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Reference*

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Statement on acceptance and recognition of activities under the EA MLA

PURPOSE

The purpose of the document is to improve the consistency of information provided by NABs to the marketplace about accreditations granted and of responses regarding the acceptance and recognition of activities delivered under the EA MLA.

When using the templates EA members may need to amend or revise the text to meet the needs of the specific enquiry and so the document is classified as informative. EA Members are encouraged to use the templates as the basis for their response to requests from the market.

Authorship

This document has been written by the EA Executive Committee.

Official language

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

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Further information

For further information about this document, contact the EA Secretariat. Please check EA website for up-to-date information (<http://www.european-accreditation.org>).

Category: Information document

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CONTENTS

1	INTRODUCTION	4
2	BACKGROUND TO THE STATEMENTS	4
3	HOW TO USE THE STATEMENTS	5
4	LIST OF ANNEXES.....	6

	ANNEX A: STATEMENT FOR RECOGNITION TO BE USED BETWEEN EA MLA SIGNATORIES.....	7
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	ANNEX B: STATEMENT TO BE USED BY BILATERAL SIGNATORIES TO THE EA MLA FOR RECOGNITION OF OTHER EA MLA SIGNATORIES	9
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	ANNEX C: STATEMENT TO BE USED BY EA MLA SIGNATORIES, ALSO SIGNATORIES TO THE <ILAC MRA / IAF MLA> FOR RECOGNITION OF OTHER ILAC/IAF SIGNATORIES.....	11
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1 INTRODUCTION

One of the impacts of the implementation of Regulation (EC) 765/2008¹ has been that where conformity assessment bodies wish to be accredited, they shall apply to the local NAB. An accredited CAB therefore provides its services to the European market based on its accreditation in the country where the head office is established.

Further, national authorities in EU and EFTA countries are obliged to accept reports and certificates issued by conformity assessment bodies accredited by NABs which have been successfully peer evaluated and signed the EA MLA. In other countries, regulators may have imposed additional requirements for acceptance of reports and certificates issued by conformity assessment bodies under the EA MLA.

These changes underline the importance of transparency of activities delivered by NABs and accredited conformity assessment bodies under the EA MLA and the acceptance and recognition by the marketplace of these services.

The EA Full Member national accreditation bodies that are signatories to the EA MLA have been evaluated by peers and demonstrated their competence. The specific agreement signed by each signatory national accreditation body describes its scope of recognition.

EA Associate members are eligible to enter into a Bilateral Agreement with the Full Members signatories of the EA MLA with the aim of establishing mutual confidence in the respective accreditation activities and in their accredited attestations of conformity.

To assist NABs when providing information to the marketplace on activities delivered under the EA MLA, EA has published three statements (templates) that can be used to provide common information to the marketplace regarding the acceptance and recognition of activities under the EA MLA.

For the purpose of this document the definitions given in EA-1/06 *EA Multilateral Agreement - Criteria for signing - Policy and procedures for development* apply.

2 BACKGROUND TO THE STATEMENTS

The EA MLA was introduced more than 25 years ago and accreditation bodies having signed the EA MLA shall:

- Accept accreditation systems operated by other EA MLA signatories as **equivalent** to their own accreditation system;
- Accept that all accredited activities performed by organisations accredited by EA MLA signatories which have signed the MLA for the relevant accreditation field are **covered** by the MLA.

¹ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93.

Signatories to the EA MLA are obliged to inform the market place on the content of the EA MLA and its implications for the operation of the market, i.e. the equivalence of their accreditation systems and the fact that activities performed by accredited CABs are covered by the MLA.

Further it is stated in EA-1/06 clause 5 that *each NAB signatory or applicant to the EA MLA agrees to abide by its terms and conditions* and shall:

- (n) Promote the international acceptance of the conformity assessment results (e.g. reports and certificates) issued by CABs accredited by accreditation bodies that are signatories to the EA MLA, to the ILAC Mutual Recognition Arrangement (ILAC MRA) and to the IAF Multilateral Recognition Arrangement (IAF MLA).
- (o) Declare, when requested, conformity assessment results (e.g. reports or certificates) issued by CABs accredited by accreditation bodies 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 themselves².

3 HOW TO USE THE STATEMENTS

Three annexes (templates for statements) are enclosed.

EA recommends signatory NABs (including bilateral signatories) to use the templates for statements to promote the acceptance and recognition of:

- i. Accreditation systems operated by national accreditation bodies in other countries, which have signed the EA MLA and reports/certificates issued by conformity assessment bodies accredited by them (annex A and B);
- ii. Accreditation systems operated by accreditation bodies in other countries, which have signed the ILAC MRA/IAF MLA and reports/certificates issued by conformity assessment bodies accredited by them (annex C).

When using the statements, NABs may modify the templates to suit the specific enquiry.

Information should be added to the templates where marked with <.....>. The following information should be added:

- i. The appropriate indication of the conformity assessment body should be chosen among: “laboratories / certification bodies / verification bodies /inspection bodies / proficiency testing providers / reference material producers”.
- ii. Names of NABs, (where shown in the templates as: <Local and Foreign NAB>), can be added for promotion, or the statement can be used on a more general basis.

² The activity is only deemed to be accredited if the corresponding certificate or report refers to the relevant accreditation.

Translation into other languages is encouraged.

The statements or the text can be used as a letter, or as a part of other communication materials.

4 LIST OF ANNEXES

This document contains three annexes:

- A. Statement for recognition to be used between EA MLA signatories.
- B. Statement to be used by bilateral signatories to the EA MLA for recognition of other EA MLA signatories.
- C. Statement to be used by EA MLA signatories, also signatories to the <ILAC MRA / IAF MLA> for recognition of other ILAC/IAF signatories.

ANNEX A: STATEMENT FOR RECOGNITION TO BE USED BETWEEN EA MLA SIGNATORIES

NAB name
Street + number
Postal code + town
Country
Phone + fax
Email
Website



To whom it may concern or to XXX³

Statement regarding European-wide recognition of accreditation

<Local NAB> is the National Accreditation Body appointed by <Country> pursuant to Regulation (EC) No 765/2008 and signatory to the EA Multilateral Agreement (EA MLA) for the accreditation of conformity assessment bodies. The objective of the EA MLA is to facilitate the free movement of goods and services and eliminate technical trade barriers by creating acceptance and confidence in accreditations provided by national accreditation bodies and in conformity assessment activities delivered by accredited conformity assessment bodies.

The EA MLA is managed and controlled by the European co-operation for Accreditation (EA) which is the body designated by the European Commission pursuant to Regulation (EC) No 765/2008 and is based on a process of peer evaluations amongst EA members.

Based on the EA MLA <Local NAB > has confidence in the accreditation system operated by <foreign NAB> and considers that the accreditation system operated by <foreign NAB> is equivalent to <Local NAB> accreditation system.

Under the EA MLA certificates/reports issued by <CAB name>⁴ accredited by <foreign NAB> which is also a signatory to the EA MLA are accepted by <local NAB> as being as reliable as any comparable certificates/reports that have been issued by <laboratories / certification- / verification- / inspection bodies / proficiency testing providers / reference material producers> accredited by <Local NAB>.

The EA MLA does not establish in any case that accreditation of <CAB name> by one of the signatories means any kind of implicit accreditation by the rest of the signatories.

³ Declaration can be issued in general or to a specific company, CAB, authority, etc

⁴ When CAB is accredited abroad and is operating with sites in the Country of the local AB (mainly in case of an international company acting with different legal entities) it is advisable, to avoid market confusion, to make an explicit reference to the actual CAB (eg, including the full address in the foreign country)

Therefore, the present letter does not imply that <Local NAB> “validates” “recognizes” or “approves” the <laboratories / certification- / verification- / inspection bodies / proficiency testing providers / reference material producers > accredited by another signatory, thus any possible claim about its performance or information about its accreditation must be treated exclusively with the body that has accredited it.

National authorities in EU/EFTA countries are obliged to recognise the equivalence of services delivered by national accreditation bodies which have successfully undergone peer evaluation by EA and to accept attestations issued by conformity assessment bodies accredited by EA MLA signatories as stated in Article 11 of the Regulation (EC) No 765/2008.

Issued date: <XX.YY.ZZZZ>

Signature(s)

Position(s)

<Printed on paper with <Local NAB> letterhead

ANNEX B: STATEMENT TO BE USED BY BILATERAL SIGNATORIES TO THE EA MLA FOR RECOGNITION OF OTHER EA MLA SIGNATORIES

NAB name
Street + number
Postal code + town
Country
Phone + fax
Email
Website



To whom it may concern or to XXX⁵

Statement regarding European-wide recognition of accreditation

<Local NAB> is the National Accreditation Body appointed by <Country> and a bilateral signatory to the EA Multilateral Agreement (EA MLA / BLA) for the accreditation of conformity assessment bodies.

The objective of the EA MLA is to facilitate the free movement of goods and services and eliminate technical trade barriers by creating acceptance and confidence in accreditations provided by national accreditation bodies and in conformity assessment activities delivered by accredited conformity assessment bodies.

The Agreement is managed and controlled by the European co-operation for Accreditation (EA) which is the body designated by the European Commission pursuant to Regulation (EC) No 765/2008 and is based in a process of peer evaluations amongst EA members.

Based on the Agreement <Local NAB > has confidence in the accreditation system operated by <foreign NAB> and considers that the accreditation system operated by <foreign NAB> is equivalent to < Local NAB> accreditation system.

Under the EA MLA certificates/reports issued by <CAB name⁶> accredited by <foreign NAB> which is also a <bilateral> signatory to the EA MLA are accepted by <local NAB> as being as reliable as any comparable certificates/reports that have been issued by <laboratories / certification- / verification- / inspection bodies / proficiency testing providers / reference material producers> accredited by <Local NAB>.

Multilateral Agreement does not establish in any case that accreditation of a <CAB name> by one of the signatories means any kind of implicit accreditation by the rest of the signatories.

⁵ Declaration can be issued in general or to a specific company, CAB, authority, etc

⁶ When CAB is accredited abroad and is operating with sites in the Country of the local AB (mainly in case of an international company acting with different legal entities) it is advisable, to avoid market confusion, to make an explicit reference to the actual CAB (e.g. including the full address in the foreign country).

Therefore, the present letter does not imply that <local NAB> “validates” “recognizes” or “approves” the CAB accredited by another signatory, thus any possible claim about its performance or information about its accreditation must be treated exclusively with the body that has accredited it.

Issued date: <XX.YY.ZZZZ>

Signature(s)

Position(s)

<Printed on paper with <Local NAB> letterhead

ANNEX C: STATEMENT TO BE USED BY EA MLA SIGNATORIES, ALSO SIGNATORIES TO THE <ILAC MRA / IAF MLA> FOR RECOGNITION OF OTHER ILAC/IAF SIGNATORIES

To whom it may concern

<Local NAB> is the National Accreditation Body appointed by <Country> pursuant to Regulation (EC) 765/2008 and signatory to Multilateral Agreement for the accreditation of conformity assessment bodies (the <ILAC MRA; IAF MLA >).

The objective of the < ILAC MRA; IAF MLA > is to facilitate the free movement of goods and services and eliminate technical trade barriers by creating confidence in accredited conformity assessment bodies – CABs (laboratories, certification, verification and inspection bodies).

Based on the <ILAC MRA; IAF MLA> <Local NAB > has confidence in the accreditation system operated by <foreign AB> and considers that the accreditation system operated by <foreign AB> is equivalent to <Local NAB> accreditation system.

For CABs not established in EU: Under the Agreement certificates/reports issued by <CAB name⁷> accredited by <foreign AB> which is also a signatory to the <ILAC MRA; IAF MLA> are accepted by <local NAB> as being as reliable as any comparable certificates/reports that have been issued by <laboratories / certification- / verification- / inspection bodies / proficiency testing providers / reference material producers> accredited by <Local NAB>.

Note 1: *Only reports or certificates issued by accredited <laboratories / certification- / verification- / inspection bodies / proficiency testing providers / reference material producers> covered by the <ILAC MRA / IAF MLA> bearing the accreditation symbol of the national accreditation body or a traceable reference to the accredited status of the <laboratory / certification- / verification- / inspection body / proficiency testing providers / reference material producers> are accepted as equally reliable and giving the same level of confidence.*

Important notice: EU Regulation (EC) No 765/2008 requires that, where a conformity assessment body requests accreditation, it shall do so with the national accreditation body of the Member State in which it is established (or with the national accreditation body to which it had recourse under the conditions of Article 7(1)). If that is not the case, the accreditation is not covered in Europe by the presumption of conformity laid down in Article 11 of the aforementioned Regulation.

In the event that the certificate is to be used in a public tendering process we also remind you of the provisions of the article 44 in Directive 2014/24/EU on public procurement and repealing Directive 2004/18/EC: “Where contracting authorities require the submission of certificates drawn up by a specific conformity assessment body, certificates from equivalent other conformity assessment bodies shall also be accepted by the contracting authorities. For the purpose of this paragraph, a conformity assessment body shall be a body that performs conformity assessment activities including calibration, testing, certification and inspection accredited in accordance with Regulation (EC) No 765/2008 of the

⁷ When CAB is accredited abroad and is operating with sites in the Country of the local AB (mainly in case of an international company acting with different legal entities) it is advisable, to avoid market confusion to make an explicit reference to the actual CAB (e.g. including the full address in the foreign country)

European Parliament and of the Council (In this paragraph the Directive may be substituted by the relevant national law transposing the Directive).

Multilateral Agreement does not establish in any case that accreditation of a <CAB name> by one of the signatories means any kind of implicit accreditation by the rest of the signatories.

Therefore, the present letter does not imply that <local NAB> “validates” “recognizes” or “approves” the CAB accredited by other signatory, thus any possible claim about its performance or information about its accreditation must be treated exclusively with the body that has accredited it.

Issued date: <XX.YY.ZZZZ>

Signature(s)

Position(s)

<Printed on paper with <Local NAB> letterhead>