

## **APPROVED Minutes of the 39<sup>th</sup> Meeting of the EA Advisory Board**

held on 3 May 2018

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:** Giancarlo Zappa (ETICS), Bruce McGill (IFIA), Thomas Wayne (IFIA), Manuela Held (IIOC).

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

**NA College:** Maureen Maria Logghe (NA, Belgium), Ola Brohman (NA, Sweden), Devran Ayik (NA, Turkey).

**NMIs:** Tuomo Valkeapää (WELMEC)

**EC:** Zacharias Bilalis (EC)

**EFTA:** Gudrun Rognvaldardottir (EFTA)

**EA:** Ignacio Pina (EA Acting Chair), Andreas Steinhorst (EA Executive Secretary), Frédérique Laudinet (EAAB Secretariat).

Apologies received from Maria Luisa Rastello (EURAMET).

***The signed attendance list is published on the EAAB intranet.***

## **1. Opening of the meeting**

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

The Chair invited EAAB Members to a roll call and voiced the apologies received. He especially welcomed Gudrun Rognvaldardottir who would replace Margrethe Asserson having left EFTA, and Tuomo Valkeapää who would replace Anneke Van Spronssen having retired from WELMEC.

## **2. Approval of agenda; Approval of Minutes of 37<sup>th</sup> Meeting of the EA Advisory Board; Action list (actions not covered elsewhere)**

### **▪ Approval of agenda**

The agenda, which raised no comments, was approved by the Board as distributed for the meeting.

### **▪ 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 38<sup>th</sup> meeting were approved as distributed and should be published on the EAAB intranet and internet pages.

**Action Secretariat**

## ▪ Action List

There was no comment.

### 3. Key topics for discussion

#### 3.1 Future participation of scheme owners in the EAAB

The Chair recalled that the issue had already been considered about 3 years ago before being postponed until new questions or requests arose. He asked EA's intention in this respect.

I. Pina set out EA's twofold intention:

- first, EA wants to establish a clear mechanism to link EA Recognised Stakeholders (RS) and the EAAB, which is the platform meant to federate any stakeholders. Stakeholders have to be included into the EAAB;
- secondly, end users' (CABs, private clients such as scheme owners) interests should also be considered since end users are actually the main clients and beneficiaries of accreditation. Scheme owners should be represented in the Board.

C. Priller disagreed and warned not to open the door to any stakeholder organisation, referring to the example of ANEC which had been attending very few EAAB meetings so far. This will bring no added value at the end. He advocated having rather a clearer picture of the current representatives in the Board.

M. Stadler recalled that the composition of the Board as defined in the *EAAB Terms of Reference* (ToR) already provided for a CAB College dedicated to direct users of accreditation, as well as an Industry College aimed at representing end users. The Industry College does not want to represent scheme owners' specific interests which are certainly not based on a large industry-focused view. Nevertheless the Industry College agrees that those specific scheme owners that have applied for and gained the EA Recognised Stakeholder status should have some form of recognition within the Board – provided that they are not part of the Industry and the CAB Colleges, and that they do not have their own college. M. Stadler presented the two options suggested by the Industry College:

- either an additional seat is allocated to those private scheme owners that have the EA RS status, up to whom it is to appoint one representative in charge of expressing their coordinated views (preferred option);
- or those private scheme owners that are also EA RS appoint one (or two) person(s) to whom a rotating seat is given (second option).

It was pointed out, as mentioned in the list provided by the EAAB Secretariat (Document EAAB(18)06), that six private scheme owners were currently concerned as EA RS:

- EOQ (European Organization for Quality);
- FAMI-QS (The Quality and Safety System for Speciality Feed Ingredients asbl);
- FSSC 22000 (Food Safety System Certification);
- GLOBALG.A.P. (worldwide standard for Good Agricultural Practice);
- IFS Management GmbH (International Featured Standards) as of May 2018 when the RS agreement should be approved by the EA General Assembly;
- PEFC (Programme for the Endorsement of Forest Certification Schemes).

I. Pina emphasized end users' utmost importance in the EAAB: they are the main players at the end since they push forward the market. These end users in general, far more than only scheme owners, should be represented in the Board.

M. Stadler clarified that the Industry College did already represent the broadest range of end users' interests, including the interests of the food sector. The EAAB calls for nominations are sent to

about 350 organisations representing all sectors of the industry. EA's intention would change the EAAB purposes and would be manageable. M. Stadler reported on his past experience in the IAF Advisory Board, in which stakeholders' influence had been more and more increasing when it was enlarged to private scheme owners. This resulted in a "*disaster*" because the latter's interests diverged too much from those of the main stakeholders being active in the same field. Most private scheme owners are only interested in accreditation of their very specific own scheme while being little concerned about accreditation in general.

I. Pina stressed that although the Industry College represented end users, FAMI-QS, FSSC 22000 and GLOBALG.A.P., for instance, were not part of it. He reported on a meeting held in October 2017 in Brussels with food and feed scheme owners who were upset because they did not find their way to EA and wished to participate in the EAAB. Actually they should be able to rely on EA.

M. Stadler specified that what should be actually improved was the way EA Recognised Stakeholders can influence and express their view. Indeed the EAAB's role is to express the coordinated views of generic scheme owners. Specific scheme owners may also give their own voice through one or two additional representatives, but certainly not a full college. The Chair added that, because having the total of about 40 EA RS represented in the Board would be impossible, Recognised Stakeholders had to coordinate themselves to voice their opinion in the EAAB platform; he agreed upon the Industry College's options and proposed that scheme owners had to do the same and coordinate their views for them to be represented in the Board.

M. Stadler pointed out further that the EAAB had not been designed to act as the assembly of all EA RS, but as a *political* platform gathering a broad range of industries. This may be an argument to explain the EAAB's point of view and justify for a rotating representation.

I. Pina replied that this remained a decision to be made by the Board. However there is currently no representation of end users' and buyers' interests in the Board, which has been representing only CAB's and manufacturers' interests so far. Therefore it would seem more sensible to open the EAAB to EA Recognised Stakeholders, among which the Board should be elected – that is what the EA Executive Committee is discussing actually.

The Chair pinpointed not to mix EA Recognised Stakeholders with all scheme owners and to avoid confusion.

In the light of the discussions, the Industry College's preferred option was finally agreed upon as the best option: a seat in the EAAB will be allocated to one representative of those six private scheme owners that have the EA RS status, in order for him/her to express their coordinated views on political issues, not on specific technical issues that would be irrelevant for the Board.

To reflect the new composition of the Board, the EAAB ToR (dated October 2013) were immediately amended under § 1.1 and § 2.1 – see the modifications detailed in the decision hereafter. The *EAAB Rules of Procedure* (dated October 2013) were also slightly updated to mention the Internal Market of Products (IMP) expert group. Both documents should be republished on the EAAB internet and intranet pages. A. Steinhorst highlighted how important it was to make the Board's new composition transparent in order for every relevant organisation to know it can participate.

Besides C. Priller asked for the possibility to slightly open the CAB College's membership in order to increase the relevance of the College's answers given to some topics discussed on the Board. He suggested that the nominated persons shall be replaced by other persons in case of absence of the nominated person(s) or to take part occasionally in EAAB meetings. He also requested that the other persons shall get access to the documents. A. Steinhorst asked which stakeholders would be selected, reminding that there were numerous CAB organisations. M. Stadler advocated the CAB College using a proxy as provided for in the EAAB ToR, § 6.6. C. Priller agreed that, in relevant cases, one Member of the CAB College could be represented by proxy by another Member.

At last, after M. Stadler noticed that the EAAB Membership list was no longer on the EAAB webpage, A. Steinhorst confirmed that the list had been removed out of the EA website to avoid duplication of documents and confusion. All EA Recognised Stakeholders, including EAAB Members, are listed in EA-INF/02: *Contact Persons of EA Full and Associate Members, Recognized Stakeholders and Observers*, which should now be the only reference document. M. Stadler however asked to check and review the details of EAAB Members in EA-INF/02 in light of the removed EAAB Membership List.

## Decision

The Board:

- broadly discussed the composition of the board and came to the result that *scheme owners as well as EA Recognised Stakeholders* actually were represented in the Board already. This may be indirectly through the CAB College, the Industry College or the Consumer representative;
- took 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;
- took note of the Industry College's opinion that the broadest range of end-users' interests was already represented through the Industry, Trade and Services College, and that private scheme owners, in many cases, could not be seen as end-users of accredited conformity assessment in the true sense, while they also had specific interests related to the implementation of their respective schemes and could not 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;
- acknowledged however that *private scheme owners that were also EA Recognised Stakeholders* were of special relevance for EA and that they should therefore be represented in some form within the Board. Two options were 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 decided to grant one additional seat within the Board to *those private scheme owners that were 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)

- adopted an amended version of the *EAAB Terms of Reference* that reflected 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 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.*

- adopted 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.**

- asked 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**

### 3.2 Renewal of the Board in October 2018: approval of call of nominations to be launched

The call drafted by the Chair was gone through.

It was agreed to forthwith implement the new composition of the Board with one additional member representing those private scheme owners that are also EA Recognised Stakeholders into the call of nominations to be launched for the EAAB membership's renewal at the October 2018 meeting.

To let the Colleges more time to distribute the call within their constituencies and nominate their representatives, it was also agreed to postpone the deadline for nominations after the summer, until 15 September 2018.

The Chair recalled that the new representatives within the Board would take office as from the beginning of the 40<sup>th</sup> meeting on 17 October 2018, when a Chair and two Vice-Chairs would have to be elected or re-elected.

#### Decision

The Board:

- decided that the new composition of the Board with one additional member representing those private scheme owners that were also EA Recognised Stakeholders was 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;
- agreed 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);
- decided 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;
- decided that nominations shall be sent to the EAAB Secretariat **by 15 September 2018.**

**Action EAAB Secretariat**

## 4. EAAB matters

### 4.1 Definition of tasks, duties and rights of EAAB HHC and MAC observers

In addition to the modifications made under § 1.1 and § 2.1 to reflect the new composition of the Board (see Agenda Item 3.1), M. Stadler proposed to clarify the task, duties and rights of the EAAB HHC and MAC observers under § 5.5 – see the new wording in the decision below.

#### Decision

The Board revised 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.**

### 4.2 Reports from the EAAB MAC and HHC Observers

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

#### ▪ MAC meeting on 25-26 April 2018

M. M. Logghe, the EAAB MAC Observer, went through her report (EAAB(18)11) as published among the meeting papers.

She highlighted that, as an observer, she had asked clarification on the role of the MAC when, in spite of a remaining non-conformity (not closed), the MLA signatory status had been granted. Actually both the *EA MAC Terms of Reference* and EA-2/02 do not give clarification on how to make a decision, namely on whether all non-conformities shall be solved or not before the MLA signatory status can be granted. Even if she acknowledged that the MAC decision-making process had been much improving since the last years, further clarification was still needed in some cases and the MAC should consider more explicit decision-making rules.

M. M. Logghe also reported that several MAC task forces were considering proposals intended for the reengineering of the peer-evaluation process. In her opinion, the proposals as achieved so far are dealing with reality and would be a step forward in the right direction.

M. Stadler highlighted the importance of the EAAB MAC observer's role and report to the Board.

#### ▪ HHC meeting on 19-20 September 2017

A. Evans, the EAAB HHC Observer, went through his report (EAAB(18)04) as published among the meeting papers, updating mainly on:

- the HHC TFG on implementing the EA core values to reach “one voice” concept: a policy paper has been sent out for comments before a new draft is presented at the next HHC meeting in September and approved by the EA General Assembly in November 2018;

- the revision of EA-2/17: *EA Document on Accreditation for Notification Purposes*, for which a new work item proposal should be approved by the EA General Assembly in May 2018. The document should be made mandatory and more user-friendly.

Further to a question by M. M. Logghe about ISO/IEC 17011:2017, § 7.7.3 h) *Closure of non-conformities*, I. Pina confirmed that the concept of “resolution” of NC had disappeared from new ISO/IEC 17011 to be changed into “satisfactory response” of NC, making the meaning of “closure” rather confusing now.

- **Meeting-related costs incurred by the EAAB HHC Observer**

M. Stadler came back to EA’s decision not to compensate the meeting-related fees (travel expenses excluded) incurred by the EAAB Observer for HHC meetings. He reiterated 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 and justify the costs. 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 HHC Observer is not like any other recognised stakeholders; he represents the Board and his attendance of EA HHC meetings is part of the responsibility of the Board as a whole. As already requested at the last meeting, the Industry College asked EA to reconsider its decision.

A. Evans confirmed that the utmost difficulty for him was to justify the costs to his organisation.

C. Priller fully agreed with M. Stadler and asked the reason why only the EAAB MAC Observer’s costs were compensated.

A. Steinhorst explained that the issue had been discussed in the EA Executive Committee at great length before being reported several times to the Board. He argued, as a principle issue, that costs incurred by the EAAB MAC Observer were compensated because the MAC was involved in supervision of the peer-evaluation process according to Regulation (EC) No 765/2008. It remains up to the Board to send an observer either to the HHC or to any other EA committees.

M. Stadler understood this formal argument, while stressing that the HHC was the most important EA committee for the Board and might eventually not be attended by any EAAB Member any more. He expressed the Industry College’s disappointment with EA’s confirmed decision not to compensate the meeting fee of the EAAB HHC Observer.

## **Decision**

The Board:

- thanked Andrew Evans and Maureen Maria Logghe for their written reports, and took note of the various issues addressed in them;
- considered that the proposals for re-engineering of the EA Peer Evaluation were steps forward in the right direction;
- was pleased to note that the decision-making processes in the EA MAC had already improved, but recommended that EA reconsidered further the MAC decision-making process concerning in particular the question of whether the MLA signatory status must be withdrawn if non-conformities were not closed in time or whether a distinction should be made between different "serious" non-conformities; and asked EA to make the corresponding clarifications in EA-2/02: *EA Procedure for the Evaluation of a National Accreditation Body*;
- invited again EA to reconsider its decision not to compensate the meeting-related fees (not travel expenses) for the EAAB HHC Observer, who dedicated time and effort to attend the meetings on behalf of the entire Board in order to report on important issues and had much

difficulty justifying these costs; took note of EA's position that, through Regulation (EC) 765/2008, stakeholders had a special right to observe the peer evaluations, which justified the assumption of the attendance fee for the EAAB MAC Observer, which however would not apply to the EAAB HHC Observer; regretted to note that, contrary to what had been agreed in the previous Board meeting, EA had not re-discuss the issue internally; expressed its disappointment with EA's confirmation of the decision taken and the refusal to reconsider it.

### 4.3 EAAB position on consultancy

The Chair recalled that, at the last meeting, the CAB and Industry Colleges had voiced strong concerns about the wording of the HHC's proposed resolution which was then submitted to the EA General Assembly in November 2017 relating to consultancy provided by notified bodies. Both Colleges strongly disagreed with the wording of EA Resolution 2017 (40) 13 that confused consultancy with technical assistance. In January 2018, six CAB organisations (CEOC International, EFAC, IFIA, IIOC, IQNet and EUROLAB) sent a letter to the EA Executive Secretary to express their concern about the passing of this resolution, which raised questions on their place as recognised stakeholders and on the achievement of transparency and consensus in EA. In March, EA answered that a system was quite implemented to ensure that stakeholders shall be involved in any relevant decisions and preparation of documents, since all policy and technical issues were discussed in the related EA committees with the involvement of stakeholders. Regarding EA's position on CERTIF 2015-02 rev03, EA replied that stakeholders should have mentioned their concern in the HHC like they did in the letter.

As indicated in the letter, A. Steinhorst confirmed that the EA Executive Committee would appreciate to discuss the issue directly with the six CAB organisations and had asked the HHC to set up a specific TFG for this purpose.

C. Priller asserted that the issue needed to be re-discussed with EA. The CAB College was very pleased with EA's decision to have the issue taken over by the HHC again.

M. Stadler voiced his and the Industry College's satisfaction that EA took these concerns in a constructive way. They fully supported the CAB College: considering a technical issue does not mean a lack of independence and impartiality.

M. M. Logghe reported that the NA College agreed upon the CAB College's view as well.

A. Steinhorst reiterated that EA remained open to discuss the point further, together with the EC as well; this was not EA's intention to exclude any party. The issue has to be clarified to reach something clear.

I. Pina reported that a kick-off meeting of the *ad hoc* HHC TFG could not finally have been held in Sofia as initially planned, but another meeting at a higher level was likely to be set up soon in Brussels. He reaffirmed EA's will to arrange such a dialogue.

### Decision

The Board:

- continued 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;
- took the view that Document CERTIF 2015-02 rev.03 followed the principle - that typically the individual case in question should be considered - by referring to the respective standards, and that the CERTIF document also specified a borderline case for which the impartiality and confidentiality of the activities of conformity assessment bodies are not guaranteed obviously;

- noted that the CAB and Industry Colleges continued to maintain their strong concerns about the position on consultancy elaborated by the EA HHC and now adopted by the EA GA, which went beyond what was adequate and necessary to guarantee the impartiality required of conformity assessment bodies;
- welcomed EA's willingness to remain open to discussions with all parties involved and to initiate a dialogue with stakeholders on this matter;
- confirmed the three Colleges' interest in EA's invitation to contribute to that dialogue.

#### 4.4 EAAB Work Programme

The Chair called for comments on the updated EAAB WP.

- **Consistency and harmonisation among NABs**

Further to a question by C. Priller about the key topic dedicated to consistency, A. Steinhorst pointed out that the "one-voice concept" set out in the *EA Strategy 2025* was definitively to strengthen consistency and harmonisation within EA. As an example, he mentioned the Accreditation for Notification (AfN) project whose objective had been to define a preferred standard for a given scheme.

It was agreed to delete the CAB College as the responsible for action to be taken over by the whole EAAB, and to reclassify the topic from "ongoing" to "open".

- **Implementation of the new European legislation and related consequences (incl. cross-border issues)**

C. Priller stressed that cross-frontier (CF) harmonisation was not so easy actually. For him, there is a crucial issue of consistency in cross-frontier accreditation, and he asked and thanked EA for taking on board this key issue as well within the "one-voice concept".

M. M. Logghe asked why to keep cross-frontier issues as an open topic owing to the implementation of Regulation (EC) 765/2008. C. Priller replied that the issue was not based on the legislation, but rather on some lack of consistency between national options.

M. Stadler pinpointed that the topic had been included into the EAAB Work Programme at the 20<sup>th</sup> meeting, i.e. about ten years ago, when the new legislation and Regulation (EC) 765/2008 should be imposed on monopolistic accreditation and an evolving marketplace. However the issue could still be relevant and worth being considered with regard to its impact and repercussions and possible improvements, which could be stated in a paper entitled something like "Experiences with Regulation (EC) 765/2008 since its adoption in 2008". M. Stadler suggested keeping the topic open while modifying its title.

C. Priller insisted that, even if EA had been making good work, there were still strong requirements on CABs' side and some necessary improvements should be looked for.

It was agreed to remove out the "Implementation of the new European legislation" of the WP, while keeping "cross-border issues" as an ongoing topic.

#### **Decision**

The Board:

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

- “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**

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

## 5. EA matters

### 5.1 Update on EA MLA mark

The Chair recalled that the EA MLA mark had been discussed at the last meeting and should be reconsidered by EA for clarification purposes.

A. Steinhorst explained that the objective was for accredited CABs to use, on a voluntary basis, the EA MLA mark on their reports. The detailed modalities are being discussed by a HHC TFG.

M. Stadler concluded that the added value would be for CABs to demonstrate the signature of the EA MLA by their accreditation bodies. He was replied that whether accreditation scopes should be clearly distinguished or not was still under discussion.

A. Steinhorst pointed out that the EA MLA mark could be used in combination with NAB logos. I. Pina added that the EA MLA mark should not be confused with the IAF or ILAC mark; using the EA MLA mark would not be an obligation, but rather an option, a right. Not all EA Members are members of ILAC or IAF and they need the option to demonstrate EA MLA recognition.

M. Stadler recalled that, when raised and discussed in the EAAB ten years ago, the EA MLA mark had not been supported at all. He stressed how the situation had been evolving since then.

### Decision

The Board:

- thanked EA for the background information and details given about the intention to introduce an EA MLA mark, which was 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 was still to be determined) and would remain an option;
- noted the statement by EA that the majority of EA Members had no concern with the fact that the logos of national accreditation bodies could lose their importance;
- reiterated its position stated at the last meeting in October 2017, and continued 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.

### 5.2 Implementation of EA Strategy 2025 – Progress report

A. Steinhorst reported that several TFGs should rise to the new challenges defined by the *EA Strategy 2025*. For now, a TFG chaired by I. Pina is responsible for revising the management structure of EA; a good proposal will be presented at the EA General Assembly within a couple of weeks in Sofia.

The Chair drew the Board's attention to 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*).

A. Steinhorst explained that TFG 6 should be reconvened due to Paul Stennett's leaving of UKAS. A discussion paper is likely to be ready in June 2018. A. Steinhorst ensured that the EAAB would not be excluded from the discussions which were still progressing.

C. Priller was quite satisfied with the Strategy and how it was implemented.

#### **Decision**

The Board:

- welcomed the progress made in implementing the EA Strategy;
- asked 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.

### **5.3 Update on the “harmonisation” of ISO/IEC 17011 and ISO/IEC 17025**

There was no comment on the extract from the *Official Journal of the European Union* (JOEU) C 92 dated 9 March 2018 indicating the publication of EN ISO/IEC 17011:2017 and EN ISO/IEC 17025:2017.

### **5.4 Use of accreditation by the European Commission - current developments**

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

A. Steinhorst pinpointed that there were actually numerous new fields of accreditation and those that were listed on the agenda were only a few examples of them.

Regarding the GDPR, the majority view previously supporting accreditation by National Data Protection Agencies (NDPA) has changed to opt for NABs now (or the cooperation between the NDPA and the NAB). There are many weekly activities relating to GDPR, which will come into effect as of 25 May 2018.

Concerning the Cybersecurity Act, the proposed legislation which provides for accreditation of CBs should be shaped in accordance with the New Legislative Framework (NLF). Cybersecurity should be one of the most important sectors in the future, for EA as well.

A. Steinhorst concluded that EA was very satisfied with the fruitful communication and cooperation it had been succeeding in establishing in these innovative accreditation fields.

M. M. Logghe appreciated the feedback and proactive information given by EA.

M. Stadler agreed on the fact that cybersecurity would be more and more developing in the near future. For him, there is no concern that the European Cybersecurity Certification Framework could be established like the NLF.

C. Priller highlighted how it was important to be on the good track as early as possible. In this regard, the Cybersecurity Act proves to be more successful than the GDPR.

**Decision**

The Board expressed 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.

**5.5 Possible implications of the *Brexit***

A. Steinhorst referred to the SWEDAC study (EAAB(18)08) which gave a comprehensive overview of the impact of the *Brexit* on CABs mainly.

He explained that EA had to revise the *EA Articles of Association* in order for UKAS to remain within EA. The revision was made in close cooperation with the EC. There will be two options presented to the EA General Assembly in Sofia:

- Revision of the membership criteria in the EA AoA or
- A resolution recognizing the (proposed) withdrawal agreement, which includes the transition agreement.

It was noticed that the withdrawal agreement currently discussed between UK and the EC provided for a transitional agreement which, if ratified, would mean that the UK would maintain (almost) all duties and rights until end of 2020, although UK will not be anymore an EU member from end of March 2019.

A. Evans reported that there were some discussions in UK to convert Regulation (EC) 765/2008 into a UK law, which would still provide for a UKAS-like accreditation body. On the industry side, companies are worrying over the additional administrative costs they will have to pay to be certified by CABs accredited by foreign NABs.

T. Wayne raised the issue of validity of UKAS-accredited certificates after the “withdrawal date” on 30 March 2019. M. M. Logghe explained that, if no transitional agreement were ratified, UK authorities could no longer act as notifying authorities (UK NBs would be removed from the NANDO database in 2019) and certificates would no longer be acceptable. She said that we had to be ready for the worst case.

A. Steinhorst agreed that the current issue was whether there would be a transitional period or not, and then, whether UK could still act as a notifying authority for the majority of product legislations until the end of this ratified transition agreement.

M. Stadler agreed with T. Wayne upon the fact that the validity of certificates should be maintained until the end of validity period, irrespective of the outcome of the discussions on the withdrawal and of a possible transitional agreement. The validity of certificates is not the issue and should not be questioned.

M. M. Logghe stressed how difficult the situation would be for very specific scopes; CABs had better enlarge their scope as soon as possible.

She proposed to circulate the link below to the *Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community highlighting the progress made (coloured version) in the negotiation round with the UK of 16-19 March 2018*.

[https://ec.europa.eu/commission/sites/beta-political/files/draft\\_agreement\\_coloured.pdf](https://ec.europa.eu/commission/sites/beta-political/files/draft_agreement_coloured.pdf)

**Decision**

The Board

- welcomed EA's intention to ensure UKAS' involvement beyond the envisaged transition period and to revise its *Articles of Association* so that UKAS could remain an EA Member;

- expressed strong concerns about the validity of UKAS-accredited certificates after the “withdrawal date” (30 March 2019);
- took note that, for the Industry College, whatever the outcome of the withdrawal and transitional agreements was, the validity of certificates issued until the withdrawal date should not be questioned and certificates should remain valid until the stipulated end date;
- expected that further information about the UK situation and transitional arrangements would be available for the next EAAB meeting in October 2018.

## 5.6 Relations with stakeholders

### ▪ IFS’ application for Recognised Stakeholder status

It was noticed that IFS was part of those six private scheme owners being also EA Recognised Stakeholders (actually after the agreement is approved by the EA General Assembly and signed by both parties), to which the call of nominations for renewal of the EAAB membership would be sent.

Further to a question by M. Held, A. Steinhorst clarified that International Featured Standards Management GmbH was registered in Germany, but the group was established throughout Europe.

### **Decision**

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

## 5.7 New EA projects and work items (NWIs)

- **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***

It was noticed that the 3 new work items were proposed by the EA HHC.

Regarding the revision of EA-2/17, further to a question by M. M. Logghe, A. Steinhorst said that NAs and the IMP expert group were not formally approached. The Chair expressed some concern about that; he asked EA to ensure NA’s involvement in the revision of EA-2/17, while deploring a lack of NA’s participation in the HHC. A. Steinhorst and I. Pina made clear that it was not for EA, but for the EC, to circulate a draft for comments to NAs, which should be managed by the EC.

### **Decision**

The Board:

- endorsed 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, recommended EA to send the draft revised document to the EC for discussion with the National Authorities before the second round of comments.

### **Action EA**

## 6. Items for information

### 6.1 Information to the EAAB

A. Steinhorst said a few words on:

- **EA Annual Report 2017** <http://www.european-accreditation.org/publication/ea-report-2017>

This is a brand new EA report resulting from EA's only initiative. This has nothing to do with the annual report submitted to the EC.

- **FPA 2018-2021**

The new FPA should be signed in autumn 2018.

- **ILAC/IAF evaluation of EA**

EA has been successfully peer-evaluated by ILAC and IAF for the scope extensions PTP and GHG.

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

The issue of whether or not to support accreditation by IHAF was being discussed in the EA Executive Committee. There are many mixed issues, including the religious one.

### 6.2 CETA - Implementation of the Bilateral Cooperation Agreement with Standards Council of Canada (SCC) - Progress report

A. Steinhorst reported that the EA NAB assessment of one CAB located in Europe (EU) according HAZLOC requirements, using SCC technical expert/assessor, as well as the SCC assessment of one CAB located in Canada according ATEX requirements, using EA NAB technical expert/assessor, had given very good results. The first real assessment is being started now. A formal assessment procedure should also be established and a set of documents published. Recognition of NABs should be reported to the EC.

### 6.3 Report on complaints and appeals

A. Steinhorst went through the report (EAAB(18)09). There was no comment.

### 6.4 IAF/ILAC Mid-Term Meetings in Frankfurt on 4-11 April 2018

A. Steinhorst said that there was no specific issue for the EAAB.

### 6.5 Draft Agenda of the 41<sup>st</sup> EA General Assembly on 16-17 May 2018 in Sofia, Bulgaria

A. Steinhorst highlighted that, further to Peter Strömbäck's leaving from SWEDAC, a new EA Chair and Vice-Chair should be elected for the current term 2018-2019.

## Decision

The Board thanked EA for the oral and written reports provided under these 5 last items.

**7. Any other business**

No other issue was discussed.

**8. Confirmation and selection of dates and places of next meetings**

Because no other common suitable date was found, the Board confirmed to meet on **Wednesday 17 October 2018** in spite of I. Pina's absence. The Board will start his new term at this next meeting, when a new EAAB Chair and two Vice-Chairs should be elected.

The Board also agreed to meet on **Thursday 14 May 2019**.

***Action EAAB Secretariat to confirm the location in Brussels with ETFA***

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

oooooooooooo

**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  
**NLF:** New Legislative Framework  
**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