

ENAC, A PARTNER FOR EXPORTING COMPANIES FROM THE CERAMIC SECTOR

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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 protection 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⁾

And if such is the situation in the European Union, it is obvious that the problem can be significantly greater when it is sought to enter third countries, a major aim for numerous Spanish companies at this time of European crisis.

In order to overcome and minimise these barriers, nearly all developed countries have set up Accreditation and National Accreditation Organisations.

Their aim is to provide the market – authorities, importers, clients... – with trust in the information contained in the certificates and reports issued by the laboratories, organizations for inspection and certification and verifying bodies, which assess the conformity of products and services, thus facilitating their commercialization.

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 be obeyed on 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

In order to overcome and to minimize these barriers, almost all developed countries have established national accreditation bodies, as accreditation is one of the mechanisms recognized by the World Trade Organization and the European Union for minimizing these obstacles.

Their high-priority objective is to provide the market – authorities, importers, consumers, etc. – with trust in the information contained in the certificates and reports accompanying the products to endorse their conformity, which are issued by the laboratories, organizations for inspection and certification and verifying bodies, by assessment and recognition of their technical competence by an independent organization, using internationally recognized 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.

The importance of these agreements has recently been highlighted by the World Trade Organization in its World Trade Report 2012 Trade and public policies: A closer look at non-tariff measures in the 21st century⁽⁸⁾:

"Regional and international systems for conformity assessment can contribute to settling problems related to the multiple testing and certification or registration procedures that merchants and industries face, and that can represent a particularly difficult challenge for small and medium-sized companies. The Committee on Technical Barriers to Trade has recently examined the work of ILAC and IAF as valuable examples of international cooperation in the sphere of the conformity assessment".

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 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.

An activity that the Commission itself uses in an increasing number of contexts, it being required as a sine qua non condition for product commercialization, is having an accredited declaration of conformity.

A clear example is the CE marking required for numerous products, including construction products, which assures consumers that they are not subject to potential risks, and without which these products cannot be marketed in Europe. An approach that requires the participation of laboratories and accredited certification bodies.

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⁽⁹⁾, 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.

Another example is the case of Ecuador, which requires that a series of imported products have a product certificate awarded by a certification body that is accredited by an accreditation body signatory to the mutual recognition agreements. And it did so even before its own accreditation body had signed these agreements in recognition of their goodness. In the particular case of ceramic tiles, this requirement is laid down in document RTE INEN 033.

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

4. ENAC ACCREDITATION: SUPPORT ON THE GROUND

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

An ENAC-accredited conformity assessment body must demonstrate that it conforms to best practices and is able to provide a competent service, reliably and impartially, in accordance with internationally recognized standards.

For this purpose, by means of a team of highly specialized technical auditors, ENAC performs a meticulous, regular assessment of all factors that contribute to the obtainment of reliable results:

- They are organizations that have qualified, experienced personnel.
- They have the necessary equipment and appropriate infrastructures to perform their activities.
- They apply valid and appropriate working methods and procedures.
- They have an assessment system of the quality of the results.
- They assure traceability of the measurements and calibrations relating to their services.
- They suitably inform their clients of the results of their activities, issuing clear and accurate reports or certificates when needed.
- They have a management system that assures consistent service in time.

And this shall all be performed by a non-profit, or non-commercial, organization that assures the highest levels of independence, confidentiality and technical rigor.

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).

5. CERAMIC EXPORTS

The Valencian Region is the top Spanish export region of ceramic products for construction, as it accounts for 86% of all Spanish ceramic exports, mainly from Castellón province where about 80% of all Spanish ceramic exports come from.⁽¹⁰⁾

The largest group by far of ceramic products is made up of glazed slabs and tiles, which account for 90% of all ceramic exports.

The first destination of ceramic products is France (accounting for over 10% of all ceramic exports), which, together with Saudi Arabia, Russia and the United Kingdom, accounts for almost 30% of the total export value.

Of all export destinations, at present only 60% goes to countries outside the European Union, which represent a high potential market for growth, provided Spanish companies manage to overcome the obstacles to trade that can be found outside the EU.

To be noted is the high number of countries that have at present signed mutual recognition agreements with Spain in the field of accreditation. In the particular case of ceramics, these include most of the countries to which ceramics are exported, though there are also still many signatory countries where these agreements are in place, but to which such exports are minimal.

6. ANNEXES

6.1. MULTILATERAL RECOGNITION AGREEMENTS (MLA): SIGNATORY COUNTRIES

EUROPE		THIRD COUNTRIES	
Alemania	Irlanda	Argentina	Malasia
Austria	Italia	Australia	Méjico
Bélgica	Letonia	Brasil	Mongolia
Bosnia-Herzegovina	Lituania	Canadá	Nueva Zelanda
Bulgaria	Luxemburgo	Chile	Pakistán
Chipre	Malta	Costa Rica	Papua Nueva Guinea
Croacia	Noruega	Cuba	Paraguay
Dinamarca	Polonia	Ecuador	Perú
Eslovaquia	Portugal	Egipto	Rep. Popular China
Eslovenia	Reino Unido	Emiratos Árabes	Rep. de Corea
España	Rep. Checa	Estados Unidos	Rusia
Estonia	Rep. de Macedonia	Filipinas	Singapur
Finlandia	Rumanía	Guatemala	Sri Lanka
Francia	Serbia	India	Sudáfrica
Grecia	Suecia	Indonesia	Tailandia
Holanda	Suiza	Israel	Taiwan (Taipei)
Hungría	Turquía	Japón	Túnez
		Kazakhstan	Ucrania
			Uruguay
			Vietnam

6.2. EXAMPLES OF 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.

Ecuadorian Act 2007-76 indicates that prior to the marketing of national and imported products, product compliance with applicable technical regulations shall be demonstrated, through a certificate of conformity issued by an accredited certification body.

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

6.3. EXAMPLES OF 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

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