



# SLOVENSKI STANDARD

## SIST EN 45503:2002

01-september-2002

Glavni namen tega standarda je opredeliti postopke za vrednotenje postopkov podelitve pogodb za entitete, ki delujejo v vodnih, energetskih, prevoznih in telekomunikacijskih sektorjih.

Attestation Standard for the assessment of contract award procedures of entities operating in the water, energy, transport and telecommunications sectors

Bescheinigungs-Norm für die Bewertung der Auftragsvergabeverfahren von Auftraggebern im Bereich der Wasser-, Energie- und Verkehrsversorgung sowie im Telekommunikationssektor

Norme d'attestation pour l'évaluation des procédures de passation des marchés des entités opérant dans les secteurs de l'eau, de l'énergie, des transports et des télécommunications

**Ta slovenski standard je istoveten z: EN 45503:1996**

### **ICS:**

03.120.20	Certificiranje proizvodov in podjetij. Ugotavljanje skladnosti	Product and company certification. Conformity assessment
-----------	----------------------------------------------------------------	----------------------------------------------------------

**SIST EN 45503:2002**

**en**

**iTeh STANDARD PREVIEW**  
**(standards.iteh.ai)**

SIST EN 45503:2002

<https://standards.iteh.ai/catalog/standards/sist/1509c97f-75cb-4aee-85b7-3ce92726a1bf/sist-en-45503-2002>

EUROPEAN STANDARD

EN 45503

NORME EUROPÉENNE

EUROPÄISCHE NORM

January 1996

ICS 03.120.20

Descriptors: work contracts, supply contracts, services contracts, water, transportation, energy, telecommunications, capacitation, certification, approval organization, acceptance, purchase

English version

**Attestation Standard for the assessment of  
contract award procedures of entities operating in  
the water, energy, transport and  
telecommunication sectors**

**iTeh STANDARD PREVIEW**

Norme d'attestation pour l'évaluation des  
procédures de passation des marchés des entités  
opérant dans les secteurs de l'eau, de  
l'énergie, des transports et des  
télécommunications

Bescheinigungs-Norm für die Bewertung der  
Auftragsvergabeverfahren von Auftraggebern im  
Bereich der Wasser-, Energie- und  
Verkehrsversorgung sowie im  
Telekommunikationssektor

[SIST EN 45503:2002](https://standards.iteh.ai/catalog/standards/sist/1509c97f-75cb-4aee-85b7-3ce92726a1bf/sist-en-45503-2002)

<https://standards.iteh.ai/catalog/standards/sist/1509c97f-75cb-4aee-85b7-3ce92726a1bf/sist-en-45503-2002>

This European Standard was approved by CEN/CENELEC on 1995-11-28. CEN/CENELEC members are bound to comply with the CEN/CENELEC Internal Regulations which stipulate the conditions for giving this European Standard the status of a national standard without any alteration.

Up-to-date lists and bibliographical references concerning such national standards may be obtained on application to the Central Secretariat or to any CEN/CENELEC member.

The European Standards exist in three official versions (English, French, German). A version in any other language made by translation under the responsibility of a CEN/CENELEC member into its own language and notified to the Central Secretariat has the same status as the official versions.

CEN/CENELEC members are the national standards bodies and national electrotechnical committees, respectively, of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and United Kingdom.

**CEN/CENELEC**

Central Secretariat: rue de Stassart, 36 B-1050 Brussels

## Contents

	Page		Page
<b>Foreword</b>	3	6.3.5	8
<b>Introduction</b>	3	6.3.6	8
<b>1 Scope</b>	3	6.3.7	8
<b>2 Definitions</b>	3	6.3.8	8
2.1 Accreditation	3	6.3.9	8
2.2 Accreditation Body	3	6.3.10	8
2.3 Alternative Arrangement	3	6.3.11	8
2.4 Attestation	3	6.3.12	8
2.5 Attestation Body	3	6.3.13	9
2.6 Attestor	4	6.3.14	9
2.7 Commission	4	6.3.15	9
2.8 Procurement	4	6.3.16	9
2.9 Procurement System	4	6.4	9
2.10 State	4	6.4.1	9
2.11 Supplier	4	6.4.2	9
<b>3 Accreditation</b>	4	6.4.3	10
3.1 Accreditation Bodies	4	6.5	10
3.2 The Accreditation Body	4	National rules implementing article 3 of Council Directive 93/38/EEC	10
3.3 Granting, maintaining and withdrawing Accreditation	4	6.5.1	10
<b>4 Criteria for accrediting Attestors and Attestation Bodies</b>	5	6.5.2	10
4.1 Independence of Attestors and Attestation Bodies	5	6.5.2.1	10
4.2 Education	5	6.5.2.2	10
4.3 Experience	5	6.5.2.3	10
4.4 Competence	5	6.5.2.4	10
4.4.1 Knowledge of the legislation and the standard	5	6.5.2.5	10
4.4.2 Competence in conformity assessment techniques	5	6.5.2.6	11
4.4.3 Knowledge of principles and practices of procurement	5	6.5.2.7	11
4.5 Characteristics of Attestation Bodies	5	6.5.2.8	11
4.6 Acceptance of Attestors and Attestation Bodies accredited in other States	5	6.5.2.9	11
<b>5 Withdrawal of Accreditation</b>	6	6.6	11
5.1 Attestors	6	6.6.1	11
5.2 Attestation Bodies	6	6.6.2	11
5.3 Challenge to the Attestor	6	6.6.2	11
<b>6 Attestation of procedures and practices of contracting entities</b>	6	6.6.3	11
6.1 General requirements	6	6.7	11
6.2 Attestation plan	6	<b>7 Reattestation</b>	11
6.3 Procurement System	7	7.1	11
6.3.1 Confidentiality	7	7.2	11
6.3.2 General exclusions	7	<b>8 Confidentiality</b>	12
6.3.3 Financial thresholds	7	<b>Annex A (informative)</b>	
6.3.4 Technical specifications and standards	7	Forum for the exchange of experience	13
		<b>Annex B (informative)</b>	
		Reliability of sampling in 6.4.1 to find systematic errors in procedures	13
		<b>Annex C (normative)</b>	
		Normative references	13



## Foreword

This European Standard has been prepared under mandate of the Commission of the European Communities and of the European Free Trade Association, by the joint CEN/CENELEC Technical Committee CEN/CLC/TC1 - "Criteria of conformity assessment bodies", in cooperation with ETSI.

This European Standard shall be given the status of a national standard, either by publication of an identical text or by endorsement, at the latest by July 1996, and conflicting national standards shall be withdrawn at the latest by July 1996.

According to the CEN/CENELEC Internal regulations, the following countries are bound to implement this European Standard: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom.

## Introduction

This European Standard has been drawn up with the objective of describing a System leading to the award of a Certificate of Attestation which establishes conformity of contract award procedures of contracting entities in the water, energy, transport and telecommunications sectors with national rules implementing Council Directives 93/38/EEC and 92/13/EEC.

This standard sets out the criteria which shall be applied by the Accreditation Body when accrediting the Attestors and/or Attestation Bodies, and the criteria which shall be applied by the Attestors and/or Attestation Bodies when assessing those contract award procedures and practices that fall within the scope of the national rules implementing Council Directive 93/38/EEC.

## 1 Scope

This European Standard defines the requirements for

- a) the Accreditation of Attestors and/or Attestation Bodies;
  - b) the Attestation system;
  - c) the assessment, with a view to obtaining a Certificate of Attestation, of the contract award procedures and practices of those entities falling within the scope of national rules implementing Council Directive 93/38/EEC;
- respecting the requirements in Articles 3 to 7 of Council Directive 92/13/EEC.

## 2 Definitions

For the purposes of this standard, all the definitions stated in Council Directive 93/38/EEC will apply. Additionally, the following definitions are given :

**2.1 Accreditation:** The procedure by which an Accreditation Body authorizes an Attestor or an Attestation Body to perform Attestation.

**2.2 Accreditation Body:** A competent authority of a State or a body set up or appointed by a State for the purpose of accrediting Attestors and Attestation Bodies.

**2.3 Alternative Arrangement:** The rules under which contracting entities subject to national rules implementing Article 3(2) of Council Directive 93/38/EEC operate their Procurement System.

**2.4 Attestation:** The assessment of conformity, by an Attestor or an Attestation Body selected by a contracting entity, of the procurement procedures and a sample of the practices covered by the requirements of national rules enacted as a result of the adoption of Council Directive 93/38/EEC by States leading to the issue of a Certificate of Attestation.

**2.5 Attestation Body:** An undertaking which is accredited to assess contract award procedures and practices with a view to issuing a Certificate of Attestation.

- 2.6 Attestor:** A person accredited to assess contract award procedures and practices with a view to issuing a Certificate of Attestation.
- 2.7 Commission:** The Commission of the European Communities.
- 2.8 Procurement:** The process of awarding contracts subject to national rules implementing Council Directive 93/38/EEC for the provision of supplies, works or services.
- 2.9 Procurement System:** An organized way to perform procurement.
- 2.10 State:** Party to the EEA Agreement (European Economic Area).
- 2.11 Supplier:** Provider of goods, services and/or works.<sup>1)</sup>

### 3 Accreditation

#### 3.1 Accreditation Bodies

States can either set up Accreditation Bodies or use existing Accreditation Bodies. In accordance with Council Directive 92/13/EEC, States shall allow contracting entities recourse to the Attestation system established by another State.

#### 3.2 The Accreditation Body

Where a State establishes an Accreditation Body, it shall

- set up a register of the Attestors and Attestation Bodies accredited in accordance with clause 4, which is available to all interested persons;
- make available on request the rules and criteria required to assess persons and bodies wishing to become Attestors or Attestation Bodies;
- ensure that the system of accrediting Attestors and Attestation Bodies is non-discriminatory in terms of the rules and criteria;
- ensure that all persons and bodies on the register remain qualified according to the requirements of this standard or ensure their removal;
- make sure that the accreditation process is independent of any special interests, including competent authorities of the parties to the EEA Agreement, whose role might conflict with the Attestation process.

Accordingly, the Accreditation Body shall possess and maintain the up-to-date register of Attestors and Attestation Bodies, consisting of :

- name and address;
- organisation, affiliation and position held;
- educational qualification and professional status;
- work experience;
- training in assessment;
- experience in Procurement assessment;
- date of most recent updating of register;
- insurance coverage;
- commercial, financial or other interests referred to in 4.1.

#### 3.3 Granting, maintaining and withdrawing Accreditation

The Accreditation Body shall be authorized to

- grant, maintain and withdraw Accreditation;
- require reassessment in the event of changes affecting the activities and operations of the Attestors and Attestation Bodies, such as changes in personnel and/or practices, or if there are indications that the Attestor or Attestation Body no longer complies with the requirements laid down by the Accreditation Body.

<sup>1)</sup> See the definitions of supply, works and services contracts contained in Article 1 of Council Directive 93/38/EEC.

## 4 Criteria for accrediting Attestors and Attestation Bodies

In order to be accepted as an Attestor or an Attestation Body, applicants shall fulfill the following criteria :

### 4.1 Independence of Attestors and Attestation Bodies

The Attestor and Attestation Body shall be free of any commercial, financial or other interests that might cause them to act in other than an impartial or non-discriminatory manner. Any competent authority or official of the public administration of a State or official of the Commission of the European Communities and the EFTA Surveillance Authority cannot perform Attestation unless they are employed by an organisation which is demonstrated to be operationally independent from the public administration of a State, the Commission or the EFTA Surveillance Authority.

Attestors and Attestation Bodies shall file their interests with the Accreditation Body which accredited them.

### 4.2 Education

Attestor applicants should have a higher education diploma as defined in Council Directive 89/48/EEC. Where an attestor applicant does not have such a higher education diploma, this must be compensated for by an additional three years experience as defined in 4.3.

### 4.3 Experience

Attestor applicants shall have three years experience related to procurement procedures and practices. Attestor applicants shall be able to demonstrate that at least part of such experience has occurred within the last two years and they should do so in an appropriate way, e.g. by certifications by organizations or companies to which the attestor applicant belonged.

### 4.4 Competence

Attestor applicants shall be able to demonstrate their competence in the skills required for carrying out Attestation. Such competence shall be demonstrated at the time of Accreditation according to the procedures specified by the Accreditation Body which shall include, in respect of 4.4.1, written and/or oral examinations.

#### 4.4.1 Knowledge of the legislation and the standard

Knowledge shall be demonstrated in the following areas:

- knowledge and understanding of this standard;
- knowledge and understanding of Council Directives 93/38/EEC and 92/13/EEC;
- knowledge and understanding of national rules enacted as a result of the transposition of Council Directives 93/38/EEC and 92/13/EEC, and relevant legislation.

#### 4.4.2 Competence in conformity assessment techniques

Attestor applicants shall be able to demonstrate competence in conformity assessment techniques.

#### 4.4.3 Knowledge of principles and practices of procurement

Applicants shall be able to demonstrate knowledge of the principles and practices of procurement.

### 4.5 Characteristics of Attestation Bodies

Attestation Bodies shall be accredited only if they are in a position to provide one or more Attestors who will authorize the issue of the Certificate of Attestation, and if they meet the following criteria:

- the members of the governing board shall meet the acceptance criteria stated in national rules implementing Article 20(1) of Council Directive 93/36/EEC. Proof that the governing board fulfils these criteria shall be provided in accordance with Articles 20(2) and 20(3) of that Council Directive;
- the Attestation Body shall have an organizational structure that safeguards impartiality with permanent personnel to carry out the day-to-day operations in such a way as to be free from control by those who have commercial interest in the outcome of any Attestation process.

### 4.6 Acceptance of Attestors and Attestation Bodies accredited in other States

Accreditation Bodies shall accept Attestors or Attestation Bodies accredited by the Accreditation Body of another State, provided that they satisfy the following requirements:

- knowledge of national rules implementing Council Directives 93/38/EEC and 92/13/EEC, in the State in which they wish to operate;
- knowledge of the language in which they are to carry out Attestation.

## 5 Withdrawal of Accreditation

### 5.1 Attestors

Attestors shall be removed from the register of Attestors and Attestation Bodies in the following cases:

- infringement of the rules stated in this standard concerning correct performance of Attestation;
- failure to keep confidential all the information obtained during the performance of Attestation;
- professional negligence;
- failure to retain the level of competence indicated in 4.4.

### 5.2 Attestation Bodies

Attestation Bodies shall be removed from the register of Attestors and Attestation Bodies in the following cases:

- when the Attestation Body fails to meet the criteria stated in 4.5;
- failure to keep confidential all information obtained in the course of Attestation.

### 5.3 Challenge to the Attestor

The contracting entity has the right to exclude an Attestor if circumstances exist which may affect their independence or impartiality.

## 6 Attestation of procedures and practices of contracting entities.

This chapter sets out the duties to be performed by an Attestor or Attestation Body in the course of the examination of any applicant for a Certificate of Attestation. It provides, in summary form, a checklist of the requirements of national rules implementing Council Directive 93/38/EEC as they affect the procedures of the contracting entity. The requirements set out here do not replace nor alter the requirements of the national law implementing Council Directives 92/13/EEC and 93/38/EEC which must remain the essential focus of the Attestor's work. The Attestor or Attestation Body shall verify that the contracting entity organizes and manages its Procurement System in such a way that the national rules implementing Council Directive 93/38/EEC are complied with. This chapter does not lay down requirements for contracting entities.

### 6.1 General requirements

**6.1.1** The Attestor or Attestation Body shall verify that a Procurement System is in existence and operational.

**6.1.2** In carrying out an Attestation, the Attestor or Attestation Body shall note the general requirements contained in national rules implementing Council Directive 93/38/EEC that contracting entities shall ensure that there is no discrimination between different suppliers within the EC and other states with which the Community and EFTA countries participating in the EEA agreement have multilateral or bilateral agreements that involve procedures covered by the Council Directives.

**6.1.3** To obtain evidence of compliance, a sample of contracts shall be taken verifying that the Procurement System is being applied in accordance with the national rules implementing Council Directive 93/38/EEC.

**6.1.4** Where the Alternative Arrangement applies, the principles of non-discrimination, transparency and competitive Procurement shall be observed. The procedures and practices for the Alternative Arrangement are described in 6.5. Sub-clauses 6.3 and 6.4 shall not apply.

**6.1.5** The Attestor or Attestation Body shall include in the Attestation any procedures which the contracting entity uses to direct any person to carry out Procurement on its behalf in accordance with national rules implementing Council Directive 93/38/EEC and the procedures followed by that person when awarding such contracts.

### 6.2 Attestation plan

An Attestation plan shall be agreed between the contracting entity and the Attestor or Attestation Body. The plan should reflect the responsibility of the Attestor for ensuring that the contracting entity's procedures comply with the requirements of the national rules implementing Council Directive 93/38/EEC. It should be flexible to allow for



changes in the plan arising during the course of Attestation and allow best use of resources. The plan should include:

- objectives and scope of Attestation and contracts sample size;
- identity of the Attestor(s);
- reference to relevant documents such as legislation and the Procurement System of the contracting entity;
- the language in which Attestation will be carried out;
- identification of the organizational units to be attested;
- the date(s) and place(s) where Attestation is to be conducted;
- the expected time and duration for each major Attestation activity;
- the schedule of meetings to be held with management of the contracting entity;
- confidentiality requirements;
- anticipated date for submission of the preliminary Attestation report to the contracting entity.

### 6.3 Procurement System

All items of this clause prescribe, in a summary form and in accordance with the national rules implementing Council Directive 93/38/EEC, the work of the Attestor and the Attestation Body.

#### 6.3.1 Confidentiality

The Attestor or Attestation Body shall verify that the Procurement System contains measures to safeguard the information which suppliers have provided, and which they ask to be confidential.

#### 6.3.2 General exclusions

The Attestor or Attestation Body shall verify that

- the Procurement System contains measures which shall not allow the unjustified exclusion of contracts under the national rules implementing Articles 6 to 13 of Council Directive 93/38/EEC. These measures shall also deal with contracts which partly relate to excluded and non-excluded areas. In the cases of contracts excluded under the national rules implementing Articles 6 to 8, the Procurement System shall set down how the entity shall notify the Commission or the EFTA Surveillance Authority, or the State for transmission to the Commission and the EFTA Surveillance Authority, of the use of such exemptions;
- records are kept to justify decisions made.

#### 6.3.3 Financial thresholds

The Attestor or Attestation Body shall verify that

- the Procurement System lays down a method for identifying which contracts are subject to the rules;
- the Procurement System shall not allow circumvention of the rules by splitting contracts artificially or using special methods of calculating the value of contracts.

#### 6.3.4 Technical specifications and standards

The Attestor or Attestation Body shall verify that the Procurement System provides for

- issuing technical specifications with the general or contract documents where appropriate;
- determining if European specifications exist and if not, whether there is an appropriate standard having currency within the EEA;
- establishing that, where European specifications are complemented, performance criteria are preferred unless they would be inadequate for the purposes of the contract;
- excluding the use of specifications which mention goods of a specific make, source or process, and which have the effect of favouring or eliminating certain candidates, except where the contract cannot be described by specifications which are sufficiently precise and fully intelligible without such terms, and then only when the words "or equivalent" accompany the specifications;
- requiring that, where European specifications are not used, appropriate records are maintained;
- requiring that, where European specifications are not used due to incompatibilities, that the Procurement System includes a clearly defined and recorded strategy towards a future use of European specifications;
- requiring that, where European specifications are not used due to technical developments, the Procurement System details the steps that shall be taken to advise the appropriate standardising organisation;
- requiring that, where derogations from the use of European specifications have been used, the Procurement System requires that notices published in the Official Journal indicate the derogation used;
- requiring that specifications regularly referred to, or which are the subject of contracts included in a periodic indicative notice that has been published, are available on demand or are referred to where they are readily available.