

STATUTES

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LA VERSION ELECTRONIQUE FAIT FOI



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Article 1 – CONSTITUTION

The Comité Français d'Accréditation (The French Committee for Accreditation) or shortened as Cofrac, is constituted according to the French laws into force, in particular the Consumers Code, in the form of an association declared under the law of 1st July 1901.

It is governed by this law, by its application texts and by these statutes.

Article 2 – PURPOSE

The task of Cofrac is to implement an accreditation system in conformity with the relevant international or European standards, taking into consideration the needs and expectations of all interested parties.

In this context, Cofrac:

- ◇ Conducts the accreditation against payment, conforming to French, European or International standards, of any conformity assessment body, in all the domains where an accreditation is useful. This process concerns in particular:
 - Bodies certifying products and services
 - Bodies certifying Administrators systems
 - Bodies certifying personal
 - Test or analysis laboratories
 - Calibration laboratories
 - Inspection bodies
- Develops the confidence of the market place in accredited bodies and in the results provided by them as part of the activities for which they are accredited, particularly by means of their certificates, attestations and reports.
- ◇ Obtains at European and international levels the recognition of the French system of accreditation and participates in bilateral or multilateral cooperation and recognition agreements with other accreditation bodies.
- ◇ Represents French interests in the assemblies of European and International bodies working in the domain of accreditation.

It is forbidden for Cofrac to exercise itself any activity that may require an accreditation.

Article 3 – HEAD-OFFICE

The head-office of Cofrac is located at 37 rue de Lyon at Paris (12th arrondissement)

It may be transferred within the Paris region on decision of the Board of Administrators and to another region on decision of a General Assembly meeting.

Article 4 - RESOURCES

The resources of the association shall be made up of:

- The subscriptions of members
- The fees collected during the processing, issuing and monitoring of the accreditations
- The subsidies from the government
- The income from its assets
- Any other revenue obtained from its activities

Article 5 - MEMBERS

The Cofrac is made up of two categories of members:

The active members: Entities involved directly or indirectly in its objectives, that declare being willing to work for developing its action. They are grouped in Colleges A, B, and C defined in article 6 below.

The associate members: Individuals or entities interested in the activities of Cofrac.

The admission of a member is decided by the Board of Administrators and in case of refusal, the Board is not required to give its reasons.

The membership is lost by resignation or by removal decided by the Board of Administrators, when it is observed that a member does not fulfil his obligations.

Article 6 - COLLEGES

The active members form colleges as defined below:

The college A includes the accredited bodies or their federations

The college B includes professional groups of enterprises or persons or associations of buyers who may call upon the services provided by the bodies belonging to the college A

The college C includes representatives of public interests (Government, Public agencies, National institutes, associations of users or aiming at protecting the environment) dealing either with regulation, or protection of collective interests.

An active member may belong to only one college.

The associate members on their demand may be attached to a college corresponding to their activity and if required, participate in the different meetings, except the Board of Administrators, as members of this college.

When the representative proposed by a member to participate in a body (Board of administrators, Section committees or Commissions) occupies a function which permits him to be candidate for either college A or another college, then he must be candidate for college A.

A same company or grouping of companies, cannot present more than one candidate per college to participate in the Board of Administrators or in a same section committee.

Article 7 – GENERAL ASSEMBLY

7.1 - Meetings

The members shall meet at least once a year in a General Assembly meeting.

An active member may have himself represented by another member of the same college; however, a member cannot have more than two votes.

The associate members cannot have themselves represented by others; they can participate in the discussions but do not have voting rights.

7.2 - Role

The General Assembly elects the President and other members of the Board of Administrators, ensuring for each college an adequate representation of the different interests involved.

On proposal of the Board of Administrators, it

- Approves the annual accounts and the moral report of the President
- Fixes the amounts of subscriptions that the members are obliged to pay
- Modify the statutes
- Deliberate on any other questions submitted to it.

7.3 – Voting rules

Each college enjoys seven votes within the General Assembly.

If there is no consensus, the decisions shall be taken through secret voting bulletin. The vote of each member is then allotted a weightage of 7 divided by the number of voters present or represented in this college and all the decisions are taken by an absolute majority of votes of

members present or represented except for the modification of the statutes, for which a two-thirds majority is required.

No decision can be taken against the opinion of two colleges. In this case, the opinion of a college is that expressed by the members from this college, present or represented.

The administrators are appointed according to the modalities of the article 8.

Article 8 – ADMINISTRATORS

Besides the President, the administrators composing the Board of Administrators are seven in number for each college.

The President of the Board of Administrators is a qualified person elected from among the associate members, on proposal from the Board of Administrators, by the members of the colleges A, B, and C by secret voting bulletin with weightage per college, following the modalities defined in 7.3.

The other administrators are individuals, representing the member entities of Cofrac, directly participating in the concerned activities.

The administrators of each college are elected by secret voting bulletin, by the members of their respective college, with absolute majority on the first round of voting and relative majority during the second round, except for the four representatives of the Government which are each appointed respectively by the ministries in charge of agriculture, consumption, environment and health.

For the organisation of the above elections, when there are as many candidates as there are vacant posts, the President may propose a voting by show of hands.

The mandates are valid for three years renewable and there are no deputies. The President cannot execute more than three mandates.

Between two meetings of the General Body, in case of vacancy of an administrator other than one representing the Government, the Board of Administrators may co-opt an administrator whose nomination is then submitted for ratification during the next meeting of the General Assembly. His mandate shall end at the same time as that of other administrators.

Article 9 – BOARD OF ADMINISTRATORS

9.1 – Role of the Board of Administrators

The Board of Administrators appoints, from its members, for the period of their mandate as administrator, a Vice-president as well as a Treasurer. The Vice-president cannot be elected from the college A.

The President represents Cofrac with third parties. He supervises the proper functioning of the Board of Administrators and in particular the correct execution of its decisions.

The vice-president replaces the President in case of absence or non-availability of the latter.

The Board of Administrators:

- decides on the admission or removal of members from the Association
- examines the accounts and fixes the annual budget
- examines the proposals submitted during the General Assembly meeting
- ensures that the decisions of the General Assembly are executed
- approves the Internal Regulation
- determines the orientations of the activity of the association and monitor their application
- decides on the organisation of Cofrac activities into accreditation sections by defining for each of them their domains of intervention and the composition of their committees, while approving their internal rules
- nominates the members of accreditation section committees and the members of the internal audit Commission
- nominates the President and the Vice-president of each section committee and of the internal audit Commission
- nominates the General Director, on proposal from its President
- handles in last instance the appeals against any decision of Cofrac regarding the accreditations decisions
- takes all other decisions for the proper implementation of Cofrac activities.

9.2 – Functioning of the Board of Administrators

An administrator may have himself represented by another administrator belonging to the same college, however, an administrator cannot have more than two votes.

The Board may proceed with its deliberations only if more than half the number of administrators are present or represented. The decisions are taken on two-thirds majority of members present or represented.

The Board holds its meetings according to the conditions defined in the Internal Regulation.

9.3 – Government representative

The interministerial delegate for standardization participates in the meetings of the Board of Administrators and exercises there the function of government representative. He might oppose to Cofrac decisions when they are contrary to reglementary prescriptions or to the general interest.

When unavailable, he might be represented in meetings of the Board of Administrator by a colleague under his authority.

Article 10 – ACCREDITATION SECTIONS

Each section has a section committee whose secretariat is provided by the permanent staff that is also responsible for the processing and monitoring of files. It calls upon assessors and technical experts if needed.

10.1 – Section Committee

The members of each Section Committee represent as a whole the different interests involved in the domain of intervention of the section, without the domination of any particular interest. The composition of each committee is defined in the specific regulations of the section.

The members of each Section Committee are nominated by the Board of Administrators.

The President and the Vice-president, who cannot be members of the college A or represent the same interests, are nominated by the Board of Administrators on proposal from the Section Committee.

The members are nominated for a period of three years; their mandates are renewable. They can be removed automatically if they do not fulfil their obligations, according to procedures defined in the Internal regulation. There shall be no deputies.

10.2 – Role of the Section Committee

The functions of the Section Committee are in particular:

- to propose for the approval of the Board of Administrators the particular regulation determining notably the reference documents of the section and the composition of its committee.
- to verify and validate the specific documents necessary for the accreditation of entities falling in its domain of intervention
- to create the Accreditation Commissions, supervise their proper operation and nominate their members as well as their President and Vice-president, who cannot be members of the college A or represent the same interests

- to deal in first instance with the appeals made against decisions relating to the accreditation
- to conduct all study or investigative missions entrusted to them by the Board of Administrators
- to give an opinion on request from the permanent staff or an accreditation commission regarding any question on the application of accreditation criteria
- to give an opinion on the provisional budget of the activity of the section. This budget is prepared by the permanent staff that looks after its monitoring and reports on its execution to the Section Committee and the Board of Administrators.

10.3 – Functioning of the Section Committee

A member of the Section Committee may have himself represented by another member of this committee; however, a member cannot have more than two votes.

The Section Committee can hold valid deliberations only if more than half its members are present or represented.

The decisions are taken by consensus or by a two-thirds majority of the members present or represented.

The Section Committee meets under the conditions defined by the Internal regulation.

Article 11 – INTERNAL AUDIT COMMISSION

11.1 – Role of the Internal Audit Commission

The Internal Audit Commission is auditing of the different Cofrac units. It carries out periodically all the investigations necessary for ensuring their correct operation and compliance with the standards. The Commission must in particular take care to identify and report breach or any redundancy in the principles and practice of the operating procedures in order to improve the efficiency of Cofrac and its services.

It examines and gives opinions on the subjects submitted to it by the Board of Administrators or the General Director.

11.2 – Composition of the Internal Audit Commission

It is composed of eight members maximum, distributed among the different interests involved, including two members each for the colleges A and B, maximum two for the college C and maximum two qualified persons.

The members of the Internal Audit Commission cannot be members of the Board of Administrators or a Section Committee or of an Accreditation Commission.

The members of the Internal Audit Commission, including the President and the Vice-president, are nominated for a period of three years by the Board of Administrators, on proposal of the Commission itself. The mandates are renewable.

11.3 – Functioning of the Internal Audit Commission

The members of the Internal Audit Commission cannot have themselves represented by other members.

More than half the members have to be present in order to hold valid deliberations.

The reports and the opinions are adopted by consensus or else by a majority of two-thirds of the members present.

The Commission reports to the General Director as part of its audit functions and to the Board of Administrators regarding its other missions.

It submits an annual report on its activities as a whole to the Board of Administrators.

Article 12 – GENERAL DIRECTOR

The General Director looks after the deployment and the application of the decisions taken by the Board of Administrators as well as the Administrators of day-to-day operations.

In particular, he

- develops the policy relating to the activities of Cofrac, conforming to the general orientations defined by the Board of Administrators
- supervises the implementation of this policy and the procedures relating to it
- implements the budget
- takes decisions regarding the accreditations, taking into consideration the views of the concerned commissions
- exercises the powers and responsibilities that are delegated to him by the President of the Board of Administrators, particularly with regard to the signature of contracts and agreements with third parties
- organises the day-to-day operation of Cofrac as well as the delegation of his signature to his colleagues.

In addition, he defines and implements the Administrators system and also recruits, fixes the tasks and remunerations of personnel belonging to the permanent structure.

He reports on his actions to the Board of Administrators.

Article 13 – PERSONNEL OF THE PERMANENT STAFF

The Cofrac can appoint as personnel the government employees, the military personnel, the employees of local Public Authorities in order to occupy, within a total limit of ten, the following jobs: one post of General Director, one post of General Secretary, and two posts of head of an accreditation section as well as six posts of engineers responsible for a pole of accreditation.

Article 14 – FINANCIAL CONTROLS

14.1 – Accounts Auditor

The accounts are audited by an auditor appointed for a period of six years by the General Assembly.

The auditor has all the powers for verifying and certifying the exactness and sincerity of the annual report on the accounts of the elapsed period.

The auditor submits his report to the General Assembly after examining these accounts .

14.2 – Governmental economic and financial control

The association is subject to the economic and financial control of the government organised under the decree No 55-733 dated 26 May 1955, amended.

Article 15 – APPEALS AND COMPLAINTS

The appeals concerning the decisions relating to the accreditations (refusal, suspension, withdrawal) are made before the concerned Section Committee in first instance and before the Board of Administrators in last resort.

Any member of a Section Committee or the Board of Administrators having given an opinion on a particular dossier cannot participate in the decision regarding the corresponding appeal.

The appeals concerning the decisions of the Board of Administrators, other than those relating to the decisions on accreditation, are made in the General Assembly meeting.

The complaints other than the appeals are dealt with by the permanent structure that report at least annually to the Board of Administrators.

Article 16 – DISSOLUTION

According to the voting rules applicable for the modification of statutes, the dissolution of Cofrac may be decided by the General Assembly that shall define the modalities for this purpose.

Article 17 – INTERNAL REGULATION

An internal regulation, adopted by the Board of Administrators, defines the modalities of application regarding these statutes, in particular:

- the additional rules for the nomination of members, as well as the members of the Section Committees and the Internal Audit Commission
- the modalities of meetings held by the General Body, the Board of Administrators and the Section Committees.

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