

INAB Guidance on CAB Establishment in Ireland for the Purpose of Accreditation

The Irish National Accreditation Board (INAB) is the national body in Ireland with responsibility for the accreditation of laboratories, certification bodies and inspection bodies. Regulation (EC) No. 765/2008¹ provides a legal framework for the provision of accreditation services for conformity assessment activities across Europe. The objective of the Regulation is to ensure that, within the European Union (EU), one accreditation certificate is sufficient for the whole territory of the EU. In accordance with Regulation (EC) No. 765/2008, where a conformity assessment body (CAB) requests accreditation, it shall do so with the national accreditation body of the Member State in which it is “established”².

Under the Regulation, INAB may only properly accredit bodies that are established in Ireland. INAB considers it useful to set out its thinking as to the elements of the CABs business it views as potentially relevant, in deciding whether a CAB is established in Ireland. INAB requires that CABs seeking to establish in Ireland are controlled by boards and management operating in Ireland and not run from elsewhere. INAB and the Irish Notifying Authorities must be capable of ensuring the monitoring of the total CAB as it has to take the responsibility for its operations.

It remains the CAB’s responsibility, however, to demonstrate to INAB that it is permanently established in Ireland and meeting all requirements of accreditation and the Notifying Authorities.

In deciding whether a CAB seeking INAB accreditation is “established” in Ireland, it will be useful to consider the following points:

- Whether the body has a premises in Ireland;
- The key activities of the body are and whether these key activities take place in Ireland and/or elsewhere;
- Contractual arrangements between the Irish entity and the entities outside Ireland;
- Whether the responsibility for conformity assessments lies with the Irish body;
- While subcontracting is accepted, the core activity and technical competence must be where the CAB is established;
- Which parts of the CAB’s business have moved to Ireland;
- Which parts of the CAB’s business are outsourced and how it is managed;
- What members of staff and/or senior management are located in Ireland;
- Are employees seconded to Ireland and/or employed on a contract for services basis;
- Whether the body at present assess in Ireland;
- The legal form of the body, e.g. incorporated in Ireland;
- Whether Board or other key meetings take place in Ireland.

Although not the focus of an INAB assessment, the CAB is expected to comply with all applicable Irish legislation with respect to the establishment of a company in Ireland. The website of the Office of the Director of Corporate Enforcement, www.odce.ie, may be a useful reference.

¹ 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 and repealing Regulation (EEC) No 339/93

² Established is not the same as registered for the purposed of INAB accreditation