

Based on points 4 and 5 of the Decision on Declaration of the Independence of the Republic of Montenegro (RM Official Gazette No.36/06) and Article 4, paragraph 2 of the Law on Accreditation (“Official Gazette of Serbia and Montenegro” No. 44/05), the Government of the Republic of Montenegro hereby adopts the following

DECISION ON ESTABLISHING THE ACCREDITATION BODY OF MONTENEGRO

I. BASIC PROVISIONS

Article 1

By this Decision, the Accreditation Body of Montenegro (hereinafter: the Accreditation Body) for determining the competence of organizations for performing the activities of conformity assessment shall be established.

Article 2

The Accreditation Body shall be an independent, non-profit organization.

The Accreditation Body shall have the status of a legal person, with all the rights and liabilities established under the law, this Decision and the Statute.

The Accreditation Body shall be entered in the Central Register of the Commercial Court in Podgorica.

II. NAME AND THE HEADQUARTERS

Article 3

The name of the Accreditation Body shall be the following: Accreditation Body of Montenegro.

The name of the Accreditation Body in English language shall be the following: Accreditation Body of Montenegro

The abbreviated name of the Accreditation Body shall be: ATCG.

The headquarters of the Accreditation Body shall be in Podgorica.

III. INFORMATION ON THE FOUNDER

Article 4

The founder of the Accreditation Body shall be the Government of the Republic of Montenegro (hereinafter referred to as: the Founder).

IV. ACTIVITIES

Article 5

The Accreditation Body shall perform the following activities:

- 1) Determine the competence of organizations for performing conformity assessment activities, notably:
 - testing,
 - calibration
 - control,
 - certification of products and processes,
 - certification of management systems,
 - certification of professionals;
- 2) Define and publish the accreditation rules, which must be based on the appropriate Serbian, European and international standards, as well as documents of European and international accreditation organizations;
- 3) Participate in the activities of European and international accreditation organizations and represent interests of Montenegro there in accordance with the obligations arising from international agreements;
- 4) Maintain the register of accredited organizations;
- 5) Perform other activities in the area of accreditation in accordance with the law and this Decision and the Statute.

Article 6

The Accreditation Body shall have the Statute.

The Statute shall regulate in detail the manner of organization of relevant bodies, the manner of operation and decision making, general legal acts, the manner of providing information to the public of the activities of the Accreditation Body, its organizational details and other issues related to its operation.

V. MANAGING BODIES

Article 7

The managing bodies of the Accreditation Body shall be: the Managing Board, the Director and the Supervisory Board.

Article 8

The Managing Board shall have the Chairperson and four members.

The Chairperson and the members of the Managing Board shall be appointed and dismissed by the Founder.

Two Managing Board members shall be nominated by the Chamber of Commerce of Montenegro from the ranks of accredited organizations.

Article 9

The term of office of the Chairperson and the Managing Board members shall be four years, with the possibility of re-appointment.

The manner of work of the Managing Board shall be regulated by the Statute and the Operation Rulebook.

Article 10

The Managing Board, as an expert-managerial body, shall:

- 1) Adopt the Statute;
- 2) Approve financial statements;
- 3) Approve the annual financial report on the activity and operation of the Accreditation Body;
- 4) Adopt the plan and the annual program of activity;
- 5) Decide on the allocation of and the program of use of funds, in accordance work plan;
- 6) Decide on disposing of the assets of greater value;
- 7) Decide on the amount of accreditation costs;
- 8) Issue accreditation rules, in accordance with the law and the applicable international accreditation standards;
- 9) Adopt the act on internal organization and job descriptions;
- 10) Perform other activities in accordance with the law, this Decision and the Statute.

The acts referred to in paragraph 1, items 1), 2), 3), 4), 6) and 7) of this Article shall be issued by the Managing Board, subject to approval by the Founder.

The assets of greater value shall be understood to mean assets valued to at least 20% of the total value of assets of the Accreditation Body, recorded in the business books.

Article 11

The Director of the Accreditation Body shall be appointed by the Managing Board, based on the public advertisement, subject to the approval of the Founder.

The Director's term of office shall last for four years, with the possibility of re-appointment for one more term.

Article 12

The Director shall:

- 1) Represent the Accreditation Body;
- 2) Organize and manage the activities of the Accreditation Body;
- 3) Ensure the legality of activities, and be responsible for the legality of the activities of the Accreditation Body;
- 4) Decides on the use of assets of the Accreditation Body, except in the cases where the Managing Board decides;
- 5) Carry out and implement the decisions of the Managing Board;
- 6) Propose and organize the preparation of acts to be issued by the Managing Board;
- 7) Propose the act on organization and job description;
- 8) Propose the annual report on activities;
- 9) Decide on engaging experts for carrying out certain activities within the responsibilities of the Accreditation Body, and conclude a contract with them regulating mutual rights and obligations;
- 10) Decide on the rights and obligations of employees of the Accreditation Body, in accordance with the law;
- 11) Verifies decision on accreditation based on the opinion of the accreditation commission;
- 12) Perform other activities in accordance with the law, this Decision and the Statute.

Article 13

The Supervisory Board shall have the Chairperson and two members, appointed and dismissed by the Founder.

The term of office of the Supervisory Board members shall last for four years, with the possibility of re-appointment.

Article 14

The Supervisory Board shall:

- 1) Supervise the legality of activities of the managing bodies of the Accreditation Body;
- 2) Examine the reports on activities and financial reports of the Accreditation Body;
- 3) Perform other activities as specified by the law, this Decision and the Statute.

The Supervisory Board shall inform the Founder of the supervision results at least once a year.

The manner of work and decision making of the Supervisory Board shall be regulated by the Statute and the Operation Rulebook.

Article 15

The structure of the Accreditation Commission and the manner of its operation shall be established by the Statute and the Operation Rulebook.

Article 16

The Accreditation Body shall report on its activities to the Founder at least once a year.

VI. FUNDING

Article 17

The funding of the Accreditation Body shall be provided:

- 1) By collecting the costs of accreditation;
- 2) From the Budget of the Republic of Montenegro;
- 3) From other sources.

Article 18

Collecting the costs of accreditation shall be understood to mean the funds from the income realized by rendering services to the users, in accordance with the decision on the amount of accreditation costs.

The prices for the accreditation services shall be established by a contract between the Accreditation Body and the service user, in accordance with the Decision on the Amount of Accreditation Costs.

The amount funds for the activities of the Accreditation Body provided from the Budget of the Republic of Montenegro shall be determined based on the activities defined by the program and the annual plan of activity.

The funds for the membership fees of the Accreditation Body in European and international accreditation organizations shall be provided from the Budget of the Republic of Montenegro.

The funds from other sources shall be understood to mean donations (grants) and other income realized in accordance with the law.

The donations (grants) shall not be given by the users of the Accreditation Body services.

VII. RIGHTS, DUTIES AND LIABILITIES OF THE ACCREDITATION BODY IN LEGAL TRANSACTIONS

Article 19

With regard to the obligations in legal transactions with any third parties, the Accreditation Body shall be liable for its obligations with its entire assets.

The Founder shall be liable for the obligations of the Accreditation Body if the Accreditation Body should be unable to cover the obligations from its assets, or if the settling of the obligations from the assets of the Accreditation Body would seriously jeopardize its activities.

VIII. SUPERVISION OF THE ACTIVITIES OF THE ACCREDITATION BODY

Article 20

Supervision of activities of the Accreditation Body related to performing of operations established by the law, shall be administered by the ministry responsible for the quality infrastructure, and of those related to rational use of assets for the operation of the Accreditation Body that are provided from the Budget of the Republic of Montenegro, ministries responsible for finance and the quality infrastructure.

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 21

The Acting Director of the Accreditation Body shall be appointed by the Founder, not later than 15 days from the effective date of this Decision.

Article 22

The Acting Director of the Accreditation Body shall convene the first meeting of the Managing Board for the purpose of adopting the Statute, not later than 15 days from the day of the appointment of the Managing Board members.

Article 23

The Founder shall provide the Accreditation Body with the premises necessary its work, the assets and the equipment, in accordance with the law

Article 24

The Accreditation Body shall commence its operation on the day of its entry in the Central Register of the Commercial Court in Podgorica.

Article 25

This Decision shall come into effect on the eighth day after its publication in the "Official Gazette of the Republic of Montenegro".