

The governmental decision of Republic Moldova
about creation of system of accreditation in the field of conformity
assessment of products.
Nr. 1646 from 31.12.2003

In the performance of positions of the law on the conformity assessment of products and with a view of perfection of system of accreditation in the field of conformity assessment of products, the Government **decides:**

1. To form The Council for accreditation.

2. To ratify:

Position about The Council for accreditation according to the appendix 1;

Position about the Appeal commission according to the appendix 2;

Personal structure of The Council for accreditation according to the appendix 3.

3. To appoint the state enterprise "the Center for accreditation in the field of conformity assessment of products " the single body for accreditation according to the Law on conformity assessment.

4. To transfer the Center from submission of Department of standardization and Metrology in submission of the Ministry of Economics in the decision established by the governmental decision Nr. 688 from October, 9, 1995 " About the statement Regulations about the decision of transfer of the state enterprises, the organizations, establishments, their divisions, buildings, constructions, the basic means and other actives "(the Official monitor of Republic Moldova, 1996, Nr. 10, Item 45).

5. To the Ministry of Economics, within a month to make changes and to register documents on creation of the state enterprise "the Center for accreditation in the field of conformity assessment of products" according to the current legislation.

6. To ratify the scheme of calculation of payments for performance of works for Accreditation made by the state enterprise "The Center for accreditation in the field of conformity assessment of products" according to the appendix Nr. 4.

7. To establish that, in case of clearing members of council from borrowed the state posts of their duty in its structure are carried out again the persons appointed to corresponding posts without acceptance of a new governmental decision.

8. To the Ministry of Economics to lead, within a year from the date of acceptance of the present decision, the analysis of results of work of the state enterprise "the Center for accreditation in the field of conformity assessment of products" and if necessary to offer respective alterations.

PRIME MINISTER

Vasile TARLEV

Countersigned

The first deputy prime minister

Minister of Economics

Minister of Finance

Vasile IOVV

Marian LUPU

Zynaida GRECHANYJ

Kishinau, on December, 31, 2003.

Nr. 1646.

**The appendix Nr. 1
To the Governmental decision
Nr. 1646 from December, 31, 2003.**

**POSITION
About the Council for accreditation in the field of Conformity
Assessment of products**

I. General provisions

1. The Council for accreditation (further - the Council) is created according to the law on conformity assessment of products Nr. 186-XV from April, 24, 2003 and is a body which carries out monitoring and estimates efficiency of activity within the framework of system of accreditation, develops offers on its perfection, also is carried out with supervision for objectivity and impartiality of process of accreditation.

2. In his activity the Council is guided by the Constitution of Republic Moldova, the current legislation, the present position and the international agreements, which party Republic Moldova is.

3. The Council is not the legal person and carries out his activity on public principles; its structure includes representatives of all interested parties in the field of conformity assessment of products.

4. The Council is formed of representatives of the ministries and departments, and also from representatives of the nongovernmental organizations who are responsible in the given area.

II. Functions, rights and duties of The Council

5. The Council carries out the following functions:

a) Plans the basic directions of a policy of accreditation of bodies of conformity assessment, also offers them to Government for the approval;

b) carries out the control over realization of a policy of accreditation of bodies of conformity assessment;

c) Carries out supervision and the control over activity of body for accreditation, periodically hears reports on its activity;

d) Analyzes the information on consideration of appeals, the control results of activity of the accreditation body and (or) bodies of conformity assessment, done by the competent body, allocated with control functions, also approves corresponding adjusting measures;

e) Offers the Government:

Nominee on the post of director of the accreditation body; the dismissal of the head of accreditation body on the basis of results of periodic reports hearing on activity of this body and (or) the analysis of decisions of the Appeal commission;

f) Creates and dismisses the branch technical commissions working in the system of accreditation, asserts regulations about the commissions, appoints on a post, and also dismisses chairmen of the commissions;

g) Asserts rules and procedures of granting, refusal in granting, maintenance in force, stay of action and cancellation of accreditation;

h) Asserts or rejects decisions of the commission on certification of experts in the field of accreditation and countersigns certificates of competence of the experts in the field of accreditation;

- i) Appoints members of the Appeal commission;
- j) Gives powers to the accreditation body for representation of the Republic Moldova and participation in regional and international cooperation in the field of accreditation;
- k) Asserts a sample of the certificate of accreditation under the offer of the accreditation body.

6. The council has the following rights:

- a) To offer to the Government the change of structure of the Council, and also, if necessary, the replacement of its chairman;
- b) In case of revealing discrepancies in activity of the accreditation body, to issue decisions about their liquidation;
- c) To demand from the accreditation body to elaborate and to present (in 30-day's term) reports on performance of decisions and the recommendations concerning activity on accreditation, and also to offer measures to improve this activity;
- d) To make of the decision on time stay of performance of functions of Director of accreditation body before its replacement, in case of revealing Infringements of rules and procedures of accreditation;
- e) To cooperate with the competent body allocated functions of the control, during realization of checks of activity of accreditation body and to demand, if necessary, carrying out of repeated checks;
- f) To petition before the interested parties for replacement of their representatives, during the assessment of conformity of production;
- g) To involve, if necessary, in his activity experts and other competent persons from the branch technical commissions, bodies public management with functions of a regulation, and also from other organizations;
- h) To supervise results of consideration of appeals.

7. The council has the following duties:

- a) To provide independence and impartiality in taking decisions, and also transparency of the activity;
- b) To present annually to the Government reports on the activity and, if necessary, to make corresponding offers or recommendations.

III. Principles and the decision of functioning of the Council

8. In the view of maintenance of participation of all interested parties in the process of conformity assessment of products, The Council is formed of 19 representatives, in volume number:

- a) From bodies of the central public administration - 7;
- b) From National body for standardization - 1;
- c) From National body for metrology - 1;
- d) From National body for insurance of conformity of products - 1;
- e) From Accreditation Body - 1;
- f) From the accredited conformity assessment bodies- 2;
- g) From associations of manufacturers - 2;
- h) From associations of consumers - 1;
- i) From the Supreme Council for science and technological development - 1;
- j) From National confederation of patronage - 1;
- k) From trade unions - 1.

9. Chairman of the Council is the head of the central public body which coordinates the activity of the accreditation body. It nominates to the Council for the statement two vice-presidents. Each of them represents various spheres of interests. Secretariat's work of the Council is carried out by the accreditation body which provides organizational and informational assistance in the activity of the Council.

10. The Council' activity is carried out in the form of meetings. Meetings are convened once in a half-year or necessarily on demand of the Chairman or the request of any member of the Council with a substantial reason of necessity of Convocation. The secretary informs the members of the Council on the meeting not later than 5 days before its convocation.

11. Meeting of the Council is considered competent if there are not less than 2/3 of its members. Decisions of the Council are accepted by the simple majority (50%+1) of the members' votes and are made out by reports, signed by the chairman and the secretary. The representative of the accreditation body is a member with a deliberative vote. The decisions of the Council have recommendatory character and are transferred for informing and consultations through secretary.

12. For the current activity spent during the periods between meetings, the Council is formed by executive bureau of 7 members of the Council, in the following structure:

- a) Chairman of the Council;
- b) National body for standardization - 1 representative;
- c) National body for metrology - 1 representative;
- d) National body for Insurance of conformity of products - 1 representative;
- e) Associations of manufacturers - 1 representative;
- f) National confederation of patronage - 1 representative;
- g) The Supreme Council for science and technological development - 1 representative.

13. The government makes the Council responsible for taking decisions, concerning the accreditation activity, also takes them into account. The government can give the remark on the decisions of the Council, accompanied in obligatory decision by the necessary argument.

14. The Chairman of the Council carries out the following functions:

- a) Organizes activity and supervises over meetings of the Council according to the present position;
- b) Offers structure of the Appeal commission to be approved by the Council;
- c) Signs the documents and the decisions of the Council, elaborated by according to its duties and to the present position;
- d) Distributes functions between the Chairman assistants, with the consent of the Council members;
- e) Offers a nominee of the vice-president which should carry out functions of chairman in its absence, for its approval by the Council.

**The appendix Nr. 2
to the Governmental decision
Nr. 1646 from December, 31, 2003.**

**POSITION
About the Appeal commission
I. General provisions**

1. The Appeal commission is created according to the provisions of the Law on product conformity assessment Nr. 186-XV from April, 24, 2003.

2. The Appeal commission is formed for consideration of everyone reference sent by the applicant for accreditation, on the decisions of the accreditation body.

3. In its activity the Appeal commission is guided by the Constitution of the Republic Moldova, the current legislation and the present position.

4. The Appeal commission is not the legal person and carries out the activity on public principles.

II. Duties, rights and obligations of the Appeal commission

5. The Appeal commission carries out the following functions:

a) Considers in 15-day's term from the date of registration all appeals, acted from conformity assessment bodies, on decisions of the accreditation body about refusal, stay, restriction or cancellation of the applicants accreditation;

b) After the appeals consideration, it takes decisions on confirmation or deviation of the decision of the accreditation body about refusal, stay, restriction or cancellation of accreditation of conformity assessment bodies.

6. The decision of the Appeal commission can be appealed against in judicial instances in 30-day's term according to the established procedure.

7. The Appeal commission has the following rights:

a) To request from the conformity assessment body substantiation for the sent appeals, and also any additional information necessary for its consideration;

b) To request from the accreditation body: substantiations, and also the information, documents and the legislation, on which the appealed against decision is based; additional reasons or independent and competent technical or legal examination for decision-making (in case of need - and from the conformity assessment body); information on the decision performance of the Appeal commission.

8. The appeal commission has the following duties:

a) To provide impartiality, transparence and reliability of the procedures of consideration of appeals and decision-making;

b) To consider the current legislation and rules used during consideration of appeals;

c) To inform the Council for accreditation, the accreditation body and the plaintiff about the accepted decision within 5 days from the date of its acceptance;

d) To inform the Council for accreditation on default of its decisions by the accreditation body.

III. The modality of organization and functioning of the Appeal commission

9. The Appeal commission consists of three independent experts, from which one is appointed by the plaintiff, and other two are appointed by the Council for accreditation.

10. The Appeal commission is formed for each appeal consideration during the meeting of the Council for accreditation, on decisions of the accreditation body. Formation of the Appeal commission is made out by the report, signed by the chairman of The Council for accreditation and transmitted to the secretary of the Appeal commission.

11. For the proved reasons or from procedural reasons the Council for accreditation can dissolve the appointed Appeal commission and create a new one to considerate the same appeal. The same procedure is applied at the withdrawal of one of the experts appointed by the Council for accreditation.

12. The secretary of the Appeal commission is the employee of the accreditation body. The secretary of the Appeal commission gives in to the members all necessary documents for consideration of the appeals.

13. The Appeal commission gathers for working meetings in convenient day for the appointed experts, but not later than 15 days from the date of registration of the appeals.

14. Results of consideration of appeals and decisions of the Appeal commission are made out by a report signed by all members and the secretary. The decision of the Appeal commission is registered on the typical form of decision; it is also transferred to the accreditation body, to the Council for accreditation and to the plaintiff. On the form of decision of the Appeal commission

are specified the terms and the plaintiff mode to complain against the decision of the Appeal commission.

15. The necessity for additional examination is made out by a report, transmitted to the accreditation body and to the Council for accreditation, which analyzes it and establishes the decision of carrying out corresponding examinations.

**The appendix Nr. 3
to the Governmental decision
nr. 1646 from December, 31, 2003.**

Personal structure of the Council for accreditation

LUPU Marian - chairman of The Council on accreditation, Minister of Economics
DOGOTARU Svetlana - the first vice minister of ecology, construction And developments of territories
SANDULACHI Gheorghe - the vice minister of an agriculture and food industries
BAHNAREL Ion - the vice minister of public health services
CUCULESKU Andrei - the vice minister of transport and communication
VYRLAN Felix - the vice minister of energetics
KRAVCHENKO Vladimir - the vice minister of the industry
BABAN Sergiu - the general director of Department of Standardization and Metrology
LUSKALOVA Nona - the assistant to the general director of Department of Standardization and Metrology
HANGANU Elena - the chief of central administrative board of metrology of Department of Standardization and Metrology
SPOJALA Eugenia - director of the state enterprise "The Center for accreditation in the field of conformity assessment of product"
MOLDOVANU Gheorghe - the deputy chief of central administrative board policy-researches of the Supreme Council for science and technological development
FLORJA Vladimir - the vice-president of National confederation of Patronage
KTITOR Tudor - the general director of the printing Center of Chisinau, the representative of the National association of manufacturers
MIHAESH Roman - chairman of the Center on legal protection of consumers
OSTROVAN Ion - director of a product company "Desmosagro", the Association for the Small Business
SKOBIOALA Vasile - the sales manager "Freefishers", the businessmen' Club "Timpul"
GOBZHILA Alik - the head of body for the communication products and services certification, computer science and mail, the Ministry of transport and communication
ULYANOVSKI Nadejda - director of the Center for standardization of quality of the canning products, the Ministry of Agriculture and the food-processing industry.