

REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS
DECISION

No. 723, date 05.11.2004

CONCERNING

THE BASIC PROCEDURES AND RULES FOR FUNCTIONING OF ORGANISM
AUTHORIZED FOR PERFORMING THE CONFORMITY ASSESSMENT

Pursuant to the article 100 of the Constitution and the letters “b” and “c”, article 10 of the law no 9097, date 3.7.2003 “On Conformity Assessment”, with the proposition from the Minister of Industry and Energetic, the Council of Ministers

DECIDED:

1. The conformity assessment shall be performed from the authorized organism, in accordance with the following procedures:
 - a. The sample extraction, based on the respective standards in power, as well as the product presentation for the type examination;
 - b. Performing of the analyses based on the standardized methods;
 - c. Inspection, assessment, verification and product certification based on the results of the respective analyses.

2. The producers of the respective product and/or the importer of the raw materials, for the purposes of the conformity assessment, shall represent to the authorized organism the relevant data for the subject identity, the production location of the product and the technical documentation, which contains:
 - a. The general product description;
 - b. The product design, the construction scheme, the components, the product composition, the technological process, the protection against fire, the chemical, physical and biological characteristics relevant to the protection of the health of people and animals and to the safeguard of the natural environment;
 - c. The necessary description and the clarifications for reading the design, the schemes, usage instructions, including the service requirements, and the notes for the characteristics of the protection against fire;
 - d. The risk warnings and the instructions for the usage safety, clearly written in a noticeable place on the product or in its packaging;
 - e. The standard or the technical regulation the production of the product refers to;
 - f. The results from the calculations and the analyses;
 - g. Controlling protocols and certificates.

3. The declaration of the product conformity with the technical requirements is proven form the conformity certificate, which contains:
 - a. The name and the address of the producer or of the authorized representative;
 - b. The product description (type, identification, usage);
 - c. Technical requirements, relevant to the conformity of the product;

- d. Specific conditions, valid for the product usage;
 - e. The authorized organism that has performed the conformity assessment.
4. The placement into the market for the product of the obliged sphere shall be realized after the implementation of the conformity assessment, which shall be endorsed with the initials SF (based on the law) stamped from the producer on the product, after the conformity declaration, in accordance with the technical requirements, based on the law in power.
 5. The General Standardization Directorate registers and deposits the SL near the General Directorate of Marks and Patents, based on the legislation in power.
 6. In cases when there are differences from the conformity declaration of the product in comparison with its fundamental requirements, it should be prepared a new conformity declaration by including there even the respective supplements.
 7. The subjects, that place the products in the market, are responsible for maintaining the technical documentation for at least 10 years from the last production date or for another period of time, if it is not differently specified in the technical requirements.
 8. The organism that wants to perform the conformity assessment, for being approved from the Council of Ministers, shall present near the relevant ministry one written request and fulfill the following conditions and criteria:
 - a. It shall be registered in the court as a physical or juristic person. When the interested organism is a public institution, it should present its establishment act;
 - a. It shall be equipped with the accreditation certificate, for the respective field where it will perform the conformity assessment, released from the Accreditation office;
 - b. It shall have highly qualified specialists, equipped with the respective certificate in the field where it wants to perform the conformity assessment;
 - c. It shall declare the absence of the interest conflict in the field where it wants to perform the conformity assessment;
 - d. It shall present the bank documentation, in order to verify the existence of the sufficient financial resources for performing this activity.
 9. The request shall be analyzed from the relevant minister, based on the field of activity he/she covers, within 60 days from the presentation date of the written request, and then it shall be sent for approval to the Council of Ministers.

When the conditions specified in the point 8 of this decision are not fulfilled, the requirement will be refused by writing, by explaining the reasons of the rejection or the respective suggestions for the completion of the lacks.
 10. After the approval of the authorized organism for the performance of the conformity assessment, the relevant minister or the central institution releases the respective authorization, for a period of three years with the right for renewal.

The authorization contains:

- a. The name and the address of the organism;
 - b. The date of the written request, which is also the starting date for the authorization term;
 - c. The activity objects in the respective field of the conformity assessment.
11. The authorization can be annulled from the relevant minister or from the central institution, for a period of 3 – 6 months, in the cases when the authorized organism infringes the conditions and the procedures established in this decision. When the infringement cannot be adjusted within the established period of time, the relevant minister proposes to the Council of Ministers the nullification of the decision of the approval for the authorized organism.
- For every release, suspension, or change in the authorization, shall be sent a written announcement to the General Directorate of Standardization, which maintains a register for all the data indicated in the respective authorization.
12. The authorized organism, every year until 30th of January, shall present near the relevant ministry or central institution the respective data or a report concerning every activity it has performed.
13. All the expenses carried out from the authorized organism for performing the conformity assessment shall be covered from the producer of the product or the importer of the raw materials.
14. The relevant authorized organism, when it notices that the product production is not in conformity with the technical requirements, announces the relevant ministry and the relevant organ regarding the consumer protection measures undertaken in accordance with the law no 9135, date 11.9.2003, “On consumer protection”.
15. All the ministries and the central institutions are in charge for the implementation of this decision.

This decision enters in power after its publication in the Official Gazette.

PRIME MINISTER
FATOS NANO

In absence and with recommendation
DEPUTY PRIME MINISTER
NAMIK DOKLE

MINISTER OF INDUSTRY
AND ENERGETIC
VIKTOR DODA