



## **REGULATION OF APPEAL COMMISSION**

Code: Reg-04

Edition **3**

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## 1. PURPOSE

The current regulation establishes the process of constitution, organisation and operation of MOLDAC Appeal Commission and its attributions.

The current document is applied to the members of Appeal Commission as well as to MOLDAC personnel involved in the activities of this commission.

## 2. REFERENCE DOCUMENTS

- Law no. 235 from 01.12.2011 on accreditation and conformity assessment activities (art. 11), with further amendments.
- [SM SR EN ISO/CEI 17011:2017](#) Conformity assessment. General requirements for accreditation bodies accrediting conformity assessment bodies (7.13)

## 3. ORGANISATION AND OPERATION

### 3.1 Attributions:

Examination of appeals submitted by Conformity Assessment Bodies (CABs) to unfavorable decisions [regarding the accreditation](#) of the National Accreditation Center MOLDAC regarding accredited CAB activity

### 3.2 Constitution

**3.2.1** Appeal Commission is constituted ad-hoc by MOLDAC Director order within 5 working days from appeal registration.

**3.2.2** [The nominal](#) composition of Appeal Commission [is constituted](#) from persons included in the List of potential candidates for ad-hoc constitution of Appeal Commission, code Reg-04-F-1, approved by MOLDAC Director.

To cover all accreditation scopes, in respective List are included representatives of interested parties in accreditation activity, as following:

- a) representatives of Regulatory Authorities interested in accreditation and conformity assessment development,
- b) representatives of accredited conformity assessment bodies,
- c) representatives of the beneficiaries of the conformity assessment activities,
- d) consumer representatives,
- e) other interested parties.

**3.2.3** Persons included in the List shall meet the following criteria:

- shall have University degree,
- shall have [minimum](#) 5-year experience in the specialized field,
- shall know the accreditation process,
- the existing relationship with MOLDAC should not create risks for impartiality, independence, integrity.

**3.2.4** Appeal Commission is consisted from **minimum** 3 persons from the list mentioned above – representatives of different interested parties.

Commission members are nominated on the base of competence, impartiality and independence in front of appellant and MOLDAC. Commission members must:

- know the accreditation scope, which is the subject of the appeal,
- not to have any commercial interests related to the outgoing call,,
- have not been involved in relations with both the caller and the subject of the call,
- have **communication skills**,
- possess **the ability to be objective and critical**,
- have **the ability to assess the situation presented in the call**
- be **capable of analysis and synthesis**

The members of the Appeal Commission are appointed from among the persons who were not involved in the evaluation.

**3.2.5** All persons that participate in the Appeal Commission meetings shall sign a statement of confidentiality.

### **3.3 Organisation**

**3.3.1** The Appeal Commission has the following structure:

- Chairman,
- Two members.

**3.3.2** The Chairman of the Appeal Commission is elected at the first meeting among its members. The Chairman of the Commission presides over the meeting.

**3.3.3** Secretarial works of the Appeals Commission are ensured by the Secretary, which is the RSM and in the case of his absence **or** involvement in the appeal, another **selected** person from the MOLDAC staff, appointed by order of the director MOLDAC. The Secretary is not a member of the Appeal Commission and is not entitled to vote.

### **3.4 Operation**

**3.4.1** The Appeal Commission meeting are convened by the Secretary of the Commission, **minimum** 5 working days from the date of its appointment.

Communicating and informing of Appeals Commission members is done directly and/or through: phone, fax, e-mail.

**3.4.2** Appeals Commission meeting is considered deliberative, if it is attended by all named members.

**3.4.3** The Secretary of the Commission informs the commission's members with Regulation of Appeal Commission, procedure of appeal treatment and with relevant MOLDAC documents.

**3.4.4** After the Commission Chairman was selected, members have access to appeal request and annexed documents.

**3.4.5** The Commission investigates the appeal in accordance with the complaint and call handling procedure, [code PR-05](#).

**3.4.6** The Appeal Commission has the right to:

- request from CAB additional information, necessary for appeal examination,
- request from MOLDAC additional evidenced in order to make a conclusion (these dates are requested from CAB, if it is the case),
- invite the appellant and MOLDAC delegate to the meeting of appeal analyse to listen the point of view, if it is considered appropriate.

**3.4.7** The Appeals Commission will take into account the applicable legislation, the applicable regulations in the appeal review process and applicable requirements in the fields of accreditation and conformity assessment

**3.4.8** In the result of appeal examination, the Appeal Commission adopts one of the following conclusions:

- to confirm the MOLDAC decision, which is the object of the appeal,
- to reconsider the decision issued by MOLDAC, which is the object of the appeal.

**3.4.9** The Conclusion of the Appeal Commission is adopted by a majority of the votes of its members, [recorded in the minutes of the meeting, code MSM-F-11](#). The separate opinions of the members of the Appeal Commission are attached to the minutes.

**3.4.10** The Secretary of the Appeal Commission shall promptly inform the MOLDAC Director of the Commission's conclusion and present the minutes of the meeting.

**3.4.11** The Conclusion of the Appeal Commission is a recommendation. [The final decision on the appeal belongs to MOLDAC and is taken by someone other than the one who made the initial decision.](#)

**3.4.12** The final decision on the appeal belongs to MOLDAC and is taken by someone other than the one who made the initial decision.

### **3.5 Dissolution**

The Appeal Commission is dissolved after its Secretary has communicated the conclusion to MOLDAC Director and to appellant (CAB).

## **4. RECORDS**

[List of potential applications](#)

[Code Reg-04-F-1](#)

## **5. ANNEXES**

[Not applicable](#)

## **6. SYNTHESIS OF CHANGES**

Modifications have been introduced on the following pages: [1- 5](#).