

Law of Ukraine
On Accreditation of Conformity Assessment Bodies
No.6014
August 4, 2000

This law sets up legal, organizational and economic framework for accreditation of conformity assessment bodies in Ukraine.

Chapter 1. General provisions

Article 1. Main terms and their definitions

In this law terms are used in the following meaning:

accreditation - a procedure that helps an authorized accreditation body to recognize the competence of a person or a body to carry out specific activities (testing, calibration, certification, inspection) in accordance with established requirements;

accreditation body - a body that carries out accreditation;

conformity assessment - any activity, connected with direct or indirect assurance that the established requirements are complied with;

conformity assessment body - testing or calibration laboratory, certification body, inspection body that conducts its activity in the sphere of conformity assessment of products, processes and services in compliance with established requirements.

Article 2. The scope of this Law

The scope of this law covers legal relations, connected with accreditation of conformity assessment bodies, between national accreditation body and central and local bodies of executive power, local self-government bodies, entrepreneurs (their unions), institutions and organizations that operate on the territory of Ukraine, independently of the type of their ownership and activity.

Article 3. Legislation of Ukraine in the sphere of accreditation

Legislation of Ukraine in the sphere of accreditation consists of this law and other regulations that do not contradict this law.

Article 4. The goal of accreditation

The goal of accreditation is:

to ensure the uniform technical policy in the sphere of accreditation;

to ensure consumers' confidence in conformity assessment activities regarding the established requirements of quality and safety of products, processes and services;

to lay down the basis for mutual recognition of the results of the accredited bodies activities on the international level;

to eliminate technical barriers to trade.

Accreditation is carried out by the national accreditation body.

Article 5. The main principles of accreditation activity

Accreditation activity is based on the following main principles:

freedom from unjustified influence of any party's interests;

accessibility and impartiality;

transparency;

professional competence of the accreditation personnel;

voluntary character of accreditation;

equal representation of government agencies and public organizations;

application of accreditation requirements, harmonized with international and European standards;

observance of public interests;

confidentiality of information, obtained during the process of accreditation.

Chapter 2. Organization of accreditation

Article 6. National accreditation body

National accreditation body is a state unprofitable organization, which is created by the specially authorized central body of executive power in the sphere of economy and operates on the basis of provisions, approved by this body, and is partially financed from the state budget of Ukraine.

The specially authorized central body of executive power in the sphere of economy does not have a right to interfere with the accreditation activity of the national accreditation body.

National accreditation body is managed by the head, who is appointed and dismissed by the Cabinet of Ministers on the proposal of the head of the specially authorized central body of executive power in the sphere of economy and with the approval of the Accreditation Council.

The head of the national accreditation body is responsible for accreditation activity.

National accreditation body consists of:

Accreditation Council;
technical committees for accreditation;
commission for appeals.

The principal functions of the national accreditation body are the following:

accreditation of conformity assessment bodies with subsequent inspection of their compliance with accreditation requirements, making decision on granting, resumption, suspension or invalidation of accreditation;

development and updating of rules of procedure and programs of accreditation of conformity assessment bodies as well as rules of inspection of their compliance with accreditation requirements, of suspension or invalidation of accreditation;

organization of training of accreditation personnel and its authorization to conduct accreditation activity according to established requirements;

keeping the registers of accredited conformity assessment bodies as well as of accreditation personnel;

representation of Ukraine in international, European and regional organizations for accreditation;

signing of international agreements on cooperation and mutual recognition of the conformity assessment bodies accreditation results in the manner, prescribed by the legislation;

participation in the work on harmonization of normative documents, norms and rules with the relevant international and European standards that set up requirements for the national accreditation body and accredited bodies;

keeping the archive of state, international and European legislative and normative acts, related to accreditation;

providing information on the requirements, rules and procedure of accreditation through publications in mass-media.

For carrying out of national accreditation body's activity, ensuring conditions for its constant functioning, supervision over the accreditation procedure, executive departments are created on the decision of its head. The departments must have sufficient number of full-time and part-

time personnel that possesses relevant education, technical knowledge and experience. Managers of executive departments are accountable to the head of national accreditation body and report to him. The national accreditation body sets up qualification requirements for its personnel.

Article 7. Accreditation Council

Council is an advisory body of the national accreditation body and consists of 22 members who are:

Chairman of the council and his deputy;

8 members - representatives of central bodies of executive power of Ukraine, who are appointed by the Cabinet of Ministers;

6 members - representatives of accredited conformity assessment bodies, who are appointed at the special meeting of representatives of these bodies, convened by the national accreditation body;

6 members - representatives of enterprises, institutions and organizations, interested in accreditation results, representatives of National Academy of Science of Ukraine, other scientific institutions and public organizations, who are appointed at the special meeting of representatives of these organizations, convened by the national accreditation body.

The principal functions of Accreditation Council are:

development of policy recommendations in the sphere of accreditation and supervision over the policy implementation;

supervision of the conformity of accreditation activity to the principles, norms and requirement, laid down in this law and other legislative acts;

provision of recommendations on approval of the rules of procedure and management of accreditation activity, inspection and consideration of appeals, including fees for services in the sphere of accreditation in the manner, prescribed by the legislation;

approval of qualification requirements and rules for attestation of accreditation personnel, of members of the commission for appeals;

appointment and dismissal of members of the commission for appeals;

approval of the procedure for the commission for appeals and amendments to it;

appointment and dismissal of the Deputy Chairman of Accreditation Council;

development of propositions regarding control over accreditation activity and over the financial aspect of the national accreditation body activity;

making decisions on international agreements for cooperation and mutual recognition of conformity assessment bodies accreditation;

reviewing of annual report on the national accreditation body activity.

For effective implementation of its functions the Council has the following rights:
to obtain information and materials that are necessary for execution its tasks;
to create, in case of necessity, temporary expert and working groups, including specialists from central and local bodies of executive power, enterprises, institutions and organizations with the approval of their heads.

The Council is presided over by the Chairman, who is by position the head of national accreditation body.

The term of office of Accreditation Council is 4 years.

The Council operates on the non-remunerative basis.

The Council operation is maintained by the national accreditation body.

The basic form of the Council operation are sessions, which are held not less than once half a year.

The meeting is valid if not less than a half of representatives of every party are present at the session. Decisions are made by the majority of votes of the Council members, present at the session. In case of equal distribution of votes, the vote of the Chairman is decisive.

Decisions of Council are laid down in the protocol of the Council session.

Article 8. Technical committees for accreditation

Technical committees for accreditation are set up by the national accreditation body.

The principal functions of technical committees for accreditation are:

development of methodological recommendations on accreditation issues;

elaboration of special requirements and additional criteria for accreditation in relevant sectors, development of recommendations for the national accreditation body;

Article 9. Commission for appeals

Persons, who are not members of the Accreditation Council, can be members of the commission for appeals. The commission considers claims and complaints on granting, resumption, suspension and invalidation of accreditation of conformity assessment bodies.

The head of national accreditation body approves the procedure for the commission for appeals.

Decisions of the commission for appeals can be appealed in court.

Article 10. Bodies that can be accredited by the national accreditation body

In accordance with this law, conformity assessment bodies of any type of ownership can be accredited, in particular:

testing or calibration laboratories;
bodies dealing with certification of products, processes and services;
bodies dealing with certification of quality systems, environmental management systems;
bodies dealing with certification of personnel;
inspection bodies.

Article 11. Accreditation procedure

Accreditation of conformity assessment bodies is carried out by the national accreditation body in accordance with the procedure, laid down in the legislative acts and normative documents, adopted according to the legislation.

The decisions on the accreditation of conformity assessment bodies are made by the head of the national accreditation body, who signs relevant documents. In the case of positive decision a standard accreditation certificate is issued, which can be valid for up to 5 years, and the right to use national accreditation mark is granted. In the case of negative decision an official statement of accreditation denial is issued.

Article 12. Obligations of accredited conformity assessment bodies

Accredited conformity assessment bodies shall:

constantly comply with the requirements of normative documents, in accordance to which they have been accredited;

make references to accreditation only for the types of activity they have been accredited for;

pay fees for all the works, related to their accreditation and inspection;

stop making references to accreditation in their documentation and advertisement in the case of accreditation suspension or invalidation.

Article 13. Liability for violation of the legislation on accreditation

Persons that are guilty of violation of the legislation on accreditation are liable in accordance with the legislation.

Article 14. National accreditation mark

The national accreditation mark is the property of the national accreditation body and is registered according to the procedure, prescribed by the legislation of Ukraine.

Chapter 3. Financial activity

Article 15. Sources of financing

Sources of financing of accreditation works are:

funds, obtained through the payment of fees for accreditation works;
funds of the state budget of Ukraine;
other funds that are not prohibited by the legislation.

The following is financed through allocated budget funds: scientific research in the sphere of accreditation, development of draft laws, legislative and normative documents, establishing rules and requirements in the sphere of accreditation, participation in the activities of international (regional) organizations as well as relevant scientific, methodological and coordination work.

Central bodies of executive power are principal recipients of the funds, provided through the state budget of Ukraine.

The payment of fees for accreditation works and inspection is established in accordance with the rules of calculation of costs for accreditation works, approved by the Cabinet of Ministers.

Expenses incurred by the accreditation works are included into gross expenses.

National accreditation body informs the public about the amount of fees for services in the sphere of accreditation.

Chapter 4. International cooperation

Article 16. International agreements

If international agreements of Ukraine contain other provisions than those contained in this law, the provisions of the international agreements are applied.

Chapter 5. Final provisions

This law becomes effective on the 1st of January 2001.

The Cabinet of Ministers of Ukraine shall within a three month period after this law has become effective:

submit to the parliament of Ukraine propositions on bringing Ukrainian laws into correspondence with this law;

ensure the bringing its legislative acts, legislative acts of ministries and other central bodies of executive power into correspondence with this law;

Laws and other legislative acts, adopted before this law has become effective, are valid in the part, which does not contradict this law.

Before the national accreditation body is set up, its functions are exercised by the State Committee of Ukraine for Standardization, Metrology and Certification.

Accreditation of conformity assessment bodies according to the requirements of this law is implemented after the expiry of their accreditation certificates, issued within the state system of certification of products and services. National accreditation body ensures inspection of their activity in accordance with the requirements of normative documents, according to which they have been accredited.