

National Accreditation System

Rules of Procedure for the Decision-Making Phase

NAR-85

Edition 7

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List of amendments

Date of Amendment	Edition	Amended area
	REASON FOR AMENDMENT CONTENT OF CHANGE	
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	Restructuring	
	Definitions	3.
	Determining the role of the AC	4.1.
	Specification of the operation of the AC	4.2.
	Regulating the postponement of AC meetings	4.2.4.
	Substituting the Chairman of the AC	4.2.5.
	With regard to EU ETS verifiers, the technical opponent has a right of veto in decision-making	4.3.
	Documents carrying the accreditation mark are approved by the person appointed by the Director General.	4.9.
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	New chapter 4.5: Conditional accreditation	4.

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1. Purpose of the regulation

Regulating the decision-making phase of the accreditation, extension of scope, extraordinary surveillance and surveillance procedures (the latter two hereinafter together: surveillance procedure) performed by the National Accreditation Authority (hereinafter: NAH) with attention to the operation of the Accreditation Committee (hereinafter: AC).

2. Personal and material scope

The personal scope of the current Rules of Procedure covers the members of NAH AC, NAH general department heads, NAH department heads, the accreditation desk officers working at the general departments of NAH, NAH's Deputy Director General, the AC desk officer, and employees working at NAH Secretariat and concerned with filing and mailing.

The material scope of the present Rules of Procedure covers the decision-making phase of the accreditation, extension of scope, surveillance and extraordinary surveillance procedures performed by NAH.

3. Definitions

Accreditation Committee (AC)

An impartial, proposing body, acting as expert in the technical fields of the national accreditation scheme, in the decision-making phase, in the course of the accreditation, extension of scope of the accredited status, surveillance and extraordinary surveillance procedures.

Assessment Team (AT)

Group of persons having expertise in the fields concerned with the application for accreditation, appointed by the National Accreditation Authority, in the assessment phase, in the accreditation, extension of scope of the accredited status, surveillance and extraordinary surveillance procedures. The Assessment Team is headed by the lead assessor, the assessors and experts can be the members.

Decision-making phase

Part of the accreditation, extension of scope of the accredited status, surveillance and extraordinary surveillance procedure following the assessment phase, in the course of which the accreditation organ passes a decision on awarding, maintenance, extension, reduction, suspension, withdrawal of the accredited status or rejection of the application for accreditation.

The administration time for the decision-making phase – following the assessment phase – of the accreditation, extension of scope procedure is thirty (30) days.

The administration time for the decision-making phase – following the assessment phase – of the surveillance, extraordinary surveillance procedure is fifteen (15) days.

Assessment phase

A phase of the accreditation, extension of scope of the accredited status, surveillance and extraordinary surveillance procedure, during which the Assessment Team audits and assesses if the customer applying for accreditation is competent, and if it is in compliance with all the applicable accreditation requirements.

4. Description of the regulation

4.1. Role of the AC

In the decision-making phase of the accreditation, extension of scope and surveillance procedure, the Accreditation Committee prepares the decision as expert in the technical field of the national accreditation scheme. The role of the Accreditation Committee is that of an **opponent**, that is, reviewing in the decision-making phase if the assessment phase was performed in accordance with the prescriptions and requirements, and, in function of that, submitting a proposal to the Deputy Director General for decision. At the same time, the AC does not have the task of repeating the procedure – or its document review phase - in the same depth as it was performed by the Assessment Team.

Requirements for members of the AC

Requirements applicable to AC members are contained in Government Decree No. 424/2015. (XII.23.) Korm. on the National Accreditation Authority and the accreditation procedure (hereinafter: Government Decree).

Procedure for the appointment of the members of the Accreditation Committee

The application of a new AC member may be initiated by the would-be member, a member of the AC or an employee of NAH. Other proposals, initiatives submitted by people concerned shall be forwarded to the Accreditation Committee desk officer. Following a consultation with the candidate, the candidate shall submit his/her professional CV (NAD-208), certificates and diplomas proving his/her education and documents to prove his/her experience.

Personal interview of the would-be AC members will be performed by the Deputy Director General of NAH or the person appointed by him. In the event of a positive assessment, the Deputy Director General submits a proposal to the Director General and hands over the documents for decision.

NAH's Director General reviews the documents submitted and passes a decision on appointing the candidate a member of the AC. An inseparable part of the appointment of the AC member is the conclusion of the NAD-307 service contract.

The service contract always contains the declaration on secrecy and confidential handling of cases in compliance with the current requirements of legislation and a consent allowing NAH to handle the personal data of the AC member; and to publish on NAH website his/her name and indication of the technical field where the AC member has expertise.

In line with NAD-542 List of Forms, documents of the AC members are managed by the HR desk officer.

4.2. Order of operation of the AC

Start of the decision-making phase

The assessment phase of the NAH procedure is closed by an order issued by the competent general department and handed over to the AC desk officer. The decision-making phase is launched subsequently.

Following the issuance of the order by the general department head on completion of the assessment phase, the draft decision and the attached draft detailed scope of accreditation and the consolidated expert opinion shall be handed over by the accreditation desk officer in printed form and shall be sent electronically together with the publication sheet to the AC desk officer, with copies to the AC desk officers appointed for data management of the general departments for publication purpose until the date of the AC meeting the latest.

In the decision-making phase, in the case of an accreditation or extension of scope procedure, the members of AC propose if an accredited status should be given to the given organisation, or the application for accreditation should be partially or fully refused, or the extension should be awarded. In case of a surveillance procedure, the Accreditation Committee makes a proposal for the full maintenance, full or partial suspension, and withdrawal of the accredited status. If there is full or partial award of the accreditation, or suspension or withdrawal, the AC desk officer shall electronically inform the accreditation desk officer of the given procedure. The administrative deadline of the decision-making phase is determined in the legislation.

The AC meets every week, in person or holding the AC meeting electronically without the personal presence of members in an alternating manner, possibly every two weeks. The AC meeting in person of the AC members is held on Wednesday starting at 14 hours at the NAH headquarters. If there is any obstacle to this, the Chairman orders the meeting to be held at another point of time informing the AC members, the Deputy Director General and the AC desk officer thereof in writing at least one day before.

Accreditation desk officers shall send the data of the procedures they intend to submit the next week in the NAD-322 AC Excel file to the AC desk officer by 10 o'clock Thursday each week. The excel table contains the serial number of the proposal, the name of the Chairman of the AC meeting, the name of the AC member acting as an opponent, the type of procedure, the name of the applicant organisation, the registration number, the name of the accreditation desk officer, the fee of the procedure and the other deadlines for the procedure.

The AC desk officer summarises the proposals received electronically in a weekly AC summary table in NAD-322, and then sends it for review, approval to the Chairman of the AC. The Chairman of the AC reviews, approves the opponent member/members proposed by the accreditation desk officer for the given procedure, or in case of an opponent member/members not having appropriate expertise, he appoints another AC member/members for acting as an opponent in the given procedure.

After the review, the chairman electronically informs the AC desk officer whether the summary table may be sent out or any modification is necessary.

The summary table - the AC meeting agenda - shall be sent out by the AC desk officer following consultation with the Chairman to the AC members until Friday noon of the week preceding the AC meeting.

The AC meetings are moderated by the Chairman. The Chairman of the AC, the appointed opponent member/members and its members having expertise in the given field, but at least 50 per cent of the members participate in passing the decision proposal of the AC.

The appointed opponent member/members explain their proposals in relation with the procedure they are acting as opponent in in the Form NAD-122 titled ‘Consolidated expert opinion for decision-making’. The consolidated expert opinion is filled in by the member/members acting as opponents in the procedure, which is signed by the AC Chairman.

For the preparation of an appropriate decision, the member/members acting as opponents are entitled to request further documents from the head of the Assessment Team (AT) concerning the assessment phase. In the event of such a request from the AC, the head of the AT is obliged to respond in 5 days.

AC meeting held with personal participation

In line with the expertise of the AC members, the opponent AC members selected by the desk officers give their opinion on the basis of documents received and prepare the ‘consolidated expert opinion for decision-making’ (hereinafter: expert opinion). They certify the contents of the expert opinion prepared by signing it on the document.

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

The meeting has a quorum if the chairman of the AC as well its members possessing expertise in the given area, but at least 50% of the members are present. The AC formulates its final decision proposal by a simple majority vote. The AC adopts its decision proposal with a simple majority vote, in case of a tie vote the vote of the chairman decides.

The AC desk officer prepares the minutes of the AC meeting on the basis of Forms NAD-539 and NAD-549. The minutes contain the form of the AC meeting, the name of the Chairman, the name of the organisations, the case number, the serial number of the expert opinion prepared, as well as the proposal for decision. The minutes of the meeting are certified by the signatures of the Chairman and two authenticating AC members. An attendance sheet is prepared at the meeting, where the AC member certifies his/her participation in person at the given AC meeting with his/her signature.

Electronic voting

The rules applicable to the collection of submissions are identical with the rules of an AC meeting held with personal participation.

In the case of an AC meeting involving electronic voting (televoting), the ACT desk officer shall send electronically the Excel file summary table containing the submissions/proposals to the AC members until the end of working hours on the Friday of the preceding week.

Opponent AC member/members listed in the Excel summary table shall send their expert opinions prepared in line with the summary table by 12 o’clock on Tuesday or hand it over to the AC desk officer or the accreditation desk officer. Expert opinions received shall be sent by the AC desk officer to the AC members electronically by the end of working hours on Tuesday, with a request to indicate to the chairman of the AC and also to the AC desk officer electronically, by 13:00 hours on Wednesday whether they accept the decision of the opponents or they have an objection to it.

For the acceptance of the expert opinion, it is necessary that more than 50% of the AC members accept the contents of the expert opinion, in case of a tie vote the vote of the chairman decides. Electronic votes received are saved in the mailing system according to the dates of the AC meetings,

together with the expert opinions. Minutes shall be prepared of the electronic voting, recording the type of meeting, the names of AC 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 desk officer and of the opponent AC member, as well as the serial number of the expert opinion prepared, the proposal for decision and other administrative deadlines applicable to the procedure. The minutes prepared on the meeting held electronically will be signed by the AC Chairman and two authenticating AC members at the next AC meeting held with personal participation.

Postponement of AC meetings

If it is justified, an AC meeting can be postponed in time or the meeting can be cancelled (e.g., due to a holiday/holidays or end of year shut down of NAH).

Postponement or cancellation of an AC meeting is proposed by the AC Chairman in writing to the Deputy Director General 30 days earlier, who, again, will inform the AC Chairman in writing of its decision (approval or rejection). The AC Chairman or the AC desk officer authorised by him will inform the AC members and the accreditation desk officers of the decision at least 22 days before the meeting concerned. Substitution of the AC Chairman

The Director General appoints a deputy chair upon the proposal of the Chairman. If the Chairman is prevented from acting, the functions of the Chairman are performed by the deputy chair.

4.3. Rules of decision preparation

a) Should the opponent AC member(s) propose in his/their expert opinion the full acceptance of the application, then the resolution of the NAH (simplified resolution) does not contain the information on legal remedy and the reasons only contain the specification of the rules of law used as the basis of NAH decision. The decision of NAH enters into force on the day when it is adopted.

b) In case the opponent member/members of the AC propose granting the accredited status for a partial scope to the Deputy Director General, the decision shall contain the reasons for the decision and the information on legal remedy as well. In such cases, according to Act I of 2017 on the code of administrative procedure, a request for legal remedy may be launched against the decision within 30 days dated from the communication thereof.

The accredited scope is recorded in the Detailed Scope of Accreditation, which is part of the decision granting accreditation.

If the decision on accreditation is applicable to more than one accredited area, and the applicant submits a request for legal remedy only against provisions of the decision for certain areas, the provisions of the decision not questioned by a request for legal remedy become final.

When verifier organisations (EU ETS verifiers) according to the Act on the participation in the implementation of greenhouse gas emissions community scheme and effort sharing decision are accredited, pursuant to Commission Regulation No. 600/2012/EU, the opponent AC member having expertise has a right of veto against the final decision.

4.4. Decision-making

Following the AC meeting, the AC desk officer hands over to the Deputy Director General of the NAH the AC consolidated expert opinion, the draft decisions and the detailed scopes of accreditation certificate being an annex to it - which gives a detailed description of the accredited scope. The

Deputy Director General decides on accepting or not accepting the proposal of the AC, and signs the decision and the detailed scope of accreditation which is an annex to it.

The decision of NAH on the accredited status acknowledges and certifies that an organisation or natural person is capable of performing the specified conformity assessment task.

The deputy director-general of the NAH may overrule the proposal of the AC, by giving the reasons for it. In that case, by sending the reasons in writing, he/she calls on the members of the AC to carry out a repeated review of 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 AC the second time.

The decision and the detailed scope of accreditation being an annex to it are prepared in two original copies. One copy shall be sent to the applicant organisation, the other copy shall be entered into the central document register together with the return receipt proving delivery.

Should any addition or correction of the decision or the detailed scope of accreditation being an annex to it be necessary, the accreditation desk officer in charge of the procedure prepares the corrected version of the detailed scope of accreditation, and includes those in the agenda, among procedures launched ex officio, of the next AC meeting.

Following the decision, the AC desk officer returns the original copy of the consolidated expert opinions signed by the AC Chairman to the competent accreditation desk officer, who is obliged to include it in the dossier of the procedure.

4.5. Conditional accreditation

When the application also covers activities that the Assessment Team could not witness or assess (e.g.: witness audit or vertical assessment at product or management system certification bodies), accreditation can be granted conditionally when the following conditions are met:

- a) the activity to be accredited is of occasional nature;
- b) the activities to be accredited are in a sector where accreditation is a pre-requisite to concluding a contract(e.g.: in legally regulated sectors);
- c) expertise, competence of the customer can be demonstrated by “virtual, simulated” activity (examination, interview);
- d) witnessed audit, additional assessment shall be performed as soon as possible (when the first order is received) or when re-accreditation is done the latest.

When the Authority passes a decision, it shall consider the critical ranking of the areas and the proportion represented by the non-witnessed areas.

If the accredited organisation intends to perform accredited activity on the areas granted conditional accreditation, it shall be reported to the Authority at least 30 days before performing the planned activity.

4.6. Records of decision making

The AC desk officer makes a summary of the closed procedures in the NAD-322 Excel summary file in 5 workdays following the AC meeting. In the first worksheet, he/she collects in chronological order the data of those procedures completed with a decision, in which the AC prepared an expert opinion.

In the second worksheet, titled 'Official decisions', the desk officer keeps those decisions of the deputy director-general, for which no AC opinion had to be prepared, in these cases, NAH passed a decision ex officio, within his own power.

The decision on the official resolution, and if necessary, the detailed scope of accreditation being an annex to it shall be sent in two copies printed and also electronically, while the publication sheet shall only be handed over to the accreditation desk officer and will be sent to the AC desk officer. The decisions and detailed scopes of accreditation being an annex to it shall be entered into the central archives by the AC desk officer.

Withdrawal of the accredited status can be initiated by both the customer as well as NAH.

Entry of a standard, and entry of a change in the name can be requested by the customer.

Reduction of scope of accreditation can be requested by the customer, or it may be initiated by NAH at the end of the accreditation and surveillance procedure.

4.7. Mailing of decisions and detailed scopes of accreditation

On the effective date of the Authority's decision granting accreditation, the Authority shall issue a Certificate of Accreditation designed for this purpose, with the content as laid down in the Government Decree.

NAH will send the decision and the detailed scope of accreditation being an annex to it by post or, upon special request of the applicant will hand them over to the applicant in person at NAH's headquarters. After the decisions and the detailed scopes of accreditation being an annex to it have been signed, the decisions of the Authority shall be mailed by the person whose duties include this task.

Decisions and detailed scopes of accreditation being an annex to it shall always be sent by registered post. The acknowledgement of receipt written to NAH is a proof to the fact that the decision and the detailed scope of accreditation being an annex to it have been received by the addressee.

4.8. Preparation and mailing of accreditation certificates

The employee of the Authority responsible for the preparation of the certificates of accreditation shall prepare the accreditation certificate in three copies; one imprint in colour on thick paper, one copy in colour and one copy in black and white.

If a decision is made to award accreditation, the accreditation certificate shall be sent with the decision and with the detailed scope of accreditation being an annex to it at the same time.

In the case of a decision on entry of change in the accredited status (name, site, standard), first the decision and the detailed scope of accreditation being an annex to it shall be sent to the organisation, upon request the organisation may receive them in person at NAH's headquarters. NAH informs the accredited organisation in a decision stating that following the receipt of its former accreditation certificate, a new accreditation certificate may be issued and sent to the accredited organisation.

The accreditation certificate is signed by the Director General of the Authority or in the event of his absence or impediment, it is signed by the head of the NAH Secretariat.

4.9. Publication on the website

Simultaneously with the issuance of the decision, the Authority registers the customer with the data required in the Act on National Accreditation, and publishes it on its website within two days following the effective date of the decision.

Publication on the website is the responsibility of the Secretariat according to 27/2015. (XII.30.) NGM order. If the Secretariat does not have the appropriate resources to perform the task, it must follow the procedure below.

In addition to sending the decision and the attached detailed scope of accreditation, and the publication sheet if necessary to the AC desk officer, the accreditation desk officers will also send those in copy to the desk officers in charge of data management appointed by the general departments for the purpose of publication on the Authority's website. The accreditation desk officers will also send in copy the decision and the attached detailed scope of accreditation, and the publication sheet if necessary, to the accreditation desk officers in charge of data management appointed by the general departments. The accreditation desk officers appointed by each general department shall update the list of accredited organisations and natural persons on the www.nah.gov.hu website until 16 hours Monday of the next week the latest.

4.10. Issuance of the symbol

The accredited organisations or natural persons accredited by NAH may request at NAH Secretariat in person, electronically, or on paper the issuance for them of the accreditation mark, the combined accreditation mark and the IAF mark by NAH. The rules on how to apply for and use the accreditation marks is contained in the Rules of Procedure NAR-08. The organisation or natural person shall send to NAH for approval the documents carrying the accreditation mark which was sent by NAH. Decision on the approval of the use of the accreditation mark shall be made by the Deputy Director General or the person appointed by him.

4.11. Supervision of impartiality

In accordance with the decision of 2 December 2016 by the Impartiality Advisory Body of NAH, the organisations named in Rules of Procedure NAR-87 represent distinguished importance from the aspect of the impartial operation of NAH.

In the accreditation, extension of scope, surveillance and extraordinary surveillance procedures of these organisations, a member of the Impartiality Advisory Body (who has no relationship with the organisation audited in the procedure) will review the impartiality of the procedure according to the details in Rules of Procedure NAR-87.

5. Related rules of procedure and rules of law

- Act CXXIV of 2015 on National Accreditation
- Government Decree No. 424/2015. (XII. 23.) on the National Accreditation Authority and the accreditation procedure
- Instruction 27/2015. (XII. 30.) NGM of the Minister of National Economy

- Act I of 2017 on the public administration procedure code
- Act CL of 2016 on public administrative proceedings
- Regulation No. 600/2012/EU
- ISO/IEC 17011 Conformity assessment. General requirements for accreditation bodies accrediting conformity assessment bodies

6. Annexes

NA

7. Forms

NAD-122 AC consolidated expert opinion

NAD-208 Sample curriculum vitae

NAD-307 Framework service contract for AC members

NAD-322 AC summary table

NA-543 List of documents

NAD-539 Minutes of AC meeting

NAD-549 Minutes of AC Meeting