

General conditions to participate to interlaboratory intercomparisons 01/2018

1 Scope

CompaLab, 16 rue Victor Hugo, F-93110 Rosny-sous-Bois, SASU registered 799855721 RCS BOBIGNY, organises interlaboratory comparisons to evaluate the capacity of the participants to perform identified tests, in accordance ISO 13528 and ISO/IEC 17043 standards. Any laboratory holding equipment and human resources that are necessary to perform these tests may participate, whatever its legal status.

*Note: The participant is responsible to evaluate whether it has got the necessary equipment to perform the tests, particularly with respect to the capacity of its testing machines. **CompaLab** provides to the potential participants the necessary information in this respect and may individually answer to any related complementary question.*

The service is an evaluation as described in the upper referenced standards. It may not be compared with an accreditation of the laboratory granted by an accreditation body in accordance with the ISO/IEC 17025 standard. It does not include any help, in any type, to the improvement of the quality of the services of the participant.

The test services covered by the evaluations are based on internationally recognised methods, in most cases described in ISO standards. Participants may use alternative methods, provided that they inform **CompaLab**.

Evaluation results are provided to the participants with reports that protect the confidentiality of individual results. If an alert signal is detected, the related participant remains the only responsible to decide whether a corrective action must or not be implemented.

Note: Information concerning decisions to take in case of alert signals is contained in ISO 13528 and ISO/IEC 17043 standards.

Note: Information concerning the use of results of proficiency tests is contained in the ISO/IEC 17043 standard.

2 Committed parties

A participation may involve one or more laboratories. On the other hand, the participant may delegate certain tasks to a provider of his choice, so that several parties may be involved in the participation:

1. A person in charge of participation, registering and contacting **CompaLab** for all questions related to participation;
2. At the request of the person in charge of participation, a service provider who is responsible for carrying out part of the tasks related to participation on his behalf, e. g. placing an order, processing invoices, forwarding samples. Depending on the case, this service provider may constitute **CompaLab**'s customer, with the rights and duties corresponding to this situation;
3. One or more participating laboratories, identified by the person in charge of participation.

The participation manager identifies all stakeholders at the time of registration. All of these parties are jointly and severally liable to **CompaLab** under Article 5 of this document. It is the responsibility of the person responsible for participation to ensure that all these parties comply with the present conditions of participation.

On the other hand, in terms of protecting confidentiality, all entities involved in the same participation are deemed to be a single participant. The protection of confidentiality (see Article 4) between these entities is therefore not guaranteed by **CompaLab**.

3 Definitions

The definitions of the ISO 13528, ISO/IEC 17043 standards and the definitions of the reference standards for test methods apply

4 Commitment of CompaLab

CompaLab commits:

- ✚ To comply with the requirements of the ISO 13528 and ISO/IEC 17043 standards for the organisation of the interlaboratory comparisons. This includes in particular the providing of all the information necessary for registration and participation to the evaluations;
- ✚ To set up an adequate planning for the evaluation, in order for the participants to be able to get the best information from their participation to the evaluations;
- ✚ To keep all the independence and impartiality necessary for the execution of its missions, in particular with respect to the laboratories which may perform the evaluated tests, the customers of these laboratories and the authorities of regulation;
- ✚ To protect the personal data and regard as confidential all the information belonging to the participants that it may obtain during the organisation of the comparisons. In particular, the individual results are communicated only the participants individually;
- ✚ To maintain its competence in the fields in which it is operating.

*Note: Some respects of the proficiency test program may be subcontracted. In this case, competent subcontractors are mandated, **CompaLab** is responsible for this task and for the fulfilling of commitments of the present document affected by sub-contracting. The list of subcontracted operations is mentioned in the final report.*

5 Commitment of the participants

The participation to an interlaboratory comparison implies the following commitment:

- ✚ Follow the detailed instructions given in the appropriate **CompaLab** documents;
- ✚ Inform **CompaLab** of the cases in which it uses test methods that are alternative to reference methods required in the instruction documents for participants;
- ✚ Not to falsify the results that it has got and refrain from any collusion with the other participants;
- ✚ Manage the samples provided for the interlaboratory comparisons in accordance with its usual procedures;
- ✚ Fulfil the forecast planning;

Note: The taking into account of the results of a participant is guaranteed only if it fulfils the forecast planning or if it provides the request information correctly and in due time.

- ✚ Respect the intellectual property concerning information and methods belonging to **CompaLab** (see article **Erreur ! Source du renvoi introuvable.**) and not to communicate to third parties any **CompaLab** document which access is protected;
- ✚ Abstain to any declaration or use of the evaluation results produced by **CompaLab** in a way that might mislead or harm the reputation of **CompaLab**;

- ✚ Do not use in any way whatsoever any recognition, approvals, accreditations or certifications attributed to **CompaLab**, which may appear on the CIL reports given to participants and comply with the corresponding rules published by the standardisation, certification or accreditation bodies.

*Note: This use concerns in particular the reference of any recognition, approval, accreditation or certification and any corresponding mention or distinctive sign (in particular logo), including when these mentions or distinctive signs appear on a **CompaLab** report concerning the participant.*

6 Validation of the participation effectiveness of the general conditions

The applicable general conditions of participation are those published at the moment of inscription of the participant and referred the presentation document of the interlaboratory comparison to which they apply.

The participation of the laboratory is deemed to be effective and the commitment of **CompaLab** applies only if the participant fulfilled the totality of the conditions for registration and in particular if it has paid its participation to the comparison. This confirmation is materialised for each program by a written confirmation (e-mail) from **CompaLab**.

7 Modification or cancellation of the participation

No modification or cancellation of the participation by the participant is possible after the closure of the registrations. **CompaLab** does not give any money back after this date, even if the laboratory does not participate to the comparison, whatever the reason.

CompaLab may cancel the participation of a participant if it ceases to fulfil the conditions related to its participation (see article 5). An e-mail then notifies this cancellation and specifies the deficiencies observed.

A program may be cancelled by **CompaLab**:

- ✚ In case of force majeure;
- ✚ In order to assure the reliability of the evaluation results, if a too low number of participants are registered at the date of closure of the registrations. In this case, the registered laboratories get then their fees back.

8 Price of the participation

The financial conditions to participate to the comparisons are stated for each comparison. They are freely available from **CompaLab**. The participation in a same registration of several laboratories or of a same laboratory to several comparisons induces a price reduction according to conditions described in the same documents.

On request, **CompaLab** prepares a quotation indicating the price of the participation and shipping of the samples. This quotation is valid for 7 days.

Prices are provided free of taxes. Participants from the European Union must provide their VAT identification number to get the exemption of VAT. Taxes linked to the tax regulations of the country of the customer shall be paid by the participant.

Payments shall be made in Euros. Any bank charges linked to currency conversion or money transfer shall be paid by the participant.

9 Intellectual property and property of the evaluation results

The totality of the information and methods described in the **CompaLab** documents are the intellectual property of this body. They may not then be copied or used for any other scope than the participation to the interlaboratory comparisons that **CompaLab** organises.

The individual results (values and scores obtained) are the property of the participant.

Global results of the evaluation (assigned values, conclusions concerning results, concerning evaluations, identity of laboratories for which an alert signal was given) are the property of **CompaLab**. In accordance with its commitment of article 4, **CompaLab** may use these results for any action that could seem appropriate to it.

*Note: The use of evaluation results generally has an explanatory or scientific purpose. **CompaLab** may make available on its website a public version of the reports, which protects the confidentiality of the participants' identity. This public version can then be used without any confidentiality restrictions.*

10 Transmission of information between CompaLab and the participants

The exchanges of information are performed by e-mails. The authenticity of the messages is regarded as assured by the e-mail address of the sender.

The reports of inter laboratory comparisons are made available to participants in the "pdf" electronic format, regarded by both parties as enough protected. The availability may be made:

- ✚ Either by e-mail;
- ✚ Or by availability in a **CompaLab** extranet. Access is then reserved to the participant by a password.

Reports are made available only to:

- ✚ Persons whose e-mail address was provided at the moment of registration;
- ✚ Persons whose e-mail address is provided before the issue of the report by the person initially responsible for the registration.

11 Languages

The reference languages for the organisation of the comparisons are the French and the English languages. Some documents may also be provided for information in German or in Spanish. In case of dispute, the French version makes reference.

Note: Particular conditions may be decided for comparisons with limited geographical range. This is then mentioned in the presentation document of the comparison.

12 Liability

The liability of **CompaLab** in case of failure of delivery of samples, whatever the reason, is limited to the amount of participation to the comparison. This liability does not apply if the participant provided a wrong or incomplete address of delivery.

The evaluation of the tests is valid only for the product, the dimension and the concerned test method. No participation to a comparison may make **CompaLab** liable for the test results provided by the laboratory before or after the participation to the evaluation.

The online payments are secured by the means provided by the bodies specialised in this area. The liability of **CompaLab** may not be engaged for fraudulent use of data from a third party.

13 Appeals

The participants may appeal with regard to the assessment of their performance. This appeal may be taken into consideration only if:

- ✚ The participant sends a written request to **CompaLab** ;
- ✚ The request questions of the reliability of the assessment of its results and provides factual information to support it;
- ✚ The appeal is sent within 30 days of the issue of the report providing the results of the interlaboratory comparison.

If the appeal is accepted, **CompaLab** provides a positive answer to the participant and issues a corrected report.

If the appeal is rejected, **CompaLab** provides a negative answer to the participant. This answer details the reasons for which the appeal is rejected.

14 Disputes

The present general conditions are established according to the French law.

Any dispute between the parties will be submitted to the Tribunal de Grande Instance of Paris.