



ILAC Mutual Recognition Arrangement (Arrangement): Policy Statement

ILAC-P4:2003

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TABLE OF CONTENTS

PREAMBLE4

PURPOSE4

AUTHORSHIP5

1. THE OBJECTIVE.....5

2. THE FOUNDATION OF THE ARRANGEMENT6

3. THE MANAGEMENT OF THE ARRANGEMENT6

4. THE OPERATION OF THE ARRANGEMENT6

5. IMPLEMENTATION7

6. APPEALS AND ALTERNATIVE DISPUTE RESOLUTION8

PREAMBLE

The international community of accreditation cooperations, recognised laboratory accreditation bodies and their stakeholders cooperate through the International Laboratory Accreditation Cooperation (ILAC). A principal objective of ILAC is to put in place a world-wide mutual recognition Arrangement (Arrangement). ILAC aims to demonstrate the equivalence of the operation of its Member Accreditation Bodies through this Arrangement. As a consequence, the competence (within the accredited scopes) of laboratories accredited by these bodies is demonstrated and recognized by all signatory accreditation bodies. The market can then be more confident in accepting certificates and reports issued by the accredited laboratories.

At present, this Arrangement covers the accreditation of calibration and testing laboratories. It is envisaged that a mutual recognition Arrangement will evolve to cover the accreditation of inspection bodies. ILAC expects to cooperate with IAF (International Accreditation Forum) and the inspection industry and its stakeholders in the development of such an Arrangement and its associated procedures.

ILAC is linking the existing regional mutual recognition Arrangements of the regional accreditation Cooperations and is encouraging the development of new Cooperations to complete world-wide coverage. For the purposes of its Arrangement, ILAC shall delegate authority to its recognized ILAC Regional Cooperation Body Members (Cooperations) for the evaluation, surveillance and re-evaluation of ILAC full Member Accreditation Bodies within their defined territory and associated decision making relating to the membership of the ILAC Arrangement in that territory. Formal recognition of a Cooperation for the ILAC Arrangement is based on an external evaluation of the Cooperation's competence in Mutual Recognition Arrangement management, practice and procedures by an ILAC team composed of evaluators from other ILAC Member Cooperations and Accreditation Bodies.

Evaluation relating to the development and maintenance of the ILAC Arrangement operates at two levels:

the evaluation of competence of individual ILAC Member Accreditation Bodies to accredit; and the evaluation of a Cooperation's competence in managing the operations of regional mutual recognition Arrangements.

The procedures to be used by ILAC for the second of these are set out in document ILAC-P2.

The requirements for procedures to be used by ILAC "recognized" Cooperations when evaluating individual Accreditation Bodies for the purposes of the ILAC Arrangement are set out in ILAC P1.

PURPOSE

This document provides the ILAC statement of policy for the ILAC Arrangement. The effective date for application of this document is the date when membership is notified of its availability on the ILAC Website.

AUTHORSHIP

This publication was prepared by the ILAC Accreditation Policy Committee and initially endorsed for publication by the ILAC General Assembly in 2000. This revision addresses several changes and improvements since the implementation of the Arrangement.

1. THE OBJECTIVE

- 1.1** ILAC's central role in the development, and on-going operation, of a recognition arrangement for laboratories among accreditation bodies recognised in their own economies is highlighted in the ILAC Articles of Incorporation.
- 1.2** ILAC's objective in developing and maintaining a mutual recognition arrangement among recognised accreditation bodies is to assist the removal of technical barriers to trade by putting in place a world network of mutual recognition of accreditation body and laboratory competence which is transparently operating to recognised international standards. The current standards in question are:
- ◆ ISO/IEC Guide 58 (in future ISO/IEC 17011)
 - ◆ ISO/IEC 17025

Stakeholders must have confidence in validity of data reported in test reports and calibration certificates issued by the laboratories accredited by the signatories of this Arrangement. Full mutuality will be an essential requirement: that is that all signatory bodies recognise the technical competence of laboratories accredited by all other signatories, and promote the acceptance of the equivalence of test reports and calibration certificates issued by their accredited laboratories.

- 1.3** In particular, ILAC requires that:
- ◆ Arrangement signatory accreditation bodies are operating fully in accordance with ISO/IEC Guide 58 (in future ISO/IEC 17011) and applying them in a mutually consistent manner;
 - ◆ Laboratories accredited by these signatory bodies are operating fully in accordance with ISO/IEC 17025 as well as any relevant ILAC P-series documents;
 - ◆ Traceability of measurement results is appropriate to support the testing and calibration services being accredited;
 - ◆ Adequate proficiency testing activity is undertaken;
 - ◆ Applicants for the Arrangement are Associates of ILAC who are prepared to pay appropriate fees.

ILAC shall implement procedures to ensure that these requirements are met and maintained by all signatory members.

2. THE FOUNDATION OF THE ARRANGEMENT

ILAC bases the operation of its Arrangement on the following fundamental premises:

- ◆ ILAC maintains a light but authoritative role in directing the Arrangement while devolving most action to its Regional Cooperation Body Members;
- ◆ There will eventually exist multiple Regional Cooperation Body Members each competent to manage Arrangement activity within its territory;
- ◆ In relation to its Arrangement, ILAC operates at the technical, rather than the political level. That is, it will put in place a means whereby any ILAC Associate may be evaluated against the agreed criteria and, if found in conformity with these, admitted to the ILAC Arrangement. This admission, and its subsequent continuance, or exclusion, is solely on the basis of the evaluation of its competence conducted in accordance with ILAC's published evaluation procedures;
- ◆ Authority in relation to the Arrangement rests with the signatory accreditation bodies (ILAC Full Members) which, in turn, form the peer group responsible for the evaluation of applicant members and for decision on their admission to the Arrangement and, in the final analysis, each signatory is responsible for the competence of their accredited laboratories recognised by the Arrangement.

3. THE MANAGEMENT OF THE ARRANGEMENT

3.1 The ILAC General Assembly is the approving authority for policies regarding the operation of the Arrangement and the evaluation procedures employed.

3.2 The ILAC Arrangement Council is the body responsible for decision making regarding signatory status of the Arrangement. The Arrangement Council is composed of the Full Members and Associates of ILAC and is chaired by the Chair-person of ILAC. Meetings of the Council are convened alongside the annual ILAC General Assembly. Voting on Arrangement decisions is restricted to the signatories.

3.3 The ILAC Arrangement Management Committee is responsible for day-to-day management of the evaluation processes, of monitoring the performance of signatories and of co-ordinating the approach to the selection, training and monitoring of evaluators and making recommendations to the Arrangement Council.

4. THE OPERATION OF THE ARRANGEMENT

The principles of operation of the Arrangement are:

- ◆ the ILAC Arrangement shall be maintained through the linking and strengthening of the existing regional Arrangements whilst encouraging the development of new regional structures;

- ◆ ILAC shall peer-evaluate its Regional Cooperation Body Members to establish their competence in management of Arrangements and formally recognise this competence;
- ◆ ILAC shall delegate authority to its “recognised” Regional Cooperation Body Members for the evaluation and re-evaluation of its member accreditation bodies for ILAC purposes;
- ◆ Regional Cooperation Body Members are expected to undertake the evaluation and re-evaluation of their own member bodies;
- ◆ Regional Cooperation Body Members are under no obligation to admit to their membership (whose admission criteria may include other elements), bodies which are not member bodies of that Regional Cooperation Body but which may be Geographically close to the region and may have been, for convenience, evaluated for Arrangement purposes by that Regional Cooperation Body Member as ILAC’s agent;
- ◆ ILAC shall delegate to its “recognised” Regional Cooperation Body Members the detailed decision making regarding admission of member bodies of that Regional Cooperation Body to, and continuing membership of, the Arrangement;
- ◆ Decisions regarding the recognition of Regional Cooperation Body Members and endorsement of Regional Cooperation Body’s decisions regarding their own member bodies (by means of endorsement of a summary annual report) will be taken by the Arrangement Council in the light of advice from the Arrangement Management Committee;
- ◆ Decisions taken by the Arrangement Council relating to signatory status should preferably be taken by consensus. In the event of a vote being necessary in a Council meeting, decisions shall be carried by a 75% majority of those present and voting;
- ◆ To permit the membership to the Arrangement of ILAC Associate Accreditation Bodies which are not as yet part of a recognised Cooperation or of Associate Accreditation Bodies whose Cooperation has not yet been formally recognised, ILAC shall accept applications from such unaffiliated bodies. In such cases, ILAC may invite one of its recognised Cooperations to undertake the evaluation of such applicants and to present an evaluation report via the Arrangement Management Committee to the Arrangement Council for decision;
- ◆ Unaffiliated accreditation bodies may apply for evaluation and signatory status to the Arrangement to ILAC directly or may apply for signatory status to the Arrangement if it has a bilateral mutual recognition arrangement with an ILAC-recognised Regional Cooperation Body through a contract of cooperation.

5. IMPLEMENTATION

- 5.1** ILAC is currently using several documents in implementing the Arrangement which have been approved by the General Assembly: These documents are designated under the P-series classification of ILAC and are available on the ILAC website: www.ilac.org

- 5.2** ILAC is conscious of the need to develop and improve its evaluation procedures in the medium term in the light of experience and shall actively monitor evaluation of accreditation bodies and of Regional Cooperation Body Members to achieve this. To this end it shall also take note of regional initiatives, and introduce international initiatives as appropriate, to improve the evaluation process and assume the role of incorporating consequent recommendations for improvement into an internationally harmonised set of documents in cooperation with the International Accreditation Forum (IAF) .

It has been a basic principle of mutual recognition in the laboratory accreditation community that mutual recognition arrangements are based on broad equivalence of competence and not on identical implementation. Nevertheless, within the regional mutual recognition arrangements, the use of guidance documents has been beneficial in providing non-mandatory, supplementary information to the standards in relation to certain applications and their use has assisted and promoted consistency of operation of arrangement signatory bodies.

ILAC, in relation to its operation of its Arrangement, is conscious of its need to provide its members with additional internationally harmonised guidance documents.

6. APPEALS AND ALTERNATIVE DISPUTE RESOLUTION (as defined below)

- 6.1** An Accreditation Body may appeal an ILAC decision not to grant signatory status in the Arrangement or to withdraw signatory status. A decision to withdraw signatory status in the Arrangement may result in immediate withdrawal of recognition of the equivalence of laboratory reports by the other signatories, prior to implementation of this appeals (Alternative Dispute Resolution) process. An appeal shall be sent to the ILAC Arrangement Management Committee, in writing, within 30 days of notification of the decision of the Arrangement Council. The appeal shall include:

- (a) the issues in dispute,
- (b) the basis for the Accreditation Body's position,
- (c) the remedy sought, and
- (d) the name and title of the executive or official who will represent the Accreditation Body and of any other person(s) who will accompany the executive or official.

During the course of an Accreditation Body's appeal of the withdrawal of its existing signatory status by ILAC, the signatory status shall remain in effect.

- 6.2** ILAC and the Accreditation Body shall use Alternative Dispute Resolution (ADR) processes to resolve the appeal.

6.3 Negotiation

- 6.3.1 ILAC and the Accreditation Body (the Parties) shall attempt in good faith to resolve the appeal by negotiating between officials who have authority to settle the controversy.
- 6.3.2 Within forty five (45) days after delivery of the Accreditation Body's appeal, the representatives of the Parties shall meet at a mutually acceptable time and place, and thereafter as often as they reasonably deem necessary, to attempt to resolve the dispute. All reasonable requests for information made by one Party to the other will be honored. If the matter has not been resolved within ninety (90) days of the Accreditation Body's appeal, or if the Parties fail to meet within forty five (45) days, either Party may initiate mediation of the controversy or claim provided hereafter.
- 6.3.3 All negotiations pursuant to this Agreement are confidential.

6.4 Mediation

- 6.4.1 In the event the appeal has not been resolved by negotiation, the Parties shall participate in mediation, using a mutually agreed upon mediator. The mediator will not render a decision, but will assist the Parties in reaching a mutually satisfactory agreement. The Parties agree to equally split the costs of the mediation.
- 6.4.2 The first mediation session shall commence within forty five (45) days from the agreement to mediate. All mediations are confidential and shall be treated as such.

6.5 Binding Arbitration

- 6.5.1 Should the procedures identified in this section fail to resolve the appeal to the satisfaction of the Parties, the Parties may elect to have the appeal resolved through binding arbitration. Both Parties must agree to submit the appeal to arbitration. The arbitration proceeding shall take place in a manner consistent with the Rules of Arbitration of the International Chamber of Commerce. The appeal shall be resolved by one (1) arbitrator who is an expert in the particular field of the appeal. The arbitrator shall be selected using procedures consistent with the Rules of Arbitration of the International Chamber of Commerce.
- 6.5.2 The decision rendered by the arbitrator shall be final. The demand for arbitration shall be made no later than six (6) months after the date of the appeal by the Accreditation Body. The Parties shall split the costs of arbitration as follows:
- a. The arbitration administrative fees shall be borne equally by the Parties;

- b. The expense of a stenographer shall be borne by the Party requesting a stenographic record;
- c. Witness expenses for either side shall be paid by the Party producing the witness;
- d. Each Party shall bear the cost of its own travel expenses;
- e. All other expenses shall be borne equally by the Parties, unless the arbitrator apportions or assesses the expenses otherwise as part of his or her award.

Note: Alternative Dispute Resolution is a formal three-step process of negotiation, mediation and binding arbitration.