

26-01-2010

Official Journal of the Italian Republic

number 20

DECREE of December 22, 2009.

Designation of "Accredia" as the sole Italian national body authorized to carry out accreditation and market surveillance activities

THE MINISTER

OF ECONOMIC DEVELOPMENT

IN COORDINATION WITH

MINISTERS OF INTERNAL AFFAIRS, OF AGRICULTURE, FOOD AND FORESTRY, OF THE ENVIRONMENT AND LAND AND MARITIME PROTECTION, OF INFRASTRUCTURES AND TRANSPORT, OF LABOR AND SOCIAL POLICIES, OF HEALTH, OF EDUCATION, UNIVERSITIES AND RESEARCH AND OF DEFENSE

Having regard to the Regulation (EC) No 765/2008 of the European Parliament and of the Council of July 9, 2008, which sets out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93;

Having regard to the Resolution No 768/2008/EC of the European Parliament and of the Council on a common framework for the marketing of products;

Having regard to the Law of July 23, 2009 No 99, setting out provisions for the development and internationalization of companies, as well as in the field of energy;

Having regard to the Decree on the same date, in accordance with Article 4, paragraphs 1 and 3, of the aforementioned Law No 99 of 2009, were implemented the provisions concerning the organization and the functioning of the sole national body authorized to carry out accreditation activities in compliance with the provisions of the aforementioned Community Regulation, were defined the criteria for setting up accreditation fees, were established the surveillance procedures of the body by the Ministries in question, as well as, for the accreditation of the structures operating in the various sectors for which accreditation is required, and the procedures for participation in this body of the accreditation bodies, already appointed for the areas of competence of the respective Ministries;

Having regard to the paragraph 2 of the same Article 4 of Law No 99 of 2009, according to which the Ministry of Economic Development, in coordination with Ministries involved, provides by a non-regulatory decree, within three months from the date of implementation of the Decree as per paragraph 1 of the same Article 4, the designation of the sole Italian national body authorized to carry out accreditation and market surveillance activities;

In addition, having regard to the paragraph 4 of the same Article 4 of Law No 99 of 2009, according to which from the implementation of the provisions of the same Article 4 must not derive new or greater obligations or less income for public finance and Ministries provide for this implementation with human, financial and instrumental resources available under current legislation;

Considering the need, given the imminent deadline for application of the aforementioned Regulation (EC) No 765/2008, that the identification of the only Italian body authorized for this purpose shall take place immediately and shall refer to a body able to become fully operational in a very short time according to the procedures currently provided for the accreditation activity;

Deemed to this end and for obvious reasons of economy and urgency that the complex constitution of a new body should not be promoted, but, limited to the designation provided by the aforementioned Article 4, paragraph 2, of Law No 99 of 2009, that this designation must be carried out within the Italian bodies already existing and operating in this sector and already in possession of recognition as signatories of the EA MLA international mutual recognition agreements, to purposes of the subsequent recognition by the European body as per Article 14 of the Regulation;

Considering that currently the only bodies in possession of this requirement are:

- a) Accredia – non-profit association with a private legal status, deriving from the merger of SINCERT and SINAL and replacing these previous associations in the role of signer of EA MLA international mutual recognition agreements, for the schemes in which the aforementioned SINCERT and SINAL operated, regarding the accreditation of testing laboratories and certification and inspection bodies;
- b) Copa (Public consortium for accreditation) – limited liability consortium company, replacing SIT, Calibration Service in Italy for accreditation of calibration laboratories, in the role of signer of EA MLA international mutual recognition agreements, with regard to accreditation of calibration laboratories;

Deemed that the identification of the body to be designated between the aforementioned two, for the same reasons of economy and urgency, must take into account the compliance of the current respective statutes with the requirements provided by the Community legislation and the aforementioned Decree on the same date, and in addition the ability of the current organization and structure to cover the various accreditation sectors, as well as the number of accreditations currently applicable to each of them and the economic weight of these sectors;

Considering that Accredia is currently the Italian body that best meets the aforementioned requirements;

Considering that the aforementioned Decree on the same date with which, in accordance with Article 4, paragraphs 1 and 3, of the aforementioned Law No 99 of 2009, were implemented the provisions concerning the organization and the functioning of the sole national body authorized to carry out accreditation activities in compliance with the provisions of the aforementioned Community Regulation, contains specific provisions aimed at regulating the procedures for participation in this body of the accreditation bodies already appointed for the areas of competence of the respective Ministries and suitable to ensure the safeguard of the existing experience and competence in this field also through and adequate participation in the activities and organization of the appointed body of public authorities with specific competence in this sector such as the Superior Institute of Health for food safety and the National Institute of Metrological Research (INRIM) for calibration;

Therefore, deemed to have to immediately implement the aforementioned Article 4, paragraph 2, of Law No 99 of 2009, by designating the sole Italian body authorized to carry out accreditation activities;

DECREES:

ARTICLE 1

Definitions

1. For the purposes of this Decree, it is meant that:

a) "Regulation", shall mean the Regulation (EC) No 765/2008 of the European Parliament and of the Council of July 9, 2008, which sets out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93;

b) "Law", shall mean the Law of July 23, 2009 No 99 setting out "Provisions for the development and internationalization of companies, as well as in the field of energy";

c) "accreditation", shall mean the attestation by a national accreditation body certifying that a given conformity assessment body meets the requirements set by harmonized standards and, where appropriate, any additional requirements including those set in relevant sectoral schemes, to carry out a specific conformity assessment activity;

d) "national accreditation body", shall mean the sole national body in a Member State that performs accreditation with authority derived from the State;

e) "Italian national accreditation body", shall mean the national accreditation body appointed by the Italian Government under the Law;

f) "Italian national accreditation authority", shall mean the competent office of the Ministry of Economic Development referent for accreditation activities and point of contact with the European Commission in accordance with Article 4, paragraph 2, of the Law.

ARTICLE 2

Designation

1. In accordance with Article 4, paragraph 2, of the Law, Accredia, non-profit association with a private legal status, tax code 10566361001, shall be designated as the Italian national accreditation body.

2. Accredia shall conform completely and promptly, in any case no later than ninety days from the date of this Decree, to all the provisions of the Regulation and the Decree on the same date mentioned in the introduction, as well as any subsequent provisions that will be implemented with the same procedure.

3. The Ministry of Economic Development shall immediately notify this provision to the European Commission and the competent European infrastructure, in accordance with Article 12, paragraph 3, of the Regulation.

4. In the event of failure to comply with provisions as per paragraph 2 and when the result of a check or on the basis of any reports from the European Commission or other Ministries involved, the Italian national accreditation authority shall ascertain that Accredia is no longer fulfilling the requirements provided for carrying out the specific activity of Italian national accreditation body or has committed a serious breach of its obligations, the same authority shall take, within thirty days,

all appropriate measures to restrict, suspend or withdraw the designation as per this Decree by promptly informing the European Commission.

ARTICLE 3

Entry into force

1. This Decree shall be immediately effective.

This Decree will be published in the Official Journal of the Italian Republic.

Rome, December 22, 2009

Minister of Economic Development

SCAJOLA

Minister of Internal Affairs

MARONI

Minister of Agriculture, Food and Forestry

ZAIA

Minister of the Environment and Land and Maritime Protection

PRESTIGIACOMO

Minister of Infrastructures and Transport

MATTEOLI

Minister of Labor and Social Policies

SACCONI

Minister of Health

FAZIO

Minister of Education, Universities and Research

GELMINI

Minister of Defense

LA RUSSA