



## **REGULATION ON ORGANIZATION AND FUNCTION OF ACCREDITATION COUNCIL**

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## 1. PURPOSE

This regulation establishes the organization and function of MOLDAC's Accreditation Council, as well as its attributions.

This document is applicable to Accreditation Council members, as well as to MOLDAC personnel involved in activities of this Council.

Accreditation Council ensure the impartiality, development and keeping of functioning principles and policies on National Accreditation Centre (MOLDAC), as well as efficient and balanced participation of all directly or indirectly interested parties in accreditation activities.

Accreditation Council acts on public basis and consist of 11 members.

The Accreditation Council is a consultative body, and its decisions have recommendation character, [for MOLDAC Director](#)

## 2. REFERENCE DOCUMENTS

- Law no. 235 from 01.12.2011 on accreditation activities and of conformity assessment.
- [SM SR EN ISO/IEC 17011:2006 – Conformity assessment. General requirements for accreditation bodies accrediting conformity assessment bodies.](#)

## 3. ORGANIZATION AND OPERATION

### 3.1 The Accreditation Council has the following attributions:

- a) examines and submit proposals on policies and rules of accreditation,
- b) examines and submit proposals on annual revenue and expenditure,
- c) examines and submit proposals on accounting reporting and the income and loss account, and, on cases, can request financial audit,
- d) monitor and ensure impartiality and objectivity in accreditation process,
- e) examines and submit proposals in Appeals Commission regulation,
- f) examines and submit proposals on Technical Committees regulations,
- g) recommends international organizations for collaboration with MOLDAC,
- h) promotes accreditation and inform interested parties from which it comes regarding the accreditation, by organizing different activities (for example: round tables, common meetings, workshops, conferences, etc.)
- i) examines and submit proposals on reference standards list and of European and international organization's documents, which establish general criteria and rules in accreditation and conformity assessment area.

### 3.2 The Council has the following rights:

- a) To propose modifications on Council's structure,
- b) To request from accreditation body to elaborate and present (within 30 working days from the date of receiving written request) reports on execution of decisions and recommendations regarding accreditation activities, as well as of proposals on improvement measures for accreditation activities,
- c) To request from interested parties substitution of Council representatives.

### 3.3 The Accreditation Council has the following obligations:

- a) To ensure independence and impartiality in decision making, as well as transparency of their activity,
- b) To support MOLDACs activity, in case of necessity, by attraction in its activity of experts and of other competent persons from branch technical committees, public administration authorities with regulatory functions, as well as from other institutions,
- c) **To meet** requirements regarding impartiality, objectivity, confidentiality, according to ISO/IEC 17011 – Conformity assessment. General requirements for accreditation bodies accrediting conformity assessment bodies, Regulation (CE) 765/2008, Law no.235/2011 and rules defined by National Accreditation Centre from Republic of Moldova (MOLDAC).

### 3.4 The Accreditation Council Structure:

1. The Council consists of 11 members, which represent each groups of interested parties in accreditation activities as follows:
  - a) Group of representatives from regulators interested in accreditation and conformity assessment development – 3 members

*In this group, as priority, will be selected a member from authority, in which administration are the most areas of activity from national economy and which are found in MOLDAC's field of competence.*

- b) Group of representatives from accredited conformity assessment bodies – 3 members

*In this group, will be selected:*

- *Person who has demonstrated competence in the field of conformity assessment of at least 5 years, from which 4 years within an accredited conformity assessment body (CAB)*
- *Person which represent a CAB, in the field of accreditation which are the most areas of activity in national economy, as agriculture, extractive industry, manufacturing industry etc., different variations of certification schemes (modules, products or systems certification schemes etc.) included; as priority there will be selected CAB, which demonstrated competence (is accredited) for a new accreditation scheme.*

- *The person who represents professional association, with a larger number of members, which can demonstrate viability by presenting of confirmative documents (status, member list, etc.), which has an active presence within social and economic context of country.*
- c) Group of representatives from beneficiaries of accreditation activities of conformity assessment – 3 members

*In this group, as priority, will be selected a representative from beneficiary which demonstrates an active presence within social and economic context of country, with an imposing number of active members.*

- d) Group of costumer's representatives – 1 member

*This group will be represented by a person which was appointed by Agency for Costumer's Protection and **Market Surveillance**, because this is an administrative authority, which is responsible for implementation of costumer's protection policy, and for state control in the field of compliance with the legislation in this filed, as well as state control regarding compliance of products and/or provided services with prescribed or declared requirements, and compliance with legislation requirements in the field of legal metrology and rules for carrying out commercial activities.*

2. MOLDAC Director is Accreditation Council member, without voting right, and is not part of any group of interested parties.

Note: **The vote** of the MOLDAC Director **is decisive** in the election of the President and **the Vice-President**, when the "pro" and "vice" votes are equal.

3. **The functions** of Chair and **Vice-chair** of the Council are deliberative. The Chair and **Vice-chair** are elected consequently, at the beginning of first meeting, among Accreditation Council's members.
4. The Council secretary is designate by MOLDAC Director, within permanent personnel of MOLDAC. The Accreditation Council Secretary is not a member of it.
5. Council's meetings can be attended, without right to vote, by representatives from:
  - Regulators,
  - National Institute of Metrology,
  - Standardization Institute of Moldova
  - MOLDAC representatives
  - Stakeholders
  - etc

### **3.5 The composition of the Accreditation Council:**

1. The composition of the Accreditation Council is presented in Annex 1 of this Regulation; code Reg-05-A-1. Nominal Composition of Accreditation council Members is approved by MOLDAC Director (code Reg-05-A-2).
2. Members of the Accreditation Council have a four-year mandate, with the possibility of **renewing them for a further term**.

For the nomination of Accreditation Council members, MOLDAC requests from interested parties to designate their representatives, by communicating their compliance criteria as Accreditation Council member. Designation letter of the representative from interested parties, as well as its CV are submitted to MOLDAC.

3. Criteria on which Accreditation council members are selected are following:

- a) Will own the right to take decision in the name of the institution which they represent,
- b) Will know the legislation in the field of quality infrastructure and requirements of reference standards,
- c) Will hold experience in a relevant field of accreditation,
- d) Will respect principles of impartiality and confidentiality,
- e) Will be selected, especially, from the qualified representatives and/or experts from business filed, or from quality infrastructure filed,
- f) Will hold a professional and legal practice, and a honorable reputation,
- g) Will own abilities of team work, as well as communication skills,
- h) Will have the capacity to mediate conflict situations.

4. The Accreditation Council members will not have family ties with MOLDACs top management, neither must be bound with MOLDAC by economical relevant interests (for example: investment, sponsorship, other participations) or by other situation, which could generate real conflict of interest.

5. In cases in which a member of Accreditation Council presents one of the incompatibility clauses presented in paragraph 4) of the present point, MOLDAC establishes a term no longer then 60 days, during which all the mentioned situations of incompatibility must be removed.

6. MOLDAC verifies compliance of designated by interested parties representatives, by criteria stipulated in paragraphs 3), 4) and 5) of the present point. In cases of their meeting with the mentioned criteria, MOLDAC includes designated representatives in the List of Accreditation Council Members; code Reg-05-F-1.

List of Accreditation Council Members is fulfilled and updated by the Accreditation Council secretary.

7. The Accreditation Council members lose their membership before expiry of the term, established by this Regulation, in one of the following cases:

- a) At the request from the Accreditation Council member,
- b) In cases of Accreditation Council member's dismiss from held function or leaving the institution,
- c) Upon revocation of Accreditation Council member by institution they represent,
- d) Upon revocation of member's term by the Accreditation Council, for one of the following reasons:
  - Prohibition of incapacity, which could make the Accreditation Council member incapable of performing his or her duties as a member, or a disease which, however, lacks a job for more than six months,
  - Serious violation of its obligations as a member of the Accreditation Council, including impartiality (obvious or tacit) and/ or objectivity,

- Sentence (final or non-final) pronounced in respect of the member of the Accreditation Council, a sanction involving a ban, even temporary, to exercise management functions of the institutions / businesses,
  - In incompatibility cases referred to in paragraph 4) of this point.
- e) The unjustified absence from 3 consecutive meetings of the Accreditation Council.

8. The list of members of the Accreditation Council shall be amended in the event of a vacancy for a member as a result of the occurrence of the circumstances set forth in paragraph 9) of this chapter
9. The vacancy will be filled by a newly appointed person of the same entity holding the said mandate, in the order established by this Regulation, [with the updating and approval of Annex 2 to this Regulation](#).

### 3.6 The functioning of the Accreditation Council

#### 3.6.1 The Accreditation Council meetings

1. The work of the Accreditation Council takes have form of meetings, which take place once in a half-of-a-year or whenever necessary.
2. The sessions are convened by MOLDAC, as well as at the request of at least 3 members of the Accreditation Council, with the argumentation of the necessity of convening.
3. The meeting of the Accreditation Council is considered deliberate if at least 2/3 of its members participate in it and all the groups are represented.
4. The Accreditation Council examines the issues on the agenda of the meeting and expands on them. Decisions shall be taken by simple majority of the votes of the groups of representatives.  
When making decisions in the Accreditation Council, stakeholders are represented equally by fair vote.  
Each stakeholder group shall be entitled to one vote. The unitary vote by consensus of the group members shall be expressed by a representative of the group nominated by its members.  
In case of equal votes, the opinion of the [MOLDAC Director](#) is decisive.
5. If a member of the Accreditation Council does not attend the meeting, he/ she shall send his vote in writing to the representative of the group to which he is part of, and shall so inform the Secretary of the Accreditation Council. Members of the Accreditation Council may cast the vote once in a year.
6. Accreditation Council decisions are recorded in the minutes of the meeting, code Reg-05-F-2, which is signed by the President and Secretary.
7. Accreditation Council decisions are a recommendation for the MOLDAC Director.
8. At the decision of the MOLDAC Director, the activity (exercise of the attributions) of the Accreditation Council can be organized by electronic means (e-mail and/ or

online) in compliance with all the provisions of this Regulation. In such cases, the members of the Accreditation Council shall receive the set of documents for consideration and the draft Minutes, code Reg-05-F-2/1, in which they shall record their opinion. The Secretary of the Accreditation Council shall collect the information received from CA members by electronic means, process them and prepare the Minutes of the meeting, code Reg-05-F-2, which shall be forwarded to the President for signature.

### 3.6.2 The President of the Accreditation Council

1. The Accreditation Council is headed by [the President](#).
2. In the absence of the Chair, his duties shall be exercised by [the Vice-President](#).
3. The President of the Accreditation Council shall exercise the following duties:
  - a) Chair meetings of the Accreditation Council,
  - b) Sign the minutes and, where appropriate, other Accreditation Council documents,
  - c) May convene unannounced meetings of the Accreditation Council, if necessary.

### 3.6.3 The Accreditation Council secretary

1. The Secretary of the Accreditation Council shall exercise the following powers:
  - a) Drafts the draft agenda of the Accreditation Council meeting on the basis of the proposals of MOLDAC and / or the members of the Council,
  - b) Informs the members of the Accreditation Council about the date of the meeting and its agenda,
  - c) Distributes to the members of the Accreditation Council the set of documents to be examined at the meeting, at least five working days before the summoning of the meeting,
  - d) Attends the Accreditation Council meeting and ensures the recording of the topics discussed on the agenda and the recommendations developed and voted at the meeting,
  - e) Prepare the draft minutes, taking into account the recommendations and suggestions made by the members attending the meeting,
  - f) Send the minutes of the meeting for signature to [the President](#) of the Accreditation Council no later than 15 working days after the date of the meeting,
  - g) Send the minutes signed by the president to the director of MOLDAC for decision-making on the recommendations made at the meeting.
2. Based on the decisions of the Accreditation Council, the Plan for the implementation of the recommendations of the Accreditation Council, code Reg-05-F-3, with terms and responsible for implementation, which is approved by the MOLDAC Director.

[The preparation](#) and monitoring of [the actions indicated in the plan](#) are carried out by the Secretary of the Accreditation Council.



The decisions of the Accreditation Council shall be communicated to the members of the Council at subsequent meetings, which shall be laid down in the agenda of each meeting.

3. Means of information and communication with the members of the Accreditation Council are: telephone, fax, e-mail, [other electronic means](#).
4. The logistics of the meetings of the Accreditation Council is the responsibility of MOLDAC.

#### **4. RECORDS**

|                                                                    |              |
|--------------------------------------------------------------------|--------------|
| List of members of the Accreditation Council                       | Reg-05-F-1   |
| Draft Minutes of the Meeting                                       | Reg-05-F-2   |
| Minutes                                                            | Reg-05-F-2/1 |
| Plan to implement the recommendations of the Accreditation Council | Reg-05-F-3   |
| Register of Verbatim Processes of Accreditation Council Meetings   | Reg-05-F-4   |

#### **5. ANNEXES**

|                                                                         |            |
|-------------------------------------------------------------------------|------------|
| Annex 1 Composition of the Accreditation Council                        | Reg-05-A-1 |
| Annex 2 Nominal composition of the members of the Accreditation Council | Reg-05-A-2 |

#### **6. SYNTHESIS OF THE MODIFICATIONS**

Changes have been introduced on the pages [1-5](#), [7-9](#).