

APPROVED Minutes of the 38th Meeting of the EA Advisory Board

held on 12 October 2017

at the EFTA Secretariat, 12-16 Rue Joseph II, B-1000 Brussels

Participants:

EAAB Chair: Michael Nitsche (NA, Germany)

EAAB Vice-Chairs: Martin Stadler (BUSINESSEUROPE), Christian Priller (CEOC International).

CAB College: Bruce McGill (IFIA), Thomas Wayne (IFIA).

Industry College: Andrew Evans (CAPIEL), Lars Bo Hammer (ORGALIME), Jörg Ed. Hartge (ORGALIME).

NA College: Maureen Maria Logghe (NA, Belgium), Devran Ayik (NA, Turkey).

ESOs: Dhapi Spiro (CEN-CENELEC)

NMIs: Maria Luisa Rastello (EURAMET)

EC: Zacharias Bilalis (EC)

EFTA: Margrethe ASSERSON (EFTA)

EA: Thomas Facklam (EA Chair), Andreas Steinhorst (EA Executive Secretary),
Frédérique Laudinet (EAAB Secretariat).

Apologies received from: Irashe Visiers (EUROLAB)
Manuela Held (IIOC)
Ola Brohman (NA, Sweden)
Stephen Russell (ANEC)
Pambos Kammas (CEN-CENELEC) replaced by Dhapi Spiro for this meeting
Janko Drnovšek, retired from EURAMET, replaced by Maria Luisa Rastello from this meeting onwards
Anneke Van Spronsen (WELMEC)

1. Opening of the meeting

The Chair opened the meeting, thanking EFTA for hosting it and welcoming the delegates.

The Chair recalled that the meeting planned on 28 April 2017 had been skipped further to the online EAAB Preparatory Meeting held on 14 February 2017, when it had turned out that there were no major topics that would require discussion within the Board at that time, but only a few items for information to be covered either by email or at this meeting in October 2017. The Chair confirmed that those issues that had required the EAAB's support and endorsement, relating notably to applications for EA Recognised Stakeholder status and new EA projects and work items, had been electronically circulated among EAAB Members who had approved them.

Then the Chair invited EAAB Members to a roll call and voiced the apologies received. He especially welcomed Maria Luisa Rastello who would replace Janko Drnovšek, retired from EURAMET, from now onwards.

Finally the Chair pre-informed that, according to the EAAB *Terms of Reference*, the next renewal of the EAAB membership should take place in 2018. A call for nominations will be launched further to the meeting in Spring 2018 in order for the new 3-year term to start as of the meeting in Autumn 2018.

Post-meeting note

Because Pierre de Ruvo has left ETICS, Christian Priller informed the EAAB Secretary that Giancarlo Zappa, the new ETICS Secretary General, is the ETICS representative within the Board from now onwards.

2. Approval of agenda; Approval of Minutes of 37th Meeting of the EA Advisory Board; Action list (actions not covered elsewhere)

▪ **Approval of agenda**

The agenda was approved by the Board with, further to M. Stadler's suggestion, the addition of a point for information dedicated to the "reengineering of the EA peer-evaluation system" under Item 6.1 – Information to the EAAB.

The Chair also informed that, upon Z. Bilalis' request due to the fact that he should leave the meeting at lunch time, Item 7 – Update on proposed revision of Regulations (EC) 765/2008 and 764/2008 would be tackled after Item 3.1.

▪ **Approval of last minutes**

There was no late, oral comment on the draft minutes of the last meeting, on which no written comments had been previously received by email and which were considered electronically approved as distributed for the meeting.

Conclusion

The minutes of 37th meeting were approved as distributed and should be published on the EAAB intranet and internet pages.

Action Secretariat

▪ **Action List**

Christian Priller informed that, because P. de Ruvo had left ETICS in June 2017, the action with which he had been entrusted concerning the issue relating to the need for consistency and harmonisation among NABs, to be progressed and improved by feeding the next outcome of a current survey led by ETICS into the discussions of the Board, had to be closed.

There was no other comment.

Decision

Due to Pierre de Ruvo's leaving from ETICS and the subsequent impossibility of completing the action he was involved in, and because it is an on-going issue, the Board agreed to close the pending discussions on the need for consistency and harmonisation among NABs, which should have been supported by a paper drafted by the CAB College based on the outcome of a survey made by ETICS.

3. Key topics for discussion

3.1 EA's current and mid-term priority activities

The Chair gave the floor to EA. T. Facklam reminded the whole membership that the EAAB had requested EA to present its activities to get a better picture of what EA is actually doing. He confirmed that it was certainly most useful to update the EAAB on EA's activities.

A. Steinhorst clarified that EA's main activities were obviously well known by the Board. So he had been applying himself to make a summary of them. He projected a presentation which he explained.

The Chair called for comments at the end of the presentation.

M. Stadler asked what an EA mark meant and what the intention was. Will it be an EA MLA mark? Will it be mandatory? A. Steinhorst clarified that, whereas the current EA logo can only be used by EA Members for now, this new EA MLA-mark is deemed to be used by accredited CABs with a number, specific acronyms for sectors, etc. The detailed provisions are still to be defined by the HHC and the Secretariat, including the issue of protection and intellectual propriety of the mark.

M. Stadler further asked how to reflect the MLA signatory status on the mark. For him, there is no clear added value of such a regional EA MLA-mark compared to the current national and international marks. He recalled that the issue had already been discussed in the past. For M. Stadler, the relevance of an EA mark and the reasons justifying it should be discussed with the national authorities and the EC. He asked the EC representative to put the issue on the agenda of the forthcoming IMP meeting.

Z. Bilalis replied that EA could go on with an EA MLA-mark provided that there was a need. But there could be a risk of creating confusion on the market with the CE mark, and this should be avoided.

C. Priller confirmed that the EAAB had already had long discussions on the mark, during which the Board had agreed upon the lack of need for any EA mark. There is absolutely no need on the market since CABs, if accredited, can already have their activities covered by the EA MLA. He asked whether it was really useful to have "ghost discussions" on the same issue again and again.

A. Steinhorst replied that, actually, the decision to have an EA mark had already been made by EA; only the modalities on its implementation should be still discussed.

M. Logghe pointed out that, in the *EA Strategy 2025*, the concept itself of an EA mark seemed to be still considered. Actually there is no request from the authorities for having an EA mark. She also wondered about any added value of such a mark.

A. Steinhorst further clarified that the EA mark aimed to support EA Members in regulated areas. It remains up to CABs to use it or not. Furthermore, EA MLA signatories not being an ILAC/IAF arrangement signatory are not able to use an international MLA mark. All full details of how to implement the EA mark will be discussed.

T. Facklam confirmed that the *EA Strategy 2025* had been approved by the EA General Assembly and work on an EA MLA-mark had been accepted. EA has now to concentrate on implementation details, which will be naturally feed-backed to the Board.

The Chair thanked A. Steinhorst for his comprehensive presentation which gave a good picture of the whole range of EA activities.

M. Stadler and C. Priller were also satisfied with the EA Work Programme 2018 as distributed among the meeting papers. This detailed description of major activities carried out by every EA committee proves very useful for the Colleges to get a clear and concrete overview of EA work. They kindly asked EA to put forward the next annual work programmes to the Board.

A. Steinhorst pointed out that such EA annual work programmes were specifically prepared for the EC, which actually has the ownership of them.

The Board:

- thanked Andreas Steinhorst for his comprehensive presentation of EA main activities, i.e. peer-evaluation and cooperation activities, which gave a clear and useful background overview of EA, and asked to have the presentation published among the meeting papers;
Action A. Steinhorst/Secretariat (done)
- appreciated the elaboration of such a detailed EA Work Programme identifying all major activities of every EA committee, which proved very useful for the Colleges to report on EA work to their own constituencies, and asked EA to provide a summary of its activities very year to the EAAB;
- expressed strong concerns over EA's decision to introduce an EA mark, questioning the need and added value of having a regional European mark in addition to existing national and international marks, and fearing that the EA mark would bring more strain and confusion on the market than it would support international trade;
- asked therefore EA to rethink the introduction of an EA MLA-mark and inform the EAAB of the outcome of this reconsideration;
Action EA
- took note that the Industry College invites the European Commission (EC) to discuss this issue at the next Internal Market of Products (IMP) expert group meeting in November 2017.
Action EC

4. EAAB matters

▪ Meeting-related costs incurred by the EAAB HHC and MAC observers

Before considering the reports distributed by the EAAB HHC and MAC observers, M. Stadler came back to EA's decision to compensate the meeting-related fees incurred by the EAAB observer for MAC meetings, which he appreciated very much. However this means that the meeting fees for the HHC still need be covered by the EAAB observer, which makes it very difficult for EAAB members to accept this role. Indeed attending EA meetings is part of EA's formal process for stakeholders' involvement in EA work and stakeholders' contribution is also destined for EA's interest. The EAAB observers' attendance of EA MAC and HHC meetings is part of the responsibility of the Board as a whole; this is not only a matter concerning two single persons who have, actually, to participate in these meetings on behalf of the entire Board and to already pay for travel and accommodation costs.

T. Facklam recognized that financing issues were often difficult and the discussion might be still open within EA. M. Stadler acknowledged receipt of this encouraging reply.

4.1 Reports from the EAAB HHC and MAC observers

The Chair left the floor to the EAAB observers, whose reports gave rise to some comments by the the Board.

- **HHC meeting on 19-20 September 2017**

A. Evans, the EAAB HHC observer, went through his report (EAAB(17)10) as published among the meeting papers, highlighting the following issues:

- Notified Bodies cannot provide consultancy

The HHC has developed a paper for a common understanding at the EA level of the note CERTIF 2015-02 rev 03 for assessing requirements of Article R17(4) of Decision (EC) No. 768/2008 concerning consultancy and impartiality of notified bodies. The following wording should be submitted to the next EA General Assembly for adoption:

*“Given that Article R17(4) 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 manufacturers of the products it assesses.***

Otherwise, the independence provisions of Article R17(4) would be undermined as providing or having provided consultancy ~~to its own clients~~ on products or type of products the notified body is assessing would result in a conflict of interest for the notified body”.

Both the CAB and Industry Colleges strongly disagreed with such wording that confuses consultancy with technical assistance. C. Priller said that the issue had already been discussed and there was no need for new discussions. A difference has always been made between consultancy and technical assistance. Technical assistance is explaining why something has failed, which is certainly not consultancy.

- New HHC TFG to implement the EA core values to reach “one voice” concept

C. Priller asked for clarification about the aims of this new TFG.

As for M. Stadler, he wondered about its 4-person membership, which seemed to be very little for discussing so important political issues such as general policy on harmonised standards used for accreditation.

A. Steinhorst explained that this TFG was based on the “one-voice” concept as defined in the *EA Strategy 2025*. It is mandated to develop a general policy on when and how to apply this concept to harmonise standards used for accreditation. He referred to the example of the AfN (Accreditation for Notification) project which aimed to define and select harmonized standards. The TFG approach will consist in focussing on critical areas where it is recognised it is important to have one standard. A mechanism will be developed to be able to identify areas where there is a need for harmonisation. The mechanism will address the point of the decision-making process to be used both to review existing areas and future areas where harmonisation will be required.

- EA-1/22: *EA Procedure and Criteria for the Evaluation of Conformity Assessment Schemes by EA Accreditation Body Members*

Referring to the lists of schemes successfully or currently evaluated by EA attached to the HHC observer’s report, M. Stadler asked why the PSA (Private Security Authority) schemes could not be reviewed by EA, which considered that these schemes fell out of the application scope of EA-1/22.

T. Facklam explained that PSA was a public authority in Ireland and PSA schemes were regulatory schemes, whereas EA-1/22 concerned only private schemes. Indeed regulatory schemes do not need to be recognized anymore. Therefore only private schemes can be identified on the lists of EA-evaluated schemes.

When A. Evans asked why there is no list of regulated schemes, A. Steinhorst explained that EA did not have to recognize regulated schemes. T. Facklam however reported that EA did have some format for regulated schemes.

M. Stadler and A. Evans asked EA to produce a compilation of *all* schemes supported by EA, including the regulated ones.

▪ **MAC meeting on 4-5 October 2017**

M. M. Logghe, the EAAB MAC observer, went through her report (EAAB(17)09) as published among the meeting papers, highlighting the following issues:

- CERTIF documents

The meaning and especially the purpose and status of CERTIF documents, which aim to provide informal guidance on questions raised by national authorities and accreditation bodies throughout the Union, should be discussed between EA, the EC and the IMP expert group. The reason is that some ABs are not aware of these documents.

- Task of the EAAB MAC observer

M. M. Logghe reported that she had felt shocked and very uncomfortable when she had had difficulty to ask some questions during the MAC meeting. She asked the Board whether observers could ask questions or not.

Somewhat surprised, M. Stadler asserted that observers could and should ask questions. He had been observer in the past and had never had any difficulty to ask questions. He confirmed that asking questions for a better understanding of the proceedings observed was an implicit part of the EAAB observer's role. He suggested preparing a discussion paper about the task, duties and rights of the EAAB HHC and MAC observers. This discussion paper shall be forwarded to EA.

- Links between ILAC/IAF mandatory documents and EA obligations

The EA Chair was invited to clarify EA's obligations relating to ILAC/IAF mandatory documents at the next IMP meeting.

Decision

The Board:

- thanked Andrew Evans and Maureen Maria Logghe for their comprehensive written reports on, respectively, the last EA HHC and MAC meetings held on 19-20 September and 4-5 October 2017, and took note of the various issues addressed in them;
- took note of the CAB and Industry Colleges' strong concerns about the wording of the HHC resolution to be submitted to the EA General Assembly in November 2017 relating to consultancy provided by notified bodies, as follows:

*“Given that Article R17(4) 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 manufacturers of the products it assesses.***

*Otherwise, the independence provisions of Article R17(4) would be undermined as providing or having provided consultancy **to its own clients** on products or type of products the notified body is assessing would result in a conflict of interest for the notified body”.*

- asked EA to produce, as far as possible, a full compilation of all those schemes being either positively evaluated by EA Members (private schemes applied in Europe) or supported by EA through close cooperation (regulated schemes);
Action EA
- took note that Maureen Maria Logghe felt very uncomfortable when she could not ask some questions at the last MAC meeting, and confirmed that asking questions for a better understanding of the proceedings observed was implicit part of the EAAB observer's role;
- decided to prepare a proposal for a policy in order to clarify the task, duties and rights of the EAAB HHC and MAC observers and to provide this proposal to EA for further consideration;
Action EAAB for next agenda/meeting
- invited EA to clarify the connection between the ILAC/IAF mandatory documents and the related obligations for EA at the next IMP meeting in November 2017.
Action EA Chair

4.2 EAAB positions regarding the implementation of new ISO/IEC 17011 and new ISO/IEC 17025

As breaking news, C. Priller reported that ISO/IEC 17011:2017 had just been approved by ISO and IEC; publication is expected in November 2017.

The Chair went through the specific paper drafted for the meeting (EAAB(17)06), highlighting the following:

- ISO/IEC 17011:2017

Regarding new ISO/IEC 17011, which enables accreditation bodies to offer modern accreditation processes using modern instruments like remote assessments and online tools, stakeholders expect a balanced and harmonized implementation of the standard, comprehensively supported by the peer-evaluation process.

EA should use its strong position within IAF and ILAC to ensure a harmonized implementation of the standard worldwide, especially to strengthen the economy and to maintain competitiveness in the European Economic Area.

- ISO/IEC 17025:2017

Addressing risks and opportunities in the laboratory seems to be one of the most discussed issues, although it is not new. What is new are the kind and amount of demonstration how the laboratory copes with risks and opportunities. Stakeholders expect a sensitive approach of accreditation bodies regarding this matter.

C. Priller confirmed that laboratories were expected to re-discuss the issue with flexibility.

Regarding metrological traceability, stakeholders expect reconsideration of the ILAC policy regarding ISO/IEC 17025, especially ILAC P10, P14, G8, G17 and G24.

M. Stadler agreed the need for reconsideration.

M. L. Rastello confirmed that clarification in precise terms was needed.

C. Priller pointed out that ISO was not to blame; it was for the mirror committees to deal with clear changes.

Decision

The Board:

- requested EA to ask ILAC to reconsider the ILAC policy, especially ILAC P10, P14, G8, G17 and G24, in light of how new ISO/IEC 17025 addressed risks and opportunities and the actual needs for accreditation purposes;
- in more general terms, drew once again accreditors' attention on how standards and requirements were applied.

4.3 Possible future merger of ILAC & IAF: EAAB position

T. Facklam reported that one issue arising from the merger, if proved, would lie in the double structure or membership policy, which differs between ILAC and IAF. He was eager to know the EAAB position on this possible merger. Would it bring more benefits?

For C. Priller, it does not matter how many structures there are, provided that conditions are appropriate and not set under ILAC rules. He would agree on the merger into one single structure as long as it does not like ILAC. He explained how, in his view, discussions and contributions within ILAC proved useless at the end – contrary to discussions in IAF, to which stakeholders can have a real input.

M. Stadler agreed that the merger of both structures into one single was not a major issue for industry. The substantial question is how stakeholders can express their views in such a possible single structure – and how these would be taken into account. And the fact is that stakeholders' involvement is much more organised in IAF. So the merger, if any, should at least provide the current level of stakeholder involvement as in IAF.

A. Steinhorst disagreed: ILAC offers the same level of stakeholders' involvement as IAF. What is different are voting rights: stakeholders contribute to the elaboration of ILAC documents, but cannot vote in ILAC.

M. Stadler disagreed with the statements by A. Steinhorst and insisted that any merger should at least allow a level of stakeholder involvement such as in IAF; stakeholders should have a seat in the steering committees where decisions are made.

Decision

The Board took note that, for the CAB and Industry Colleges, one of the key issues to be considered in the possible merger of ILAC and IAF was how stakeholders could express their views, and how these would be *actually* taken into account. Both Colleges asked for any future merger to provide stakeholders with at least the same level of involvement as they currently had in IAF, notably to allow them to seat in steering committees and contribute to decisions.

4.4 EAAB Work Programme

The Chair called for comments on the updated EAAB WP, which gave rise to the following decision.

Decision

The Board agreed to:

- keep the topic entitled "*Consistency and harmonisation among ABs*" mentioned on Page 1 as an ongoing topic discussed within the Board;
- add a topic dedicated to "*Implementation of EA Strategy 2025*" as an open topic.

Action EAAB Secretariat

5. EA matters

5.1 Relations with stakeholders

- **UILI's application for Recognised Stakeholder status**
- **FSSC 22000's application for Recognised Stakeholder status**

The Board unanimously endorsed both applications with no comments.

- **Scheme owners' participation in the EAAB**

Afterwards A. Steinhorst talked about a meeting he had in Brussels earlier in October with food and feed scheme owners in order to strengthen EA's cooperation with not only FSSC 22000, but also BRC, FAMI-QS, GLOBALG.A.P., IFS and GMP+. He reported that these organisations wished to participate in the EAAB.

For M. Stadler, the idea is good: those scheme owners that would like to contribute to EAAB discussions should first apply, and then the Board will decide how to deal with their application. There are 3 options: either scheme owners are given individual seats if not too numerous, or they could constitute a 4th college within the Board, or they could be part of the CAB College as direct users of accreditation. Actually the Board should decide upon the maximum number of scheme owners to be accepted on the Board. M. Stadler suggested having the issue of how to cope with scheme owners' participation in the EAAB as a key topic for discussion at the next meeting.

C. Priller disagreed to have scheme owners within the CAB College because some of them belong to the industry sector. For him, it would be better that scheme owners have their own floor.

The Chair summed up that scheme owners' participation in the EAAB was quite relevant, but the Board should still define the conditions and modalities of their contribution. What kinds of scheme owners would be acceptable? Which sectors should be promoted? Should the Board accept both national and/or European schemes?

A. Steinhorst reported that an internal audit in EA had recently been dedicated to EA stakeholders and EA-1/15: *EA Policy for Relation with Stakeholders*. The audit has demonstrated that EA-1/15 provided requirements for EA Recognised Stakeholders, but no specific requirements for EAAB Members. A. Steinhorst suggested that it might be useful to consider this point.

M. Stadler agreed to reconsider the rules for EAAB Membership, while pointing out that decisions would have to be made at the very next meeting before nominations in view of the renewal of the Board would be called for further to the spring 2018 meeting.

Decision

The Board:

- endorsed the UILI's (International Union of Independent Laboratories) and FSSC 22000's applications for being granted the EA Recognised Stakeholder status, acknowledging that the final decisions would be made at the EA General Assembly meeting in November 2017;
- took note that the CAB and Industry Colleges were in favour of scheme owners' participation in the EAAB provided that their contribution was clearly defined, especially in terms of the maximum number of members, the nature, sector and level (national, European) of their activity, as well as in structural terms (either individual seats, or a 4th College, or as part of the CAB College as direct users of accreditation);
- took note that an internal audit in EA had recently put in evidence that EA-1/15: *EA Policy for Relation with Stakeholders* provided no specific requirements for EAAB Members;

- agreed therefore to reconsider the rules for EAAB Membership, especially to define how to deal with scheme owners' contribution to the EAAB, as a key topic for discussion at the next meeting of the Board, stressing that decisions would have to be made at this very next meeting before a call for nominations in view of the renewal of the Board in autumn 2018 is launched further to the spring 2018 meeting.

Action EAAB for next agenda/meeting

5.2 New EA projects and work items (NWIs)

▪ Revision of *EA Articles of Association (AoA)*

A. Steinhorst explained that the Executive Committee had identified the need for a revision of the *Articles of Association* because there might be ABs not fulfilling the existing membership criteria, although EA itself had a specific interest to have such an AB as member (see Brexit and impact for UKAS). That might be valid for European ABs and other unaffiliated ABs with special relations to Europe. According to the current membership criteria, a European NAB legally appointed by its government cannot be a member of EA if the country cannot meet the criteria, even if EA has expressed its special interest on the membership of a European NAB. Therefore, the AoA shall be revised in order to allow that a European NAB can be a member of EA. If this NAB is excluded from EA, it is more likely that it will turn towards its regional cooperation, or directly towards ILAC/IAF. In short, every NAB located in Europe should be allowed to be a member of EA. Of course, this will have a financial impact and several issues have to be considered, such as the EC/EFTA operating grant. Membership criteria will not be radically different; especially, all members shall comply with some strict membership requirements arising from Regulation (EC) 765/2008. What is clear is that EA has to leave the door open.

A. Evans fully agreed on this geographical focus of the *Articles of Association*.

Regarding the 3rd justification given in the rationale for AoA revision, i.e. the redefinition of the Executive Committee's responsibility and composition to strengthen EA's strategic leadership and management as set out in the *EA Strategy 2025*, A. Steinhorst clarified that the Executive Committee was currently a very technical board whose management should be redefined in a more political turn. In parallel, the EA Secretariat should be entrusted with more organisational tasks.

- **Revision of EA-2/13: *EA Cross Border Accreditation Policy and Procedure for Cross Border Cooperation between EA Members***
- **Revision of EA 3/12: *EA Policy for the Accreditation of Organic Production Certification***
- **Elaboration of EA policy for accreditation of certification activities under EU Regulation 1151/2012 PDO/PGI/TSG; EU Regulations 606/2009, 607/2009 and 1308/2013 Wine Products; EU Regulation 110/2008 Spirits and EU Regulation 251/2014 Aromatised Wine Products.**

There was no comment on the other 3 new work items proposed by EA.

Decision

The Board endorsed the proposed new work items for:

- revision of *EA Articles of Association (AoA)*;
- revision of EA-2/13: *EA Cross Border Accreditation Policy and Procedure for Cross Border Cooperation between EA Members*;
- revision of EA 3/12: *EA Policy for the Accreditation of Organic Production Certification*;
- elaboration of EA policy for accreditation of certification activities under EU Regulation 1151/2012 PDO/PGI/TSG; EU Regulations 606/2009, 607/2009 and 1308/2013 Wine Products; EU Regulation 110/2008 Spirits and EU Regulation 251/2014 Aromatised Wine Products.

Post-meeting note by EAAB Secretariat:

Later on, electronically consulted by 15 November 2017, the Board endorsed an additional new work item consisting for the EA Executive Committee to revise EA-1/17 S5: Supplement 5 to EA-1/17 EA Rules of Procedure – Levying of Membership Fees.

5.3 Implementation of EA Strategy 2025 - close cooperation with stakeholders to strengthen accreditation at the European and international level

Referring to the Implementation Plan of the *EA Strategy 2025* distributed among the meeting papers, the Chair noticed that in 2018 an Executive Committee's TFG would be in charge of analysing and proposing a new stakeholder policy including relevant procedures for cooperation. This will in particular consist in "*evaluating the size and composition of the EAAB*".

The Chair pointed out that the next key topic for discussion in the spring 2018 meeting to be dedicated, as just agreed, to reconsidering the rules for EAAB Membership would strongly contribute to the discussions relating to the EAAB.

M. Stadler supported EA's intention to look at and reinforcing cooperation with the EAAB, stressing that two documents previously achieved by the Board on stakeholders' expectations towards EA and accreditation, as well as the EAAB's role, operations and interaction with EA, could also be a useful input for EA's discussions.

A. Steinhorst said that the responsible TFG should come up with recommendations to be put forward to the EAAB.

Decision

The Board:

- took note that a specific TFG (TFG 6) was in charge of "*evaluating the size and composition of the EAAB*" in 2018 as part of the implementation of the *EA Strategy 2025*, and supported EA to get a still closer cooperation with the EAAB;
- for this purpose, invited EA to consider the following 2 documents previously achieved by the Board as a useful input:
 - o *EA Stakeholders' Expectations towards Accreditation and EA*, dated April 2014
 - o *The EA Advisory Board: Management review of role, operations and interaction with EA*, updated April 2016

5.4 Update on ISO/IEC 17034 standard

C. Priller informed that a reference to ISO/IEC 17034 was published in the Official Journal of the EU (harmonized standard).

5.5 Use of accreditation in the regulatory area

- General Data Protection Regulation (GDPR)

A. Steinhorst reported that the regulation was now published. One issue is remaining about the fact that agencies could accredit, which would be in full contradiction with Regulation (EC) 765/2008; a delegated act is now expected to clarify the point.

- Proposed regulation on the approval and market surveillance of motor vehicles

A. Steinhorst reported that the regulation made better and much clearer reference to accreditation and Regulation (EC) 765/2008.

- Monitoring of NoBos in the railway sector

A. Steinhorst reported that ERA had been renamed into the European Union Agency for Railway. He also said that some inconsistencies had been noticed in Notified Bodies' assessment and therefore an assessment scheme was elaborated by ERA, whose application by EA NABs will be made mandatory through an EA resolution at the EA General Assembly.

- Medical Devices Regulation

A. Steinhorst reported that the situation had not been evolving since the regulation had been adopted without accreditation being used at all.

5.6 Possible implications of the *Brexit*

A. Steinhorst referred to the revision of the *EA Articles of Association*, previously tackled under Agenda Item 5.2, which should allow a NAB located in Europe complying with due requirements to be member of EA, and therefore, UKAS to remain an EA Member.

M. Stadler reported that the Industry College fully supported EA's intention to keep UKAS within EA. He recommended EA to treat UKAS like Switzerland, even if the situation and conditions are naturally not the same.

Decision

The Board took note that the Industry College strongly supported EA's will to keep UKAS within EA's membership.

6. Items for information

6.1 Information to the EAAB

A. Steinhorst said a few words on:

▪ **FPA 2018-2021**

The current FPA will last until mid-2018 actually. Part of the new FPA will be the EA Action Plan 2018-2021, which shall be endorsed at the next EA General Assembly in November 2017.

▪ **State of play on *Accreditation for Notification (AfN)* project**

A specific event targeted at stakeholders should have been planned together with the EC, but was finally cancelled. This should be re-discussed with the EC. But a specific item dedicated to the AfN project results will be on the agenda of the forthcoming IMP meeting in November 2017.

▪ **Update on implementation of EA's conformity assessment scheme policy**

No more update was made since the issue had just been covered in the EAAB HHC Observer's report.

- **ILAC/IAF evaluation of EA for scope extension to PTP and GHG**

EA has been successfully peer-evaluated by ILAC and IAF for the scope extensions PTP and GHG. Unfortunately the process is slower than expected and no signature can be made in Vancouver at ILAC/IAF meetings.

- **IHAF (International HALAL Accreditation Forum)**

Not all EA members will accredit for Halal certification.
IHAF will hold a workshop before the Vancouver IAF/ILAC meetings.

Devran Ayik stressed the importance of HALAL accreditation for Islamic countries and how it was important for it to be based on common standards accepted by all Muslims. She mentioned that Turkey fully supported the process on the establishment of common system for Halal standards, certification and accreditation under the Standards and Metrology Institute for Islamic Countries (SMIIC). She explained that IHAF was not the sole organisation in this field and lacks necessary legitimacy to speak on behalf of all Muslims. She recommended EA to consider SMIIC, which had already made a significant progress, as the main initiative to create a global Halal accreditation scheme and stressed the importance of EA's neutrality to the Halal accreditation issue.

T. Facklam confirmed that there was a large variety of HALAL schemes, all of which did not belong to IHAF, and EA had to be neutral and objective.

- **Reengineering of the EA peer-evaluation system**

Further to M. Stadler's request (see Agenda Item 2), A. Steinhorst detailed how it was challenging for EA to improve the process so as to reengineer the system.

Many issues are to be considered and solved, such as:

- witnessing;
- remoteness of evaluations (which electronic means should be used, etc.);
- implementation of schemes;
- competence of evaluators;
- competence of decision-makers in the MAC (TFGs);
- support provided by the EA Secretariat;
- peer-evaluation reporting (which format, how many pages, etc.);
- peer-evaluation resources (mandatory man-days by NABs). It was highlighted that the resources issue was satisfactorily progressing.

The Chair and M. Stadler thanked EA, recognizing that the peer-evaluation system was a real challenge for EA in the near future.

Decision

The Board thanked EA for the oral reports provided under this item, including the additional update on the peer-evaluation reengineering project.

6.2 CETA - Implementation of the Bilateral Cooperation Agreement with Canada/SCC - Progress report

A. Steinhorst reported that the pilot exercise consisting of pilot assessments proved very successful. Web meetings are organized every two weeks with Standards Council of Canada (SCC). The real first assessment will take place in December 2017 - January 2018. A call for interest will soon be launched among NABs which should evaluate how many European CABs or any of their clients could be interested in recognition on the Canadian market. A specific promotion event could also be planned.

Bruce McGill and M. Stadler confirmed the interest of CABs and the Industry, respectively, in mutual Canadian-European recognition of conformity assessment. Both of them thanked EA for having stirred up and brought CETA cooperation to a fruitful conclusion.

A. Steinhorst pointed out that only EU and Canadian countries were covered by this cooperation. EFTA or EU neighborhood countries and US laboratories are not concerned. SCC will have access to Notified Bodies database (NANDO), but details will be discussed between the EC and the Canadian authorities.

Decision

The Board took note that the Industry College and IFIA confirmed a real interest for CABs and the market in recognition of European conformity assessment by the Standards Council of Canada (SCC), and thanked EA for its active cooperation in having CETA progress.

6.3 Report on complaints and appeals

The Chair asked for comments on the report as revised in August 2017 and distributed among the meeting papers.

M. Stadler asked for clarification about complaint DAKkS (2). A. Steinhorst added that it had just been closed by the EA MAC the week before and the final decision would be taken by the EA EX in November 2017.

Devran Ayik wondered why TURKAK was mentioned among the “expressions of dissatisfaction” since TURKAK was not concerned. A. Steinhorst confirmed that accreditation had been delivered by IAS (a US accreditation body) and that the case was not relevant for EA.

6.4 IAF/ILAC Annual Meetings in Vancouver on 21-31 October 2017

T. Facklam highlighted that ILAC Articles had been commented by EA, whose position was that there should be only one vote per country/economy in ILAC. The issue is to be followed up in Vancouver.

6.5 Draft Agenda of the 40th EA General Assembly on 22-23 November 2017 in Berlin, Germany

Because the agenda was not available yet, A. Steinhorst made a short oral recap, indicating that there was nothing new or special to be highlighted in addition to the agenda items already covered at this meeting. He only emphasized that AZAK, the Azerbaijan Accreditation Centre, was going to become a new Associate Member of EA. He added that the implementation of the *EA Strategy 2025* was going to start by putting EA's core values and the one-voice concept into more effective practice and visibility.

Decision

The Board thanked EA for the oral and written reports provided under these 4 last items

7. Update on proposed revision of Regulations (EC) 765/2008 and 764/2008

The Chair gave the floor to Z. Bilalis who announced that both proposed regulations would come out on 20 December 2017.

As far as Regulation (EC) 765/2008 is concerned, there is no modification in the current process, with which the EC is quite satisfied. The only change lies in those tasks that authorities shall do, which are defined more precisely.

Decision

The Board thanked Zacharias Bilalis for his oral update on the proposed modifications to be made in revised Regulations 765/2008 and 764/2008, and asked him to send the draft regulations to the EAAB Secretariat for them to be published among the meeting papers.

Action Z. Bilalis/Secretariat

8. Any other business

No other issue was discussed.

The Board:

- warmly thanked the EFTA Secretariat, namely Margrethe Asserson who was attending her last EAAB meeting, for their kindest invitations and superb arrangements made for the meetings so far;
- warmly thanked Thomas Facklam, who was leaving the EA Chairmanship by end of 2017 and attending his last EAAB meeting, for his long, most active and convinced involvement in establishing and improving the European accreditation structure over almost the past three decades, and wished him all the best for the future decades.

9. Selection of dates and places of next meetings

The Board agreed to meet on **Thursday 3 May 2018** and **Wednesday 17 October 2018**, while the location in Brussels should still be confirmed with ETFA.

The Chair thanked the Board's Members for their valuable contributions to fruitful discussions. He closed the meeting.

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List of the abbreviations taken for granted in these minutes

AB: accreditation body
ARAC: Arab Accreditation Cooperation
CAB: conformity assessment body
CAS: conformity assessment scheme
CB: certification body
CD: committee draft
CCMC : CEN-CENELEC Management Centre
EA BLA: EA Bilateral Agreement
(EA) CC: EA Certification Committee
(EA) CPC: EA Communications and Publications Committee
(EA) HHC: EA Horizontal Harmonisation Committee
(EA) LC: EA Laboratory Committee
(EA) MAC: EA Multilateral Agreement Council
EA MLA: EA Multilateral Agreement
EC: European Commission
ECOS: Environmental Council of the States
ENP: EU Neighbourhood Policy
EU ETS: European Union Emissions Trading System
FPA: Framework Partnership Agreement
IAF: International Accreditation Forum
ILAC: International Laboratory Accreditation Cooperation
IMP expert group: Internal Market of Products expert group
NAs: national authorities
NAB: national accreditation body
NWI: new work item
RoP: Rules of Procedure
RS: Recognized Stakeholder
SS: sector scheme
SO: scheme owner
TFG: task force group
ToR: Terms of Reference
WG: working group
WP: work programme