



L'ENTE ITALIANO DI ACCREDITAMENTO

Event concept for the presentation of cross-frontier accreditation paper

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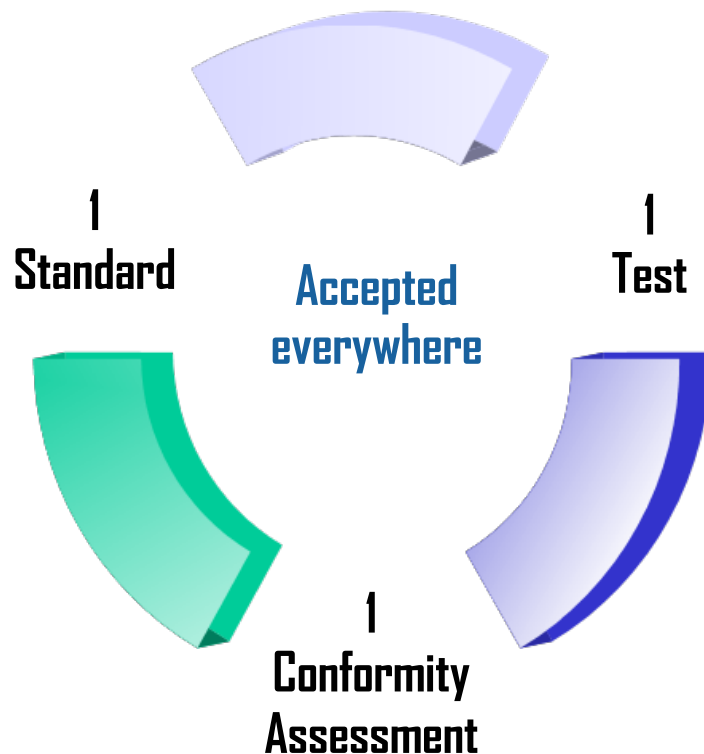
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The 1-1-1 dream of conformity assessment – 30 years ago!!





IAF/ILAC Recognition



IAF/ILAC Recognition

Presentation of IAF/ILAC

Peer evaluation of EA

Part of the global network

Mutual Recognition

The EA MLA

The EA MLA is recognized at international level by IAF (International Accreditation Forum) and ILAC (International Laboratory Accreditation Cooperation), the two global associations of Accreditation Bodies.

It means that accreditation by one of the EA MLA Members is considered to give as much confidence as accreditation delivered by any signatory to the IAF or ILAC mutual agreement.

"Accredited once, accepted everywhere!"

It means that a test report or certificate issued by an accredited CAB can be recognized by the

The rows refer to the density of exports, whereas the columns refer to the density of imports. The highlighted diagonal values show the accreditation activity between accreditation points from one and the same region. In almost all RACs (IAAC, APAC, AFRAC, ARAC), the export ratios within the group are higher than those to the outside. The exception is EA, where exports of accreditation to the members of APAC, ARAC and IAAC are higher than domestic cross-frontier accreditation activity. This may be explained by the fact that most EA economies have their own accreditation bodies, and several economies have historical relations with their former colonies.

	Non signatories
	EA
	IAAC
	APAC
	AFRAC
	ARAC

	S/A	EA	IAAC	APAC	AFRAC	ARAC
s/a	0,1%	0,1%	0,0%	0,2%	0,0%	0,0%
EA	1,8%	2,3%	3,7%	4,9%	1,5%	4,3%
IAAC	5,5%	6,9%	12,4%	8,3%	2,4%	6,1%
APAC	0,5%	0,3%	0,3%	4,8%	0,0%	0,8%
AFRAC	1,0%	0,0%	0,0%	0,3%	10,4%	0,6%
ARAC	0,3%	0,9%	0,0%	1,6%	0,0%	3,8%

Table 4: Density of accreditation trade between groups in %

Table 4 also shows the density of accreditation imports (see data in the columns). In the case of IAAC and AFRAC, intra-regional cross-border trade in accreditations clearly dominates. In contrast, APAC and ARAC import more accreditations from IAAC and EA members than from their own RAC. In the case of APAC, it should be considered that several ABs are members of APAC and IAAC at the same time.²² In the analysis, however, the authors have generally attributed the countries from the Americas to IAAC.

The EU Court of Justice: in Europe only the National Accreditation Body can perform accreditation

Legal case Analisi G. Caracciolo Srl /
Accredia, May 6 ruling of the European
Court of Justice C-142/2020

Two questions on the interpretation
and application of the EC Regulation
765/2008 in all Member States



The EU Court of Justice: in Europe only the National Accreditation Body can perform accreditation

1) Can accreditation activity be carried out by Bodies not based in one of the countries of 'European Union?

No (with few exceptions)

Regulation (EC) No. 765/2008 must be interpreted in the sense that they preclude the interpretation of national legislation according to which the accreditation activity can be carried out by bodies other than the only national accreditation body, pursuant to the same regulation, based in a third State, even if such bodies ensure compliance with international standards and demonstrate, in particular through mutual recognition agreements

The EU Court of Justice: in Europe only the National Accreditation Body can perform accreditation

2) Is it legitimate for NABs to operate in a monopoly condition in Europe, despite the principle of free competition between companies?

Yes. In Europe, accreditation, being public authority power, can only be performed by the single National Accreditation Body.

The accreditation activity constitutes a direct and specific participation in the exercise of public authority within the meaning of Article 51 TFEU (see recital 52). According to the jurisprudence of the Court, the activities related to the exercise of the prerogatives of public authorities do not have an economic character that justifies the application of the competition rules provided for by the FEU Treaty. (see recital 56).

What questions need to be answered in practice?

HHC will decide how approve the FAQs on this ruling

**A discussion within EA, including European stakeholders, is important.
The international community (IAF/ILAC and international stakeholders)
will also need to be informed/involved**

- a) Can the certificates issued by an accredited CAB in violation of Reg. 765 be considered as accredited certificates, by a NAB and by a IAF/ILAC signatory?
- b) In which cases does a certification body established in Europe can be accredited (for the first or second time) by a non-European accreditation body?
- c) Who should intervene in the event that a CAB established in Europe has been accredited by a non-European AB?

What exactly does the ECJ decision say?

This ruling is not applicable for activities outside Union (Conformity assessment results used outside Europe)

- A CAB is not permitted to "apply for" and obtain accreditation from a NAB other than the locally competent NAB. This applies for all kinds of accreditations of CAB – also in the non-regulated areas. (see recital 32), with some exceptions. Here some possible examples of the exceptions (to be confirmed):
 - Article 7 of Reg. 765 (another European NAB)
 - Accreditation of reports/certificates that will be used outside the territory of the Union (it is important to take into consideration where the CAs result are used)
 - If the accreditation service is not provided by European Abs
 - If it is a second accreditation, after having informed the competent NAB

What exactly does the ECJ decision say? EA HHC working group is working on this.

- A CAB in the EU can therefore normally not have several European accreditations at the same time (see recital 19)
- Only for the purpose of Reg. 765 (i.e. for European public authorities) CABs accredited by European NABs are not equivalent to CABs accredited under IAF/ILAC. In this sense, nothing changes for the validity of the IAF / ILAC MLA / MRA agreements between the signatories.

For the EU public Authorities there is non-equivalence of non-EU Accreditation Bodies

Being a signatory to the non-EU international mutual recognition agreements (such as ILAC) does not ensure that the Accreditation Body fulfills the requirements contained in the EU Regulation 765/2008.

In compliance with Article 4, paragraph 5, these National Accreditation Bodies carry out

- an activity of public authority in accordance with the requirements listed in Article 8 of the Regulation, in particular the requirements of independence, impartiality and competence.
- operates on a non-profit basis and that accreditation activities must respect the principle of non-competition. Therefore, according to EU law, such a body cannot be considered an “enterprise”, and cannot fall within the scope of application of the provisions relating to the prohibition of abuse of a dominant position.

**Ideas laugh at the space, they pass through seas
and are accepted everywhere**





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