

# GOVERNMENT OF THE REPUBLIC OF CROATIA

On the basis of paragraph 1 of Article 4 of the Law on Accreditation (*Official Gazette No. 158/2003*), the adopted at its session held on October 27, 2004 the following,

## DECREE

on the Foundation Charter of the Croatian Accreditation Agency

### FOUNDER AND NAME OF INSTITUTION

#### Article 1

By this Decree, the Republic of Croatia shall establish a public institution for carrying out the activities and tasks of the national accreditation service.

The institution referred to in paragraph 1 of this Article is established under the name of Hrvatska akreditacijska agencija (herein after referred to as: HAA).

The name of the HAA in English is the Croatian Accreditation Agency.

The abbreviated name of the institution is HAA.

The head office of the HAA is in Zagreb.

#### Article 2

The HAA is a legal entity having rights and obligations prescribed by the law, this Decree and the Statute of the Croatian Accreditation Agency.

The HAA shall be registered in the Court Register.

#### Article 3

The Statute shall regulate the internal organization of the HAA in detail.

### ACTIVITIES OF THE CROATIAN ACCREDITATION AGENCY

#### Article 4

The HAA shall carry out the activities and tasks laid down by the Law on Accreditation, this Decree and the Statute, as follows:

1. accreditation of testing and calibration laboratories;
2. accreditation of legal and natural persons performing certification of products, management systems and personnel;
3. accreditation of legal and natural persons performing technical inspection or similar activities;
4. other assessments and confirming the competence for performing conformity assessment procedures, including determining whether legal or natural persons

- meet conformity assessment requirements set by conformity assessment regulations;
5. providing government bodies with information necessary for an effective implementation of the accreditation policy in the field of conformity assessment;
  6. cooperation with European accreditation and other bodies of the European Union in the field of accreditation, particularly in the process of approximation and accession to the European Union, and concluding of agreements in the field of accreditation;
  7. cooperation with international bodies, institutions and associations and concluding of agreements in the field of accreditation;
  8. cooperation with legal and natural persons in the field of accreditation;
  9. promotion of accreditation and conducting education in the field of accreditation;
  10. publication of guidelines, recommendations and other professional publications in the field of accreditation.

The HAA also carries out other activities laid down in the Statute.

The HAA activities are not performed for the purpose of making profit.

## ORGANIZATION AND BODIES OF THE CROATIAN ACCREDITATION AGENCY

### Article 5

The HAA bodies comprise the Administrative Board and the Director General.

### Article 6

The Administrative Board supervises the operation of the HAA.

The Administrative Board shall adopt the Statute, the internal regulation on the structure and the organization of work, the internal regulation on the salaries of employees and, the work and development programs, and shall supervise their implementation. It shall also, decide on the financial plan and the annual account, proposes the changes of activities and of the status, submit proposals and opinions on specific issues to the Government of the Republic of Croatia and Director General as well as pass decisions and carry out other activities laid down in this Decree and the Statute.

The Administrative Board consists of a president and four members appointed by the Government of the Republic of Croatia for the period of four years.

The Government of the Republic of Croatia may relieve the president and the members of the Administrative Board of their duties before the expiry of the period for which they have been appointed.

The Administrative Board shall pass decisions by the majority vote of its members.

The chairman and the members of the Administrative Board are entitled to receive fees for their work in accordance with the HAA internal regulations.

## Article 7

The Director General is the manager of the HAA. The Director General is appointed and relieved of his duties by the Government of the Republic of Croatia in accordance with the law and the Statute.

The Director General represents and acts for the HAA, organizes and performs the HAA activities, takes all legal actions in the name and for the account of the HAA, represents the HAA in all proceedings in the courts, administrative and other government bodies and legal persons exercising public authority; He executes the decisions passed by the Administrative Board, carries out other activities laid down in this Decree and the Statute, and is responsible for the legality of the HAA activities.

## Article 8

Director General has a deputy and one or more assistants who are appointed and relieved of their duties by the Administrative Board on the proposal of the Director General.

The Deputy Director General replaces the Director General within the scope of authority of the Director General, and is subject to the provisions referred to in paragraph 2 of Article 7 of this Decree.

## Article 9

The professional work of the HAA is performed within internal organizational units and is managed by heads of organizational units.

The heads referred to in paragraph 1 of this Article are appointed and relieved of their duties by the Director General.

## Article 10

The Director General cannot conclude any legal deals concerning the disposal or encumbrance of immovable assets without the approval of the Administrative Board.

The Director General cannot act without a specific authorization of the Administrative Board as the other party to a contract and conclude agreements with the HAA in his name or for his account or for the account of other persons, or in the name and for the account of other persons.

The Director General may empower, without a specific authorization of the Administrative Board, a head of an internal organizational unit or some other person to represent the HAA in legal actions within the scope of his authority and in accordance with the provisions of the law regulating obligative relationships.

The Statute of HAA defines the limits concerning the acquisition, encumbrance and disposal of immovable and other HAA assets, as well as the value of other legal deals for which the consent of the Government of the Republic of Croatia is necessary.

## ASSETS OF THE CROATIAN ACCREDITATION AGENCY

### Article 11

Funds for the HAA activities comprise:

1. funds from the government budget
2. funds generated from the HAA activities
3. funds from other sources
4. immovable and movable assets taken over from the State Office for Standardization and Metrology.

### Article 12

Funds for the HAA activities referred to in points 1 to 7 of paragraph 1 of Article 4 and funds needed for membership fees in international and European accreditation organizations are provided from the budget of the Republic of Croatia. The HAA shall obtain the funds from the budget of the Republic of Croatia on the basis of an approved annual work program.

### Article 13

The HAA assumes the liability for its obligations and guarantees it with all its assets.

The Republic of Croatia assumes solidary and unlimited liability for the HAA obligations.

The HAA is not carrying out its activities for the purpose of making profit. If in the course of its functioning the HAA makes profit, the profit shall be used solely for carrying out and development of the HAA activities.

If in the course of its functioning the HAA incurs a loss, a decision on how to recover the loss shall be passed by the Government of the Republic of Croatia on the proposal of the Administrative Board.

### Article 14

The ministry responsible for the field of science shall conduct the supervision of the legality of the HAA activities and its internal regulations.

## INTERNAL REGULATIONS OF THE CROATIAN ACCREDITATION AGENCY

### Article 15

The Administrative Board shall adopt the HAA Statute with the consent of the Government of the Republic of Croatia.

The Statute shall define in detail the structure, authority, the organization of work and decision making of particular bodies of the HAA, mutual rights and obligations of the founder and the HAA, as well as other issues relevant to the carrying out of the HAA activities.

The Administrative Board shall adopt the HAA Statute within the period of 30 days from the day of appointing the members of the Administrative Board.

The Statute and other internal regulations of the HAA must be in line with the law and this Decree.

## PUBLICITY OF WORK OF THE CROATIAN ACCREDITATION AGENCY

### Article 16

The work of the Croatian Accreditation Agency is public.

The Director General takes care of the publicity of the HAA work.

The Administrative Board submits the report on its activities to the Government of the Republic of Croatia once a year.

## START OF OPERATING OF THE CROATIAN ACCREDITATION AGENCY

### Article 17

Until the Director General is appointed, a temporary director of the HAA shall make preparations for the start of operating of the institution and shall submit the request for its registration in the Court Register.

The Government of the Republic of Croatia shall appoint a temporary director within 15 days from the day of entering into force of this Decree.

The Government of the Republic of Croatia shall appoint the chairman and the members of the HAA Administrative Board within 30 days from the day of entering into force of this Decree.

## TRANSITIONAL AND FINAL PROVISIONS

### Article 18

The premises of the Croatian Accreditation Agency are located in Zagreb, Ulica grada Vukovara 78.

The Croatian Accreditation Agency shall take over tangible assets and equipment from the State Office for Standardization and Metrology.

The division of premises, tangible assets and equipment shall be done in accordance with the specially developed divisional study.

The divisional study shall be made by December 31, 2004.

## Article 19

The Croatian Accreditation Agency shall take over from the State Office for Standardization and Metrology the employees that as of December 31, 2004 perform the tasks relating to accreditation.

## ENTRY INTO FORCE

## Article 20

This Decree shall enter into force on the eighth day after its publication in the *Official Gazette*.

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Zagreb, October 27, 2004.

Prime Minister

Dr.Sc.Ivo Sanader