

# Statutory order no 913 on accreditation of companies

Under law no. 602 from June 24<sup>th</sup> 2005 about promotion of business, §14 (1) and (4-6), §16 (1) and (2), §17 (2), and §22 (4), changed by law no. 364 from May 13<sup>th</sup> 2009, it is established under authority that:

## Chapter 1

### *Application*

**§ 1.** The statutory order applies to companies that are applying for accreditation or are accredited by DANAK.

(2) "DANAK" refers to the part of the Danish accreditation and metrology fund that performs accreditation.

**§ 2.** Accreditation is understood as:

1) An attestation performed by a national accreditation body, that a conformity assessment body complies with the requirements laid down in the harmonized standards and where appropriate, other additional requirements including those about performing specific conformity assessment tasks laid down in relevant sector schemes, or

2) An attestation performed by a national accreditation body, that a conformity assessment body complies with the requirements laid down in the European-parliament and council regulation no. 761/2001 about voluntary participation by organizations in a community scheme for eco management and audit scheme (EMAS).

## Chapter 2

### *Accreditation requirements*

**§ 3.** In order to become accredited and maintain the accreditation the applicants and accredited companies must adhere to the requirements in this statutory order and when relevant to the specific accreditation the following documents:

1) European and international standards, technical specification or other normative documents.

2) Guidelines issued by the European co-operation for Accreditation (EA), International Accreditation Forum (IAF) and International Laboratory Accreditation Cooperation (ILAC) and others for harmonized interpretation of the requirements mentioned in no. 1. These guidelines can be acquired at DANAK.

(2) DANAK develops accreditation regulations containing:

1) A description of the requirements to the company resulting from the documents mentioned in (1)

2) Requirements to the company coming from international standards with requirements to the accreditation body.

(3) The accreditation regulations can be obtained from DANAK.

(4) A list of (documents with) requirements relevant to the specific accreditation is available on the DANAK website.

**§ 4.** DANAK takes decisions on accreditation. Decision on accreditation can be granted on conditions following the requirements in the documents mentioned in § 3 (1) and (2).

(2) An accreditation is granted for a time-limited period. The accreditation-period is in each instance decided by DANAK.

**§ 5.** In event of changes in the requirements mentioned in § 3 (1) and (2) DANAK will notify the accredited companies about the changes. The timeframe, in which the accredited companies must adjust to the changes in requirements, is stated in the notification.

## Chapter 3

### *Surveillance, suspension, termination*

**§ 6.** DANAK performs surveillance with the accredited companies adherence to the accreditation requirements, see §3 (1) and §4 (1) section 2.

(2) Accredited companies are required to receive surveillance visits on request from DANAK. An accredited company is required to ensure, that a surveillance visit can include participation in the accredited activities of the company.

**§ 7.** DANAK may withdraw an accreditation if the conditions for the accreditation are no longer met or in the case of grave or repeatedly violation of the requirements mentioned in § 3 (1) or the conditions for accreditation see § 4 (1) section 2.

(2) DANAK can suspend the accreditation, or parts thereof, where circumstances warrant for it with a reasonable timeframe for redeeming the identified violations or identified lacking conditions.

(3) If the matters that caused the suspension of the accreditation or parts of the accreditation are not sorted out within the decided timeframe the accreditation will be withdrawn with regard to the scope comprised by the suspension.

**§ 8.** An accredited company can request DANAK to suspend the accreditation or parts thereof in a period of up to six month, if the company for a period lacks the competence to deliver a certain service.

**§ 9.** In relation to suspension of an accreditation or parts thereof, according to § 7 (2) and § 8 DANAK can impose special conditions on the accredited activities of the company during the suspension.

## Chapter 4

### *Accreditation mark*

**§ 10.** The DANAK accreditation mark consists of the logo, mentioned in (2), and the type of accreditation and the number with which the company is registered at DANAK.

(2) The DANAK accreditation logo consists of “the royal crown + DANAK”. The logo is a registered trademark no. FR 1993 00027, see the trademark register at the Danish Patent and Trademark Office.

**§ 11.** Accredited companies must use the DANAK accreditation mark on accredited reports and certificates or use the following text: “Akkrediteret af DANAK” or “Accredited by DANAK” and state the registration number of the accreditation and the type of accreditation.

(2) In exceptional cases, DANAK may dispense from (1), if the purchaser of the accredited service doesn’t want a reference to the accreditation on accredited reports and certificates as mentioned in paragraph 1.

**§ 12.** When the accreditation is performed by DANAK, the accredited companies are allowed to use the DANAK accreditation mark on other documents relating to the accreditation for example writing paper, offer on accredited services, information and advertising material, web pages etc..

**§ 13.** Accredited companies can only use the DANAK accreditation mark or refer to accreditation performed by DANAK, within the scopes of their accreditation.

**§ 14.** When the accreditation ceases, all use of the DANAK accreditation mark or reference to accreditation performed by DANAK must cease immediately.

## Chapter 5

### *Prices for DANAK’s services*

**§ 15.** According to § 16, (2) section 1 in *Order of law on promotion of business*, DANAK can charge for its services in accrediting companies, within a frame agreed upon with The Danish Safety Technology Authority. The current rates for DANAK’s services are publicized on DANAK’s website and can be acquired at DANAK.

## Chapter 6

### *Rules for Complaints*

**§ 16.** According to § 17 (2) in *Order of law on promotion of business* the decisions made by DANAK may be brought before The Danish Safety Technology Authority although see (2) and (3).

(2) According to § 17 (3) in *Order of law on promotion of business* anyone, who has applied for accreditation and has received a decision on refusal of or decision on approval of only part of the application on

accreditation or has received decision on fully or partly withdrawal or suspension of an accreditation, may request DANAK to re-evaluate the case.

(3) According to §17 (4) in *Order of law on promotion of business* the decision may be brought before the board of complaints for public procurement if the re-evaluation of the case in accordance with (2), does not fully accede to the complainant.

(4) According to §17 (5) in *Order of law on promotion of business* a complaint must be submitted no later than 4 weeks after the decision has been communicated to the concerned. If the deadline falls on a Saturday, Sunday or public holiday the deadline is extended to the following weekday.

## Chapter 7

### *Penalty*

**§ 17.** Unless another law mandates a higher penalty, it is punishable by fine for giving incorrect or misleading information or withholds information deemed necessary to the processing of or decision on the case.

(2) It is punishable with fine to use the DANAK accreditation mark or designation if one is not accredited by DANAK. It is also punishable to pretend to be accredited by DANAK by using Danish or international terms suited to be confused with the DANAK accreditation mark or designation or in other ways pretending to be accredited by DANAK.

(3) It is punishable by fine to violate § 13.

(4) Criminal liability according to chapter 5 of the penal code may be placed on companies (legal persons).

## Chapter 8

### *Entry into force and transitional provisions*

**§ 18.** The statutory order enters into force October 1 2009.

(2) § 16 won't enter into force until December 28<sup>th</sup> 2009. Until then § 7 (1) in statutory order no. 609 of June 20<sup>th</sup> 2008 about delegation of authority to the Danish Safety Technology Authority and about appeals on decisions on metrology, accreditation and pyrotechnics applies.

(3) Simultaneous with the effectuation of the order on October 1 2009, the following orders are repealed:

1) Order no. 1136 of December 15 2003 about accreditation of companies for certification of persons, products and systems and for inspection and environmental verification (EMAS).

2) Order no. 745 of September 27<sup>th</sup> 1999 about accreditation of laboratories for testing etc. and for GLP-inspection. Chapter 1, 5, 6, 8, 10 though stays into force until January 1 2010 with regard to laboratories who,

in accordance with laws on food products etc., conducts analysis and experiments in accordance with the principles of GLP.

3) Order of November 28<sup>th</sup> 2007. Technical regulation no.1 on the DANAK accreditation mark and reference to accreditation (TF1).

4) Order of June 13<sup>th</sup> 1997. Technical regulation - Assignment of retaining an accreditation (TF2).

5) Order of June 26<sup>th</sup> 2006. Technical regulation no. 4 on rules of information obligations (TF4).

6) Order of May 14<sup>th</sup> 2001 on accepted accreditation certificates (TF5).

7) Order of May 14<sup>th</sup> 2001 on technical competence of calibration laboratories (TF6).

8) Order of May 14<sup>th</sup> 2001 on calibration certificates (TF7).

9) Order of May 20<sup>th</sup> 1998. Technical regulation. Regulation on uncertainty of measurement (TF8).

10) Order of September 28<sup>th</sup> 2007. Technical regulation no. 9 on accreditation of laboratories for certification of reference materials (TF9).

11) Order of September 28<sup>th</sup> 2007. Technical regulation no. 14 on provisions for certification and inspection bodies and CO<sub>2</sub> verifications (TF 14).

12) Order of September 28<sup>th</sup> 2007. Technical regulation no. 16 on delimitation of business sectors in scopes of accreditation for system certification and environmental verification (TF16).

13) Order of March 17<sup>th</sup> 2004. Technical regulation. Environmental verification (EMAS) (TF21).

**§ 19.** Accreditations issued under statutory orders specified in § 18 (3) section 1 and 2 remains into force, until they ends at expiration, are changed or revoked by DANAK.

**§ 20.** The statutory order does not apply to the Faroe Islands and Greenland.

*The Danish Safety Technology Authority September 25<sup>th</sup> 2009*

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*This document is an unauthorized translation made by DANAK. The original version is in Danish.*