



NEMZETI AKKREDITÁLÓ HATÓSÁG

National Accreditation System

Regulation on the decision making phase

NAR-85

Edition 5

Effective from: 9 January 2017

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1. Background

1.1. Legal foundation of the functioning of the Accreditation Committee

- Act CXXIV of 2015 on national accreditation (NA Act) and
- Govt. decree 424/2015 (23 Dec) on the National Accreditation Authority and the accreditation procedure (XII. 23.) The National Accreditation Authority engages an Accreditation Committee in the decision making phase.

The Committee consists of a chairman and at most, 22 natural person members per each area of expertise, who possess accreditation expertise. It has at least two experts per area of expertise.

1.2. Requirements for members of the Accreditation Committee

- he/she is not subject to a judgement of guardianship affecting legal capacity or supported decision making,
- is a Hungarian citizen or a person having the right of free movement and stay in Hungary on basis of a separate act of law, a person having settled status or a person having immigrant status,
- completed tertiary education, has at least 5 years' work experience related to an area of accreditation,
- in a procedure he/she is the subject of, he/she is not an owner, an official or an employee of the accredited organisation or an organisation applying for accreditation; he/she is not in any legal relationship aiming at employment with the accredited organisation; nor is he/she a close relative of any of these persons,
- he/she is not an official of an economic chamber or a professional chamber or of any organisation created for the representation of the interests of accredited organisations,
- he/she is not a government official of the Authority, nor is he/she a close relative of any government official of the Authority.

1.3. Procedure of appointment of members of the Accreditation Board

Members of the Committee shall be appointed by the director-general of NAH.

The application of a new board member may be initiated by the applicant or a colleague of NAH. Following a verbal consultation with the candidate, the candidate submits his/her professional curriculum vitae presenting his/her professional competence and documents proving his/her education and professional experience.

The director-general of NAH assesses the documents submitted and, in case he/she evaluates the professional competence of the candidate as satisfactory, he/she officially invites the candidate to participate in the Accreditation Committee.

The new Accreditation Committee member enters into a Contract for Services with the NAH.

2. Decision preparation, operational provisions of the Accreditation Board

Following the completion of the evaluation phase and the issuance of the order completing the procedure by the head of general department, the accreditation referent e-mails the draft decision and the detailing document, and the publication sheet, and also hands over the printed documents to the AB referent, with this the evaluation phase is completed.

In the decision making phase, in case of an accreditation procedure, members of the Accreditation Committee (hereinafter: AB members) propose giving accredited status for the given organisation, or else the partial or complete refusal of the application for accreditation. The accredited status is valid for 5 years. In case of a surveillance procedure, the Accreditation Board makes a proposal for the full continuance, the full or partial suspension or the revocation of the accredited status. The deadline for administration of the decision making phase is 30 days in case of accreditation procedures and 15 days in case of surveillance procedures.

The AB consists of a chairman and of, at most, 22 natural person members per each area of expertise listed under subsection (1) of section 5 of the NA Act, who possess accreditation expertise.

The Accreditation Committee meets every week, each week in person or without the personal presence of members, by electronic voting. The place of the meeting in the personal presence of the AB members is the basement conference room in the office building of NAH.

Accreditation referents send the data of the procedures they intend to submit next week in an excel file to the AB referent by 10 o'clock on Thursday. The excel table contains the serial number of the proposal, the name of the chairman of the meeting, the type of procedure, the name of the applicant organisation, the name of the accreditation referent, the fee of the procedure.

The AB referent summarises the proposals received electronically in a table and then sends it for review to the chairman of the Accreditation Committee. The chairman of the Accreditation Committee appoints in bold letters as per the area of expertise of AB member(s), who opposes the given procedure.

After the review, the chairman electronically informs the AB referent whether the summary table may be sent out or any modification is necessary. Should any modification be necessary, after such modifications the summary table may be sent to the AB members and the accreditation referents electronically, each week by the end of the work hours on Thursday. In the summary table sent, the AB referent highlights in bold the name of those AB members who make remarks to the documents of the given procedure or are opponents. Opponent AB members participate in person at the meeting of the AB.

The programme of the meeting of the AB is announced by the AB referent, on basis of consultation with the chairman. The chairman presides at the meetings. The chairman of the AB and its members having expertise in the given area of expertise, but at least 11 members participate in the making of the decision proposal of the AB.

2.1. In case of a meeting of the Accreditation Board held on site (with personal participation):

Each AB member and the accreditation referent receive the excel table summarising the items on the agenda of the AB meeting of following week by 16:30 on Thursday.

As per the areas of expertise of AB members, opponent AB members selected by the referents given their opinion on basis of documents received, before the start of the meeting, and prepare the "Unified expert opinion for decision making" (hereinafter: expert opinion). They certify the contents of the expert opinion prepared by their signature.

In compliance with the expert opinion, the accreditation referent draws up the draft decision and sends it to the AB referent electronically by the end of the working hours on Friday, and also hands it over in print.

At the meeting of the AB, the AB members elaborate the result of their assessment, the contents of the expert opinion and they put its acceptance to a vote.

The meeting has quorum if the chairman of the AB as well its members possessing expertise in the given area, but at least 11 members are present. The AB formulates and finalises its proposal with simple majority. The AB adopt its proposal with simple majority vote, in case of a tie vote the vote of the chairman decides.

Minutes are prepared of the AB meeting, recording the type of meeting, the name of the chairman, the names of organisations and their registration number, the type of procedure, the name of the accreditation referent and the name of the opponent AB member, as well as the serial number of the expert opinion prepared and the results of the vote. The minutes of the meeting are certified by the signatures of the chairman, two certifying AB members and the AB referent preparing the minutes. An attendance sheet is prepared at the meeting, where the AB member certifies with his/her signature participation in person at the given AB meeting.

2.2. In case of electronic voting (televoting):

All AB members and accreditation members shall receive from the AB referent the summary excel file containing the agenda for the AB meeting of next week electronically, by 16:30 on Thursday. Opponent AB member(s) listed in the summary table in the excel file send the expert opinions prepared as per the summary table to the AB referent and the chairman of the AB by 12:00 on Tuesday. Expert opinions received shall be sent by the AB referent to the AB members electronically by the end of work hours on Tuesday, with a request to indicate to the chairman of the AB and also to the AB referent electronically, by 13:00 on Wednesday whether they accept the decision of the opponents or they have an objection to it.

For acceptance of the expert opinion, it is necessary that 11 of the AB members accept the expert opinions; in case of a tie vote the vote of the chairman decides. The AB referent shall file the printed version of electronic votes submitted together with the expert opinions prepared. Minutes shall be prepared of the electronic voting, recording the type of meeting, the names of AB members participating in voting, the name of the chairman, the names of organisations and their registration number, the type of procedure, the name of the accreditation referent and the name of the opponent AB member, as well as the serial number of the expert opinion prepared and the results of the vote. The minutes are certified at the AB meeting next week by the

signatures of the chairman, two certifying AB members and the AB referent preparing the minutes.

2.3. Common provisions:

a) Should the opponent AB member(s) propose in his/their expert opinion the full acceptance of the application, then the resolution of the NAA (simplified resolution) contains neither information on legal remedy possible, nor reasons and it enters into force on the day it is brought.

b) Should the opponent AB member(s) issue an expert opinion partially accrediting the status or refusing it, the resolution of the NAA, beside recording the operative part in the minutes, shall be reduced to writing within 15 days from making that decision in such a manner that it contains the reasons for the decision and the information on legal remedy. In such cases an appeal lies against the decision within 15 days from its communication.

The accredited area is recorded in the Detailing document, which forms a part of the decision granting accreditation.

If the decision granting accreditation covers several accredited areas and the applicant files an appeal only against resolutions on certain areas, the uncontested resolutions of the decision enter into force.

3. Decision making

Following the AB meeting, the AB referent hands over to the deputy director-general of the NAH the unified expert opinions and draft decisions of the Accreditation Committee; the deputy director-general decides on whether to accept the decision and he/she signs the decision. The decision of NAH on the accredited status acknowledges and certifies that an organisation or natural person is capable of performing the specified compliance assessment task.

The deputy director-general of the NAH may overrule the proposal of the AB. In such cases he/she calls on the AB to repeatedly review the documents of the procedure and to prepare a new expert opinion. The deputy director-general is obliged to accept the expert opinion proposal prepared by the Accreditation Committee the second time.

The decision is prepared in two original copies. One copy shall be sent to the applicant organisation, the other copy shall be filed in the central register together with the return receipt proving delivery.

Should any complementation or correction of the decision or the detailing document be necessary, the accreditation referent in charge of the procedure prepares the corrected decision and it is on the agenda of the next AB meeting, among procedures launched ex officio.

Following the decision, the AB referent returns the signed, original copy of the unified expert opinions to the accreditation referent of the procedures, the referent file it in the documentation

of the procedure. A copy of the unified expert opinions shall be filed in the folder of the Accreditation Committee.

4. Records of decision making

The AB referent keeps two worksheets on the decisions of NAH in the "AB summary" excel file. In the first worksheet, he/she collects in chronological order the data of those procedures completed with a decision, in which the Accreditation Committee prepared an expert opinion. In the second worksheet, titled "Decisions of the office", the referent keeps those decisions of the deputy director-general, for which no expert opinion had to be prepared by the AB and the deputy director-general made a decision outside an AB meeting, ex officio, within his own power.

The accreditation referents hand over one of the two original copies of decisions of the office to the AB referent immediately after the deputy director-general has signed them so that the AB referent may enter the decision in the excel file summarising decisions and file the decision in the central register.

This is possible in the following instances: transfer of a standard, corrections of the detailing documents, correction of decisions, change of name, revocation of status upon request of the accredited, change of address.

The "AB summary" excel file table is kept continuously, it is complemented each week after the AB meeting.

5. Mailing of resolutions and of detailing legal documents

As per section 78 of the Act CXL of 2004 on the general rules of administrative proceedings and services, the NAH delivers the decision and the detailing document to the applicant by mail or hands these over in person. After the decisions have been signed, the decisions of the Authority shall be mailed by the person whose scope of duties includes this task.

The mailing of decisions shall always be by registered mail which proves that the decisions have been mailed.

6. Preparation and mailing of legal documents

The mailing of legal documents takes place after mailing the decisions. Within three days from the entry into force of the decision granting accreditation, the secretariat of NAH issues a legal document of accreditation introduced for this purpose, containing the data listed under subsection (1) of section 13 of the Decree.

The legal document of accreditation contains the following:

- a) the symbol of NAH,
- b) the name of the accredited organisation (organisation unit) and its seat or the name of the natural person and his/her address, and all of the secondary places of business where the accredited activity is carried out,
- c) the unique registration number of the accreditation,

- d) the actual date of granting the accredited status and the date of its expiry,
- e) the designation of the accredited activity as per subsection (1) of section 5 of the NA Act,
- f) the declaration on compliance, and, further
- g) the reference to the standard or other document on basis of which the organisation (organisational unit) or the natural person has been evaluated.

The employee of the Authority in charge of issuance of the legal document issues the document after the decisions have been mailed. The director-general of the Authority certifies the contents of the legal document by his/her signature thereon. At the time of the issuance of the accreditation document, the NAH enters into the register the data listed under subsection (1) of section 12 of the NA Act of the accredited organisation or the natural person (hereinafter: the accredited).

7. Publication on the website

After mailing the decisions, the administrators of each department, charged with data management, update the database of accredited organisations on the www.nah.gov.hu website, within three days from making the decision.

8. Issuance of symbol

Organisations and natural persons having NAH accredited status may apply for a NAH symbol electronically at the secretariat; the use of the symbol is regulated by procedure NAR-08 "Rules on the use of the accreditation symbol and reference to the accredited status".

9 Supervision of impartiality

In accordance with the decision of NAH's Impartiality Advisory Body on 2 December 2016, organisations which are linked to the Prime Minister's Office and the Ministry of National Economy in terms of ownership or control, represent distinguished importance from the aspect of the impartial operation of NAH.

In the accreditation and surveillance procedures of these organisations, a member of the Impartiality Advisory Body reviews the impartiality of the procedure.