



**ENAC, A PARTNER OF
EXPORTING COMPANIES
Technical Report (2012)**

Contents

1	Introduction.....	2
2	Technical Barriers to Trade.....	3
3	ENAC accreditation: tools for building trust.....	4
3.1.	Multilateral Recognition Agreements.....	5
3.2.	Recognition by authorities.....	6
3.3.	Recognition in the private field.....	7
4	ENAC accreditation support in the field.....	8
5	Annexes	9
5.1.	Multilateral Recognition Agreements (MLA): signatory countries	9
5.2.	Activities subject to regulations requiring accredited assessment services	10
5.3.	Voluntary schemes requiring accredited assessment services.....	12

1 Introduction

It is indisputable that in the current economic climate one of the main opportunities, if not the main one, which Spanish businesses and the national economy as a whole have is the opening of foreign markets.

But forging a path in international markets is often a challenge as in addition to competition from local businesses and economic requisites by Customs, there are technical barriers requiring products to meet a series of requirements generally associated with safety, environmental or quality characteristics. These are called Technical Barriers to Trade.

These obstacles “occupy second place in order of significance, representing almost 28% of all obstacles identified by Spanish companies. These include those related to certificates or standards obtained in Spain not being recognised, and the market’s unwritten or voluntary technical requisites.”⁽¹⁾

In order to overcome and minimise these barriers, nearly all developed countries have set up national accreditation organisations, as accreditation is one of the mechanisms recognised by the World Trade Organization and the European Union to minimise these obstacles.

2 Technical Barriers to Trade

Technical Barriers to Trade arise from the different technical regulations of various countries, either regulatory requirements seeking to protect consumer and environmental safety or voluntary standards that generally define the quality characteristics the product must meet to satisfy customers.

To overcome them, in the Agreement on Technical Barriers to Trade⁽²⁾ and the Agreement on the Application of Sanitary and Phytosanitary Measures⁽³⁾, the World Trade Organization (WTO) has established the principles to bear in mind when establishing regulations of this kind to prevent them from becoming protectionist measures.

Further, the creation and establishment of international standardisation organisations (ISO/IEC/ETSI at global level and CEN/CENELEC at European level)⁽⁴⁾ have favoured the adoption and use of international rules to define the characteristics of products and services.

However, even when protectionist effects are removed, an intrinsic “barrier” occurs because the same product needs to meet different requirements in different countries to be able to be marketed.

This means the manufacturer has to adapt its products to different requirements and show they meet regulations. This means they have to be tested, inspected and certified before being accepted in other countries.

However, the obstacle does not lie in the assessment itself, which should often be conducted for the domestic market too, but in the lack of trust the actual market (authorities, importers, customers, etc.) has regarding the information it receives from organisations that have conducted these tests and which operate in the exporting country.

This lack of trust may mean the product has to be assessed in each country of destination, regardless of whether it already has been in the country of origin, even if the assessment has been carried out in accordance with the requirements of the importing country.

This leads to an increase in the costs and the timeframes for importing the product, to which is added the difficulty of understanding and accessing each country’s sometimes complex standardisation and certification processes.

3 ENAC accreditation: tools for building trust

Accreditation is the tool internationally accepted to inspire confidence in the market - authorities, importers, consumers, etc.- regarding the information contained in the certificates and reports that accompany the products in order to endorse their compliance and that are issued by laboratories, inspection, certification and verification bodies, through the assessment and recognition of their technical competence by an independent organisation using internationally recognised criteria.

In Europe the relevance given to this activity is patent with the adoption in 2008 of Regulation (EC) no 765/2008⁽⁵⁾ requiring each Member State to designate a single National Accreditation Body with public authority to award accreditation and establish the requirements to be met in terms of its structure and operation. In Spain ENAC (Entidad Nacional de Acreditación) has been appointed as the Spanish National Accreditation Body by virtue of the Royal Decree 1715/2010.⁽⁶⁾

ENAC is an independent non-profit organisation declared to be of public interest with over 25 years' experience.

ENAC develops its mission with a clear vocation of public service, geared both to government and the market in general, ensuring that all its activities are based on the principles of impartiality, independence and transparency, with a marked technical nature, bringing value to stakeholders in the different aspects of accreditation.

With over 820 testing laboratories, 151 calibration laboratories, 228 inspection entities and 130 accredited certification bodies that operate in practically all economic sectors, ENAC provides enterprises and the Spanish market with an infrastructure of competent conformity assessment bodies having by way of ENAC accreditation, full international recognition.

This international recognition of accredited services occurs through various mechanisms, although they are all based on a common characteristic: the prestige and expertise demonstrated by ENAC at international level in different areas:

- ✘ Multilateral recognition agreements
- ✘ Recognition by authorities
- ✘ Recognition in the private field

3.1. Multilateral Recognition Agreements

ENAC is a signatory of all Multilateral Recognition Agreements (MLAs) established in international organizations of accreditation bodies: European co-operation for Accreditation (EA), ILAC (International Laboratory Accreditation Cooperation) and IAF (International Accreditation Forum).⁽⁷⁾

These are reached after completing a strict assessment process developed by these organisations, which are repeated on a regular basis.

By signing the MLA, accreditation bodies assure the equivalence of their accreditation systems and, therefore, that of the activities of accredited organisations, building cross-border trust and acceptance of information provided by accredited assessment bodies, regardless of the country in which they are located.

This significantly reduces, and even eliminates, technical barriers in the form of complementary tests or checks, which Spanish products and services may find in the country of destination, when they have a certificate issued by ENAC-accredited laboratories or bodies.

At present over 70 countries, including all EU and EFTA countries as well as the USA, Canada, Japan, China, Australia, Brazil and India have signed these agreements (Annex 5.1).

3.2. Recognition by authorities

In Europe, the destination of 70% of Spain's exports, this recognition is expressly laid down in Article 11 of Regulation (EC) No 765/2008.

“National authorities shall recognise the equivalence of the services delivered by those accreditation bodies [...] and thereby accept [...] the accreditation certificates of those bodies and attestations issued by the conformity assessment bodies accredited by them.”

The purpose of Regulation (EC) No 765/2008 is to regulate an activity that has gained great importance in EU and international trade. The Commission itself turns to it for an increasing number of activities, requiring a statement of accredited compliance as a *sine qua non* condition for marketing the products.

Likewise, more and more third-country regulators recognise and trust ENAC accreditation, chiefly on the basis of the aforementioned Multilateral Recognition Agreements.

A clear example is the United States⁽⁸⁾, where national authorities believe these agreements will help create a globally solid system that helps regulatory bodies and other authorities to achieve their objectives at the lowest cost and to promote trade, inspiring confidence in product conformity, ensuring the provisions laid down in the technical standards and regulations.

At present numerous fields and activities in the different economic sectors—industry, energy, agriculture and livestock, transport, construction,...—subject to regulations require a call for proposals from accredited assessment bodies. Some examples are shown in annex 5.2.

3.3. Recognition in the private field

ENAC accreditation is required by organisations in different countries that have established industry-wide assessment schemes, providing major international recognition to Spanish companies and products which have the backing of accredited certificates or reports.

These schemes are generally established by conglomerate buyers or buyers associations that define special requirements for their supplies and demand that suppliers show compliance by way of the participation of an accredited conformity assessment body.

Additionally, some organisations with a major influence on purchasing decisions (industrial associations, non-government organisations, technical centres, consumer organisations, etc.), have established this type of scheme, which are therefore a *de facto* requirement to access certain markets.

Having the services of an accredited assessment body enables companies to access these markets.

Annex 5.3 shows some examples of this kind of scheme in which ENAC is one of recognised accreditation bodies.

4 ENAC accreditation support in the field

When Spanish companies choose accredited conformity assessment bodies, they will have chosen not only trust and proven technical competence but the support of the corresponding national accreditation organisation in the importing country.

A reliable partner, of high technical prestige and, generally, supported by its national authorities that will declare, if necessary, that the certificates or reports issued under ENAC accreditation have equal credibility to those issued under national accreditation, thereby placing them on an equal footing.

If it has not been accepted or the validity of an accredited certificate in the exporting country is at issue, the explicit support of the national accreditation body in the country of destination solves the problem in a large number of cases. ENAC accreditation is a “passport” to facilitate access to the markets.

The presence of the ENAC Accreditation Mark in reports and certificates is the assurance of being able to rely on this endorsement.

Companies can find specific instructions on how to act in these cases under the International section of our website (www.enac.es).

And, of course, if you have any questions, please contact ENAC and we will analyse your particular case.

5 Annexes

5.1. Multilateral Recognition Agreements (MLA): signatory countries

EUROPE		THIRD COUNTRIES	
Austria	Latvia	Argentina	Pakistan
Belgium	Lithuania	Australia	Papua New Guinea
Bosnia-Herzegovina	Luxembourg	Brazil	Paraguay
Bulgaria	Malta	Canada	People's Rep. of China
Croatia	Norway	Chile	Peru
Cyprus	Poland	Costa Rica	Philippines
Czech Republic	Portugal	Cuba	Rep. of Korea
Denmark	Rep. of Macedonia	Ecuador	Russia
Estonia	Romania	Egypt	Singapore
Finland	Serbia	Guatemala	South Africa
France	Slovakia	India	Sri Lanka
Germany	Slovenia	Indonesia	Taiwan (Taipei)
Greece	Spain	Israel	Thailand
Holland	Sweden	Japan	Tunisia
Hungary	Switzerland	Kazakhstan	Ukraine
Ireland	Turkey	Malaysia	United Arab Emirates
Italy	United Kingdom	Mexico	United States
		Mongolia	Uruguay
		New Zealand	Vietnam

5.2. Activities subject to regulations requiring accredited assessment services

✘ **Product safety**

The Directives on *product safety*, such as lifts, toys, pyrotechnic articles, building products, gas appliances, electrical equipment... to ensure that consumers are not subject to potential risks that their use could pose.

Activity in this field is associated to the use of CE marking in a wide range of products which attests to their compliance with Directives, without which these products cannot be marketed in Europe.

✘ **Metrology inspection**

Measuring instruments which may have an influence on the transparency of commercial transactions, health or the safety of users **or on** the environment, such as meters, pumps, weighing instruments, taximeters, radars and breathalysers, recreational machine meters or those used in vehicle inspections are subject to regular checks to ensure their correct working order.

✘ **Interoperability of the trans-European rail system**

The creation of an integral rail network space for Europe has led to the drawing up of Directives and technical regulations with common requirements and solutions on safety and interoperability of the different parts of the high speed and conventional *trans-European rail system*.

✘ **Designations of Origin and Protected Geographical Indications**

System used in the European Union for recognising the superior quality of specific products, resulting from their particular and distinctive characteristics, due to the geographical setting in which the raw materials are sourced and the products are processed. At present over 80 Spanish DOs and PGIs have achieved ENAC accreditation, making them fully acceptable in the rest of Europe and the world.

✘ Organic Production

European Regulation EC 834/2007 establishes that private bodies authorised to control and certify this production need to be accredited. And despite the fact that this requirement only affects authorised private bodies, some public councils or committees on organic farming have also opted for it.

Other countries such as the United States and Canada, representing with Europe the largest market for these products, consider as equivalent European production and control of organic foods.

✘ Framework List

Registered establishment list for the export of meat and meat products to countries outside the European Union, produced by the Ministry of Agriculture, Food and Environment.

✘ Single European Sky

In the framework of Regulation EC 550/2004 national supervisory authorities can delegate to recognised organisations the conduct of inspections to verify the Community requirements of the *Single European Sky*.

✘ Photovoltaic plants

Different European markets, as well as Spain's, require accredited certification of the response to voltage dips in certain components of electricity-producing *photovoltaic plants*.

✘ Third countries

More and more control bodies from third countries recognise and trust the services accredited by ENAC.

This is the case of the United States, which acknowledges the services accredited in areas as diverse as the marketing of different products for children (toys, cots, walkers,...), the hiring of ambulances by federal government, the acceptance of lifesaving and fire-fighting equipment and supplies by the coast guard service or food safety testing and analysis.

The regulations for marketing different products in countries such as Ecuador, Algeria, Turkey and New Zealand recognise the accredited services.

5.3. Voluntary schemes requiring accredited assessment services

- ✘ PTCRB certification for mobile devices from the International Wireless Association (CTIA).
- ✘ WIMAX certification for mobile devices administered by WiMAX Forum.
- ✘ IEC - IECEE, certification scheme for electronic equipment and components from the International Electrotechnical Commission (IEC).
- ✘ LOVAG (Low Voltage Agreement Group) certification, safety, functionality and quality scheme for low voltage products.
- ✘ Certification of the chain of custody and of the sustainable forest management, for the authorisation of the PEFC system Spain.
- ✘ EMVCo scheme formed by the main payment methods (VISA, MasterCard, JCB, AMEX) for the security, functionality and interoperability of banking transactions carried out with smart cards.
- ✘ Common Criteria Certification, software and hardware security scheme.
- ✘ RADMAC (Radiators Mutual Acceptance of Certification) scheme, initiative between national certification bodies for domestic radiators.
- ✘ BRC (British Retail Consortium) certification for British distribution of a wide range of agrifood products, for consumption, packs and packaging, logistics, etc.
- ✘ IFS, GlobalGAP, QS certifications, schemes established by the main European distribution groups in the agrifood sector.
- ✘ IAQG (International Aerospace Quality Group) certification, scheme established in the aerospace industry.

- ✘ Energy Star scheme established by the United States Environmental Protection Agency and the Department of Energy on the energy efficiency of products.

- ✘ Certification of the new vehicle traffic service, scheme established by ANFAC and the Spanish Ports Authority to meet the needs of the port service in the car industry, in which a high percentage of export is by sea.

- ✘ FIFA RECOMMENDED mark, scheme established by the Fédération Internationale de Football Association to guarantee the quality of artificial turf fields.

- ✘ WaterSense scheme, established by the United States Environmental Protection Agency for water-saving products.

- ✘ NADCAP, independent certification programme for aerospace engineering, defence and related industries.

References

1. Línea Abierta (“Open Line”) Project for the identification of difficulties faced by Spanish businesses in the European single market. Secretariat of State for Foreign Trade, ICEX and CEOE (www.ceoe.es)
2. Agreement on Technical Barriers to Trade (www.wto.org)
3. World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (www.wto.org).
4. Standardization organizations: ISO International Organization for Standardization (www.iso.org); IEC International Electrotechnical Commission (www.iec.ch); CEN European Committee for Standardization (www.cen.eu).
5. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products
6. Royal Decree 1715/2010 of 17 December designating the Entidad Nacional de Acreditación (ENAC) as the national accreditation body pursuant to Regulation (EC) No 765/2008
7. International organizations of accreditation bodies: EA, European cooperation for Accreditation (www.european-accreditation.org) – ILAC, International Laboratory Accreditation Cooperation (www.ilac.org) – IAF, International Accreditation Forum (www.iaf.nu)
8. Communication of the WTO Committee on Technical Barriers to Trade, “The use of the ILAC MRA and IAF MLA by central government bodies: the experience of the United States G/TBT/W/349 (<http://www.wto.org/Document/DocsAndResources>).

Contact information