

Decision establishing the BiH Law on Accreditation, introducing EU standards

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 on Accreditation 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 LAW ON ACCREDITATION OF BOSNIA AND HERZEGOVINA

I. SCOPE OF THE LAW

Article 1

1. This Law defines the policy and the Accreditation System of Bosnia and Herzegovina and preconditions for the accreditation of testing and calibration laboratories, certification bodies and inspection bodies. The Law is harmonised with European and international practice in the field of accreditation.

Article 2

1. The Following bodies for conformity assessment may be accredited within the Accreditation System of Bosnia and Herzegovina:

- a) testing laboratories;
- b) calibration laboratories;
- c) bodies performing certification of products;
- d) bodies performing certification of quality systems;
- e) bodies performing certification of environment management systems;
- f) bodies performing certification of personnel
- g) inspection bodies.

II. TERMS AND DEFINITIONS

Article 3

1. Terms used in this Law shall have the following meanings:

- a. **“accreditation system”** is a system having its own rules of procedures and management of the implementation of accreditation;
- b. **“accreditation”** is an expert procedure by which a formal recognition of competency for performing specific tasks in the field of conformity assessment is given through granted accreditation;
- c. **“accreditation body”** is a body running and managing the accreditation system and granting accreditations;
- d. **“accreditation”** is a document on the basis of which competency for performing specific tasks in the field of conformity assessment is proved;
- e. **“conformity assessment”** is any activity through which it is directly or indirectly determined whether relevant requirements are fulfilled;
- f. **“conformity assessment body”** is a supplier-independent laboratory, certification body, inspection body or any other body involved in the conformity assessment procedure, which can be a state authority or a legal or physical entity,
- g. **“appointing conformity assessment bodies”** means their appointment (authorisation) by the competent Minister for performing specific conformity assessment procedures in accordance with regulations.

III. THE POLICY OF BOSNIA AND HERZEGOVINA IN THE FIELD OF ACCREDITATION AND ITS BASIC PRINCIPLES

Article 4

1. The policy of the state of Bosnia and Herzegovina in the field of accreditation is:

- a. to develop an accreditation model harmonised with European and international practice;
- b. to improve the position of participants of the BiH economy in the market, that is, to become partners to consumers, suppliers and other economic operators in Bosnia and Herzegovina and abroad;
- c. to remove unnecessary barriers to trade and make the repetition of testing and certification of products and services unnecessary;
- d. to make it possible for the conformity assessment bodies to prove their competency and be recognised, that is, to create preconditions for the conclusion of bilateral and multilateral agreements on co-operation and mutual recognition;
- e. to encourage and achieve the international recognition of competency of organisations providing services of calibration, testing, inspection and certification;
- f. to improve the appreciation and the level of testing, calibration, inspection and certification in order to meet the needs of all users;
- g. to provide conformity assessment services with the aim of supporting the implementation of regulations;
- h. to ensure an international level of accreditations in order to build the necessary confidence in the Accreditation System of Bosnia and Herzegovina;
- i. to create and maintain mutual recognition with foreign accreditation bodies operating in accordance with the same standards.

Article 5

1. The operation of the Accreditation System of Bosnia and Herzegovina is based on the following principles:

- a. transparency and availability to the public;
- b. professional competency;
- c. representation of general interests;
- d. voluntary nature of entering the accreditation;
- e. independence from possible supremacy of any individual interest;
- f. ensured participation of public administrative bodies;
- g. protection of business secrets;
- h. conformity with the rules of accreditation procedures in Europe and at the international level.

IV. ORGANISATION OPERATING THE ACCREDITATION SYSTEM OF BOSNIA AND HERZEGOVINA

Article 6

1. The Accreditation system of Bosnia and Herzegovina is exclusively operated by the Institute for Accreditation of Bosnia and Herzegovina, (hereinafter referred to as BATA), playing the role of the BiH accreditation body.

2. BATA is a body of general interest, whose authorities are determined by the Law on Establishing the Institute for Accreditation of Bosnia and Herzegovina. BATA operates in accordance with this Law and other regulations applicable to administrative organisations.

3. As a body of general interest, BATA carries out, with the exclusive right to it, the tasks referred to in Article 6 paragraph 1.a) – 1.e).

4. BATA has the right to use the Coat of Arms of Bosnia and Herzegovina, the mark of the BiH accreditation on markings and documents, and to delegate this right to accredited bodies, in accordance with prescribed regulations, in order to allow them to indicate their accredited status.

V. BATA TASKS

Article 7

1. The main tasks of BATA are:

- a. to develop required criteria, procedures and practice in order to harmonise the provision of services in the field of accreditation with international standards and practice;
- b. to conduct accreditation of conformity assessment bodies, i.e. testing and calibration laboratories, certification bodies for certification of products, services, quality systems and personnel, and of the inspection bodies performing inspections and similar activities;
- c. to participate in European and international accreditation organisations and to represent the interests of Bosnia and Herzegovina therein;
- d. to initiate and conclude bilateral and multilateral agreements on co-operation and mutual recognition in the field of accreditation;
- e. to co-operate with the institution which has the authority over the establishment and maintenance of the metrology system in Bosnia and Herzegovina with the aim of accomplishing the traceability of measurement and calibration against the International system of measuring units;
- f. to organise education from the field of accreditation for the needs of development of the Accreditation System in Bosnia and Herzegovina, and to participate in defining the requirements concerning the contents of education for the accreditation field, within the general educational system;
- g. to offer advice to the State administration in the field of accreditation and other assessments, or in the field of confirmation of the competency for carrying out conformity assessment procedures;

- h. to carry out other assessments and confirmations of competency of bodies for carrying out conformity assessment procedure, in accordance with particular provisions on conformity assessment.
- i. Within the scope of its activity, BATA also performs other tasks and services for which it is authorised on the basis of general regulations, provided the aim of these activities is not to gain profit.

VI. ORGANISATION AND PREPARATION OF BATA

Article 8

1. The organisation of BATA is defined by the Law on Establishing the Institute for Accreditation of Bosnia and Herzegovina, by this Law, and by Regulations on Internal Organisation, as well as other general acts based on relevant BiH regulations and standards, European and international standards, and documents of European and international accreditation organisations.

2. BATA is managed by a Director whose authorities and responsibilities are defined by the Law on Establishing the Institute for Accreditation of Bosnia and Herzegovina.

3. A Counselling Board is established within BATA. The president, deputy president and members of the Counselling Board are appointed by the Council of Ministers, on the proposal of the Director of BATA, and they have to represent the full scale of interests in the field of accreditation in Bosnia and Herzegovina. The President and Deputy President shall be from different Entities. 1/3 of the members of the Counselling Board shall be the experts from the Republika Srpska, and 2/3 from the Federation of Bosnia and Herzegovina.

4. The Counselling Board shall operate in accordance with applicable Regulations.

5. The main tasks of the Counselling Board of BATA are:

- a. to offer advice with regard to the policy of the development and operation of BATA as provided for by this Law,
- b. to analyse policy matters concerning accreditation, which were initiated by the founders,
- c. to participate in the promotion of accreditation in Bosnia and Herzegovina,
- d. to analyse all other issues concerning accreditation which can be presented to it by the Council of Ministers,
- e. to offer advice to the director of BATA on his request.

Article 9

1. Accreditation is performed on request of the service user.
2. In the course of the accreditation procedure, the competence of the legal and physical entities is determined, where the whole entity or a part of it represents the conformity assessment body, with regard to the requirements of BiH, European and international standards, or of the documents of European and international accreditation bodies.
3. Common issues with regard to granted accreditation and its maintenance are regulated by a contract between the BATA and the service user. BATA is obliged to sign a contract with every legal and physical entity wishing to obtain accreditation. When signing the contract, BATA shall present requirements for obtaining the accreditation and the accreditation procedure to the service user in a clear and unambiguous manner. The contract shall stipulate the rights and obligations of the parties to it, as well as the accreditation procedures in accordance with standards and documents referred to in paragraph 2 of this Article and paragraph 1 of Article 7.
4. BATA shall assess the applicant for accreditation in accordance with established procedures. The Committee for

Accreditation makes the decision on the grant of accreditation.

5. Accreditation is granted for a period of four years. Extension of accreditation upon expiry of validity shall be the subject of a renewed assessment. The accredited body for conformity assessment has to permanently fulfill the requirements for accreditation. Should the accredited body for conformity assessment cease to fulfill these requirements, the accreditation may be completely or partly suspended or revoked.

6. Users of BATA services and third parties shall have the right to file complaints and oppositions with regard to accreditation activities, or with regard to the activity of accredited bodies. Actions upon complaints and oppositions shall be carried out in accordance with the procedure which meets the requirements of BiH, European and international standards, and the documents of European and international accrediting organisations.

VII. THE FINANCING OF BATA

Article 10

1. BATA is a non-profit body. The manner of financing is defined by the Law on Establishing of the Institute for Accreditation of Bosnia and Herzegovina.

VIII. APPLICATION OF ACCREDITATION IN REGULATIONS

Article 11

1. The manner of participation of BATA in the procedure of appointing the bodies for the assessment of conformity with requirements of regulations can be indicated in regulations specifying conformity assessment.

2. Regulations specifying conformity assessment can state that the competency of the body for assessment of conformity with

requirements of regulation shall be assumed on the basis of the accreditation.

3. In the field of mandatory conformity assessment, the body competent for passing applicable regulations shall demand the opinion of BATA concerning preconditions for the appointing of relevant bodies, procedure of appointment and supervision over the appointed bodies.

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 12

1. The Director of BATA, having previously obtained the opinion of the Counselling Board, shall issue applicable By-Laws within six months following the entry into force of this Law.

Article 13

1. The provisions of the Law on Standardisation ("The Official Gazette of RBiH" No. 13/94) referring to accreditation, and By-Laws adopted on the basis of those provisions, are hereby revoked with effect from the date of entry into force of this Law.

2. Accreditation procedures initiated prior to entry into force of this Law shall be governed by current regulations.

3. On the day of entry into force of this Law, bodies accredited in accordance with the EN 45 000 series of standards shall be considered to be accredited bodies to which Article 56 of the Law on Standardisation ("The Official Gazette of RBiH" No. 13/94) applies.

Article 14

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