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Supplement 2 to EA-2/02 EA Procedure for the evaluation of a National Accreditation Body

Circumstances and process of involving EA Technical Committees in peer evaluation issues

PURPOSE

This document describes the circumstances and process to follow in case of disagreement between the EA Peer Evaluation Team and the National Accreditation Body undergoing peer evaluation on a non-conformity caused by a different technical interpretation of a clause of an EA MLA Level 3 standard (and exceptionally Level 4 requirements from regulatory areas and sectorial schemes)

Authorship

This document has been prepared by the EA Multilateral A Council (MAC).

Official language

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

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1 SCOPE

This document applies to situations where an National Accreditation Body (NAB) disagrees with a non-conformity (NC) referring to a specific technical interpretation of a clause in a level 3 standard (and exceptionally Level 4 requirements from regulatory areas and sectorial schemes) or related EA and/or IAF/ILAC mandatory dispositions.

This document describes the process to be followed in order to avoid any delays in Multilateral Agreement Council (MAC) decisions on such rare non-conformity (NC) cases.

This process should only be used where the NAB and peer evaluation team are unable to reach agreement after all reasonable efforts have been made to do so, and where the MAC Management Group (MAC MG) or MAC does not possess sufficient technical knowledge in order to arrive at a technically sound decision on whether or not a finding is technically valid. It should be considered as a last resort rather than as a process to deal with routine disagreements.

2 COMPETENCE CONSIDERATIONS

- (a) MAC Secretary, MAC Management Group (MG) member and MAC member competencies require general knowledge on level 3 standards, but not a full understanding of their applicability to specific conformity assessment activities.
- (b) Even if some MAC members are peer evaluators in that specific level 3 standard, the MAC may need a representative answer to reach a decision on the acceptability, or otherwise, of such an NC.

3 MAC DECISION

The MAC will follow the regular process and decide on the scope of the EA MLA Level 3 standard for which there is a disputed NC.

The MAC may include in the decision if the Technical Committee (TC) should confirm the technical background of the disputed finding, i.e. that the NC was issued correctly, the NAB has to follow a stringent time-line and process to close the finding.

4 PROCESS

When a NAB does not accept a NC due to a different technical interpretation of the applicability of a requirement of the Level 3 standard (and exceptionally Level 4 requirements from regulatory areas and sectorial schemes), or related EA and/or IAF/ILAC mandatory dispositions:

- I. Within 3 days of the closing meeting date the peer evaluation Team Leader (TL) notifies the MAC Secretary, the MAC Chair and the MG member assigned to follow the peer evaluation;

- II. Within 14 days of the closing meeting date, the MG member assigned to follow this peer evaluation together with MAC Chair shall consolidate their considerations and proposals and submit this together with the NC to the MAC Secretary for circulation to the full MG;
- III. Within 28 days of the closing meeting date the MG will decide:
 - a. If it is an issue that should be transferred to the appropriate TC,
 - b. To formulate the exact question(s) to the TC, if applicable. The question shall be formulated in general terms avoiding any reference to the specific NAB or situation under evaluation.
- IV. Within 35 days of the closing meeting date the MAC Secretary together with MAC Chair to send the request, which will include the question(s) to be answered, to the corresponding TC Chair, if applicable.
- V. Within 42 days of the closing meeting date the MAC Secretary will inform the NAB and the peer evaluation TL:
 - a. Either on the MG conclusions, that input of the TC is not necessary,
 - b. or on the decision of the MG to request an answer from a TC including the exact wording of the question. In this case, this NC should not be considered in the process anymore until the TC provides its answer;

The Team Leader shall include:

 - in Annex VI of the final report (under the disputed NC), either the MG conclusion from a) or the decision from b) referred above;
 - in the applicable part of Section IV of the final report more background information (why the NC was disputed, why no agreement could be found between the team and the AB, etc.), and either the MG conclusion from a) or the decision from b) referred above;
 - corresponding information in the recommendation of the team (point 1.2) of the final report.
- VI. The regular EA-2/02 process, including timelines, applies without taking into account the disputed NC.
- VII. If a technical clarification-request is submitted to a TC the wording of the MAC decision shall clearly state that if the TC confirms the technical validity of the disputed NC then the NAB shall be required to follow the regular NC treatment process as included in point IX, unless the MAC decides on its own and confirms/rejects the disputed NC in the decision.
- VIII. Two different outputs from the TC may be envisaged:
 - a. The TC cannot achieve short-term consensus on the technically disputed background issue. This may arise where there is no EA or international

agreed position regarding the technical issue and as such the NC is not sustained. The issue should be closed from the MAC perspective (which does not mean that the TC is prevented from developing a technical position or recommendation);

- The NAB is not required to undertake any corrective action as the disputed NC has been determined not to be applicable;
- b. There is a clear TC short-term consensus on the technically disputed issue which may either:
 1. support the finding as a non-conformity or
 2. not support the finding as a non-conformity.

Note:

The TC Chairs should carefully consider how to discuss the question submitted by the MAC and avoid any specific discussions on the actual NC case, as this is essential to avoid indirectly influencing the MAC. Every effort shall be made by the TC Chair to avoid the TC discussions from being a repetition of the peer evaluation.

After consideration the TC Chair answers to the MAC Secretary and MAC Chair on the conclusion.

- IX. After consultation with the MAC Chair the MAC Secretary sends the TC conclusion to the MG, the peer evaluation TL and the NAB within 14 days after reception from the TC Chair.

In case:

- VIII. b. (1) the NAB does not have to take other action, the MAC is informed by the MAC Secretary accordingly.
- VIII. b. (2) the NAB has to follow the normal process for an NC e.g.
 - o performs a root-cause analysis and take corrective action;
 - o within 8 weeks sends this information together with objective evidence of implementation to the EA peer evaluation Team Leader & Team Member (TM) responsible for the level 3 scope and to the MAC Secretary and MG member assigned to follow the peer evaluation.
- X. EA peer evaluation TL to send the final conclusion and proposal on this NC to the MAC Secretary, within 3 months after decision of the TC that the NC was correctly issued.
- XI. MAC Secretary to send the result to MAC Chair and MG member assigned to follow the peer evaluation.
- XII. MAC Chair and MG member assigned to this peer evaluation to review the conclusion of the TL and TM and draft a proposal (i.e. no TFG action, as this is a very specific issue, everyone by then should be aware of).

- XIII. MAC Secretary to send result (from the TC according to VIII.b (1), peer evaluation TM result & proposal, MG member + MAC Chair proposal) to MG.
- XIV. MG decides if the result is acceptable. If YES, the result and the MG decision to be forwarded for decision-making by MAC.
- XV. MAC to decide only on the outcome of this NC and again on the corresponding Level 3 MLA scope.