APPROVED Minutes of the 47th Meeting of the EA Advisory Board
held online on Tuesday 26 April 2022

Participants:
EAAB Chair: Miruna Dobre (NA, Belgium).
EAAB Vice-Chair: Martin Stadler (BUSINESSEUROPE), Bruce McGill (TIC Council).
CAB College: Ivan Savov (EFAC), Benny De Blaere (EUROCER Building), Alexander Safarik-Pstrosz (EUROLAB), Alex Stoichitoiu (IQNet).
Industry College: Andrew Evans (CAPIEL), Lars Bo Hammer (Danish Industries).
NA College: Natalia Kolibová (NA, Czech Republic), Sezen Leventoglu (NA, Turkey).
Consumers: Libor Dupal (ANEC).
European Private Scheme Owners: Thomas Votsmeier (EOQ).
European Standardisation Organisations: Enda McDonnell (CEN-CENELEC).
Metrology Stakeholders: Maria Luisa Rastello (EURAMET), Marc Wouters (WELMEC).
EC: Zacharias Bilalis (EC).
EFTA: Gudrun Rognvaldardottir (EFTA).
EA: Maureen Logghe (EA President), Andreas Steinhorst (EA Executive Secretary), Frédérique Laudinet (EAAB Secretariat).

1. Opening of the meeting – Roll call

The Chair opened the meeting and welcomed the delegates to this fifth shortened online meeting owing to the uncertainties resulting from the Covid-19 pandemic. She invited EAAB Members to a roll call, especially to address a special welcome to those new members that participated in their first meeting since the renewal of the Board in November 2021, i.e. Marc Wouters from WELMEC, as well as Thomas Votsmeier from EOQ who had just been nominated the new representative of those European private scheme owners being EA Recognised Stakeholders on the EAAB for the term 2022-2023. Both introduced themselves.

The Chair reminded that a fifth representative was still to be nominated in the Industry and National Authorities Colleges.

The Board welcomed Thomas Votsmeier from EOQ, the European Organisation for Quality, as the new representative of those European private scheme owners being EA Recognised Stakeholders on the EAAB for the term 2022-2023.

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.

2. Approval of agenda

List of conclusions and resolutions of 46th Meeting of the EAAB
Approval of Draft Minutes of 46th Meeting of the EAAB
Approval of Draft Notes of the Extraordinary Meeting of the EAAB on IAF’s proposal for further development of the IAF CertSearch Database
Action list (actions not covered elsewhere)

- Approval of agenda

The agenda was adopted as distributed for the meeting.
Approval of previous Minutes

There had been and was still no comment on the draft minutes, which were approved as distributed for the meeting.

Action Secretariat to publish the minutes on the relevant EAAB intranet and internet pages

Approval of draft Notes of the Extraordinary Meeting

There was no comment on the draft notes, which were approved as distributed for the meeting.

Action List

The Chair went through the action list which raised no comment.

Regarding the action under previous Agenda Item 3.1 on “Stakeholders’ representation in EA; interaction between EAAB and EA”, she highlighted that no progress could be made and the point would be discussed now.

3. Topics for discussion

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

Brief update about TFG’s proposal for improvement

The Chair recalled that, in November 2021, the Board had set up a small TFG to consider possible ways of how to improve the communication and interaction between the EAAB and EA, and how to organise increased feedback from EA on EAAB recommendations. The TFG, which could not progress the work so far, had now to find a date for a brainstorming meeting in which all EAAB members were invited to take part.

Decision

The Board took note that:

- the small TFG (composed of M. Dobre, M. Logghe, M. Stadler and B. McGill) set up in November 2021 to consider possible ways of how to improve the communication and interaction between the EAAB and EA, especially in between the Board’s meetings, and how to organise an increased feedback from EA on EAAB recommendations, would brainstorm during an one-hour remote meeting;  
  
  Action TFG to meet online on Monday 16 May in order to draft a first outline of a proposal for improvement, to be forwarded to EAAB Members for further discussion

- there was no comment on the meeting documents (especially EAAB(21)13), except some concerns about the ways of how the EAAB will interact with the new single international accreditation organisation, which were further discussed under Agenda Item 4.11 (see hereafter).

3.2 Evaluation of the New Legislative Framework (NLF): first exchange of views on conformity assessment and accreditation issues

Z. Bilalis informed that the report on the public consultation designed to perform an evaluation of where the NLF stood now was expected to be finalised in May 2022, before it is approved by the Scrutiny Board and submitted to the EC’s consultation. It should be published by the end of 2022.
He highlighted that the first outcome shows how robust the current accreditation and conformity assessment systems were, while revealing some challenges needing to be faced.

Z. Bilalis reiterated that the purpose of this consultation was not a revision, but a comprehensive evaluation of what had been done in the NLF during the last six years. The intention, not revolutionary, is not to reshuffle the whole system.

**Decision**

The Board:

- took note that the final report on the EC’s public consultation aimed to provide assessment of the NLF, with no revision purpose which would go against the stability of the current framework, was intended to be published towards the end of 2022;
- acknowledged that the first results demonstrated the solidity of the accreditation and conformity assessment systems in place which, however, was faced with a number of challenges;
- was waiting for the EC to give the EAAB more details once the report is published.

**Action EC**

### 3.3 Challenges for the conformity assessment infrastructure: new regulations for new technologies’ implementation (Artificial Intelligence Act, Cybersecurity Act)

The Chair introduced the item by asking what is developed by EA to meet technological challenges and regulatory demands.

A. Steinhorst reported that there was a large number of proposed new regulations such as:
- the proposed regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act);
- the proposed Cyber Resilience Act. The aim is to elaborate a Regulation on horizontal cybersecurity requirements for digital products and ancillary services;
- the proposed regulation establishing a framework for setting ecodesign requirements for sustainable products;
- the proposed legislation on Energy Efficiency – ecodesign and energy labelling requirements for hydronic central space heaters and combination heaters (review);
- the proposed regulation on radio products;
- the proposed regulation on machinery products;
- the proposed new regulation for Construction Products (revision of CPR);
- the revision of the Toy Safety Directive (proposal for a regulation); etc.

A. Steinhorst pointed out that the new regulations for new technologies’ implementation referred to the Artificial Intelligence and Cybersecurity Acts, with which the future regulations should comply. EA has been informing its member-NABs of these new regulations in order for them to react immediately and put forward any conformity assessment issue to regulators. For this purpose, several specific EA TFGs (e.g. AfN, ENISA, Artificial Intelligence) have been set up to closely follow up the progress on these proposed or new regulations. For instance, EA is establishing an EA TFG eFTI (electronic freight transport information) which shall support the EC and the established groups.

M. Logghe updated that a new discussion was being started on the Machinery Directive to elaborate on a new compromise text.

A. Evans pointed out that there were some differences in essential requirements and across Europe, for instance as far as the radio equipment directive was concerned. These should be fitted in the Cybersecurity Act. He reported on the many questions raised by industry on current standardisation issues.
The Chair wondered whether there would be enough competences in certification bodies to perform the job.

B. McGill supported EA’s harmonised approach to guidance documents.

M. Stadler stressed a couple of basic concerns about drafting regulations. But the most fundamental issue is to have a harmonised approach to the implementation of EU regulations. For this purpose, he also supported that EA had specific TFGs to tackle the issue; it is important to have a sufficient number of Notified Bodies and to make sure that required competences are available.

M. Logghe replied that DG GROW had already asked Notified Bodies to revise their status and adapt it, if needed. NABs have already been contacted about the issue. She agreed with M. Stadler on the fact that, if there were no harmonised standards, an harmonised approach was absolutely necessary.

For B. McGill, the main issue lies in the nature of the harmonised approach, which should meet the market demand. Some expertise in the machinery area is also needed. One issue is the availability of those skills necessary to carry on the tasks. At first, the market situation should be monitored and readiness should be assured to the market.

M. Stadler suggested sending out a call to the entire conformity assessment infrastructure to speed up efforts and ensure their timely readiness for the proper implementation of regulations. He appreciated EA’s efforts to face the current challenges, while asking EA to speed up its efforts.

A. Steinhorst replied that EA would do its very best to support a timely implementation of the regulations: every NAB shall contact their Notified Bodies as soon as possible, but timing is NABs’ job, not EA’s responsibility.

Decision
The Board:
- acknowledged that the new regulations for new technologies’ implementation refer to the Artificial Intelligence and Cybersecurity Acts;
- acknowledged that EA Members were steadily informed of these new regulations in order to react immediately and put forward any conformity assessment issue to regulators, and that several specific EA TFGs (e.g. AfN, ENISA, Artificial Intelligence) closely followed up the progress on these proposed or new regulations;
- acknowledged the concerns expressed by the Industry College which raised the issue of the availability of required competences to continue performing conformity assessment activities, and stressed the need for a harmonised approach to the implementation of these regulations, especially when no harmonised standards exist;
- acknowledged the needs expressed by the CAB College to monitor the market situation and to ensure the readiness of harmonised implementation to the market;
- thanked EA for the efforts made to meet the challenges arising from the new regulations for new technologies’ implementation for the entire conformity assessment infrastructure, while asking EA and EA Members to support further and speed up these efforts to ensure timely implementation of the legislations;
- appreciated receiving information on major work progress made by EA TFGs, and requested EA to inform the EAAB and the whole stakeholder community of major developments and results achieved by these TFGs (reports, key documents, etc.), including in between the meetings.

Action EA
4. Topics for information

EAAB Matters

4.1 Report from the EAAB MAC observer: 6-7 April 2022 meeting
Report from the EAAB HHC observer: 1-2 March 2022 meeting

- A report on the last MAC meeting held remotely on 6-7 April 2022 had been drafted by S. Leventoglu, the EAAB MAC observer, and distributed among the papers.

There was neither comment nor question.

- A report on the last HHC meeting held remotely on 1-2 March 2022 had been drafted by Benny De Blaere, the EAAB HHC observer, and distributed among the papers.

B. De Blaere went through his report and highlighted some points of specific relevance for the EAAB, which gave rise to the following comments:

  - Meeting workshop on flexible scopes

M. Stadler commented that the issues related to flexible scopes had been discussed for 20 years. Flexible scopes have a crucial importance for CABs’ evaluation, especially when there are no harmonised standards. It is important for stakeholders that the concept of flexible scopes is developed in a harmonised manner.

B. De Blaere added that the workshop focussed on general issues, not on technical details.

A. Steinhorst pointed out that EA-2/15 was dedicated to flexible scopes. A common position is that the concept of flexible scopes is a very important tool in testing, but also in other fields. The HHC workshop dealt with what was flexible. The workshop outcome will be summarised in a report, based on which the HHC will decide on any need for a revision of EA-2/15. But A. Steinhorst made clear that EA-2/15 was not to be questioned and did not give rise to any big issue.

B. McGill confirmed that EA-2/15 had also been very useful for certification, and not only for testing.

  - Publication of the AfN (Accreditation for Notification) report updated September 2021

M. Stadler still wondered about some duplications of assessments.
B. De Blaere replied that the situation was still very close to the previous one. The question is whether duplications will be controlled in the future.

M. Logghe clarified that the AfN document had especially been developed for the construction area to deal with the use of test reports. It is still ongoing and M. Logghe called for some more patience. The document shows how difficult the construction area is, and exemplifies the need for a harmonised approach.

  - HHC TFG Remote Assessments

M. Stadler commented that this work on remote assessments should be aligned with the relevant activities in the area of standardisation.

M. Long reported that the ISO document on remote activity raised some doubts in IAF. A NWIP has been proposed on new ISO/IEC 17012 about remote assessment and auditing of management systems. He called for dialogue and harmonisation among all organisations responsible for this document in order to avoid the proliferation of those documents.
T. Votsmeier who is contributing to the NWIP on ISO/IEC 17012, suggested making the document very broad.

M. Stadler thanked B. De Blaere for his excellent report, which demonstrated the important role played by the HHC observer within the Board.

**Decision**
The Board took note of the information contained in both reports published as EAAB(22)08 and EAAB(22)09, and thanked the observers for their comprehensive reports.

### 4.2 IAF CertSearch database: EAAB position paper - Update

G. Rognvaldardottir apologised for not having been able to participate in the Board’s extraordinary meeting on 19 January. She reported however that the IAF CertSearch database issue had been discussed in EFTA’s Committee on Technical Barriers to Trade, which had asked her to report to the Board that EFTA shared the common points of concern mentioned on Page 2 of the position paper EAAB(22)04, and was opposed to the proposed mandatory use of the database.

The Chair asked the Secretariat to include the EFTA’s view into the position paper.

A. Steinhorst updated that EA had responded to the issues raised in the consultation process led by the IAF Database Management Committee (DMC). Comments are now being reviewed within IAF. The vote in IAF should take place in early July, and EA has to be very careful to two issues, i.e. the mandatory nature and the funding model of the database. A. Steinhorst concluded that EA would put forward the EFTA’s position to IAF.

**Decision**
The Board:

- acknowledged that EFTA, which could not attend the extraordinary meeting on 19 January 2022 dedicated to the IAF CertSearch database, shared the common points of concern outlined in the EAAB position paper and expressed its opposition to the proposed mandatory use of the database;

- asked the Secretariat to include this EFTA statement into a revised EAAB position paper EAAB(22)04, to put it forward to EA again, and to recirculate and republish it on the intranet. EA was also asked to put forward EFTA’s position to IAF.

**Action** Secretariat and EA

### 4.3 Brexit: update

There was no other update than the one dated 1 February 2022 linked on the agenda at: [https://www.gov.uk/guidance/using-the-ukni-marking](https://www.gov.uk/guidance/using-the-ukni-marking)

### 4.4 Confidentiality of proprietary information in the case of acquisition of notified bodies by non-EEA based organisations

M. Stadler reiterated the need to ensure better the confidentiality of proprietary information in the case of acquisition of notified bodies by non-EEA based organisations or public authorities, stressing this as a strong and growing concern for the industry and the conformity assessment constituencies alike. Discussions are ongoing and reflexions on how this could be tackled are still at the beginning.
Decision
The Board:

- emphasized the need to ensure better the confidentiality of proprietary information in the case of acquisition of notified bodies by non-EEA based organisations, stressing this confidentiality as a strong and growing concern for both the industry and the conformity assessment constituencies;

- raised the EAAB Members' awareness of the issue whose consideration has just started, and invited them to reflect on it further with the aim to identify possible ways to strengthen and ensure further the confidentiality of company proprietary information in such cases.

It was suggested considering to follow up the issue at the next meeting.

EA Matters

4.5 Endorsement of EA new work items

- Revision of EA-1/06: EA Multilateral Agreement - Criteria for Signing - Policy and Procedures for Development

A. Steinhorst explained that this new revision of EA-1/06 aimed to better distinguish between issues applicable to all Members and those Members being also EU/EFTA Members, and to clarify the consequences of Regulation (EU) no. 765/2008 on the different membership categories of EA.

There was no comment on the new work item proposed by EA.

Decision
The Board endorsed the new work item proposed for the revision of EA-1-06: EA Multilateral Agreement - Criteria for Signing - Policy and Procedures for Development according to the rationale set out in Document EAAB(22)07.

4.6 Revision of the EC Blue Guide (update on EC challenges to notification)

Z. Bilalis reported that the revised Blue Guide was expected to be finalised, approved and published by the end of July 2022.

Decision
The Board took note that the revision of the EC Blue Guide should be published by the end of July 2022.

4.7 New relevant EU legislations

Z. Bilalis said that all new legislations had already been tackled before.

A. Steinhorst specified that about 25 EU legislations were being processed now, either as revised or new legislations. There are especially a large number of new regulations which are of the utmost relevance for the conformity assessment community, and of which EA Members are regularly informed. For instance, he mentioned the proposed Regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC. This very important new regulation sets out the framework for other legislations for ecodesign products. It shall be in line with the NLF, accordingly with accreditation, Notified Bodies, CE marking, etc. The new Regulation considers not only product safety, but also other new product characteristics such as
product durability, product recycling, etc. Of course, EA promote the application of the NLF for ecodesign products. But EA should consider how these new product criteria can be best covered under the existing modules; perhaps new or revised modules (conformity assessment procedures) will be needed.

**Decision**
The Board thanked EA for compiling and regularly informing EAAB Members of the progress of those numerous revised and new EU legislations that are relevant for the conformity assessment community, and took note that some of these included new product safety and durability criteria which EA was considering in order for them to be best covered under the existing modules.

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

A. Steinhorst regretted that there was still no application from EA Members for being recognised under the CETA protocol. Although the guidelines on the implementation of the CETA protocol had been published in the EU Official Journal, no new momentum has taken place so far unfortunately.

**Decision**
The Board took note of EA regret’s that, since the publication of 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 in September 2021, there had been so far no application from EA Members for being recognised under the CETA protocol.

4.9 Report from EA on various issues

In addition to the current issues already tackled during this meeting, A. Steinhorst mentioned a couple of issues:
- the implementation of the new membership categories (A, B, C, D) resulted in the need to revise all governance and policy documents;
- the BLA signatory status had been removed out and transferred into the MLA signatory status. The change has been reflected in relevant EA documents and webpages.

**Decision**
The Board took note that:
- the new membership categories (A, B, C, D) had been adopted in November 2021 and implemented, with the resulting need to revise all governance and policy documents accordingly;
- the BLA signatory status had been removed out to be transferred into the MLA signatory status (all BLA signatories had got the MLA signatory status), and the relevant documents had been revised accordingly and published on the EA website.

4.10 Agenda of EA General Assembly meeting on 18-19 May 2022

M. Logghe reported that the election of the new EA President, Vice-President, Executive Board members and Committee Chairs for the next term 2023-2024 would take place at the General Assembly (GA) meeting held in May.

She added that there would also be some discussions about the war in Ukraine and the impact of the sanctions at the EA and IAF levels on accreditation and conformity assessment levels.
In addition to the usual agenda items such as EA Strategy 2025 and financial issues, the GA meeting will dedicate a specific item to the single international accreditation organisation.

There was no comment.

The Chair confirmed that she would attend the GA meeting.

4.11 Single international accreditation organisation: update

M. Logghe updated that draft partial by-laws had been circulated for comments, after which they would be revised. The decision on the new organisation should be made in March 2023, and the new Secretariat should be prepared at the end of 2022. A lot of questions should still be discussed.

B. McGill asked which impact the single international entity would have on the interaction with stakeholders. How will the EAAB interact with the new organisation? Will EA also represent stakeholders in this new organisation?

The Chair also wondered how EA Recognised Stakeholders' views would be put forward to the new international organisation.

M. Logghe answered that there were still many questions about stakeholders' representation in the new organisation. Actually the new single organisation should put together different entities and different committees in which stakeholders have different roles. There are no clear answers now. Andreas Steinhorst as the EA representative in the ad hoc Steering Committee is following up all these discussions. M. Logghe reassured that EA was definitively in favour of recognised stakeholders' involvement and interaction, although they have no voting rights in EA.

M. Long replied that the rules regarding stakeholders' membership in the new organisation should be considered. Discussions have been very open so far because membership rules are of the utmost importance for the future organisation. He warned that, in light of EA's and some EA Members' comments sent during the consultation process, stakeholders' rights would be reduced and the current situation would be changed.

M. Logghe pointed out that EA was fully aware of that, while stressing that stakeholders' involvement in ILAC was currently different from their involvement in IAF.

M. Stadler agreed on M. Long's view and supported adopting the same stakeholders' membership rules and rights in the single entity as they are now in IAF.

Decision
The Board:
- took note that the draft partial by-laws had been circulated for comments, and that the final decision on the merger between ILAC and IAF should be made in March 2023;
- acknowledged that EA's and some of its Members' comments put forward to ILAC/IAF during the consultation process would result in a lessening (compared to IAF present status) of stakeholders' voting and membership rights within the proposed new organisation;
- acknowledged that the CAB College expressed concerns about the interaction between EA Recognised Stakeholders and the future single international organisation, and more generally about stakeholders' representation within the new merger, and supported maintaining stakeholders' membership and rights as they currently stand in IAF;
- asked EAAB Members to send any comments, either individual or consolidated ones, to the Secretariat which would put them forward to the EA Chair and Executive Secretary.

Action EAAB Members to Secretariat
The Board thanked EA for the oral and written reports provided under these items.

4.12 Relations with stakeholders

There was no new application so far.

A. Steinhorst informed that EA had just received a request from FAMI-QS for terminating their Recognised Stakeholder agreement. The request should be discussed in the Executive Board.

5. Any other business

None.

6. Selection of date and place of next meeting

The Board agreed to have a hybrid full-day meeting on Wednesday 16 November 2022 starting at 10 am, and thanks EFTA for offering to host the meeting at EFTA’s new offices in Brussels.

The Chair thanked the Board’s Members for their valuable participation and closed the remote meeting.

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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