APPROVED Minutes of the 43rd Meeting of the EA Advisory Board
held online on Tuesday 28 April 2020

Participants:
EAAB Chair: Miruna Dobre (NA, Belgium).
EAAB Vice-Chair: Martin Stadler (BUSINESSEUROPE), Bruce McGill (TIC Council).
CAB College: Alister Dalrymple (IQNet), Benny De Blaere (EUROCER Building), Alexander Safarik-Pstrosz (EUROLAB).
Industry College: Andrew Evans (CAPIEL), Lars Bo Hammer (DI), Jörg Ed. Hartge (ORGALIM).
NA College: Natalia Ducsayova (NA, Czech Republic), Michael Nitsche (NA, Germany), Anda Fuior (NA, Romania), Sezen Leventoglu (NA, Turkey).
European Private Scheme Owners: Anni Koubek (EOQ).
NMI: Maria Luisa Rastello (EURAMET), Tuomo Valkeapää (WELMEC).
EC: Zacharias Bilalis (EC).
EFTA: Gudrun Rognvaldaradottir (EFTA).
EA: Ignacio Pina (EA Chair), Andreas Steinhorst (EA Executive Secretary), Frédérique Laudinet (EA Secretariat).

Apologies were received from Stephen Russel (ANEC) and from CEN-CENELEC which would appoint a new representative to replace Pambos KAMMAS during their June General Assemblies.

1. Opening of the meeting

The Chair opened the meeting, welcoming the delegates to this unusual shortened online meeting owing to the Covid-19 outbreak. She invited EAAB Members to a roll call and took note of the apologies received.

2. Approval of agenda

List of conclusions and resolutions and Minutes of 41st Meeting of the EAAB
Action list (actions not covered elsewhere)

- Approval of agenda

The agenda was adopted as distributed for the meeting.

- Confirmed approval of previous Minutes

There was no further comment on the minutes, which were definitively approved with the comment previously made by EFTA on Page 11.

Conclusion
The minutes of 42nd meeting were approved and should be published onto the EAAB intranet and webpage. Action Secretariat

- Action List

The Chair went through the action list and notably highlighted that:

- the CAB College had appointed Christian Schramm (IIOC) from among its constituency to act as the EAAB HHC observer;
EOQ had appointed Anni Koubek as the representative of the European Private Scheme Owners.

Regarding the situation that ISAC, the Icelandic national accreditation body, had never been peer evaluated by EA and never applied for the EA MLA signatory status, G. Rognvaldardottir confirmed that EFTA had no further update. As she had already reported at the EAAB meeting in November 2019, the EFTA Surveillance Authority is working on the matter: the Authority has written to the relevant Icelandic ministry a letter of formal notice where it pointed out various shortcomings in the implementation of Regulation (EC) 765/2008 and requested these shortcomings to be addressed. There should have been further exchanges between the Authority and the Icelandic government.

G. Rognvaldardottir then asked EA whether EA Rules of Procedure could be amended so as to take the issue on board.

A. Steinhorst replied that EA had not to deal with this peer-evaluation issue which should be rather considered by accreditation bodies themselves. EA's responsibility lies in providing the service to NABs, but it is up to them to get prepared and apply for peer evaluation. Actually the issue concerns two countries only. Upon M. Nitsche's comment, A. Steinhorst added that the EA website clearly shows that although a full member, ISAC was not a MLA signatory.

The EC had no comment. Z. Bilalis stated that EA's only responsibility was to carry out peer evaluations in a correct way. M. Stadler agreed that this was an issue for the Regulators and Icelandic authorities.

**Decision**

The Board:

- took note that, since the last meeting, EFTA had no further update on the situation that ISAC, the Icelandic national accreditation body, had never been peer evaluated by EA and never applied for the EA MLA signatory status; EFTA Surveillance Authority is working on the matter and there have been further exchanges between the Authority and the Icelandic government;

- again, noted that EA had not to take this issue on board because it was up to each NAB to get prepared for peer evaluation and apply for EA MLA signatory status, and that this was an issue for regulators and Icelandic authorities.

3. **Topics for discussion**

3.1 **Stakeholders’ representation in EA; interaction between EAAB and EA**

The Chair gave the floor to Z. Bilalis whose mail sent to the Board had been published among the meeting papers. He explained that, first, the NA College had to coordinate with all national authorities which it represented, and secondly, EA had to take EAAB comments and advice into account.

Regarding the EC's first request, the Chair and M. Nitsche pointed out that the functioning of the NA College was quite different from that of the CAB and Industry Colleges. Similarly to the CAB and Industry Colleges' representativeness organised in sectoral groups, M. Nitsche suggested setting up some kinds of working groups or networks for specific EU directives as a good way to improve communication between national authorities and their representativeness. The NA College will further discuss the point with the EC.

Because consultation and coordination were not easy things, Z. Bilalis said that the EC was ready to support the NA College in having closer relations with the EC and all authorities. It is up to the NA College to choose the way of improvement which the EC will support.
M. Stadler explained the representation of the various sectors of industry, business and trade within the Industry College, and the cooperation and coordination of views and positions through BUSINESSEUROPE.

B. McGill brought to attention a potential non-communication of EC stakeholder notices concerning BREXIT: transfer of files policy issued July 2019 and March 2020 have not been communicated at National Level by the NA to NABs (for example, ACCREDIA were not aware of the issued documents).

Reference: EUROPEAN COMMISSION DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES: Brussels, 13 March 2020 REV2 – replaces the notice (REV1) dated 18 July 2019

M. Nitsche asked whether it would be possible to provide the NA College with a secretariat. Z. Bilalis replied that the EC had already a grant agreement with EA and could not open a channel for financing the EAAB.

About the EC’s second request A. Safarik-Pstrosz reported the CAB College’s emphasis on the advisory role of the EAAB and proposal for changing the agendas of the Board to be more focused on those topics that EA would like or need to be advised.

Z. Bilalis expected that EA consulted the EAAB as part of EA. A. Safarik-Pstrosz agreed, insisting that the EAAB should be used as an advisory board and should concentrate on EA’s requests for advice. A. Safarik-Pstrosz will draft some paper to suggest ways of improvement for the next meeting.

Agreeing with the EC, A. Steinhorst confirmed that EA should consult the EAAB and relevant stakeholders, as set out in the EA policy. But it is up to stakeholders to organise themselves.

The Chair asked whether the current EAAB Secretariat could help in the task of consulting the whole of national authorities. A. Steinhorst replied that the other two colleges could request the same assistance, and EA could not provide any other support in organising the colleges’ internal activities.

M. Stadler emphasized that the EAAB was performing a task placed upon EA under Regulation 765/2008, the proper implementation of which is also a responsibility of the EC: in accordance with Article 4 (11) of Regulation (EC) 765/2008, the Board is the main forum to ensure effective stakeholder involvement within EA. The Industry College would like the EC to give clearer guidance on the implementation of this provision in the Regulation and to state their expectations in this regard, and make a clear statement on the effective support to be provided by EA for the EAAB to ensure it can effectively play its role.

B. McGill agreed with M. Stadler, using the stakeholder notice point raised earlier as an example.

The Chair asked how to proceed further. M. Nitsche suggested that the comments and proposals made at the meeting should be discussed within each College, EA and the EC in order to agree on a way to deal with this in the future. M. Stadler proposed that written contributions, based on the document “Interactions between EA and EAAB: potential for improvement”, should be prepared by each College and members of the Board, which should give their views and suggestions on how to improve the interaction between EA and the EAAB, and on what is expected for the EAAB’s role in the future. B. McGill insisted on the need to prioritise the issue of the Board’s advisory work.

Decision
The Board:

- acknowledged the EC’s formal request that the NA College should coordinate with all national authorities which it represented, and the EC’s willingness to support the NA College in this objective after the latter decided upon a way of improvement;
acknowledged the EC's formal request that EA, which should consult the EAAB, should demonstrate more formal responsiveness to the advice given and the comments made by the EAAB;

took note that the CAB College, highlighting the advisory role of the EAAB, proposed reorienting the Board's agendas to be more focused on those topics EA would like or need to receive advice on;

confirmed that the EAAB was called upon to act as the structure to ensure effective stakeholder involvement within EA and to perform the related tasks, as agreed by EA and required by Article 4 (11) of Regulation (EC) 765/2008, the proper implementation of which was also an EC responsibility, and noted the request from the Industry College for clearer guidance by the EC as to what the expectations of the EC were in this regard, including a clear statement that EA should give effective support, including financial support, for the EAAB to play its role;

**Action EC**

agreed that each EAAB College and other Board Members should prepare and send written contributions (stating needs and expectations), based on the document "*Interactions between EA and EAAB: potential for improvement*" (meeting paper EAAB(20)03), on the following issues:

1/ How to improve the interaction between EA and the EAAB?
2/ How do stakeholders consider the EAAB's role in the future?

in order to have further discussions at the next meeting of the Board.

**Action EAAB Chair/Secretariat to send a formal call for contributions**

**Action EAAB Colleges and Members to answer the call by mid-September 2020**

### 3.2 Extension of implementation deadline for ISO/IEC 17025

A. Steinhorst explained that the 3-year implementation deadline for the new ISO/IEC 17025, published in November 2017, was normally due in November 2020. However the Covid-19 outbreak has stopped many assessments of a great number of laboratories which cannot demonstrate they have correctly made the transfer to the requirements of new ISO/IEC 17025. The issue has been discussed in ILAC which has decided and will soon inform that the deadline should be extended to 1 June 2021. A. Steinhorst asserted that Europe had to follow this extension made necessary by the pandemic. EA has contacted the EC which is considering the issue to extent the transition deadline and to publish that accordingly in the EU Official Journal.

A. Safarik-Pstrosz supported the ILAC decision and the extension which, if the pandemic were to persist, should even be continued. A. Steinhorst replied that ILAC was discussing this possible concern.

**Decision**

The Board:

- noted that, owing to the Covid-19 outbreak, many assessments against the new ISO/IEC 17025 (published in November 2017) could not be performed completely and, as a result, all laboratories could not demonstrate compliance with the requirements to the new standard by the 3-year implementation deadline, i.e. November 2020;

- supported EA's initiative on asking the EC to consider the upcoming ILAC decision to extend the implementation deadline of ISO/IEC 17025 until 1 June 2021, and to publish the extension in the EU Official Journal in order for European NABs to follow the extension.
3.3 Consultancy by conformity assessment bodies: CERTIF / HHC documents

A. Steinhorst informed the Board that the last IMP meeting in December 2019 had discussed and closed the issue concerning any need to revise document CERTIF 2015-02 rev.3 on consultancy in notified bodies, concluding that it was up to the EC to decide what was acceptable in terms of consultancy. As a result, the HHC has finalised the new guidance document developed on this issue, EA-2/20, which has just been published and distributed for the meeting. EA-2/20: Consultancy, and the Independence of Conformity Assessment Bodies defines what consultancy is and what is acceptable with regard to consultancy. An important table lists the activities and the related risks. This guidance, not mandatory, will be very useful not only for NABs, but also for CABs.

M. Stadler welcomed the elaboration of this practical guidance based on different scenarios, which has been established for stakeholders’ input. He looked forward to seeing how it would be applied in the future.

A. Darymple noticed that the issue should rather have been included under Agenda Items 4 – Topics for information. M. Stadler mentioned that EA-2/20 had not been published yet when the agenda was discussed at the Board’s preparatory meeting on 23 March.

A. Darymple reported that the CAB College was very pleased with this guidance which could be a very useful training document.

M. Nitsche reported that the NA College had no opinion on the issue.

Decision
The Board:
- noted that a new non-mandatory guidance document EA-2/20: Consultancy, and the Independence of Conformity Assessment Bodies, setting out what consultancy was and what was acceptable in terms of consultancy, had been published for use not only by NABs but also by CABs;
- appreciated that such practical guidance based on different scenarios had been established for stakeholders’ input and was looking forward to seeing how it would be applied;
- agreed that the document should remain general guidance and not be developed into a mandatory document.

3.4 Coronavirus outbreak and its impact on the assessment of CABs

I. Pina said that EA had issued an EA communication to EA Members and accredited CABs regarding the outbreak of COVID-19 at the end of March. This statement opens some room for remote assessments, although not all the applicable standards foresee the use of remote assessment techniques whenever needed to substitute or complement on-site assessments, including document reviews, and these assessment techniques may not always enable exactly the same objective to be achieved as on-site assessments. I. Pina added that due to national differences, more specific advice seemed difficult.

The Chair thanked EA for this very good initiative.

A. Steinhorst pointed out that specific groups (such as the construction products group) issued their own statements while referring to the EA statement at the same time.
Decision
The Board appreciate the initiative taken by EA to issue a statement on the consequences of the Covid-19 outbreak on assessment of CABs and the option given for remote assessments.

3.5 Brexit and EA: update

A. Steinhorst said that, since the United Kingdom had left the European Union in January 2020, UKAS should not be an EA member anymore. But as it has already been reported to the Board, EA has proposed to apply Article 6 clause 7 in the EA Articles of Association allowing the UK to remain an EA Full Member for a maximum of two years, until 31 January 2022. The membership criteria in EA-1/17 S1 will continue to apply. This proposal has to be adopted at the EA General Assembly next month.

For A. Evans, the real issue was to decide how much UKAS had to pay to remain an EA member. A. Steinhorst replied that UKAS’ membership would have to be still considered as an important issue.

Decision
The Board noted that, further to the United Kingdom’s withdrawal from the European Union in January 2020, the application of Article 6 clause 7 in the EA Articles of Association allowing the UK to remain an EA Member for a period of time no longer than two years, i.e. until 31 January 2022, had to be endorsed at the online EA General Assembly on 14 May 2020.

4. Topics for information

EAAB Matters

4.1 Report from the EAAB MAC observer: latest developments

A. Steinhorst reported that the MAC meeting should have been cancelled due to the Covid-19 pandemic, but the meeting preparation was going on to have a remote meeting where many activities should be launched and important decisions taken.

The HHC meeting as well should have been cancelled for the same reason. The HHC Chair set up a “recovery plan” to catch up with all activities that could not be rescheduled to the meeting in September 2020. In addition to email communication, the EA Forum available on the EA intranet page was largely used to discuss the draft documents presented to the HHC for endorsement. There were many exchanges which gave fruitful results. A. Steinhorst went through the HHC Chair’s presentation distributed for the meeting, highlighting notably the recent publication of revised EA-1/22: *EA Procedure and Criteria for the Evaluation of Conformity Assessment Schemes by EA Accreditation Body Members* and revised EA-2/17: *EA Document on Accreditation for Notification Purposes*, the current ballot on new EA-2/19 List of Risks for Accreditation Processes and Operation of Accreditation Bodies. The revision of EA-3/01 to include the rules and procedures for using the EA MLA mark is nearing completion: a supplement to EA-3/01 should be sent out for ballot very soon.

M. Nitsche reported on the BAM workshop whose first round had ended last year. The current second round of the benchmarking project, which will be very useful for NABs to compare their activities, is expected to be ready for this autumn.

Decision
The Board thanked Gabriel Zrenner (DAkkS), the HHC Chair, for his written exhaustive presentation and Christian Schramm (IIOC), the newly-appointed EAAB HHC observer, for his report.
4.2 Multi-site certification: need for harmonised approach

B. McGill explained the point as described in the paper “Role and organization of the “central function” according to IAF MD1:2018” (EAAB(20)04). The market demonstrates that all IAF MLA signatories do not have a harmonised approach to the application of the requirements defined in IAF MD1:2018 IAF Mandatory Document for the Audit and Certification of a Management System Operated by a Multi-Site Organization. If this lack of consistency is not supported by IAF, IAF should clarify how it intends to prevent that extra requirements are added to IAF mandatory documents. In case IAF would agree on these inconsistencies in NABs’ interpretation of IAF MD1, how can IAF still uphold the principle, promoted on the IAF website, stating that MLA arrangements create “a framework to support international trade through the removal of technical barriers, when these additional requirements from the AB serve to put such barriers in place”?

M. Stadler thanked the CAB College for raising the issue and reported on cases in Germany where a recent administrative circular issued by DAkkS, the German national accreditation body, had led to misunderstood of IAF MD1:2018 and to differences in practices among CBs. The issue has been put to IAF for clarification.

**Decision**
The Board:

- thanked the CAB College for raising the issue and presenting document EAAB(20)04;
- took note that market information shows that a harmonised application of the requirements defined in IAF MD1:2018 IAF Mandatory Document for the Audit and Certification of a Management System Operated by a Multi-Site Organization by all of its MLA signatory ABs needed to be ensured further;
- highlighted the need for clarification by IAF on how it intended to prevent any additional requirements being added to its mandatory documents, and to stick to their basic principle “Accreditation bodies, which have been evaluated by peers as competent, sign arrangements that enhance the acceptance of products and services across national borders, thereby creating a framework to support international trade through the removal of technical barriers, when these additional requirements from the AB serve to put such barriers in place?”;
- agreed to continue to observe the proceedings on this issue at the IAF level.

*Action EAAB > CAB College*

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**EA Matters**

4.3 Endorsement of new EA work items

A. Steinhorst explained that EA-1/17 S3 needed to be revised in order to solve some inconsistencies with EA-2/02: EA Procedure for the evaluation of a National Accreditation Body.

There was no comment.

**Decision**
The Board endorsed the new work item proposed for the revision of EA-1/17 S3 - EA Procedure for the investigation and resolution of Complaints and Appeals.
4.4 Update on implementation of IAF resolution on non-accredited product certification where the CAB is accredited for the same scope

A. Steinhorst reported that no general exception was defined in EA for the conformity assessment schemes operated under the IEC conformity assessment systems.

M. Stadler repeated the same comments as those made at the previous Board meeting, i.e. there was no harmonised understanding in the field of product certification of the notion of the “scope of accreditation”, thereby creating confusion as to what is “inside” or “outside” the scope of the relevant IAF Resolution. Furthermore, he stressed again the concerns raised related to schemes in the non-regulated area.

**Decision**
The Board reiterated the conclusions and comments made at the previous meetings about the need for clarification and a harmonised understanding in particular regarding the issue of what was covered by the note in IAF Resolution 2018-13 on non-accredited product certification where the CAB was accredited for the same scope.

4.5 EA planned event on digitalisation and its impact on accreditation

A. Steinhorst reported that no real activity had been starting and no date had been set up for now. Only contacts have been taken. The preparation of the event is postponed until the development of the pandemic keeps uncertain.

**Decision**
The Board acknowledged that, until more information was available on the Covid-19 development, EA had to stop the preparation of the event on digitalisation, which was however quite upheld.

4.6 Revision of EA-2/17: EA Document on Accreditation for Notification Purposes

A. Steinhorst reported that EA-2/17 had been published and represented an important improvement in the consistent and harmonised use of standards for the notification of CABs. It is also a good document for the notification of CABs in the construction products area. A. Steinhorst added that some training would be organised further on.

M. Stadler thanked EA for the completion of the document, pointing out however that EA’s way to consider comments made by the Board could be improved. He is waiting to see how the revised document will be used in practice and whether it will still raise some problems.

Replying to answers, A. Steinhorst clarified that NABs had to apply preferred harmonised standards unless their notifying authorities defined another standard.

**Decision**
The Board:
- acknowledged that revised EA-2/17 had been published and was an important step forward with regard to better consistency and harmonisation in the use of standards for the notification of CABs, also in the construction products area;
- noted that the application of preferred harmonised standards was mandatory for NABs unless another standard was defined by the relevant national notifying authorities.
4.7 The EC *Blue Guide*: update

A. Steinhorst reported that the EC had started the revision of the *Blue Guide* which was out for comments.

**Decision**
The Board asked EC to keep the Board informed on the revision of the EC *Blue Guide* which had been starting.

**Action EC**

4.8 EA MLA mark

A. Steinhorst reported that the shape of the EA MLA mark had been selected at the last EA General Assembly. A couple of issues has still to be finalised: the procedural aspect related to the use of the mark should be included in EA-3/01 and the registration process should be clarified in accordance with the legislation. The EA MLA mark will be applied in the first half of 2021 at the latest.

Further to M. Stadler’s question, A. Steinhorst pointed out that the application of the EA MLA mark would not be mandatory.

**Decision**
The Board:

- noted that the application of the EA MLA mark, whose shape had been adopted at the EA General Assembly in November 2019, would be effective in the first half of 2021 when the procedural aspects (use) of the mark to be finalised in revised EA-3/01 and its registration process would be closed;

- agreed that the application of the mark should remain voluntary for NABs.

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

A. Steinhorst reported that the problem of SCC’s European recognition was continuing, which still slowed down cooperation. The EC is working on the issue and a legal agreement is progressing.

**Decision**
The Board noted that the operationalisation of the CETA agreement was still delayed due to the lack of European recognition of SCC, for which a legal agreement was being elaborated on by the EC.

4.10 Single international accreditation organisation: update

A. Steinhorst reported that ILAC and IAF were working on the elaboration of a single international accreditation organisation, which should not be a merging. Actually the 3-4 year process is late. A steering committee has been established by the joint Executive Committee, which drafted the terms of reference of it. An external facilitator should be looked for to manage operational issues; a call for interest is to be sent out.
Decision
The Board noted that a steering committee had been established by ILAC and IAF for them to become a single international accreditation organisation, and that a call for interest for an external facilitator in charge of managing operational issues should be launched soon.

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

4.11 Relations with stakeholders
There was no application so far.

5. Any other business
None.

6. Confirmation and selection of dates and places of next meetings
The Board:
- confirmed to meet on **Tuesday 10 November 2020**, and thanked EFTA for offering to host the meeting at EFTA's old offices, provided that there were no more travel restrictions due to the Covid-19 pandemic;
- agreed to meet on Thursday 29 April 2021.

The Chair thanked the Board's Members for their valuable participation and closed the online meeting.
List of the abbreviations taken for granted in the minutes

AB: accreditation body
APAC: Asia Pacific Accreditation Cooperation
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
EFTA: European Free Trade Association
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
NBs: notified bodies
NoBos: Group of Notified Bodies
NLF: New Legislative Framework
NWI: new work item
RoP: Rules of Procedure
RS: Recognised Stakeholder
TIC industry: testing, inspection and certification industry
SS: sector scheme
SO: scheme owner
TFG: task force group
ToR: Terms of Reference
WG: working group
WP: work programme