

# BUILDING BLOCKS TO BE INCLUDED IN A NEW LAW ON ACCREDITATION

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## **INTRODUCTION**

In this document, the experts present you clauses that may be included in an Accreditation Law, in order to provide a sound legal basis for the transposition of international principles and best practices in Surinamese legislation, when the decision will be made to establish a domestic accreditation system.

Building Blocks Accreditation [Ref BBA]

Ref.: BBA-1	<b>Article 1</b> <b>Purpose &amp; Scope</b>
Text Dutch	Text English: This Law defines the principles of accreditation and rules of the accreditation of conformity assessment bodies performing conformity assessment activities in the Republic of Suriname.  This Law is applicable for accreditation of conformity assessment bodies performing conformity assessment activities in the Republic of Suriname.
Reference to Clause(s) in National (Draft) legislation:	
Comments:	

Ref.: BBA-2	Definitions
Text Dutch	<p data-bbox="1122 264 1339 288">Text English:</p> <p data-bbox="1122 328 1308 384"><b>Article 2: Definitions</b></p> <p data-bbox="1122 424 2011 448">1. Terms used in this Law have the following meaning:</p> <p data-bbox="1122 488 2029 671">1.1. Accreditation - an attestation by a national accreditation body that a conformity assessment body meets the requirements set by reference standards and, where applicable, additional requirements including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity;</p> <p data-bbox="1122 679 2011 767">1.2. National accreditation body - the sole body in a state that performs accreditation with authority derived from that state;</p> <p data-bbox="1122 775 2029 895">1.3. Suriname Accreditation Body (to be changed to the name selected for the accreditation body) - the only national accreditation body in the Republic of Suriname;</p> <p data-bbox="1122 903 2011 991">1.4. Logo of the Suriname Accreditation Body - logo used by the Suriname Accreditation Body to identify itself as defined by applicable Law on state symbols;</p> <p data-bbox="1122 999 2029 1118">1.5. Conformity assessment - the process demonstrating whether specified requirements relating to a product, process, service, system, person or body have been fulfilled;</p> <p data-bbox="1122 1126 1984 1214">1.6. Conformity assessment body - the body that performs conformity assessment activities including calibration, testing, certification and inspection;</p> <p data-bbox="1122 1222 2029 1310">1.7. Technical Specification - the document that prescribes technical requirements to be fulfilled by a product, process or service;</p> <p data-bbox="1122 1318 2029 1374">1.8. Peer evaluation - a process for the assessment of a national accreditation body by other national</p>

	<p>accreditation bodies, carried out in accordance with the requirements determined by the European and international organizations for accreditation, and where applicable, additional sectorial technical specifications;</p> <p>1.9. Rules of accreditation - rules of the national accreditation body defining the accreditation process, rights and obligations of those involved in the accreditation process, and criteria/conditions to be met by the conformity assessment body in order to gain the accreditation;</p> <p>1.10. Accreditation certificate - a document stating that a conformity assessment body fulfills all the requirements stated in the rules of accreditation, and is competent to perform conformity assessment activities for a specific scope;</p> <p>1.11. Accreditation symbol - a symbol issued by the accreditation body to be used by the accredited conformity assessment body to indicate its accredited status;</p> <p>1.12. Appeal - a request by a conformity assessment body for reconsideration of any unfavorable decision made by Suriname Accreditation Body;</p> <p>1.13. Complaint - an expression of dissatisfaction by any person or organization to Suriname Accreditation Body, regarding to its activities or the activities of an accredited conformity assessment body;</p> <p>1.14. Surveillance - a set of activities, except reassessment, performed by the Suriname Accreditation Body to monitor the continued fulfillment of requirements for accreditation by accredited conformity assessment bodies;</p> <p>1.15. Reducing accreditation - a process of cancelling accreditation for part of the scope of accreditation;</p> <p>1.16. Extending accreditation - a process of enlarging the scope of accreditation;</p> <p>1.17. Suspending accreditation - a process of</p>
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	temporarily making accreditation invalid, in full or for part of the scope of accreditation; 1.18. Withdrawing accreditation - a process of cancelling accreditation in full; 1.19. Ministry - respective Ministry in charge of trade and industry
Reference to Clause(s) in National (Draft) legislation:	
Comments:	

Ref.: BBA-3	Principles of Surinamese accreditation
Text Dutch	Text English: Article 3: <b>Principles of Surinamese Accreditation:</b> <ul style="list-style-type: none"> <li>a) competence and impartiality;</li> <li>b) transparency, credibility and public availability;</li> <li>c) representation of public interests;</li> <li>d) free access without discrimination of all applicants to the accreditation process;</li> <li>e) independence from the possible dominance of any specific interests;</li> <li>f) ensure confidentiality and keep the professional</li> </ul>

	and commercial secrecy; g) impartial examination of appeals and complaints.
Reference to Clause(s) in National (Draft) legislation:	
Comments:	

Ref.: BBA-4	Organisation of Accreditation in the Republic of Suriname
Text Dutch	Text English: <b>Article 4:</b> <b>Surinamese National Accreditation Body</b>  1. National Accreditation Body 1.1.1. The National Accreditation Body shall be the national institution which is responsible for accreditation in the Republic of Suriname.  1.1.2. The 'Suriname Accreditation Institute' is the National Accreditation Body in the Republic of Suriname.  1.2. The National Accreditation Body shall be an independent body of state administration which shall report and be accountable to the Minister responsible

	<p>for trade and industry.</p> <p>1.3. The Ministry responsible for trade and industry shall exercise oversight functions over the National Accreditation Body in accordance with this Law ??? and the Ordinance ???.</p> <p>1.4 The National Accreditation Body shall have its seat in Paramaribo.</p> <p>1.5 The National Accreditation Body shall exercise all powers and responsibilities set out in the present law and any other relevant law.</p> <p>1.6 The National Accreditation Body shall have the status of a legal person and its own logo that is protected by law.</p> <p>1.7 The structure and organization of the National Accreditation Body ensure impartiality and objectivity in the decision for accreditation.</p>
Reference to Clause(s) in National (Draft) legislation:	
Comments:	



Ref.: BBA-5	Organisation of Accreditation in the Republic of Suriname
Text Dutch	<p>Text English:</p> <p><b>Article 5: Obligations of the National Accreditation Body</b></p> <p>According to the provisions of this Law, the National Accreditation Body shall apply the Suriname national standard that adopts the relevant international standard, as well as documents issued by the international organizations for accreditation, defining general requirements for the accreditation bodies accrediting conformity assessment bodies.</p> <p><b>Article 6. Activities of the National Accreditation Body</b></p> <p>The National Accreditation Body shall perform the following accreditation activities:</p> <ol style="list-style-type: none"> <li>1.1. accreditation of testing and calibration laboratories;</li> <li>1.2. accreditation of medical laboratories;</li> <li>1.3. accreditation of inspection bodies;</li> <li>1.4. accreditation of product certification bodies;</li> <li>1.5. accreditation of management systems (quality, environment etc.) certification bodies; 1</li> <li>.6. accreditation of personnel certification bodies;</li> </ol> <p>and</p> <ol style="list-style-type: none"> <li>1.7. accreditation of other conformity assessment bodies.</li> </ol>

	<p><b>Article 7</b>  <b>Competencies of the National Accreditation Body</b></p> <p>1.1. evaluates through accreditation the competence of conformity assessment bodies;</p> <p>1.2. supervises the continuous fulfilment by the accredited conformity assessment bodies of the requirements for carrying out specific conformity assessment activities;</p> <p>1.3. provides the expertise and trainings to the state administration bodies for issues that are related to the accreditation of conformity assessment bodies;</p> <p>1.4. establishes and makes publicly available the Rules of Accreditation based on the relevant Kosovo national standards adopted from the European and international standards, as well as documents issued by the European and international organizations for accreditation;</p> <p>1.5. keeps and makes publicly available a Register of the Accredited Conformity Assessment Bodies;</p> <p>1.6. makes publicly available information on its activities and about the results of the peer evaluation</p> <p>1.7. represents and participates in the activities of the European and international accreditation organizations.</p>
<p>Reference to Clause(s) in National (Draft) legislation:</p>	
<p>Comments:</p>	

Ref.: BBA-6	Principle of non-competition
Text Dutch	Text English:  <b>Article 8</b> <b>Principle of non-competition</b>  1. The National Accreditation Body shall not provide or carry out services provided by conformity assessment bodies. 2. The National Accreditation Body shall not provide consultancy services and shall not have a financial or managerial interest in a conformity assessment body. 3. The National Accreditation Body shall not compete with other national accreditation bodies. It shall not provide services outside the borders of Kosovo, except in cases and under conditions foreseen by this Law.
Reference to Clause(s) in National (Draft) legislation:	
Comments:	



Ref.: BBA-7	Funding
Text Dutch	<p data-bbox="1122 512 1339 539">Text English:</p> <p data-bbox="1122 576 2029 635"><b>Article 9</b> <b>Financial resources of the National Accreditation Body</b></p> <ol data-bbox="1122 671 2040 1310" style="list-style-type: none"><li>1. The financial resources for the activities of the National Accreditation Body shall be provided from the State Budget.</li><li>2. Donations by conformity assessment bodies are not allowed.</li><li>3. The amount of financial resources necessary for the operation of the National Accreditation Body shall be determined on the basis of the activities defined in the Annual Work Plan.</li><li>4. The Ministry and respective ministry for finance shall ensure appropriate financial resources to the National Accreditation Body for:<ol data-bbox="1205 1054 2011 1310" style="list-style-type: none"><li>4.1. proper performance of its tasks;</li><li>4.2. payment of the membership fees in the regional and international accreditation organizations;</li><li>4.3. participation in the activities of the regional and international accreditation organizations;</li><li>4.4 payment of external accreditation personnel.</li></ol></li></ol> <p data-bbox="1122 1342 1294 1369"><b>Article 10</b></p>

	<p><b>Accreditation fees</b></p> <p>1. The National Accreditation Body accreditation services shall be charged based on expenditures for the performed work.</p>
<p>Reference to Clause(s) in National (Draft) legislation:</p>	
<p>Comments:</p>	

<p>Ref.: BBA-8</p>	<p>Organisation of the National Accreditation Body</p>
<p>Text Dutch</p>	<p>Text English:</p> <p><b>Article 11</b>  <b>Bodies of the National Accreditation Body</b></p> <p>1. The bodies of the National Accreditation Body are:</p> <ul style="list-style-type: none"> <li>1.1 General Director</li> <li>1.2 Professional Council</li> <li>1.3 Accreditation Council</li> </ul> <p><b>Article 12</b>  <b>General Director</b></p> <p>1. The National Accreditation Body shall be managed by the General Director.</p> <p>2. General Director of the National Accreditation Body</p>

shall take the decision on Accreditation.  
3. Appointment, discharge, functions and responsibilities of the General Director are implemented in accordance with the provisions of the relevant applicable legislation  
4. Recruitment of officials of the National Accreditation Body shall be made in accordance with the conditions and criteria specified in the applicable legislation

**Article 13**  
**Professional Council**

1. The National Accreditation Body shall establish the Professional Council in order to ensure the effective and balanced involvement of all interested parties, and safeguard the impartiality, transparency and fairness between stakeholders in the accreditation process.  
2. The Professional Council shall provide professional opinions and recommendations to the General Director of the National Accreditation Body in terms of development of the accreditation system in the Republic of Suriname that includes policies, procedures, annual and long term plans, extension of accreditation activities and necessary human and financial resources.  
3. The General Director of the National Accreditation Body shall not take decisions on issues referred to in paragraph 2 of this Article without previous recommendations of the Professional Council.  
4. The General Director of the National Accreditation Body shall appoint the members of the Appeals Commission, from the recommended list of the Professional Council.

**Article 14**  
**Accreditation Council**

	<p>1. The General Director of the National Accreditation Body shall establish the Accreditation Council, the members of which shall be different from those who carried out the assessment of the conformity assessment body.</p> <p>2. The Accreditation Council provides recommendation to the General Director for taking the decision on accreditation for each particular case of assessment.</p> <p><b>Article 15</b> <b>Supervisory body of the National Accreditation Body</b></p> <p>The Ministry is the supervisory body that performs supervision of the legality of the National Accreditation Body, including monitoring of fulfilling the requirements laid down in the Article 5 of this Law, taking into account confidentiality of data about the conformity assessment bodies that are customers of the National Accreditation Body.</p>
Reference to Clause(s) in National (Draft) legislation:	
Comments:	

Ref.: BBA-9	The accreditation process
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Text Dutch

Text English:

**Article 16:  
Accreditation procedure**

1. The National Accreditation Body shall, whenever requested by a conformity assessment body, evaluate whether that conformity assessment body is competent to carry out a specific conformity assessment activity.
2. Accreditation is performed based on the application submitted by the conformity assessment body.
3. The National Accreditation Body and a conformity assessment body regulate by contract the mutual rights and obligations concerning the obtaining of the accreditation certificate and maintaining the accreditation.
4. The National Accreditation Body shall keep the confidentiality of the information obtained in all accreditation cases.
5. The National Accreditation Body shall issue an accreditation certificate to the conformity assessment body where it is found to be competent.
6. If it is found that, during the finalization of accreditation process, the conformity assessment body has failed to meet some of the requirements for accreditation, the National Accreditation Body shall issue a decision on refusing the accreditation or to grant accreditation with a reduced scope.
7. The validity of the accreditation certificate shall be not longer than four (4) years. The accredited conformity assessment body shall continuously comply with the accreditation requirements over the period in which the accreditation certificate is valid.
8. The National Accreditation Body shall draft and make publicly available the Rules of Accreditation to the conformity assessment bodies where there is specified in details the process of accreditation.



9. The National Accreditation Body shall set up necessary procedures, by internal acts, to ensure efficient and appropriate management of internal controls of the entire accreditation process.

**Article 17:  
Accreditation symbol**

The National Accreditation Body shall allow an accredited conformity assessment body to use the accreditation symbol in order to show its status of accredited conformity assessment body.

**Article 18:  
Surveillance of an accredited conformity assessment body**

1. The National Accreditation Body shall monitor the conformity assessment body to which it has issued an accreditation certificate by performing regular surveillance. Following the surveillance, the National Accreditation Body shall decide on the continuation of the accreditation or any changes in the accreditation scope.

2. If an accredited conformity assessment body requests an extension of the accreditation scope, the assessment of competence in the extended scope can be done during the surveillance.

3. Where the National Accreditation Body ascertains that a conformity assessment body which has received an accreditation certificate is no longer competent to carry out a specific conformity assessment activity or has committed a serious breach of its obligations, the National Accreditation Body shall take all appropriate measures within a reasonable timeframe to reduce,

suspend or withdraw its accreditation.  
4. The conformity assessment body can lodge an appeal against the decision of the National Accreditation Body by which the accreditation is reduced, suspended or withdrawn.  
5. During an assessment, the National Accreditation Body shall verify whether the conformity assessment body has performed a conformity assessment in an appropriate manner, taking into account the size of a company, the sector in which the company operates, its structure, complexity of the product technology and the mass or serial nature of the production process.

**Article 19**  
**Working groups**

1. The National Accreditation Body may establish professional working groups on standing or temporary basis for the purpose of providing expertise on specific issues in the accreditation procedure as follows: technical committees, persons' evaluation committee and other fields.  
2. Technical committee is a technical body that provides technical expertise in certain fields of accreditation.  
3. Persons' evaluation committee is a body that evaluates and monitors persons involved in the process of accreditation regarding their qualification, competence and experience as well as their performance in certain fields and scopes.

**Article 20**  
**Appeal procedure**

1. The National Accreditation Body shall establish a procedure for the resolution of appeals.

	<p>2. Appeals shall be reviewed by the Appeal Commission referred to in the paragraph 4 of Article 14 of this Law, which makes recommendations to the General Director.</p> <p>3. The decision of the General Director is a final decision, whereas against it an administrative dispute can be initiated in the competent court.</p> <p><b>Article 21</b> <b>Complaint procedure</b></p> <p>1. The National Accreditation Body shall establish a procedure for resolving complaints related to its activities or activities of an accredited conformity assessment body.</p> <p>2. A complaint shall be resolved by the General Director of the National Accreditation Body.</p>
<p>Reference to Clause(s) in National (Draft) legislation:</p>	
<p>Comments:</p>	