

State Agency “Latvian National Accreditation Bureau”

157 K. Valdemāra Street, Riga, LV-1013, phone 67373051, e-mail: pasts@latak.gov.lv, www.latak.gov.lv

INTERNAL RULES

Riga

The date can be seen on the timestamp

No. 1-3/2020/3

The policy aimed at ensuring integrity, impartiality and confidentiality of the State Agency “Latvian National Accreditation Bureau”, as well as ensuring prevention of conflicts of interest and implementation of anti-corruption measures

The document is aimed at establishing the policy of the State Agency “Latvian National Accreditation Bureau” (hereinafter – the Agency) to ensure integrity, impartiality and confidentiality, absence of conflicts of interest and prevention of corruption in the Agency’s activities under the legislation of the Republic of Latvia and European Union, as well as under the provisions of the standard LVS EN ISO/IEC 17011:2017 “Conformity assessment. Requirements for accreditation bodies accrediting conformity assessment bodies”.

The document shall be binding on the Agency’s employees, including technical experts/assessors and parties involved in the performance of the Agency’s functions and tasks, as well as on the parties concerned (hereinafter – the Agency’s employees).

The respect for integrity, impartiality and confidentiality, absence of conflicts of interest and prevention of corruption are essential preconditions for the performance of the Agency’s functions aimed at ensuring the implementation of internationally-recognised and reliable accreditation services.

The Agency is aware of the importance of the respect for integrity, impartiality and confidentiality, the absence of conflicts of interest and prevention of corruption upon the performance of its functions, paying due regard both to the accreditation decisions to be made and to the Agency’s administrative and operational activities to be managed.

Upon performing its functions, tasks and objectives, the Agency shall continuously supervise and manage the aspects related to integrity, impartiality, confidentiality, absence of conflicts of interest and prevention of corruption.

In accordance with Cabinet Regulation No. 111 of 27 February 2018 “By-laws of the State Agency “Latvian National Accreditation Bureau”, the Agency is an institution of direct administration which is under the supervision of the Minister for Economics. The Minister for Economics shall implement the supervision through the Ministry of Economics.

At the same time, the Ministry of Economics shall respect the integrity of the Agency’s activities, as also confirmed by the letter of the Ministry of Economics No 2.13.29-1/2018/1843 of 23 April 2018 to the European Cooperation for Accreditation on that the Ministry of Economics should respect the integrity of the Agency’s activities.

In accordance with the provisions of Paragraph 4 of Cabinet Regulation No. 111 of 27 February 2018 “By-laws of the State Agency “Latvian National Accreditation Bureau”, the Agency shall carry out the following tasks:

- evaluation the fulfilment of the functions by conformity assessment bodies (also foreign ones) in the conformity assessment by complying with the national and also directly applicable European Union and international requirements in the field of accreditation;
- participating in the development of laws and regulations related to the accreditation system and providing suggestions therefore;
- cooperating with market supervision institutions, other state administration institutions and sectoral non-governmental organisations;
- participating in the meetings and working groups of regional and international authorities, and also exchanging information with accreditation bodies of other countries;
- organising trainings for the persons involved in the accreditation process and conformity assessment bodies on the matters within the competence of the bureau;
- ensuring assessment of the conformity assessment bodies and persons accredited by foreign accreditation bodies as part of the implementation of the cross border accreditation policy of the European Cooperation for Accreditation;
- ensuring up-to-date publicly available information regarding the accredited conformity assessment bodies, and also maintaining and improving the database of accredited bodies;
- informing the public of the latest developments in the field of accreditation.

In its activities, the Agency shall implement the functions and tasks of the national accreditation body as provided in the Law “On Conformity Assessment”, Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, as well as Cabinet Regulation No. 673 of 17 December 2019 “Regulations relating to assessment, accreditation and supervision of conformity assessment bodies”.

In accordance with the provisions of Preamble 14 and Article 4(7) and (8) of the Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, the Agency shall:

- operate on a not-for-profit basis;
- use the accrued revenue resulting from provision of accreditation services, if any, only for investment to develop the further activities of the national accreditation body;
- neither offer nor provide services, as well as shall not perform any other activities that are provided and ensured by conformity assessment bodies;
- not provide consultancy services;
- not own shares in or otherwise have a financial or managerial interest in a conformity assessment bodies.

The Agency shall provide accreditation services in accordance with the price list set out in Cabinet Regulation No. 114 of 27 February 2018 “Price List of Paid Services of the State Agency “Latvian National Accreditation Bureau”.

The Agency’s budgetary revenue shall constitute revenue resulting from chargeable services for provision of accreditation services and other own revenues, as well as transfers from the state budget for business trips and remunerations in order to ensure the performance of the functions referred to in Section 14(1)(4) and 14(1)(5) of the Law “On Conformity Assessment”.

The Agency's director, acting in accordance with the provisions of the Public Agencies Law, shall implement such administrative management of the Agency which is oriented to the rational use of financial resources in accordance with the public administration tasks to be performed.

The values approved in the Agency's Medium-Term Action Plan 2020-2022 shall be implemented within all the Agency's activities, policies and procedures, being applicable also to the performance of functions in a permanent, independent, equal and fair manner, respecting the integrity management and being free from commercial, financial or any other influence.

Upon provision of services that offer added value to the national economy, the exportability and competitiveness of economic operators and society in general, the Agency shall carry out its activities in the public interest, respecting the principle of the rule of law, fairness, proportionality, social equality and political neutrality, by promoting mutual trust on both domestic and international markets.

When making its decisions, the Agency shall primarily rely on the protection of the public interest (public health and safety, protection of the environment, consumer rights, etc.).

In its activities, the Agency shall comply with the requirements related to integrity, impartiality, confidentiality and absence of conflicts of interest and those related to prevention of corruption, as specified in the standard LVS EN ISO/IEC 17011:2017 "Conformity assessment. Requirements for accreditation bodies accrediting conformity assessment bodies", the State Administration Structure Law, Administrative Procedure Law, Trade Secret Protection Law, Law on Prevention of Conflict of Interest in Activities of Public Officials, as well as Cabinet Regulation No. 630 of 17 October 2017 "Regulations on the Basic Requirements of the Internal Control System for Prevention of the Risk of Corruption and Conflict of Interest in a Public Institution", Cabinet Regulation No. 326 of 8 May 2012 "Regulations Regarding the Internal Control System in Institutions of Direct Administration" and other laws and regulations, national, European or international standards, as well as in the binding documents of international accreditation organisations.

At the same time, the Agency's employees shall comply, in their activities, with the restrictions on disclosure of information imposed by the Law on Submissions with regard to the identity of submitters of the submissions and restrictions imposed by the Personal Data Processing Law and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) with regard to the processing of personal data of natural persons and free movement of such data.

The Agency shall ensure confidentiality and effective protection of information within the accreditation process, including upon examination of submitted applications, ensuring also such a confidentiality and protection for the information obtained and generated by any party concerned, and preclude it from being unlawfully obtained, used and disclosed, except for the cases where the information holder has already made this information publicly available to other parties, where the confidential information is subject to disclosure under a certain regulation by reason of protection of essential public interest, or where both parties have permitted the disclosure of confidential information in a separate agreement.

Before carrying out the relevant duties, the Agency shall brief each party involved in the accreditation process on the confidentiality aspects, and the party involved shall confirm with his/her signature that he/she will comply with the obligations on confidentiality.

In order to manage the process aimed at ensuring the integrity, impartiality and confidentiality, prevention of conflicts of interest and risks of corruption, the Agency's activities shall be governed by an internal control system that ensures, inter alia, timely and continuous identification of risks, implementation and review of risk-mitigation measures, assessment of their effectiveness and supervision thereof.

In accordance with the Agency's Internal Rules "Procedure for Ensuring the Risk Management in the State Agency "Latvian National Accreditation Bureau", the Agency's employees shall be obliged to immediately report possible risks or risk events that have taken place to their immediate superiors or to the coordinator of the risk management process.

Any corruption risks shall be dealt with without delay if they are associated with the Agency's personnel's intention to gain personal benefits or perform events resulting in personal or material interest for their relatives or business partners. The infringements related to the Agency's personnel's acts or omissions, resulting in significant material damages, personal damages or damage to the public interest, shall also be dealt without delay.

In order to ensure an effective risk management, a Risk Management Committee has been established within the Agency. The said committee shall, when such a need arises, but not less than once a year, review the risks identified and assess the effectiveness of the implemented risk-mitigation measures and, if necessary, make proposals, including those related to the need for improving the risk management documentation.

In addition, at least once a year, a commission established by the Latvian National Accreditation Council shall assess the risks inherent to the Agency's operational integrity.

A separate Anti-Corruption Measures Plan has also been developed within the internal control system. Each year, the said plan establishes potential corruption risks which are to be identified, analysed and assessed along with the measures to be taken to mitigate the risks of corruption.

In general, the Agency has a control environment where a number of measures are applied, including the internal audit process, preparation of management review and regular exchange of information with the parties involved, thus ensuring an effective and continuous management for those risks with adverse effects that may undermine qualitative performance of functions and achievement of goals by LATAK.

A continuous audit of the Agency's internal management system shall be carried out to verify the compliance of the Agency's operations and management system with the requirements set out in the standard LVS EN ISO/IEC 17011:2017 "Conformity assessment. Requirements for accreditation bodies accrediting conformity assessment bodies" and in the laws and regulations.

The information on the qualitative performance of the Agency's functions and tasks, achievement of its objectives, together with a plan of actions for further improvements and necessary activities, shall be summarised and prepared in the Agency's management review to be developed at least once a year.

In accordance with the provisions of Section 13(5) of the Law on Conformity Assessment, the Agency shall be entitled to establish sectoral technical accreditation committees in order to receive consultations on solving particular technical questions in the relevant sector. The said sectoral

technical accreditation committees shall be formed when such a need arises and their composition shall be formed as may be necessary, engaging also the required number of members.

The Agency shall perform only supportive/secretarial administrative functions within the sectoral technical accreditation committees. The Agency shall apply the integrity policy to the decisions taken by the sectoral technical accreditation committees, and they shall not be legally binding to the Agency in terms of decision-making.

The Agency, being the secretarial body of the sectoral technical accreditation committees, shall ensure that the composition of the sectoral technical accreditation committees is approved through involvement of all the parties concerned, ensuring a balance of interests and objectivity, as well as the absence of conflicts of interest and the necessary competency.

The chairperson and deputy chairperson of the sectoral technical accreditation committees shall be approved only in the absence of reasoned objections from the parties concerned, including those on a conflict of interest, which may be raised in a public meeting held in the presence of all the parties concerned who are allowed to express themselves freely.

Where a training on issues within the Agency's competence is organised for persons and conformity assessment bodies involved in the accreditation process, the Agency shall offer a general training without providing specific recommendations, suggestions or advice on the development of activities of conformity assessment bodies for the purposes of ensuring the respect for impartiality during the training process.

Participation in trainings organised by the Agency shall be voluntary and shall not affect the Agency's decision-making process.

In accordance with the provisions of Section 13(1) of the State Civil Service Law, all the Agency's employees who participate in making the accreditation decisions as civil servants, shall, upon taking up the relevant duties, give and sign the civil servant's pledge to be honest and fair and to perform the duties of his/her position in accordance with the Constitution of the Republic of Latvia, international agreements, the laws and the decisions of the Government and to serve the general interests of the public in order to ensure that the activities of state administration are lawful, efficient and transparent. The pledge shall be accepted by the Agency's director.

At the same time, the Agency's employees shall, in their activities, comply with the fundamental principles implemented in the field of state administration, including the principle of good administration set out in Section 10(5) of the State Administration Structure Law which inter alia provides for the fair implementation of procedures within a reasonable time respecting the legal interest of the entire society, as well as the principle of procedural equity set out in Section 14.¹ of the Administrative Procedure Law, which provides that, when taking decisions, the Agency shall observe impartiality and shall give the participants in the proceedings an appropriate opportunity to express the viewpoint thereof and to submit evidence. In addition, the Agency shall ensure that the Agency's employees in respect of whose impartiality there may exist justified doubts shall not participate in the taking of the decision.

In the same manner, the Agency's employees shall, in their activities, comply not only with the provisions of the Agency's Internal Rules titled as "Code of Ethics", but also with the fundamental principles of behaviour and conduct of the state administration set out in Cabinet Recommendation No. 1 of 21 November 2018 "Values of State Administration and Fundamental Principles of Ethics", for example, with the principle of good faith which inter alia provides that impartiality and

neutrality (professional independence) shall be ensured in the fulfilment of the duties, and the employee shall refrain from any actions that might question the good faith, impartiality, or neutrality of the employee or the institution. In addition, the Agency's employee shall avoid exposure to a conflict of interest and inform, in a timely manner, regarding private interests or other circumstances which might cause private interests and hinder the fulfilment of the duties with good faith.

The Agency's personnel shall carry out the accreditation-related activities with the highest degree of professional fairness and necessary technical competence in the particular field, being free from any influence and inducements, particularly financial ones, which might influence the employees' decisions or the results of other accreditation-related processes, including the results of the examination of applications, especially from influence and inducements by those partners who have an interest in the result of these activities.

The remuneration of the Agency's personnel shall not depend on the number of assessments performed or results thereof.

The Agency shall ensure a remuneration policy that respects the values of the Agency and state administration, including ethical standards, long-term interests, qualitative performance of the Agency's functions and tasks, achievement of the operational objectives set out in Agency's action plan, as well as shall promote a prudent and effective management of risks related to the performance of the Agency's functions and the prevention of conflicts of interest and corruption.

The official duties, scope of powers and rights of the Agency's employees shall be clearly set out in the job description or in the contract and shall refer only to the qualitative performance of the Agency's functions and tasks and achievement of the Agency's objectives.

The restrictions and prohibitions regarding concurrent positions (set out in Chapter II of the Law on Prevention of Conflict of Interest in Activities of Public Officials) shall be applicable to the Agency's employees who make accreditation-related decisions in order to avoid a potential conflict of interest.

At the same time, when appointing new employees to a certain position, the absence of conflicts of interest shall be assessed both in the light of the current situation and with regard to the previous experience and possible changes in the future. Each Agency's personnel involved in the performance of the accreditation-related procedures, including handling of complaints, during introductory instructing shall documentarily confirm the absence of a conflict of interest with his/her signature.

At the same time, the aspects related to the absence of a conflict of interest shall be assessed in relation to the personnel engaged before each assessment procedure is commenced and accreditation commission is established. At the same time, it shall be ensured that accreditation-related decisions are taken by competent personnel and that no employees who have taken part in the implementation of the conformity assessment procedure are present among these personnel.

Any process related to complaints and appeals shall be carried out by the Agency in a non-discriminatory manner, complying with the aspects on the integrity, impartiality and confidentiality, absence of conflicts of interest and prevention of corruption.

In addition, any changes to the requirements related to obtaining an accreditation shall be publicly announced and agreed with the parties involved prior to their adoption.

The Agency's public communication shall be implemented by creating a positive image of the state and establishing confidence in the conformity assessment system. The Agency shall communicate with the media, public administration, economic operators, others parties involved and the general public in a reliable, professional, modern and open manner.

The Agency shall respect and highly appreciate its customers and employees, building a cooperative environment where the parties involved feel free and safe to express their suggestions, complaints and comments.

Director

Gundega Jaunbērziņa – Beitika

THIS DOCUMENT IS ELECTRONICALLY SIGNED WITH A SECURE ELECTRONIC SIGNATURE AND CONTAINS A TIMESTAMP

Gundega Jaunbērziņa-Beitika 66100258
Gundega.Jaunberzina-Beitika@latak.gov.lv