INSTITUTE FOR ACCREDITATION OF THE REPUBLIC OF NORTH MACEDONIA

Regulation on the Constitution and Operation of the Appeals Committee

Regulation: R 08

Pursuant to Article 14, Paragraph 1, Indent 1 of the Law on Accreditation ("Official Gazette of the Republic of Macedonia", No. 120/09) and Article 13 Paragraph 2 of the Statute of the Institute for Accreditation of the Republic of North Macedonia, the Council of the Institute for Accreditation of the Republic of North Macedonia on its session held on November 13, 2020, adopted the following:

REGULATION
ON THE CONSTITUTION AND OPERATION OF THE APPEALS COMMITTEE

General provisions

Article 1

This Rulebook shall prescribe the constitution of the Appeals Committee in the Institute for Accreditation of the Republic of North Macedonia (hereinafter: IARNM), its authorizations and the method of operation.

An appeal is a request from a conformity assessment body requiring IARNM to reconsider the adopted decision for accreditation, and referring to the desired accreditation status of the conformity assessment body.

Constitution of the Appeals Committee

Article 2

The Appeals Committee shall consist of at least three members elected from the members of the Council. The Council shall nominate one of the members to be the President and another to be the Vice-President of the Committee.

When there is a need to resolve specific issues related to appeals, the Committee can hire leading assessors from IARNM, assessors/experts in the respective field, a legal person familiar with the accreditation principles and their relationship with the national legislation etc.

The leading assessor and/or assessor/expert that, if needed, might be engaged in the work of the Appeals Committee cannot be a member of the assessment team performing the assessment of the conformity assessment body.

The members of the Committee and the other persons engaged to address appeals must be independent, impartial, and competent to perform their work and tasks and comply with the requirements of data confidentiality.

Authorizations of the Appeals Committee

Article 3

The Appeals Committee of IARNM (hereinafter: the Committee) shall address the appeals submitted against the following:

- Decisions rejecting the request for initiating the accreditation procedure or the decisions rejecting the request for expansion of the accreditation scope;
- Decisions cancelling or not initiating assessment;
- Decisions rejecting to grant accreditation or decisions rejecting the expansion of the scope of the granted accreditation;
- Decisions on suspension or withdrawal of accreditation;
- Any other decision obstructing the granting of the requested accreditation.

The Appeals Committee shall prepare proposals for each appeal and submit them to the Council for adoption of a final decision.

Article 4

If any of the members of the Committee has signed a contract for performing services or has otherwise been engaged in an accredited body or a body under accreditation and has filed an appeal, he/she shall not be permitted to participate in the decision making process related to that particular appeal. If that is the case, another member shall be appointed to replace the member in question in the Council.

Each member of the Committee performing the activity stated in Paragraph 1 of this Article shall inform the Council of IARNM and ask for his/hers exemption from the decision making procedure related to that particular appeal. The Council shall appoint another member of the Committee who fulfils the requirements for participating in the decision making procedure for the appeal at hand.

Meetings and preparation of materials

Article 5

Within five days of the day of receiving the appeal, IARNM shall inform the President of the Committee and President of the Council and submit the documentation available regarding the appeal.

Article 6

Upon receiving the documentation, the President of the Committee shall begin to prepare for the Committee's meeting.

The meetings of the Committee shall be convened by the President or in his/her absence, the Vice-President The meeting shall be convened 20 days following the reception of the appeal at the latest.

Attending the meetings of the Committee shall be mandatory. In case of absence of a member of the Committee, he/she shall have to inform the President in advance of his/her absence at least 3 (three) days prior to the day of the meeting providing elaboration as to his/her absence.

Article 7

The invitation for the meeting shall contain the following:

- date, time and venue of meeting;
- meeting Agenda.

If necessary, any accompanying documentation shall be submitted to the members of the Committee along with the invitation and the Agenda for the meeting.

The materials submitted to the members of the Committee shall be confidential and shall be submitted in a confidential manner, and upon finalization of the meeting the members of the Committee shall return the accompanying documentation to IARNM.

Chairing the Committee meetings

Article 8

The authorizations of the President of the Committee shall be as follows:

- Summoning and chairing the meetings;
- Establishment of a proposal for the Agenda;
- Recording opinions of each member;
- Signing the minutes of the Committee's meeting and the related reports.

Article 9

During the meeting, the members of the Committee as well as all other invited persons stated in Article 2 shall have the right to participate in the discussion and present their opinions. As a rule, the discussions shall not be limited in time. The President shall have the right to limit the time for discussion on particular topics.

Article 10

The President of the Committee shall interrupt the meeting if he/she deems that there are not sufficient elements to adopt a draft decision and meanwhile shall determine another date for reconvening the meeting and define all steps necessary for its preparation. The next meeting of the Committee shall be reconvened after 7 (seven) days at the latest. The Council and the Director of IARNM shall be informed about all activities. If the Committee is unable to make a draft decision adopted by the majority of members of the Committee, the Council shall define a procedure for further action in order to identify solutions for the case at hand.

Adoption of draft decisions

Article 11

Any draft decision of the Council upon a filed appeal shall be adopted by public voting of the majority of Committee members. Consensus of the Committee in adopting the draft decision is preferable.

Article 12

When multiple proposals for the same issue are in question, the Committee shall vote for each proposal separately. If none of the proposals receives majority of vote, steps shall be taken pursuant to Article 10.

Article 13

Different proposals of the Committee members, following their request shall be recorded in the minutes. Each member of the Committee shall be prepared to elaborate on his/her vote "for" and "against".

Article 14

Endorsed proposals have to be accurately stated/recorded in the meeting minutes.

Meeting minutes

Article 15

Each Committee meeting has to be accompanied by minutes, and the minutes shall contain the following:

- Number of the meeting, date and venue of the meeting;
- Time of start and end, as well as break intervals;
- First and last name of attendees at the meeting;

- Name of the person chairing the meeting;
- Agenda of the meeting along with accepted modifications thereto;
- Number of appeals submitted for meeting review;
- Identification of persons presenting a report by items of the agenda and all participating individuals in the discussion;
- Materials submitted as a basis for discussion and decisions adopted related to a particular agenda item;
- Summary of the discussions;
- Opinions and proposals by the members of the Committee and results from the vote per particular proposals;
- Proposals accepted by the majority of vote and a record stating that a particular proposal has not been endorsed or for a particular issue a decision has not been made;
- Statements explicitly requested by the members of the Committee to be inserted in the minutes;
- Signature of the person recording and preparing the minutes and of the President of the Committee.

Article 16

A copy of the Minutes from the Committee meeting shall be forwarded to all members of the Committee, to the Quality Manager and the Director of IARNM within 5 (five) business days following the date of the meeting. The other attendees, invited persons to the Committee meeting upon their request shall receive a hard copy of all meeting items relating to their report or discussion.

Article 17

Each member of the Committee shall have the right to file a written remark within 3 (three) business days following the day of receiving the Minutes, stating that a particular discussion or a decision in the Minutes do not correspond to the actual situation.

The Committee shall decide on the comment/remark at its following meeting which has to be held within 7 days following the day of receiving the remark.

Report of the Appeals Committee and response to the beneficiary of service (Client)

Article 18

The Committee Report shall contain the following:

- Date, time, and venue of the Committee meeting;
- Number and date of appeal filed in the archive of IARNM;
- Description of the appeal;
- Name of the person who submitted the appeal;
- Description of draft decisions adopted, accompanied by corrective and preventive measures;
- Signature of the President of the Committee.

The Report of the Appeals Committee and the draft decisions shall be submitted to the Council to reach a decision. The decision of the Council shall be final.

The decision of the Council shall be forwarded to the beneficiary of service (Client).

The final decision of the Council, in cases when the beneficiary of service is discontented, can be appealed in front of the Administrative Court by the beneficiary of service.

Administrative affairs

Article 19

The organizational and technical affairs needed for the regular operation of the Committee shall be performed by the Department of General Affairs within IARNM. The Department shall assign a Minutes Taker at the meeting. The original copies of the minutes, the reports and all other documents related to the activities of the Committee as well as the materials prepared for the meetings shall be kept by the Quality Manager.

The minutes and any other related documentation of the Committee shall be considered as internal documents and their distribution shall be handled by the Department of General Affairs.

Article 20

IARNM shall submit the response to the appeal to the person who submitted it within 3 days following the adopted decision by the Council.

Transitional and final provisions

Article 21

By entering into force of this Regulation, the Regulation on the Constitution and Operation of the Appeals Committee dated October 16, 2015 shall cease to apply.

Article 22

This Regulation shall enter into force on the day of its adoption by the Council of IARNM.

Date: November 13, 2020

Authorized signatory
Vice-President of the Council of IARNM
Tatjana Tasevska m.p.