



## QCS Management Pvt Ltd

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### **Regulations governing Accreditation & Certification in the conformity assessment industry**

There is sometimes a misunderstanding about certification that governments deem it to be mandatory and, secondly, that all certification bodies need to be accredited by a member of International Accreditation Forum or National Accreditation Body which is the only accreditation body permitted to operate. This is simply not true.

#### **According to ISO (international organization for standardization);**

*"In most countries, accreditation is a choice, not an obligation and the fact that a certification body is not accredited does not, by itself, mean that it is not a reputable organization. For example, a certification body operating nationally in a highly specific sector might enjoy such a good reputation that it does feel there is any advantage for it to go to the expense of being accredited. That said, many certification bodies choose to seek accreditation, even when it is not compulsory, in order to demonstrate an independent confirmation of their competence"-*

**The UK Department of Business Energy & industrial safety (BEIS) official policy principles on Conformity Assessment and Accreditation in the UK clearly states;**

*" Except where government has specialist regulatory expertise and responsibilities, or where justified by legitimate end-user/consumer concerns, conformity assessment should be a free-market, competitive activity. Accreditation is applicable to both the regulated and non-regulated sectors but should remain voluntary unless required by specific legislation."*

**(ref : Conformity assessment and accreditation policy in UK by BEIS)**

**According to European accreditation ( EA ) :** " In the European Union, accreditation is performed by national accreditation bodies (NABs) appointed by governments as required by Regulation (EC) 765/2008. In the voluntary area, where there is no specific legislation, companies seek accreditation to provide the market with an impartial attestation of their competence in guaranteeing products' and services' quality, safety, security, etc".

**(Ref: accreditation a tool to support regulators by EA )**

**According to BSI@UK :** " in the UK, there are several other accreditation bodies but only UKAS is recognized by the government. It should be noted that there is no law against anyone setting up "an accreditation body" in uk . According to BSI If a certificate is not accredited does not mean it will be necessarily bad ! For legal and other reasons UKAS is sometimes unable to grant accreditation for certain products, especially in the development stage which other CB"S do without UKAS accreditation".

**( ref: Understanding Certification and Accreditation by BSI)**

**As per the Competition Appellate Tribunal (India) Order dated 17th January 2014;**

1. Accreditation business is international and there are already several international bodies operating in India;
2. Accreditation Bodies are not required to be covered under any network of law and are free to grant certificates of accreditation to the certifying bodies in India, This also means that an accreditation board does not require any permission, sanction or approval of any ministry/government department/agency to operate as an independent accreditation body;
3. All the notifications by public sector organizations which were issued in favour of national accreditation boards(NAB"S) in India, were prior to 2010 and even in those notifications it was suggested that any other competent accreditation board comparable as per international standards were acceptable to the government companies;
4. No accreditation board enjoy the monopolistic position as the one and only accreditation body in India as a number of foreign accreditation boards are legally operating in india and the Indian national accreditation boards (NAB"S) have not indulged in any activity to keep any competitors out of the market.
5. Any accreditation board would have the equal authority to act as the accrediting body in india provided it has suitable infrastructure.

The aforementioned order by the Hon. Competition Appellate Tribunal is available on COMPAT website at the following web link: [http://compat.nic.in/upload/PDFs/janordersApp2014/17\\_01\\_14.pdf](http://compat.nic.in/upload/PDFs/janordersApp2014/17_01_14.pdf)

**United States of America –USA :** In USA The Sherman Act already outlaws every contract, combination, or conspiracy in restraint of trade, and any monopolization, attempted monopolization, or conspiracy or combination to monopolize. The penalties for violating the Sherman Act can be severe, individuals and businesses that violate it may be prosecuted by the Department of Justice.