

EA General Assembly 48th meeting - 20-21 May 2021

Draft minutes

1. Opening of the meeting

The President welcomed the delegates, recognised stakeholders and representatives of the EC and EFTA.

She encouraged the participants to speak out and share their views, in particular about the proposal for new membership categories.

The President informed the meeting that an extraordinary General Assembly meeting will be set up in early September 2021 to conclude on the revised membership rules before a vote at the November 2021 GA meeting. Details on the road map for the revision of the rules will be given later.

The Executive Secretary (ES) gave the participants information about the practical arrangements for the meeting. He recommended that microphones should be left mute unless one wishes to speak. In that case, the participant will have to raise his/her hand and ask for the floor.

The ES said that pictures will be taken once in a while during the meeting for use on the EA website and social media. Those who would not want to appear on the pictures shall switch their camera off. Besides the ES indicated that the meeting will be recorded for the purpose of drafting the minutes. However, as soon as the minutes will be ready, the recorded file will be deleted.

A coffee break has been planned at around 11:00 on both days of the meeting.

2. Approval of agenda

The President reviewed the proposed agenda briefly. The agenda was approved without any change.

3 Approval of minutes of 46th and 47th GA meetings

The President indicated that the comments received had been incorporated in the versions published for the meeting.

There were no other comments. The 2 sets of minutes were approved.

4 Governance and strategy issues

4.1 Cessation of SEMAC membership

On 22nd March 2021, the President was informed of SEMAC willingness to stop membership in EA. The reason is that SEMAC is a member of another region, which is not compatible with EA membership rules. SEMAC membership was eventually terminated.

4.2 Governance documents

4.2.1 Articles of Association and Rules of Procedure

The President introduced the discussions.

At the extraordinary GA meeting in March 2021, everyone had the opportunity to comment and express their views on the proposed new criteria. That stage was important for the Executive Board to have a direction for revising the two documents, the Articles of Association (AoA) and Rules of Procedure (RoP).

Since March 2021, the Dutch Notary was contacted to confirm the legality of the proposed changes.

The objective of this meeting is to collect the Members' last comments and views on the new draft documents. Immediately after the GA, a 60-days comment will start. A meeting for EA members only will be organised in early September 2021 with the aim to explain the last stages and changes made as a result of the June-July 2021 comment period. The proposed date is 10th September 2021.

The ES reported on progress with the road map for revision of the AoA and RoP.

The ES confirmed that the two revised draft documents will be submitted to GA comments for 60 days in the next days. Then the Executive Board (ExB) will review the comments received before an ultimate extraordinary GA meeting takes place on 10th September. After the September meeting, the ExB will finalise the revised draft which will then go to the Notary for validation. The very final documents will be distributed 4 weeks in advance of the November 2021 GA when the EA members will be invited to vote, the objective being that the new rules be in place at the beginning of 2022.

The President invited the members to comment. She insisted on the importance of raising and sharing comments with the colleagues present at the meeting.

The EC delegate commented.

About the decision process on EU related issues, RE article 10.13 of RoP and 8.6 and 11.3 in AoA: as they are, the RoP are diluting the provisions of the AoA by introducing the option of decision by consensus amongst A and B members. Because EU related issues will have a legal impact, the EC considers and expects that decisions shall be taken by A members only.

OLAS commented on behalf of the Luxembourgish government. For the government of Luxembourg, the EC should take the lead and open discussions at the EU level about the new EA membership criteria. The reason is that the changes envisaged are likely to have a political impact which justifies that Member States shall discuss it at EU level. Changes in EA membership will have consequences on the Internal market and the development of agreements between EU and third countries, this is another reason for involving Member States in the discussions.

COFRAC commented.

The COFRAC delegate thanked the President and the ES for the clarity and transparency of the entire process for revision of the documents at stake. However, COFRAC expressed several concerns.

The first main point is related to the membership categories.

COFRAC is willing to open to more categories but is not in favour of moving from 2 to 4 categories. The reason is that the rationale for creating the new B and C categories and criteria for membership are not fully clear. Instead, COFRAC suggests to have one new category, resulting from the merger of the proposed B and C, considering carefully the point of voting rights on EU related issues. Furthermore, it is necessary to clarify who is going to be a member under the D category.

At this stage COFRAC is ready to discuss but not ready to vote on the proposed revised rules.

The President replied. About the proposal to combine B and C, she pointed out that it would have an impact for ISRAC and BSCA. The ExB is open to consider the point in the light of Members' support to COFRAC's proposal.

The President invited Members to comment on the proposals and comments raised by the delegates. It will be important for the ExB in the next stage of the revision process. She pointed out that comments are welcome at the meeting but also in the comment period which will start in the next days.

COFRAC made two other comments.

Concerning the article setting out the objective for EA to "promote" confidence of CAB and secondly about Art 13 and 14 on conflict of interest.

Both issues are key issues but how to manage them in practice deserves discussion.

The President replied. She reported that the previous wording of ""promoting competence and services" was removed and it was decided instead to focus on promoting CAB being accredited by signatories in order to raise the EA MLA and signatories' profiles.

The President reiterated her recommendation to Members to discuss or make suggestions to support or comment the suggestions made either at the meeting or during the commenting period.

Regarding the point on conflict of interest: it was raised by the EA Notary who said that it shall be introduced. There is no option, the clause must be taken on board for legal reasons.

EFTA commented on the revised RoP.

EFTA position is that EA members shall subject themselves to peer evaluation by EA. The comment had already been raised in March and EFTA regrets that it has not been taken on board yet in the current revised draft.

The EC commented and supported EFTA comment. Even if Regulation 765 creates the obligation on Member States, because EA is the recognised body under the Regulation, the EC expects that the spirit of the regulation be reflected in the AoA and RoP and hence that the obligation on EA Members to undergo peer evaluation (PE) be introduced in the new rules.

The President commented and made reference to Article 10 of Regulation 765. In the Regulation indeed, there is an obligation on NABs to undergo peer evaluation by EA. According to the Regulation it is EA's duty to organise and manage peer evaluations. Besides there is a duty on Member States to ensure that NABs undergo PE by EA.

When considering EFTA comment, the EA ExB recognised that this is a duty for Member States more than for EA.

However, the President insisted that EA members are encouraged to comment and support or not the proposal made by EFTA.

DAkkS commented.

DAkkS thanked the President for allowing a new comment stage in this critical process for EA.

DAkkS is not ready to vote at this stage. DAkkS shares the concerns raised by COFRAC about the 4 categories.

Besides, there is a lack of consistency between the AoA and the RoP.

Article 4, sub-clause b) may create confusion. After last sentence, it is stated that B members can vote in the technical committees (TC) but not on issues related to EU. For DAkkS, it must be clarified that the same restrictions apply for voting both at TC and GA levels.

According to the German law, any limitation must be stipulated at the higher level, it means at the AoA level for EA. In Germany, it would not be legally workable that the restriction be stipulated at the RoP level only.

The limitation made on the HHC and MAC chairs appears only in the RoP; for the same reason, it shall be covered at AoA level.

DAkkS made another comment concerning the CC Chair's position. For DAkkS, Regulation 765 is linked to notification mainly and mostly to certification bodies. It means that there should also be a restriction on the CC Chair position that he/she should also come from the A or B category only. In addition, in the Technical Management Board, with the current rules, the situation could be that there is a majority of B members. It would not be suitable. A majority of A members would be more in line with the principles regarding how to deal with EU issues.

ACCREDIA commented.

ACCREDIA supports the road map for the revision and pays tribute to the work achieved. ACCREDIA shared COFRAC and DAkkS positions about the 4 categories and suggested to set out a simpler way to address the issues at stake with less categories.

BELAC commented.

BELAC supports DAkkS comment on the CC Chair's position and the need to address limitations in the same way at the AoA and RoP levels. Besides, BELAC supports OLAS comment on the need to have high level discussions at EU level. BREXIT is having political consequences, discussions at governmental level are therefore necessary.

UKAS commented.

What the role of TC Chairs is should be discussed. For UKAS, the comment raised about the CC chair position in relation to work about EU related points applies also to the IC Chair. It is important to agree on what is the role of a Committee Chair and therefore what competences are required. Certainly, a good subject knowledge is required even if a Chair will never have all knowledge when we consider the wide range of issues tackled in the certification area. Committee Chairs shall be free from bias, have negotiations qualities and an appropriate level of impartiality. It is important to focus on which competence EA wants for a Committee Chair.

ENAC commented.

ENAC supports the EC point about the option for decision to be made by consensus. For EU related issues, it shall be only a matter for EA A members to decide.

About limitation for TC Chairs positions, it is ENAC view that Chairs will normally have the last word in a discussion and therefore it makes sense to limit the position to A members as recommended by DAkkS and for IC and LC as well. ENAC supports also DAkkS position on the alignment of AoA and RoP. About the proposed 4 categories: for ENAC, it reflects the complexity of the situation. The complex solution is illustrating the complexity of the situation and is workable.

SAS commented.

SAS suggested to create only one new category to accommodate the new situation. EA could have UKAS as an observer.

Regarding TC Chairs and based on real experience, SAS does not share the opinion that the Chair has an influencing capacity. Clearly, what Chairs have on mind is to solve technical issues and not political matters.

ESYD commented.

About the option for decision based on consensus, ESYD shares the views expressed.

About TC Chairs, it was indeed ESYD opinion expressed before that all Committee and the MAC Chairs should come from A members.

ESYD supports COFRAC suggestion to combine B and C categories.

ESYD had another comment concerning the name of the proposed categories: A, B, C and D are not self-explanatory. Names should be improved for greater visibility, transparency and communication outside.

ESYD also supports the alignment of RoP and AoA as put forward by DAkkS.

The President commented and said the ExB will welcome proposals for new names of the categories.

The CC Chair asked for the floor.

The CC Chair invited the EA members to consider that the role of a TC Chair is technical, it is not political. The main objective is to achieve consensus on technical issues. That CC in particular deals with EU issues can be challenged. Of course, any discussion can have effect on legislation but also on industry, consumers, the marketplace and the economy in general. Hence it is important that EA members reflect on what they expect from a Committee Chair. For the CC Chair, EA should consider refraining from politicising technical issues. About issues related to EU policies: if we look at recent CC agendas, those points represent only a small part of a larger agenda for the CC. EU issues are an important part but not the biggest part.

NA commented.

About combining B and C groups: there would be consequences not just on UKAS. Therefore, the proposal should be considered with care. In general, there is a need to make clear in the documents what technical committees are. Are HHC and MAC technical committees?

The point was supported by ENAC. Besides, for ENAC, obviously TCs deal with technical issues but it must be recognised that technical issues will always have an EU side and therefore, the distinction between technical and political is not fully relevant in practice. However, making a difference for the MAC Chair position makes sense in the way that the MAC is a decision-making body for MLA members. At MAC level, the Chair him or herself does not have any influence or link with EU issues. It means that the MAC Chair, unlike the other Committee Chairs, could come from either the A or the B member groups.

For DAkkS, no doubt that the current CC Chair has achieved a great job. The point made in this discussion is different. It must be recognised that there is a real possibility for Chairs to influence things even if they have not been doing so until now. The possibility exists as a matter of fact.

For DAkkS, the CC Chair, in particular, should come from the A member group. The point is not just about leading the work in the CC but about the work in the TMB

DAkkS supported also that a definition of what is an EA technical committee shall be made fully clear in the AoA, Article 16 for full transparency and coherence of the rules.

SAS commented on the proposal to introduce an obligation on EA members to undergo PE. If we want to introduce the obligation, we will have to carefully consider the criteria to be used. What should be the minimum level of activity, the minimum number of scopes to be applied for instance? About the CC Chair's position: no doubt that there is a political dimension in the Committee work and discussions. But the role of the CC Chair is definitely a technical role. The Chair's role is to build consensus. In this regard, the Chair's opinion is only one out of many.

The President commented. The criteria for being an EA member are set out in EA-1/17 S1 which sets out a right for EA members to be peer evaluated.

ISRAC commented.

ISRAC shared SAS views about when it is the right time to apply for a new scope, taking national requirements and needs into account, and this has to be looked at in light of the proposal to introduce the requirement for EA members. About Committee Chairs' position and role: limiting to the A member group may not be realistic when it comes to implementing the rule in practice.

IPAC commented.

IPAC shares the comment on the need to align the AoA and RoP.

IPAC supports the point made on the option to have decisions by consensus: decisions should be made by those concerned.

IPAC supports to have other names for the categories, it will be more meaningful and transparent for the outside.

About combining the B and C categories: if a good compromise for combining exists, it would certainly be good but it remains that the background for setting up the 4 categories is complex and shall be taken into account.

About TC Chairs' position and role: what is important for IPAC is that discussions on EU matters shall be led by an EU/EFTA member, irrespective of whether it is the Chair of the Committee or not. Such a flexibility would allow the Chair of a Committee but also the Convenors of WG to come from different groups.

The TC Chairs shall have the competence, be knowledgeable and recognised by their peers in the Committee.

In short, the proposal is that discussions on EU matters shall be led by an EU/EFTA member rather than requiring the Chair to come from the A group. About the obligation on EA members to undergo PE: it would make sense that an EA NAB member be required to have successfully passed the PE by EA, as part of the confidence building process, but not necessarily for several or all scopes.

For ACCREDIA, EA should also consider that TC Vice Chairs shall come from the A group.

BSCA commented.

BSCA is not satisfied with being moved to the proposed C category. BSCA supports the proposed merge of the B and C groups.

About voting rights, BSCA supports the alignment of the AoA and RoP. About names of categories, BSCA recognises also that it is difficult for the outside to understand readily what A, B etc represent and therefore it would be good to review the category names.

The President reiterates her invitation to the Members to make concrete suggestions.

For DAkkS, the role of TC Chairs is mainly a management role. Apart from that, the TMB is a new body which will have a critical impact on EA's operations. Therefore, it is important to consider carefully the TMB membership and decision-making power and rules in the revision of the AoA and RoP.

There were no other comments. The President summarized.

First about the Articles of Association, Members have expressed a concern on Article 5:

- There is a proposal to merge B and C. It will be interesting to get feedback from the other members.
- 3 NABs said they would prefer different names for the categories. All the members are encouraged to comment the proposal and make suggestions.
- In relation to voting right on EU issues at TC level: there is a need to specify what TCs are and whether A or B can vote or A members only. The Members are encouraged to consider the point in their written contributions.
- There is also a proposal to not change anything in the membership categories. Those who would support that are also encouraged to make it clear in their comments.

Second about the Rules of Procedure:

- Concerning Committee Chairmanship and clause 10.6 addressing MAC and HHC, 6 NABs support that CC also shall be chaired by an A member.
- Concerning EA Member to apply for PE: there is a recommendation that this should not be just a right, as currently provided by EA-1/17 S1 but it should be an obligation for EA members.

Finally, the President reiterated the importance for members to put forward their comments during the 60 days comment period to start in the next days. This is particularly critical if we consider that only a very limited number of members have raised their voice at the meeting.

What a TC is in the EA structure and the need for convergence between the AoA and RoP will be touched by the ExB.

Invitations will be circulated in due time in advance of the 10 September 2021 extraordinary meeting.

In response to a question, the President confirmed that the timeframe for the different stages envisaged and presented earlier in the meeting remain realistic. Members have to send their comments and colleagues having raised their voice at this meeting should also reiterate their comments in writing.

The 10th September meeting will be the last opportunity to go through the comments and responses before the final documents are submitted to the GA vote in November 2021.

4.2.2 Revision of EA-1/17 S5, EA-1/20 and EA-1/20 Supplement 1

A number of documents have to be revised to make the new management structure operational and reflect other changes already in place or to be completed by the end of this year:

- EA-1/17 S5 Levying Membership fee. A provision will be introduced to regulate the case of termination of membership. The fee formula will also have to be reviewed in light of the new membership categories, when approved.
- EA-1/17 S1 Criteria for Membership will have to be revised to be aligned with the new categories when approved in the Articles of Association.
- EA-1/20 Procedure for the Control of Expenditures and Preparation of budget—needs to be revised to reflect the new management structure and responsibilities.
- EA-1/20 S1 Terms and Conditions for Compensation from the OG. Needs to be revised to take into account the result of the check by the financial services of DG GROW on the operating grant 2020.

All revisions are ongoing; the members will be invited to comment in due course.

<u>4.3</u> <u>EA Strategy 2025</u>

The Implementation plan is under monitoring by the Executive Board. The ExB went through the plan at its last meeting the day before this GA and the outcome is:

36 out of 47 actions have been closed.

7 actions have a significant delay. They will be closely looked at by the Board with a view to expedite the work.

3 actions have not started yet. The Board decided to extend the deadlines for completion.

4.4 Revised EA-0/10 Procedure for EA meetings

Several points required that the document be revised and notably to introduce provision for the cancellation of meetings and consequences for EA and EA members, and location of EA meetings.

Regarding cancellation of EA meetings, the new draft is reflecting the rules developed and applied as a result of the unexpected COVID-19 pandemic.

About location of EA meetings, a general policy paper was submitted to the Members for comments. The comments were reviewed and accommodated by the Board in the new version of EA-0/10 as agreed at a previous GA meeting. In essence, the agreed principle is that, normally, WG and TFG with less than 15 members should meet online. It is only on a case-by-case basis and for substantiated reasons, that physical meetings will be able to be set up, by decision of the Committee Chairs.

Regarding location of EA TC and MAC meetings: face-to-face meetings is the rule unless otherwise decided by the Chairs. At least one of the two annual meetings shall be hosted in Central Europe. This does not mean that NABs located in central Europe shall be the host. Those meetings will be hosted and organised by the Secretariat.

Due to the current circumstances linked to the COVID crisis, the document will not come into effect before 2023 for what concerns location of TC meetings. EA-0/10 is an informative document. However, the ES suggested starting to apply the new version with a view to gain experience in using it.

4.5 The EA MLA mark

The mark is being registered with the EUIPO as a collective mark of the EU, the application has been launched beginning of May. The mark will be registered together with EA-3/01 S1 Rules for use of EA MLA mark in its version approved in October 2020.

As agreed previously, the mark will be able to be used when it has been properly registered in all MLA/BLA signatory countries.

In the next steps, there is a first a period during the European office will consider the application by EA. In the absence of any objection from the office after 3 months, the mark will be published. It will open a second 3-months period during which third parties may oppose the registration. In both cases, it is expected that the objections received will be able to be settled. At the end of the 2nd period, the mark will be considered as registered and the registration as an international mark will be able to start.

In response to a question by UKAS, it was said that EA will take care of the registration of the mark in non-EU countries, at an international level. UKAS offered to support EA in the registration.

4.6 Gender in standardisation

SWEDAC's delegate introduced SWEDAC's paper published with the meeting papers.

There is a legal perspective in the issue. All men and women should be treated equally in the standards. This is not the case at present.

The objective of having the point on the agenda for this meeting is to raise awareness on the issue, for instance to invite EA NABs to ensure that equality is part of accepting a scheme and the accreditation process.

Following actions that EA may take with regards to EA publications, the expectation is that the EC may consider introducing the relevant provisions in Regulation 765/2008.

The next step is to open the dialog with the standardisation bodies.

The President confirmed that the issue is a point of attention at the Board level and the Board mandated HHC to look at schemes in this regard.

The HHC Chair confirmed that the item is tabled on the agenda for the September 2021 HHC meeting.

The President added that she and the ES may also take the issue forward with CEN/CENELEC in the ongoing discussions, in the framework of EA/CEN/CENELEC cooperation.

Finally, SWEDAC thanked the President and welcomed the proposed steps. There is much to do to improve the current situation.

<u>4.7</u> <u>European court of Justice – Ruling ACCREDIA vs PJL</u>

The President gave ACCREDIA the floor.

The result in court constitutes a very critical step for the European Quality infrastructure and EA after the publication of the new Regulation.

The judicial case started 5 years ago. It was caused by a conflict between the laboratory and the Italian authorities. The fact is that the Authorities withdrew the laboratory from the list of authorised laboratories operating in the field of food safety. The reason for being removed was that the lab was not accredited by ACCREDIA. The lab produced evidence that it had been accredited by PJL. The national authorities maintained their decision and the lab went to the European court.

ACCREDIA has been cooperating considerably with the competent Authorities in the field of food safety. There were 4 different decisions taken by the Court in Italy. At the end, the ruling was that the lab shall remain out of the list but that it can go to European Court of Justice.

ACCREDIA has always been confident about the outcome and that the EU court would be coherent and take a consistent decision.

ACCREDIA thanked the EC, the NAB colleagues and subsequent support gained from Member States notably in France, Spain and Poland. This result is not just a court decision. It confirms two points. First it establishes that accreditation is a public authority activity. Second it clearly says that accreditation by an EA MLA signatory is not the same as an accreditation by another accreditation body even if based in Europe. The former will grant accreditation giving evidence of compliance not only with ISO/IEC 17011 but with Regulation 765.

It can be expected that the decision will create a strong basis for future rulings. The President thanked ACCREDIA for their report and successful work in this case.

In the TMB, there is feedback that Members have questions about the consequences of the decision.

The HHC established a TFG on "Foreign Accreditation Activities in EA Territory". The TFG will consider the EU Court ruling in its work. High priority will be given to the TFG discussions.

To conclude, the President informed the members that the EC is also analysing the decision and will report back to EA in due time.

5. Relations EC/EFTA and Stakeholder organisations

5.1 Relations with the EC and EFTA

5.1.1 Work Programme 2020

The report was approved by the Board. According to the FPA, it was submitted to the EC and EFTA by end of April. More than 100 activities are reported on, regarding peer evaluation activities mostly but there are also 30 activities in the field of harmonisation, including communications activities, and 30 activities in the field of cooperation with EC/EFTA.

In 2020 there was a TBT committee meeting of EFTA. EA attended the meeting and had the opportunity to present its work on trade agreements. Unfortunately, reporting on this event was missed in the final report. The ES apologised and thanked EFTA for reminding EA the activity.

5.1.2 Work Programme 2022

The proposed WP is based on the TCs individual WP and input from the Board and the Secretariat.

It will be submitted to the meeting for approval on the 2nd day. However, if there was a need to change the WP, there would be a possibility to change the document before end September 2021 when the WP will have to be submitted to EC/EFTA in accordance with the FPA requirements.

5.1.3 ECIBC- JRC-EA Breast Cancer Services Project – Progress report

Since the project started in 2014, it was suspended twice for reasons external to EA. A new amendment was signed in summer 2020 with a new road map according to which the project should be completed by 2023. There is a new focus on accreditation of CBs against ISO/IEC 17065. In the field of medical examination of the scheme, accreditation is not a requirement anymore.

The ES thanked the NABs who accepted to nominate experts to take part in the WG: ACCREDIA (convenor), DANAK, DAkkS, FINAS and ENAC.

The WG is very active in completing the deliverables set out in the road map. The EA MAC Chair is convening the Project Steering Group.

A critical stage will be the pilot run which is expected to start in September 2021. The WG is currently preparing the procedure for the pilot run with JRC.

5.1.4 CETA Protocol on Conformity Assessment

The close cooperation between EA and SCC is based on a cooperation agreement which aims to facilitate implementation of the general Protocol. One of the key activities consists in preparing training materials to be used by NABs when accrediting for Canadian/European legislations. The work has been completed for ATEX and electrical and electronic equipments, machinery and

construction products. For additional product sectors, training material should be made available soon by SCC.

SCC is now recognised for ATEX. The recognition process will be able to continue for additional sectors.

Besides, the EU is preparing guidelines for implementation of Protocol on how to be recognised as a NAB and at CAB level. EA appreciates that the EC is relying on the procedure for mutual recognition already established by EA and SCC.

5.1.5 Update on new EU legislations and schemes

The key question is for EA to ensure to follow up on new regulations coming up. The point is given due attention. Much progress has been made and EA is now involved in early stages. However, improvement can still be made on the point of how EA members can contribute at national level and how EA can support EA members in that.

The ES reviewed current discussions with the EC.

• Cybersecurity Act

ENISA is in charge of the implementation of the Act. 2 schemes are concerned:

- 1. Certification scheme on common criteria. It should be approved in summer and published as an implementing regulation (legal act). Guidelines on accreditation of labs and guidelines for accreditation of CBs are under development. There is a special TFG for ENISA activities monitored at the Board level. The ES thanked ENAC, COFRAC and RvA members in the TFG for their considerable work with input of the Technical Committees.
- 2. Certification scheme on Cloud services. Several ENISA sub-groups are active in this field. There is also a specific TG dealing with accreditation assessments. The scheme is expected to be published as an implementing act by the end of the year. There are issues to be solved about assessment of CABs.

Proposed Regulation on artificial intelligence

The TMB agreed to establish a TFG to give input to EA members when requested by their national authorities to comment on the proposed regulation. A call for nominations will soon be circulated.

Batteries and waste Batteries

It is a new regulation under the New Legislative Framework but with additional requirements on environmental aspects and reporting on environmental data with indirect reference to ISO/IEC 17029.

EA is in close contacts with the EC and HHC has been requested to mandate the WG AfN to follow on the work at EA level.

Besides, there are some important issues on the Ecodesign directive. The work has just started, EA has been invited to attend a meeting regarding photovoltaic devices. The HHC Chair accepted to attend the meeting too.

Interoperability

The ERA assessment scheme is under revision.

Revision of Blue Guide

The revised Blue Guide should be published in summer.

• EC - Standardisation request

The request is still at consultation level. It will give more legal certainty and is expected to have it published after summer break.

Evaluation of the New Legislative Framework (NLF)

The evaluation by the EC of the New Legislation Framework has started: it concerns the NLF, Regulation 765 and decision 768 mainly. The purpose of the review is to check the state-of-play in the application of the new framework.

The EC commented. The NLF has been in place for almost 10 years. It is now the right time to look at where we are in its implementation and use. The objective is to evaluate the need for any revision.

The President concluded by saying that the Board will look at how to improve dissemination of information in EA and how to share and support NAB to contribute to the work with NA at national level.

5.2 Relations with Stakeholder organisations

5.2.1 Renewal of the Recognised Stakeholder (RS) agreement with ETICS

ETICS was granted the Recognised Stakeholder status and it was formalised by the RS agreement in 2016. The agreement is concluded for an indefinite period of time but review is required after 5 year. The president informed the members that ETICS had confirmed their willingness to maintain their RS status. The GA will be invited to decide on renewing RS status the second day of the meeting.

5.2.2 CEN/CENELEC initiative "Support of the African Quality Infrastructure with support by EA, EURAMET, EC, EFTA and others"

EA is supporting CEN/CENLEC in the specific initiative. A TFG has been established with EA, EURAMET, industrial organisations and African organisations. The EC and EFTA are supporting the work also.

The first objective is to define a road map with specific activities about how the European Quality Infrastructure may support Africa and how EA can support the African Quality Infrastructure in the accreditation and conformity assessment fields. Training and observation of assessments are under consideration. Important is first to identify the needs. There are bilateral meetings. As soon as needs are clarified, the Board and the GA will be consulted before EA can commit to specific actions/projects. It will be a long-term initiative.

The CEN/CENELEC representative thanked EA for its continuous commitment and look forward for more and broader contribution by EA members.

6 Operational issues

6.1 Ratification of ballots

There were 2 intranet-based ballots. The GA will be invited to ratify the results of the 2 ballots on the second day of the meeting.

The result of the e-ballot on acceptance of additional requirements of IFS scheme will be added to the list of ballots to be ratified.

7. Financial Issues

7.1 Accounts 2020

The ES gave an overview of how the EA finances are managed: first all daily activities are performed by the Financial Manager and the Head of Administration, under the Executive Secretary's monitoring. The official booking is made by the accountant, and accounts are annually audited by the financial auditor. The budget is then reviewed by the Financial Oversight Committee (FOC). The final responsibility for the budget lies in the Executive Board which reports to the GA for endorsement.

In 2020, 2 additional audits were carried out: one very specific by the French authorities regarding social taxes, the other by the EC for the Operating Grant 2020. Both audits went very well.

The ES drew the GA attention on the cover note which gives all the explanations about the accounts. He summed up that, in 2020, expenditures amounted to about 1.4 million Euros and revenues about 1.47 million Euros, making a result of 72.879 Euros (including 35.000 Euro additional membership fee) which will be transferred to EA reserves.

Concerning the expenditures, the ES explained that the difference between the budget 2019, the budget 2020 as previously adopted by the GA and the actual final budget 2020 for the Secretariat's labour costs results from the fact that no part-time staff member was recruited in 2020. The huge difference regarding the Secretariat's travel costs is due to the COVID-19 pandemic. This gave much more opportunities to develop not only activities under the PE system, but also technical activities.

Concerning the revenues in 2020, the ES summarized that there is no real difference with the budget 2019 and the revenues are very stable, based on equivalent membership fees and operating grant received by the EC and EFTA.

The FOC Chair, Todor Gunchev (BAS), made his report and thanked the Secretariat for the hard and professional work achieved.

The ES added that EA will not be eligible to receive the full operating grant. Due to the COVID-19 pandemic indeed, the budgeted amount of eligible costs to be compensated through the OG would not be spent. A provision of 3K Euro has been booked to cover the risk of not receiving the full grant.

There were no questions.

7.2 Budget 2021

The ES reported. He stressed that the activity-based budget is very important since it is the basic budget for EA's application and management of the operating grant.

Concerning revenues, there is no real big difference with 2020 except that SEMAC terminated its membership, which results in a reduction in membership fees for EA. The ES highlighted the revenue to be received by the EC for the service contract related to the Breast Cancer Services (BRS) project.

The ES summed up that, in 2021, forecast expenditures amount to about 1.517 million Euros and forecast revenues about 1.580 million Euros, making a result of about 64.000 Euros (including about 35.000 Euro additional membership fee) which will be transferred to EA reserves.

Concerning the revenues in 2021, the ES explained that there is no real difference with the budget 2021 previously endorsed by the GA, except the revenue allocated to the service contract whose estimation is now reduced by about 70.000 Euros. The rationale is that the draft road map made by JRC and EA, on which the estimation was based, had to be revised because real activities started 3 months later than expected and some activities needed to be reevaluated. This reduction however has no impact on the balance of budget 2021.

Concerning the expenditures in 2021, the recruitment of an additional staff member has been removed out from the budget for the time being. The other difference lies in the Secretariat's travel costs which have been reduced by 45.000 Euros due to the COVID-19 pandemic. The third difference is the decrease in the expenditures for technical activities related to the BCS project, balanced by the above-mentioned decrease in the revenues.

The ES concluded that there is no real difference between the forecast and the budget previously endorsed by the GA.

There were no questions.

7.3 Budget 2022

Concerning the revenues in 2022, the ES emphasized that, in 2022, the membership fees will be revised according to the new membership categories. What is important is that the total regular membership fees in 2022 should remain the same and amount to 700.000 Euros; only the allocations to the members can change depending upon the categories. Besides, because the threshold of 50% of operation costs covered by the EA reserves is reached, there is no need any more to ask additional membership fees in 2022. The amount of the EC and EFTA operating grant is estimated at the same level as 2021, i.e. at 740.200 Euros. The JRC BCS Service Contract is estimated at about 140.000 Euros for 2022.

Concerning the expenditures in 2022, the ES stressed that it has been considered again not to recruit an additional staff member in the Secretariat for the time being. Hopefully the Secretariat's travel costs have been considered to be restarted next year.

The ES concluded that the membership fee schedule will be revised in 2022 in order to consider the new membership categories, which shall be endorsed at the GA meeting in November 2021.

There were no questions.

8. Complaints and Appeals

8.1 Status report

The ES presented the report.

He highlighted that, due to the revised EA-1/17 S3: *Procedure for the Investigation and Resolution of Complaints and Appeals* just approved the day before, the complaints which have been dealt with so far by the Head of Administration, will now be managed by the MAC Secretariat.

Three complaints are still open by 30 April 2021.

One appeal against a MAC decision has been closed end of March 2021. For this purpose, a review panel in the Executive Board was shared by the EAAB Chair; the ES thanked the review panel very much for their work.

The ES concluded that there was no complaint against EA, but complaints against accredited CABs or EA Members.

There were no questions.

9. EA Management System

9.1 Management review 2020

The Management Review was performed according to EA-0/08 under the responsibility of the ExB.

The report has been circulated to EA members. Among other points, the review outlines the results of the internal audits performed in 2020 and the ES thanked Leopoldo Cortez from IPAC for having accepted to be assigned for the internal audit in 2020.

The ExB considered the MR report and found that the management system complies with the applicable requirements. The President approved the MR formally.

9.2 EA (Secretariat) documentation system

A project has been carried out in 2020 to review and improve the EA documentation system.

Although the internal auditors noted that EA publications are under appropriate control by the Secretariat, they also highlighted routes for improvement for several other internal templates and documents used in the Secretariat and which are not formally controlled.

The project has been concluded. We are at the stage of its implementation.

The result is that all documents are now included and covered in the new documentation structure with related responsibilities for their management and rules for their archiving. The ES displayed the new structure on the screen.

The ES pointed out that the implementation of the new structure will have no impact on the EA publications and the process for their management.

10. Secretariat

10.1 Secretariat's report

The ES expressed his thanks to the Secretariat team for their hard work during the pandemic crisis. All efforts were made to maintain the same level of quality in the services to the members.

The ES highlighted a few achievements apart from the regular support to the Committees and the MAC and peer evaluation system.

The Secretariat launched the 1st EA E-learning platform on the EU MRV regulation. EA NAB and RS members can register to the platform.

The ES reviewed Communications activities on the website and Twitter.

On the IT side, in a general context of increased cyber security risks, EA carried out an audit of its IT and information system security. Even if the overall result is that the EA IT infrastructure has been found to be strong, there were around 70 recommendations to further improve and reinforce the EA system, in technical and organisational terms. In 2021, the project will enter a new phase with the implementation of the recommended measures in cooperation with a professional expert in cybersecurity matters. It is planned to start in June and be concluded in December 2021.

The President, on behalf of all the EA Members, expressed her thanks for the hard work achieved by the team.

11. Reports and proposed resolutions from EA committees

11.1 EA Advisory Board

The EAAB Chair presented her report.

She pointed out in particular that the Board welcomes that, in order to allow UKAS to remain a member of EA beyond 2022, EA is preparing new Articles of Association setting out different membership categories (A/B/C/D) with different voting and representation rights. She also reported the Industry College's concern that the non-recognition of the EA MLA signatory status of UKAS and, as a result, of the testing results and certificates accredited by UKAS on the market, would undermine the EA MLA as a whole.

She concluded that a call for nominations has been launched for the Board's membership to be renewed at the next EAAB meeting in November 2021.

There were no comments.

11.2 Technical Management Board

The EA Vice-President as the TMB Chair presented the very first report on the new Technical Management Board (TMB) which, according to EA-1/17 EA Rules of Procedure published in last January, has been starting its activities since the beginning of this year.

The responsibility of the TMB is to monitor and ensure proper coordination of the work, activities and reporting of the EA Technical Committees. Four TMB meetings per year are planned for now; this could be increased if needed. TMB resolutions will be made available on the EA intranet.

She highlighted the key issues under current discussion such as the need for one preferred harmonised accreditation standard, the reissuance of test reports, the cooperation with the EC regarding standards and regulations, ILAC and IAF technical issues of specific interest, and the process for handling FAQs of EA technical committees.

There were no comments.

11.3 MLA Council

The MAC Chair presented her report.

She reported on the MAC policy and procedure on remote peer evaluations, as well as on the remote decision-making procedure, during the COVID-19 pandemic.

She also highlighted the following issues:

- the peer-evaluation reengineering project, to which a MAC MG meeting was dedicated in March 2021. A risk-based approach for peer evaluations was presented and discussed.
- sharing the experience gained in remote peer evaluations;
- new EA MLA for ISO/IEC 17029: a MAC TFG was established;
- 26 peer evaluations, out of which 8 are postponed from 2020, are scheduled in 2021 which is a very busy year;
- the NAAU appeal, whose outcome was to stick to the first decision. A final recommendation was given by the NAAU appeal Review Panel.

To conclude, she emphasized that 3 seats are available in the MAC MG; a call for new MG members and elections are being organised.

ISRAC asked a couple of questions:

- Do postponed peer evaluations really affect the 2022 schedule for peer evaluations?
- When will the decision be made on how peer evaluations will be performed in 2022? Will there be still remote peer evaluations or again real peer evaluations? ISRAC said that peer evaluations need many logistics, which should be agreed at least six months in advance.

The Chair answered both questions:

- There is no problem with the schedule of peer evaluations planned for 2022 so far. The only problem was in 2020 when the pandemic started.

- The peer evaluations in 2022 are planned to be physical for now. But this will be reconsidered by the MAC MG at their September 2021 meeting. The Chair agreed with the need to know in advance how peer evaluations should be performed.

ISRAC added that, due to the world situation, we should think about a new approach and hybrid system which would support the strategic plan to reduce travels and increase remote activities and meetings whenever it is possible and there is no need to physically attend.

The Chair agreed, while pointing out the need for an equal and horizontal approach between NABs.

11.4 Horizontal Harmonization Committee

The HHC Chair presented his report.

He reported in particular on the activities with regard to schemes in the private sector.

A number of large international scheme owners have recently chosen to put their scheme under the home AB approach.

In several cases, scheme owners developed "additional requirements" which, after endorsement by the HHC, have to be adopted by the GA. This has been the case for successful schemes such as IFS Food V.7, GlobalG.A.P. CoCV.6 and IFS Logistics V.2.2, whose additional requirements have been adopted by the GA via electronic ballot; the GA is now asked to ratify this ballot.

However additional requirements for Textile Exchange V2.1 have not been accepted by the GA via electronic ballot, and the GA is now kindly asked to reconsider this decision. Indeed, although the vote on additional requirements for Textile Exchange V2.1 was negative, all active NABs have agreed on them.

The Chair explained that, in general, NABs do not favour additional requirements which mean an extra burden for them. However additional requirements are part of several schemes and are applied as such for many years. If additional requirements are rejected, the schemes cannot be listed as endorsed by EA and have the advantages of the home AB approach. In this case, Textile Exchange V2.1 would fall back into the national approach and the two corresponding active ABs would be obliged to continue providing their service based on their own evaluation efforts and direct contract with the scheme owner.

DAkkS commented that, when there are specific requirements, some scheme owners want to sign MoU directly with home ABs. He asked what EA's position is on the home AB approach in this regard because there are many different requests from scheme owners for MoUs. How can EA deal with such kind of schemes inside EA?

The Chair answered that, according to EA-1/22, additional requirements must be part of the scheme documents. It is not allowed by EA-1/22 to put additional requirements on an AB through separate agreements. A communication is planned with the ES to inform all EA NABs that they shall not sign agreements containing additional requirements that are not included in the scheme documents themselves.

AA pointed out that, as long as there is EA-1/22 and decisions should be made on schemes, a clear message should be addressed to all ABs not to use abstention and to decide whether to accept or not. If the AB does not know, it has rather to follow the proposal of the home AB which has evaluated the scheme.

He insisted on the need to rather accept additional requirements than abstain on a scheme, unless the AB disagrees on additional requirements.

The Chair agreed on this good advice and, because the initial intention was to avoid additional requirements, he informed that all the issue is being revisited to find a more successful solution.

To conclude, the EA President stressed how important it is that Members are aware of EA's position that MoUs shall not be signed with scheme owners.

DANAK questioned the extra burden put on ABs by Textile Exchange additional requirements, because there are only a few CABs involved and this is not a huge burden. EA should define what would be acceptable in this regard.

The Chair agreed that the issue of extra burden is relevant for small ABs. But this is not changed by not choosing the home AB approach and not listing the scheme. The additional requirements would remain the same.

The Chair concluded that because the issue is addressed with the wrong tool for the moment, the HHC is trying to find a better solution.

11.5 Certification Committee

The CC Chair presented his report.

A new WG on ISO/IEC 17029 is being set up for the purpose of a harmonised one-voice approach to the technical implementation of the standard. The terms of reference are being drafted. It was agreed that WG ISO/IEC 17029 will be initially separated from EU ETS aspects.

AA reported that unfortunately he could not convince at the IAF MLA Committee meeting the colleagues from ILAC IC and IAF TC to come together and to define some kind of boundaries between ISO/IEC 17029, 17065 and 17020. The question is what ABs should accept by IAF as being transferred from ISO/IEC 17065 and 17020 to ISO/IEC 17029. EA as a region has to develop something to make pressure on the international level.

The Chair replied that this was exactly part of the rationale behind establishing the WG. Many issues not only in inspection but also in validation and verification could be covered by ISO/IEC 17029, and there is a need to decide what exactly should fit under ISO/IEC 17029.

Lorraine Turner (UKAS) as the ILAC IC Chair found it interesting to discuss the boundaries between ISO/IEC 17029 and other standards. But it would be useful at first to share experiences on the issue, even if ABs are not in a position to come up with a definitive differentiation.

AA found the proposal very interesting, while recognizing that it would not be so easy to come to some conclusions between two committees of two independent organisations. It would be easier for EA as a region to come up with some conclusions to be put forward to ILAC and IAF.

11.6 Inspection Committee

The IC Chair presented his report.

It did not raise any comment.

11.7 <u>Laboratory Committee</u>

The LC Chair presented his report.

Following a request for clarification from the EA President, he notably reported that a resolution has been adopted by the TMB on behalf of the LC in order to update the EA Resolution 2014 (33) 31 about the reissuance of test reports when the trade name / trademark of the tested product has changed (Clause 7.8.8 of ISO/IEC 17025: 2017). The issue was put forward to the Group of Notified Bodies-CPR, for which it is clear that this resolution cannot be applied for accredited NoBos in the framework of the Construction Products Regulation (CPR); it may contradict their position paper on reissuance of test reports issued in 2019. The TMB which had a transversal discussion decided that the general issue of the application of the resolution to NoBos in the CPR sector should be further discussed with the European Commission.

SAS requested a clarification on the balloting procedure for revised draft of EA-4/17 about Scopes of Medical Laboratories. The Chair confirmed that, due to the mandatory status of the document, an EA ballot should take place.

11.8 Communications & Publications Committee

The CPC Chair presented her report.

It did not raise any comment.

12. International issues

<u>12.1</u> <u>ILAC/IAF</u>

- IAF/ILAC: new single international accreditation bodies' organization

The EA President reported that the terms of reference for the steering group has been approved and Thomas Facklam has been appointed as the contractor of the project. The first steering group meeting already took place last month. The previous EA Executive Committee, now the Executive Board (ExB), prepared a document with EA red lines which had been distributed last year and used by the ES at the first steering group meeting.

The ExB also discussed the creation of a TFG. Because there is an acceleration of the discussions on the merger of ILAC and IAF into the new entity, the EA President would like to know if Members would agree on the establishment of a TFG to especially assist the ExB in drawing up argumentation or EA position on the strategy and future of the new structure. She opened the floor to see whether there is an agreement, after which the ES would launch a call for TFG membership.

AA understood that the ExB achieves some documents and red lines to be used by EA Members, but he believed that what is more important than any ExB discussions is to discuss the issue in every NAB. It will be a decision to be made by the

ABs and the question is whether they will be prepared for some flexibility. He believed that the ExB or any other body is not in a position to substitute for such a discussion to be led by ABs. The question now is when EA Members should discuss. They will be required to discuss, exchange and interact on the issue. He is aware that this is a confidential issue and certainly the forum should be reduced to some ABs, but he insisted that such discussions are essential.

The EA President fully agreed, saying that this is the reason why the merger of ILAC and IAF will be discussed with the members as the second item on the agenda of the Extraordinary General Assembly on 10 September 2021.

DAkkS supported this EA TFG as he had already did at the Budapest GA meeting. This TFG may assist the ExB in making the first decisions, even if final decisions should be discussed among NABs which remain members of ILAC and IAF at the end. He confirmed that further discussions in which the TFG can assist are needed.

The EA President specified that, if needed, other Extraordinary General Assemblies can be organised in future to exchange information, views and advice on this and other items in more regular intervals.

ESYD would like to know the rationale behind having a TFG dedicated to the ILAC and IAF merger.

The EA President replied that, in addition to the red lines already approved by the previous Executive Committee, we have now to go much more in detail in order to give more feedback and advice to NABs. She fully agreed that the issue is important and discussions, which should be broader than focusing on technical aspects, are needed at the Extraordinary General Assembly in September.

COFRAC agreed on the importance of the issue and that the TFG could help to prepare the discussions. He supported the proposal for a TFG.

UKAS supported the idea of a TFG and would be part of it.

The EA President concluded that the ES will send more information about the TFG next week and the ES will present the EA position at the next steering group meeting.

- ILAC: cooperation between accreditation bodies

The ES briefly reported on the discussions in the ILAC Executive Committee on a policy paper about cooperation between accreditation bodies. Due to some concerns, the ILAC Executive Committee decided to consult a Dutch lawyer who should perform an EU competition law assessment of the ILAC draft policy on cooperation between ABs. This is the key issue. The outcome of the assessment by the Dutch lawyer is that the proposed policy would not violate the EU competition law, and there would be no risk for ILAC to implement such a policy document. The lawyer made some editorial recommendations which are being reviewed by the ILAC Executive Committee ad hoc TFG. The main content of this policy is that cooperation between ABs shall be made mandatory. If a foreign AB will not cooperate with a domestic AB, then MLA coverage of accreditation of CABs shall not be implemented. Key elements of cooperation are informing domestic ABs about the application for accreditation by CABs. The foreign AB shall share the application information and the assessment plan with the domestic AB. So some criteria for cooperation are foreseen now in the new policy.

The discussion will continue in the ILAC Executive Committee. The ES hoped that the policy will be in place as soon as possible.

Although she thought that she was in conflict of interest in both situations of one ILAC/IAF organisation and cooperation between ABs, the ILAC Chair pointed out that there is a need to bear in mind that some NABs are more governmental binding, which may influence the way those organisations will react to both issues. She added that all information about the last ILAC Executive Committee meeting held remotely a few days ago will be shared very soon.

13. Cooperation with international and regional organization (written reports)

<u>13.1</u> <u>AFRAC</u>

APAC

IAAC

IAF

ILAC

SADCA

14. Reports from recognized Stakeholder organizations (written reports)

14.1 Bioenergy Europe

CEN-CENELEC

EOQ

ETICS

EURACHEM

EWF

NB-Rail

TIC Council

15. Resolutions

- Existence of Quorum

The Executive Secretary declared the existence of the quorum.

- Approval of Resolutions

The Executive Secretary successively presented the resolutions.

R1 was approved unanimously, i.e. with neither objection nor abstention.

R2 was approved unanimously.

R3 was approved unanimously.

R4 was approved unanimously.

R5 was approved unanimously.

R6 was approved unanimously.

R7 was approved unanimously.

R8 was approved unanimously.

R9 was approved unanimously.

R10 was approved unanimously.

R11 was approved unanimously.

R12 was approved unanimously.

R13 was approved with 1 objection (RvA) and no abstention.

AA asked clarification about the resolutions on schemes: should there be a resolution for every amendment of a new version of a scheme? The HHC Chair replied that no new approval is needed until a change in the scheme's additional requirements.

After discussion, it was agreed to clarify and modify the wording of the resolution into "The General Assembly, acting upon recommendation from the Horizontal Harmonisation Committee, approves the additional requirements to ISO/IEC 17011 contained in the conformity assessment scheme "GlobalG.A.P. CoC V.6" and onwards, as long as no further scheme specific requirements for NABs are set out in the scheme,...".

SAS asked how to define additional requirements. The HHC Chair replied that additional requirements should be understood as defined in ISO/IEC 17011.

RvA objected to this resolution which he would like to remove out of the list.

R14 was approved unanimously.

R15 was approved with 2 objections (RvA and SAS) and no abstention.

R16 was approved unanimously.

R17 was approved unanimously.

R18 was approved unanimously after removing TURKAK's invitation for May 2022 meeting, which the TMB has not yet further discussed and the mention of the extraordinary GA meeting on 10th September 2021.

16. Next meetings of the General Assembly

Expecting that the GA meetings could be held face-to-face again in 2022, the ES highlighted the need to receive as soon as possible invitations to host the GA meetings not only in spring and autumn 2022 but also in the following years. Indeed, it is important to fix and save the dates as soon as possible.

TURKAK asserted that, even if their invitation has been removed out of the list of resolutions, they still offered to host the GA meeting in May 2022.

The EA President asked Members to put forward any proposal to the ES or the Secretariat. The dates and locations of GA meetings in 2022 will be decided upon at the September GA meeting when further information about the pandemic are available.

Before closing the meeting, the EA President recalled the actions agreed during the meeting. She insisted on the importance of comments to be expressed about the issues identified and summarised at the end of the discussion on the AoA and RoP (RE item 4.2.1 above). She recalled that a TFG will be set up to discuss an EA position on the merger of ILAC and IAF, to be shared with the EA members. Whether and how to involve all EA members, as suggested, will be explored by the ExB. Finally, she reminded the meeting of the extraordinary General Assembly meeting that has been set on 10th September to discuss the revised AoA and RoP, the merger of ILAC and IAF and agree on the venue for future GA meetings.

She thanked the Members, apologised for the delayed closure of the meeting and wished them a nice summer break.

The meeting was closed.