

**APPROVED Minutes of the 49<sup>th</sup> Meeting of the EA Advisory Board**

held on Thursday 11 May 2023 in Brussels, Belgium in a hybrid form.

Participants:

**EAAB Chair:** Miruna Dobre (EURAMET).

**EAAB Vice-Chairs:** Martin Stadler (BUSINESSEUROPE), Bruce McGill (TIC Council).

**CAB College:** Ivan Savov (EFAC), Benny De Blaere (EUROCER Building), Alexander Safarik-Pstrosz (EUROLAB), Marcus Long (IIOC).

**Industry College:** Lars Bo Hammer (Danish Industries), Franziska Wirths (ORGALIM).

**NA College:** Ariane van Cutsem (NA, Belgium), Natália Kolibová (NA, Czech Republic), Michael Ottmann (NA, Germany), Maria Elena Greco (NA, Italy), Sezen Leventoglu (NA, Turkey).

**Consumers:** Libor Dupal (ANEC).

**European Private Scheme Owners:** Thomas Votsmeier (EOQ).

**European Standardisation Organisations:** Enda McDonnell (CEN-CENELEC).

**Metrology Stakeholders:** -

**EC:** Zacharias Bilalis, Lina Karbauskaite.

**EFTA:** Gudrun Rognvaldardottir (EFTA).

**EA:** Andreas Steinhorst (EA Executive Secretary), Roeland Nieuweboer (EA, RvA), Frédérique Laudinet (EAAB Secretariat).

Apologies were received from Andrew Evans (CAPIEL) and Marc Wouters (WELMEC), as well as from Maureen Logghe (EA President) who could only briefly participate in the meeting remotely.

**1. Opening of the meeting - Roll call**

The Chair opened the meeting and welcomed all members who participated physically or remotely in this new hybrid meeting.

She addressed a special welcome to Roeland Nieuweboer, the Chair of Board of RvA, the Dutch NAB, who had been invited by the EAAB under Agenda Item 3.1 and introduced himself. The Chair thanked R. Nieuweboer for joining the Board in Brussels and bringing closer the relations between EA and the EAAB.

EAAB Members were then invited to a roll call and introduced themselves briefly.

The Chair especially introduced Ariane van Cutsem from Belgium and Maria Elena Greco from Italy, both of whom had been nominated as new members of the National Authorities College in November 2022. She added that Natália Kolibová from Czech Republic had also been appointed the new Chair of the NAC, whose five seats were now taken.

M. Stadler reminded that a fifth representative was still to be nominated in the Industry College by the next meeting in November 2023 or, at the latest, by the next term of the Board to be started in November 2024.

Lina Karbauskaite from the EC DG GROW also introduced herself and requested to be included into the EAAB membership list together with Zacharias Bilalis.

**Action EAAB Secretariat**

**Decision**

Further to the call for nominations launched until 28 November 2022, the Board took note that:

- Ariane van Cutsem from Belgium and Maria Elena Greco from Italy had been nominated as new members of the National Authorities College (NAC), which had now its five seats taken;
- Natália Kolibová from Czech Republic had been appointed the new Chair of the NAC.

*Note: the list of EAAB membership and EA-INF/02 have already been updated accordingly*

**2. Approval of agenda**

**List of conclusions and resolutions of 48<sup>th</sup> Meeting of the EAAB**

**Approval of Draft Minutes of 48<sup>th</sup> Meeting of the EAAB**

**Action list (actions not covered elsewhere)**

- **Approval of agenda**

The meeting agenda as distributed was adopted.

In addition two further items were included under any other business (AOB) by the CAB College under Agenda Item 5 as follows:

- Judgment from the Italian Council of State (Judgement No. 04089/2023 REG.PROV.COLL. N. 05072/2022 REG.RIC.) of 21 April 2023;
- Transposition of the New Corporate Sustainability Reporting Directive (CSRD).

- **Approval of previous Minutes**

No further comment has been received related to the draft minutes, which were approved.

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

**3. Topics for discussion****3.1 EA C-Level meetings; EA Communication Strategy**

Roeland Nieuweboer was warmly thanked again for attending the meeting, where he presented on the subject matter of EA C-Level meetings (a copy of the presentation is published under the “EAAB 49<sup>th</sup> meeting” page on the EA intranet).

He explained that the public law could not solve everything and a quality system was needed. It appeared that, for the first time, at the EA General Assembly in November 2019 in Budapest, there was not a real dialogue between all NABs - which actually took place only at coffee breaks. There was a resulting need for a strategy aimed at reinforcing the robustness of EA as an association in order to help with NABs’ organisations and colleagues. A C-Level think-tank was then endorsed by the Executive Board based on a recommendation by TFG 5 of EA Strategy 2025.

The C-Level conference aims to “endorse that accreditation and the involved national accreditation bodies will become future proof, relevant and up to date to (EU) policy, technological (4<sup>th</sup> IR) and market developments such that it is discussed amongst C-Level NAB participants in a safe and confident environment and manner”. Leaders of NABs should work collaboratively to address common strategic opportunities and challenges, and to avoid duplication of existing functions of international bodies. Only C-Level of all EA NABs can participate in these bi-annual meetings on a voluntary basis. Based on The Chatham House rules, the meetings are structured and take place during half day prior or after EA General Assemblies. There is no report to EA or any other body.

The first C-Level meeting was held in November 2022 in Brussels in a very dynamic atmosphere. EA NABs shared C-Level concerns; there was nothing secrete. The second meeting will take place

on 24 May 2023 in Dubrovnik, Croatia, and will be mainly dedicated to digitalisation issues. The next meeting should focus on sustainability.

The Chair thanked R. Nieuweboer and confirmed that increasing the dialogue between NABs within EA was a very positive point.

M. Stadler shared the view that an open discussion forum to share ideas and concerns was a very good initiative. He wondered however whether a C-level meeting could not lead to the feeling of exclusion on the part of the other NABs.

R. Nieuweboer clarified that these meetings did not deal with EA issues. They are rather management meetings for internal and organisational issues. EA has to invest in a dialogue starting with small groups; this is a setting for NABs' managers to meet. For instance, digitalisation is a big issue which has to be considered by NABs in order to look at how to invest in it.

A. Steinhorst reiterated that there was no exclusion: all of 49 EA NABs are invited to C-Level meetings in which all can participate.

B. McGill and M. Long thanked R. Nieuweboer for EA's feedback to the EAAB, and highlighted the crucial need to identify the issues about technology at the CEO level.

R. Nieuweboer agreed that NABs' staff, still too often old-fashioned, should be modernised towards IT tools. NABs' managers should discuss major technological developments such as robotisation, etc. He added that EA included a large variety of organisations and such diversity may be a weakness with no dialogue. EA should look outside to consider not only the New Legislative Framework, but also the market's interest. EA is an hybrid association which shall both comply with legal requirements and deliver services to the market.

M. Stadler as well confirmed the industry's interest in technological developments because the industry was the intended beneficiary of all these services. Digitalisation of overall industry is radically changing the business model as well as the quality infrastructure.

N. Kolibová agreed on the relevance of informal C-Level meetings to identify problems and solutions.

B. De Blaere pointed out that the most relevant discussion should consider the relevance of the system. We should keep in mind the limit of the scope of the system: many issues do not concern accreditation. They are not badly discussed, but the outcome is not as expected.

A. Steinhorst disagreed: the crucial, challenging issue is to increase NABs' capability and to meet expectations.

M. Stadler agreed that, due to the increased use of and reliance on accreditation by authorities, the crucial issue is to provide competences and convince national authorities to continue to have confidence in the system.

Regarding the EA Communication Strategy, R. Nieuweboer said that the issue should be at first reported to the Executive Board and EA Members. He could however explain the process: the Communications and Publications Committee (CPC) is currently part of the Technical Management Board (TMB). In parallel, Kristina Hallman from SWEDAC has been chairing a TFG Communication including two recognised stakeholders, i.e. Marcus Long from IIOC and Laura Martin from EUROLAB; this TFG has drafted a report which should be presented to EA Members during the open session at the General Assembly in May 2023. The key word is transparency, which is the main aim of the new communication structure. The main objective is external communication and how to support the Executive Secretary in his work with the EC.

M. Logghe added that the TFG was a short-term structure whose aim was to put forward some recommendations for work to be implemented afterwards.

A. Steinhorst pointed out that an EA resolution on the future Communication Network (CN) had already been adopted in November 2022.

**Decision**

The Board:

- thanked Roeland Nieuweboer from RvA, the Dutch NAB, for his convincing presentation on EA C-Level meetings targeted at EA NABs and aimed at addressing common strategic opportunities and challenges in a safe and confidential manner, prior to or after EA General Assemblies;
- welcomed EA's initiative to create a forum to share ideas and concerns among the CEOs of its member NABs and appreciated EA's efforts for a new momentum to increase the dialogue within EA;
- took note that C-Level meetings are also dedicated to specific topics and was ready to help and contribute to discussions, especially regarding the issue of digitalisation planned in May 2023;
- expressed interest in the outcome of C-Level work and encouraged EA to communicate these outcomes to the EAAB;
- took note that the EA Communication Strategy, which should be at first reported to the EA Executive Board and Members, was based on transparency and focused on external communication to mainly support the EA Executive Secretary's work with the European Commission;
- called for EA to remember the EAAB's role aiming to support EA, and would welcome any improvement of the EAAB's profile in EA.

**3.2 Implementation of revised EA-2/17**

A. Steinhorst provided an update on the status of EA-2/17: *EA Document on Accreditation for Notification Purposes* based on the presentation (Document EAAB(23)01) made by Kristina Hallman, the HHC Vice-Chair, at the IMP meeting held on 27 March 2023. The fourth revision of EA-2/17 was published on 14 April 2020, and NABs had to comply with the new revision of the document by April 2021, whereas CABs have to comply with it by 17 April 2023. The HHC WG Accreditation for Notification (AfN) has run a second survey among members to collect information on the implementation process of EA-2/17 which seems to be well on track.

Based on a proposal from the WG AfN and after endorsement by the HHC, the TMB has approved two binding resolutions aimed to support harmonised implementation of EA-2/17 about:

- suspension of non-compliant accreditations after April 2023 (TMB Resolution 2022 (10) 01);
- correct performance of witnessing after conditional accreditation has been granted (TMB Resolution 2022 (10) 02).

In short, *"NABs shall withdraw (if necessary, after a suspension) any accreditation for those conformity assessment activities not based on the preferred standard after the deadline established by EA-2/17 (17 April 2023) – this also applies in the case when the notifying and/or regulatory authority's published requirement (see EA-2/17 § 4.2) includes more harmonized standards than the preferred standard, because the NAB can implement the preferred standard for each regulation/directive and module; the only case when no sanction is required to be applied for the CABs accredited by a different standard is when the notifying and/or regulatory authority has published a requirement (see EA-2/17 §4.2), binding to the CAB, not to accept the preferred standard, but a different one..."* (TMB Resolution 2022 (10) 01).

Full details are provided in EAAB(23)01.

A. Steinhorst stressed the huge market demand, including from the EC, for such harmonisation activities for notification of CABs.

Further to a comment by B. McGill, A. Steinhorst pointed out that accreditation should be used as a basis for notification and not the contrary.

N. Kolibová and A. van Cutsem regretted that no update had been provided by notifying authorities for a long time. Because the aim is to get more accredited NBs, there is an urgent need to consider those accreditation standards that are suitable for notification; not only the modules should be discussed. They supported discussions with the EC.

A. Steinhorst agreed, saying that EA was ready to support any initiative for this purpose.

L. Karbauskaite had not much to report on the point. She said that the meeting between the EC and National Authorities planned on 5 June 2023 would be dedicated to the outcome of the NLF evaluation.

N. Kolibová added that National Authorities would look at the future of NANDO in light of the conclusions of the NLF evaluation.

M. Stadler said that the Industry College requested to have the results of these discussions shared with the EAAB. L. Karbauskaite replied that whether or not to distribute the outcome of discussions would be decided on 5 June; she will let the Board know.

B. De Blaere commented that the Construction Product Regulation (CPR) was currently under revision and there was no information about an ensured application of EA-2/17. A. Steinhorst said that some developments were still discussed with the EC.

A. Safarik-Pstrosz was surprised at the Notifying Authorities' silence. EA-2/17 is aimed at NABs, but there is no provision for NBs whose certificates would be suspended after April 2023. He emphasised the importance of this crucial issue which the EAAB and the EC did not seem to be aware of: how notification can continue without accreditation? This is manufacturers' responsibility to ensure the validity of certificates.

N. Kolibová replied that the issue of how to deal with and solve the suspension of certificates would be discussed later on.

B. McGill advocated National Authorities to ratify the "preferred" standards set out in EA-2/17, and EA to extend the implementation deadline of EA-2/17 instead of establishing an automatic suspension of certificates.

A. Steinhorst replied that this was up to the HHC, which had been carrying out several surveys and distributing much information and communication. He was not sure that the issue could be solved, pointing out that EA could only solve those standard issues that were not decided by Member States.

M. Stadler confirmed that the National Authorities had the final, exclusive political competence and responsibility for notification.

The Chair acknowledged that the communication between Notifying Authorities and NABs should be improved.

## Decision

The Board:

- took note that conformity assessment bodies had to comply with revised EA-2/17 *EA Document on Accreditation for Notification Purposes* (published in April 2020) by April 2023, and that the EA Technical Management Board approved two binding resolutions elaborated on by WG Accreditation for Notification (AfN) and endorsed by the Horizontal Harmonisation Committee to support harmonised implementation of EA-2/17;
- took note of the discrepancies in the application of EA-2/17 by the national notifying authorities and stressed the need for the authorities to further discuss the suitability of accreditation standards for notification in order to reach more harmonized approach, and requested that the outcomes of the meeting to be held on 5 June between the European Commission and the national authorities are shared with the EAAB;

**Action NA College**

- urged the National Authorities, which have the responsibility for notification at the national level, to participate in solving any issues together with the European Commission in order to ensure further the acceptance of certificates issued by notified bodies.

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

The TIC Council position paper dated January 2023 on a proposal for a Cyber Resilience Act had been distributed for the meeting as Document EAAB(23)06.

B. McGill informed that an additional TIC Council paper about the standardisation framework would be circulated as soon as available.

He stressed the domino effect that technological challenges and regulatory demands had on CABs' increased needs for accreditation. The ending statement of the position paper highlights the mutual support with the Industry College.

F. Wirths informed Board members that an ORGALIM position paper would be circulated within one month. She stressed that more accredited CABs were needed for conformity assessment activities under new regulations covering new technologies.

M. Logghe thanked TIC Council for their position paper. She added that she was in contact with TIC Council to provide possible training on new conformity assessment activities.

B. McGill reported that a great number of training activities were offered by many companies on the market. He would suggest the EAAB to consider the training issue, i.e. to first collect and identify the needs for training, and then to provide training courses. He asked which training could be offered.

M. Stadler asked whether NABs' needs for training were not those that were already addressed and documented.

A. Steinhorst replied that EA TFGs' role was so far to cooperate with the EC for the development of regulations. Neither the needs nor the issues concerning their implementation have been addressed yet.

M. Logghe confirmed that for now legislation was still in progress, but in future trainings for implementation of new regulations would be delivered in EA, provided that funding would be available.

B. McGill advocated starting with a skills gap analysis as a priority; this recommendation was supported by M. Stadler. The quicker needs are identified, the quicker the implementation structure will be efficient and harmonised.

A. Safarik-Pstrosz agreed and asked for EA NABs' training for harmonisation purposes. EA should start now to prepare the documents to be distributed to NABs, based on a systematic approach incorporated in EA work for each regulation.

B. McGill insisted that the industry was the key target. M. Stadler confirmed that technical specifications should be ready as soon as possible for CABs and the whole conformity assessment community.

The Chair reported that EURAMET had already launched some projects for software. There is a global thinking in EURAMET to have a same scheme, and some attempts to consider technical challenges.

The Chair asked whether the EAAB should draft an advisory paper for EA to accelerate and start the actions towards their members' training.

B. McGill confirmed the need for training, whatever the paper and its name are. What needs for competences and skills should be supported has to be identified to get the most effective structure for training. A gap analysis process has to be started as soon as possible.

F. Wirths reported that some requirements had already been defined and adopted. M. Stadler said that essential requirements could be focused on at first.



For M. Stadler, there is no real need for another generic paper restating what had already been discussed in a couple of meetings. There is a need for details now, but this is not the Board's task and the Industry College has not the required competence for a detailed paper.

B. McGill suggested again drafting an advisory paper which would remain at high level.

A. Steinhorst said that this advisory paper would be forwarded with no real impact. M. Stadler agreed.

B. McGill reiterated that a skills gap analysis was needed in order to define the need for requirements and then the needs for training.

A. Steinhorst replied that the HHC, especially the AfN WG, would be a structure for training; several trainings have already taken place. Anyhow EA Members should be requested to have closed relations with their National Authorities, and EA would be pleased to get advice on these challenging issue from the EAAB to be forwarded to WG AfN and the TMB.

M. Long advocated making sure that recognised stakeholders would attend HHC meetings to forward this issue. For him, this would not be an EAAB action, but a responsibility for individual NABs.

M. Stadler welcomed the CAB College's initiative to ask their representatives to raise the issue at the next HHC meeting and feedback to the EAAB.

E. McDonnell supported the CAB College's initiative as well, and would also feedback to CEN-CENELEC.

## Decision

The Board:

- again acknowledged the concerns expressed by the CAB and Industry Colleges which reiterated the issue of the availability of sufficient experts and required competences to continue performing conformity assessment activities, and again stressed the need for a harmonised approach to the implementation of these regulations, especially when no harmonised standards exist;
- took note that the CAB College would share an additional TIC Council's paper focused on skills on labour market and the Industry College Orgalim's position paper focused on the need for sufficient transitional periods as soon as adopted, and already acknowledged the mutual support of both Colleges regarding this issue;

***Action CAB and Industry Colleges' Chairs to send the paper to the EAAB Secretariat for distribution to EAAB Members and publication on the intranet.***

- strongly advised EA to speed up the process of performing a skills gap analysis in order to identify and collect NAB's needs in terms of capability building and training to meet the challenges posed by the various regulations for new technologies, taking the new machinery regulation as a pilot, and then to start actions towards EA Members' training for harmonisation purposes;
- stressed the need for timely availability of harmonised standards to address the new requirements, also to allow for harmonised approaches to market surveillance of covered products;
- welcomed the CAB College's initiative to ask their representatives to raise this issue within the Horizontal Harmonisation Committee and to provide feedback to the EAAB.

***Action CAB College***

## 4. Topics for information

### EAAB Matters

#### 4.1 Report from the EAAB MAC observer: 26-27 April 2023 meeting Report from the EAAB HHC observer: 8-9 March 2023 meeting

- A report on the last **MAC** meeting held on 26-27 April 2023 in Belgrade, Serbia, had been drafted by Sezen Leventoglu, the EAAB MAC observer, and distributed among the papers (EAAB(23)10).

S. Leventoglu highlighted the main following points:

- 14 peer evaluations are scheduled for 2023, half of them were carried out by end of April;
- about the EA MLA for Biobanking, a draft resolution will be presented to the next General Assembly as follows:  
*The GA acting upon recommendation from MAC and with reference to EA Resolution 2022 (52), approves that:*
  - *The peer evaluation in the field of biobanking against EN ISO 20387:2018 – Biotechnology – Biobanking shall start from 1<sup>st</sup> June 2023 onward, according to the document Procedure for launching the EA MLA for accreditation of Biobanking according to EN ISO 20387\_Rev.00\_25April2023;*
  - *The MLA shall come into effect provided that at least two members have been successfully peer evaluated;*
  - *EA applies to ILAC to extend the scope of EA as a recognized region for the scope “Biobanking - ISO 20387”.*
- about the reengineering of the EA peer-evaluation system, a couple of questions regarding competence of evaluators and a mechanism to feedback any lessons learned during peer evaluations were considered. No more questions are left about the reengineering project;
- a proposal for benchmarking for short-term items to be included in future MAC meetings were considered. The EAAB MAC Observer was asked to consult the EAAB on any feedback from stakeholders to the MAC.

The Chair thanked S. Leventoglu for her report, and called for the EAAB's feedback and input to the MAC, whatever the MAC-related issues could be. She invited the Board's members to think about them for the next meeting.

She welcomed very much this opportunity offered by the MAC to improve the communication with stakeholders.

M. Stadler thanked S. Leventoglu and was pleased to note that reassurance was given to the EAAB that the management of peer evaluations was satisfactory.

- A report on the last **HHC** meeting held on 8-9 March 2023 in Brussels had been drafted by Benny De Blaere, the EAAB HHC observer, and distributed among the papers (EAAB(23)09).

B. De Blaere indicated that the objective of his reports was to inform the EAAB of the major issues considered by the HHC. Because this is a vast process with many issues in progress, he asked the Board to read his report on the last HHC meeting. He was pleased that he had been given the possibility by the HHC Chair to ask the Secretariat to add relevant HHC meeting papers to the EAAB meeting papers for clarity purposes.

The Chair and M. Stadler thanked B. De Blaere for his report and invited him to continue this way with the publication of HHC papers.



**Decision**

The Board:

- took note of the information contained in both reports published as EAAB(23)10 and EAAB(23)09, and thanked the observers for their comprehensive reports;
- welcomed the new opportunity offered by the Multilateral Agreement Council for the EAAB to put forward any relevant issue to the MAC, and expressed its continued support for the MAC Observer's role to give the Board reassurance that the management process of peer evaluations is adequate and robust;  
**Action EAAB Members to think about any issue to be forwarded as input to the MAC**
- welcomed the HHC Observer's improved reporting on HHC meetings with provision of relevant HHC papers, and asked him to continue its reporting in this way.

**4.2 Stakeholders' representation in EA; interaction between EAAB and EA**

Notes of the meeting of TFG for improvement

(TFG composed of M. Dobre, M. Logghe, M. Stadler and B. McGill).

The Chair invited the EAAB Members to read the notes of the communication meeting of TFG for improvement of EAAB-EA interaction (composed of M. Dobre, M. Logghe, M. Stadler and B. McGill) which had just been held remotely on 28 April 2023.

M. Stadler pointed out that this was a fruitful meeting and confirmed the efficiency of the process to be continued.

**4.3 Evaluation of the New Legislative Framework (NLF): follow-up, key activities of notified bodies**

L. Karbauskaite recalled that the evaluation report had been published last November, and that the main goal was now to analyze the issues to be addressed in a future revision. She could give no update since the IMP meeting held on 27 March, and expected some new elements to be reported after the 5 June 2023 meeting. She repeated that the next step could be to prepare for revision of the NLF, but nothing was planned yet.

**4.4 IAF CertSearch database: Update**

A. Steinhorst recalled that the new principles of the database had been approved. It is now mandatory for CBs to upload their certificates in the database and update relevant information. He added that EA regretted that the draft mandatory document for application of principles had not been distributed for comments.

*Post-meeting note:*

*The draft mandatory document was shared with the IAF CertSearch Database Working Group members on 14 March 2023. This was then shared with the IAF Technical Committee Leads (one of which exists for each IAF member) on 6 April 2023. Finally, further to the EAAB meeting, the draft mandatory document was shared with all IAF members for 60-day consultation.*

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

No update was made.

## EA Matters

### 4.6 Endorsement of EA new work items

- **Revision of EA-INF/04: *Statement on acceptance and recognition of activities under the EA MLA***

A. Steinhorst explained that INF/04 should become a mandatory document because the document should include a number of conditions to be followed by all EA Members when they are asked to issue a letter of recognition of reports/certificates issued by CABs (issued under foreign accreditation). These conditions must be followed by all EA members for the sake of harmonisation and to avoid different “approaches” by different EA Members. He made clear that this was only an update of the introduction which was to be made mandatory.

- **Revision of EA-5/02: *Guidance on the Application of ISO/IEC 17020 in Vehicle Inspection***

A. Steinhorst commented that CITA, the International Motor Vehicle Inspection Committee, had been cooperating with EA for the revision of this document.

- **Revision of EA-1/15: *EA Policy for Relations with Stakeholders***

A. Steinhorst commented that *ISO Guidance Document for Building Stakeholder Relations related to ISO 26000:2010 Guidance on Social Responsibility* would be taken into consideration during the revision.

The Board was very pleased with the revision of EA-1/15.

#### Decision

The Board endorsed the new work items proposed for:

- the revision of EA-INF/04 *Statement on acceptance and recognition of activities under the EA MLA* according to the rationale set out in Document EAAB(23)04;
- the revision of EA-5/02 *Guidance on the Application of ISO/IEC 17020 in Vehicle Inspection* according to the rationale set out in Document EAAB(23)05;
- the revision of EA-1/15 *EA Policy for Relations with Stakeholders* according to the rationale set out in Document EAAB(23)08.

### 4.7 EA-2/02 S3 Risk-based approach (peer evaluations)

A. Steinhorst explained that a new supplement S3 to EA-2/02 had been published in last December in order to dedicate a risk-based approach to peer evaluations only.

### 4.8 Revision of EA-2/15 Flexible scopes: update

Further to a question, A. Steinhorst replied that whether flexibility of locals was covered by the document should be checked.

#### 4.9 CETA – Implementation of the Bilateral Cooperation Agreement with Canada/SCC

A. Steinhorst still regretted that there had been no real progress since last year, although the EC had carried out some specific promotion activities towards the industry and the economy sectors. Regular meetings with SCC still take place every 4 weeks, and he hoped a future increase in applications from EA Members for being recognised under the CETA protocol.

#### 4.10 Report from EA on various issues (BSCA, EA-1/13, EA Secretariat, report on complaint and appeals, etc.)

A. Steinhorst reported that:

- because Belarus had suspended partnership under the EU Neighborhood Policy (ENP), a resolution should be adopted at the next General Assembly to terminate BSCA membership in EA. He added that EA had to be careful with this legal issue;
- Revised EA-1/13: *EA's Relationship with Accreditation Bodies of Countries not being Members of the EU or EFTA* had been published in last December. The revision aimed to deal with non-EU and non-EFTA countries, for which evaluations by EA will concern only the framework of relevant bilateral agreements. A. Steinhorst reported that the Executive Board was still discussing the issue and drafting a political document.

#### 4.11 Agenda of EA General Assembly meeting on 24-25 May 2023 in Dubrovnik, Croatia

The Chair confirmed that she would attend the GA meeting.

Further to discussions under Agenda Item 3.1, A. Steinhorst reiterated that the next General Assembly would be composed of a closed session for EA NABs only and an open session including stakeholders and observers.

When the Board expressed its preference for transparency, A. Steinhorst was surprised because this was not an extraordinary practice for organisations, such as EURAMET, to have a closed GA meeting. He ensured that the closed meeting would be reported at the open meeting.

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

#### 4.12 Relations with stakeholders

##### ▪ Substitution of ETSI MoU for ETSI Recognised Stakeholder agreement: ongoing process

A. Steinhorst reported that the process for the MoU with ETSI to become a Recognised Stakeholder agreement should be soon finalised.

#### 4.13 New single international accreditation organisation

A. Steinhorst reported that there were still some issues to be solved for the future single international organisation for accreditation. The most fundamental one is what the single new body should be: shall it be a body of accreditation bodies only, or a body of all the conformity assessment community? Of course EA would prefer the first option because ABs need to have their home. The bylaws should be distributed soon for 60-day comments. The final decision should be made in November 2023 in Montreal.

## 5. Any other business

### ▪ Judgment from the Italian Council of State (Judgement No. 04089/2023 REG.PROV.COLL.N. 05072/2022 REG.RIC.) of 21 April 2023 (CAB College)

On behalf of the CAB College, M. Long briefly reported on this crucial matter with potential ramifications. He explained that a judgment from the Italian Council of State (Judgement No. 04089/2023 REG.PROV.COLL. N. 05072/2022 REG.RIC.) of 21 April 2023 fundamentally impacted organisations having accredited certificates with an accreditation from a non-EU-based AB. Especially, the ruling states that certificates issued by certification bodies accredited by UKAS have no value in the case of participation in public tenders. He specified that, whilst UKAS was specifically mentioned, this had an impact on the equivalence of accreditation in all non-EU-based ABs.

He informed that the CAB College was making a short case study right now. The most crucial issue is the resulting market uncertainty about the issued certificates.

M. Stadler was not surprised at this judgement which, like the EA answer, was in line with the EU Commission's position.

M. Long replied that nothing could actually be done against a legislative point of view.

#### Decision

The Board thanked the CAB College for drawing its attention to the Italian judgement, and acknowledged the issue raised which fundamentally impacted those organisations having certificates with an accreditation from a non-EU-based AB, as well as EA's reply which was in line with the EU Commission's position and Regulation (EC) 765/2008.

### ▪ Transposition of the New Corporate Sustainability Reporting Directive (CSRD) (CAB College)

On behalf of the CAB College, M. Long briefly reported that TFG CSRD was a good example of how a group could influence the EC and working together could make us stronger.

#### Decision

The Board took note that the CAB College complimented EA that this proposed new regulation be brought to the forefront of industry.

## 6. Selection of date and place of next meeting

The Board agreed to have a hybrid meeting on **Friday 20 October 2023** from 9 am to 2.30 pm (to be confirmed), and thanked EFTA for offering to host the meeting at EFTA House in Brussels.

*Note: EFTA already confirmed room availability.*

The Chair thanked the Board's Members for their participation and closed the 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