

APPROVED Minutes of the 40th Meeting of the EA Advisory Board

held on **17 October 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), Alexander ŠAFAŘÍK-PŠTROSZ (EUROLAB), Bruce McGILL (IFIA), Alister Dalrymple (IQNET), Diana Popa (CEOC International).

Industry College: Andrew Evans (CAPIEL), Lars Bo Hammer (ORGALIME), Jörg Ed. Hartge (ZVEI (German Electrical and Electronic Manufacturers' Association).

NA College: Maureen Maria Logghe (NA, Belgium), Natalia Ducsayova (NA, Czech Republic), Ozge Akkiz (NA, Turkey), Lorenzo ORSENIGO (CONFORMA).

EPSOs (EA Recognised Stakeholders): Emmanuel (Manolis) Geneiatakis (FAMI-QS Asbl).

NMIs: Tuomo Valkeapää (WELMEC)

EC: Zacharias Bilalis (EC)

EFTA: Gudrun Rognvaldardottir (EFTA)

EA: Andreas Steinhorst (EA Executive Secretary)

1. Opening of the meeting – Introduction of Members and Guests (roll call)

The Chair Michael Nitsche 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.

Renewal of the EAAB Membership: nomination results and election of Chair and Vice-Chairs

The Chair informed EAAB on the results of the elections which resulted in the appointment of Maureen Maria Logghe as the new Chair of the EAAB and Martin Stadler and Christian Priller as reappointed Vice-Chairs of EAAB.

The board agreed unanimously.

In addition, the Board revised the EAAB Terms of Reference to clarify the election of the Chair and Vice-Chairs under Article 5.1 as follows:

“The Members of the Board shall elect a Chair and two Vice-Chairs who will hold office for a period of three years with the possibility of re-election”; the EAAB Secretariat is in charge to revise the EAAB ToR accordingly, and to republish them on the EA internet and intranet.

Appointment of EAAB observers to MAC/HHC

The Chair communicated that the current observer of the MAC is Maureen Maria Logghe. He asked her if she would volunteer to stay for another term. Maureen Maria Logghe accepted to stay for another term as MAC observer.

The Board agreed unanimously to her appointment.

Likewise, the Chair asked the present members if there is anyone that volunteers to take over the EA HHC observer role. Emmanuel Geneiatakis volunteered to become the EAAB HHC observer; The Board agreed with no abstention to his appointment.

In addition, the board agreed that the EAAB Secretariat will 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.

Decision

The Board:

- revises the EAAB Terms of Reference to clarify the election of the Chair and Vice-Chairs under Article 5.1 as follows:

“The Members of the Board shall elect a Chair and two Vice-Chairs who will hold office for a period of three years with the possibility of re-election”;

- agrees unanimously to the election of Maureen Maria Logghe as the new Chair of the EAAB and Martin Stadler and Christian Priller as reappointed Vice-Chairs of EAAB;

- appoints Maureen Maria Logghe as EAAB MAC observer and Emmanuel Geneiatakis as EAAB HHC observer;

Action EAAB Secretariat to revise the EAAB ToR accordingly, and to republish them on the EA internet and intranet

- asks the EAAB Secretariat to check and revise the contact details of the members of the Colleges in the LIST OF EAAB MEMBERSHIP and delete EA from this list.

Action 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.

2. Approval of agenda; Approval of Minutes of 39th Meeting of the EA Advisory Board Action list (actions not covered elsewhere)

The agenda was approved with no additional comments.

No further comments were made on the last report, which had already been considered as approved by email since no comments were raised by the end of the comment period. The Chair informed the participants that since Frederique Laudinet was not able to attend the EAAB and write the minutes of the meeting, Diana Popa (CEOC) was invited to take over the reporting of the meeting. For this reason, he continued, the report of this meeting will be much more concise than usual, and the chairs and Vice chairs will help Diana in drafting the minutes. The members thanked Diana for accepting to draft the minutes.

Regarding the action list of the past meeting, all actions were considered to be either closed or tabled on the agenda for the meeting.

3. Key topics for discussion

3.1 DIS Work program and expectations of members

Background information was given by the Chair.

It was said that the topics should have more relevance for the EAAB therefore it would be good to have proposals from the members to the Chair and Vice chairs of EAAB for the preparation of the Agenda.

Concerning the expectations, the EAAB would like to follow up and implement all the work done with the AfN project. In addition, the CAB college encouraged EA to have concrete steps forward, implementing the EA 2025 strategy leaving out the theoretical discussions on the consultancy issue for example and focus more on concrete steps forward.

In order to verify in the end, the real implementation of the expectations, Martin Stadler suggested to have the “expectation document” put for review by members to make comments and suggestions. It was agreed that during the next meeting the members can discuss how to enlarge and revise the document.

The industry college wants to see wider recognition and use of accreditation in the regulated areas as well as harmonization of accreditation rules in the various Member States.

The Board agreed on the fact that more accreditation and harmonisation is needed as well as having concrete examples on the issues which need to be solved e.g. what and where to address the issues, in which direction to go etc.

The Chair went through the EA work programme.

The representative from the European Commission (EC) also agreed on the fact that it is very important that the accreditation community has one voice.

Decision

The Board:

- decides to add new key topics to the current EAAB Work program as hereunder and agrees that Board members should review the program and come up with proposals for new key topics and actions, according to their expectations, for discussion at the next meeting;

1. Recognition of the work of EAAB by EA
2. Promotion of accreditation towards regulators
3. Harmonization and consistency of accreditation requirements and practices across Europe
4. Consistency in EA member ABs action at international level

- agrees to review the EAAB document on the Stakeholders' Expectations towards Accreditation and EA, and invites Board members to send comments and proposals for amendments in written form to the EA Secretariat for discussion at the next meeting;

- asks EA to come up with a list of points and useful examples where they have encountered concerns, and issues in the implementation of the EA Policy for Relations with Stakeholders (EA-1/15: 2010).

Action EA

Action EAAB for next agenda/meeting

Action EAAB Secretariat: to send the word versions of the work program and of the EA Stakeholders' Expectations towards Accreditation and EA document and ask Board members for comments in track changes by 1st February 2019

4. EAAB matters

4.1 INF Revised EAAB Terms of Reference

The Chair asked if there are any more comments on the ToR. Alister Dalrymple suggested to change in the text "Chairman" or "Chairwoman" to "Chair" in order to have gender equality.

The Chair suggested that the members prepare proposals for changes to the ToR for the next meeting.

Christian Priller said that content wise the text is good and the Board should not reopen this item to only change the wording since this would imply investing resources.

Martin Stadler said that EA should come up with proposals to change point 2.3 or any other point that is obsolete in the ToR. Maureen Maria Logghe agreed with Martin Stadler and suggested that in line with the same principle, the wording also in point 5.5 should change.

Conclusion

The Board:

- agrees to guarantee gender neutrality and change the words Chairman and Vice-Chairman to Chair and Vice-Chair throughout the whole EAAB Terms of Reference document;
- asks EA to make a proposal to change the elements in Articles 2.3 and 5.5 of the EAAB Terms of Reference that appear to set down obligations for EA.

Action EA

Action EAAB Secretariat to revise the EAAB ToR accordingly, and to republish them on the EA internet and intranet

4.2 DIS Reports from the EAAB HHC and MAC observers

The Chair informed the Board that the written report from the EA HHC meeting was not distributed nevertheless he mentioned that on the EA website there are reports from all meetings and whoever wants can consult those.

Andreas Steinhorst gave an oral report from the EA HHC meeting.

He reported that the most relevant issues that were discussed were:

- The concept of "speaking with one voice"
- Information item on the discussion with stakeholders regarding the "consultancy" issue
- Various Schemes and their reviews
- EA-2/13 EA Cross Border Accreditation and its revision - there was an agreement to circulate the revised draft for 60 days comment period
- Flexible scope item (general policy) - EA HHC has taken over the item with a TFG and a first proposal will be tabled
- participant of SCC – Canada – it will take part of EA committees since discussions of NBs and rev 2/17 that will be taken on board

Andreas Steinhorst concluded by saying that the next face to face meeting will take place in December 2018. In addition he said that every two weeks EA has meetings with SCC regarding CETA.

The Chair thanked Andreas Steinhorst for the comprehensive report and takes note of the various issues addressed in them.

Maureen Maria Logghe gave a report on the MAC meeting.

She mentioned the following topics that were discussed:

- Peer evaluation that was postponed because the material from the management group was not mature enough
- A FAQs was created but it is only a draft document not open for consultation
- Revision of ToR – there were some changes made and adopted
- How we can make notifying authorities become aware of the MLA status and Scope

She added that more details can be found in the written report.

The Chair thanked her for the comprehensive report and took note of the various issues addressed in them.

With regard to item 6 of MAC report, the Board agreed that if the NAB is not a signatory to the relevant MLA, the NA could still report the notification to the European Commission (COM) according to the alternative route. However, the NA would then also have to indicate the alternative way, which would entail a correspondingly extended report by the NA and an extended approval routine at the COM and the other MS authorities.

Conclusion

The Board:

- thanks Maureen Maria Logghe for her comprehensive written report on the MAC meeting held on 3rd and 4th October 2018, and takes note of the various issues addressed in them.

- With regard to item 6 of above mentioned report, agrees that if the NAB is not a signatory to the relevant MLA, the NA could still report the notification to the European Commission (COM) according to the alternative route. However, the NA would then also have to indicate the alternative way, which would entail a correspondingly extended report by the NA and an extended approval routine at the COM and the other MS authorities.

- invites the European Commission to discuss item 6 at the next Internal Market of Products (IMP) expert group meeting in January 2019 (tbc).

Action European Commission

4.3 DIS Issue Consultancy - current developments

The Chairman gave background information on the issue of Consultancy.

Andreas Steinhorst reported on the approach taken by the HHC to look for examples / scenarios of good practice regarding impartiality and confidentiality with respect of the work of CABs, in order to help the work of the assessors in their decision-making process; it is a sort of FAQs list to be given to assessors to cope with the consultancy issues.

The Chair said that the list would be helpful for all the players involved.

Christian Priller said that the problem is the sectoral exclusion which is a critical point. A way should be found to solve the sectoral exclusion because the barrier is not only put to CABs but also to Industry and technological progress. Martin Stadler agreed. The idea of drafting a list of what is considered consultancy and what is not considered consultancy, could help.

Andreas Steinhorst said that the aim of the document was to get a common understanding on what consultancy is. There are examples that are useful to understand further. This was triggered by the fact that the practice of the ABs is different from what the CERTIF doc is. EA consulted the EC who said to first have an EA resolution as position.

The board debated that having an EA position is different than having an EA resolution which is binding towards the ABs which are forced to follow the resolution.

In any case, Andreas Steinhorst said that the resolution might be revised in the end.

Alistair Dalrymple said that the list of examples can also be tricky since they might become requirements. He continued by saying that in his opinion the word consultancy is the wrong one used in the context of the resolution. Emmanuel Geneiatakis agreed and said that the use of the word consultancy should be kept very clear in order not to leave the window open to other interpretations.

Andreas Steinhorst said that the CERTIF document is the interpretation of the EC and reflects a common decision, it does not represent binding law. Nevertheless he added that the CERTIF document can be reconsidered in relevant places to reflect a common position by EA.

Alexander Šafařík-Pštrosz suggested to abolish the resolution.

After lengthy discussions, the Board called upon EA to suspend the implementation of the EA resolution 2017 (40) 13 on Consultancy until further consensus on the interpretation of the CERTIF document on Consultancy has been reached.

Conclusion and Decision

The Board:

- supports the start of the exchange of information process between EA and the CAB and industry colleges;
- welcomes the approach driven by the HHC to look for examples / scenarios of good practice regarding impartiality and confidentiality with respect of the work of CABs, and believes that drafting such scenarios could help the work of the assessors in their decision making process;
- again refers to the Document CERTIF 2015-02 rev.03 and points out that it follows the principle that typically the individual case in question needs to be considered;
- takes note of the process of the need, as stated by EA, to reconsider the CERTIF 2015-02 rev 03 document in the relevant places and that the resolution taken by EA is to reflect a common position by EA members ;
- takes note of the statement made by EA that the EA resolution is reflecting a common position, but the board does not want to see it as a binding rule for AB but rather as input for discussion at the Internal Market of Products (IMP) expert group meeting;
- agrees that the advice of the Board, reflecting the common position of all members, should be laid down in the form of a Resolution:

RESOLUTION: EAAB calls upon EA to suspend the implementation of the EA Resolution 2017 (40) 13 regarding consultancy until further consensus on the interpretation of the CERTIF 2015-02 rev 03 document has been reached.

4.4 EA Policy to speak with “one voice”

Andreas Steinhorst informed the Board on the nature of the “one voice” document. He mentioned that it is an EA HHC initiative and the intent of the document is to create more harmonization. He added that the document will be distributed for comment soon.

The Board thanked EA for the information.

Martin Stadler said that the current version of the policy still contains language in the form more of a “discussion” document than a “policy” document as such, so he proposed and advises EA to have another look at the relevant parts of the document.

The Board agreed with the proposal.

Conclusion

The Board:

- welcomes the approach taken by EA in this policy in order to arrive at greater consistency and harmonization;
- finds, however, that the current version of the policy still contains language in the form more of a “discussion” document than a “policy” document as such, and advises EA to have another look at the relevant parts of the document.

5. EA matters

5.1 INF Implementation of EA Strategy 2025 - Progress report

EA reported that the final version of the EA Strategy report will be presented at the next EA GA. He added that *TFG 6: Analyse and propose new stakeholder policy including relevant procedures for cooperation with stakeholders* is the most relevant for EAAB although it has not started its activity yet (it is likely that it will start in Autumn).

The Board thanks EA for the report and the progress made implementing the EA Strategy.

Conclusion

The Board:

- welcomes the progress made in implementing the EA Strategy;
- thanks EA for the background information and details given about the changes in TFG 6: Analyse and propose new stakeholder policy including relevant procedures for cooperation with stakeholders which is particularly relevant for the EAAB.

5.2 INF Accreditation for Notification (AfN) project part II

EA reported on the Accreditation for Notification Part II project (part I did not cover all legislations - 7 of them more precisely are covered by part II). EA hopes that all directives will be covered soon. Spring 2019 is the intent.

The Board encouraged EA to raise the voice in the ongoing revision of the construction regulation.

Conclusion

The Board:

thanks EA for the background information and details given about the progress made in the AfN project part II and encourages EA to raise the voice in the ongoing revision of the construction regulation.

5.3 INF Use of accreditation by the European Commission - current developments

EA and the EC gave a general update on the following issues.

▪ General Data Protection Regulation

The Board discussed the GDPR issue. The biggest concern is that schemes are starting to be implemented at national level instead of having European schemes that are mutually recognized.

▪ Cybersecurity Act

The EC reported on the partnership (TFG) that they initiated with ENISA. Any product can be covered by the Cybersecurity Act and EA is trying to support ENISA. The idea is to be careful with the national authorities and to support the unique approach of ENISA.

- **Proposed Regulation on fertilizing products**

EC mentioned a new regulation on fertilizing products which will soon be published. It is still in trilogue negotiations at the moment.

- **New regulation on electronic freight transport information**

EC mentioned a proposal for a new regulation on electronic freight transport information with mandatory accreditation, but NBs not included. The regulation should be published next year with implementation in 4 years. Regulation 765 applies when accreditation applies.

- **Proposed regulation on drones**

EC reported that there is a proposed regulation on drones under NLF. The good news is that in the delegated act accreditation will be mandatory. The regulation has a 4 weeks open feedback.

- **EU-Japan EPA**

The EC reported that in the EU-Japan Economic Partnership Agreement there is Conformity Assessment referenced. There is an existing MRA and the scope is related to this MRA. In the future other scopes may be discussed. The good news is that the Conformity Assessment and accreditation are covered in this trade agreement.

The Board thanked EC and EA for the comprehensive updates on the current developments and efforts in supporting accreditation as the best option to demonstrate competence of conformity assessment bodies.

Conclusions:

The Board:

- thanks EA and the European Commission for the update on the current developments and efforts in supporting accreditation as the best option to demonstrate competence of conformity assessment bodies;
- asks EA to promote within the European Commission for ensuring harmonization regarding developing schemes.

5.4 INF Brexit and EA – Progress report

The Board discussed the “UKAS” situation after Brexit. It was agreed to wait and see how the debate at political level continues before discussing the membership criteria in EA.

The deed of amendment should be endorsed in November and this might be applied in May 2019. For the time being, article 6 clause 7 applies. The EA GA will decide how to proceed after the BREXIT negotiations are concluded;

Conclusion:

The Board:

- takes note that the deed of amendment of EA’s Articles of Association should be endorsed in November and might be applied in May 2019. For the time being, article 6 clause 7 applies. The EA GA will decide how to proceed after the BREXIT negotiations are concluded;
- expects that clearer information about the BREXIT and transitional arrangements will be available for the next EAAB meeting in spring 2019.

5.5 DEC New EA work items

EAAB endorsed with no further comments the following work items:

- Revision of EA-1/14: Procedure for Development and Approval of EA Documents and Adoption of ILAC/IAF Documents;
- Revision of EA-2/02 EA Procedure for the evaluation of a National Accreditation Body
- Revision of EA 4_02 Evaluation of the Uncertainty of Measurement in Calibration
- Revision of EA 4_09 Accreditation for Sensory Testing Laboratories Revision of EA INF_13 Accreditation of Opinions and Interpretations;
- Revision EA_6_02 Guidelines on the use of EN 45011 and ISO/IEC 17021 For certification to EN ISO 3834.

5.6 Relations with stakeholders

The Board corrected the nature of the item 5.6 of the agenda from “ information” to “decision” and approves the AEBIOM’s (Bioenergy Europe) application for Recognized Stakeholder status.

Decision

The Board:

- corrects the nature of the item 5.6 of the agenda from “ information” to “decision”;
- approves the AEBIOM’s (Bioenergy Europe) application for Recognized Stakeholder status.

6. INF Items for information

6.1 Information to the EAAB

▪ FPA 2018-2021

EA reported that, in order for the EC to provide funding to EA an agreement should be signed by the EC, EA and EFTA. The new framework partnership agreement has to be signed. This represents the legal basis to provide budget resources. The Board discussed the EA financed budget by the EC.

▪ ILAC/IAF evaluation of EA

- EA’s application for IAF MLA scope extension FAMI-QS and IPC

EA has applied to be recognized and waiting for IAF’s feedback in two weeks.

▪ IHAF (International Halal Accreditation Forum)

There has been a proposal to sign an MoU between EA and IHAF.

There are nevertheless some concerns among the EA members and discussions going on in the executive. It was agreed that the issue should be first discussed at EA GA level although there has been no decision taken by now.

EA added that by signing an MoU now it would bring to consequences for other european policies as well related for example to human rights etc.

The EC said that for the moment would make sense not to sign anything.

EAAB agreed.

Conclusion

The Board:

- thanks EA for the oral and written reports provided under this item.
- agrees that regarding the point on IHAF (International Halal Accreditation Forum), it would be desirable that the EA members follow the same voice (coordinated opinions) at international level;

- takes note of the request from the European Commission to keep some distance in the discussions given the uncertainty in the sector and the thin line with human rights.

6.2 CETA – implementation of the Bilateral Cooperation Agreement with Canada/SCC – progress report

The Board members discussed the implementation of the CETA protocol on conformity assessment. The main issue is that the recognition of the Canadian Certification Bodies (CB) for the purpose of carrying out conformity assessment under EU legislation is being delayed due to Standards Council of Canada (SCC) not yet being recognized as a notifying authority. This is being discussed in a steering group that will recommend to the authority to recognize SCC for certain sectors. EA will circulate the result to the Commission in the coming two weeks.

6.3 Report on complaints and appeals

EA reported on a complain received by UKAS.

6.4 IAF/ILAC annual meetings in Singapore on 22-31 October 2018

The Chair informed the board that during the IAF/ILAC meetings in Singapore, ILAC elections will take place. No other items were discussed.

6.5 Draft Agenda of the 42th EA General Assembly on 21-22 November 2018 in Bucharest, Romania

EA informed the Board that the draft agenda will be circulated that week.

7. Any other business

No other items were discussed.

8. Confirmation and Selection of dates and places of next meetings

The Board agreed on the following dates for the next EAAB meetings:

- Spring 2019 meeting 14th of May
- Autumn 2019 meeting 7th November
- Spring 2020 meeting 28th April

Action EAAB Secretariat to confirm the location of the next meeting in Spring 2019 with EFTA

Closing of the meeting

The Board thanked EFTA for hosting the EAAB meeting and sent cordial greetings to Frederique Laudinet and best wishes for a fast recovery. In addition, the Board thanked Diana Popa for taking over, on behalf of the EAAB Secretariat the reporting of the EAAB meeting.

The Chairman thanked the participants and closed the meeting.
