List of Conclusions and Resolutions
agreed at the 46th Meeting of the EA Advisory Board
held online on 10 November 2021

Agenda Item 1 - Renewal of the EAAB Membership: nomination results and election of Chair and Vice-Chairs - Appointment of EAAB observers to MAC/HHC

The Board:
- agrees unanimously to the re-election of Miruna Dobre as the Chair of the EAAB and Martin Stadler and Bruce McGill as reappointed Vice-Chairs of the EAAB;
- appoints Sezen Leventoglu as the EAAB MAC observer and Benny de Blaere as the EAAB HHC observer;
- asks the EAAB Secretariat to include into the new LIST OF EAAB MEMBERSHIP the change mentioned by the CAB College (A. Stoichitoiu from IQNET to be replaced by M. Long from IIOC), as well as the names of the 5th members from the Industry and NA Colleges once the seats are filled. Action EAAB Secretariat, further to Action Industry and NA Colleges

Action EAAB Secretariat to revise the 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.

Agenda Item 3 - Topics for discussion

Agenda Item 3.1 - Stakeholders’ representation in EA; interaction between EAAB and EA

With regard to the written contributions, based on Document “Interactions between EA and EAAB: potential for improvement” (EAAB(20)03), sent by the CAB, Industry and NA Colleges as well as by the European representation of Metrology Stakeholders (EAAB(20)18rev) on the following questions:
1/ How to improve the interaction between EA and the EAAB?
2/ What do stakeholders consider to be the EAAB’s role in the future?

The Board:
- takes note of the CAB and Industry Colleges’ common positions as added in revised Document EAAB(21)13, Page 7, advocating that:
  ✓ the membership of the EA Executive Board should include one additional seat to be reserved for the EAAB Chair in an observatory and advisory capacity;
  ✓ EA, through the Executive Board, should respond directly and provide specific, timely feedback to any positions and resolutions adopted by the EAAB;
  ✓ feedback on success levels related to EU accreditation policy implementation should be given on a regular basis to the EAAB;
  ✓ EA should provide financial support for the EAAB HHC observer (by taking on the meeting-related fees) through the EC grant to EA in view to fulfilment of EAAB role as defined in Art. 4(11) of Regulation 765.
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- takes note of EA’s answer that the EA Executive Board, unlike the IAF one, is rather a steering committee which makes no decision and takes no position (EA decisions are made by EA Members during the General Assemblies), that recognised stakeholders are always listened to and consulted during the decision process and every decision made in the Executive Board has been previously forwarded to the EAAB as the appropriate platform for discussion with stakeholders;

- takes note that the NA College will raise the question of whether the EAAB role is fulfilled with the Member States’ national authorities and the EU Commission at the next IMP meeting;  
  **Action NA College at IMP meeting on 18 November 2021**

- agrees that so far EA has generally been responsive to EAAB resolutions and positions taken during the Board’s meetings, while acknowledging the lack of communication routes in between the meetings and the need for improvement in direct and clear interaction between the EAAB and EA’s Executive level;

- agrees to set up a small TFG (composed of M. Dobre, M. Logghe, M. Stadler and B. McGill) to consider possible ways of how to improve the communication and interaction between the EAAB and EA, especially between the Board’s meetings, and how to organise an increased feedback from EA on EAAB recommendations.  
  **Action TFG to meet and draft a proposal for improvement, to be forwarded to EAAB Members for further discussion**

**Agenda Item 3.2 - Evaluation of the New Legislative Framework (NLF): update and exchange of views**

The Board takes note that the EC’s public consultation aimed to provide assessment of the NLF will be launched by end of November 2021, and agrees to wait for the publication of the consultation before reacting and elaborating any EAAB position.

**Agenda Item 3.3 - IAF CertSearch database; IAF DMC proposal for further development**

The Board:

- takes note that, to solve a financial issue, the IAF CertSearch, an IAF-managed online database containing a large international collection of accredited management system certificates with the aim to validate the legitimacy of an accredited certification, would be made mandatory for all accredited CBs with a new voluntary “user pays” funding model and a contractual link between CBs and IAF;

- acknowledges the utmost importance of the issue for EA which is quite reluctant to oblige CBs to put their data on the CertSearch database, and which asks for the EAAB position on this matter before the issue is extensively discussed at a specific EA meeting on 3 February 2022;

- acknowledges the fears and concerns expressed by the Industry College which strongly opposes such a mandatory database as well as the idea of its extension to product certification, and which – like the NA College – questions the need for it at the international level;

- acknowledges that the CAB College membership position is of a 50/50 split consensus, with those for, putting forward the benefits of such a system, those against, voicing the same concerns as the other colleges. A concern as a point of consensus of the EAAB is raised in particular with regard to data security and protection as well as business secrecy;

- agrees that each EAAB college and member should send a written contribution on the issue, which will be consolidated into a single paper identifying the positions of all colleges before being forwarded to EA as an input for EA discussions on 3 February 2022.
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Action EAAB colleges/members to send contributions to Secretariat by 15 January 2022
Action EAAB Chair to consolidate a final paper to be sent to EA before 3 February 2022

Agenda Item 4 - Topics for information

EAAB Matters

Agenda Item 4.1 - Report from the EAAB MAC observer: 6-7 October 2021 meeting
Report from the EAAB HHC observer: 7-8 September 2021 meeting

The Board takes note of the information contained in both reports published as EAAB(21)08 and EAAB(21)14, and thanked the observers for their excellent reports.

Agenda Item 4.2 - Brexit and problems encountered by businesses and CABs (if any)

The Board:

- takes note that EA is considering and still discussing with the EC details regarding the use of the UKCA marking and its equivalence to the CE marking, acknowledging that the responsibility for the acceptance of conformity assessment results (or parts thereof) produced by bodies established within the UK remains with the notified bodies;

- acknowledges the Industry College’s position that the EA MLA signatory status of UKAS needs to be taken into consideration by EA members and the notified bodies accredited by them to facilitate acceptance of conformity assessment results (or parts thereof) produced by bodies established within the UK and accredited by UKAS, in order to avoid unnecessary duplication of assessments;

- acknowledges the CAB College’s position that parts of the issue result from misunderstanding and lack of education of the market place which, however, has been largely informed of the Brexit issue and its consequences in due time;

- agrees to further discuss the issue at the next Board meeting in April 2022.

Action to next agenda

Agenda Item 4.3 - Confidentiality of proprietary information in the case of acquisition of notified bodies by non-EEA based organisations

The Board:

- takes note that the issue has come up in industry associations and is being discussed in a number of fora in the conformity assessment sector with a view to identifying ways of reinforcing the protection of confidentiality of proprietary information in the case of acquisition of notified bodies by non-EEA based organisations;

- welcomes the CAB College’s announcement to send a written contribution for formal and more substantial discussion at the next Board meeting in April 2022.

Action CAB College by 1 April 2022
EA Matters

Agenda Item 4.4 - Endorsement of new EA work items

The Board endorses the new work items proposed for:
- ✓ Revision of EA governance documents
- ✓ Revision of EA-6/03: EA Document for Recognition of Verifiers under the EU ETS Directive according to the rationales for revision set out respectively in Documents EAAB(21)07, EAAB(21)09 and EAAB(21)15.

Agenda Item 4.5 - Revision of the EC Blue Guide (update on EC challenges to notification)

The Board takes note that the revision of the EC Blue Guide, which shall be still double-checked for linguistic and legal purposes, is nearing completion and should be published by the end of 2021.

Agenda Item 4.7 - Report on EA Extraordinary General Assembly meeting on 10 September 2021

The Board takes note that this Extraordinary General Assembly was dedicated to:
- ✓ the revision of EA Articles of Association and Rules of Procedure aiming to allow UKAS to remain a member of EA beyond 2022: the Articles and Rules have been finalised and, if agreed, will be sent out for ballot further to the upcoming General Assembly on 24-25 November 2021;
- ✓ the merger between ILAC and IAF, as well as the IAF CertSearch database: both topics will be further discussed at the EA meeting on 3 February 2022.

Agenda Item 4.8 - CETA – implementation of the Bilateral Cooperation Agreement with Canada/SCC: new momentum with EU recognition of SCC; news about the guidelines for implementation of the new protocol

The Board takes note that the EC has published the Implementation Guide for the Protocol to the CETA Agreement between Canada, the European Union and its Member States regarding the mutual acceptance of the results of conformity assessment in the Official Journal of the European Union on 1 September 2021, which is expected to help to promote mutual recognition and streamline the process.

Agenda Item 4.10 - Single international accreditation organisation: update

The Board takes note that the ad hoc Steering Committee has sent out a questionnaire to consider which elements in ILAC and IAF should be kept for the setting-up of the new common organisation, and that the merger is intended to be finalised in 2024.

Agenda Item 6 - Selection of dates and places of next meetings

The Board agrees to meet on Tuesday 26 April 2022 and thanks EFTA for offering to host the meeting, if needed a hybrid meeting half physical half virtual, at EFTA's new offices in Brussels, with the provision that there are no travel or health restrictions due to the COVID-19 pandemic.

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