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**EA's Relationship
with Accreditation Bodies
of Countries not being
Members of the EU or EFTA**

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

Authorship

The publication has been written by EA Executive Committee.

Official language

The text may be translated into other languages as required. The English language version remains the definitive version.

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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 Policy¹.

EA 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 membership² including regions established by those accreditation bodies should be strengthened.

The relationship should be developed in order to support accreditation of conformity assessment bodies (CABs) based on harmonised standards and for conformity assessment activities in support of EU legislation and trade policy.

The objective is to embrace and support the effective development of ABs in these countries including with ILAC or IAF recognised regions, to enable good cooperation with EA, and to facilitate a good understanding of EA's practices in relation to accreditation of conformity assessment activities based on EU legislation.

Therefore, the EA Articles of Association were amended in 2011 to allow accreditation bodies established in countries that are part of the EU's Neighbourhood Policy to become Associate members of EA (cf. Article 5 B in the Articles of Association).

1.2 Current Agreements

EA's peer evaluation programme is aimed at developing and maintaining the EA Multilateral Agreement (MLA), whereby the signatories recognise and accepts:

- The equivalence of the accreditation systems operated by the signatories
- The reliability of conformity assessment results provided by CABs accredited by the signatories for the relevant scope.

In accordance with the Articles of Association, nationally recognised ABs established in countries that are part of the EU Neighbourhood Policy or potential candidates for EU membership may become EA Associate Members. Associate Members may sign a Bilateral Agreement (BLA) with EA which has the same purpose as the EA MLA to establish mutual confidence in the respective accreditation systems and in conformity assessment results.

¹ Countries in the EU's Neighbourhood Policy at the date of issue of this document 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, Bosnia and Herzegovina, Kosovo (under UN Security Council Resolution 1244), Montenegro, and Serbia.

However, it is the policy of EA to rely on the ILAC Mutual Recognition Arrangement (ILAC MRA) and the IAF Multilateral Recognition Arrangement (IAF MLA) in relation to the global acceptance of reports and certificates issued by accredited CABs. Therefore, ABs joining the EA MLA through a BLA shall be peer evaluated by EA and consequently not be peer evaluated by ILAC, IAF or another recognised region.

1.3 Review

The EA Executive Committee has reviewed the policy³ adopted by the EA General Assembly in 2009 and noted that some EA Associate Members are also members of regions under development in countries covered by the EU Neighbourhood Policy or potential candidate countries for EU membership including reviewing the impact of maintaining BLAs with these ABs.

EA has also recognized that ABs from regions established in neighbourhood countries and the European Commission have reasonable interest in the establishment of mutual confidence and recognition in the respective accreditation systems and in conformity assessment activities in support of EU legislation and trade policy.

In order to reach the aim of mutual confidence and recognition in the European regulated area the ABs have to demonstrate that they operate in accordance with ISO/IEC 17011 and the ILAC/IAF provisions, but also with Regulation (EC) No 765/2008 and the corresponding EA provisions.

The review also took into account the levels of resources necessary to maintain the EA MLA in an effective way.

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

The EA Neighbourhood Policy (EANP), covering the same countries as defined in the EU Neighbourhood Policy, is based on the following cornerstones:

1. ABs from countries in the EANP shall be encouraged to join EA as Associate Members and hold the rights and obligations as defined in the EA Articles of Association.
2. ABs from countries in the EANP joining EA as Associate Members shall be committed to follow all EA policies which include the provisions according to Regulation (EC) No 765/2008.

ABs from EANP countries that have become EA Associate Members will be encouraged to join the EA BLA.

³ EA-1/13 A:2009 EA's Relationship with Accreditation Bodies of Countries not being Members of EU or EFTA

In case the AB is from an EANP country where an ILAC or IAF recognized regions is established the AB will be invited to sign a cooperation agreement (COA) and an agreement for mutual recognition (COAMR) with EA. An AB having signed a COA with EA will be able to demonstrate compliance with the requirements in Regulation (EC) No 765/2008 and related EA provisions. An AB having signed additionally a COAMR will be able to demonstrate the competence to accredit CABs involved in conformity assessment activities based on EU legislation.

2.1.1 ABs from EU/EFTA neighbour countries, joining the EA MLA through a BLA

ABs from EANP countries joining the EA MLA through a BLA will be subject to the same full EA Peer Evaluation process as that applied to EA Full Members which include compliance with the requirements stated in Regulation (EC) 765/2008 and the corresponding EA provisions.

Note: ABs joining the EA MLA through a BLA shall not be peer evaluated by ILAC, IAF or another recognised region (see clause 1.2).

2.1.2 ABs from EU/EFTA neighbour countries signing a COA and COAMR with EA

2.1.2.1 Signing a COA

ABs from EANP countries where a region recognized by ILAC or IAF is established may apply to sign a COA with EA for the purpose of demonstrating their compliance with the additional requirements according to Regulation (EC) No 765/2008 and the corresponding EA provisions. The provisions for signing the COA are:

1. Fulfilment of the requirements according ISO/IEC 17011 by being a signatory of a MLA established by a region which is recognized by ILAC or IAF.
2. Fulfilment of the relevant requirements in the Regulation (EC) No 765/2008.

The application for signing a COA shall be addressed to the EA Secretariat.

The COA signatory status will be decided by the Executive Committee – based on the application review by the EA Secretariat – following consultation with the EA Advisory Board (EAAB) and subject to endorsement by the EA general Assembly.

COA signatories will be invited to the meetings of the EA General Assembly.

2.1.2.2 Signing a COAMR

ABs from EANP countries where a region recognized by ILAC or IAF is established may apply additionally to sign a COAMR with EA. Prerequisite for the application is that the European Commission declares to EA its reasonable interest in the establishment of mutual confidence and recognition in the respective accreditation systems and in conformity assessment activities in support of EU legislation and trade policy, e.g. by an Agreement on Conformity Assessment and Acceptance (ACAA) of Industrial Products or another similar agreement.

The provisions for signing the COAMR are:

- Being signatory of a COA

- Successful peer evaluated by EA for demonstrating competence to accredit CABs involved in conformity assessment activities based on EU legislations.

Detailed requirements for signing the COAMR are listed in Annex 1 clauses c) to o).

Application for signing the COAMR shall be addressed to the EA Secretariat. The EA MAC is in charge of the peer evaluation process, including the decision-making about the COAMR signatory status.

EA will invite ABs having signed a COAMR to participate as observers in the meetings of the EA General Assembly as well as of EA Technical Committees and related working groups and task forces.

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 ABs from these countries.

Nevertheless, in certain exceptional cases, EA could offer to ABs from some of these countries the possibility of signing a COA for mutual recognition according 2.1.2. This should be possible only if either the European Commission or EFTA asks EA to sign a COA, or if EA decides, for whatever reason, it has an interest in signing a COA. In any case, such COA and COAMR should be based on the same conditions as described under 2.1.2.

ANNEX 1

Requirements for signing the EA COA

Each AB signatory of the COA agrees to abide by its terms and conditions and shall:

- a) Fulfil the requirements in ISO/IEC 17011.
- b) Fulfil the relevant requirements in the Regulation (EC) No 765/2008.

Requirements for signing the EA COAMR

Each AB signatory of the COAMR agrees additionally to abide by its terms and conditions and shall:

- c) Fulfil supplementary requirements defined in EA mandatory documents.
- d) Having demonstrated experience in operating an AB and having access to technical expertise regarding EU legislation.
- e) Ensure that all accredited CABs comply with the supplementary requirements defined in EU legislations and EA mandatory documents.
- f) Bring those supplementary requirements to the attention of accredited and applicant CABs.
- g) Inform accredited and applicant CABs that only conformity assessment results (e.g. reports or certificates) that refers to the relevant accreditation are considered to be under the EA MLA.
- h) Only subcontract assessment activities regarding EU legislations to ABs having signed the EA MLA for that particular scope.
- i) Cover the costs of the peer-evaluations, including the daily rate specific to the peer evaluator's employers fee schedule, travel, accommodation, and provide sufficient translators; unless compensated by other parties.
- j) Report any significant changes in its status and/or its operating practices without delay to the EA Secretariat. Significant changes are those that could affect issues, stipulated in Regulation (EC) No 765/2008 and relevant for the accreditation of CABs according EU legislations, such as competence, impartiality and operational ability and include, but are not limited to, those related to legal status, relationship with government, senior personnel, contact persons, accreditation criteria and procedures and office address. The AB shall provide an impact analysis related to the reported changes.
- k) Accept accreditation systems operated by other signatories as equivalent to its own accreditation system.
- l) Declare, when requested, conformity assessment results (e.g. reports or certificates) issued by CABs accredited by ABs that are signatories for the relevant scope to the EA MLA, to the ILAC Mutual Recognition Arrangement (ILAC MRA) and to the IAF

Multilateral Recognition Arrangement (IAF MLA) as reliable as those issued by CABs accredited by themselves.

- m) Make publicly accessible information about the Level 4 Sector standards, Sectorial schemes and activities based on EU Internal Market legislation (Directives, Regulations) included in the accreditation services offered by the AB.
- n) Notify, in writing and not later than three months in advance, other EA MLA signatories of any voluntary withdrawal or reduction of the scope of recognition.
- o) Upon changes to requirements of this COA, ensure conformity with the new requirements within the period specified by the EA General Assembly.