

Dutch Accreditation Council (RvA)

**Policy rule for
Cross-Frontier Accreditation**

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RvA policy rules describe the RvA rules and the policy on specific subjects.

A current version of the policy rules can be obtained through the RvA web site (www.rva.nl).

CONTENTS

1	Introduction	4
2	RvA general policy on cross border accreditation and assessments	5
3	RvA accreditation and assessments in the EA-MLA region	6
4	Conducting subcontracted assessments for NAB's in the EA-MLA region	8
5	RvA accreditation outside the EA-MLA region	8
6	Assessments of foreign sites and activities outside the EA-MLA region	10
7	Subcontracting to and cooperation with other Accreditation Bodies	10
8	Changes compared with the previous version	12

1 Introduction

Article 1.

This document sets out the RvA policy rules for the accreditation and assessment of Conformity Assessment Bodies (CABs) registered and/or acting outside the Netherlands and for the assessment of CABs in the Netherlands on request of other Accreditation bodies (ABs). The policy rules are based on Regulation (EC) No 765/2008, the EA cross-frontier policy document EA-2/13 and relevant rules and guidance or mandatory documents from ILAC and IAF.

Article 2.

The purpose of these policy rules is to support one-stop accreditation and one-stop conformity assessment principles. It is also designed to maintain a level playing field for CABs accredited by the RvA and those accredited by other EA-MLA, IAF-MLA and ILAC-MRA partners. The policy rules also aim to ensure a consistent and non-discriminatory approach in dealing with the accreditations or applications of bodies in different countries.

Article 3.

These policy rules apply to accreditation and assessments of:

1. CABs with a head office outside the Netherlands;
2. CABs with a head office in the Netherlands that also perform conformity assessment activities in other countries;
3. CABs in the Netherlands acting as a site of a foreign CAB accredited by a foreign AB.

Article 4.

The policy rules distinguish between accreditation and assessments within the EA-MLA region and accreditation and assessments outside this region. The EA-MLA region includes all countries with an AB that is signatory of the EA-MLA or of the Bilateral agreement with EA (EA-BLA).

Article 5.

This document will come into force on the day of publication of the notice in the Staatscourant.

2 RvA general policy on cross border accreditation and assessments

Article 6.

It is the primary task of RvA to service CABs in the Netherlands. Any decision to provide accreditation or assessment services in other countries will be made taking this task into account.

Article 7.

When requested to provide accreditation to a CAB outside the Netherlands, or to conduct assessments for Dutch CABs outside the Netherlands, RvA will apply the following general policies:

1. RvA will only provide accreditation and assessment services outside the Netherlands in case this will contribute to the international development and harmonisation of accreditation and conformity assessment.
2. RvA will not compete with other ABs.
3. RvA will not provide its services in countries for which the difference between the values and culture in that country and the Dutch values and cultures makes it impossible to conduct reliable assessments; to be decided and motivated by the RvA Executive Board.
4. RvA will not provide its services in countries where the safety of its staff is not guaranteed. The travel advice from the Dutch Ministry of Foreign Affairs will be leading for such a decision.
5. RvA will not provide its services outside the Netherlands if, based on the available resources, this would have a negative impact on its capacity to provide its services in the Netherlands.
6. The costs associated with accreditation and assessments outside the Netherlands, including the costs for translation of documents, use of interpreters and coordination of assessments with other ABs will be invoiced to the RvA accredited CAB or the CAB requesting RvA accreditation.
7. RvA will only provide accreditation outside the Netherlands for activities for which it has obtained sufficient experience in the Netherlands and for which the policy rule RvA-BR010 states that activities may also be accredited outside the Netherlands.

Article 8.

CABs are obliged to inform the RvA at least annually about the physical permanent locations at which they perform activities and about the countries in which they perform conformity assessment activities under the accreditation of the RvA. RvA maintains records for each CAB specifying the activities at these locations and in these countries.

3 RvA accreditation and assessments in the EA-MLA region

Article 9.

For accreditation within the EA-MLA region the RvA applies the principles stated in Regulation (EC) No 765/2008.

The RvA policy is:

1. The RvA does not grant accreditation to CABs in other countries within the EA-MLA region. Exceptions to this policy are those situations where Article 7a, 7b or 7c of the Regulation (EC) 765/2008 applies, meaning that a member state has not appointed a NAB, the NAB does not perform accreditation of the respective activities or the NAB is not an EA-MLA signatory for the respective activities. In these situations the RvA will conduct the assessments, and where applicable and possible involve the NAB.
2. The RvA does not renew existing expiring accreditations of CABs in other countries within the EA-MLA region. These CABs receive notification from the RvA, before the accreditation expiry date, confirming that no reassessment will be scheduled. When requested by the CAB, the RvA will provide the necessary information to the NAB on the assessments during the last accreditation cycle, to facilitate the process of obtaining a new accreditation by the national accreditation body (NAB).
3. For CABs referred to in paragraph 2, the RvA will perform surveillance assessments in accordance with EA cross-frontier policy document EA-2/13 until the accreditation expires or, at the latest, 31 December 2013. The RvA will subcontract these assessments, whenever possible, to the NAB (see chapter 7).
4. The RvA will support the transfer of the accreditation to the NAB before expiry where possible and when requested by the CAB. It is however the responsibility of the CAB to apply for accreditation with the NAB in time, to enable the NAB to make the assessment and take the accreditation decision.
5. Where the NAB has become a signatory of the EA-MLA or EA-BLA after the RvA has granted accreditation to a CAB in this country, the RvA will apply the surveillance and scope extensions policy set out in paragraph 3 until renewal of accreditation is necessary. The RvA will however support the transfer of the accreditation to the NAB before renewal where possible and when requested by the CAB.
6. Also when other grounds for providing cross border accreditation to a CAB in the EA-MLA region have changed and also at the occasion of each re-assessment the RvA will confirm that previously accepted justifications and conditions for providing cross border accreditation still apply.

Article 10.

Assessments of foreign sites of Dutch RvA accredited CABs will be subcontracted to the NAB, in which case chapter 7 applies.

Article 11.

The witnessing of activities (for example on-site testing, audits, inspections) that Dutch CABs conduct within the EA-MLA region, by staff directly controlled by the Dutch office of the CAB, will preferably be carried out by RvA assessors. The RvA will however use local experts when relevant for the competence of the RvA assessment team.

Article 12.

The frequency and extent of the assessments of critical locations (see RvA-BR003 for the definition of critical locations) in other countries in the EA-MLA region is decided based on the following principles:

1. In case the foreign site is accredited by the NAB for the same scope, then the frequency and extent according to the NAB's policy will be applicable. The assessments subcontracted by RvA are considered to be part of the NAB's assessments.
2. In situations referred to in the first paragraph RvA may decide with reasons to have additional assessment activities, subcontracted to the NAB.
3. In case the foreign site is accredited by the NAB but this accreditation does not cover the RvA's scope of accreditation, then for the common parts of the scope paragraphs 1 and 2 apply. For assessments of the scope parts that are additional to the NAB's scope the frequency of RvA's policy (RvA-BR005) will be applied. The assessments subcontracted by RvA may be conducted during the NAB's assessments, but additional assessments may be required also.
4. In case the foreign site is not accredited by the NAB, RvA's policy rule RvA-BR005 applies for the frequency and extent of the assessments.

Article 13.

The frequency and extent of assessments of foreign sites which are not considered to be critical locations are based on the rules in RvA-BR005.

Article 14.

1. For assessments of conformity assessment activities performed in other countries in the EA-MLA region and the subcontracting to or cooperation with the NAB, RvA will not need prior approval from or communication with the CAB, if the NAB is a signatory of the relevant EA MLA/BLA for the relevant conformity assessment activity.
2. Also RvA will not need prior approval from or communication with the CAB to share relevant information with such a NAB concerning the CAB.
3. The RvA will inform the relevant NAB's of any decision to suspend or withdraw accreditation for an accredited activity performed in the foreign site.

Article 15.

For the purpose of planning of subcontracted assessments RvA will inform the NABs in the EA-MLA region before October of each year about the plans for subcontracted assessments in the following year. At this stage, the exact scope of the assessment may not be clear but such early information is essential to allow for resource planning by the NAB. The scope of the assessment will have to be reported to the NAB preferably at the latest three months before the due date of the assessment.

4 Conducting subcontracted assessments for NAB's in the EA-MLA region

Article 16.

When requested by the NAB of a country in the EA-MLA region, RvA will act as a subcontractor for assessments of CABs in the Netherlands, provided RvA has the resources to do so, in the following situations:

1. A CAB registered in the Netherlands operates as a site under the accredited scope of a foreign CAB, accredited by the NAB of the country in which this CAB is registered.
2. A foreign CAB accredited by the NAB of the country in which this CAB is registered, conducts conformity assessment activities which the NAB wants to be assessed in the Netherlands.

Article 17.

When acting as subcontractor RvA will use its own procedures. Reports will be provided to the subcontracting NAB within the timeframe specified in the agreement with the foreign AB. The RvA will inform the subcontracting AB as soon as possible about findings classified as category A nonconformities (following policy rule RvA-BR004).

5 RvA accreditation outside the EA-MLA region

Article 18.

The policies in this chapter are applicable for applications for accreditation and for applications for extension of accreditation received after 1 July 2013.

Article 19.

The following specific rules apply for applications for RvA accreditation, or for extension of an existing accreditation, by CABs registered in countries where the AB is also providing accreditation of the conformity assessment activities specified in the application:

1. The CAB is referred to the local AB.
2. If the CAB nevertheless insists on accreditation by the RvA, the RvA will evaluate the reasons why the CAB is applying for accreditation from outside its country of establishment. The RvA will inform the local AB about the application and seek advice on possible accreditation constraints. The RvA will also inform the local AB about the scope of accreditation for which the CAB is applying.
3. The RvA will only accept the application if the CAB already holds an accreditation for the requested scope from the local AB.
4. If the requested scope is part of the IAF-MLA or ILAC-MRA scope of the local AB then RvA will conduct joint assessments with the local AB.
5. If the requested scope is not part of the IAF-MLA or ILAC-MRA scope of the local AB, RvA will conduct its own assessment, but cooperate with the local AB where possible.
6. The frequency and extent of the assessments will in all cases be consistent with the rules of RvA (RvA-BR005).

7. The RvA Executive Board may decide to conduct assessments independently from other accreditation bodies. The local AB will always be informed about the reasons for such a decision.

Article 20.

The following transition arrangement for existing RvA accreditations will be applied after 1 July 2013: For CABs registered in a country with a local AB which provides accreditation for the conformity assessment activities for which the CAB is holding an RvA accreditation, the RvA will withdraw the accreditation for these activities on 1 July 2017, unless the CAB is able to demonstrate that it holds an accreditation from the local AB for at least the same scope. Assessments of these CABs until 1 July 2017 will be conducted according to the rules specified in paragraphs 4-7 of Article 19.

Article 21.

Where the local AB is not providing accreditation services for activities for which a foreign CAB requests accreditation by the RvA, the following rules apply:

1. The RvA will recommend the CAB to apply for an accreditation to an AB in its own region;
2. If no AB in the region is able or willing to provide the accreditation requested, or the CAB has valid reasons not to apply at an AB in the region (to be evaluated by the Executive board of RvA), the RvA may accept the application.
3. The RvA will inform the local AB about the application and seek advice on possible accreditation constraints. The RvA will also inform the local AB about the scope of accreditation for which the CAB is applying.
4. RvA will perform the assessments by its own assessment team, and if necessary include local or regional experts in this team.

Article 22.

For applications from CABs registered in a country without an AB the following rules apply:

1. The RvA will recommend the CAB to apply for an accreditation to an AB in the region of the country of the CAB;
2. If no AB in the region is able or willing to provide the accreditation requested or the CAB has valid reasons not to apply at an AB in the region (to be evaluated by the Executive board of RvA), the RvA may accept the application;
3. RvA will perform the assessments by its own assessment team, and if necessary include local or regional experts in this team.

Article 23.

For each accreditation granted according to the rules in this chapter the RvA will reconsider the validity of the justification for foreign accreditations every four years, when initiating the planning of the reassessment. If the justification is no longer valid RvA will not renew the accreditation.

6 Assessments of foreign sites and activities outside the EA-MLA region

Article 24.

The policy rules in this chapter are applicable after 31 December 2013.

Article 25.

RvA will subcontract assessments at foreign sites not being the head office of the RvA accredited CAB to the local AB if this AB is an ILAC-MRA or IAF-MLA signatory for the activities to be accredited. For such subcontracting the rules explained in chapter 7 apply. If the local AB is not a signatory to a relevant MLA/MRA, then the RvA will perform the assessment, in which case, if possible RvA will include assessors and/or experts from the local AB or another AB in its team.

Article 26.

An assessment at a new site to be added to the list of critical locations (see RvA-BR003 for the definition of critical location) will be conducted by an RvA assessment team; if necessary local or regional experts will be included in this team.

Article 27.

The witnessing of activities (for example on-site testing, audits, inspections) that Dutch CABs conduct outside the EA-MLA region, by staff directly controlled by the Dutch office of the CAB, will preferably be carried out by RvA assessors. The RvA will however use local experts when relevant for the competence of the RvA assessment team.

Article 28.

The frequency and extent of the assessments at sites of a RvA accredited CAB will be consistent with the rules as explained in RvA-BR005.

7 Subcontracting to and cooperation with other Accreditation Bodies

Article 29.

Cooperation with other accreditation bodies may consist of:

1. Assessment personnel recruited from the other AB are part of the RvA assessment team. If this AB is not a signatory to a relevant MLA/MRA, the RvA is responsible for training, qualification and monitoring of this assessor or expert. If this AB is a signatory to a relevant MLA/MRA, the RvA will qualify the person for a specific task based on the competence information provided by the other AB;
2. A joint assessment by the RvA and the other AB. The team is composed of assessors/experts from both ABs. Further implementation of this cooperation requires deliberation with regard to reporting, procedures, costs

and responsibilities on a case by case bases. A formal agreement dealing with these issues maybe drawn up between the RvA and the other AB;

3. Subcontracting an assessment. See Article 30 and further.
4. Conducting subcontracted assessments for other ABs. See chapter 4.
5. A local AB observing the RvA assessments in its country. RvA will support local ABs to observe RvA assessments.

Article 30.

The following policies apply in the event of subcontracting:

1. Where the RvA subcontracts assessments, clause 7.4.1 of ISO/IEC 17011 applies.
2. When the RvA contracts another AB to conduct assessment on its behalf, the other AB will use its own accreditation assessment procedures, systems and reports and will not be required to use the assessment procedures of the RvA.
3. The RvA is however entitled to specify particular areas or aspects of the assessment on which it requires the other AB to focus the assessment and the reporting. The other AB shall ensure that it meets the requirements of the RvA in such matters. The RvA will provide the other AB with all the information needed to ensure an effective assessment.
4. The language to be used during the assessment shall be agreed upon between the contracted AB and the CAB in advance of the assessment. The language of the reports provided to the RvA shall be English or Dutch.
5. The costs of the assessment maybe invoiced to the CAB by the contracted AB direct, in which case the RvA will invoice the CAB an additional administrative fee to cover the costs of subcontracting.
6. A subcontracting agreement with the other AB will be drafted to specify the detailed terms and conditions.

Article 31.

The information provided to the subcontracted AB in case of subcontracted assessments includes, but is not limited to:

1. Report of the last head office assessment.
2. Assessment specification in which any specific additional requirements or activities to be particularly assessed by the subcontracted AB are included.
3. Any requirements from regulators which may have an impact on the activities of the foreign site when accreditation is being granted for the purposes of notification.
4. Full scope of the activities which can be performed by the local site under the multisite accreditation.
5. Detailed description of the scope to be assessed, including any sector schemes.
6. Surveillance plan, including plan for witnessing, for the site over the full accreditation cycle.

Article 32.

The decision making in case of subcontracted assessments follows the following principles:

1. In case the site of the CAB is also accredited for the same or a larger scope, then the RvA will receive the report within the time frame agreed with the subcontracted AB. However in the event the assessment revealed a finding which RvA would classify as a category A nonconformity then the subcontracted AB will inform RvA

immediately after the closing meeting of the assessment at this site. RvA will on a case-by-case basis decide on the actions to be initiated in those situations.

2. In case the site is accredited by the subcontracted AB for only part of the scope of RvA's accreditation or is not accredited at all, then the results of the assessments are provided to the RvA as soon as possible.
3. Because a finding at each site of an RvA accredited CAB is considered a finding for which the head office of the RvA accredited CAB is responsible, RvA will decide on the follow-up and closing of such findings.
4. In case RvA requires an on-site assessment for the follow-up of findings at foreign sites, RvA will subcontract this assessment to the subcontracted AB and receive the report on findings within the agreed time frame.
5. The RvA always remains responsible for the decision making based on the report provided by the NAB. The RvA will inform the subcontracted AB about decisions based on the subcontracted assessment.

Article 33.

RvA will exchange all relevant information with foreign AB's about CABs accredited by those AB's. This information may concern complaints and other information related to the performance of the CAB.

Article 34.

In the event that the RvA suspends or withdraws an accreditation of a CAB that also holds an accreditation from the local AB, the RvA will inform this local AB accordingly. Any other AB having accredited the CAB will also be informed, provided this accreditation is included in the IAF accreditations database or the RvA has other means of obtaining this information.

Article 35.

Whenever the RvA is informed about the suspension or withdrawal of an accreditation by another AB for a CAB that also holds an RvA accreditation, the RvA will carry out an investigation. The purpose of this investigation is to decide whether the grounds for suspension or withdrawal necessarily have an impact on RvA's accreditation of this CAB. RvA will inform the other AB of the outcome of this investigation.

8 Changes compared with the previous version

Article 36.

Due to the addition and rejection of articles, the articles in this version cannot be compared by number with the articles in the previous version.

The significant changes compare to version 1 (April 2011) of this policy rule are:

- Inclusion of the new requirements of EA-2/13 with respect to accreditation of CABs in the EA-MLA region in Article 9 paragraphs 4 and 6.
- Inclusion of the new requirements of EA-2/13 with respect to assessments of foreign sites in Article 12, Article 14 and Article 15;
- The new chapter 4 was added on the conduct of subcontracted assessments because of EA-2/13;

- Chapter 5 is completely revised to reflect the new RvA CFA policy;
- The possibility to conduct an assessment of a foreign site only based on a report from another AB was deleted and replaced by reference to RvA-BR005;
- Chapter 7 on subcontracting reflects the changes in EA-2/13.