PURPOSE

This document defines the formal structures and rules of procedure to be followed so that the objectives of the European co-operation for Accreditation (EA) as defined in Article 2 of the Articles of Association are fulfilled. It shall be interpreted at all times in such a manner as to give precedence to the Articles of Association.
Authorship
This document has been prepared by the EA Executive Committee.

Official language
The text may be translated into other languages as required. The English language version remains the definitive version.

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Further information
For further information about this publication, contact the EA Secretariat: secretariat@european-accreditation.org

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EA Governance and Policy Documents

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1 **SCOPE**

1.1 These Rules of Procedure apply to:
   - meetings of the EA General Assembly;
   - the EA Executive Committee;
   - EA constituent bodies;
   - the Secretariat.

1.2 Where necessary, EA constituent bodies (committees, councils, and working groups) may establish their own supplementary rules of procedure, in harmony with these EA Rules of Procedure and the Articles of Association.

2 **TASKS**

   The tasks which EA may undertake to achieve its objectives (see Article 3 of the AoA and Regulation (EC) No 765/2008):

2.1 Maintaining an agreement with the European Commission for the operation of a peer evaluation system for national accreditation bodies and other tasks as appropriate;

2.2 Developing and refining procedures for peer evaluation and re-evaluation of national accreditation bodies and other Bilateral Agreement signatories;

2.3 Establishing Cooperation Agreements and Bilateral Agreements with accreditation bodies that meet the requirements of EA’s policy on its relationship with accreditation bodies of countries not being members of the EU or EFTA, published in a separate document;

2.4 Developing harmonised application, guidance and information documents on the accreditation of conformity assessment bodies including development of sectoral accreditation schemes;

2.5 Publishing papers, guidelines and reports;

2.6 Enabling mutual assistance among Members;

2.7 Encouraging members to:
   a) exchange information and experience
   b) harmonise procedures,
   c) cooperate in joint assessments and in assessments where the EA Cross Frontier Policy applies
   d) cooperate in training activities,
   e) participate in EA activities;

2.8 Organising expert meetings in specific fields;

2.9 Liaising with other relevant organisations/parties

2.10 Consult and cooperate with relevant stakeholders on relevant issues;

2.11 Peer evaluating Full and Associate Members and bodies seeking to establish Bilateral Agreements with EA.
2.12 Publishing and communicating the outcome of the peer evaluation of national accreditation bodies from EU/EFTA Member States to the European Commission and EU/EFTA Member States

2.13 Disseminating information on EA to the European Commission, national authorities and other parties with an interest in accreditation, competence of accredited bodies and reliability of their work;

2.14 Identifying any need for standards and guides relating to the accreditation of conformity assessment bodies to the European Standardization Organisations or appropriate regulatory bodies and contributing to the development of such standards and guides;

2.15 Cooperating with the international accreditation infrastructures, ILAC and IAF;

2.16 Other tasks as decided by EA’s General Assembly.

3 MEMBERSHIP

3.1 The various categories of membership are defined in Article 5 of the Articles of Association.

3.2 Each EA Member, Full or Associate, shall appoint a contact person who has the responsibility to disseminate information from EA to the organisation(s) that he or she represents and to provide EA with requested information about these. Each member shall inform the EA Secretariat of the name and address of its appointed contact person.

4 RIGHTS

To achieve the aims and tasks of EA, each EA Full and Associate Member shall have the following rights:

a) To obtain non-confidential information on the operation of the accreditation activities of other EA Full and Associate Members;

b) To participate in assessment and surveillance visits to applicant or accredited bodies of other EA Full and Associate Members, with their agreement;

c) To participate in meetings organised on behalf of EA;

d) To apply for the evaluation and re-evaluation of its accreditation activities.

5 OBLIGATIONS

Each EA Member commits itself to the pursuance of the aims and tasks of EA. In particular, the obligations of each EA Member are:

a) To operate its accreditation activities in compliance with legislation adopted by the European Union and EFTA, European and/or International Standards, other normative documents on accreditation and conformity assessment bodies, and with the EA application documents to these standards and documents;

b) To make available on request to the other EA Members information on the operation of its accreditation activities;

c) To encourage, if technically feasible, accredited laboratories to participate in international interlaboratory comparisons or proficiency testing;
d) To promote the international acceptance of certificates and reports issued by the conformity assessment bodies accredited by Accreditation Bodies that are Signatories to the EA Multilateral Agreement and the Bilateral Agreements, to the ILAC Arrangement and to the IAF Multilateral Agreement;

e) To respect any confidential information gained within EA;

f) To abide by the decisions of the EA General Assembly;

g) To pay its yearly financial contribution to EA;

h) To contribute to the technical work of EA, where possible through participation in EA Committees;

i) To be responsive to requests aiming at the resolution of complaints;

j) To provide evaluators to be used by EA in its peer evaluations according to the rules established by the Council in charge of the operation of the MLA;

k) For Full Members:
   - to participate in EA ballots and
   - to apply the EA cross frontier policy for cooperation between EA Members.

The General Assembly shall decide on sanctions proposed by the EA Executive Committee towards Members who do not meet fully their obligations as listed above.

6 GENERAL ASSEMBLY

6.1 The General Assembly

6.1.1 The EA General Assembly is composed as described in article 8 of the Articles of Association.

6.1.2 Each body shall inform the EA Secretariat of the names of its appointed representatives to the General Assembly.

6.1.3 With prior agreement of the chairman, delegates may be supported by experts at the EA General Assembly.

6.1.4 Stakeholders that have been agreed as Recognised Stakeholders shall be invited to participate in the meetings of the General Assembly or parts thereof.

6.1.5 Other interested parties may be invited by the EA Chairman to participate in the meetings of the General Assembly, or parts thereof.

6.1.6 Observers may be invited by the EA Chairman to be present at meetings of the General Assembly, or parts thereof.

6.2 Responsibilities of the General Assembly

6.2.1 The General Assembly will be responsible for all matters contained in the EA Articles of Association, including:

   a) Establishing policies and strategic plans;
b) Decisions on technical, operational or strategic aspects that will be binding on the Members;

c) Election of Chairman, Vice-Chairman, Committee and Council Chairmen, and Executive Committee additional members;

d) Acceptance of new members;

e) Terminations of membership for due cause;

f) Decisions to sign Cooperation Agreements with accreditation bodies that cannot become EA Full or Associate Members;

  g) Setting up and disbanding EA committees;

h) Approval of Terms of Reference and work programs for Committees;

i) Endorsement of reports on work and activities of Committees;

j) Approval of documents on EA governance;

k) Approval of reports from the Executive Committee, including financial reports, and formally discharging any liability of the Executive Committee, recording such decisions in the minutes of the meeting;

l) Approval of the EA budget and work programme;

m) Endorsement of procedures for handling appeals and complaints;

n) Endorsement of agreements with the European Commission and EFTA;

o) Receipt of information from the Multilateral Agreement Council on the outcome of peer assessments;

p) Other matters as agreed from time to time by the General Assembly;

q) Endorsement of the status of Recognised Stakeholders.

6.2.2 The General Assembly may delegate powers and responsibilities for specific technical and operational issues to the Executive Committee and other Committees/Councils.

6.3 Meetings of the General Assembly

6.3.1 In consultation with EA Members, the Chairman will decide the date and place of meetings of the EA General Assembly.

6.3.2 The Secretary, in consultation with the Executive Committee shall prepare a provisional agenda for each meeting of the EA General Assembly, taking into account any proposals made by EA Members, and interested parties. Such proposals should be sent to the EA Secretariat at least six weeks before the meeting at which the topic is to be discussed.

6.3.3 A provisional agenda and meeting documents shall be sent to all EA contact persons and invited observers at least one month before the date of the meeting.

6.3.4 Draft minutes of meetings of the EA General Assembly shall be circulated to all EA contact persons and invited observers within two months following the meeting.

6.3.5 Comments on the draft minutes shall be sent to the EA Secretariat within two months after circulation of the draft minutes.

6.3.6 The minutes shall be confirmed at the next meeting of the General Assembly.

6.4 Voting

6.4.1 EA will seek to reach decisions by a process of consensus. Unless otherwise specified, voting, when required in the General Assembly, shall be conducted as defined in Articles 8 and 11 of the Articles of Association.
6.4.2 On matters related to membership, election of Chairman, Vice-Chairman, Executive Committee additional members and Committee and Council Chairmen, and other such matters as determined by the Chairman, ballots shall be by confidential voting in which the secretariat and/or scrutineers aware of the individual ballots shall maintain the confidentiality of that information.

6.4.3 Proxies are permitted.

7  CHAIRMAN AND VICE-CHAIRMAN

7.1 Election

7.1.1 The EA General Assembly will elect from representatives of Full Members a Chairman and a Vice-Chairman for a period of two years. The Chairman and the Vice-Chairman shall not act as delegates. The EA member that has provided the Chairman or the Vice-Chairman will be invited to appoint another delegate as its representative. The Chairman and the Vice-Chairman may be re-elected twice.

7.1.2 Nominations for the position of Chairman and Vice-Chairman shall be received by the EA Secretariat at least two months before a General Assembly meeting. Candidates shall be nominated by an EA Full Member. By implementation of Articles 10 and 11 of the Articles of Association, the Chairman shall be considered as elected when he or she obtains at least one half of the votes cast. If more than two nominations are received at any election and a 50 % majority vote is not achieved by one of the candidates, a further vote shall be held between the two candidates who received the highest number of votes in the first ballot. If the result of this second ballot is a tie, the decision is taken by a toss of a coin. The same rule applies to the election of the Vice-Chairman.

7.2 Responsibilities

7.2.1 The Chairman will be responsible for:

a) Chairing meetings of the EA General Assembly and the Executive Committee;

b) Ensuring the proper functioning of EA Executive Committee;

c) Directing, on behalf of the General Assembly, the regular business of EA, and ensuring the execution of decisions entrusted to him by the General Assembly and Executive Committee;

d) Acting on behalf of EA between meetings of the General Assembly, wherever possible with the advice and support of the Executive Committee;

e) Ensuring efficient and coherent cooperation with the European Commission, national authorities and other interested parties regarding accreditation activities, sectoral accreditation schemes and the operation of the peer evaluation system;

f) Representing EA externally;

g) Presenting the draft budget and financial reports to the General Assembly;

h) Supervising the EA Secretary;

i) The Chairman may delegate tasks as appropriate.
7.2.2 **The Vice Chairman**

a) will take over all the functions of the chairman if he is unavailable,

b) undertakes special tasks as delegated by the Chairman, for example, representational tasks

8 **EXECUTIVE COMMITTEE**

The EA shall have an Executive Committee as laid down in Article 12 of the Articles of Association appointed by the General Assembly to conduct the business of EA between General Assemblies. The Committee should have a maximum of twelve members.

8.1 **Membership**

8.1.1 Where an election is required for the appointment of members of the Executive Committee, the procedure shall be the same as for the election of the EA chairman, except that nominations may be accepted on the day of the meeting of the General Assembly.

8.1.2 Attendance at meetings of the Executive Committee is usually restricted to Executive Committee members and the EA Secretary only (together with, when needed, other staff members from the EA Secretariat). However observers may be admitted at the invitation of the Chairman.

8.2 **Responsibilities of the Executive Committee**

The responsibilities of the EA Executive Committee are to implement EA policy and to manage the organisation (including financial management) between the meetings of the General Assembly and as directed by the EA General Assembly. To these ends it will:

a) Ensure the proper functioning of EA;

b) Ensure the coherent and transparent operation of EA's activities in accordance with the objectives and other provisions of the EA Articles of Association;

c) Ensure proposals, reports etc. are presented to the General Assembly in a coordinated, transparent and comprehensive manner. Such reports from the Multilateral Agreement Council and the Financial Oversight Committee shall be submitted directly by those bodies;

d) Prepare agreements and other contracts with the European Commission on the operation of a peer evaluation system and for the development of sectoral accreditation schemes and other issues as appropriate;

e) Prepare the annual Work Programme and associated budget for the Operating Grant and any specific Grants for Action for submission to the European Commission;

f) Ensure that an appropriate financial audit is conducted annually in a manner to satisfy the requirements of the Articles of Association;

g) Monitor and ensure proper coordination of the work, activities and reporting of the EA committees;
h) Draft proposals concerning the strategy, policies and activities of EA;

i) Seek international cooperation between EA and relevant international bodies;

j) Ensure proper cooperation with other relevant organisations/parties in the field of conformity assessment;

k) Appoint an EA Secretary being responsible for managing the day-to-day business of the EA Secretariat;

l) Appoint other staff members of the EA Secretariat and / or sign agreements on subcontracting of activities to sub suppliers;

m) Provide stakeholders with the status of Recognised Stakeholders following consultation with the EA Advisory Board and endorsement by the General Assembly.

8.3 Reports to the Annual Meeting

The Executive Committee shall report to the EA General Assembly at least annually. The annual report shall include a financial report.

8.4 Term of office

The term of office of members of the Executive Committee is two years. Except for the Chairman and the Vice Chairman who cannot have more than three consecutive terms of office according to 8.1.1 of these Rules of Procedures, members of the Executive Committee may be re-elected as the case may be.

During this period of two years, when a new election is needed, for instance due to the resignation of one or several members of the Executive Committee, the term of office of the newly elected person(s) shall terminate at the same time as the other members of the Executive Committee. If the new election concerns the EA Chairman or Vice-Chairman and if the extra mandate does not exceed one year, then the newly elected person may still have three consecutive full terms of office.

8.5 Decisions

Decisions of the Executive Committee will be reached by consensus. If consensus cannot be reached, decisions by the Executive Committee may be taken by a 2/3 majority of the full membership of the Executive Committee.

9 EA COMMITTEES, COUNCILS, WORKING GROUPS AND TASKS FORCES

9.1 The EA General Assembly is entitled to set up EA Committees, Councils, and other working parties. These shall be set up to carry out the objectives, aims and tasks of EA in an appropriate way.

9.2 EA Committees and Councils shall have defined terms of reference and annual work programs that shall be endorsed by the EA General Assembly.
9.3 EA Committees and Councils shall be set up to deal with specific tasks of a permanent nature.

9.4 Each EA Committee or Council shall have a Chairman elected by the General Assembly, preferably from amongst the Committee or Council’s delegates. The procedure shall be the same as for the election of the EA Chairman and Vice-Chairman except that nominations may be accepted on the day of the meeting of the General Assembly. The term of office of a Committee/Council Chairman is two years. The Committee/Council Chairmen may be re-elected.

9.5 The EA Committee/Council members shall be nominated by the Members of EA, unless otherwise determined in the terms of reference of the Committee/Council in question. Each EA Member is entitled to nominate one member to each EA Committee. Recognised Stakeholders are entitled to nominate one person to each EA committee except committees or councils which are only open to EA Members. Other stakeholders may be invited by the Committee/Council Chair.

9.6 EA Committees/Councils shall report to the General Assembly at least annually.

9.7 The EA Executive Committee and the EA Committees/Councils may decide to set up working groups and task forces, to deal with specific issues. Working groups will be set up to deal with specific questions of a long-term nature that are within the competence of the Committees/Councils, and task forces to deal with questions that can be solved within a limited time. The decision by Committees/Councils to set up working groups or task forces shall be endorsed by the Executive Committee, including Terms of Reference and Membership, to avoid duplication or overlap of effort. EA may work on some of its tasks together with other organisations in common working groups or task forces. The relevant EA Committee/Council shall endorse the basic terms of reference of such co-operations and the terms of reference for each such working group or task force.

9.8 The conveners of the working groups shall be endorsed by the relevant Committee/Council. The term of office of conveners shall be decided in the Terms of Reference.

9.9 The Committees/Councils to which the working groups or task forces report decide how members of these working groups and task forces shall be appointed. Relevant organisations of stakeholders will be invited to participate.

9.10 The Committee/Council Chairmen and the conveners of EA working groups and task forces may invite other experts to participate in their work.

10 **FINANCIAL OVERSIGHT COMMITTEE**

10.1 Members of the Financial Oversight Committee are elected by the General Assembly from amongst Member delegates.

10.2 The Financial Oversight Committee shall have a minimum of 3 members.

10.3 The Financial Oversight Committee shall have a Chairman elected by the General Assembly from amongst its delegates. The procedure shall be the same as for the election of the EA Chairman and Vice-Chairman except that nominations may be accepted on the day of the meeting of the General Assembly. The term of office of a Committee Chairman is two years. The Committee Chairman may be re-elected.
10.4 The Financial Oversight Committee shall prepare a recommendation to the General Assembly regarding the annual financial statements and the Executive Committee’s financial report.

10.5 The activities of the Financial oversight Committee shall be governed by Terms of Reference approved by the General Assembly.

11 EA SECRETARIAT

The Executive Committee shall establish the EA Secretariat and ensure the Secretariat has the appropriate resources.

The EA Secretariat shall observe relevant EA procedures in all its activities. Its main functions shall be to:

a) Conduct, as instructed by the Chairman, the day-to-day activities of EA, in particular, the execution of the decisions taken by the Executive Committee and the General Assembly;

b) To monitor that all the process and activities performed by EA are done in strict observation of EA relevant procedures;

c) Communicate with EA Members and Associate Members;

d) Prepare and circulate documents for and minutes of meetings of the General Assembly, EA Advisory Board, the Executive Committee, and other Committees etc.;

e) Liaise with stakeholders and other interested parties;

f) Provide administrative support to committees in planning activities and in execution and implementation of decisions including the management of the EA MLA;

g) Administer contracts with the Commission and suppliers of technical and administrative services;

h) Deal with external correspondence;

i) Publish information on EA decisions, activities, EA documents;

j) Manage the archives of EA;

k) Manage the EA website and Intranet.

12 COOPERATION WITH INTERESTED PARTIES

Close cooperation with interested parties and their involvement in the development of accreditation policies is essential in order to ensure overall acceptance and a coherent approach to accreditation.

The EA Advisory Board (EAAB) is established by as broad range of interested parties and shall serve as the main stakeholder forum for EA as provided for in Article 16 of the Articles of Association, pursuant to the requirements of Regulation (EC) 765/2008 and to the relevant provisions of the “General Guidelines for Co-operation between EA and the EC, EFTA and the competent national authorities”.

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EA cooperation with the EAAB shall ensure an effective and balanced involvement by relevant stakeholders in European accreditation regarding policy and strategy issues.

The EA Chair and Vice-chair will attend the meetings of EAAB and the EA Secretariat will serve as secretariat for the EAAB.

A representative of the EAAB shall be invited to participate in the General assembly.

The EAAB shall develop and approve its Terms of Reference in consultation with the EA General Assembly.

A separate document specifies the principles and mechanisms for EA’s cooperation with interested parties and their involvement in the activities of EA.

13 **ELABORATION OF EA DOCUMENTS**

Stakeholders should be involved at the starting and developing stages of elaboration of EA documents that can affect them.

A separate document describes the process for elaboration and approval of EA documents.

14 **EA BUDGET AND FEES**

14.1 **Budget**

Each year the Executive Committee shall propose to the EA General Assembly a draft budget for the coming calendar year. It should show expected incomes (fees and any other type of financial resources), secretariat expenses and provision for specifically funded projects.

14.2 **Fees**

The EA fees for a particular calendar year shall be set according to a formula agreed by the EA General Assembly, the aggregate of which will be sufficient to meet agreed budget objectives.

14.3 **Financial Reporting**

14.3.1 Each year a presentation of income and expenditure for the previous calendar year will be given by the Executive Committee to the EA General Assembly.

14.3.2 EA members will have access to all financial information and records.

15 **VALIDITY OF EA RULES OF PROCEDURE**

15.1 These Rules of Procedure may be amended by decision of the EA General Assembly.

15.2 These Rules of Procedure are effective from the date of publication of the revised Articles of Association.