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A large graphic with a light blue background featuring a grid of white lines that curve and converge towards the center. The text 'EA' and 'Rules of Procedure' is centered on this graphic.

**EA**

**Rules of Procedure**

***PURPOSE***

This document defines the formal structures and rules of procedure to be followed so that the objectives of the European co-operation for Accreditation (EA) as defined in Article 2 of the Articles of Association are fulfilled. It shall be interpreted at all times in such a manner as to give precedence to the Articles of Association.

*Authorship*

This document has been prepared by the Executive Committee.

*Official language*

The text may be translated into other languages as required. The English language version remains the definitive version.

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## **1. SCOPE**

- 1.1 These Rules of Procedure apply to:
- the General Assembly;
  - the Executive Committee;
  - EA Committees, Councils, Working Groups and Task Forces;
  - the Secretariat.
- 1.2 Where necessary, EA bodies (Committees, Councils, and Working Groups etc.) may establish their own supplementary rules of procedure, in harmony with these Rules of Procedure and the Articles of Association.

## **2. TASKS**

The main tasks which EA may undertake to achieve its objectives (see Article 3 of the Articles of Association and Regulation (EC) No 765/2008) are:

- 2.1 Maintaining an agreement with the European Commission for the operation of a peer evaluation system for national accreditation bodies and other tasks as appropriate;
- 2.2 Developing and refining procedures for peer evaluation system of national accreditation bodies and other Bilateral Agreement signatories;
- 2.3 Establishing Cooperation Agreements and Bilateral Agreements with accreditation bodies that meet the requirements of EA's policy on its relationship with accreditation bodies of countries not being members of the EU or EFTA, published in a separate document;
- 2.4 Developing harmonised application, guidance and information documents on the accreditation of conformity assessment bodies including development of sectoral accreditation schemes;
- 2.5 Publishing position papers, documents and guidelines and reports;
- 2.6 Enabling mutual assistance among Members;
- 2.7 Encouraging members to:
- a) exchange information and experience
  - b) harmonise procedures,
  - c) cooperate in joint assessments and in assessments where the EA Cross Frontier Policy applies
  - d) cooperate in training activities,
  - e) participate in EA activities;
- 2.8 Organising expert meetings in specific fields;
- 2.9 Develop a dialogue with the European Commission, the DGs and other authorities to further the adoption of legislation and of notification procedures adapted to the accreditation system;
- 2.10 Consult and cooperate with stakeholders on relevant issues;

- 2.11 Peer evaluating Full and Associate Members and bodies seeking to establish Bilateral Agreements with EA;
- 2.12 Publishing and communicating the outcome of the peer evaluation of national accreditation bodies from EU/EFTA Member States to the European Commission and EU/EFTA Member States as well as International Laboratory Accreditation Cooperation (ILAC) and International Accreditation Forum (IAF);
- 2.13 Disseminating information on EA to the European Commission, national authorities, stakeholders and other parties having an interest in accreditation, the competence of accredited conformity assessment bodies and reliability of their work;
- 2.14 Identifying any need for standards and guides relating to the accreditation of conformity assessment bodies to the European and international Standardization Organisations or appropriate regulatory bodies and contributing to the development of such standards and guides;
- 2.15 Maintaining multilateral agreements with IAF and ILAC and cooperate with these bodies in the development of the international accreditation infrastructure;
- 2.16 Other tasks as decided by the General Assembly.

### **3 MEMBERSHIP**

- 3.1 The various categories of membership are defined in Article 5 of the Articles of Association.
- 3.2 Each EA Member, Full or Associate, shall appoint a contact person who has the responsibility to disseminate information from EA to the organisation(s) that he or she represents and to provide EA with requested information about these. Each member shall inform the Secretariat of the name and contact details of its appointed contact person.

### **4 RIGHTS**

To achieve the aims and tasks of EA, each EA Full and Associate Member shall have the following rights:

- a) To obtain non-confidential information on the operation of the accreditation activities of other EA Full and Associate Members;
- b) To witness assessment activities during peer evaluation and re-evaluation visits of applicant, Full and Associate Members, with their agreement;
- c) To participate in meetings organised by EA;
- d) To apply for the evaluation and re-evaluation of its accreditation activities.

## **5 OBLIGATIONS**

Each EA Member commits itself to the pursuance of the aims and tasks of EA. In particular, the obligations of each EA Member are:

- a) To operate its accreditation activities in compliance with legislation adopted by the European Union and EFTA, European and/or International Standards, other normative documents on accreditation and conformity assessment bodies as published and/or endorsed by EA;
- b) To make available on request to the other EA Members information on the operation of its accreditation activities;
- c) To promote the international acceptance of certificates and reports issued by the conformity assessment bodies accredited by accreditation bodies that are Signatories to the EA Multilateral Agreement and the Bilateral Agreements, to the ILAC Mutual Recognition Arrangement and to the IAF Multilateral Agreement;
- d) To respect any confidential information gained within EA;
- e) To abide by the decisions of the General Assembly and the EA Multilateral Agreement Council (MAC);
- f) To pay its yearly financial contribution to EA;
- g) To actively contribute to the work of EA by participation in the General Assembly, Committee/Council, Working Group and Task Force meetings as appropriate and by providing feedback during comment periods and other requests;
- h) To be responsive to requests aiming at the resolution of complaints;
- i) To provide evaluators to be used by EA in its peer evaluations according to the rules established by the MAC in charge of the operation of the Multilateral Agreement (MLA);
- j) For Full Members to participate in EA ballots.

The General Assembly shall decide on sanctions proposed by the Executive Committee towards Members who do not meet fully their obligations as listed above.

## **6 GENERAL ASSEMBLY**

### **6.1 The General Assembly**

- 6.1.1 The General Assembly is composed as described in article 8 of the Articles of Association.
- 6.1.2 Each body shall inform the Secretariat of the names of its appointed representatives to the General Assembly.
- 6.1.3 With prior agreement of the Chairman, delegates may be supported by experts at the General Assembly.
- 6.1.4 Recognised Stakeholders shall be invited to participate in the meetings of the General Assembly or parts thereof.
- 6.1.5 Other interested parties may be invited by the Chairman to participate in the meetings of the General Assembly, or parts thereof.

- 6.1.6 Observers may be invited by the Chairman to be present at meetings of the General Assembly, or parts thereof.

## **6.2 Responsibilities of the General Assembly**

- 6.2.1 The General Assembly is responsible for all matters contained in the Articles of Association, including:

- a) Establishing policies and strategic plans;
- b) Decisions on technical, operational or strategic aspects that will be binding on the Members;
- c) Election of Chairman, Vice-Chairman, Committee and Council Chairmen, and Executive Committee additional members;
- d) Acceptance of new members;
- e) Terminations of membership for due cause;
- f) Decisions to sign Cooperation Agreements with accreditation bodies that cannot become EA Full or Associate Members;
- g) Setting up and disbanding EA committees;
- h) Approval of Terms of Reference and work programmes for Committees/Councils;
- i) Endorsement of reports on work and activities of Committees/Councils;
- j) Approval of documents on EA governance;
- k) Approval of reports from the Executive Committee, including financial reports, and formally discharging any liability of the Executive Committee;
- l) Approval of the EA budget and work programme;
- m) Endorsement of procedures for handling appeals and complaints;
- n) Endorsement of agreements with the European Commission and EFTA;
- o) Receipt of information from the MAC on the outcome of peer evaluations;
- p) Other matters as agreed from time to time by the General Assembly;
- q) Endorsement of the status of Recognised Stakeholders.

- 6.2.2 The General Assembly may delegate powers and responsibilities for specific technical and operational issues to the Executive Committee and other Committees/Councils.

## **6.3 Meetings of the General Assembly**

- 6.3.1 In consultation with EA Members, the Chairman will decide on the date and place of meetings of the General Assembly. The meeting place shall be in a country of an EA Full Member.

- 6.3.2 The Secretariat, in consultation with the Executive Committee prepare a provisional agenda for each meeting of the General Assembly, taking into account any proposals made by EA Members, and interested parties. Such proposals should be sent to the Secretariat at least six weeks before the meeting at which the topic is to be discussed.

- 6.3.3 A provisional agenda and meeting documents shall be sent to all EA contact persons and invited observers at least one month before the date of the meeting.
- 6.3.4 Final agenda shall be sent to all EA contact persons and invited observers at least one week before the date of the meeting, and all agenda items for decision shall be specified in the agenda.
- 6.3.5 Draft minutes of meetings of the General Assembly shall be circulated to all EA contact persons and invited observers within two months following the meeting.
- 6.3.6 Comments on the draft minutes shall be sent to the Secretariat within two months after circulation of the draft minutes.
- 6.3.7 The minutes shall be confirmed at the next meeting of the General Assembly.

## **6.4 Voting**

- 6.4.1 EA will seek to reach decisions by a process of consensus. Unless otherwise specified, voting, when required by the General Assembly, shall be conducted as defined in Articles 8 and 11 of the Articles of Association.
- 6.4.2 On matters related to membership, election of Chairman, Vice-Chairman, Executive Committee additional members and Committee and Council Chairmen, and other such matters as determined by the Chairman, ballots shall be by confidential voting in which the Secretariat and/or scrutineers aware of the individual ballots shall maintain the confidentiality of that information.

## **7. CHAIRMAN AND VICE-CHAIRMAN**

### **7.1 Election**

- 7.1.1 The General Assembly will elect the Chairman and Vice-Chairman from representatives of Full Members for a period of two years. The EA Chairman and the Vice-Chairman shall not act as delegates. The EA member that has provided the Chairman or the Vice-Chairman will be invited to appoint another delegate as its representative. The Chairman and the Vice-Chairman may be re-elected twice.
- 7.1.2 Nominations for the position of Chairman and Vice-Chairman shall be received by the Secretariat at least two months before a General Assembly meeting. Candidates shall be nominated by an EA Full Member.
- 7.1.3 A Chairman and a Vice-Chairman shall be considered as elected when a candidate obtains at least one half of the votes cast, cf. Article 10 and 11 of the Articles of Association.
- 7.1.4 If more than two nominations are received at any election and a 50 % majority vote is not achieved by one of the candidates, a further vote shall be held between the two candidates who received the highest number of votes in the first ballot. If the result of this second ballot is a tie, the decision is taken by a toss of a coin.
- 7.1.5 In case of resignation of the Chairman or Vice-Chairman during the elected two year term a new election of Chairman/Vice-Chairman shall be conducted by the General Assembly.



7.1.6 The term of office of a Chairman/Vice-Chairman elected according to 7.1.5 shall be for the remaining period of the term of the elected members of the Executive Committee.

7.1.7 If the term of a Chairman/Vice-Chairman elected according to 7.1.5 is less than one year, the Chairman/Vice-Chairman may further be elected for three consecutive two years' terms of office.

## **7.2 Responsibilities**

### **7.2.1 The Chairman will be responsible for:**

- a) Chairing meetings of the General Assembly and the Executive Committee;
- b) Ensuring the proper functioning of Executive Committee;
- c) Directing, on behalf of the General Assembly, the regular business of EA, and ensuring the execution of decisions entrusted to him/her by the General Assembly and Executive Committee;
- d) Acting on behalf of EA between meetings of the General Assembly, wherever possible with the advice and support of the Executive Committee;
- e) Ensuring efficient and coherent cooperation with the European Commission, national authorities and other interested parties;
- f) Monitoring the performance of the Executive Secretary taking into account any advice and feedback from the Executive Committee in performing the task;
- g) Delegating tasks as appropriate.

### **7.2.2 The Vice Chairman**

- a) Will take over all the functions of the Chairman if he/she is unavailable,
- b) Undertakes special tasks as delegated by the Chairman.

## **8. EXECUTIVE COMMITTEE**

The EA shall have an Executive Committee as laid down in Article 12 of the Articles of Association appointed by the General Assembly to conduct the business of EA between General Assembly meetings.

### **8.1 Membership**

8.1.1 The Executive Committee should have a maximum of twelve members all of which are representatives of Full Members.

8.1.2 A Full Member of EA can under normal circumstances only have one person elected to serve on the Executive Committee.

- 8.1.3 Election of members of the Executive Committee shall follow the procedure as for the election of the Chairman, except that nominations may be accepted on the first day of the meeting of the General Assembly.
- 8.1.4 The term of office of members of the Executive Committee is two years. During this period of two years, when a new election is needed, for instance due to the resignation of one or several members of the Executive Committee, the term of office of the newly elected person(s) shall terminate at the same time as the other members of the Executive Committee. If the new election of an Executive Committee member is for a term less than one year, then the newly elected person may further be elected for three consecutive two years' terms of office.
- 8.1.5 The term of service for Executive Committee members shall be for a maximum of three consecutive, two year terms i.e. a maximum of six years. A member once having resigned from the position or completed the maximum period of service shall not be eligible to serve in the same position for a further term, except at the request of the General Assembly.

## **8.2 Meetings**

Attendance at meetings of the Executive Committee is usually restricted to Executive Committee members and the Executive Secretary only (together with, when needed, other staff members from the Secretariat). However observers may be admitted at the invitation of the Chairman.

## **8.3 Responsibilities of the Executive Committee**

The responsibilities of the Executive Committee are to implement EA policy and to manage the organisation (including financial management) between the meetings of the General Assembly and as directed by the General Assembly. To these ends it will:

- a) Ensure the proper functioning of EA;
- b) Ensure the coherent and transparent operation of EA's activities in accordance with the objectives and other provisions of the Articles of Association;
- c) Ensure proposals, reports etc. are presented to the General Assembly in a coordinated, transparent and comprehensive manner. Such reports from the Multilateral Agreement Council and the Financial Oversight Committee shall be submitted directly by those bodies;
- d) Prepare agreements and other contracts with the European Commission on the operation of a peer evaluation system and for the development of sectoral accreditation schemes and other issues as appropriate;
- e) Prepare the annual Work Programme and associated budget for the Operating Grant and any specific Grants or Contract for submission to the European Commission;
- f) Ensure that an appropriate financial audit is conducted annually in a manner to satisfy the requirements of the Articles of Association;

- g) Monitor and ensure proper coordination of the work, activities and reporting of the EA committees;
- h) Develop proposals concerning the strategy, policies and activities of EA;
- i) Seek international cooperation between EA and relevant international bodies;
- j) Ensure proper cooperation with other relevant organisations/parties in the field of conformity assessment;
- k) Provide stakeholders with the status of Recognised Stakeholders following consultation with the EA Advisory Board and endorsement by the General Assembly;
- l) Establish the Secretariat and monitor its performance;
- m) Appoint an Executive Secretary;
- n) Empower the Executive Secretary to sign employment contracts with staff members of the Secretariat and contract agreements with suppliers and service providers;
- o) Hold the responsibility of EA as an employer and be the contact point for the Executive Secretary in managing the Secretariat. The responsibility will normally be delegated to the Chairman and Vice-Chairman.

#### **8.4 Reports to the General Assembly**

The Executive Committee shall report to the General Assembly at least annually. The annual report shall include a financial report.

#### **8.5 Decisions**

Decisions of the Executive Committee will be reached by consensus. If consensus cannot be reached, decisions by the Executive Committee shall be taken according to article 13 (9) in the Articles of Association.

### **9. EA COMMITTEES, COUNCILS, WORKING GROUPS AND TASK FORCES**

- 9.1 The General Assembly is entitled to set up EA Committees, Councils, and other working parties. These shall be set up to carry out the objectives, aims and tasks of EA in an appropriate way.
- 9.2 EA Committees and Councils shall be set up to deal with specific tasks of a permanent nature.
- 9.3 EA Committees and Councils shall have defined terms of reference and annual work programmes that shall be endorsed by the General Assembly.
- 9.4 Terms of reference for Committees/Councils may contain provisions concerning the competencies of its members to ensure that the Committee/Council has the expertise available to perform its specific task. Terms of reference may also include provisions

- on the organisation of the Committee/Council including setting up of a management group.
- 9.5 Committee/Council meetings shall be held in a country of an EA Full Member.
- 9.6 Each EA Committee or Council shall have a Chairman elected by the General Assembly, preferably from amongst the Committee or Council's delegates. The procedure shall be the same as for the election of the Chairman and Vice-Chairman except that nominations may be accepted on the first day of the meeting of the General Assembly. The term of office of a Committee/Council Chairman is two years. The Committee/Council may elect a Vice-Chairman of the Committee/Council from amongst the Committee/Council delegates. The Vice-Chair will support the Chair in managing the Committee/Council and act as Acting Chairman until election of a Chairman by the General Assembly has taken place in the event the Chairman resigns from the Committee/Council.
- 9.7 The EA Committee/Council members shall be nominated by the Members of EA, unless otherwise determined in the terms of reference of the Committee/Council in question. Each EA Member is entitled to nominate one member to each EA Committee/Council. Recognised Stakeholders are entitled to nominate one person to each EA Committee/Council except Committees or Councils which are only open to EA Members. Other stakeholders and observers may be invited by the Committee/Council Chairman.
- 9.8 EA Committees/Councils shall report to the General Assembly at least annually.
- 9.9 The Executive Committee and the EA Committees/Councils may decide to set up working groups and task forces or other sub-structures (e.g. project groups), to deal with specific issues. Working groups will be set up to deal with specific questions of a long-term nature that are within the competence of the Committees/Councils, and task forces and other sub-structures to deal with questions or projects that can be solved within a limited time.  
EA may work on some of its tasks together with other organisations in common working groups or task forces. The relevant EA Committee/Council shall endorse the basic terms of reference of such co-operations and the terms of reference for each such working group or task force.
- 9.10 The conveners of the working groups, task forces and other sub-structures shall be endorsed by the relevant Committee/Council. The term of office of conveners shall be decided in the Terms of Reference.
- 9.11 The Committees/Councils to which the working groups or task forces or other sub-structures report decide how members of these groups shall be appointed. Relevant organisations of stakeholders will be invited to participate.
- 9.12 The Committee/Council Chairmen and the conveners of working groups, task forces and other sub-structures may invite other experts to participate in their work.

## **10. MULTILATERAL AGREEMENT COUNCIL (MAC) – DECISION-MAKING PROCESS**

According to Article 9 of the Articles of Association decisions on the results of the peer evaluations shall be taken by signatories to the EA Multilateral Agreement (MLA), including Bilateral Agreement (BLA) signatories, in an independent and impartial manner.

Note: Article 9 of the Articles of Association covers any MAC decision that affects the signatory status of a national accreditation body. That includes decisions at the MAC about the MLA/BLA signatory status of EA Full and Associate members. Furthermore, Article 9 of the Articles of Association covers decisions regarding cooperation agreements for mutual recognition (COAMR, see EA-1/13).

Valid decisions shall be adopted by a majority of two thirds of the votes cast at a MAC meeting at which at least three quarters of the EA MLA/BLA signatories are represented.

Decisions may be taken otherwise than at a MAC meeting. Votes may only be cast by ballot, which shall be understood to be voting in writing or electronically. In such voting, the same requirements as aforementioned apply.

A delegate who is entitled to vote on behalf of a MLA/BLA signatory may have **her/his** vote cast at the meeting by proxy given in writing to the delegate of another MLA/BLA signatory entitled to vote.

The requirement of the proxy being in writing shall be met if the proxy has been laid down electronically.

Proxies are not applicable to decisions to be taken in writing or electronically.

## **11. FINANCIAL OVERSIGHT COMMITTEE**

- 11.1 Members of the Financial Oversight Committee are elected by the General Assembly from amongst EA Member's delegates.
- 11.2 The Financial Oversight Committee shall have a minimum of 3 members.
- 11.3 The Financial Oversight Committee shall have a Chairman and other members elected by the General Assembly from amongst its delegates. The procedure for election shall be the same as for the election of the Chairman and Vice-Chairman except that nominations may be accepted on the first day of the meeting of the General Assembly. The term of office of a Financial Oversight Committee Chairman is two years. The Chairman may be re-elected twice.
- 11.4 The Financial Oversight Committee shall prepare a recommendation to the General Assembly regarding the annual financial statements and the Executive Committee's financial report.
- 11.5 The activities of the Financial Oversight Committee shall be governed by Terms of Reference approved by the General Assembly.

## **12. SECRETARIAT**

- 12.1 The Executive Secretary holds the overall responsibility for the activities and operation of the Secretariat.
- 12.2 The Executive Secretary shall assist the Chairman and Vice-Chairman in the performance of their functions and support the Executive Committee in performing its tasks.
- 12.3 The Executive Secretary shall manage issues related to EA being an employer and other legal matters related to EA as a registered legal entity.
- 12.4 The Executive Secretary shall manage recruitment of staff to the Secretariat to levels agreed by the Executive Committee.
- 12.5 The Secretariat shall observe relevant EA procedures in all its activities.
- 12.6 The main functions of the Secretariat shall be:
- a) To conduct the day-to-day activities of EA, in particular, the execution of the decisions taken by the Executive Committee and the General Assembly;
  - b) To provide administrative support to the operation of the peer evaluation system for national accreditation bodies and bilateral agreement signatories;
  - c) To administer and manage the EA accounts and prepare the financial reporting and budget to be presented to the Executive Committee and General Assembly;
  - d) To be the contact point for the European Commission, EFTA and other scheme owners and coordinate the EA input in the related work;
  - e) To document, implement and maintain the management system of the EA;
  - f) To monitor that all the process and activities performed by EA are done in strict observation of EA relevant procedures;
  - g) To prepare communications to EA Members and stakeholders on EA activities, including EA committee and EAAB meetings, developments of the cooperation with the Commission and regulators and on other issues of common interest;
  - h) To prepare and circulate documents for and minutes of meetings of the General Assembly, EA Advisory Board, the Executive Committee, and other Council/Committees etc. and serve as the secretariat for the EA Advisory Board;
  - i) To liaise with stakeholders and other interested parties;
  - j) To provide administrative support to EA Committees in planning activities and in execution and implementation of decisions including the management of the EA MLA;

- k) To administer contracts with the European Commission and suppliers of technical and administrative services;
- l) To deal with external correspondence;
- m) To publish information on EA decisions, activities, EA documents;
- n) To manage the archives of EA;
- o) To manage the EA website and Intranet.

### **13 COOPERATION WITH INTERESTED PARTIES**

Close cooperation with interested parties and their involvement in the development of accreditation policies is essential in order to ensure overall acceptance and a coherent approach to accreditation.

The EA Advisory Board (EAAB) is composed by as broad range of interested parties and shall serve as the main stakeholder forum for EA as provided for in Article 16 of the Articles of Association, pursuant to the requirements of Regulation (EC) 765/2008 and to the relevant provisions of the “General Guidelines for Co-operation between EA and the EC, EFTA and the competent national authorities”.

EA cooperation with the EAAB shall ensure an effective and balanced involvement by relevant stakeholders in European accreditation regarding policy and strategy issues.

Representatives of the EAAB shall be invited to participate in the General Assembly.

A separate document specifies the principles and mechanisms for EA’s cooperation with interested parties and their involvement in the activities of EA.

### **14 ELABORATION OF EA DOCUMENTS**

A separate document describes the process for elaboration and approval of EA documents.

Stakeholders should be involved at the starting and developing stages of elaboration of EA documents that can affect them.

### **15 EA BUDGET AND MEMBERSHIP CONTRIBUTIONS**

#### **15.1 Budget**

Each year the Executive Committee shall propose to the General Assembly a draft budget for the coming calendar year. It should show expected incomes (membership fees and any other type of financial resources), and expenses as well as provision for specifically funded projects.

#### **15.2 Membership contributions**

The EA membership fees for a particular calendar year shall be set according to a formula agreed by the General Assembly, the aggregate of which will be sufficient to

meet agreed budget objectives. For specific purposes the General Assembly may decide to collect other financial contributions from EA members.

### **15.3 Financial Reporting**

15.3.1 Each year a presentation of income and expenditure for the previous calendar year (annual accounts) together with the financial auditor's report shall be given by the Executive Committee to the General Assembly.

15.3.2 EA members have access to all financial information and records of EA.

## **16. VALIDITY OF EA RULES OF PROCEDURE**

16.1 These Rules of Procedure may be amended by decision of the General Assembly.

16.2 These Rules of Procedure are effective from the date of its publication.