PURPOSE
The purpose of this document is to describe EA’s policy on its relationship with accreditation bodies from countries that are not members of the EU or EFTA, and not EU candidate countries. It is expected that this document will be reviewed once the current Articles of Association and Rules of Procedure have been amended and other implementation activity carried out, to ensure consistency in the texts of these related documents.
EA-1/13 - EA’s relationship with accreditation bodies of countries not being members of the EU or EFTA

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1 INTRODUCTION

1.1 Context

EA has a prime role to define, harmonise and build consistency in accreditation as a service to European trade, industry and society, with the aim to reduce barriers to trade and to contribute to protecting health and safety of people.

The European Union (EU) has recognised the particular importance of having close links with neighbouring countries and has established a European Neighbourhood Policy. The EA Executive considers that relationships between EA and accreditation bodies (ABs) in countries that are part of the EU’s Neighbourhood Policy and potential candidates for EU membership should be strengthened in order to support the work of the EU, to embrace and support the effective development of ABs in these countries, to enable good cooperation with EA, and to facilitate a good understanding of EA’s practices.

EA has already entered into a number of cooperative relationships with ABs from countries that are not members of either the EU or European Free Trade Association (EFTA).

1.2 Current Agreements

EA’s peer evaluation programme is aimed at developing and maintaining the EA Multilateral Agreement (MLA), based on mutual confidence, that accepts:

- The equivalence of the operation of the accreditation systems administered by EA Members
- That the accredited certificates and reports issued by organisations accredited by EA Members are equally reliable

In accordance with the current Articles of Association, although nationally recognised ABs not established in one of the member states in the EU or the EFTA may not become EA Full Members, they may enter into a Contract of Cooperation with EA. Some of these Contracts have been extended into Bilateral Agreements with EA with the aim of establishing mutual confidence in the respective accreditation systems and in the accredited attestation of conformity.

The majority of the Bilateral Agreements were signed either before the adoption of the ILAC and IAF multilateral mutual recognition arrangements or whilst they were in their infancy.

1.3 Review

The EA Executive has reviewed the impact that maintaining Bilateral Agreements has on the stability of the international MLA system as a whole and concluded that the present EA policy (and Articles of Association) should be amended so that they further support the value obtained worldwide through the ILAC and IAF MLA/MRA, reinforce EA’s commitment to them, and reduce duplication where possible. The review also took into account the levels of resources necessary to maintain the EA MLA in an effective way.

1 Countries in the EU’s Neighbourhood Policy are: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, The Palestinian Authority, Syria, Tunisia, Ukraine.

2 “Potential candidates for EU membership” as stated by the European Council meeting in Feira in June 2000 are Albania, Bosnia and Herzegovina, Kosovo (under UN Security Council Resolution 1244), Montenegro, and Serbia.
2 POLICY

When considering EA’s relationship with accreditation bodies from countries not being EU or EFTA members and not being EU Candidate Countries, two different situations are envisaged:

2.1 EU/EFTA neighbour countries

An EA Neighbourhood Policy (EANP) should be established that is based on the following cornerstones:

1. ABs from countries in the EANP should be able to contribute to and cooperate with EA both through the General Assembly, the MAC, and the other Committees. This should be done by giving to these ABs certain rights and obligations. (EA must decide the degree of involvement by grading the rights to be given).

2. ABs from countries in the EANP should commit themselves to follow all EA policies.

3. The EANP should be limited to ABs from those neighbour countries that are willing to sign ILAC/IAF agreements only through having been evaluated to join the EA MLA through a bilateral agreement with the EA MLA signatories. This policy should not be applicable to ABs from countries (even those that are close to Europe) that wish to have a direct evaluation process carried out by ILAC, IAF, and/or another Recognised Region.

4. ABs from EANP countries joining the EA MLA through a bilateral agreement will be subject to the same full EA Peer Evaluation process as that applied to EA Full Members.

5. If in the future neighbour countries establish their own region in ILAC/IAF, the EANP should be revisited by EA.

2.2 Countries not being EU/EFTA neighbour countries

Relationships with ABs in countries that are not EU/EFTA neighbour countries should be managed through the IAF/ILAC MLA/MRA, and no special policy or status is needed for these countries.

Nevertheless in certain exceptional cases, EA could offer to ABs from some of these countries the possibility of signing a Cooperation Agreement. This should be possible only if either the European Commission or EFTA asks EA to sign a Cooperation Agreement, or if EA decides, for whatever reason, it has an interest in signing a Cooperation Agreement. In any case, such Agreement should be based on the following conditions:

1. The AB willing to sign a Cooperation Agreement shall fulfil all the specific requirements established by EA for its members, pursuant to Regulation (EC) 765/2008.

2. The AB, having signed a Cooperation Agreement and willing to sign a bilateral agreement with EA MLA signatories, shall be evaluated by EA using EA qualified evaluators and under the full control of the EA MAC.
EA will invite ABs from these countries to participate as observers in the meetings of the EA General Assembly and to contribute to the activities of EA Technical Committees and related working groups and task forces.

3 IMPLEMENTATION

For EA to implement this policy, the following steps should be taken:

1. Define a new EA member category which is applicable only to those ABs in countries in the EANP. For example, they may be termed “EANP Members”.

2. Define which countries might be included in the EANP.

3. Establish the rights and obligations within EA of an AB from an EANP country and for Cooperation Agreements.

4. Offer to sign an Agreement with ABs from all the countries under the EANP and to withdraw any existing Contracts of Cooperation.

5. Withdraw all the existing Bilateral Agreements/Contracts of Cooperation signed with ABs from countries not being in the EANP, unless the conditions in II above are fulfilled. In this case, offer to sign a Cooperation Agreement that may develop into a Bilateral Agreement.

The current Articles of Association and Rules of Procedure will need to be amended accordingly.

3 It is suggested that the EANP countries mirror those of the EU’s Neighbourhood Policy (see footnote 1) plus potential candidates for EU membership (see footnote 2).