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Accountability in transgovernmental networks

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CHAPTER VIII

EA: a case of a network administrative governed
harmonisation network

8.1 Introduction

This chapter will discuss the accountability type(s) of a network administrative governed harmonisation network. The function of the network combined with the governance structure we expect will lead to a predominance of legal accountability. Legal accountability is a type of accountability which is based on a diagonal relationship. The source of control is external and the level of discretion for the actor is high. The emphasis of account giving is placed on procedure, as the forum is a court or auditors from outside of the organisation. Accountability is given based on compliance with set rules and procedures. By making use of the network the European co-operation for Accreditation (EA) we will assess if this expectation holds. EA is a transgovernmental network that currently has 50 members. The members are national accreditation bodies, recognized by their respective governments to assess organisations that carry out conformity activities. These activities include the certification, verification and testing of standards. An example of this is a laboratory that needs to comply with certain rules and standards to get certified. This certification is needed so a consumer can trust the services of that laboratory. The assessment for the giving of certification is conducted via national accreditation bodies. The EA is an extension of the tasks of these bodies in the sense that they are instrumental in the creation of a harmonised accreditation infrastructure.

The network itself is structured as a network administrative governed network. This means that an external administrative entity is set up to steer and organise the network. This entity facilitates and governs the activities of the network. It is the most centralized structure a transgovernmental network can have. The network EA has a secretariat comprised of eight employees who work fulltime for EA. Their tasks include supporting other organisational components of the network and facilitate the work of the network. In addition, they liaise with other organisations. In effect, they operate as a broker in the network. As the entity is separate from the member organisations of EA, we conclude this is a network administrative network.

Most of the tasks performed in the context of EA are directed at harmonisation. This means that the goal of the network is to streamline the work of national accreditation assessment bodies. This is done by the creation of new rules and procedures which are subsequently implemented by the national accreditation bodies. Examples of these harmonisation activities are readily available in the annual reports of EA. The most recent report came out on July 6th, 2020 (EA, July 6th, 2020). It lists the work of one of the working groups Horizontal Harmonization Committee (HHC). They prescribe the creation of guidance documents. These are documents that help describe and explain how and which procedures should be followed by national accreditation assessment bodies. These guidance documents are often also directed at the assessment international standards such as ISO/IEC 17011. This standard concerns how an accreditation body should be organised for instance with regards to impartiality. In addition, EA also devises policies regarding accreditation for certification activities based on European Union regulations. An example of this is the policy on EU regulation 110/2008²⁶. Later in this

²⁶ This regulation concerns the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks.

chapter a more in-depth assessment of EA as a harmonisation network will be provided.

To give a short overview of this chapter we will first describe the background of the network EA. Secondly, we will address the structure of the organisation of EA, after which we shall detail the function of the network. Following our expectation, we would need to find legal accountability prevalent in this network. To assess this, we will make use of the table 4.7 with the distinguishing features regarding the different types of accountability. A description of how accountability is organised in this network will be detailed. We will assess this by means of the distinguishing features for each type, as presented in the methodological chapter. To simplify this, we will focus on three questions: To whom? On what? And how is account given. These three questions will form the systematic structure to our assessment of the accountability type present in this network. Moreover, they form the basic structure to the table which specifies the distinguishing features of each of the four accountability types.

8.2 Background of EA

The European cooperation for Accreditation (EA) was established by the European Commission to manage the accreditation infrastructure. The EA was established in 1997 and was registered by an accountant in 2000 in the Netherlands (EA presentation, “Who we are”, 2018).

EA was established to fulfil the promise of a European single market. A respondent explained this as follows:

“Accreditation conducted by a different European Union member state would be acknowledged by all other European Union member states. This used to be based in private-law however, the European Union has established a public law agreement. This was especially strengthened by regulation 765/2008. The recognition of each others accreditation is one way to prove the quality of a product. With the realisation of an open market this is increasingly important” (Respondent EA I).

Accreditation basically means that products and services that need to be trustworthy are to be trusted. For example, for a blood test, you trust it will give you a reliable result that would be the same if conducted in another laboratory. Other fields in which conformity assessments and accreditation takes place is in the field of food safety, mechanical testing, fire safety, the railway system and so on. Often EU regulations have been set up for which the product or the service is tested. In addition, international standards such as those stemming from ISO (International Organization for Standards) are also assessed. These standards determine the specificities to which an accreditation body²⁷ should be held. These specificities are for instance legal personality requirements, management structure and documentation of procedures.

²⁷ These are organisations such as laboratories, inspection bodies, certification bodies and verification bodies which have been assessed by a national accreditation body to fulfil the standards specified for their respective tasks and activities.

To clarify further, accreditation bodies make sure that the procedures and measurements in conformity assessment bodies²⁸ (CABs) are reliable. In addition, a manufacturer may only place a product or service on the market if it meets certain standards. Accreditation bodies check if these standards are met. A national accreditation body checks the accreditation body's compliance with standards. By means of a European Union wide approach which is offered by the existence of EA, manufacturers can circumvent the cumbersome task of testing for conformity in each country they want their product or service to be sold.

It was decided by the EU that national accreditation authorities should be a member of the EA. This was based on the aforementioned regulation 765/2008. In this regulation the European Commission recognizes the EA as the accreditation infrastructure of the European Union. It is the structure that ensures the final level of public control of conformity assessment, in other words that laboratories, inspections and certification bodies have the technical competence to perform their tasks (EC, nd).

The accreditation infrastructure itself is based on five guiding conditions. The first is that within the EA there is only one national accreditation authority per country. Second, accreditation is a governmental activity, it is a not-for-profit task. Third, the different accreditation bodies of the countries do not compete with one another. Fourth, within the accreditation infrastructure stakeholders are represented. And finally, demonstrating technical capacity to perform conformity assessment tasks are preferably attested by means of accreditation.

These conditions set the frame for a harmonised accreditation infrastructure. A uniform approach across the EA members, and effectively the European Union, is sought. The EA is an organisation with members. These members are national accreditation bodies who are recognized and appointed by their respective national governments. There is one such body per country. These bodies are appointed to conduct testing and monitoring of international quality standards. Their tasks are validation of measurements, inspections, reviews, certification and calibration.

The EA is a not-for-profit association. With 36 full members and 14 associate members. Full members are part of the European Union or European Free Trade Association (EFTA). In comparison, associate members are countries that are potential members of the European Union or EFTA.

To become a member, compliance with the ISO 17011 rule needs to be demonstrated. This ISO standard contains the general requirements for accreditation bodies. In addition to the requirements set by the ISO rule, members must also incorporate specific "interpretations and additions summarize in EA-1/17 S1 Supplement 1 to EA-1/17 Rules of procedure – Criteria for membership" (EA, nd D).

28 Organisations that make products or provide services in need of conformity testing.

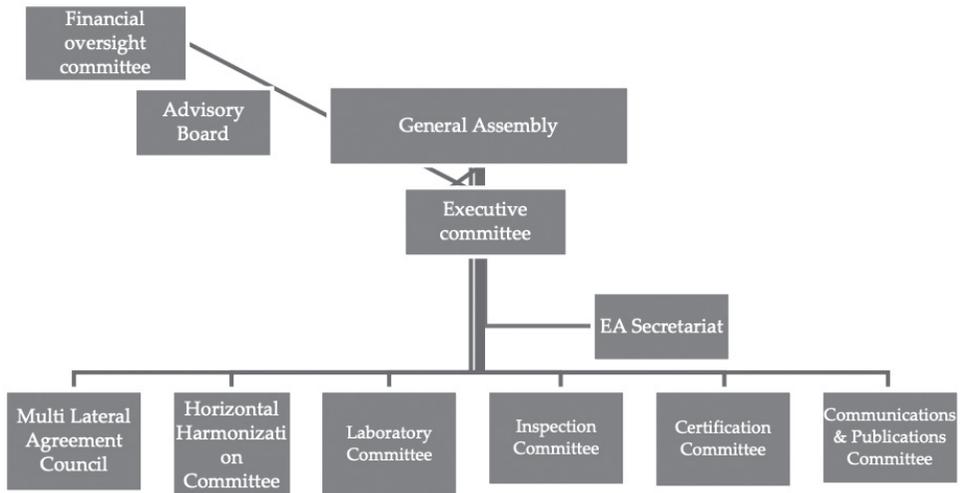
The organisations they have accredited in accordance with ISO 17021, and prove that certified organisations comply with the relevant ISO rules are also part of the requirements. This will all be checked by the EA. In addition, once a national body becomes a member it will become part of the system of checks by the EA. Peer reviews and other types of monitoring are integral of membership to the EA (Gustafsson and Hallström, 2019: 155). Because of this compound structure, accreditation in a European system would be more stable and alleviate technical and administrative differences. It also helps the furthering of the European Single market, especially when the EA agreed upon a Multilateral Agreement (MLA). This meant that all members signed a document recognizing and accepting the equivalence of the accreditation systems of the signatories to that document. Results, products and services are thus recognized within the Union which eases export and import. Products and services do not require certification in each country where producers want to sell them. Rather it can rely on the multilateral agreement for this. The agreement forms the backbone of the accreditation infrastructure. It furthers the harmonisation process and strengthens the need for the uniform approach. We will discuss the activities of this harmonisation process further in paragraph 8.4. First, we shall address how EA is structured and how the organisation operates through its different components.

8.3 Governance structure of EA

EA is a network administrative governed network. This is because of the placement of the secretariat and the tasks awarded to it. Before we detail the work of the secretariat, we will first discuss all the different components of the network. We do so because the secretariat supports each of them.

The organisational structure of the network is based on several components. The most important, the highest decision-making body is the General Assembly. In addition, you have an executive committee, a secretariat, technical committees, an advisory board and a financial oversight committee. In the figure below the structure of the network is provided:

Members convene in the General Assembly each year. The General Assembly is the highest decision-making body of the network. In it only full members have voting rights regarding policy decisions. Although associate members and other stakeholders can contribute to the proceedings, they are not eligible to vote. There is a maximum of two delegates per country to join. Yet, each member country has a single vote. During sessions of the General Assembly, issues pertaining to the Multilateral Agreement, Bilateral Agreements with associate members, and peer reviews of accreditation bodies are discussed. Resolutions in the General Assembly are passed if at least two thirds of the votes are in favour with at least three quarters of the full members represented at the General Assembly.

Figure 8.1: Organisational chart EA

The Assembly is presided over by the chair of the executive committee. This executive committee is tasked with the implementation of the resolutions of the General Assembly and the general oversight of the network. In the executive committee a chair, vice chair, the chairmen of the technical committees and the chairman of the MLA council take place. They may also be supplemented by a maximum of four other members' delegates.

The executive committee convenes at least twice a year. For resolutions to be passed a quorum of at least half of the members of the executive committee should be met. Resolutions of the executive committee may only be passed based on unanimity. The minutes of each meeting of the executive committee need to be adopted at the following convening meeting. The executive committee is also tasked with the budget and the oversight of the budget. The budget is decided upon in the General Assembly. Before each General Assembly a Financial Oversight Committee is established that is tasked with the assessment of the budget.

In addition, an advisory board is also part of the organisational structure of the network. This board advises the EA as a whole. It comprises of stakeholders to the work of EA. For the composition see the list below.

“The composition of the Board is as follows:

- The European conformity assessment bodies, i.e. laboratories, certification bodies, inspection bodies, may appoint five Members.
- The European metrological organisations may appoint two Members.
- The European industry, services and trade, including small and medium sized enterprises, may appoint five Members.

- The National Authorities of the EU and EFTA Members States may appoint five Members.
- The European consumers may appoint one Member.
- The European standards organisations may appoint one Member.
- The Services of the European Commission may appoint one Member.
- The Secretariat of the European Free Trade Association may appoint one Member.
- The European private scheme owners that are EA Recognised Stakeholders may appoint one Member” (EA, May 14th 2019).

The advisory board is instructed to give general advise on the direction of EA. They also oversee the peer review evaluations. They convene biannually and are supported in their tasks and responsibilities by the secretariat of EA.

As said, the secretariat of EA operates as a network broker. It supports and facilitates the activities of EA. It can do so as the secretariat of EA is comprised of eight employees, who are employed fully by EA. Three of these employees have been employed since 2018. This expanded the secretariat significantly (EA, July 3rd, 2019). They support the work of EA on a daily basis and have specific tasks assigned to them. Listed on the EA website these tasks are the following:

“Administration of the association;

- Management of projects and contracts with the European Commission / EFTA;
- The focus point for EA stakeholders to develop proactive and efficient liaisons;
- Management of the peer-evaluation program, resources and training plan;
- Liaison with ILAC, IAF and regional co-operations for accreditation;
- Support the Executive and all of the other EA Committees, including the EA Advisory Board and the General Assembly;
- Implementation of the EA communications and marketing strategy “ (EA, nd B).

The listed responsibilities demonstrate that the secretariat here is part of the governance structure. They are involved in the preparations of policy documents and are supporting multiple levels of the organisation. This includes the work of the technical committees. These technical committees, including the MLA (Multi-Lateral Agreement) council, operate in accordance with their own terms of reference. With differing scopes these technical committees contribute to the creation of a coherent harmonised accreditation network. They provide updates on their work and give feedback to the executive committee. They do so with the help of the EA secretariat. The members of the network are very much supported by the professional nature and structural set up with clearly defined responsibilities for each component of the network. The level of professionalisation has increased in recent years. As one respondent stated:

“Recently the secretariat was expanded to also, among other things, include more communication experts. They are now really focused on ensuring organisational quality. They have improved professionally. Even though we would like this to increase even further, the advance in terms of professionalisation is clear.” (Respondent EA II)

The position of the secretariat is clearly at the centre of the network. The secretariat is involved with all the different activities of the network. Next to that, the secretariat also supports all the organisational components of the network. This, in addition with the hierarchical layers and linkages within the organisational structure confirms the network administrative governed nature of the network. We will continue the discussion on how the organisation tries to fulfil its tasks by describing the activities of the network.

8.4 Function of EA

Harmonisation is the core of the work of EA. In their mission statement they relay this message clearly by stating: “EA Members commit to ensuring confidence in accredited conformity assessment results through the harmonised operation of accreditation activities in support of European and global economies.” (EA, nd C).

An example of harmonisation and furthering of streamlining the work of accreditation bodies comes from guidance documents. Guidance documents give a more in-depth description of how a national accreditation body should interpret a standard set by EA. It provides explanation to enable a common understanding of the policies of EA. An example of the intention of these guidance documents can be seen in a report of an EA Horizontal Harmonization Committee (HCC) meeting in September 2018. It describes a general position of the committee that a common understanding for validation of conformity assessment schemes is necessary:

“Proposal of Guidance for validation of conformity assessment schemes: the document is intended to provide a common understanding of the principles and processes for validation of conformity assessment schemes (CAS) and thus to contribute to harmonising accreditation body’s approach towards the evaluation of CAS. HHC confirmed that the document would be for HHC internal use only, published on the intranet HHC CA Schemes dedicated folder. It will contain guidance on the provisions set out in EA-1/22 about validation. The new draft will be reviewed to include a disclaimer to clarify the purpose and status and circulated for HHC comments for 2 months.” (EA, 2018, October 19)

The report also affirms the importance of confidentiality in the work of EA. Another example of the focus on harmonisation is clear from a report of the General Assembly in November 2017. During the General Assembly a position was made clear regarding activities of consultancy by accreditation bodies to manufacturers regarding advice on how to pass conformity assessments. It explains the intention of rules of EA and as such can be seen as a

way to harmonise the understanding of the rules and application thereof. The position of the EA in the resolution was the following:

“Given that Article R17(4) of Decision 768/2008 refers to the activity for which a body is notified, this means that the notified body may not provide consultancy services (such as technical assistance or provide advice on how to pass conformity assessment procedures) to any manufacturers of the kind of products it assesses, as described in the accreditation scope. Otherwise, the independence provisions in relevant harmonised standards used to accredit NBs would be undermined or even contradicted.” (EA General Assembly, November 2017).

This resolution was expanded upon in 2019 during the General Assembly in May. The position of the EA was deemed not enough as the executive committee has recommended the technical committee Horizontal Harmonization Committee, to add another work item to its list. A guidance document regarding consultancy and independence of and by accreditation bodies should be made to be able to address the concerns of stakeholders. This development from a general position to a more concise policy document is already a next step in furthering the harmonisation of accreditation. This is also addressed in a report of the European Commission on the implementation of regulation 765/2008:

“Furthermore the EA’s horizontal harmonization committee as well as the laboratory, certification and inspection committees have been working on furthering a common understanding on how to perform accreditation and also on supporting accreditation in the relevant regulated sectors. This has resulted in a number of guidance documents.” (European Commission, n.d.)

Of course, harmonisation is not the only function of the network. The important work of peer reviews is in one way a means of harmonisation, but they can also be construed as an information function. With the sharing of best practices, guidance documents are ultimately created. The enforcement function can also be seen as part of the work of EA. An example of this function is provided in the EA newsletter of July 2019. In it the implementation of a renewed bilateral agreement with Canada was pointed out.

“On June 6, 2019 in Bucharest (Romania), the European co-operation for Accreditation (EA) re-signed with the Standards Council of Canada (SCC) the Bilateral Cooperation Agreement in order to facilitate the implementation of the Canada-European Union Comprehensive Economic and Trade Agreement (CETA) and the related Protocol on the mutual acceptance of the results of conformity assessment. A first agreement was signed with SCC in 2016. Thanks to this mutual recognition of certificates and reports issued by recognized (accredited) Conformity Assessment Bodies, costs and time to market for European businesses can be reduced for products destined for Canada.” (EA, July 2019)

In EA the primary task remains the harmonisation function. The scope of harmonisation does not end with the creation of common policies. The harmonised interpretation of the common policies as well as its execution is also part of this function.

Instances of this part of the function can be seen in the peer review documents of the Dutch accreditation body (i.e. the RvA). A team of peers assessed the working procedures of the Dutch member of EA and checked if its procedure incorporated EA policy. In 2014 they commented:

“RvA has included in its procedure (usually SAP documents that are published on the web) the requirements foreseen in EA documents. The application of these has been checked during the files evaluations, scheme by scheme.” (EA, 2014).

Another example is to be found in the EA report re-evaluating the RvA in 2018 where it is stated that regarding testing:

“In the area of testing i.a.w. ISO/IEC 17025 the corresponding EA-documents have been found to be implemented and complied with. Concerning the special aspects of the most current version of EA-2/17 there have been some minor shortcomings, see corresponding finding for details. Concerning implementation of flexible scopes a reference to a list of the covered scope was missing in the certificates/schedules, see corresponding finding in this case as well.” (EA, 2018 B).

Consequences for not adhering to the accreditation infrastructure would mean expulsion of the national accreditation body from EA, which in turn would have grave consequences to the ability to trade efficiently. An expulsion as a consequence is however rather theoretical (Respondent EA II), expulsion for a short period of time have occurred though. Respondent EA II mentioned that they believed a short expulsion of a member has occurred three or four times. This meant that a national accreditation body needed to comply with the policies of EA, by ensuring the discrepancy between the policies of the national accreditation body and the policies of EA were corrected for. A full expulsion of a national accreditation body has not occurred according to Respondent EA I, Respondent EA II, Respondent EA III. The reason that expulsions are so rare is, that the peer reviews are conducted in a rigorous and timely manner, and that system is deemed efficient to mitigate any discrepancies. After a peer review is conducted the accreditation body under review is given time to respond and rectify any shortcomings. Adherence to common policies is checked in these reviews. The implementation and execution of harmonised policies is essential to the reviews.

To which standards an accreditation body is tested, becomes clear in the documentation of EA. Guidance documents and resolutions of the General Assembly provide ample information

on the procedure. For instance, in the General Assembly of November 2017, a resolution was formulated that recognized the responsibilities for conformity assessment bodies in relation to the IAF (International Accreditation Forum). It also was made clear how long the members of EA have, to complete implementation. Below the part of the resolution which describes the procedure is provided.

“The enforceable arrangements shall require full implementation within three years from 30 October 2017. Additionally, CABs for personnel certification shall transition certification documentation to include the accreditation symbol and/or shall make reference to the accreditation status of the CAB including the identification of the AB, at the time of recertification decision; no later than 30 October 2020. When granted initial accreditation (for ISO/IEC 17024), after 30 October 2017, a CAB shall transition (re-issue) previous unaccredited certification documents and/or make reference to the accreditation status including identification of the AB, within one year of the accreditation decision.” (EA, November 2017)

The fact that EA acts as the European accreditation infrastructure, and is recognised as such by the European Commission reaffirms the harmonisation requirements of EA. The detailed documents of procedure for accreditation bodies, as well as procedures within EA context (f.i. documents on format on archiving, speaking with one voice, secretariat management system, member’s procedural documents) show the scope of the work of EA. It also is testament to the central role the network takes in the policy environment of conformity testing. This is reflected in a report of the European Commission on EA’s work regarding the European accreditation infrastructure. It reads:

“Cooperation with EA has been very fruitful on the whole. Considerable efforts have been made to meet the changed circumstances for accreditation with the entry into force of the Regulation and EA’s new role as the European accreditation infrastructure within this context. The progress made so far should be further consolidated to continue enhancing accreditation’s role as the last level of control in the European conformity assessment system. As accreditation is increasingly being used for the purposes of EU legislation, this may also entail a review of the resources and financial support available to EA.” (EC, February 13, 2013).

In the statement the European Commission describes the principal position EA holds in the accreditation infrastructure. The benefits of EA’s work that feeds into EU legislation even command a review of resources and financial support to EA from the Commission. The addition to accreditation harmonisation in a European context is however not where the ambition of EA ends. Its members stem from the European Union or are potential candidate member states. This means that EA policies already feed into territories outside of the current

European Union accreditation infrastructure. The purview of the network does not limit itself to this territory of participating members either. This is best seen in the definition of the vision of EA:

“EA Members share the vision that EA shall be a reference in the world for accreditation, enabling an open and global market for competitive business and providing reassurance to consumers in a sustainable society.

To achieve its vision, EA has defined three objectives:

1. Good governance to deliver consistent and sustainable results.
2. Close cooperation with regulators and stakeholders to strengthen accreditation at European and international level.
3. Continue to develop accreditation to support innovation and growth in existing and new areas.” (EA, nd C)

The mentioning of becoming “a reference in the world” shows the ambition of this network. According to respondents within the network, this potential is already reached. International and other regional accreditation networks already look to the work of EA. As EA fulfils its role as a beacon due its detailed procedures (Respondent EA I, Respondent EA II, Respondent EA III). As one respondent mentioned EA currently tries:

“To broker guidelines at the international level for accreditation network. As a regional organisation, EA is a member of these international network. It tries to negotiate a harmonised interpretation at that level increasingly.” (Respondent EA III).

This is exemplified by Respondent EA II as well:

“Regarding the coming into being of a singular handbook to be used by all accreditation bodies is however difficult to achieve in full in the coming ten years or maybe even 30 years. As each accreditation body has its own specific historical development. (..) EA could create rules but it cannot go to the extreme that it would be impossible for members to retain their membership.” (Respondent EA II)

The influence that could flow from this gives reason to study the network further. Especially considering its impact on rules, procedures within national accreditation bodies. Working together, warranted by the creation of the free market, in this instance means a change in policies. In the section below we will address how a national accreditation body gives account for policy and decision making in EA. The questions: To whom is accountability directed? On what is accountability given? And how is account given? will together form the backbone to this section.

8.5 Accountability relationships of EA

The work of EA, conformity assessment, is in essence, a trade in trust. One respondent explained the tasks as providing a manufacturer or laboratory with a driving license.

“A manufacturer is checked to see if it has the capabilities to drive, and if the testing body is satisfied that the manufacturer is competent you are provided with a driving license. The driving license basically is a testament of trust that you can drive competently.” (Respondent EA I).

This also means that testing of competence of organisations in need of accreditation or certification is vital. In the section below we will first go into to the work produced by EA, and how these policies are shared within the EA organisation. After which we will go into how the participants of EA disseminate their own work in EA to their own home environment. Finally, we will discuss how the work of EA is implemented in the home organisation. We will divide the account giving on implementation by first addressing the structure of the home organisation. Thereafter we will go into the peer review that has been set up by EA. This means we make the distinction based on where the bulk of the work takes place focussing on account giving.

8.5.1 Account giving structure of the network

In the work procedures of EA the sensitive nature of its subject matter is quite visible. Transparency of work procedures is limited. For example, the internal documents of EA are disseminated via intranet, a closed-off section of the website of EA (Respondent EA I) it is only visible to members. Documents pertaining to interpretation of guidelines are for instance shared on this intranet (Respondent EA III). Regarding the number of documents by EA, Respondent EA III remarked:

“EA has a specific structure regarding the publishing of documents. In case the letter M is placed next to a document it is a mandatory document, as we would say. The number of documents produced by EA is not as large as it used to be. This has to do with the fact that we as a region (i.e. EA) participate in global networks, for instance, IAF²⁹ or ILAC³⁰. Our starting point is that we will try not to make guidance rules regarding a subject matter. Nor will we make interpretation documents. We will try to create these via the global networks. And if these networks have published something, we will adopt these.” (Respondent EA III).

29 IAF: International Accreditation Forum; world association of conformity assessment accreditation bodies.

30 ILAC: International Laboratory Accreditation Cooperation; international organisation for accreditation bodies with a specific focus on laboratory testing.

This statement makes clear that the creation of EA policies is not the goal, the policies that EA helps to create would ideally be implemented beyond the EA network. Policies that EA creates focus on for instance requirements on accreditation of flexible scopes (EA, April 18th, 2019). This policy is designed to enable conformity assessment bodies (CABs) to include additional activities they can assess easier. A CAB is usually accredited for a fixed scope, a fixed list of activities. However, due to innovations and new developments this means that a CAB is obliged to be assessed for each new activity to be able to do conformity assessments based on these as well. A different example of EA policies is how EA determines the relationship with accreditation bodies who are not part of the EU or the EFTA (EA, May 26th, 2016). This policy outlines how EA sees its role in ensuring harmonisation and supporting accreditation bodies beyond the borders of the EU and EFTA. The policy is specifically designed to facilitate proper understanding of the EA policies by accreditation bodies of the EU Neighbourhood policies and potential candidates for EU membership (EA, May 26th, 2016). In other words, it is the ambition to create worldwide policies. As EA is an association that represents an important market share, its voice, when given in unison, will be of more significance than a single national accreditation body. EA's work is essentially feeding the harmonisation process at these global networks. It is no longer the sole purpose to keep producing documents that are applicable for the European Union and candidate member states. It is the intention of EA to harmonise accreditation policies globally.

This remark also states the ambition of a single market that stretches beyond the boundaries of the EU. Moreover, EA is perceived as a tool to go into that direction, as its position as a regional participant in these global networks is given key importance. In addition, the fact that ISO norms are already part of the accreditation infrastructure shows the aspiration to enforce global rules. ISO norms are set by a non-governmental organisation with currently 164 members. Nevertheless, discussions in these settings are also off limits to the wider public.

The sensitive nature of the work of EA seems to stretch to minutes, as none are available to the general public. This however is part and parcel to the context of the work of accreditation. Discussions on particular issues might be privacy sensitive quite easily. This ensures that the work of EA needs to be conducted in a safe space, meaning no specific reporting. What is shared are publications on general policies agreed upon, rules regarding communication on behalf of EA, management structure and resolutions of the General Assemblies. In addition, there are reports on the work of the technical committees that do give some insight into ongoing topics, although the reporting style is quite general, due to both the sensitive nature as well as the context dependency of accreditation. An example of reporting on the work of the committees can be seen below. Below an excerpt of a report from a technical committee meeting regarding the content of that meeting is shared.

“The workshop generated vivid discussions by the 56 attendants, keen to share their experience and questions on how to deal with schemes and scheme owners in their daily activities. Practical aspects were reviewed; in particular, how to proceed when assessing and validating a scheme according to EA-1/22, the EA document setting out the evaluation procedure, was discussed based on a presentation by RvA highlighting best practices. In parallel, a work is ongoing at the HHC level to collect examples from NABs with a view to establish harmonised best practice in the field.” (EA, June 2017)

The details of the vivid discussions are not provided in the report. Rather the developments and outcomes of the discussions are shared. In addition, the example discusses the establishment of a harmonised best practice. This does not solely hint at a best practice information function but the implementation of one such best practice throughout the accreditation infrastructure, as the harmonisation workgroup is simultaneously looking into the establish best practice in the field. This is also seen in the ambition to: “establish harmonised best practice” (EA, June 2017). Although it has been made clear that the meeting discussed the evaluation procedure of EA, the details of what precisely was up for discussion is left out of the report. As the excerpt also states that the workshop dealt with the sharing of experience and how to-questions regarding daily activities, it is not difficult to imagine that this could become privacy sensitive quite easily. For example, discussing daily activities would in accreditation mean discussing a conformity check of a particular company or service. This information needs to be handled in a safe space. To discuss best practices in the field of accreditation you need to discuss when things regarding conformity went wrong, and this will automatically bring you into a potential minefield if you were to disclose this information. As the bulk of EA work is the creation of common understanding regarding standards and testing, open discussions on the reality of working with these standards needs to be included in the work of EA (Respondent EA I, Respondent EA II, Respondent EA III, Respondent EA IV). The sensitive nature of this is also clear from the reporting style and choices for confidentiality (Respondent EA I, Respondent EA II, Respondent EA III, Respondent EA IV). Given both the need and necessity for confidentiality, the accountability structures is very much based on following rules. The potential impact of accreditation is such that strict oversight on the following of the rules need to be established.

Account giving of the general work of EA to the wider audience is both done based on reflection and a prospective outlook. A work program for the coming year as well as annual reports are shared with the European Commission and made available to the public online. This has to do with the resolution by which the EA is established as the European Accreditation Infrastructure as well as funding of the network by the European Commission. The position of the European Union as an organisation involved in the work of EA is of special interest in this network. First because it was vital for its establishment and second in that EA is performing a task set out by the European Union.

Having assessed how account is given by EA as an organisation regarding its own work, we now move to how account is given on the work in EA of participants. For this we focus specifically on the work of participants in the context of EA. This means that we pay attention to how participants are selected for the work and most importantly how they give account of the work they do in EA context. For the time being we will not focus on the implementation of the EA policies in the home organisation. We will address that issue afterwards.

8.5.2 Account giving structure of the participants of EA to the home organisation

Account giving on the actual content of EA work, with the context of discussions is left to the discretion of the participants. What is not conveyed in the EA reports, for instance those vivid discussions, can be shared by the participants of that meeting to their own home organisation. It is left to the discretion of the participants. Active membership is required by the rules of EA, and the national body of the Netherlands, which we will use for our assessment, has made the conscious choice to have a Dutch delegate in each technical committee (Respondent EA II). The Dutch body also had the fortunate opportunity to be represented in the executive board of EA. Respondent EA II disclosed that harmonisation as a primary task of the network costs a lot of time and energy to be reached. Time that is taking away from the primary process of the home organisation. By that the respondent was referring to the primary process that is conformity testing in the home state. The RvA has around 93 FTE, according to last available data (RvA, March 12th, 2020), of which around 9 are involved with the work of EA (Respondent EA II).

The objective of EA is to reach consensus regarding the creation of new rules and standards. This essentially boils down to arm wrestling with your counterparts (Respondent EA I). With this last part the respondent discussed that it is really about positioning yourself as a national accreditation body in the organisational structure of EA. With the opportunity to be involved in the executive board and to be involved as an actor in all technical committees the Dutch organisation has made a distinctive choice with regards to positioning itself. It shows the level of importance it gives to the work of EA. In addition, it is an indication as to how it wants to exert power and influence in the network.

The choice for delegates is based on expertise and levels of communication. In the RvA (Raad van Accreditatie), the Dutch national accreditation body, team leaders elect those member(s) of their team they want to send as a delegate to a technical committee. Other bodies within the EA, to which the RvA sends delegates are board level employees. The delegates for the technical committees are chosen based on their knowledge of technical issues discussed in the committees as well as their ability to communicate in the English language. Moreover, they will need to possess a level of cultural sensitiveness in order to become a delegate. This is deemed very important in establishing and maintaining professional relationships with the other national accreditation bodies (Respondent EA I, Respondent EA II).

When a delegate has been to a meeting of a technical committee or other body of EA, it is expected that a report by means of annotations to the agenda of the meeting is provided to the respective team leader of RvA and the board. In the notes the outcomes, the highlights of the meetings, what stood out to the delegate, and the extreme positions that other delegates might have taken are included in the report (Respondent EA II, Respondent EA III). The only exception to this rule of reporting is for the delegate of the MLA council and the Executive Board. The work of these delegates is considered of such a nature that it is not allowed to be shared internally in the RvA. Trust is placed in the respective delegates of both the MLA council and the Executive Board by the EA not to share the information discussed there (Respondent EA III). It must be stated though that respondent EA IV disclosed that the number of people that attended a meeting and the main outlines of that meeting were on occasion shared with the Ministry of Economic Affairs. Yet it was stressed that these occasions were quite rare. The Ministry of Economic Affairs is responsible for the oversight of the Dutch accreditation body. This means that they first and foremost need to financially control the activities of the RvA as well as look at the policy implementation by the organisation. The Ministry for instance pays the membership fee of the RvA to the EA (Respondent EA IV). The involvement of the Ministry with regards to the policy content of EA is deemed quite limited (Respondent EA I, Respondent EA II, Respondent EA IV). The involvement is mostly on the financial oversight. When an employee of the RvA has attended an EA meeting the accountability to the RvA starts. This process is explained by one respondent as follows:

“When a participant attended a meeting, a report will be written and send to the team leader and the board of the RvA. These reports on meetings in EA are if necessary, send with an accompanying e-mail. This is the case when a discussion is relevant to the objectives set by the RvA. The RvA will set specific target objectives that they want to focus on. If a meeting of EA tackles issues relating to one of these objectives it is the job of the delegate to flag this to the RvA. There is one exception to this though, which is if the participant is part of the MLA Council. The documents shared in those meetings are confidential. This also includes the peer reviews. Only this participant has these documents, and these will not be shared due to the fact that confidentiality needs to be preserved.” (Respondent EA II).

The confidence given to delegates of the RvA is such that detailed information or reporting is unnecessary. As one respondent stated:

“When we send someone to attend EA meetings, they have earned their stripes. We trust they have the capabilities to convey the vision of the RvA to our partners.” (Respondent EA II).

The reports also serve as input for biannual meetings which are held by the team of employees of the RvA who conduct part of their work in international settings such as EA (Respondent EA II, Respondent EA III). These meetings are called *Coördinatie Overleg Internationaal*

(Coordination Consultation International). Based on the main points the reports are discussed. The focus during these meetings is on results and the implications for the target objectives (Respondent EA II). These meetings are essentially the starting point for account giving on the implementation in the home organisation. Which is what we will discuss below. Having assessed the account giving by EA within EA context first, and the account giving by participants in an EA context second, we now move to the third part in our assessment of account giving.

8.5.3 Account giving on implementation of EA policies

In case a report highlights problematic issues, in the worst-case scenario the ministry is called in. A worst-case scenario would for instance be the threat of a (temporary) expulsion from the MLA, as this would have major consequences for trade and the recognition for goods and services. The Ministry of Economic Affairs is responsible for the task performed by the RvA, although other ministries might be involved in other parts of the work conducted by the RvA. For instance, in case of health conformity assessment the Ministry of Healthcare is involved. The RvA operates as an independent governmental body, performing a public task. But because of the European regulation, the national government is responsible that the RvA performs its task competently. The ministry is however seldom if ever involved in work regarding EA (Respondent EA II, Respondent EA III, Respondent EA IV).

Nevertheless, the ministry is updated on the work of EA by the RvA as the developments by means of General Assembly resolutions are always sent to the ministry. This is done proactively. Questions by the ministry are not frequent (Respondent EA II). The Ministry is a member of the advisory board of stakeholders of the RvA, as such they are in regular contact. In addition, there are biannual *bijpraatsessies* (catch up sessions) between the ministry and the board of RvA (Respondent EA IV). During these sessions general policy developments are discussed, specifics are often not part of these sessions. There is a singular contact person at the ministry level and at RvA whom are in contact. It is mentioned that the contact is more on general policy than on specific developments. The work the RvA does in EA is not discussed often. Only if and when issues in EA come up that are useful to know these will be discussed with the ministry. If that is the case, especially if an issue holds potential negative consequences the communication protocol will be deployed. This protocol basically is an assessment regarding the potential impact of policy decisions of which other ministries should be informed. In case an issue involves a multitude of ministries the ministry of Economic Affairs will take on a more mediator position, especially with regards to changes in legislation (Respondent EA IV). However, this has not occurred in relation to the work of EA, to the knowledge of the Respondent EA II and Respondent EA IV. The ministry does, sometimes, pose questions to RvA if the agenda of the Internal Market for Products Group has items pertaining to the work of EA. This group is part of the European Commission and the ministry is part of this group. Sometimes the agenda of this group covers subjects that are part of EA's task. If that is the case, then the contact person of the ministry will ask for input of the RvA. The meeting of this group is once a year (Respondent EA IV).

Because of the governance structure of the RvA, they have a supervisory board. This board must approve the annual report, the budget and appoint the director of the RvA. In that sense this supervisory board has a role in the oversight of the RvA. When asked about the role of this council in accountability of EA internally in RvA, it became clear that the supervisory board is not too involved. Its work is focused on the strategies of the RvA and the general objectives. The task, accreditation, of which EA is an extension is less of their concern. There is no discussion on the execution of the task rather the performance of the organisation, is point of discussion (Respondent EA II).

In addition, the supervisory board, the RvA also has an advisory panel. This advisory panel is made up of stakeholders to the work of the RvA. For instance, insurers; manufacturers, representatives of laboratories, certification bodies, and as mentioned the ministry of Economic Affairs. This advisory panel is interested in the work of EA., especially regarding policy making i.e. meaning when a new norm is explained in terms of a guidance document (Respondent EA III). The interpretation of a norm or new standard is of interest, yet it is more about the outcome than the procedure. Their input is heard but only acted upon if the RvA is in agreement (Respondent EA III). Both the supervisory board and the advisory panel are not too involved in the work of EA, this becomes clear by the fact that respondents do not indicate them as a forum in an accountability line.

With regards to the implementation of EA policies, Respondent EA I, Respondent EA II and Respondent EA III all mention peer reviews by experts of other members of EA as the most important accountability relationship. The level of scrutiny in these peer reviews was perceived as high, by these respondents. Each national accreditation body is bound by the rules of EA, and they will be audited on the implementation of these rules by means of peer reviews (Respondent EA I). These peer reviews are based on the MLA. Based on that agreement national accreditation bodies need to prove to the other members of EA that they uphold the standards of accreditation and so on, to be recognized across borders as a competent partner. In the section below we shall discuss the procedure of peer reviews as conducted by EA.

8.5.4 Peer review on the implementation of EA policies

For the peer review, a national accreditation body prepares by means of self-assessment. This basically entails that they produce a report with regards to information needed for the peer review, information regarding how the national accreditation body has accommodated EA policies in their own policies and procedures. EA policies are the standards to which the national bodies are tested. They form the formal structure to the peer review procedure. On site, an EA team will sample some assessments in a variety of fields, this means that EA assessors joined RvA on site assessments. The team of delegates is selected by EA and they all need to stem from different national conformity assessment bodies. The witnessed assessments (when the EA team joins RvA assessments) are reported on in a given format:

date of assessment, assessment team members, accreditation standards assessed, scope and type of an assessment. This is followed by description of the process regarding: preparation; conduct; critical issues by the team and conclusions. These are included in the report. The final report is anonymised for the general public, but in that anonymised form they are made accessible to the general public upon request. The EA team visits twice for three days within six months. The number of team members may vary. For instance, in the peer reviews of RvA in 2014, there was a team of eight members. Whereas this number in 2018 was thirteen. The background of the members was varied to ensure the entirety of the scope of the MLA agreement the RvA is a signatory of is covered. These peer reviews prove to be the most important line of accountability for both the ministry and the supervisory board (Respondent EA I, Respondent EA II, Respondent EA III, Respondent EA IV). One of the respondents even mentioned that both the ministry and the supervisory board rely:

“(..) almost completely on the results of the audit.” (Respondent EA II).

For the most recent peer review in 2018 the ministry had delegates present at both the opening and closing meeting of the peer review (Respondent EA IV). This evaluation is also the way signatories of the MLA prove their compliance to the standards set by EA. This is in line with the Regulation 765 by the European Union. This regulation details that EA takes on the role of oversight over all national accreditation bodies within the EU (Respondent EA II, Respondent EA III). Performing this specific task is funded by the European Commission. These funds are earmarked by the European Commission for the fulfilment of this task which means for instance, that training sessions for peer evaluators are funded. Peer reviews are the backbone of the accreditation structure since 2010, when the regulation was set up. By doing so:

“EA for a significant part gives account to the European Commission by means of the peer review.”(Respondent EA III).

This line of accountability also is the one with the potentially gravest consequence for the RvA (Respondent EA I). If a peer review is unsatisfactory the accreditation body can be scrapped as signatory, or parts of the MLA can be (temporarily) removed from it. This will have grave consequences for both the national accreditation body as well as the clients of the accreditation bodies whose services and products are subject to assessment. This situation is unlikely but has occurred a few times. A respondent mentioned that he knew of three or four times an accreditation body's signatory status to the MLA was temporarily suspended (Respondent EA II). When this happens the national government of the accreditation body audited springs into action to reverse the matter (Respondent EA II). As one respondent attested:

“It is the most serious of means EA can deploy.” (Respondent EA III)

The consequences are such that the quality of goods and services that require conformity assessment are instantly called into question. Which means that mutual recognition is at that point non-existent. It could potentially lead to goods and services requiring conformity assessment will not be accepted across the border or even within the state. For instance, forensic laboratories are conformity assessment required. If the conformity assessment body conducting these tests is deemed to not fulfil the correct requirements the product of the forensic laboratory will be questioned. The product of a forensic laboratory which for example could be a smoking gun (figuratively speaking) in a murder trial will then potentially become obsolete. Calling products and services quality or conformity into question would disrupt society almost instantly. It is therefore to be avoided. The most serious of means that Respondent EA III was referencing should therefore not be taken lightly.

The aim of a national accreditation body is therefore to be given the status of MLA holder at the end of a peer review. This is why the focus of the executive summary of the peer review is precisely on this. In the peer review report of 2014 of the RvA, as well as the peer review report of 2018 of the RvA, the only sections in bold within the summary read:

“The team is confident that RvA operates according to the international standards and proposes that RVA under condition of proper closure of the findings remains a signatory of the EA MLA.” (EA, 2014)

“RVA remains an EA MLA signatory for the fields of accreditation of calibration/testing/medical testing laboratories, inspection bodies, certification bodies for management systems, products and persons as well as validation and verification bodies, provided that the condition linked to NC7 is complied with; RVA becomes a signatory of the EA MLA for the field of accreditation of reference materials producers, provided that the condition linked to CN& is complied with” (EA, 2018B).

These sections are most important for a national accreditation body, as it signals that the work of RvA remains recognized. Given the importance of remaining a signatory, the RvA proactively shares the report with the ministry. Next to the report, the RvA also details how the report was received by EA members beyond the assessor team to the ministry. However, according to Respondent EA II, Respondent EA III, Respondent EA IV the ministry is not too involved in the operational work of the RvA in EA. This also relates to the report. As Respondent EA IV stated:

“It is mostly for informational purposes. And with a good result it is understandable they would want to share this.” (Respondent EA IV)

It becomes clear that the outcome-based assessment regarding the report on the signatory status of the MLA is the technique deployed by the ministry and the supervisory board of the RvA. If the report details that the work of RvA is still recognized there is no need to ask questions. The ministry is focused on this result, questions on content of the work in EA are not asked by the ministry (Respondent EA II, Respondent EA III, Respondent EA IV). This is unlike the peer review structure which in itself is more of an auditing technique and has a clear emphasis on how the procedure of implementation is deployed within a national accreditation body.

8.6 Legal accountability in EA

In this chapter we expected to find a legal accountability type predominance. Legal accountability is a type of accountability with an external source of control. Standards are set by an external source to which the actors need to adhere. This also ensures that the control over actions is high. The direction of the accountability line is diagonal, with a focus on the process of the actors' conduct. In other words, the actions of the actor are tested based on whether the actor has followed stipulated procedure and rules. In the empirical findings we do see this expectation met although elements of other types of accountability are also assessed. In the following section each will be discussed.

EA as a network deals with what we understand to be delicate issues. Issues connected with the ability to trade with trustworthiness of the quality of the service/product. The inevitable affiliation with and to the European Commission weaves through our description of accountability. Even though the consequences of the account given are not imposed by the European Commission, the European infrastructure is instructive in the work of EA and its members. To discuss the type of accountability to which members of EA yield, requires us to learn the specificity of the policy context. The sensitive nature of accreditation ensured that examples to exact cases were denied access to. Nevertheless, a picture with multiple lines of accountability could be distinguished.

In this section we will address the different lines we distinguished, and we will categorize them based on the types of accountability discussed in chapter 4.

We started with the description of the account giving of EA network within the confinements of the network itself. Information sharing of conduct within the meetings of the EA network was done via a participant-only access structure. This meant that the forum to which information was provided was made up out of professional peers. The relationship between participants of EA is of a horizontal nature. We understand that discussion in the sessions of which reports are shared have a focus on the results of professional performance as best practices are mentioned. In addition, the account giving by participants to their home organisation based on the work of EA is likewise based on deference of individual judgement and expertise. This combination would be considered professional accountability. However, if we move towards the line of accountability that stems from a participant of the RvA within the EA network

back to the RvA we understand there to be a difference regarding the information on conduct. Although the respondents mentioned a referral to the level of expertise that is expected of the participant, an accountability structure in terms of reporting is also set up. For instance, when a participant has joined a particular meeting a report is expected of this participant. That report is sent up the chain of command, meaning the team leader and the board of the RvA. The forum in this instance thus changes from the professional peer to the supervisor role in a bureaucracy. The relationship between actor/forum is then vertical. The mentioning that outcomes garner most attention in reports, in combination with the deference to professional conduct is indicative of professional accountability. The highlighting of extreme positions taken by partners in EA meetings seems to suggest some degree of bureaucratic accountability, as these extreme positions are relative to the organisational directives of the home organisation (i.e. RvA). The referral to obedience to organisational directives is a clear element of this type of accountability. In addition, the emphasis on obedience with regard to reporting to a supervisor in the home organisation indicates bureaucratic accountability as well. We see here that both professional and bureaucratic accountability seem to be deployed and that these work in congruence. By focusing on the actual implementation of account giving a true assessment regarding the type of accountability deployed is possible.

If we shift our focus to the implementation of EA policies, we need to address the position of the Ministry of Economic Affairs. Formally this ministry is tasked to oversee the functioning of the RvA. Part of the work of RvA is done within the setting of the EA network. Nevertheless, respondents have consistently stated that the involvement of the ministry with regards to the EA network is rather limited. The account giving to the ministry is conducted by means of outcome-based assessments. The RvA proactively shares results when they see fit but the external stakeholder (the ministry) often does not pose questions. This could partly be due to the independent structure of the organisation of the EA. It operates clearly and with obvious reason at a distance from the ministry.

Even though the forum in this instance, could be described as elected representatives as the ministry clearly is part of democratic oversight, the relationship is vertical, and the source of control is considered external because the information provided to the ministry is rather about compliance with external rules as well as obedience to organisational directives. This is best exemplified by the peer evaluation communication to the ministry. The direction of control suggests a political line of accountability present. The information provided to the ministry is however, not in the fully in line with political accountability. It seems to be on administrative performance, which would indicate political accountability, but the emphasis is not on responsiveness which one would expect. The emphasis is rather on procedure. The first emphasis is what we would expect to find in political accountability the latter is more in line with legal accountability. It is more along the lines of legal and bureaucratic accountability. In any case the importance given to the role of the ministry regarding accountability as a concept as well as the procedure of account giving concerning the EA's work is considerably less than that given to the peer review.

The peer review is the most important technique deployed in the account giving structure. This is exemplified in the experiences of the respondents, the fact that it holds the harshest consequences and the fact that the reporting on the peer review is valued by the Ministry, the supervisory board, the European Commission and the RvA itself. The peer review itself, is conducted by a team of professionals from differing national accreditation bodies that assess another national accreditation body. It is somewhat difficult to interpret them in terms of relationship direction or source of control. We could view this team as peers. Which would mean that they have a horizontal relationship with the national conformity assessment. However, as the team is selected by the EA and it operates as an independent team for EA we consider them distinct from the RvA. We would argue that we could perceive this peer review team as diagonal. The source of control, one could view as internal if you were to follow the argument that team members of the peer review team are part of the same infrastructure as RvA is. Again, the auspices of EA as an organisation is key here. By setting up a system wherein a team of delegates is assembled in such a way to enable independence, would indicate a more external source of control. The peer review structure is set up in such a manner that independence of the audit is guaranteed, which means that the control is external. As the peer review team is established as an independent entity, even though this is done by the EA, it should be seen as diagonal. The peer review team is independent, not a part of RvA nor a part of EA as an established institution. It audits a single national accreditation body and assesses its quality autonomously. The peer review structure thus operates as an auditor outside of the organisation, which is a clear sign of legal accountability. The formal nature of the process and procedure of the peer review would also affirm this view. The team of delegates of differing national accreditation bodies is assembled to review the management system of the national accreditation body under review. Based on procedure, compliance with rules and standards is assessed. The sanctioning of non-compliance ensures that involvement of national government officials is expected in case an evaluation has a negative outcome. In relation to the peer evaluation structure, we can speak of legal accountability. Given the provisions made to the procedure of the peer review based on its formal character, the composition of the team and the involvement of EA in overseeing the process we argue that it falls in the category of legal accountability.

The implications of non-compliance for this organisation will automatically affect a broad range of actors. Every organisation in need of conformity testing for instance regarding food safety, laboratories and so on, will be negatively affected in case the accreditation body does not perform adequately. The fact that the work of RvA and EA is so connected with the internal market demonstrates the political salience. Fortunately for the RvA, they could inform their stakeholders in the annual report of 2018 that they successfully passed the audit of the EA (RvA, 2019). The peer review structure that assessed the national accreditation body is a form of legal accountability. This is what we would expect based on the potential policy shift that is expected in harmonisation networks. In addition, because the high level of formalisation, EA being an example of a network administrative governed network the compliance to rules is not a surprise.

Regarding the expectation to find legal accountability we have placed our outcomes in the table below, which summarizes our discussion on our assessment.

Table 8.1: EA and legal accountability

		Legal Accountability
Definition	Diagonal relationship between an actor answering to a forum in which the source of control is external and the degree of control over actions is high.	
	According to framework	EA
Forum	Courts, auditors from outside the organisation	Several are in place, as the peer review system is considered the pre-eminent form of accountability our focus is on this forum. The forum is made up in this case of auditors of differing national accreditation bodies, coordinated by EA.
Relationship	Diagonal	We can consider it diagonal, however those partaking in the peer review process can also be assessed as peers. Given the structure of the peer review procedure we would argue a diagonal relationship rather than the existence of a horizontal one.
Source of control	External	External, in the peer review case although we have found instances of internal control for instance in the international coordination component which was set up in the RvA.
Information on what conduct?	Compliance with external rules/ mandates	The procedure of accountability is set up in such a way that compliance with standards and norms is key in each of the accountability lines we distinguished. In the account giving structure of the network EA and in the account giving structure of the participant back to the national organisation. However, this could simply be part and parcel of the policy it serves.
Emphasis	Procedure	This is clear in each of the accountability lines. The referral to rules, and the obedience to them is key to both the work of accreditation as well as the accountability assessment.
Techniques of review	Auditing Contracts Courts Monitoring Registries Licensure	Auditing as well as monitoring is clear in each of the accountability lines.
Discussion on what	Acting in full compliance with legally established rules and procedures	As this is also the goal and objective of national accreditation bodies it is no surprise, we have found this to be the case.
Control over actions	High	The potential consequences of the prevalent peer review accountability line are such that immediate high-level involvement is expected when there is a negative review. The monitoring/auditing of the national accreditation body is done so regularly which could be viewed as a high level of control over actions. This, however, is not felt as such by our respondents. Then again, this is perhaps built in the system and infrastructure of accreditation.
Sanctions	Revision of the administrative act -sanction or recognition of the official involved Compensation for the citizen	The sanction of expulsion is deemed the most extreme of all sanctions, which is a possible consequence of the peer review accountability line.

8.7 Reflection and considerations

In our description of accountability stemming from EA back to the national accreditation body we were able to interview respondents. However, due to the nature of the policy context and the sensitivity of the topics discussed we were able to interview four delegates to the network EA. Because we were able to interview respondents that have positions that allow them in-depth knowledge of the different levels of the RvA this allowed us to assess accountability.

The case under review is a harmonisation network, moreover the type of governance structure: network administrative governance is evident in this case. The fact that we reviewed the Dutch national accreditation body and its national accountability relationships we would argue is generalizable as accreditation is based on mutual recognition with procedures determined at the international level. Even though the national context, especially regarding governance structure might differ we do find the importance of the peer review reflected beyond this specific national case. We understand that line of accountability to be predominant not only based on the comments of our Dutch respondents but also in the way the review is performed and how the results are disseminated and used in the feedback loop to EA. By that we mean that the outcome of a peer review could have a major effect on a national accreditation body, as well as that its best practices feed into policies of EA.

What was apparent in this empirical case study is that not just the governance structure of the organisation (i.e. the RvA) structures accountability lines, but the sensitive nature and possible gravity of implications of the policy, forms the lines of accountability. Depending on the type of network and the nature of the policy field, TGNs perhaps not only vary in terms of type of accountability but also which phase of accountability is most important. The reliance on the audit results combined with the national implications in case of suspension of the MLA, are such that further exploration is necessary to attest if policy context influences the level of scrutiny. Accreditation as a policy but also an infrastructure is so unique that it would possibly automatically lead to legal accountability, especially, given the fact that accreditation by nature is focused on assessing procedures and the embedding of standards. Assessment is the core business of accreditation bodies. It could therefore be considered no surprise to find the distinguishing features of legal accountability in this network.

In addition, the role of the European policy structure and the acts by the European Commission were left out of this description as we have focused on accountability from EA to RvA. Nevertheless, the involvement of the RvA in the creation of EA to start with, and the interconnectedness with the policy area of the single market might be an explanation for the dominance of legal accountability over the other types. In essence a European mandate is the *raison d'être* of the EA, therefore it would only be natural that information on the conduct would focus on the overarching mandate. The harmonisation of policies based on a single harmonised strategic idea of the single market commands this dominance.

The sensitive nature of the work of EA, is something to consider, as respondents mentioned this again and again. In addition, this was noticeable to the researcher when most documents of the organisation were not available for consultation. EA offers a venue for open discussions, especially so in the MLA Council. Confidentiality offers a way to discuss the difficult cases and find a way to deal with these. This is needed both to ensure society is not disrupted due to a failure of recognition, and the quality of products and services is not undermined. The work of EA is thus extremely important to our economic and political system, making accountability paramount. Further research into TGNs should seek whether there are network administrative governed harmonisation networks which operate in different policy fields, without a need for confidentiality, or those who carry a lesser political and economic impact. If these TGNs can be disseminated, it will be interesting to see if the expectation still holds. But perhaps, a network administrative governed harmonisation network will only exist in similar policy fields.

