

EA TEMPLATE FOR COMMENTS

Please use the document line numbering as a reference for your comments whenever available, so that we can easily see what your comments are referring to.

Date: 31 May 2019 Deadline 30 July 2019	Document: EA-1/17 – EA Rules of Procedures
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1	2	(3)	4	5	(6)	(7)
EA-member NAB or stakeholder organization	Part, Section, Clause No, Sub-clause No, Annex/Figure/Table (e.g. 3 or 3.1 or 3.1.1, Annex 1, Table 2)	Line No to be detailed when several § are under the same clause (eg.1-4 or 11)	Type of comment (see footnote)	Comment (<u>justification for change</u>) by the NAB or stakeholder	<u>Proposed change</u> by the NAB or stakeholder	Observations by the body owing the document
ALGERAC, BAS, BSCA, CYS-CYSAB, EAK, EGAC, IARNM, ISRAC, MOLDAC, NA, RvA, RENAR, SNAS,	No comments			ALGERAC, BAS, BSCA, CYS-CYSAB, EAK, EGAC, IARNM, ISRAC, MOLDAC, NA, RENAR, RvA, SNAS have no comments on document EA-1/17.		
AA	GENERAL		Ed, te	In such a high-level policy document which complements the Articles of Association (AoAs) some abbreviations should be included, similar to ISO CASCO standards (i.e. MAC is used without any clarification on what is meant i.a. in 5 i), the TMB in 6.2.1. o), ...);		Agreed But it should not be the case in the draft document distributed for comments.
BELAC				BELAC has carefully reviewed the proposed revision of the EA RoP and detailed comments		Both documents have been discussed in the November GA

Type of comment: ge = general; te = technical; ed = editorial

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				<p>(technical and editorial) are presented hereafter.</p> <p>However (and as already expressed in its comments on the proposal of revision of the AoA), BELAC will highlight some general concerns with respect to the process and the principles underlying the proposed revision of the EA management structure :</p> <ul style="list-style-type: none"> - The analysis of the detailed provisions presented in the RoP may result in the need to reconsider the general principles included in the proposal of revision of the AoA. A simultaneous circulation of both documents would have ensured a more transparent and efficient process. - BELAC accepts the principle of the development of a new management structure in order to achieve a more efficient distribution of the tasks and responsibilities between the GA and EB and a TMB. However, BELAC has major concerns with respect to some of the proposed provisions as these will considerably undermine the responsibilities of the GA and consequently the possibility for all EA members to give input and have decision capability on the governance of EA. <p>BELAC takes the view that a synthesis of the comments provided on the proposed revisions of the AoA and of the RoP has to be circulated to the members and then discussed at the next GA before new drafts of the AoA and RoP are prepared.</p>		<p>2018 and the draft revised AoA and RoP have been discussed before the RoP has been officially distributed for comments in order to provide the full picture.</p> <p>The AoA and RoP will be distributed to the GA members for a second round of comments.</p> <p>EA will follow the rules for the preparation of governance and policy documents (see EA-1/14).</p>

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ENAC			Ge	In all the document the words “approval” and “endorsement” are used. We understand that in English there could be some kind of subtlety being <i>approval</i> “harder “ than <i>endorsement</i> but in this document there is no clear rationale (or at least we do not know it) to explain why we use one or the other. In a legal document as the RoP we should not give room to misunderstanding so we propose to use only one of them. We prefer “approval” as it is by far more clear translation	Substitute “endorsement” by “approval”	Agreed
PCA			ge	There is no information about Communication and Publication Committee. It means that proposed draft of EA-1/17 is not in line with future EA organizational chart proposed by TFG1 and presented during last GA meeting (ES 5.1.Presentation EA Management structure GA Rome)	Add the wording/provision on future CPC activities in accordance with ToR and identify the level of reporting (ExB or GA).	Agreed see 9.1
IPAC			Ge	IPAC strongly disagrees with the transfer of <u>strategic or political decisions</u> from the GA to the EB, since the EB is now comprised of a maximum of 6 NABs, so at the limit, 3 NABs could decide on behalf of 50 members – this corresponds to 6% of the membership deciding for 94% of the remaining. Nowadays, <u>with the possibility of electronic consultation and voting</u> , there is no reason to dismiss the GA from taking the most important decisions that greatly impact on the EA activities and its NABs.		Not agreed There is no transfer of strategic and political decisions to the EB. All those issues shall be approved by the GA.

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OLAS				<p>OLAS has carefully reviewed the proposed revision of the EA RoP and detailed comments (technical and editorial) are presented hereafter.</p> <p>OLAS will highlight some general concerns with respect to the process and the principles underlying the proposed revision of the EA management structure :</p> <ul style="list-style-type: none"> - The analysis of the detailed provisions presented in the RoP may result in the need to reconsider the general principles included in the proposal of revision of the AoA. A simultaneous circulation of both documents would have ensured a more transparent and efficient process. - OLAS accepts the principle of the development of a new management structure in order to achieve a more efficient distribution of the tasks and responsibilities between the GA and EB and a TMB. However, OLAS has major concerns with respect to some of the proposed provisions, as these will considerably undermine the responsibilities of the GA and consequently the possibility for all EA members to give input and have decision capability on the governance of EA. With this new organization, 6 NABs (3 under certain circumstances) could take decision for the rest of the 50 members (approximately 10% of the members can decide for the other 90%) <p>OLAS takes the view that a synthesis of the comments provided on the proposed revisions of</p>		see above

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				the AoA and of the RoP has to be circulated to the members and then discussed at the next GA before new drafts of the AoA and RoP are prepared.		
SAS	Authorship	31	ge	The future Executive Board cannot have prepared the text because it does not exist yet! Consequently, it was and is the task of today's Executive Committee.	This document has been prepared by the former Executive Committee.	Agreed
SAS	Official language	34-35	ed	General statement first, then further statements if necessary.	The official language of this document is English. The text can be translated into other languages if required.	Agreed
SAS	Improvable English	all	ed	Use www.deepl.com ...		Not agreed but improved.
SWEDAC			Ge	Some abbreviations are not obvious for all readers.	Check that abbreviations are spelled out the first time they are used.	see above
	TITLE					
BELAC	1 - SCOPE	1.1	Te Ed	These Rules of procedure also apply to the TMB There is at present only one Council in the EA structure	To include “ the technical management Board” as 3 rd bullet point To replace “Councils” with “Council” throughout the whole document	Agreed Councils has been replaced by Council.
OLAS		1.1	Te	These Rules of procedure also apply to the TMB	To include “ the technical management Board” as 3 rd bullet point	Agreed see above

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			Ed	There is at present only one Council in the EA structure	To replace "Councils" with "Council" throughout the whole document	
AA	1.1		te	As the TMB will be a governing structure of EA it needs to be mentioned in 1.1. explicitly	Add after Executive Board a new bullet point Technical Management Board (TMB)	Agreed
CAI			ge	The scope of the Rules of Procedure does not include the new Technical Management Board.	Add a new bullet "the Technical Management Board;" to the scope.	Agreed
IARNM				Does not include TMB	Include TMB	Agreed
NAH			te	The TMB and FOC are missing from the list.	Complete the list.	Partly agreed FOC is covered
	1.2					
	2 - TASKS					
	2.1					
	2.2					
	2.3					
	2.4					
	2.5					
	2.6					

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DAkKS	2.7		c)	To encourage members to cooperate in joint assessments and in assessments where the EA Cross Frontier Policy applies is not up to date. Within EA we have clear requirements how cooperation will work when cross frontier aspects apply. The current version of EA 2/13 does not care about joint assessments	Delete c) or make clear reference to the current cross frontier policy of EA	Partly agreed
	2.8					
AA	2.9		ed	and, and	Detete and, and and replace it with a simple comma	Agreed
CAI			ed	The current wording “2.9 Develop a dialogue with the European Commission and , the and its departments (DGs) and other authorities (...)” seems unfortunate.	Edit the wording to “2.9 Develop a dialogue with the European Commission, its departments (DGs) and other authorities (...)”	see above
BELAC		First line	ed		To delete the second “and”	see above
OLAS		First line	ed		To delete the second “and”	see above
SA		1	ed	One “and” is to much	Delete one “and”	see above
IIOC	2.10			Currently, this states, ‘Consult and cooperate with stakeholders on relevant issues.’ IIOC would like to see this expressed far more directly, openly and with clear objectives to assure the EA Recognised Stakeholders of how EA intends to, ‘Consult and cooperate with stakeholders on relevant issues.’ Without this, Recognised Stakeholders and the EAAB are likely to see further examples that lead to EA Resolution 2017 (40) 13 being adopted against the express comments made by numerous Recognised Stakeholders, the EAAB and the EC.	Build into EA stronger involvement of non-AB organisations within EA, ensuring their voice is heard, including allowing these groups to vote on issues at the EA General Assembly and have representatives on the EA Executive Committee and Technical Management Board.	Not agreed There is a strong involvement of (recognized) stakeholders, including the development of EA’s strategies and policies. But EA is an organisation of NABs, which (many of them) shall be members of EA by law. Furthermore, the non-membership of stakeholders ensures that they can act independent and impartial with the best benefit for EA and the

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				There needs to be a complete change in the involvement of these key stakeholders in EA activities, where their opinions are valued and actions taken to deliver for the ultimate users of this system – business, public sector and consumers.		stakeholders.
AA	2.11		ed	New 2.11 should rather be Number 2.3, as 2.1. and 2.2 are explicitly referring to a peer evaluation system, otherwise as 2.11 ist is out of context	Make 2.11 a new 2.3 in order to follow a basic logic on the Tasks	Agreed
UKAS			ed	Need to be clearer what is meant by “peer evaluation services”	“.....and providing EA members with peer evaluation management, planning and administrative services.”	Not agreed What is not clear?
UKAS			ed	For clarity, would it not be better to have all of the clauses related to peer evaluation together	Move 2.11 and 2.12 to below 2.2	Agreed see above
BELAC	2.12		ed		To amend the text as follows: as well as <u>to the</u> International Laboratory Accreditation Cooperation (ILAC) and <u>the</u> International Accreditation Forum (IAF)	
OLAS			ed		To amend the text as follows: as well as <u>to the</u> International Laboratory Accreditation Cooperation (ILAC) and <u>the</u> International Accreditation Forum (IAF)	Agreed
	2.13					
	2.14					
	2.15					
	2.16					
	3 – MEMBERSHIP					
	3.1					
BELAC	3.2		te	The EA intranet identifies different contact persons	... shall appoint a contact person <u>or</u> persons	Not agreed for practical

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				within each NAB, depending on the subject; it does not contain a list of a contact person responsible for the dissemination within the AB, however does contain several contacts.	who <u>have</u>	reasons.
	4 - RIGHTS					
	a)					
BELAC	b)		te	BELAC questions the relevancy of this provision, that does not seem to be implemented. If maintained, it should not be limited to the possibility to witness assessment activities during peer evaluations	To delete the text under b) or to amend it as follows: “ b) to witness assessment activities <u>take part as observer</u> in peer evaluation and re-evaluation visits “	Agreed
OLAS			te	OLAS questions the relevancy of this provision that does not seem to be implemented. If maintained, it should not be limited to the possibility to witness assessment activities during peer evaluations	To delete the text under b) or to amend it as follows: “b) to witness assessment activities <u>take part as observer</u> in peer evaluation and re-evaluation visits... “	see above
	c)					
	d)					
	5 - OBLIGATIONS					
	a)					
OLAS	b)		te	This provision should be limited to the communication of non-confidential information in order to ensure consistency with 4 a)	To amend the text as follows : “... other EA Members <u>non-confidential</u> information on the operation...”	Not agreed It’s about the operation of the activities, but not about specific assessments/CABs.
	c)					
	d)					
BELAC	e)		te	As the proposed revision gives decision-making power to the EB and the TMB (without systematic endorsement by the GA), this needs to be reflected	To amend the text as follows: “ To abide by the decisions of the General Assembly, <u>the Executive Board and the technical Management</u>	Agreed

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				in the text .	<u>Board as well as</u> and the EA Multilateral Agreement Council ;	
OLAS			te	As the proposed revision gives decision-making power to the EB and the TMB (without systematic endorsement by the GA), this needs to be reflected in the text .	To amend the text as follows: “ To abide by the decisions of the General Assembly, <u>the Executive Board and the technical Management Board as well as</u> and the EA Multilateral Agreement Council ;	see above
	f)					
	g)					
	h)					
IARNM	i)			INAB to take advice if Government AB shall automatically settle any justified claim. OK for INAB staff but less clear for evaluators of INAB. Unclear why EA to be held harmless when obligations under Regulation 765/2008 to provide peer evaluation system		Not agreed see recommendation made by the lawyer regarding safety of evaluators.
BELAC	j)		te	BELAC takes the view that the NAB providing peer evaluators should always be compensated for the justified costs encountered by its evaluators.	To delete “holding EA harmless” at the end of the paragraph.	Partly agreed see above
OLAS			te	OLAS takes the view that the NAB providing peer evaluators should always be compensated for the justified costs encountered by its evaluators.	To delete “holding EA harmless” at the end of the paragraph.	see above
CAI			ge	The EA Member obligation “to be responsible for payment of costs by NAB personnel provided as peer evaluators, and to settle any justified claim whatsoever with respect to NAB personnel provided as peer evaluators, holding EA harmless;” seems unclear. Does this mean that EA Members are responsible	Please clarify.	see above Yes, the NAB is responsible for the payment of its personnel. For those costs you mentioned, the costs are reimbursed to the

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				for the costs paid by their personnel to third parties during the peer evaluation (e.g. accommodation, travel expenses, wages etc.)? Also, the wording “holding EA harmless” seems strange.		NAB by EA, but not directly to the evaluator. That makes clear that the NAB is the (only) employer of the evaluator.
UKAS			ge	This new clause needs rewording as it can be misunderstood, for instance by stating that a member shall be responsible for payment of costs by NAB personnel provided as peer evaluators would mean that members would need to pay travel costs and hotel costs of their staff when undertaking peer evaluations – these costs are picked up by the NAB under evaluation.	Needs Clarification: Suggest get legal person to reword, and base around Member picking legal costs due to actions of their staff, and being responsible for addressing any claims made against NAB personnel.	see above
NAH	k)		te	The GA shall decide on sanctions towards members. What kind of sanctions/ procedure/ condition?	It should refer to the rules at least.	Not agreed The sanctions may be different depending from the obligation which is not met by the member.
	6 – GENERAL ASSEMBLY					
BELAC	6.1 The General Assembly	6.1.2 6.1.5 and 6.1.6	Te ed	According to article 8 of the AoA the composition of the EA GA is limited to “Members” Consistency with 6.1.4	To replace “Each Body” by “Each Member” To delete the comma after “General Assembly”	Agreed
OLAS		6.1 The General	6.1.2	Te	According to article 8 of the AoA the composition of the EA GA is limited to	see above

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		Assembly	6.1.5 and 6.1.6	ed	"Members" Consistency with 6.1.4	
IIOC				6.1.4 states, 'Recognised Stakeholders shall be invited to participate in the meetings of the General Assembly or parts thereof.'	This should be changed to Recognised Stakeholders having the right to attend EA General Assemblies.	Not agreed There might be parts of the meeting, which shall be restricted to EA members only.
AA	6.2 Responsibilities of the General Assembly	b)	te	As proposed in the EA GA in Rome and supported by other EA members the EA GA must remain responsible for technical and operational matters as well, hence the deletion of technical and operational isnot supported. With the provision in 6.2.2. it is clear, that those operational and technical aspects/issues can be delegated to other structures in EA.	Keep technical, operational unchanged	Not agreed It was agreed that the TMB and/or the TC's shall receive power for technical decisions.
CAI		6.2.1. p)	ed	The wording "Other matters as agreed from time to time by the General Assembly" seems unfitting the status of the document.	Consider removing the words "from time to time" or substituting them with a more fitting term.	Not agreed It shall demonstrate that from time to time there may be issues which needs decision by the GA. If these issues are permanent issues, then it could be better to add them to the list of responsibilities. Furthermore, the term has not

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						been changed and is already included in the existing RoP.
BELAC		General	Te	BELAC formally disagrees with a number of responsibilities being transferred from the GA to the EB. Considering the limited size of the EB, this will drastically undermine the role of the EA GA and the possibility for EA members to provide input and be involved in discussion of fundamental issues.	To reconsider the composition of the EB and the distribution of tasks and responsibilities between the GA, the EB and the TMB	Not agreed see above, but to be discussed
		6.2.1 b) (to be read together with 6.2.2)	te	The text is confusing and contradicts clause 6.2.2. There is no clear definition of what is meant with operational and strategic activities; technical activities are defined under the note on clause 9 but “specific technical activities “ are not defined. Clause 6.2.1 b) limits strictly the responsibility of the EA GA to strategic aspects: this provision contradicts clause 6.2.2 that gives the EA GA the possibility (but not the obligation) to delegate powers and responsibilities to the EB, the TMB, the Council and other committees.	To maintain the original text of 6.2.1 b and to amend 6.2.2 as follows: “The GA may delegate powers and responsibilities for specific operational and technical issues to the EB and other boards, committees and Council”.	
		6.2.1.f and 6.2.1 l (old n)	te	These issues have a strategic character and need to be maintained under the full responsibility of the GA	To maintain the original text of 6.2.1 f and 6.2.1 l (old n)	
		6.2.1 i (old k)	te	This clause does not foresee for an approval of the report of the TMB	To include a new bullet point : “ To approve the report from the TMB and from the MAC “	Not agreed The MAC is responsible for peer evaluations and the MLA

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		6.2.1.m 6.2.1 o 6.2.1 new 6.2.2	te te te te	This clause does not foresee for an approval of the report of the MAC This clause does not foresee for an approval of the ToR of the EB by the GA These issues have a strategic character and need to be maintained under the full responsibility of the GA (cfr 8.3 w) See under comment on 6.2.1.b	To amend the text as follows: “ on the outcome of peer evaluations <u>and endorsement of the MAC report</u> “. To amend the text as follows: “ Endorsement of the <u>EB</u> , TMB and MAC Terms of Reference” Add "endorsement of the management review"	signatory status of NABs. There is no approval needed of any reports. Today the GA don't approve any report. Agreed, the approval of ToRs by the GA will be reinstated. There is no change in the existing procedure, the Management review is approved by the EX.
OLAS		General 6.2.1 b) (to be read together with 6.2.2)	Te te	OLAS formally disagrees with a number of responsibilities being transferred from the GA to the EB. Considering the limited size of the EB, this will drastically undermine the role of the EA GA and the possibility for EA members to provide input and be involved in discussion of fundamental issues. The text is confusing and contradicts clause 6.2.2. There is no clear definition of what is meant with operational and strategic activities; technical activities are defined under the note on clause 9 but "specific technical activities " are not defined. Clause 6.2.1 b) limits strictly the responsibility of the EA GA to strategic aspects: this provision contradicts clause 6.2.2 that gives the EA GA the possibility (but not the obligation) to delegate	To reconsider the composition of the EB and the distribution of tasks and responsibilities between the GA, the EB and the TMB To maintain the original text of 6.2.1 b and to amend 6.2.2 as follows: “The GA may delegate powers and responsibilities for specific operational and technical issues to the EB and other boards, committees and Council”.	see above

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		6.2.1.f and 6.2.1 l (old n) 6.2.1 i (old k) 6.2.1.m 6.2.1 o 6.2.1 new 6.2.2	te te te te te te	<p>powers and responsibilities to the EB, the TMB, the Council and other committees.</p> <p>These issues have a strategic character and need to be maintained under the full responsibility of the GA</p> <p>This clause does not foresee for an approval of the report of the TMB</p> <p>This clause does not foresee for an approval of the report of the MAC</p> <p>This clause does not foresee for an approval of the ToR of the EB by the GA</p> <p>Management review is under the full responsibility of the GA (cfr 8.3 w)</p> <p>See under comment on 6.2.1.b</p>	<p>To maintain the original text of 6.2.1 f and 6.2.1 l (old n)</p> <p>To include a new bullet point : “ To approve the report from the TMB and from the MAC “</p> <p>To amend the text as follows: “... on the outcome of peer evaluations <u>and endorsement of the MAC report</u> “.</p> <p>To amend the text as follows: “ Endorsement of the <u>EB</u>, TMB and MAC Terms of Reference”</p> <p>Add "endorsement of the management review"</p>	
COFRAC			Te	In 6.2.1 Approving ToR and work programmes for Committees/councils, and endorsing reports on work and activities of committees/council shall remain a responsibility of the GA. These tasks do not delay the work of the committees/council.	Re-instate h) and i)	<p>Partly agreed</p> <p>Approval of ToRs by the GA will be reinstated.</p> <p>The GA is responsible for the annual EA work programme.</p>

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						That is the programme related to the FPA/Operating Grant, and based on the individual TC programmes. Today the GA doesn't approve the reports presented by the Committees/Council. The GA approves the annual EA report.
DAkKS			te	Inconsistency with regard to approval of work programmes and TOR 6.2.1 lists the Endorsement of the TMB and MAC Terms of Reference as a responsibility of the GA. According to section 9.3 the TMB approves the work programmes and TOR of the technical committees. According to section 10.3 EA Committees and Councils shall have defined terms of reference and annual work programmes that shall be endorsed by the General Assembly.	Resolve this inconsistency by giving the GA the responsibility to approve the work programmes and TOR's of Committees and Councils as mentioned in 10.3 Amend 9.3 and 6.2.1 accordingly	Agreed
DAkKS	6.2.2 Responsibilities of the General Assembly		te	Delegation of powers and responsibilities for operational and specific technical issues to the Executive Board, other Boards, Committees and Councils should be a responsibility of the GA and accordingly listed in section 6.2.1	Delete 6.2.2 and add this issue as a responsibility of the GA in 6.2.1	Not agreed To transfer power to other EA bodies shall be a separate clause. No change to the existing AoA.
ENAC		6.2.1 h	Te	All mandatory documents must be approved by GA	Approval of mandatory documents on EA	Not agreed

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		6.2.1 i new line	te te	not only Governance documents Technical Policies/positions will be approved by TMB; only those the TMB understands that have an specific risk or “political” implications will be taken to the GA. Work programs must be approved by the GA	governance Endorsement Approval of technical policy/mandatory issues (EA positions/resolutions) <u>forwarded by the TMB</u> <i>Approval of work programmes of technical committees</i>	The AoA is not the right place to introduce the approval of non-governance documents. The appropriate document is EA-1/14. No change to the existing procedure. Very difficult to decide which issues may have a risk or political implications. see above
INAB		f	te	Do not agree this should be removed from GA function. No case presented as to why this would improve EA efficiencies. This is a strategic function	Retain clause f	Not agreed. It would delay the process of preparing the cooperation agreement, if we have to discuss and approve those agreements in the GA too.
INAB		o	te	Terms of ref of all Cmt/Board/Councils should be endorsed, including EB and CPC. Who approves additional rules of procedure as written in 1.2?	Revise to include approval of all ToR	Agreed
INAB		i	te	Approval of reports from TMB and CPC also	Include TMB and CPC	Not agreed
INAB		n	te	Do not agree that this function removed. It is a strategic function	Reinstate endorsement of agreements with Commission and EFTA	Not agreed It doesn't work in practice if we

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						have to discuss and approve those agreements in the EB and the GA. It is one of the most important objectives of the Strategy 2025 that EA shall be able to react fast and competent in relations to the EC.
IPAC			Ge, Te	<p>IPAC strongly disagrees with the transfer of decisions that greatly impact on the EA activities and its NABs to the EB, since the EB is now comprised of a maximum of 6 NABs, so at the limit, 3 NABs could decide on behalf of 50 members – this corresponds to 6% of the membership deciding for 94% of the remaining. Nowadays, with the possibility of electronic consultation and voting, there is no reason to dismiss the GA from taking the most important decisions.</p> <p>Since the GA is responsible for the admission of new members, it shall also remain responsible for the decision of signing Cooperation Agreements with those that cannot be members – reintroduce old item f)</p> <p>Since the GA is responsible for the setting up and disbanding of EA Committees, Councils and Board, it doesn't make sense that it does not approve/endorse the corresponding Terms of Reference (otherwise, how could the GA take informed decisions on their creation?), work programmes and reports (otherwise how can the GA know and take an informed decision on their operation and disbanding?) – reintroduce old items</p>	<p>Reintroduce items deleted:</p> <p>f) Decisions to sign Cooperation Agreements with accreditation bodies that cannot become EA Full or Associate Members;</p> <p>h) Approval <u>Endorsement</u> of Terms of Reference and work programmes for Committees/Councils;</p> <p>i) Endorsement of reports on work and activities of Committees/Councils/Boards;</p> <p>n) Endorsement of agreements <u>and contracts</u> with the European Commission and EFTA;</p> <p>Change text of current items:</p> <p>k) Endorsement of <u>the</u> procedures for handling appeals and complaints <u>as well as of the management review's report</u>;</p> <p>o) Endorsement of the <u>EB</u>, TMB and MAC Terms of Reference;</p>	Partly agreed see above

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				h) and i) Similarly, the endorsement of agreements with the EC and EFTA, which heavily impact on the EA strategy and finances must be done by the GA, not the EB – reintroduce old item n) (New) item o) – if the TMB needs Terms of Reference approved by the GA also the EB needs ToR and the same endorsement – it cannot be the EB to endorse its own ToR.		
NAH			te	6.2.1. f), l) – this kind of decisions shall be making by GA.	Complete the text.	see above
SWEDAC		Bullet o	Te	Why are the EMB and the TMB treated differently? The ToR for the EMB are provided in chapter 8 and what seems to be the ToR for the TMB are listed in chapter 9.	Delete reference to the ToR of the TMB.	Agreed see above
UKAS		And throughout document	ge	Should we be gender neutral for key positions? (noted also that this is not uniform throughout the document, in some cases Chair is used, in others Chairman)	Change Chairman and Vice-Chairman to Chair and Vice-Chair.	Agreed We change to President and Vice-President (see above).
BELAC	6.3 Meetings of the General Assembly	6.3.2 3d line	te	Proposals can be made by recognized stakeholders too	To amend the text as follows: "... made by EA members, <u>recognized stakeholders and other</u> and interested parties. "	Agreed
		6.3.2 3d line	te	Proposals can be made by recognized stakeholders too	To amend the text as follows: "... made by EA members, <u>recognized stakeholders and other</u> and interested parties. "	see above
		6.3.3,	ed	Information shall be sent to all parties taking part in	To amend the text as follows: "... to all EA	

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		6.3.4 and 6.3.5		the meeting	contact persons, interested parties and recognized stakeholders and invited observers....	
UKAS		6.3.2	ed	For consistency with other subclauses should amend "...the Executive Board prepares a ..."	Replace with: "...the Executive Board shall prepare a ..."	Agreed
IPAC	6.4 Voting	6.4.3 (new)	Ge	The provision in 9.1.5 for safeguarding the representativeness of EA membership in the EB and TMB members, should be moved and enhanced to this section. Furthermore, the expression "under normal circumstances" can be interpreted very differently, so it should be improved.	Insert: <u>6.4.3 In order to ensure a better representativeness of the EA membership, the elected members for the EB and TMB shall come from distinct EA Full Members, unless no candidates are available, and exceptional circumstances agreed by the GA are present.</u>	Not agreed It's about membership and not voting.
IPAC	7 - CHAIRMAN AND VICE-CHAIRMAN		Ge	As it is current practice in similar bodies (e.g. ISO and CEN) and to better distinguish from the chairs of the Committees and Councils, we propose to change the name to President and Vice-President.	Change EA Chair to EA President and EA Vice-Chair to EA Vice-President.	Agreed
	7.1 Election					
BELAC	7.2 Responsibilities	7.2.1 e) 2d line	te	The cooperation is expected to be extended to stakeholders too (cfr 2.13)	To amend the text as follows: ... national authorities, <u>recognized stakeholders</u> and other interested parties."	Agreed
OLAS		7.2.1 e) 2d line	te	The cooperation is expected to be extended to stakeholders too (cfr 2.13)	To amend the text as follows: ... national authorities, <u>recognized stakeholders</u> and other interested parties."	see above
CAI		7.2.2 b)	ed	Current wording does not comply with the rest of the bullets.	Rephrase to comply with the rest of the bullets.	Agreed

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NAH			te	7.2.2 b) – this suggestion creates a significant concentration between the two bodies.		Not agreed We don't understand the issue.
UKAS		7.2.2	ge	Suggest that the Vice-Chair also supports the running of GA and EX-Board meetings	Add new line d)	Not agreed No change to the existing RoP.
UKAS		7.2.2 b	ed	Unlike 7.2.1, 7.2.2 does not start with "... will be responsible for:" Therefore starting (b) with "chairing" is not appropriate	Replace "chairing" with "chair"	Agreed
	8 – EXECUTIVE BOARD					
AA	8.1 Membership	8.1.1 8.1.2	Te Te	... a maximum of ... To avoid undue discussions it is considered wise to fix the number. ...under normal circumstances ... What is considered normal or / unnormal circumstances ? This wording doesn't add any clarity but only leads to different interpretation. As the EA GA as the organ the voting is done can anyway decide on any aspect - independent if this is written in any EA document with exception of the AoAs or not - immediately such an eventual extraordinary case can be dealt with directly anytime.	Deletea maximum of Delete ...under normal circumstances ...	Agreed Not agreed No change of the provision. It shall provide some flexibility (if needed).
BELAC		8.1.1	te	As already expressed in its comment to the	To consider a composition with a minimum	Not agreed

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				<p>revision of AoA, BELAC disagrees with the composition of the Board being limited to a maximum of 6 members, including the Chair and the Vice-Chair. Considering the proposed transfer of part of the responsibilities of the GA to the EB , the proposed size of the EB is insufficient to ensure that the Board will be able to operate in an effective and efficient way and to represent the interests and expectations of the whole membership.</p> <p>Moreover, considering that the operation of an effective MLA is a prominent objective of EA, BELAC takes the view that the EA MAC Chair should be a permanent member of the EB</p>	of 8 and a maximum of 12 members, including the EA MAC Chair .	The MAC Chair will be a member of the TMB.
BELAC		8.1.2	te	Avoid ambiguity and delete “under normal circumstances”. What is normal? If there are other circumstances, these should be clearly defined.	A Full Member of EA can only have one person elected to serve on the Executive Board <u>and/or</u> the TMB	Agreed It’s covered in Paragraph 9.1.5.
OLAS		8.1.1	te	<p>As already expressed in its comment to the revision of AoA, OLAS disagrees with the composition of the Board being limited to a maximum of 6 members, including the Chair and the Vice-Chair. Considering the proposed transfer of part of the responsibilities of the GA to the EB , the proposed size of the EB is insufficient to ensure that the Board will be able to operate in an effective and efficient way and to represent the interests and expectations of the whole membership.</p> <p>Moreover, considering that the operation of an effective MLA is a prominent objective of EA, OLAS takes</p>	To consider a composition with a minimum of 8 and a maximum of 12 members, including the EA MAC Chair.	see above

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				the view that the EA MAC Chair should be a permanent member of the EB		
OLAS		8.1.2	te	This provision is opening the door to non-defined circumstances where an EA member can have more than one person elected to the EB	Delete "...under normal circumstances..."	see above
NAH			te	8.1.1. – the 12 members of EB with different decision-making rules (decisions taken by simple or qualified majority) would be more effective and more democratic. 8.1.2. – A Full Member of EA can under normal circumstances only have one person elected to serve on the Executive Board 8.1.5. – „except of the request of GA” – this is not a necessary sentence, for it may results the member staying too much time in the same position	12 members 8.1.2. – not under normal circumstances – in any circumstances! 8.1.5. - delete	Not agreed see above
UKAS		8.1.1	Te	We have stated a maximum number of Board members, should we have a minimum number so as to ensure strong representation.	State a minimum number of board members	Partly agreed Fixed number of EB members.
IIOC				IIOC notes that there is still no place on the Executive Board for Recognised Stakeholders, EA Advisory Board members or any other organisation with the exception of full EA Members. This is a major weakness in EA's ability to listen to the marketplace and its stakeholders, ensuring the work EA undertakes is appropriate, relevant,	Position for Recognised Stakeholder representative/EAAB member to be created on the EA Executive Board.	Not agreed see above

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				required and delivered effectively and efficiently.		
BELAC	8.2 Meetings		te	For the sake of consistency, it is proposed to align the content of 8.2 with the one of 9.2 Avoid ambiguity and delete “usually” as possibility is given to others (chairs, observers) to participate.	To amend the text as follows: 8.2.1 The EB shall meet at least once a year and furthermore as often as the EB Chairman or at least two members of the EB consider this desirable. 8.2.2 Attendance at meetings of the EB is usually restricted to EB members and the Executive Secretary only (together with, when needed, other staff members from the Secretariat). The Chairs of Committees and of the Council may be invited for specific issues and observers may be admitted at the invitation of the EB Chairman. 9.2.3 Further provisions about meetings and resolutions of the EB may be laid down in the Terms of Reference, which shall be endorsed by the General Assembly.	Not agreed The proposed provisions are covered in the AoA. Agreed Not agreed All provisions on EB meetings are covered in the AoA and/or RoP.
OLAS			te	For the sake of consistency, it is proposed to align the content of 8.2 with the one of 9.2	To amend the text as follows: 8.2.1 The EB shall meet at least once a year and furthermore as often as the EB Chairman or at least two members of the EB consider this desirable. 8.2.2 Attendance at meetings of the EB is usually restricted to EB members and	see above

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			te	For technical issues having an impact on the activities of the technical committees, the chairs of these committees have to be invited	<p>the Executive Secretary only (together with, when needed, other staff members from the Secretariat). The Chairs of Committees and of the Council may be invited for specific issues and observers may be admitted at the invitation of the EB Chairman.</p> <p>8.2.3 Further provisions about meetings and resolutions of the EB may be laid down in the Terms of Reference, which shall be endorsed by the General Assembly.</p> <p>The Chairs of Committees/Council may <u>shall</u> be invited for specific issues.</p>	
ESYD			te	<p>We consider that it will be good to have a specific reference to the MAC Chair who may be invited in the meeting of the Executive Board.</p> <p>We consider that there shall be a reference to the CPC Chair in the document.</p>	<p>To include the following provisions:</p> <p>The MAC Chair may be invited for specific peer evaluation / MLA signatory issues, which may have legal or financial impact for EA (if needed)</p> <p>The Chair of the Communication and Publication Committee may be invited for specific communication issues (if needed).</p>	<p>Not agreed</p> <p>The issues are already covered in general terms in 8.2.</p>

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IPAC			Ge, Te	When dealing with issues that impact on the activities of the Committees/Councils, the EB shall be mandated to consult them or invite them for the meetings where it will be discussed. Also the Chair or Vice-Chair (coordinating the TMB) can decide on the need of their presence.	Change: The Chairs of Committees/Council may <u>shall</u> be invited <u>or consulted</u> for the discussion of specific issues <u>that impact on their activities, and whenever judged appropriate by the Chair or Vice-Chair.</u>	Not agreed The provision is already in 8.2 in general terms.
SA			8.1.1 te		The role of the chair of the Communication and Publication Committee in the Executive Board is unclear. The best would be if the chair of CPC could be a member of the EB. If this is not possible than at least Chair of CPC should have permanent observer role in the EB. If we believe that the CPC is useful committee for EA and NABs (and I understand so) than it is illogical that we would not include the chair of CPC in the EB.	Not agreed The vast majority of items of the EB are not related to communication issues, like finances/budget, supervision of the Executive Secretary etc. According the CPC ToR, the CPC is not responsible for EA communication, but for exchange of information and to provide support to NAB's communication. Furthermore, the EB can invited TC Chairs when ever find useful. Furthermore, the EB shall be CEOs/Head of NAB. But the CPC Chair may be in future a communication manager, which is not in a senior management position in its NAB.

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SWEDAC			Te	In our opinion it would be advantageous if the chair of the CPC was either a member of the EMB or was always an observer during the meetings (similar to the handling of the MAC chair in the TMB). Otherwise, it will be difficult for the CPC chair to get input concerning the operations of EA, presumably much needed to properly guide the work of the CPC. Also, the participation of the CPC chair would give the EMB valuable input on the needs of the membership in this area. Further, it is a bit strange that the EMB is responsible for the formulation of the EA communication strategy, and that this document may be prepared without the participation of CPC, see 8.3p).	Add mechanism to ensure participation in the EMB by the chair of the CPC.	Not agreed The mechanism is already included. The CPC is responsible for the exchange of communication issues on the national level. The EA communication issues are performed by the Secretariat based on the communication strategy set out by the EB. see above
UKAS		Para 3	ed	The word “However” at the beginning of the final sentence is not needed and does not flow correctly.	Remove “However”	Agreed
BELAC	8.3 Responsibilities of the Executive Board	8.3 d) 8.3 g) 8.3 m)	Te Te Te	This issue has to be part of the responsibility of the GA. This issue has to be part of the responsibility of the GA. This issue has to be part of the responsibility of the GA.	To amend the text as follows: “ <u>Ensure preparation endorsement</u> of agreements and other contracts “ To amend the text as follows: “ <u>Prepare approval</u> of the report to the annual “ To amend the whole text of 8.3 m) as follows: “ Approve the application and status of the recognized stakeholders following consultation with the EA Advisory Board and endorsement by the GA .”	Not agreed The objective is to transfer responsibilities to other EA bodies as set out in the Strategy 2025 in order to make EA more efficient, faster, etc. The GA shall focus its activities to strategic and governance issues. But the implementation, for instance agreements with other NABs based on the Strategy approved by the GA, shall be executed by other

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		8.3 n)	Te	This issue has to be part of the responsibility of the GA.	To amend the text as follows: “ <u>Prepare approve</u> Cooperation Agreements	bodies, in this case by the EB.
		8.3.r	te	This issue has to be under the supervision of the GA	To amend the text as follows: “ <u>Conduct the selection procedure and appoint and dismiss the Executive Secretary, upon endorsement by the general Assembly</u> ”	It’s a typical responsibility of the EB (Supervisory board) to elect, appoint and dismiss as well as supervise the Executive Secretary. Also for privacy reasons.
		8.3 s)	Ed		To replace “Organization” by “EA”	
		8.3 t)	Te	Already covered by 7.2.1.f	To delete 8.3 t)	
		8.3 w)	Te	This issue has to be part of the responsibility of the GA.	To be transferred as a new bullet point under 6.2.1	
SA		i)	ed	There is line i) with no text (empty)	Delete “,”	
OLAS		8.3 d)	Te	This issue has to be part of the responsibility of the GA.	To amend the text as follows: “ <u>Ensure preparation endorsement</u> of agreements and other contracts “	see above
		8.3 g)	te	This issue has to be part of the responsibility of the GA.	To amend the text as follows: “ <u>Prepare approval</u> of the report to the annual “	
		8.3 m)	te	This issue has to be part of the responsibility of the GA.	To amend the whole text of 8.3 m) as follows: “Approve the application and status of the	

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EA-member NAB or stakeholder organization	Part, Section, Clause No, Sub-clause No, Annex/Figure/Table (e.g. 3 or 3.1 or 3.1.1, Annex 1, Table 2)	Line No to be detailed when several § are under the same clause (eg.1-4 or 11)	Type of comment (see footnote)	Comment (<u>justification for change</u>) by the NAB or stakeholder	<u>Proposed change</u> by the NAB or stakeholder	Observations by the body owing the document
		8.3 n) 8.3 r) 8.3 s) 8.3 w)	te Ed te ed Te	This issue has to be part of the responsibility of the GA. This issue has to be part of the responsibility of the GA. This issue has to be part of the responsibility of the GA.	recognized stakeholders following consultation with the EA Advisory Board and endorsement by the GA.” To amend the text as follows: “Prepare approve Cooperation Agreements” A 6 person committee cannot manage alone the election of its own members Replace “Organization” by “EA” To be transferred as a new bullet point under 6.2.1	
CAI		8.3	ed	The letters in the list do not form a continuous series (there are two “m”s).	Correct the series of letters in the list.	Agreed
CAI		8.3 d)	ed	Current wording does not comply with the rest of the bullets.	Rephrase to comply with the rest of the bullets.	Agreed
CAI		8.3 g)	ed	Current wording does not comply with the rest of the bullets.	Rephrase to comply with the rest of the bullets.	Agreed
CAI		8.3 m)	ed	Current wording does not comply with the rest of the bullets.	Rephrase to comply with the rest of the bullets.	Agreed
CAI		8.3 w)	ed	Current wording does not comply with the rest of the bullets.	Rephrase to comply with the rest of the bullets.	Agreed

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COFRAC			Te	The approval of agreements and other contracts with EC and EFTA shall remain a task of the GA.	Change d) Prepare agreements and other contracts with the EC and EFTA Re-instate l) in 6.2.1	Not agreed In practice the task was already transferred to the EX, because it will not work in practice due to time constraints. Furthermore, there is now another level of responsibility with the Executive Secretary / Secretariat. Another issue could be that the GA shall approve that for a specific activity / issue / project EA shall enter in an agreement with the EC / EFTA. The preparation is normally made by the Secretariat and when approved by the EX/EB.
COFRAC			Te	The endorsement of the Recognised Stakeholders shall remain a task of the GA. This does not delay the work of the association.	Re-instate the paragraph with 'provide' and 'endorsement by the GA' in m) Re-instate 'endorsement of the statutes of the recognised stakeholders' in 6.2.1	Not agreed It delays the work of the association and it creates more administrative work. More important is that the policies on recognized stakeholders, including requirements, are approved by the GA.

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COFRAC			Te	The approval of policies for the cooperation with stakeholders shall remain a task of the GA	Replace o) prepare policies for the cooperation with stakeholders for approval by the general assembly and add in 6.2.1 another bullet point : Approve policies for the cooperation with stakeholders prepared by the EXE Board	Not agreed That is already included: <i>Approve policies for the cooperation with stakeholders, following approval by the General Assembly;</i>
INAB		te	g	Who is responsible for management of work activities of CPC and TMB?	Clarify EB responsibilities	Not agreed 8.3 g) is about the report to the annual EA work programme. This responsibility was already transferred in practice in the past to the EX. There is nothing in relation to the TMB and CPC.
INAB		te	K, n, n	See section 6. Do not agree that these are responsibilities to be taken from GA, as strategic functions		Not agreed Task k) was not transferred from the GA to the EB. It's an operation task, which should not be executed by the GA. see above
IPAC			Te	The new EB represents now 12% of the membership, while the previous represented 24%	Change: a) Ensure the proper functioning of EA, as	Not agreed, it's already covered

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				<p>or a quarter of the membership, with the possibility of a much better representation - big NABs, small and medium NABs, public & private, from almost all the corners of Europe – the new EB having lost representation, should be under closer scrutiny by the members and not the reverse. Consequently the delegation of authority from the GA should be done with more controls.</p> <p>Item c): we disagree that the TMB members need to submit reports to the EB, but rather directly to the GA – the EB has no authority over the TMB.</p> <p>Item r: we disagree that 6% of the membership decide alone of the election, appointment and maintenance of the Executive Secretary – potentially, every two years a new ES could be elected, not providing enough stability and continuity for the position.</p> <p>Item s: as for item r, we disagree that the authority and scope of work of the ES could change dramatically every two years. This is and should remain fixed in article 13. Item s is where needed cover by item t.</p> <p>Item u – either the EB has the possibility to have a opinion and it should remain, either it is a permanent delegation and it should be moved to Article 13.</p> <p>Item w – a management review shall always be done by the top management, so it is not only to endorse, but also to promote and participate. This needs also to be presented to the GA to allow it to</p>	<p><u>directed by the GA between their meetings;</u></p> <p>c) <u>Decide on the agenda for the GA meetings, ensuring that all the relevant reports and discussions are included</u> in a coordinated, transparent and comprehensive manner. Such reports from the Multilateral Agreement Council, TMB and the Financial Oversight Committee shall be submitted directly by those bodies;</p> <p>d) Endorsement <u>Approval</u> of agreements and other contracts with the European Commission and EFTA, <u>after endorsement by the GA;</u></p> <p>m) Endorsement <u>Approval</u> of the status of Recognised Stakeholders following consultation with the EA Advisory Board and endorsement by the General Assembly;</p> <p>n) Approve Cooperation Agreements with national accreditation bodies, that cannot become EA Full or Associate Members, and with regional accreditation cooperation's according the policies established <u>after endorsement</u> by the General Assembly;</p> <p>r) Elect <u>Conduct the selection procedure</u> and appoint and dismiss the Executive Secretary, <u>upon endorsement by the GA;</u></p> <p>Delete item s)</p>	<p>in the first sentence.</p> <p>Agreed</p> <p>see above</p> <p>see above</p> <p>see above</p> <p>see above</p> <p>Not agreed</p> <p>As long as we don't have the Executive Secretary explicitly covered in the AoA and RoP with her/his responsibilities, we need this clause.</p>

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				appraise on the performance of the EB.	w) Promote, participate and approve the management review.	see above
NAH			te	8.3. d) n) r)	8.3. d) n) r) – this kind of decisions shall be making by GA	see above
SAS	8.3 Responsibilities of the Executive Board d), g), m) and w)	445 ff	ed	“To these ends it will:” in line 433 requires that verbs follow. In all cases, with the exception of the four mentioned, this is the case.	Adapt d), g), m) and w)	see above
SAS	8.3 [the 2 nd “m)” .. m)	471 ff	ge	i) It is an application for membership, i.e. the applicant organisation is not yet a member. ii) "following" would mean that first the GA decides and then the rest follows ...	Approve applications of new organisations for membership with subsequent approval by the General Assembly.	Not agreed The meaning is that first the EB approves and afterwards the final approval by the GA.
SAS	8.3 o)	482 ff	ge	i) "following" would mean that first the GA decides and then the rest follows ... ii) If the GA “approves / endorses”, then the Executive Board “establishes”.	Establish guidelines for cooperation with stakeholders followed by approval by the General Assembly.	Not agreed see above Note: Perhaps something for native speaker.
SAS	8.3 p)	485 ff	ge	"following" would mean that first the GA decides and then the rest follows ...	Elaborate the EA communication strategy with subsequent approval by the General Assembly.	see above
SWEDAC		Bullet p	Te	See our comment on 8.2.	Possibly add “with the counsel of the CPC”.	see above
BELAC	8.4 Report to the General Assembly		te	The GA has to be kept regularly informed of the activities of the EB	To amend the text as follows: “ to the General Assembly at <u>each EA GA meeting</u> least annually ”	Not agreed There is not always a “report” to

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						the GA, sometimes the financial report only. But this financial report is prepared once a year.
OLAS			te	The GA has to be kept regularly informed of the activities of the EB	To amend the text as follows: "... to the General Assembly at <u>each EA GA meeting least annually</u> ."	see above
SAS	8.4 Report to the General Assembly	509 ff.	ge	Against the background of several years, "annually" is an imprecise term; it is meant at least once a year.	The Executive Board shall report to the General Assembly at least once a year. The annual report must include a financial report.	Agreed
BELAC	8.5 Decisions		te	The second sentence introduces inconsistency with the wording of the 1rst sentence	To amend the text as follows: " Decisions of the Executive Board will <u>preferably</u> be reached by consensus. If".	Agreed
OLAS			te	The second sentence introduces inconsistency with the wording of the 1rst sentence	Align the sentence on the 6.4.1 concerning the voting process of the GA	see above
SAS	8.5 Decisions	514 ff	ed	Improvable English	The decisions of the Executive Board are taken by consensus. If no consensus can be reached, the Executive Board shall decide in accordance with Article 13 paragraph 9 of the Articles of Association.	Not agreed The existing phrasing seems to be more appropriate. see also above
DAkKS	9 – TECHNICAL MANAGEMENT GROUP		te	Comparable to paragraph 8.5 for the EB, we think it would be appropriate to also lay down decision rules for the TMB	Add a new paragraph: “9.5 Decisions Decisions of the Technical Management Board will be reached by consensus. If consensus cannot be reached, decisions by the Technical Management Board shall be taken according to	Agreed Note: Language in 9.5 shall be checked.

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					article 13 (9) in the Articles of Association.”	
UKAS		Note	te	Should we also be clear that activities in the regulated sector (including notified bodies) are considered to be technical activities?	Add “activities in the regulated sector”	Not agreed That includes documents/activities regarding the regulated sector. EA-1/06 makes no difference.
AA	9.1 Membership	9.1.5	te	...under normal circumstances ... What is considered normal or / unnormal circumstances ? This wording doesn't add any clarity but only leads to different interpretation. As the EA GA can anyway decide on any aspect immediately such an eventual extraordinary case can be dealt with directly anytime.	Delete ...under normal circumstances ...	Not agreed That is up to the GA to decide, but we need the flexibility.
BELAC		9.1.5	Te	Avoid ambiguity and delete “under normal circumstances”. What is normal? If there are other circumstances, these should be clearly defined. (idem 8.1.2)	A Full Member of EA can only have one person elected to serve on the Executive Board <u>and/or the TMB</u>	see above
OLAS		9.1.1	te	The Communication and Publication Committee is no more on the list of technical committees of EA	Include the CPC as 5 th bullet point	Agreed
OLAS		9.1.5	te	This provision is opening the door to non-defined circumstances where an EA member can have more than one person elected to the TMB	Delete “...on the executive board and/or...” Delete “...under normal circumstances...”	see above
CAI		9.1.1 9.1.3	ed	9.1.1 The TMB shall be composed of the EA Vice-Chair	9.1.1 The TMB shall be composed of the EA Vice-Chairman	Note EA Chair and Vice-Chair have

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		9.1.4		9.1.3 The EA Vice-Chair acts as the TMB Chairman. 9.1.4 The MAC Chair shall have a permanent observer status at the TMB.	9.1.3 The EA Vice-Chair man acts as the TMB Chairman. 9.1.4 The MAC Chair man shall have a permanent observer status at the TMB.	been replace by President and Vice-President. For other Chairmens, we changed to the gender natural term chair.
COFRAC		9.1.1	Te	The MAC Chair cannot be outside any Management Board or committees of EA. With the changes proposed below, we believe that the MAC Chair will not be in the TMB in a position which could compromise his independence and impartiality	Include the MAC Chair in the TMB	Agreed
COFRAC		9.1.4		According to comment on 9.1.1	Delete 9.1.4	Agreed
ENAC		9.1.4 9.1.7 and 9.1.8	te	We understand the MAC chair must be a member of the TMB; we see no conflict of interest or impartiality risk in it as the MAC itself is fully independent. As TMB members are Chairs of committees/council their terms of office and service must be those established for Committee/council. They are TMB members as far as they are Committee/council chairs	Delete 9.1.3 and add the MAC Chair in 9.1.1 Delete both paragraphs and substitute by: <i>TMB members will remain members as far as they remain Committee/ council chairs</i>	Agreed Agreed
ESYD			te	To be included as a member of the TMB the MAC Chair and not as an observer.	9.1.1 The TMB shall be composed of the EA Vice-Chair , <u>the MAC Chair</u> , and the Chairs of the Technical Committees, which are:	Agreed

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IPAC		9.1.1 and 9.1.4 9.1.5	Te	<p>We don't agree that the MAC Chair is just an observer, in fact the structure responsible for the most important deliverable of EA must be a permanent member of the TMB. What's the point and usefulness of being just an observer? He/she needs to discuss the technical needs for its operations. It is a complete non-sense to leave the most important structure out of the governance of EA.</p> <p>The rules for the election of EB and TMB members in 9.1.5 should be outside the TMB section, since they also affect EB elections – we propose to move to new 6.4.3</p>	<p>Change:</p> <p>9.1.1 The TMB shall be composed of the EA Vice-Chair, <u>the MAC Chair</u>, and the Chairs of the Technical Committees, which are:...</p> <p>Delete 9.1.4</p> <p>Delete 9.1.5 and move to 6.4.3 (see new proposal)</p>	Agreed
NAH			te	<p>9.1.4. – contradicts the strategy, in which the chairman of MAC is a member, not a permanent observant.</p> <p>9.1.5 – contradicts Nr. 8.1.2. (there's no alternation is marked).</p> <p>9.1.8. – see 8.1.5.</p>		see above
SA		9.1.1	te	<p>The MAC chair shall be part of TMB as he/she is faced during MAC meeting with many technical issues. It is very important that he/she is part of the Board who coordinate the technical activities.</p>	<p>The TMB shall be composed of the EA Vice-Chair, the MAC chair and the Chairs of the Technical Committees, which are:</p> <ul style="list-style-type: none"> - The Horizontal Harmonization Committee, - The Laboratory Committee, - The Inspection Committee and 	see above

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					- The Certification Committee.	
SAS	9.1 Membership	549 ff	ed	Improvable English	The term of office of the TMB members is two years. During this two-year period, if a new election is necessary, e.g. due to the resignation of one or more members of the TMB, the term of office of the newly elected person(s) ends at the same time as the other members of the TMB. If a new TMB member is elected for a term of less than one year, the newly elected person may continue to be elected for three consecutive two-year terms.	Clause has been changed. see above
SWEDAC			Ed	We understand that the use of the expression “and/or” in this case means that a member could have one representative in the EMB or in the TMB, but not in both. Is this reading correct?	Clarify.	Yes
IIOC				IIOC notes that there is still no place on the Executive Board for Recognised Stakeholders, EA Advisory Board members or any other organisation with the exception of full EA Members. This is a major weakness in EA’s ability to listen to the marketplace and its stakeholders, ensuring the work EA undertakes is appropriate, relevant, required and delivered effectively and efficiently.	Position for Recognised Stakeholder representative/EAAB member to be created on the EA TMB.	Not agreed see above
BELAC	9.2 Meetings	9.2.2	Te	Avoid ambiguity and delete “usually” as possibility is given to others (observers) to participate	Attendance at meetings of the TMB is usually restricted to TMB members, The MAC Chair and the Executive Secretary only (together with, when needed, other staff members from the Secretariat). However observers may be	Agreed

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					admitted at the invitation of the TMB Chairman	
CAI		9.2.2	ed	the MAC Chair	the MAC Chair man	see above
ENAC		9.2.3 and new 9.2.4	te	ToR of the TMB must describe how TMB is taking their decisions, specially regarding mandatory positions (9.3.f)	Delete "and resolutions" in 9.2.3 and add a new 9.2.4 reading: <i>Decision process of TMB shall be laid down in the Terms of Reference, which shall be endorsed by the General Assembly</i>	Agreed new clause 9.5
UKAS		9.2.1	ge	Suggest that a minimum of one meeting per year will not be sufficient, the TMB needs to meet at least twice per year to feed into the General Assembly but recognising that meetings do not have to always be face to face.	"The TMB shall meet at least twice per year, at least one of which will be face to face."	Not agreed The number of meetings shall be decided by the TMB, but the TMB shall meet at least once a year.
BELAC	9.3 Responsibilities of the TMB	9.3 b) 9.3. i)	Te te	Setting up and disbanding EA Committees, Council and Boards is a responsibility of the GA (see 6.2.1 g) . An intermediate approval by the EB is not justified . The cooperation is expected to be extended to EFTA and interested parties	To amend the text as follows: " <u>Preparation of a recommendation on the establishment and dissolution of technical committees, followed by the approval by the Executive Board and endorsement by the General Assembly.</u> " To amend the text as follows: " the European Commission, <u>EFTA</u> , stakeholders and <u>other interested parties</u> on technical matters <u>in cooperation with the Executive Secretary.</u> "	Not agreed The EB deals with organisational/governance as well as with financial issues. Therefore the EB shall approve the recommendation by the TMB, but final approval by the GA. Agreed

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CAI		9.3 e)	ed	e) Endorsement of reports on work and activities of TC Committees;	e) Endorsement of reports on work and activities of technical committees;	Agreed
COFRAC			Te	c) d) and e) shall remain responsibilities of the GA (see above). To our opinion it is not acceptable that the same organ which establishes the rules, endorses them. with respect to point f), it is unclear what issues are concerned. To our opinion, it is unacceptable that technical policy/mandatory issues can be endorsed by the TMB, whatever the process of establishment of the concerned mandatory position. It cannot be acceptable that a position made on the spot during a committee meeting without any commenting period to the Members can be made mandatory after endorsement of the TMB. Cofrac believes that the new process for establishment of documents (running sometimes in parallel committee members comments and EA members comments or skipping EA members comments) sufficiently speeds up the process, and the voting remains at the level of the EA Members. When positions need to be urgently made for response to interested parties or to defend an EA position at national level, then it is acceptable that the TMB can make a 'temporary position' to be used until the GA confirm by resolution the concerned position	Delete c) d) e) Replace with something like : f) Endorsement of a 'temporary position' following the approval by the relevant TC, to be used until a resolution can be endorsed at the following GA, when an EA position is urgently needed	Not agreed see above The EA work programme and the related report shall be approved by the GA. Reports from the TCs have never been approved by the GA. Not agreed That would create additional effort. We should expect that the Chairs are the best EA experts for technical issues.
DAkKS				See section 6.2 (TOR inconsistency)		Agreed

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ENAC		d f h	te	See our comment to 6.2	Add to 6.2 " <i>followed by General assembly approval</i> "	Not agreed The EA work programme and the related report shall be approved by the GA. Reports from the TCs have never been approved by the GA.
ENAC				See our comment to 6.2.1 i	Change f to say: Approve technical policy/mandatory issues (EA positions/resolutions) as proposed by TC or take it to GA for approval	Agreed
ENAC				This clause is in conflict with HHC responsibilities and may lead to think that any horizontal issue is for the TMB when the TMB has only coordination tasks	Delete h	Not agreed It may happen that the HHC sees the need to discuss issues, which are related to more than 1 TC, shall be discussed in the TMB. That was many times the case in the EX.

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						But if the TCs, including the HHC, decide that a specific issue shall be discussed in the HHC, then they will not ask the TMB. What is with technical issues regarding the EC, which were discussed in the EX? Therefore now the TMB.
INAB		te	c	State terms of reference	Remove 'directives'	Clause c) has been deleted.
IPAC			Te	Item b) The approval and dismissal of the permanent Committees are strategic decisions that cannot be stopped by the EB, so it may only provide an opinion and not disapprove, which would prevent from going to the GA; Item e) The endorsement should be done by the GA Item i) The wording should be revised, since it is the ES that should cooperate with the TMB and not the reverse.	Change: b) Recommendation of the establishment and dissolution of technical committees, followed by the approval by opinion of the Executive Board and endorsement by the General Assembly; e) Endorsement Approval of reports on work and activities of Technical Committees;	Not agreed If we follow this approach, then no financial report or anything else shall be approved by the EB. But the EB are the liable EA officers and therefore they shall approve structural issues. If the EB denies a recommendation, then the EB will justify that and report to the GA, and the TMB too. Agreed Note: The term endorsement has been replaced by approval

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					i) Supporting cooperation with the European Commission and other stakeholders on technical matters, in cooperation <u>articulation</u> with the Executive Secretary;	in the whole document. Not agreed What does it mean "articulation"?
OLAS		9.3 b) 9.3. i)	Te te	Setting up and disbanding EA Committees, Council and Boards is a responsibility of the GA (see 6.2.1 g). An intermediate approval by the EB is not justified. The cooperation is expected to be extended to EFTA and interested parties	To amend the text as follows: "Preparation of a recommendation on the establishment and dissolution of technical committees, followed by the approval by the Executive Board and endorsement by the General Assembly. " To amend the text as follows: "... the European Commission, <u>EFTA</u> , stakeholders and <u>other interested parties</u> on technical matters in cooperation with the Executive Secretary. "	Not agreed see above Partly agreed
SAS	9.3 Responsibilities of the TMB	577 ff	ed	Inconsistency	Always "Technical Committees" and not "technical committees"	Agreed
UKAS		b)	te	Need to include the work of WGs and TFGs within the Technical Committees	"b) Recommendation of the establishment and dissolution of technical committees, Working Groups and Task Force Groups , followed by the approval by the Executive Board and endorsement by the General Assembly;	Not agreed To establish WG and TFG shall be the responsibility of the Committees only.
UKAS		f)	te	The TMB should be able to also endorse adoption of IAF and ILAC Mandatory Documents related to	f) Endorsement of technical policy/mandatory issues (EA	Not agreed

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				technical activities.	positions/resolutions; IAF/ILAC Mandatory Technical Documents) following the approval by the relevant TC;	The endorsement of IAF/ILAC documents is covered in EA-1/14.
BELAC	9.4 Report to the General Assembly		te	The GA has to be kept regularly informed of the activities of the TMB	To amend the text as follows: “ General Assembly <u>at each meeting</u> at least annually (see also 10.8) . “	Not agreed Keep the flexibility. Perhaps the format of (one of) the GA meetings will change.
OLAS			te	The GA has to be kept regularly informed of the activities of the TMB	To amend the text as follows: “... General Assembly <u>at each meeting</u> at least annually (see also 10.8)”	see above
COFRAC				It is unclear who reports to the GA. The TMB or the TCs ? According to 10.8 committees report to the GA.	Delete ‘and/or the technical committees’.	Partly agreed 10.8 has been revised. It may happen that there are no specific issues to report by the TMB. We have already the case for the EX. We should keep the flexibility.
INAB		te		Technical Committees have possibility to report to the GA? What about CPC? And MAC?	Clarify and align with section 6.2 and 10.8	Agreed Both are now covered too.
BELAC	10 - EA COMMITTEES, COUNCILS,	General	te	BELAC does not see the rationale for including “Councils” (currently limited to the EA MAC) under clause 10. The provisions applicable to EA MAC	To delete “Councils “ in the title and the whole text of the clause.	Not agreed Paragraph 11 is about the

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	WORKING GROUPS AND TASK FORCES	10.3		are included in clause 11 and in the ToR of the MAC The approval of the ToR of the technical committees is under the responsibility of the TMB (see 9.3 c) . What about the CPC ?	To amend the text a follows: “ EA Committees and Councils shall have endorsed by the General Assembly <u>Technical Management Board</u> . To specify provisions applicable to EA CPC	decision-making only. Has been revised (see above).
		10.8		Already covered under clause 9.4	To delete 10.8	
OLAS		General	te	OLAS does not see the rationale for including “Councils” (currently limited to the EA MAC) under clause 10. The provisions applicable to EA MAC are included in clause 11 and in the ToR of the MAC	To delete “Councils” in the title and the whole text of the clause.	see above
		10.3		The approval of the ToR of the technical committees is under the responsibility of the TMB (see 9.3 c). What about the CPC?	To amend the text a follows: “EA Committees and Councils shall have... endorsed by the General Assembly <u>Technical Management Board</u> . To specify provisions applicable to EA CPC	
		10.8		Already covered under clause 9.4	Delete 10.8	

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CAI		10.6.	Ed	The Vice-Chair will support the Chair in managing	The Vice- Chairman will support the Chairman in managing	Has been changed (see above)
DAkKS			te	Comparable to paragraph 8.5 for the EB, we think it would be appropriate to also lay down decision rules for the EA committees, councils, working groups and task forces	Add a new paragraph: “10.13 Decisions of the EA committees, councils, working groups and task forces should be reached by consensus. If consensus cannot be reached, decisions by the EA committees, councils, working groups and task forces shall be taken according to article 13 (9) in the Articles of Association.”	Agreed see new clause 10.13 Note: The new clause needs to be discussed.
INAB		te	10.9	The possibility of setting up management groups is not allowed for here	Add in this possibility	Agreed
DAkKS		10.3	te	See section 6.2 (TOR inconsistency)		Agreed see above
ENAC		10.3	te	Decisions of committees regarding EA positions are more relevant and the decision process must be clearly established	Add at the end of the paragraph: <i>Decision process of committees regarding EA positions (see 9.3 f) shall be laid down in the Terms of Reference,</i>	Agreed see new clause 10.13
NAH				10.4. – contradicts Nr. 9.3. a), as TMB is the general management of the technical committees		Don't understand the issue.
SAS		659	ed	See 8.4		see above
	11 - MULTILATERAL AGREEMENT					

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	COUNCIL (MAC) – DECISION-MAKING PROCESS					
NAH	12 - FINANCIAL OVERSIGHT COMMITTEE		te	12.3. – what about the members’ election and the terms of office?		Is covered in 12.3
AA	13 - SECRETARIAT	13.2	te	..support the Executive Board ... The Executative Secretary supports as well the TMB, as he/she participates as explicitly mentioned in 9.2.2.	Add afterExuctive Board: and the Technical Management Board	Agreed
BELAC		13.1	te	The main functions of the Executive Secretary should include the monitoring of the performance of the secretariat	To amend the text as follows: “operation of the Secretariat <u>and monitors its level of performance.</u> “	Not agreed Is covered in EA-0/00.
OLAS		13.1.6	te	The secretariat is in charge of the execution of the decision of the EB and the GA, but not of the TMB	To amend the text as followed “a) To conduct the day-to-day activities of EA, in particular, the execution of the decisions taken by the Executive Board, <u>the Technical Management Board</u> and the General Assembly;”	Agreed
IPAC		13.6	Ge	It seems that the Secretariat is not responsible for carrying out decisions of the TMB, only for the EB, unlike the previous Executive Committee	Change: a) To conduct the day-to-day activities of EA, in particular, the execution of the decisions taken by the Executive Board, <u>Technical Management Board</u> and the General Assembly;	Agreed
NAH			te	13.6. a) – what about the TMB? 13.6. g) – what about the boards’ activities? (EB, TMB)		Agreed see above

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				13.6. j) – EA MLA? Not MAC?		The EA MLA
	14 - COOPERATION WITH INTERESTED PARTIES					
	15 - ELABORATION OF EA DOCUMENTS					
	16 - EA BUDGET AND MEMBERSHIP CONTRIBUTIONS					
	17 - VALIDITY OF EA RULES OF PROCEDURE					

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