

**ROYAL DECREE OF JANUARY 31, 2006 CREATING  
THE BELAC SYSTEM FOR THE ACCREDITATION OF  
CONFORMITY ASSESSMENT BODIES  
AMENDED BY THE ROYAL DECREE OF FEBRUARY 7,  
2014:  
CONSOLIDATED TEXT**

English translation for information only.  
Versions in French and Dutch remain the authoritative documents.

Date of application: 15.03.2014

## HISTORY OF THE DOCUMENT

Revision and date of approval	Motivation of the revision	Scope of the revision
<b>0</b> Secr 03.02.2003	New document: presentation of the full text of the Royal decree of January 31, 2006	
<b>1</b> Secr 15.03.2014	Publication of the Royal Decree of February 7, 2014 amending the Royal Decree of January 31, 2006 creating the BELAC accreditation system of conformity assessment bodies. The modification of the legal provisions concerns mainly the following points: <ul style="list-style-type: none"><li>• The modification of the judicial references (substitution of the Law regarding Accreditation by the Code of Economic Law);</li><li>• The observance of the stipulations of the EU Regulation 765/2008;</li><li>• The introduction of some minor modifications concerning changes in the operation practice;</li><li>• The implementation of new fees for accreditation services.</li></ul>	Full text

### 1. AIM OF THE DOCUMENT

The Royal Decree of January 31, 2006 creating the BELAC accreditation system of conformity assessment bodies was amended by the Royal Decree of February 7, 2014. A consolidated text is presented in this document for easier reading and implementation. This consolidated text is not legally binding. The legal valid documents are:

- Royal Decree of January 31, 2006 creating the BELAC accreditation system of conformity assessment bodies
- Royal Decree of February 7, 2014 amending the Royal Decree of January 31, 2006 creating the BELAC accreditation system of conformity assessment bodies

# **FEDERAL PUBLIC SERVICES ECONOMY, S.M.E.s, SELF-EMPLOYED AND ENERGY**

## **Royal decree creating the BELAC system for the accreditation of conformity assessment bodies**

PHILIP, King of the Belgians,

To all present and future citizens, greetings.

Taking in consideration article 108 of the Constitution;

Taking into consideration the Code of Economic Law, the articles VIII.30, § 1 and VIII.32, §§ 2 and 3;

Taking into consideration the Royal Decree of January 31, 2006 creating the BELAC accreditation system of conformity assessment bodies;

Taking into consideration the advice of the National Council for Accreditation, given on March 5, 2010, December 8, 2010, March 16, 2012 and May 16, 2013;

Taking into consideration the advice of the Inspector of Finances, given on June 20, 2013;

Taking into consideration the agreement of the Minister for the Budget, given on August 28, 2013;

Taking into consideration the opinion 54.810/1 of the Council of State, given on January 14, 2014, in application of article 84, § 1, 1°, of the laws on the Council of State, coordinated on January 12, 1973;

As proposed by Our Minister of Economic Affairs, and on the advice of Our Ministers after deliberation in Council,

We have decreed and now decree:

### **CHAPTER I: Preliminary provisions**

**Article 1. § 1.** For the purposes of this decree, the following terms shall apply:

1° “the Minister”: the Minister in charge of Economic Affairs;

2° “organisation”: an organisation as defined in article I.9, 7° of the Code of Economic Law on accreditation of conformity assessment bodies;

3° “accreditation criteria”: criteria as defined in internationally agreed and accepted normative documents with the aim of increasing the confidence in organisations complying with these criteria;

4° “quality manual”: a document that describes the features of the quality management system implemented by the organisation;

5° “competent authority”: authority in charge of either notifying or proposing for notification to the EU or recognising organisations, according to legal provisions;

6° “assessment”: examination made to assess whether a organisation complies with the fixed accreditation criteria;

7° “assessor”: person formally qualified or recognised by BELAC that conducts some or all of the necessary operations in connection with an assessment;

8° “expert”: person recognised by BELAC that performs part of the evaluation of the technical aspects during an assessment, without being formally qualified as assessor;

9° “operating criteria of an accreditation system”: criteria, as defined in internationally agreed and accepted normative documents, with the aim of increasing the confidence in accreditation systems complying with these criteria;

10° “operating procedure”: document specifying the execution of a task in order to fulfil the requirements of the working criteria;

11° “sectorial committee”: committee in charge of the proposition of specific accreditation criteria and/or guidelines considered as necessary to guarantee the proper functioning of organisations in specific economic sectors or for specific tasks;

12° “working days”: the whole of calendar days with exclusion of Saturdays, Sundays and bank holidays.

13° “BELAC”: the accreditation body responsible for managing the accreditation process on the basis of the criteria and procedures fixed in the present royal decree, and that is created within the FPS Economy, S.M.E.s, Self-employed and Energy.

§ 2. In Dutch the wordings “inspectie-instelling”, “testlaboratorium” and “accreditatieorganisatie” are respectively synonymous with “keuringsinstelling”, “beproevinglaboratorium” en “accreditatie-instelling”.

In French the wording “organisme d’inspection” is synonymous with “organisme de contrôle”.

## **CHAPTER II: BELAC accreditation body**

**Art. 2. § 1.** The BELAC accreditation body consists of:

1° a Coordination Commission, called hereafter “the Commission”; its composition and specific tasks are fixed in article 4;

2° one or more Accreditation Boards, called hereafter “Boards”; their composition and tasks are regulated by article 5;

3° a permanent secretariat; its composition and tasks are regulated by article 6.

§ 2. BELAC operates according to the operating criteria and procedures as defined in article 1, 61, 9° and 10°

The Minister defines, on the advice of the National Council for Accreditation, the list of the normative documents agreed at the international level that fixes the operating criteria of BELAC.

### **CHAPTER III: Accreditation criteria**

**Art. 3. § 1.** The organisations are accredited on the basis of accreditation criteria.

The Minister publishes, on the advice of the National Council for Accreditation, the list of the normative documents agreed at the international level that fix the accreditation criteria.

**§ 2.** The Commission may complement or further detail the existing criteria.

### **CHAPTER IV: The Coordination Commission**

**Art. 4. § 1.** The Commission is composed of:

1° one representative of the FPS Economy, S.M.E.s, Self-employed and Energy, who holds the Chairmanship;

2° the Chairman of the National Council for Accreditation;

3° three representatives of the accredited certification bodies;

4° three representatives of the accredited inspection bodies;

5° three representatives of the accredited laboratories;

6° three representatives designated by the whole of the most representative industrial organisations;

7° three representatives designated by the whole of the consumers organisations and workers organisations;

8° two representatives of each Regional Government and one representative of each community Government;

9° the chairmen of the Boards;

10° one representative of the FPS Economy, S.M.E.s, Self-employed and Energy, for the non-regulated sector.

In addition each competent authority may designate a representative.

Members are appointed by the Minister, on proposal of the concerned instances. Members are appointed according to their technical competence in accreditation and conformity assessment.

A deputy can be appointed for each active member.

**§ 2.** The permanent secretariat of BELAC also serves as secretariat to the Commission.

§ 3. The Coordination Commission draws up its rules and designates one vice- chair amongst its members.

§ 4. The Coordination Commission is notably in charge of:

1° the definition and follow-up of the general policy related to the functioning of BELAC;

2° the approval of the guidelines for the implementation of the accreditation criteria;

3° the setting up of sectorial committees, competent for giving advice with respect to the approval of guidelines for the implementation of the accreditation criteria when the Commission feels it appropriate.

The sectorial committees are composed of, inter alia, members of the Board, relevant experts and representatives of accredited organisations. The Chairmanship or the secretariat is ensured by the BELAC permanent secretariat.

The task of a sectorial committee can also be entrusted to commissions or committees set up by the sectors themselves insofar their composition is compatible with that of sectorial committees set up by the Commission;

4° the approval of the operating procedures of BELAC;

5° the decision of BELAC entering into international mutual agreements;

6° the setting up of one or more Boards, each charged in their activity sector with the execution of the tasks described under articles 7,8 and 9;

7° the execution of every task that may contribute to the proper functioning of BELAC.

## **CHAPTER V: The Accreditation Boards**

**Art. 5. § 1.** Each Board is composed of:

1° one representative of the FPS Economy, S.M.E.s, Self-employed and Energy, who holds the Chairmanship;

2° one representative of the FPS Economy, S.M.E.s, Self-employed and Energy, for the non-regulated sector;

3° the members of the permanent secretariat in charge of the management of the accreditation files, in the capacity of observers.

In addition, the following instances may appoint one representative:

1° each Regional Government and each Community government;

2° each competent authority as defined in article 1, § 1, 5°;

3° the whole of the most representative industrial organisations, as an observer;

4° the whole of the most representative consumers organisations and workers organisations, as an observer.

The members are appointed by the Commission, on proposal of the relevant authorities.

The members are appointed according to the following criteria: impartiality, technical competence in the field of accreditation and field practice related to the specific application of the Board.

A deputy can be appointed for each active member.

**§ 2.** The permanent secretariat of BELAC also serves as secretariat to the Board.

**§ 3.** The Board draws up its rules of order. Each Board designates one vice-chair under its members.

**§ 4.** In addition to the tasks described in articles 7, 8, 9, the Board is also responsible for:

1° issuing advices, on request of the Commission, with respect to the operating procedures for the application of the operating criteria of BELAC;

2° issuing advices, on request of the Commission, with respect to the proposal of guidelines for the implementation of the accreditation criteria;

3° the execution of every task that may contribute to the proper implementation of the accreditation procedure.

## **CHAPTER VI: The secretariat**

**Art. 6 § 1:** The permanent secretariat is managed by civil servants of the FPS Economy, S.M.E.s, Self-employed and Energy,

**§ 2:** In addition to the tasks attributed to the secretariat by the stipulations of this royal decree, the secretariat is responsible for:

1° the management of the accreditation activities according to the stipulations of articles 7,8,9;

2° to implement the decisions of the Commission and of the Boards;

3° to perform any task delegated to it by the Commission and the Boards;

4° to represent BELAC in relations with third parties.

**§3** Once a year, the BELAC secretariat brings report on its activities to the National Council for Accreditation.

## **CHAPTER VII: Accreditation procedure**

**Art. 7. § 1.** A payment to the Fund established by the law of 20 July 1990 is to be made to cover the accreditation costs, according to the conditions laid down by article 13.

**§ 2.** The application for the granting of accreditation shall be submitted to the secretariat by means of a specific form established by the secretariat. The application is only valid once payment of the appropriate administrative fees has been made as defined in article 13.

§ 3. On written request of the applicant, a team appointed by the secretariat will perform a pre-assessment in order to control whether the accreditation procedure can be started.

§ 4. An accreditation can only be granted after an assessment performed by one or more assessors or experts and aiming to establish the conformity with the accreditation criteria for the related sector; the assessment includes the organisational aspects and the technical competence.

The assessors are appointed by the secretariat for the duration of the assessment. If the application relates to one or more regulated sectors, the competent authority(ies) is(are) informed of the composition of the assessment team.

The assessors are appointed taking in consideration the type of application and according to their integrity, their technical qualification and their experience.

One or more experts may be appointed to support the assessors.

The names of the assessors and experts are communicated to the applicant, who may object within 15 working days from the sending of the notification, one or more of the proposed assessors or experts on a reasoned opinion. It may only be submitted twice and within the framework of the examined application. The concerned Board(s) decide on the request.

The related Board may be represented during the assessment by a person charged with the uniform application of the procedure.

An assessment report is submitted to the secretariat that sends a copy to the applicant who is entitled to notify his remarks and comments to the Board within 15 working days starting from the date of transmission of the report.

The related Board takes a decision within 50 working days from the sending of the report to the applicant and decides on granting or not the accreditation or requests further information.

§ 5. If, after having examined the assessment report, the related Board gives a favourable opinion on the application of accreditation, the applicant is informed. The Board delivers a certificate within 30 working days, completed with a technical annex fixing the scope of the accreditation.

The certificate is signed by the President of the Board, or, in case of absence, by the vice-chair, in the name of the related Board.

The decision also includes:

- the duration of the proposed accreditation;
- the surveillance programme, as stipulated in article 9, § 2, to be followed by the applicant.

§ 6. If, after examination of the assessment report, the Board rejects the accreditation, the applicant will be informed by registered letter with notification.

The applicant has of 15 working days as from the date of communication of the decision of the related Board, to notify the secretariat:

1° that he renounces his application for accreditation; in this case, the application shall be definitely dismissed;



2° that he maintains his application for accreditation; in that case, the investigation of the application file shall be suspended until the applicant considers he is ready for a second assessment. If within one year the applicant doesn't apply for the second assessment, the application will be dismissed;

3° that he appeals against the decision, as referred in article 10, § 1, 1°.

Without answer within 15 working days, the file is dismissed.

Charges related to the assessment will stay accountable.

**§ 7.** The accreditation is granted for a maximum duration of 5 years. A shorter term can be decided based on a duly motivated decision.

The accreditation and the duration are only valid for the fields referred to in the accreditation decision.

## **CHAPTER VIII: Extension, renouncement, warning, suspension and withdrawal of an accreditation**

### **Art. 8. § 1.**

The secretariat is in charge of the management of the administrative changes of the scope of the accreditation.

**§ 2.** Each application for an extension follows the procedure fixed in article 7.

Each Board can delegate the handling of applications for extension to the secretariat, depending on the type of extension.

**§ 3.** An organisation can at any time, be it temporarily or definitely, renounce the accreditation, either partially or totally, by sending a letter to the secretariat. This renunciation does not relieve it from its obligations contracted towards the BELAC accreditation system as a result of the submission of an application for accreditation.

**§ 4.** If the accreditation criteria are no longer fully complied with, the Board decides on a measure in proportion to the seriousness of the facts found.

The measure consists of one of the following options:

1° the warning, whether or not complemented with conditions such as the obligation to give additional information or to accept the organisation of an additional audit;

2° the temporary, total or partial suspension of the accreditation, when but a restore of the conformity can be expected within a maximum duration of 6 months. The decision specifies the conditions to be respected during the period of suspension and for lifting the suspension.

The decision takes effect as soon as the accredited organisation has received notification of the decision by registered letter.

3° the total or partial withdrawal of the accreditation. The decision takes effect as soon as the accredited organisation has received notification of the decision by registered letter.

The withdrawal does not exempt the organisation of the obligations it entered into during the accreditation period.

**§ 5.** If the accreditation criteria are no longer complied with, the concerned Board decides for a partial or total withdraw of the accreditation.

The decision takes effect as soon as the accredited organisation has received notification of the decision by registered letter.

The withdrawal does not relieve the accredited body it from its obligations contracted during the accreditation period.

## **CHAPTER IX: Maintenance of the accreditation ( renewal and periodical surveillance)**

**Art. 9.** Without prejudice to the general provisions referred to in articles 7 and 8, organisations only remain accredited if they meet the following requirements:

1° they shall pay the charges fixed by article 13;

2° they shall comply with the surveillance programme fixed by accreditation decision;

3° they shall authorise any complementary and unannounced visits from any person commissioned by the by the related Board to examine whether the accreditation criteria are observed, in case of suspicion of abuse or non-respect of the accreditation criteria;

4° they shall immediately notify the secretariat in writing of any organisational or technical change that can influence the compliance with the accreditation criteria;

4° they shall submit an application for renewal to the secretariat at least nine months before the expiry of the accreditation. The certificate can be renewed for a new 5 years term provided an assessment is performed according to the stipulations of article 7; the Board can decided on a renewal for a limited term of 6 months in case a decision based on the results of the assessment cannot be made before the expiry date of the certificate.

## **CHAPTER X: Appeals and complaints**

**Art. 6. § 1.** A Board of Appeal, working alongside the Coordination Commission, is set up to take cognisance of:

1° appeals against the decisions of a Board pertaining to the refusal, suspension or withdrawal, either totally or partially, of accreditation;

2° complaints of an organisation, competent instance or any other person concerned as to the execution of the accreditation procedures, the reference to the status or the functioning of accredited organisations.

**§ 2.** The Board of Appeal is composed of:

1° a representative of the FPS Economy, S.M.E.s, Self-employed and Energy, appointed by the Chairman of the Commission according to his/her knowledge in legal matters and his/her ability to speak the language in which the case is conducted, who acts as Chair;

2° the Chairman of the Commission and two members of the Commission, appointed by the Chair after consultation of the vice-Chair, based on their knowledge of the language in which the case is conducted and their non-involvement in the case under investigation;

3° two assessors, registered on the list of BELAC assessors, appointed by the Chairman of the Commission, after consultation of the Vice-Chair, and who are not involved in the case under investigation.

The permanent secretariat of BELAC also serves as secretariat to the Board of Appeal.

**§ 3.** The appeals referred to in §1, 1° shall be reasoned and submitted by registered letter to the Board of Appeal within 15 working days as from the forwarding of the decision of the Board.

The introduction of an appeal doesn't suspend the decision of the Board.

Complaints referred to in §1, 2°, shall be reasoned and submitted by registered letter to the Board of Appeal.

**§ 4.** The Board of Appeal examines the receptivity of the appeal or complaint.

As part of the instruction of the case, the Board of Appeal hears the claimant or his representative and, if required, the members of the Commission, the related Board or an evaluation team.

The Board of Appeal requests the relevant parties to supply all documents deemed necessary for the investigation of the case. It can call for the opinion of experts.

The Board of Appeal gives a reasoned ruling on the case within 60 working days as from receipt of the appeal or complaint.

It notifies its ruling to the parties concerned by sending them a registered letter within 10 working days of its ruling.

The decisions of the Board of Appeal are binding for the related Board(s).

## **CHAPTER XI: Mutual recognition arrangements**

**Art. 11.** Within the framework of the international cooperation mechanisms between accreditation bodies, the Commission may conclude mutual recognition arrangements between BELAC and other accreditation bodies that are operating on the base of a set of operating- and accreditation criteria equivalent to those of BELAC.

The accreditations granted by accreditation bodies with which BELAC has concluded a multilateral agreement are considered as equivalent with those that BELAC has granted.

Reports of assessments against accreditation criteria transmitted by accreditation bodies engaged in mutual recognition arrangements with BELAC may be used by a Board for the granting of a BELAC accreditation, within the limits of the stipulations of the mutual recognition agreements.

On request of another accreditation, BELAC may perform an assessment and deliver the results to the requesting accreditation body.

## **CHAPTER XII: Management of the Fund to cover the expenses of accreditation and certification**

**Art. 12. § 1.** The secretariat manages the Fund to cover the expenses of accreditation and certification, called hereafter the Fund, in conformity with the dispositions fixed by the organic Law of December 27, 1990 concerning the setting up of funds.

**§ 2.** The secretariat reports about the management of the Fund at least once a year to the Commission.

## **CHAPTER XIII: Remunerations due in the framework of the BELAC system**

**Art. 13. § 1.** The obtention, renewal, extension, surveillance of an accreditation are submitted to fees to be paid by the applicant.

The remunerations need to be paid at least by the end of the second month after receipt of the invoice. If not so, retarding interests shall be added by month according to the legal interest rate fixed by the law of May 5, 1865 on interest loan. The interest is only due if it reaches at least 100 EUR per payment.

**§ 2.** The amount of remunerations depends on the nature and the extent of the assessments and other necessary activities.

**§ 3.** Any request for the issue or renewal of accreditation submitted by an organisation shall be subject to a fixed and non-refundable administrative fee of 635,00 EUR.

**§ 3/1.** Every accredited body is required to pay an annual fee of 254,00 EUR per accredited type of conformity assessment activity.

The fee is payable from the calendar year following that of obtaining the accreditation.

**§ 4.** The Accreditation Board of the BELAC accreditation body shall base the calculation of fees to cover evaluation expenses on a fixed hourly rate of 100,00 EUR per person.

Based on a duly motivated decision, the hourly rate can be raised up to 170,00 EUR in particular when it is necessary to appoint assessors or experts with specific technical competences for an assessment.

The above-mentioned hourly rate shall apply to all evaluation work related to the issue, renewal or extension of an accreditation, as well as to the surveillance programme established for the accredited bodies.

Each application shall be the subject of a detailed price offer issued by the related Accreditation Board.

**§ 5.** Travel and maintenance expenses incurred by members of an evaluation team during an evaluation process are charged to the applicant and are calculated according to the royal decree of January 18, 1965 laying down the general regulations on travel expenses for

officials. Costs for flights travels are reimbursed based on the price of second class/economic flight tickets.

Subsistence and hotel costs for team members engaged in an accreditation procedure are charged to the applicant. The maximum daily rate is fixed in art. 14, § 1, 4°. Based on a duly motivated decision, the maximum rate can be increased especially when it goes on an assessment that is performed abroad.

§ 6. The amounts mentioned in § 3.3/1 and § 4 are linked to the consumer price index of December 2001 and are adjusted annually on January 1 according to the variations of that index.

§ 7. According to Regulation nr. 765/2008 of the European Parliament and of the Council of July 9, 2008, § 4, first to third section, and § 5 aren't applicable when a part of the accreditation activities are being realised by another national accreditation body. If this is the case, the fees, travel expenses and subsistence costs of the evaluators are those applicable with the other national accreditation body.

## **CHAPTER XIV: Remuneration paid to members of the evaluation teams**

**Art. 14. § 1.** The amount of the remuneration paid for the services of evaluation team members is fixed as follows:

1° the services of assessors and experts appointed by an Accreditation Board are remunerated to the amount of 72,04 EUR or 80% of the fees charged to the applicant in case the increased rate fixed in by article 13, § 4 has been used.

Those assessors and experts who are civil servants of the FPS Economy, S.M.E.s, Self-employed and Energy are not entitled to this remuneration.

2° the services of Accreditation Board members responsible for ensuring a uniform application of the procedure during an evaluation are remunerated to the amount of a fixed-rate daily allowance of 75,74 EUR.;

3° Reimbursement of travel costs incurred by members of an evaluation team during an evaluation process, is calculated according to the stipulations of art. 13, §5 , 1°, based on evidence of expenses;

4° Subsistence and hotel costs incurred by the members of an assessment team are reimbursed based on evidence of expenses.

For assessments performed in Belgium, the daily rate per team member is fixed to a maximum of 50 EUR for the subsistence costs and 200 EUR for hotel costs, based on evidence of expenses.

For assessments performed abroad, the subsistence and hotel costs are calculated on the basis of evidence of expenses, up to the maximum fixed for national representatives by the ministerial decree of April 18, 2005 fixing the rate for reimbursement for representatives and employees of the FPS Foreign Affairs who travel abroad or participate in international commissions.

5° The amounts of remunerations due to team members and the maximum amounts for hotel costs and subsistence costs for assessments performed in Belgium are linked to the health

price index of December 2004 and are adjusted annually on January 1 according to the variations of that index.

## **CHAPTER XV: Abrogation dispositions**

### **Art. 15.**

The present decree comes into force on January 1, 2014.

**Art. 16.** The Minister of Economy is charged with the execution of this decree.

Issued in Brussels, on February 7, 2014

PHILIP

By the King,

The Minister of Economy

J. VANDE LANOTTE

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