



# Using cooperation between certification bodies to facilitate market access

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# Scope

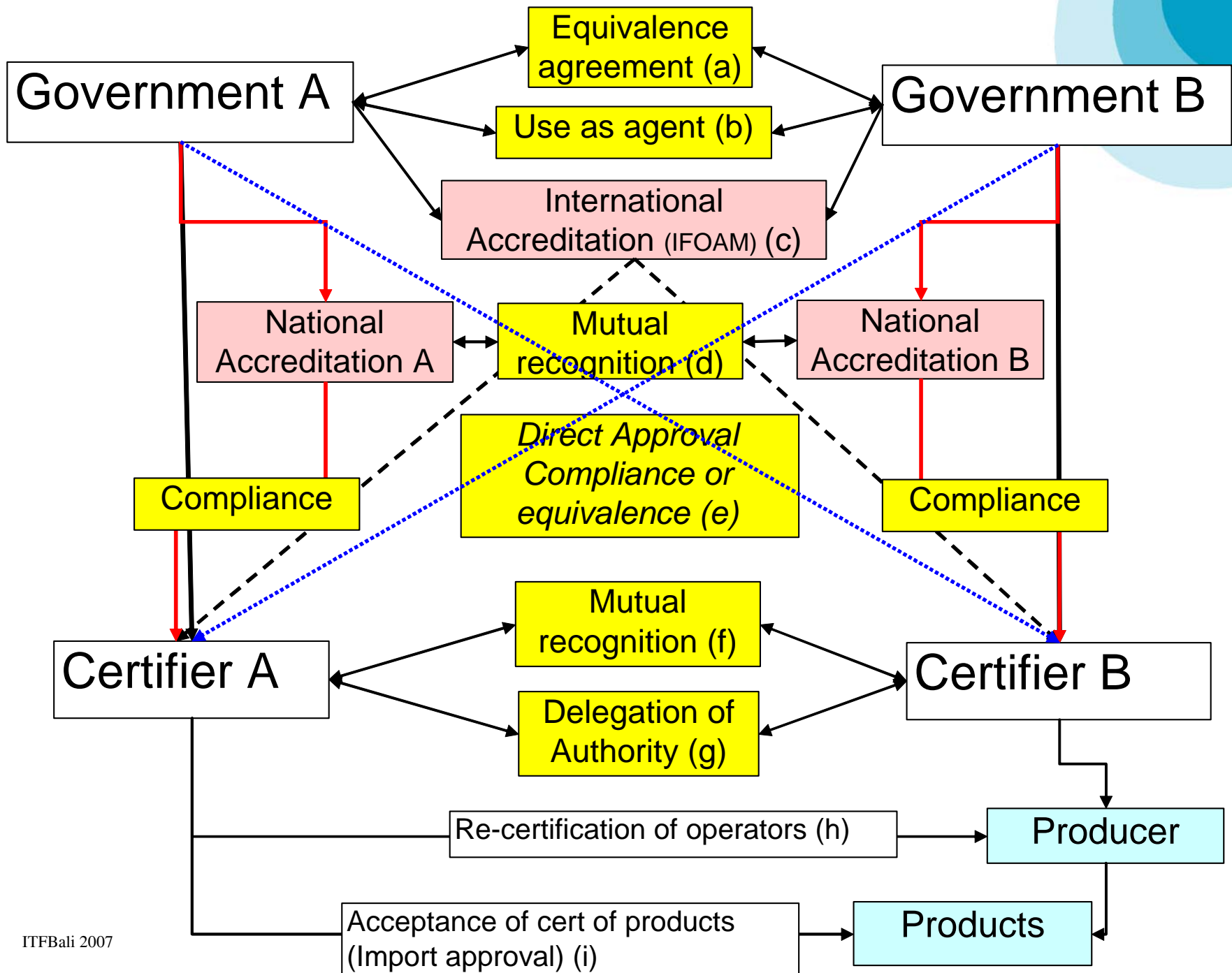
- How can CB cooperation be used as a mechanism **complementary** to other mechanisms
- Regulated or not regulated markets.

# Why needed?

- Because other mechanisms have limitations - especially for smaller trade flows.

# The possible routes





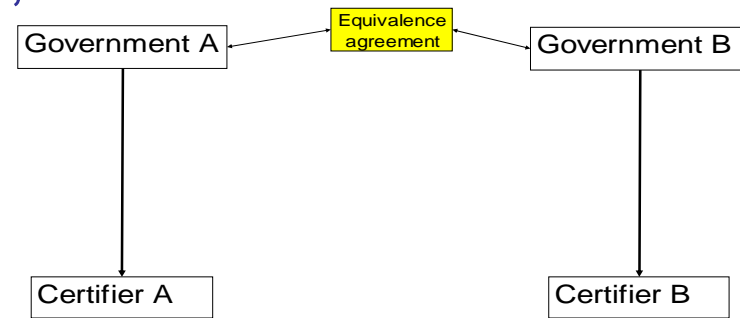
# Equivalence agreements

- Major component in existing organic regulations
- Promoted by the WTO and the ITF itself
- ITF develops tools to facilitate them

## Problems

Slow and demanding to develop – history speaks for itself

- Most suitable for major trade flow, but also most sensitive in them

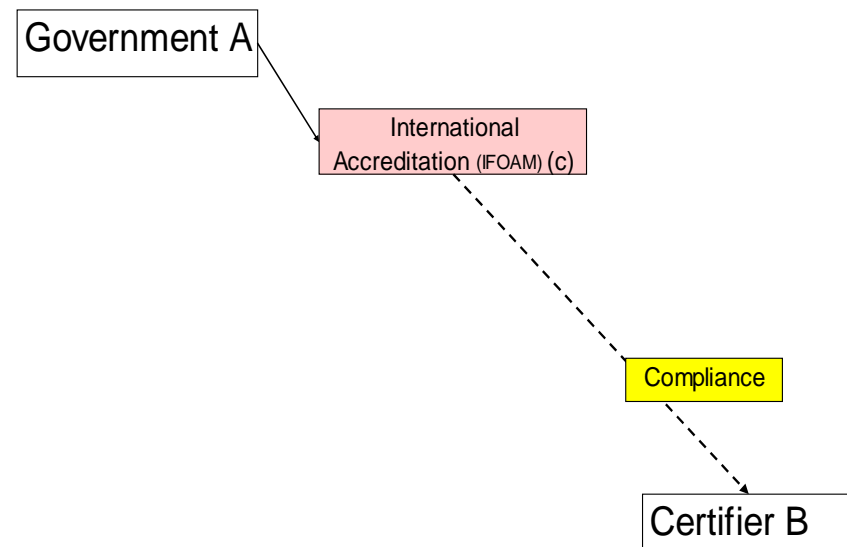


# Mutual recognition between accreditation bodies

- Is strongly promoted by ISO and ITF
- Is merely a part component of another mechanism, except for the NOP Accreditation (NB government and not accreditation body)

# Acceptance of International Accreditation (IFOAM/IOAS)

- Simple, transparent, elegant and available mechanism
- Has limited acceptance today (RS, Paraguay, South Korea)
  - governments shy away from use of private sector body – done in many other sectors however
- Demanding
  - Procedures
  - Costs
  - Compliance based.



# Direct acceptance of CBs

- Main route for acceptance in the US and Japan, soon in the EU as well
- Fairly simple and transparent
- Very costly when done for many markets
- Compliance based
  - NB: EU opens a an equivalence route here!.

Government A

Compliance or  
equivalence

Certifier B

# CB cooperation issues



Relevant for the ITF

- Delegation of decision
- Import acceptance based on Mutual Recognition

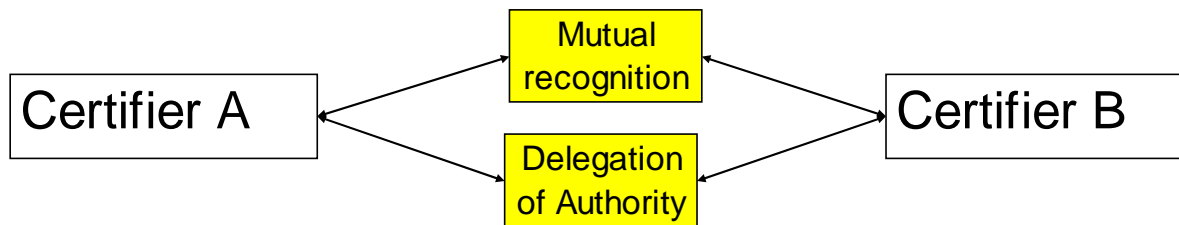
# How can CBs work together/accept other CBs?

Usually Multilateral Recognition Agreement is the framework

1. Accept or certify *products* under its own certification
  - a) Based on document review
  - b) Based on certificate from other CB
2. Certify *operators* certified by other CB
  - a) Based on document review
  - b) Based on certificate
3. Delegate tasks to other CB
  - a) Representation
  - b) Inspection
  - c) Certification

# Delegation of certification decisions

- : “delegation is the act of giving tasks to staff with authority to carry them out, whilst retaining the overall responsibility.”
- CB A authorises CB B to take decision on its behalf
  - Not explicitly allowed or prohibited in organic regulations
  - Not allowed in the ISO 65 or the IAC
    - No motivation is identified
    - Leading ISO characters actually promotes it
    - Joint mark schemes are just a version of it



# Conditions for delegation of decisions



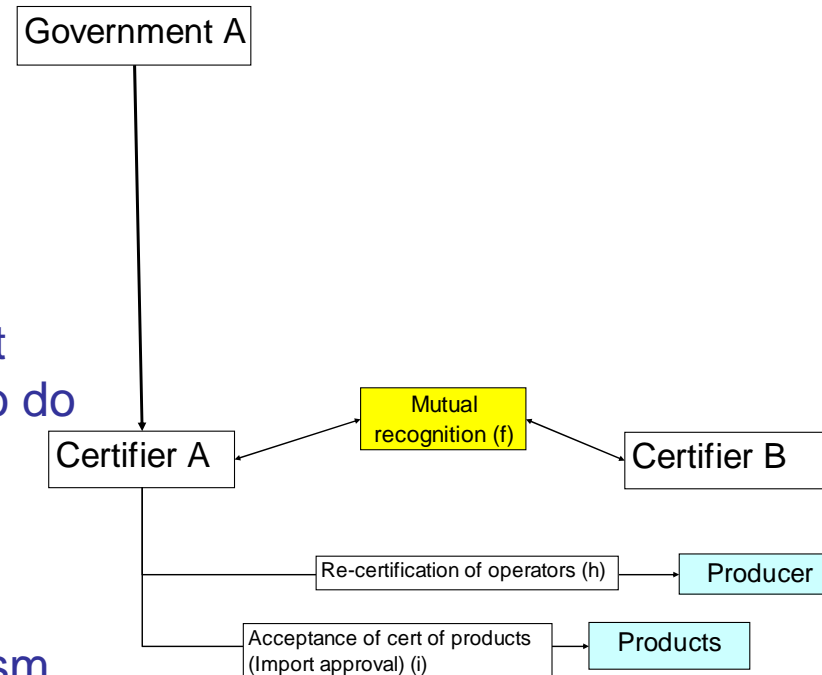
- Need to be based on agreement (MRA).
- CB A needs to have oversight to exercise its responsibility
  - Peer review (ISO 68)
  - Same accreditation or accreditation that has an MLA (ISO 68)
  - Any other (ISO 68)

# Delegate import approval to CBs

- CB A is authorised by Government A to judge if imports fulfil requirements
- Can be based on
  - document review or
  - acceptance of competence of CB B
- Similar to EU art 11.6
- Under NOP and EU CBs have to accept each other – while they are prohibited to do it from outside the regulated area

## Conditions

Agreement between the CBs and mechanism for supervision





# Examples

## **Delegation of authority**

- NOP delegation of accreditation (205.500 c)
- ASHA-CAPSLA MRA
- US Coast Guard and Det Norske Veritas

## **Acceptance of other certification**

- CENELEC
- IECEx
- IECCE CB scheme



# Ways around the limitations

## **Delegation of decision**

- De-couple certification from mark use
- Delegation of decision to an identified person

## **Import approval**

- “rubber stamp”
- Transferring certification on the basis of document review

## **For both**

Establish multi-national CBs instead of cooperation between parties



# Possible Disadvantages

## **Delegation of decision**

- CB do it too lightly to get higher market share

## **Approval of imports**

- Refusing approval to protect own producers
- Using information to snatch clients
- “stealing” know-how

Disadvantages are there but don't appear to be very prominent/important as long as there are also other ways for import approval



# Summing up

- Both solutions can contribute to ITF goals
- They are **complementary** to other mechanisms
- Particularly needed for smaller trading volumes where other mechanisms are too resource-consuming
- Stimulating cooperation between CBs
- Will also influence how the private sector works
- Can substantially reduce costs for operators



# Way ahead

- ITF to recommend that the two mechanisms are accepted
  - a) Right of CBs to delegate certification decisions**
  - b) Mandate CBs to approve imports under import regulations**
- a) requires change in IROCB (ISO 65, IAC)
- b) may require changes in regulations
  - Clarification
  - Amendments of regulations

Tack så mycket!

