

List of Conclusions and Resolutions

agreed at the 39th Meeting of the EA Advisory Board
held on 3 May 2018

Agenda Item 3 - Key topics for discussion

Agenda Item 3.1 - Future participation of scheme owners in the EAAB

The Board:

- broadly discusses the composition of the board and comes to the result, that *scheme owners as well as EA Recognised Stakeholders* actually are represented in the Board already. This may be indirectly through the CAB College, the Industry College or the Consumer representative;
- takes note of the CAB College's view not to open the door too largely with no final added value, and rather to get a clearer picture of current EAAB representatives;
- takes note of the Industry College's opinion that the broadest range of end-users' interests is already represented through the Industry, Trade and Services College, and that private scheme owners, in many cases, cannot be seen as end-users of accredited conformity assessment in the true sense, while they also have specific interests related to the implementation of their respective schemes and cannot therefore refer to the necessary level of representativeness which would justify the establishment of a new, separate college in a political advisory platform such as the EAAB;
- acknowledges however that *private scheme owners that are also EA Recognised Stakeholders* are of special relevance for EA and that they should therefore be represented in some form within the Board. Two options are suggested: either allocate one additional seat to those scheme owners, who would then appoint one representative to express their coordinated views on political issues (preferred option); or allow those scheme owners to appoint one or two persons on a rotating basis (second option);
- finally decides to grant one additional seat within the Board to *those private scheme owners that are also EA Recognised Stakeholders*. There are currently 6 relevant scheme owners as listed below who will have to appoint one representative to coordinate and express their views on political issues, such as set out in the Board's Terms of Reference:
 - o EOQ (European Organization for Quality)
 - o FAMI-QS (The Quality and Safety System for Speciality Feed Ingredients asbl)
 - o FSSC 22000 (Food Safety System Certification)
 - o GLOBALG.A.P. (worldwide standard for Good Agricultural Practice)
 - o IFS Management GmbH (International Featured Standards) as of May 2018
 - o PEFC (Programme for the Endorsement of Forest Certification Schemes)
- adopts an amended version of the *EAAB Terms of Reference* that reflects the new composition of the Board, as follows:

§ 1.1 *The Board shall represent a link between EA, the European Commission, EFTA Secretariat, the national authorities of the EU and EFTA Member States, the European conformity assessment and metrological infrastructures, the European*

EAAB(18)M39 - Conclusions and Resolutions List

business and industry, the European users and consumers, the European standards organisations, and other European parties competent and active in the field of, or relying on, accreditation and accredited conformity assessment services.

§ 2.1 to add at the end of the bullet point list: *The European private scheme owners that are EA Recognised Stakeholders may appoint one Member.*

- adopts a slightly revised version of the *EAAB Rules of Procedure* to change previous SOGS into *the Internal Market of Products (IMP) expert group.*

Action EAAB Secretariat to revise the EAAB ToR & RoP accordingly, and to republish them onto the EA internet and intranet – See also Agenda Item 4.1 below.

- asks the EAAB Secretariat to check and revise the details of EAAB Members as listed in EA-INF/02: *Contact Persons of EA Full and Associate Members, Recognized Stakeholders and Observers* in the light of the EAAB Membership List.

Action EAAB Secretariat

Agenda Item 3.2 - Renewal of the Board in October 2018: approval of call of nominations to be launched

The Board:

- decides that the new composition of the Board with one additional member representing those private scheme owners that are also EA Recognised Stakeholders is immediately implemented into the call of nominations to be launched as soon as possible in view of the EAAB membership's renewal at the October 2018 meeting;
- agrees that the call of nominations by the EAAB Chair should also be sent to the relevant private scheme owners that are EA Recognised Stakeholders (see Agenda Item 3.1 above);
- decides that the call of nominations should also be published on the EA Homepage to support a transparent and larger diffusion of the call to a maximum number of stakeholders;
- decides that nominations shall be sent to the EAAB Secretariat by 15 September 2018

Action EAAB Secretariat

Agenda Item 4 - EAAB matters

Agenda Item 4.1 - Definition of tasks, duties and rights of EAAB HHC and MAC observers

The Board revises the *EAAB Terms of Reference* to clarify the roles of the EAAB HHC and MAC observers under § 5.5 as follows:

The Board shall appoint two of its Members to participate as observers in the meetings of the EA Multilateral Agreement Council (EA MAC) and the EA Horizontal Harmonisation Committee (EA HHC). The EAAB observers may provide advice and recommendations on behalf of the Board. On request, members of the EA MAC and EA HHC should give explanation and background information to the EAAB observers. The observers shall report back to the Board in full respect of the confidentiality of the information divulged.

Action EAAB Secretariat to revise the EAAB ToR accordingly, and to republish them onto the EA internet and intranet – See also Agenda Item 3.1 above.

Agenda Item 4.2 - Reports from the EAAB HHC and MAC observers

The Board:

- thanks Andrew Evans and Maureen Maria Logghe for their written reports , and takes note of the various issues addressed in them;
- considers that the proposals for re-engineering of the EA Peer Evaluation are steps forward in the right direction;
- is pleased to note that the decision-making processes in the EA MAC have already improved, but recommends that EA reconsiders further the MAC decision-making process concerning in particular the question of whether the MLA signatory status must be withdrawn if non-conformities are not closed in time or whether a distinction should be made between different "serious" non-conformities; and asks EA to make the corresponding clarifications in EA-2/02: *EA Procedure for the Evaluation of a National Accreditation Body*;
- invites again EA to reconsider its decision not to compensate the meeting-related fees (not travel expenses) for the EAAB HHC Observer, who dedicates time and effort to attend the meetings on behalf of the entire Board in order to report on important issues and has much difficulty justifying these costs; takes note of EA's position that, through Regulation (EC) 765/2008, stakeholders have a special right to observe the peer evaluations, which justifies the assumption of the attendance fee for the EAAB MAC Observer, which however would not apply to the EAAB HHC Observer; regrets to note that, contrary to what was agreed in the previous Board meeting, EA did not re-discuss the issue internally; expresses its disappointment with EA's confirmation of the decision taken and the refusal to reconsider it.

Agenda Item 4.3 - EAAB position on consultancy

The Board:

- continues to regard the existing regulations and specifications as sufficient and appropriate as laid down in the relevant requirements in the 17000 standards, Decision (EC) 768/2008 and Regulation (EC) 765/2008;
- takes the view that Document CERTIF 2015-02 rev.03 follows the principle - that typically the individual case in question should be considered - by referring to the respective standards, and that the CERTIF document also specifies a borderline case for which the impartiality and confidentiality of the activities of conformity assessment bodies is not guaranteed obviously;
- notes that the CAB and Industry Colleges continue to maintain their strong concerns about the the position on consultancy elaborated by the EA HHC and now adopted by the EA GA, which goes beyond what is adequate and necessary to guarantee the impartiality required of conformity assessment bodies;
- welcomes EA' willingness to remain open to discussions with all parties involved and to initiate a dialogue with stakeholders on this matter;
- confirms the three Colleges' interest in EA's invitation to contribute to that dialogue.

Agenda Item 4.4 - EAAB Work Programme

The Board:

- agrees to reclassify, on Page 1:
 - o "Consistency and harmonisation among ABs" as an open topic;

EAAB(18)M39 - Conclusions and Resolutions List

- “Implementation of the new European legislation and related consequences” as a closed topic;
- “cross-border issues” (to be distinguished out of the current title) as an ongoing topic discussed within the Board.

Action EAAB Secretariat

- takes note that the CAB College stresses the need to keep open the issue of consistency in cross-frontier accreditation.

Agenda Item 5 - EA matters

Agenda Item 5.1 - Update on EA MLA mark

The Board:

- thanks EA for the background information and details given about the intention to introduce an EA MLA mark, which is still under discussion within a HHC TFG. The EA MLA mark would be used in combination with national logos/marks (whether to distinguish the scopes or not is still to be determined) and would remain an option.;
- notes the statement by EA that the majority of EA Members have no concern with the fact that the logos of national accreditation bodies could lose their importance;
- reiterates its position stated at the last meeting in October 2017, and continues to question the need and added value of such a regional European mark in addition to existing national and international marks, and to express the concern that the EA mark would bring more strain and confusion on the market than it would support international trade.

Agenda Item 5.2 - Implementation of EA Strategy 2025 - Progress report

The Board:

- welcomes the progress made in implementing the EA Strategy;
- asks EA to continue to inform the EAAB of every action to be taken by TFG 6 under Section 2 (*Close cooperation with regulators and stakeholders...*) of the *Strategy*, especially under Section 2.1 (*Develop the EA stakeholder policy... Evaluate the size and composition of the EAAB*), and to involve the Board in the discussions.

Agenda Item 5.4 - Use of accreditation by the European Commission - current developments

- **General Data Protection Regulation**
- **Cybersecurity Act**
- **Monitoring of NoBos in the railway sector**
- **and others**

The Board expresses its satisfaction with the communication and cooperation established by EA with the EC in order to influence and support accreditation as the preferred option to demonstrate the competence of conformity assessment bodies.

Agenda Item 5.5 - Possible implications of the *Brexit*

The Board:

- welcomes EA's intention to ensure UKAS' involvement beyond the envisaged transition period and to revise its *Articles of Association* so that UKAS can remain an EA Member;
- expresses strong concerns about the validity of UKAS-accredited certificates after the "withdrawal date" (30 March 2019);
- takes note that, for the Industry College, whatever the outcome of the withdrawal and transitional agreements is, the validity of certificates issued until the withdrawal date should not be questioned and certificates should remain valid until the stipulated end date;
- expects that further information about the UK situation and transitional arrangements will be available for the next EAAB meeting in October 2018.

Agenda Item 5.6 - Relations with stakeholders

▪ IFS' application for Recognised Stakeholder status

The Board endorses the IFS' (International Featured Standards Management GmbH) application for EA Recognised Stakeholder status, acknowledging that the final decision will be made at the EA General Assembly meeting in May 2018.

Agenda Item 5.7 - New EA projects and work items

The Board:

- endorses the HHC-covered new work items proposed for:
 - **Revision of EA-1/22:** *EA Procedure and Criteria for the Evaluation of Conformity Assessment Schemes by EA Accreditation Body Members;*
 - **Revision of EA-2/15:** *EA Requirements for the Accreditation of Flexible Scopes;*
 - **Revision of EA-2/17:** *EA Document on Accreditation for Notification Purposes.*
- regarding revision of EA-2/17, recommends EA to send the draft revised document to the EC for discussion with the National Authorities before the second round of comments.

Action EA

Agenda Item 6 - Items for information

The Board thanks EA for the oral and written reports provided under this item.

Agenda Item 8 – Confirmation and selection of dates and places of next meetings

The Board:

- confirms to meet on **Wednesday 17 October 2018** (start of next term of the Board) in spite of Ignacio Pina's absence (no other suitable date);
- agrees to meet on **Tuesday 14 May 2019**.

Action EAAB Secretariat to confirm the location of both meetings with ETFA