

# **Decision establishing the BiH Institute for Accreditation**

**In the exercise** of the powers vested in me by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Art. II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall “Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

**Recalling** paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre, regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement, in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) “measures to ensure the implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

**Considering** the seriousness of the problems faced by Bosnia and Herzegovina arising out of the absence of legislation in the field of standardisation, and in particular the difficulties facing producers wishing to export their products to markets within the European Union;

**Noting** that the European Union “Road Map” for Bosnia and Herzegovina recommends the establishment of a single Bosnia and Herzegovina Institute for Standards;

**Noting further** that in the Annex to the Declaration of the Peace Implementation Council which met in Brussels on 23 and 24 May 2000 it was stated that the authorities of Bosnia and Herzegovina should act promptly as to the adoption of a Law on Standardisation, including the creation of a Bosnia and Herzegovina Institute for Standards aimed at strengthening the whole system of standardisation in Bosnia and Herzegovina of which the Law Establishing the Institute for Accreditation of Bosnia and Herzegovina hereinafter set out is an inseparable and logical part;

All this considered, borne in mind and noted, I hereby issue the following Decision which shall enter into force with immediate effect on an interim basis, until such time as the Parliamentary Assembly of Bosnia and Herzegovina adopts this Law in due form, without amendments and with no conditions attached.

## **DECISION**

### **ON THE LAW ESTABLISHING THE INSTITUTE FOR ACCREDITATION OF BOSNIA AND HERZEGOVINA**

#### **I - BASIC PROVISIONS**

##### **Article 1**

1. This Law establishes the Institute for Accreditation of Bosnia and Herzegovina (hereinafter referred to as the BATA) as an independent institution and a body of the state administration for the operation of the Accreditation System of Bosnia and Herzegovina; it defines its position, competency, authorities and other issues relevant for the organisation, functioning and the operation of BATA.

##### **Article 2**

1. The BATA performs, within the framework defined by Law, administrative and other expert tasks within the limits of rights and duties of the state of Bosnia and Herzegovina, unless such tasks have been assigned to other state bodies, and unless other organisations and associations have been entrusted with such tasks by virtue of Law.

2. The BATA conducts supervision of the implementation of the Law and other regulations falling under the authority of the BATA in the territory of Bosnia and Herzegovina, unless otherwise provided for in another

regulation.

3. Through the BATA, Bosnia and Herzegovina fulfils co-operation with corresponding European and international institutions and similar national institutions. Co-operation with European and international institutions is accomplished through membership.

### **Article 3**

1. The BATA has the status of a legal person.

2. The seat of the BATA is in Sarajevo.

3. Branches of the BATA shall be established in both Entities by the Regulations on the Internal Organisation, and shall perform the following tasks:

- offer information to the end users with regard to the Accreditation System of Bosnia and Herzegovina,
- promote the position and role of accreditation in conformity with assessment systems,
- gather data on experts in certain areas of accreditation in the entities, with the aim of their further education and preparation for the work in the Accreditation System of Bosnia and Herzegovina,
- participate in the organisation of seminars from the field of accreditation for applicants for accreditation interested in it,
- gather information on the work of accredited bodies in the Entity from third parties.

### **Article 4**

1. The BATA ensures equal status to all parties in accordance with Law.

### **Article 5**

1. The BATA has a seal, made in accordance with the regulations of Bosnia and Herzegovina.

2. The name of the BATA and the State Coat of Arms shall be indicated on the building in which the BATA is located.

3. The name of the BATA shall be written in the Bosnian language, the Croatian language and in the Serbian language in Latin and Cyrillic alphabets.

### **Article 6**

1. The languages that are officially used in Bosnia and Herzegovina are used in the BATA on an equal basis.

2. Other languages, which are not in official use, may also be used in proceedings before the BATA.

## **II - COMPETENCIES of the BATA**

### **Article 7**

1. The competencies of the BATA are:

- a. In the field of accreditation: to develop, implement and maintain the Accreditation System of Bosnia and Herzegovina, to carry out accreditation procedure and supervision of the conformity assessment bodies, to represent Bosnia and Herzegovina in European and international organisations for accreditation and to organise and operate specialist training of personnel from the field of accreditation, to develop and establish a system of information on granted accreditation and on documents from the field of accreditation.
- b. to perform other administrative and expert tasks within its jurisdiction.

### **III - INTERNAL ORGANISATION**

#### **Article 8**

1. Internal organisation of the BATA is defined by Regulations on Internal Organisation, which shall be issued by the Director of the BATA with the consent of the Council of Ministers of Bosnia and Herzegovina.
2. The Director of the BATA defines the organisational structure of the BATA and the scope of work of its individual parts by Regulations on Internal Organisation.

### **IV - AUTHORITIES, OBLIGATIONS AND RESPONSIBILITIES OF THE DIRECTOR OF THE BATA AND OTHER EXECUTIVE OFFICERS**

#### **Article 9**

1. The Director of the BATA manages the BATA.
2. The Director of the BATA:
  - a. represents the BATA and acts for it,
  - b. organises and ensures lawful and efficient performance of tasks,
  - c. issues regulations when authorised to do so by the Law of Bosnia and Herzegovina
  - d. issues other acts which he is authorised to issue,
  - e. undertakes other measures from the jurisdiction of the BATA,
  - f. decides in accordance with the Law of Bosnia and Herzegovina on the rights, obligations and responsibilities of the officers in performance of their service,
  - g. is responsible for the development and implementation of the policies of the BATA and for supervision, operation and managing of the daily activities of the BATA;
  - h. ensures that the policies of the BATA are harmonised with those given in applicable international standards and guidance for the operation of accreditation bodies,
  - i. issues tariff of charges for the services BATA provides to third parties.
3. The Director of the BATA is appointed and relieved of duty in accordance with Law.

#### **Article 10**

1. The Director of the BATA has one Deputy Director who replaces him when he is not able to carry out his duties.
2. The Director and Deputy Director of the Accreditation Institute shall be appointed by the Council of Ministers and shall be from different Entities unless otherwise provided by Law.
3. The Regulations on Internal Organisation define the working positions of executive officers, their tasks and the competencies they have in the performance of their service.

### **V - FUNDS FOR THE FINANCING OF BATA**

#### **Article 11**

1. On the proposal of the Council of Ministers, the Parliamentary Assembly of Bosnia and Herzegovina defines the funds for the work of the BATA, including its branches.
2. Funds for the work of the BATA and its branches include: funds for salaries, funds for material expenses, funds for equipment, funds for the development of the Accreditation System of Bosnia and Herzegovina and funds for special purposes.
3. The BATA is financed from:
  - a) the funds provided by offering services from its field of activity,
  - b) the participation from the budget of Bosnia and Herzegovina.

4. Funds from the budget are procured in accordance with the Law on Budget and the Law on the Execution of the Budget.

## **Article 12**

1. The Director of the BATA is in charge of giving orders for the preparation of the preliminary estimate of the budget funds and execution of the financial plan of the BATA.

## **VI - TRANSITIONAL AND FINAL PROVISIONS**

## **Article 13**

1. The Sector for Accreditation of the Institute for Standardisation, Metrology and Patents of Bosnia and Herzegovina, established by the Law on Administration and Administrative Organisations of Bosnia and Herzegovina, ("Official Gazette of the Republic of Bosnia and Herzegovina" No. 17/96) shall cease its operation as of the day of entry into force of this Law.

2. The BATA shall take over the tasks of the Sector for Accreditation referred to in paragraph 1, and shall take over and allocate the officers employed on the tasks that were taken over on the day of entry into force of this Law.

## **Article 14**

1. The founder (namely the fund provider referred to under article 11.1 hereof) shall provide required premises, material means and equipment for the work of BATA in accordance with the current needs and planned development of the Accreditation System of Bosnia and Herzegovina.

2. One part of the equipment and material means referred to in paragraph 1 shall be provided by the said founder through transfer to the BATA of ownership of the material, means and equipment of the Institute for Standardisation, Metrology and Patents of Bosnia and Herzegovina intended for the carrying out of tasks in the field of accreditation.

3. With the aim of rationalisation of personnel and material means, in the period of two years starting from the day of passing of this Law, the BATA and the Institute for Standards, Metrology and Intellectual Property of Bosnia and Herzegovina shall form joint offices for general and legal activities, financial tasks and information and publishing activity. Organisation and operation of these offices shall be defined in the identical way in the Regulations on Internal Organisation of both institutions.

## **Article 15**

1. The Director of the BATA shall, within 60 days from the entry into force of this Law, issue Regulations on Internal Organisation.

2. The allocation of the officers to appropriate tasks and duties in the BATA shall be performed in accordance with Regulations referred to in paragraph 1 of this Article.

## **Article 16**

1. The position of Deputy Director for Accreditation of the Institute for Standardisation, Metrology and Patents of Bosnia and Herzegovina shall be put at disposal of the authorities on the day of entry into force of this Law.

2. The Deputy Director for Accreditation of the Institute for Standardisation, Metrology and Patents of Bosnia and Herzegovina and other executive personnel of the Accreditation Sector shall continue to act on their competencies until re-elected or relieved of duty pursuant to a regular legal procedure.

3. The rights of executive personnel whose position are put at disposal of the authorities shall be dealt with in accordance with the Law and The Regulations on Working Relations of the Institute for Standardisation, Metrology and Patents of Bosnia and Herzegovina.

## **Article 17**

1. This Law shall be published without delay in the Official Gazette of Bosnia and Herzegovina and shall enter into

force on the eighth day following the date of such publication.

2. This Law shall likewise be published without delay in the Official Gazettes of the Federation of Bosnia and Herzegovina and of the Republika Srpska.

Sarajevo, 12 November 2000

Wolfgang Petritsch  
High Representative

**Office of the High Representative**