) The Supervisory Board shall adopt decisions by means of an open ballot, with at least two votes for the motion.
- (4) Sessions of the Supervisory Board are summoned and chaired by the Chairperson of the Supervisory Board.
- (5) The work of the Supervisory Board and its decision-making procedure shall be stipulated in detail in the Statute Rules of Procedure of the Supervisory Board.

Article 26

The Supervisory Board shall report to the Founder at least once a year in order to inform it about the performed surveillance into the legitimacy of the work of ATS bodies, financial activities and other issues of importance to the operation of the ATS.

Article 27

- (1) Chairperson and members of the Supervisory Board are entitled to remuneration for their work.
- (2) The remuneration rate referred to in paragraph 1 of this Article shall be defined by the Management Board by means of a special decision unless otherwise stipulated by the act adopted by the Government.
- (3) Criteria for determining the remuneration rate for the Chairperson and members of the Supervisory Board and the mode of payment thereof shall be stipulated in detail by the Statute

VIII. TECHNICAL BODIES

Accreditation Council

Article 28

(1) The Accreditation Council (hereinafter referred to as: Accreditation Council) is a technical advisory body of the ATS.

(2) The Accreditation Council is composed of a Chairperson and ten members that are appointed and replaced by the Management Board.

(3) Renowned experts and scientists from fields relevant to the performance of activities falling within the competences of the ATS are chosen to become the members of the Council, as representatives of the interested parties.

(4) The Management Board shall first identify the parties interested in accreditation, and define the criteria for the selection of the Council members.

(5) The following are identified as interested parties:

- 1) public administration bodies and holders of public authorisations;
- 2) faculties and institutes;
- 3) companies, entrepreneurs, chambers, etc.;
- 4) consumer organisations;
- 5) manufacturers organisations;
- 6) accredited conformity assessment bodies;

(6) Mode of selection of the Council members, operation and decision-making of the Council shall be stipulated in detail in the Statute and Rules of Procedure of the Council.

Article 29

The Council shall:

- 1) provide opinion as regards the development of accreditation system in the Republic of Serbia;
- 2) take initiatives to extend the scope of the ATS activities, i.e. to establish new accreditation schemes;
- 3) provide opinions as regards the application of accreditation standard requirements in certain areas;
- 4) take initiatives for the establishment of standing or temporary technical committees as work bodies for certain areas of accreditation and identify parties to participate therein;
- 5) adopt rules and criteria for the appointment and operation of technical committees;
- 6) determine tasks of the technical committees;
- 7) take stands on other technical issues as per the request of the Management Board.

Technical Committees

Article 30

- (1) Technical committees are technical bodies providing expertise in case of certain types of accreditation.
- (2) Technical committees as standing or temporary bodies are established by the Director as per the proposal of the Council.

Article 31

- (1) Standing technical committees are established for certain types of accreditation.
- (2) If need be, temporary technical committees shall be established to deal with specific and technical issues falling within certain areas of accreditation.
- (3) If need be, standing technical committees can be also established for certain areas of accreditation.

Article 32

- (1) Members of standing or temporary technical committees are competent experts in certain areas of accreditation or conformity assessment and they are familiar with national, international and European standards, and legislation governing accreditation and conformity assessment.
- (2) The following interested parties participate in the work of technical committees:
 - 1) public administration bodies and holders of public authorisations;
 - 2) faculties and institutes;
 - 3) accredited conformity assessment bodies;
 - 4) companies, entrepreneurs, chambers, etc.

Article 33

Standing technical committees shall be established for the following types of accreditation:

- 1) laboratory technical committee;
- 2) inspection body technical committee;
- 3) certification body technical committees.

Article 34

- (1) Task of the technical committees is to:
 - 1) provide opinions on the implementation of requirements and documents of international organisations for certain types and areas of conformity assessment and accreditation;

- 2) provide opinions on proposed EA, ILAC/IAF documents;
 - 3) provide assistance to the ATS in extension of the scope of its activities;
 - 4) participate in defining criteria for assessor competence in case of certain areas of conformity assessment;
 - 5) identify potential assessors;
 - 6) provide assistance to the ATS as regards recognition of inter-laboratory comparison schemes and other schemes.
- (2) Mode of selection of the members of the technical committees and operation and decision-making process thereof shall be stipulated in detail in the Statute and ATS general documents.

Appeals Committee

Article 35

- (1) The ATS shall deal with appeals made during accreditation process.
- (2) The Appeals Committee (hereinafter referred to as: Committee) shall make decisions on the appeals referred to in paragraph 1 of this Article with 30 days after the appeal has been filed.
- (3) The Committee shall be established by the Management Board.

Article 36

- (1) The Committee is composed of a Chairperson and six members.
- (2) A representative of the Ministry shall be appointed as the Chairperson of the Committee.
- (3) Members of the Committee shall be appointed as per the type of accreditation from experts in different conformity assessment areas:
 - 1) two members from laboratory experts;
 - 2) two members from inspection body experts;
 - 3) two members from certification body experts.
- (4) Chairperson of the Committee shall have university degree in law and 10 years of work experience.
- (5) Members of the Committee shall have university degree and at least 5 years of work experience in accreditation activities.
- (6) The Director and members of the Management Board cannot be members of the Committee.
- (7) Its mandate lasts for four years.

Article 37

- (1) Chairperson of the Committee shall appoint two members of the Committee so that they can review the appeal together in order to safeguard independence, impartiality and objectivity.
- (2) The members of the Committee referred to in paragraph 1 of this Article cannot have any business interests or be directly or indirectly involved in or connected to activities that are subject of the appeal.
- (3) The decision of Committee shall be final, whereas an administrative dispute can be brought against it.
- (4) Mode of selection of the members of the Committee and operation thereof shall be stipulated in detail in the Statute.

IX. GENERAL DOCUMENTS

Article 38

- 1) The Statute is the paramount general document of the ATS.
- (2) Amendments of the Statute and other general documents shall be made in line with the procedure and manner prescribed for its adoption.
- (3) The Statute shall be gazetted in the “Official Gazette of the Republic of Serbia”.

Article 39

Other general documents such as guidelines, regulations, manuals, other documents and decisions governing issues of importance to the operation of the ATS governing certain issues related to the operation of the ATS are adopted at the ATS in accordance with the Law, this Decision and the Statute.

X. OPERATIONAL TRANSPARENCY

Article 40

- (1) Activities of the ATS shall be transparent.
- (2) Operational transparency shall be enabled by publishing information and data on the operation of the ATS in an official gazette, special publications, ATS internet presentation, and by providing information and data on the operation of the ATS to the media.
- (3) The ATS Director, i.e. a person he/she appoints by means of a written approval, is held responsible for the provision of information and data on the operation of the ATS to the media.

IX. PROVISIONAL AND FINAL PROVISIONS

Article 41

The ATS employees will continue engagement with the ATS, while they will exercise their rights and duties in accordance with the law and the ATS general documents.

Article 42

(1) The existing bodies of the Accreditation Body of Serbia will continue to perform their activities as the ATS bodies until the expiry of the mandate they were given, i.e. until the appointment of the ATS bodies as stipulated in the law and this Decision.

(2) Technical bodies shall continue to perform their activities until the establishment of the new technical bodies as stipulated in the law and this Decision.

Article 43

The ATS shall harmonise its general documents within one year from the date of entry in the Court Register.

Article 44

The Director of the Accreditation Body of Serbia, Dejan Krnjaić, personal identification number 0204964710052, from Belgrade, 4 Palmira Toljatija Street, shall have this Decision verified by the court in accordance with the law.

Article 45

This Decision shall be gazetted in the “Official Gazette of the Republic of Serbia”.

05 No. 02-818/2011-2

In Belgrade, 24th February 2011

Government

Deputy First Minister – Deputy Prime Minister,
Ivica Dačić, personal signature

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