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**RULES OF PROCEDURE  
OF APPEALS COMMISSION**

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**List of amendments**

Nº	Date	Introduced amendment on page Nº	Proposed by		In force from	Signature Quality Manager
1.	29.07.2010	3, 5	Dushkova	(s)	01.11.2010	(s)
		4	Landzhev	(s)		
2	08.08.2011	5	<i>On the grounds of Decree of Council of Ministers 187/2011 change of the name of AACGLP Directorate to ACAB Directorate</i>		01.08.2011	(s)

**List of amendments**

Nº	Date of amendment	Version, revision	Reason for amendment	In force from
1.	Approved at the meeting of the Accreditation Council held on 14.11.2013 and on 05.02.2014)	Version 4 Revision 2	Corrective actions	10.02.2014

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## CHAPTER 1 GENERAL PROVISIONS

### Section I Competence

1. The Appeals Commission (AppC) considers submitted written appeals\* against orders of the Executive Director of EA "BAS" concerning:
  - 1.1 Refusal of accreditation and refusal of opening of an accreditation procedure/registration of an accreditation application;
  - 1.2 Refusal of extension of accreditation and refusal of registration of an application for extension of the scope/opening of a procedure for extension of the scope;
  - 1.3 Reduction of the applied scope for accreditation/re-accreditation/extension;
  - 1.4 Withdrawal, suspension of the whole or a part of the accreditation scope (temporary reduction of the accreditation scope and reduction of the accreditation scope).

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Note: Appeals (item 9.3 of BAS QR 2) are different from disputes (item 9.1 of BAS QR 2) and complaints (item 9.2 of BAS QR 2).

2. AppC estimates the rightness and the conformity with the law of the appealed order and prepares a statement on the submitted appeals.
3. The decision of the AppC is obligatory for the Executive Director of EA "BAS".

### Section II Membership

4. AppC has an odd number of minimum 3 (three) members, two of them are permanent and the others are dependent on the type or the scope of submitted appeal as per item 1. Permanent members are the Chairman or the Deputy Chairman of the Accreditation Council and a qualified lawyer. The Accreditation Council nominates by names the members of the Appeals Commission.
5. The AppC membership in its part of temporary members shall be defined for each particular case by the Chairman/ the Deputy Chairman of the Accreditation Council. *Temporary AppC members shall have competence in the field of the accreditation process and the technical field, which is subject to the appeal. The competence shall be based on appropriate education, trainings and experience, such as:*
  - *Fundamental knowledge in the particular technical field of activity;*
  - *Current knowledge of applicable National and European normative acts, standards and other documents and guides in the relevant field;*
  - *Practical and/or scientific experience in the relevant field;*
  - *Knowledge of the accreditation process;*
  - *Knowledge of the current terminology in the relevant field.*

AppC members can receive remuneration for participating in its work.

*EA "BAS" holds training for AppC members once per three years, and on demand, for example, in the event of amendments in the Rules of procedure of the Appeals Commission. The training is directed towards acquaintance with Regulation 765/2008, LNACAB, basic requirements to Accreditation Bodies according to БДC EN ISO/IEC 17011, Rules of procedure of the Appeals Commission, process of consideration of appeals. The records from the held training are stored according to the order of BAS QR 7.*

6. In the membership of the AppC cannot participate persons, who took part in the assessment or surveillance teams of the relevant CABs; *persons, who participated in reaching the accreditation decision or maintenance of accreditation*, or persons who represent the organization whose documents shall be considered by AppC, or members of competitive organizations whose documents are to be considered.

### **Section III Chairman**

7. The Chairman of the Appeals Commission is the Chairman or Deputy Chairman of the Accreditation Council.

## **CHAPTER 2 ORGANIZATION OF WORK**

### **Section I Sessions**

Appeals shall be submitted in written with the necessary argumentation to the Appeals Commission, by the Executive Director of EA "BAS", within 7 days from the date of notice of the relevant appealed order.

*Review for regularity of the submitted information, identified as appeal, is performed by Chief Expert in the ALFES Directorate, who registers the appeal in the agency's secretariat with entry registry number and date, and submits it to the Secretary of the Accreditation Council. The AC Secretary performs review of the information in the submitted appeal in terms of included aspects of complaint. If aspects of complaint are present in the essence of the appeal, it is also registered as complaint by the AC Secretary under registration number 12 in Secretariat A in the Register, and is handled according to the rules of procedure BAS QR 25. In this case are performed two procedures – on consideration of appeals and resolution of complaints.*

8. Within 7 days from receipt of the appeal, the Executive Director of EA "BAS" may review over again the matter and can withdraw the appealed act or to abolish or amend it, or to issue the relevant act if has refused its issue, as informs of this the concerned party or to approach the AppC by deciding a resolution on the respective appeal to the Chairman or Deputy Chairman of the Accreditation Council.
9. AppC reaches decisions in sessions summoned by its Chairman through EA "BAS" administration.
10. Dates for the sessions are appointed by the Chairman after agreement with the other members of the Appeals Commission and, if possible, not less than 14 (fourteen) days in advance. Session postponement is admitted only in case that it is announced by the Chairman not less than 3 (three) days before the fixed date.
11. The Appeals Commission estimates the rightness and the conformity with the law of the appealed order and makes a statement by preparing a written argumentative and motivated decision. For the preparation of the decision, the AppC may propose to the Executive Director to require additional expert opinion regarding the specific field of the applied scope for accreditation, or
12. Participation of expert on the session aimed at provision of expert opinion, without the right to vote in the decision-making of the AppC. The term for the statement of the Appeals Commission and for preparing the written argumentative and motivated decision is 1 month from the date of the appeal's submittal.

## **Section II Quorum**

13. The presiding person of the sessions is the Chairman of the Appeals Commission. He has to establish prior to each session the availability of necessary quorum for reaching decisions.
14. The sessions of the Appeals Commission are legitimate if all members are present.

## **Section III Decisions**

15. The AppC reaches its decisions with majority of two third of its members. A member of the Commission, who does not agree with the opinion of the majority, signs the decision, expressing the reasons for his reservation.
16. Each session participant shall be enlisted in a list of participants, recorded by the AppC Chairman.
17. The sessions shall be recorded by the secretary of the Accreditation Council and the minutes of the sessions are kept in EA "BAS". Session minutes describes the members' positions and are signed by the session secretary and by the session leader. AppC decision shall be signed by all Commission members.
18. The Chairman of the Appeals Commission shall present the decision to the Executive Director of EA "BAS" and to the person, which submitted the appeal within 3 working days from the date of the decision of the Appeals Commission.
19. AppC sits at closed sessions. All internal information concerning the work of the Appeals Commission shall be considered in confidentiality. For the purpose all AppC session participants sign a declaration for confidentiality in each particular case.
20. Entities can submit an appeal to the court, after the possibility according to article 13, paragraph 2 is exhausted, or the term according to article 13, paragraph 1 of *Law on National Accreditation of Conformity Assessment Bodies* is expired.
21. An appeal file shall be saved in EA "BAS" for 5 (five) years from the date of the decision as an integral part of CAB's documentation and a copy with the Director of "ACAB" Directorate.

### **Applicable documents:**

<b>BAS Q(F) 4/1</b>	-	<b>Members of the Appeals Commission by names</b>
<b>BAS Q(A) 4/1/1</b>	-	<b>Protocol from the Appeals commission</b>
<b>BAS Q(A) 4/1/2</b>	-	<b>Decision appeals commission's report</b>
<b>BAS Q(A) 3/1/1</b>	-	<b><i>Declaration for impartiality and preservation of manufacturing and commercial secrecy</i></b>