APPROVED Minutes of the 31st Meeting of the EA Advisory Board
held on 30 October 2013
at the EFTA Secretariat, 12-16 Rue Joseph II, B-1000 Brussels

Participants:

EAAB Chair: M. Nitsche (NA, Germany)
EAAB Vice-Chairs: M. Stadler (BUSINESSEUROPE), C. Priller (CEOC International)
CAB College: R. Brockway (IFIA), B. De Blaere (EUROCR Building), J. L. Sanchez Alvarez-Campana (EUROLAB), U. Sätzle (EFAC)
Industry College: A. Evans (CAIPEL), L. B. Hammer (ORGALIME, DI), J. Hartge (ORGALIME, BDI)
NA College: M. Freyssinet (NA, France), K. R. Michaelsen (NA, Denmark)
ESOs: H. Liauw (CEN/CENELEC)
European representations of National Metrology Institutes: A. Van Spronssen (WELMEC)
Consumers: S. Russell (ANEC)
EFTA: M. Asserson
EA: T. Facklam (EA Chair), D. Pierre (EA Vice-Chair), M. Blum (EA Secretary), F. Laudinet (EAAB Secretariat)

Apologies were received from D. Bell (CEN/CENELEC) represented by H. Liauw at this meeting, and J. Drnovsek (EURAMET).

1. Opening of the meeting

The Chair opened the meeting, thanking EFTA for hosting the meeting. He welcomed the delegates and invited them for a roll call.

2. Approval of agenda; Minutes of 30th Meeting of the EA Advisory Board;
Action list (actions not covered elsewhere)

The agenda was approved with an additional item 4.5 (requested by the Industry College) about the use of the EA template for equivalence statement and "European accreditation certificates".

The minutes had already been considered as approved by email since no comments were raised by the end of the comment period.

C. Priller made a comment about EA’s adoption of ILAC P10 (previous agenda item 6.5): he expressed regrets that no reference had been made to the concern of EUROLAB in the minutes of the EA General Assembly held in May 2013. T. Facklam commented that it was reconfirmed that the new ILAC P10 did not change anything to the EA policy. He will check that EUROLAB’s statement on calibration requirements overlapping with those for testing in ILAC P10, is reflected in the GA minutes.

Action EA Chair
(After-meeting information: this issue is covered by the discussion on the EA LC report at the EA GA – see minutes)
Regarding the action list, all actions were considered to be either closed or tabled on the agenda for the meeting.

3. Key topics for discussion

3.1 Revision of EA stakeholders’ expectations towards accreditation and EA

The Chair recapitulated that the point had been discussed at the last meeting, when a TFG had been established to produce a draft for this meeting. It was confirmed that the 3 colleges had the opportunity to review the distributed draft at their preparatory meeting the day before.

For the Industry College, there was no contentious issue, and therefore no need to spend too much additional time on the point. The CAB College regarded the draft as a serious basis for further discussion, and suggested commenting and discussing a few major issues. Finally it was agreed to first call for general comments before going into more details.

General comments

The Industry College pinpointed the lack of consistency between some terms such as “conformity assessment operators” and “conformity assessment bodies”. It was also requested to change all auxiliaries “shall” and “must” into “should” in order to reflect expectations rather than obligations. M. Stadler also noticed several repetitions and overlaps, which would benefit from an editorial improvement by the Secretariat.

The CAB College agreed on the use of “should” to be generalized throughout the document. C. Priller also suggested replacing “conformity assessment operators” by “conformity assessment bodies”, and adding Regulation (EC) 765/2008 to Decision (EC) 768/2008.

N. Bönnten advocated expressing expectations in a more positive way, instead of stating what accreditation should not do. Because it is a public document, this might be seen as an expression of distrust. For the Industry College, the text lays a positive emphasis in general and nothing is negative actually. It should be recognized that as an additional service, accreditation may generate an additional cost.

Detailed review

The detailed modifications discussed and agreed during the meeting are annexed in EAAB(13)17Rev1. This draft version has still to be improved by the CAB College and proof-read by the Secretariat.

Page 2 – Direct customers
“centres of excellence” and “outlets” were not really understandable for M. Stadler and D. Pierre. C. Priller clarified that the proposal was to mutualise EA’s resources/competence to deal with sector schemes. EA should be able to help directly when individual NABs are not able to assess sector schemes. EA has to establish the process to ensure expertise is available to give a timely response to scheme owners. If it can be accepted that applications should be handled by NABs according to Regulation 765, then the evaluation procedure should be streamlined by EA.

It was finally agreed that the CAB College should use more general terms and make a proposal for new wording.
M. Stadler also asked for clarification of “detection and countering of fraud”. R. Brockway explained that the issue is gaining an increasing importance in agendas and will have to be developed with CABs and EA. This will be a new need for discussion. This is just a long-term objective which can be deleted for now. Finally the CAB College will make a proposal for improved wording.

A. Van Spronssen pointed out that some potential conflict may arise between expectations from CABs and NAs – for instance, with regard to NAs’ expectations concerning harmonisation of accreditation approaches and CABs’ expectations related to a pragmatic definition of scope for more cost-effectiveness.

The EAAB recognized that some expectations may vary, but no conflict has been occurred so far in particular cases.

The EA Chair stressed that, because some of the expectations listed by one College are challenging and questioning towards the other constituencies’ ones rather than to EA, responsibilities should be defined and/or a call for interaction should be mentioned. He invited the Board to consider expectations from this angle as well, perhaps as a next step.

**Decision**

The Board:

- agreed that the CAB College should rephrase some of their bullet points for clarification purposes;  
  **Action CAB College to send proposals to EAAB Secretariat**

- agreed that the EAAB Secretariat should rewrite the document in the light of the comments and editorial suggestions made to the text during the meeting;  
  **Action EAAB Secretariat**

- agreed that the rewritten draft should be submitted to the next EAAB meeting in April 2014 for final approval under a “Key topics for discussion” item.  
  **Action EAAB Secretariat (draft agenda for preparatory meeting)**

### 3.2 Scope of the IAF MLA

The Chair invited EA to present the issue.

At first, the EA Chair described the MLA scope, recalling that reports from accredited CABs are considered to be equivalent if the NAB is signatory of the relevant activity of the MLA.

The MLA has 5 levels: level 1 covers the standards for ABs (ISO/IEC 17011); levels 2 and 3 cover the general standards for conformity assessment bodies (ISO/IEC 17021/17024/17065, 17020, 17025/ISO 15189, ISO 14065). Level 4 and 5 define the respective scheme and the specific conformity assessment standard or normative documents.

The current IAF policy is to define the coverage of the MLA for product and management certification as a combination of main scopes plus sub-scopes; it is not understood by IAF how the EA MLA coverage is defined and therefore it is seen to be limited to levels 2 and 3. According to the IAF approach, schemes have to be endorsed by IAF and the peer evaluation process has to be defined for each sub-scope, i.e. have to be looked at before it can be covered under the IAF MLA.

According to the EA approach, the peer-evaluation system looks at levels 1 to 5, and therefore anything is by definition covered by the EA MLA. In Europe, information and data given by NABs are
used by the EA MAC to determine the sampling-based peer evaluation programme covering all levels.

Restricting the MLA scope to level 3 plus defined sub-scopes is not acceptable for EA. EA’s position is not to support the “activity + scheme” approach (e.g. MS certification + ISO 9001; MS certification + ISO 14001) of the IAF MLA. Because management system and product standards (schemes) are proliferating, such a concept would create considerable and unnecessary burden on NABs from the peer-evaluation’s point of view.

EA’s proposal is to push IAF to adopt EA’s approach – which does require a peer-evaluation based on a sampling approach and not to automatically carry out e.g. witness-assessments for each and every sub-scope (scheme). Between peer evaluations, NABs could extend their scopes for levels 4 and 5 which will be covered by the EA MLA directly, because EA relies on the declaration of the NAB based on the process defined according to ISO/IEC 17011, chapter 4.6.3 being peer evaluated. The extended area of activities will be looked at during the next peer evaluation.

Finally, T. Facklam reported that IAF wants to establish 3 additional sub-scopes for ISMS, FSMS and medical device MS. The question is whether EA should apply or not. For the EA Chair, there are both arguments against – it would confirm the IAF MLA structure and peer-evaluation procedure – and in favour – users of CAB services might be disadvantaged by not being able to use the IAF MLA mark and there is a risk that EA-member ABs go directly to IAF.

T. Facklam added that EA is going to be peer-evaluated in 2014 and EA’s response to the questions was needed to be able to feedback to IAF for designing the evaluation team.

R. Brockway commented that a separate move by an individual AB would create a competition issue. The CAB College did definitively support that EA pushes its approaches to the IAF level.

The Industry College supported EA’s attempt to have IAF align their approach to that of EA. Otherwise the growing number of schemes is most likely to make things become unmanageable. And the specific needs of scheme owners have to be taken into consideration. As this is already done by EA, the peer-evaluation process should go to level 4/5 on a sampling basis.

M. Stadler pointed out that, in the medical device MS field, the IAF MLA coverage would help further development of the regulation supporting accreditation. EA should apply for that sub-scope.

T. Facklam added that this would mean that EA consequently would have to apply for the other 2 MS sub-scopes as well.

On a separate point, the EA Chair reported that, after many years of discussions, IAF finally resolved to include certification of persons as a new scope under its MLA.

**Decision**

**The Board:**

- expressed its support for EA’s attempt convincing IAF to define the scope of their MLA according to the relevant international standards for CABs (i.e. level 3 documents), and in principle to carry out peer-evaluation including level 4 and 5 documents according to a risk-based approach, taking into account the specific needs (in particular for regulatory schemes);

- supported and requested EA to apply for the 3 sub-scopes FSMS, ISMS and medical device MS (ISO 13485);

- supported the application to IAF to extend the scope of EA to the level 2/3 activity – certification of persons (ISO/IEC 17024).
4. EAAB matters

4.1 Operational issues: revision of EAAB Terms of Reference and Rules of Procedure; Industry College’s membership; representation on the EAAB

- Revision of EAAB Terms of Reference and Rules of Procedure

The Chair called for comments on the revision of EAAB ToR and RoP as proposed in EAAB(13)15 further to the decisions made at the previous meeting with regard to the reporting documents and the publication of meeting papers. He explained that he had spotted a few inconsistencies with the proposed additional changes, which need some clarification.

M. Stadler suggested integrating the Supplement to the RoP into the RoP to end up with only 2 documents. He added that he agreed on the changes and the whole content of the documents.

In the Supplement of the RoP, page 3, A. Van Spronssen suggested setting a 3-week deadline for sending comments on draft minutes by email before they are approved (“In the absence of significant comments received by email within 3 weeks.”).

**Decision**

The Board:

- endorsed the revised EAAB ToR, RoP and Supplement to the RoP as proposed at the meeting;
- agreed to include the Supplement into the RoP in order to end up with one single RoP document, and the ToR;
- agreed that an additional 3-week deadline should be provided for submitting comments on the draft minutes by email;
- asked the EAAB Secretariat to clean and rearrange the ToR & RoP package accordingly.

**Action EAAB Secretariat**

- Representation on the EAAB

The Chair reported that, as agreed at the April meeting, he had asked ANEC to confirm their willingness to attend the EAAB meetings in future and to contribute to the work of the Board. He handed over to Stephen Russell from ANEC, who did confirm ANEC’s interest in sitting on the Board and contributing to the discussions as far as possible. The Chair thanked ANEC for their renewed commitment.

Then the Chair recalled the Board’s agreement to extend its membership by one additional member from the European environmental organisations. He reported that he had written to ECOS in June, inviting them to participate in the work of the Board. No reaction from ECOS has been received so far, which is likely to mean that they have no interest in contributing to the EAAB work. Because he has contacts with them, S. Russell offered to raise the point with ECOS to get clarification and confirmation, and ask them whether they could suggest another environmental organisation to contribute to the EAAB work.
Conclusion
The Board:

- thanked ANEC for the renewal of their membership;

- noted that ECOS has not reacted to the EAAB Chairman’s invitation for participating in the EAAB;

- thanked Stephen Russell from ANEC for his proposal to raise the point with ECOS seeking clarification and confirmation, and to ask them whether they could suggest another environmental organisation to be represented on the EAAB.

Action ANEC

4.2 Reports from the EAAB MAC and EAAB HHC observers

- **Report from the EAAB MAC Observer**

  N. Bönnen gave a short update on the last EA MAC meeting which had taken place on 2-3 October 2013 in the Netherlands. The main topics discussed were:
  - the peer-evaluation for EU ETS, supported by the action grant with the EC DG CLIMA;
  - the variations between planned and actual activities: in fact, planned activities have been postponed within 6 weeks on average and never beyond 6 months;
  - a better distribution between all NABs over the years (for instance, 2013 is very busy whereas 2014 will be much less busy).

- **Report from the EAAB HHC Observer**

  J. Hartge went through his report (EAAB(13)28), highlighting the 2 main issues discussed at the last EA HHC meeting held on 24-25 September in Brussels:
  - sector schemes: the Chair informed that the issue would be covered later under Item 5.3;
  - **sampling**: the question, which remained open at the HHC meeting, is whether sampling as such can be accredited as a conformity assessment activity. Is sampling as such a conformity assessment activity? If yes, under which standard could it be accredited? Some NABs do offer the service, whereas others refuse. J. Hartge concluded that there may be room for EAAB to further discuss the point and give feedback on the reasons for NABs to develop or not accreditation of sampling activities.

  M. Stadler asserted that sampling is a conformity assessment function and, as such, expressed doubts as to whether it could be accredited as a separate activity.

  C. Priller agreed that sampling, though a real activity in itself, is the first step of a conformity assessment process. As part of a functional approach, sampling alone cannot be accredited.

  D. Pierre agreed on the Industry and CAB Colleges’ assertions in light of ISO/IEC 17020. But he disagreed on them based on ISO/IEC 17025, in according to which sampling can be subcontracted: when sampling and analysis are combined activities, CABs can be accredited for sampling only. So, for D. Pierre, sampling can be accredited on its own in light of ISO/IEC 17025.

  It was also reported that in some national regulations, regulators require accreditation of the sampling process, and that is under ISO/IEC 17025.
**Decision**
The Board:

- thanked the EAAB MAC and EAAB HHC observers for their reports;
- expressed doubts as to whether sampling as such can be considered as an accreditable conformity assessment activity;
- requested EA to come up with a harmonized approach on whether sampling as a separate activity can be accredited or not.

**Action EA**

4.3 Lack of resources in small ABs: state of play

The Chair invited K. R. Michaelsen to report on the issue. She reported that the NA College was not very aware of what the intention was to bring up this issue onto the agenda.

M. Stadler explained that the issue had been brought up by F. Farrugia, Malta member of the NA College, who had been tasked with clarifying and updating the issue at this meeting. In the meantime, F. Farrugia has retired.

M. Stadler then clarified that the issue refers to the situation of small NABs (working with smaller industries and a smaller number of CABs) faced with the requirement put on them to join the EA MLA when they have limited resources in terms of technical expertise to cover all conformity assessment fields. The issue is how such ABs can demonstrate their competence with fewer resources. M. Stadler invited EA to look at the issue and come up with suggestions for possible solutions.

N. Bönnen confirmed that the issue is related to the peer-evaluation process. If not competent, such ABs should not join the EA MLA.

R. Brockway commented that IFIA does not expect every NABs to deal with all sector schemes. But some common evaluation framework shall be developed and shared between NABs. He reminded a former suggestion of pooling NABs’ expertise to increase the resources of smaller ones. EA should have a system for applications to be handled by the NABs which have the most competent resources. The Secretariat could be responsible for addressing the applicant CAB to the NAB having appropriate resources. In this way, small NABs would not suffer from not being an EA MLA signatory.

The EA Chair understood the issue which has been discussed at the SOGS and now IMP meetings. For him, this is rather an issue to be considered at the national level. He explained that the size of evaluation team is tailored to the scopes for which the NAB has applied. There is one NAB having joined for all scopes with only 3 staff members. According to the rules, the peer-evaluation teams will have 5 members for that NAB. The EA Chair confirmed that clear strategic orientations should be defined by EA in the short term.

C. Priller added that the warning signal has already been given in some cases when, owing to a lack of available competence and resources, it may take years before a CAB can start the accreditation process of some sector schemes.

**Decision**
The Board:

- took note that EA recognizes the importance of the issue for EA and the EA MLA;
- asked EA to consider taking steps and/or drafting a paper that would suggest appropriate solutions, taking into account the input from the European Commission (EC) and the comments made by the Board.

**Action EA**

### 4.4 New version of revised *Blue Guide*

N. Bönnen reported that the new version had been discussed at a meeting with stakeholders on 25 October and will also be discussed at the next IMP meeting. She reminded that the deadline for comments was 8 November 2013. The EC expected to come up with the final version by the end of December 2013.

The Board congratulated the EC on the progress made with the revision of the *Blue Guide*, especially with regard to the accreditation chapter.

### 4.5 Template for the statement of equivalence of accreditation activities

M. Stadler reported that the Industry College would welcome feedback on how often the templates for equivalence statement produced and revised by EA in 2012 have actually been used by EA ABs so far.

The EA Chair replied that asking EA ABs will raise no problem. He reported that DAkkS does use the templates. D. Pierre, for his part, reported that COFRAC does not use them so much (less than 10 times a year).
**Decision**

The Board asked EA to provide an overall feedback on the actual use EA Members have made so far of the different templates for the statement of equivalence as revised in October 2012, and to report at the next EAAB meeting in April 2014.

**Action EA**

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**5. EA matters**

**5.1 Relations with stakeholders – No new applications for Recognised Stakeholder status**

**5.2 New EA projects and work items**

- NWI proposal for further revision of EA-6/02: *EA Guidelines on the Use of EN 45011 and ISO/IEC 17021 for Certification to EN ISO 3834*

  There was no comment.

- NWI proposal for elaboration of an EA Guidance on Point Of Care Testing (POCT)

  There was no comment.

- NWI proposal for elaboration of an EA guidance on opinions and interpretations

  C. Priller pointed out that this was not only a laboratory issue; the issues actually lie in boundaries. It was suggested considering the certification/inspection-related aspects.

  The EA Chair recognized that the NWI may cover certification as well.

- NWI proposal for EA guidance on Surveillance audits

  M. Stadler commented that EA should take into consideration the Orgalime paper dated May 2011 on surveillance of notified bodies. The NWI is an occasion to raise the issue again.

  The EA Chair replied that the work aims more at defining which activities shall be covered during surveillance audits than considering timing aspects. The point is about clarification of the contents of the surveillance activities. The ORGALIME paper might not be relevant in this respect.

  T. Facklam also recognized that there may be a need for clarifying the content of the proposed guidance.

  C. Priller wondered about the real need for guidance on this. Is there no international guidance already? M. Blum replied that the status of the future document has not been strictly defined so far and work is just starting. C. Priller advocated putting forward and sharing the draft guidance at the international level. M. Blum confirmed this was the intended approach of the EA Laboratory Committee because no guidance exists at the international level actually.

**Decisions**

The Board endorsed the proposed new work item for further revision of EA-6/02: *EA Guidelines on the Use of EN 45011 and ISO/IEC 17021 for Certification to EN ISO 3834*.

The Board endorsed the proposed new work items for elaboration of EA guidance on:
- Point Of Care Testing (POCT);
- opinions and interpretations.
The Board endorsed the proposed new work item for elaboration of EA guidance on surveillance audits, and asked EA to take into account, as far as relevant, the Orgalime paper drafted in May 2011 on "Assessment and surveillance of notified bodies using subcontractors and subsidiaries in third countries", and to evaluate if that issue should better be discussed at the international level.

5.3 Review of the EA policy for conformity assessment schemes (EA-1/22)

The Chair referred to the EAAB HHC observer’s report whose part focussing on sector schemes should be considered under this item.

J. Hartge reported that the EAAB concerns voiced at the previous meeting about EA’s proposed automatic acceptance of endorsed schemes across Europe, as well as the EAAB’s request to EA to find a way for preventing the proliferation of schemes and especially the possibility of creating conflicting requirements at national levels, were discussed at the last HHC meeting. The HHC’s response was that EA may accept competing schemes since it is not for EA to regulate the market.

The EA Chair confirmed that it is not within EA’s remit to regulate the market. The real, only question is about whether the scheme can be a basis for accreditation or not. The objective of the EA’s evaluation process, to be initiated by the “home NAB” in the country where the scheme comes up, is to check whether a scheme is fit for accreditation purposes.

T. Facklam added that a mature enough draft should have been available for discussion at this meeting. Draft 2 is needed to be discussed within the HHC first.

M. Stadler clarified that EA’s regulating the market was not an issue for the Board. The main issue is how to define market relevance; EA should clarify and have criteria for market relevance. EA requirements should be refined and developed in more concrete terms.

The EA Vice-Chair insisted that the only issue for EA is to identify whether the scheme could be a basis for accreditation or not. When M. Stadler argued that EA de facto makes a selection of sector schemes, D. Pierre reiterated that it is not for EA to regulate the market of sector schemes, of whatever nature – regulatory schemes resulting from the law, or voluntary schemes for which ABs have a public service to offer.

Finally the EA Chair proposed to let the process go on for now. Stakeholder’s input will be welcomed at the HHC and EA levels, when comments are called for in due time.

Conclusion
The Board:

- took note of the suggestion by the Industry College for EA to further clarify the criteria for market relevance to be demonstrated by scheme owners in order to ensure coherence of the system and to prevent the risk of proliferation of sector schemes with possibly contradicting requirements leading to confusion in the market place;

- noted EA’s suggestion to let the process go on and to ask for stakeholders’ comments on the revised draft of EA-1/22 in due course.
5.4 Short report on progress with development of the “Accreditation for Notification” package

After describing the package (document EAAB(13)26), the EA Chair indicated that there is a proposal for a supplementary project deemed to develop into more details the requirements to be applied on each directive as a basis for accreditation in order to serve harmonization. EA is waiting for a signal from the EC to start to develop a proposal for detailing the package to be completed in this direction. EC funding is also expected for this.

N. Bönnen confirmed that there are discussions between the EC and EA about which standards for which modules, since the Blue Guide is also addressing the point in parallel.

Conclusion
The Board thanked EA for reporting on the progress made so far on the elaboration of the “Accreditation for Notification” package, and asked EA for a presentation of the draft package at the next EAAB meeting in April 2014.

Action EA

5.5 US EPA scheme on certification and accreditation against Formaldehyde Standards for Composite Wood Products

The EA Chair informed that the draft scheme produced by the US government defines additional requirements for ABs and CABs. The accreditation part of the scheme is the most critical one: there are specific requirements that may cause concern and create a burden on NABs. The EA Chair reported that EA discussed this internally and gave its comments to IAF/ILAC. EA also provided EPA with a description of EA to enable EPA to understand the European accreditation structure. The objective for now is to inform the Board and ask for its opinion and recommendation on how to react and proceed: shall EA take a move on behalf of its members or leave it for its individual members to take action?

C. Priller alerted that, if there is a real economic need, the issue should be put forward to the laboratory community at first. The issue seems mostly relevant in the forestry field.

M. Stadler pointed out that the EA policy for sector schemes should be able to cover such cases. For him, the issue is not acceptable for EA of course.

N. Bönnen pinpointed that many schemes of this kind were coming up now, emerging from the US, especially in the food sector.

The EA Chair reported that a few ABs seem to accept that they will have to cope with the scheme. For him, it is not for EA to deal with the issue, but for each NAB to react individually.

The EA Vice-Chair insisted that the requirements defined in the scheme create real barriers to trade. The scheme provides for an additional layer to check NABs – certainly due to the accreditation structure in the US where ABs are competitors. D. Pierre recommended that the EA community together with the EC should react to EPA. For him, individual moves would not have any chance to be successful; it would end up with European CABs having to seek for accreditation outside of EA. EA should react as EA.
Conclusion
The Board:
- took note of the issue and thanked EA for having informed the EAAB of it;
- acknowledged that EA comments have been put forward to IAF and ILAC;
- expressed its support for any way to move forward – either by activities of individual EA Members or by an EA position – for EA finally opting for either one in order to react against the additional requirements defined by the scheme.

5.6 Update on the future FPA between EA and EC/EFTA

The EA Chair reported that the process was progressing quite normally: a final plan for 2014-2017 and a budget for 2014 have been submitted. At the EA General Assembly in May, the EC gave an indication that funding would at least remain at the same level and might even be increased as requested. Because the negotiations are still going on at the EC level, there is not yet a clear response about the level of funding. The future FPA is intended to cover the activities performed from 1 January 2014 onwards, even if the FPA is signed afterwards.

Conclusion
The Board:
- reasserted its full support to EA for being ensured to obtain the adequate financial resources from the EC;
- invited the EC to make all efforts to avoid any interruption in the financial support allocated to EA;
- asked the EC to make sure that the role of EA as the structure referred to in Regulation (EC) 765/2008, article 14, could not be questioned as a consequence of the possible absence of an agreement between EA and the EC as from 1st January 2014.

5.7 Reissuance of the tests reports when the trade name or the trademark of the tested product has changed

C. Priller explained that the CAB College would like to submit the point for the EAAB to consider the issue and give advice to EA. EUROLAB advocated EA thinking over the resolution proposed by the EA Laboratory Committee. Because they expect that it takes account of real, current practices, the CAB College recommended that the EA LC proposal for EA resolution is put on hold until a survey of practices is made.

M. Stadler asked for the exact meaning of “trademark”/“trade name”, pointing out that the issue is already wrongly formulated. The Industry College considered that, in the absence of any substantial change to the product, a mere declaration by the manufacturer that the product is unchanged should be sufficient, with no need for re-issuing the test report. There is no sufficient reason for retesting a product that has not been changed. It is the manufacturer who will bear the entire responsibility for the product.

The EA Vice-Chair reminded that, on principle, the Board shall not be seen and used as an appeal court of positions taken by EA’s committees.
For the EA Chair, there may be some confusion between a test report, which is focussed on a specific product, and a type approval certificate. Such misunderstanding is unfortunately a common practice which results in a wrong use of test reports – which is a real concern. T. Facklam recognized that some feedback from the market may be needed to get the issue clarified.

M. Stadler confirmed that in some instances test reports are *de facto* regarded as certificates. That is why a simple declaration based on proper reassurance and under manufacturer’s responsibility should be enough. He advocated that EA should not only stick to technical issues as done in the proposed resolution. He fully agreed on collecting more information before adopting any EA resolution.

The EA Vice-Chair confirmed and concluded that it was a responsibility issue actually. The manufacturer shall take full responsibility for the product.

**Conclusion**

The Board:

- thanked the CAB College for bringing the issue up for discussion in the Board;

- advised EA not to decide on the EA Laboratory Committee’s proposed resolution because of its incorrect phrasing and because it is felt that it does not sufficiently reflect the cases/fields where the test report is used as a type approval certificate;

- asked EA to defer the adoption of a possible resolution until a survey is completed to obtain more comprehensive feedback from all the sectors concerned;

- thanked EUROLAB for its readiness to conduct such a survey and to report on the results at the next EAAB meeting in April 2014.

**Action EUROLAB**

6. **Items for information**

6.1 **Report on complaints and appeals**

The EA Vice-Chair presented his report, noticing that the number of complaints has been increasing. He also informed that the EC’s political input may be needed to solve the case between TURKAK and CYS-CYSAB.

The Board thanked Daniel Pierre for his report, taking note that the EC’s political assistance may be needed in solving the complaint lodged by TURKAK (Turkey) against CYS-CYSAB (Cyprus).

6.2 **Draft Agenda of the 32nd EA General Assembly on 20-21 November 2013 in Oslo, Norway**

There was no comment.

6.3 **EA Activity Report**

The Chair thanked EA for distribution of the report.
The EA Chair further informed the Board that EA has been invited to put a tender to support the Breast Cancer Services project with the EC Joint Research Centre (JRC).

T. Facklam added that the recruitment of the EA Executive Secretary was nearing completion. After a call for interests had been launched, seven applications were received and graded. Two short-listed applicants have been interviewed; one interview still remains to be carried out. It is hoped that the ultimate interview can take place before the Oslo meetings in order for the Executive Committee's recommendation to proceed with the recruitment to be approved at the General Assembly in November.

The EA Executive Secretary's main tasks will consist in: 1) supporting and monitoring the improvement of the peer-evaluation process; 2) ensuring and increasing contacts with the EC and providing support in the development of regulations.

Finally the EA Chair reported that one person had been employed in August to replace Bénédicte Ziemann within the EA Secretariat; one person is still missing and will be recruited to join the Secretariat's team in Paris. An additional recruitment has to be made to replace the MAC Secretary who will retire on 1 April 2014.

7. EAAB Work programme

The Chair made a brief review of the work programme.
Decision
The Board agreed and asked the EAAB Secretariat to classify the following two topics (for details refer to the Work Program) as “closed”:

- Development of a united European accreditation system (EAAB M25, current page 1);
- European ABs competing with NABs (EAAB M29, current page 3).

Action EAAB Secretariat

8. Any other business

The Chair paid a glowing tribute to D. Pierre who participated in his last EAAB meeting before retiring the very following day. He thanked him for his great contribution to accreditation for about 2 decades. M. Stadler thanked D. Pierre for the longstanding and fruitful cooperation, recalling the huge work he contributed to for the elaboration of Regulation 765 together with J. McMillan. He insisted on the key role D. Pierre has played in accreditation and wished him all the best for his retirement and future private life. C. Priller, H. Liauw, N. Bönnen and M. Asserson, all successively joined the general tribute made to D. Pierre.

Touched by these thank-you speeches, D. Pierre ensured he had been enjoying the long years dedicated to the accreditation world. He did not feel time going by, and it was a busy time! He thanked the Board for the quality of their contributions, saying that he will miss them.

The EA Chair also informed the Board that the incoming elected EA Vice-Chair, Geir Samuelsen from NA (Norway), will take up office on 1 November, i.e. two months in advance of the starting of his mandate. G. Samuelsen will attend his first EAAB meeting in April 2014.

9. Selection of dates and places of next meetings

It was agreed that the next EAAB meeting, initially planned on 9 April, will be finally held on Thursday 3 April 2014 at the EFTA Secretariat.

The following meeting was planned on Wednesday 22 October 2014; the venue should be confirmed according to the availability of EFTA Secretariat’s room.

The EAAB Chair thanked EFTA for the meeting arrangements and the delegates for their valuable contributions. He closed the meeting.

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