



MINUTES OF THE MEETING OF THE

EASA MANAGEMENT BOARD

HELD ON

15 MARCH 2011 (MB 01/2011)

AND SUMMARY OF DECISIONS TAKEN

SUMMARY OF DECISIONS

At its meeting held on 15 March 2011, the Management Board:

- Formally adopted the guidelines for the allocation of certification tasks to NAAs and QEs;
- Endorsed the establishment of an EASA office in Brussels;
- Formally adopted the Agency's 2012 Draft Budget, Draft Work Programme and Establishment Plan;
- Formally adopted the Agency's Staff Policy Plan 2012-2014.



0. List of Attendees – Please see ANNEX 1

The Chair opened the meeting and welcomed all participants, especially Mr. Matthew Baldwin, Director Air Transport DG MOVE.

1. Adoption of the Agenda

The Agenda was adopted as presented. The Chair announced that the Agency would present under AOB a note on a European Ombudsman (EO) proposal for a friendly solution in an inquiry against EASA regarding the translation of NPAs. The Commission announced to provide an update on emergency measures taken regarding the nuclear accident in Japan.

2. Adoption of the minutes of the previous meeting

The Draft Minutes of MB 04/2010 (WP02a) and the Summary of Discussions of the MB Special Meeting (WP02b) were adopted as presented.

The Board went through the action list attached at Annex 2 of WP02a. On action #08/MB 04/10 (SAFA ramp inspections) the Board agreed that the Commission will coordinate a meeting with those Member States most affected. The matter will be brought back to the Board if necessary.

3. Comments from the Chair

The Chair said that following the discussion on the Agency's medium term strategy in December, a meeting took place with participation of the Commission, EASA and some Member States. Further work is in progress and report will be given at one of the next MB meetings.

The Chair informed that he had received a copy of the IAS report on internal control systems in standardisation and commended the Agency on the very satisfactory results contained therein. The IAS report is available on request.

The Chair also spoke about a meeting between MB Chairs of EU Agencies. He said that contact with the group of EDs of EU Agencies had been successfully established and that there will be standing invitations in case there are subjects of common interest. Regarding the inter-institutional working group on the evaluation of EU Agencies he said that a follow-up meeting with presence of the European Commission Secretariat General is planned for October 2011. He also reported that a checklist of functions regarding the roles of MB Chairs has been established. This issue is closely linked to the MB strategic discussion on the role of the MB as a "team" and may contribute to providing indications on where the Agency's MB stands.



4. Update on nuclear accident in Japan

The Commission provided an update on the emergency measures taken at EU level regarding the nuclear accident in Japan. It was noted that many questions were received from airlines and airports regarding a potential impact. A crisis cell, established during the 2010 volcanic ash crisis, had been activated in order to facilitate, as necessary, a common European approach. The main objective is to be prepared for quick reaction in case of emergency. EAB underlined that during the present situation it is key for airlines to get up-to-date information (e.g. on the risks involved for flight crews).

5. Report of the ED

The ED presented his report on developments since MB 04/2010 (WP03a). He underlined inter alia the following elements of the report:

- Conference on "EU Aviation Safety Management Towards 2020";
- Production of EASA 2010 Annual Aviation Safety Review;
- MoU between EASA and Performance Review Board (PRB);
- Follow-up of AF 447 accident;
- Work on European Aviation Safety Plan ongoing;
- Follow-up on Koito seats issue: proposed EASA ADs;
- A380 Qantas Airline incident: EASA ADs;
- Standardisation activities: in line with IASP;
- Rulemaking Programme: programming cycle 2012-2015 started;
- 1st extension: FCL adopted; NPA on FTL published;
- 2nd extension: adoption process of three "fast track" ATM rules;
- Working Arrangements Eurocontrol/EASA adopted;
- International cooperation: preparation BASA EU-USA for maintenance;
- New F&C Regulation: discussion ongoing;
- Alternative EASA headquarters: negotiations ongoing;
- Budget implementation: commitments level 74%, payments level 8%;
- Technical Training: 14 sessions, 14 courses, 105 EASA + 17 NAA attendees.

In discussing the ED report the following points were made:

The ED asked for feedback from the Board regarding the content and format of the report provided at each meeting. Members commended the quality and format of the document. Considering the workload and resources required for the production of such report, it was suggested to provide an extensive report at every second MB meeting only.

On the BASA EU-US the Commission said that the exchange of letters with the FAA currently takes place and entry into force is foreseen in May 2011. Once the BASA has entered into force, the main challenge will be to make



the agreement operational and to accommodate all interests. The next steps will be BASAs with Brazil and Canada.

Members asked for having a strategic discussion on EASA research activities at one of the forthcoming MB meetings.

Members asked on the status of establishing a strategic forum on standardisation issues. The Agency's Standardisation Director said that a meeting will be held in the context of the next EASA-NAA partnership meeting.

On the Koito seats issue Members underlined the importance of ensuring a "level playing field" by having a similar approach in Europe and the US. The ED reminded the difficulties arising from the fact that the FAA does not have specific legal deadline requirements.

6. Rulemaking in the context of the extension of Community competences

New structure of regulations

The Commission introduced a note on the new structure of regulations under the Agency's remit (WP04) proposed in common by the Agency and the Commission. The Commission explained that during public consultation and discussions in the EASA Committee, concerns were raised by Member States regarding the complexity and lack of user friendliness of a "Horizontal Rule Structure". In view of this, the Commission had proposed to abandon the concept of a "Horizontal Rule Structure" for the time being and to return to the traditional vertical approach in order to facilitate the decision-making process and to avoid any delays. At the same time, the Commission saw a need to come back to the horizontal approach in the long-run, once the system is more mature. The Commission commended the Agency for acknowledging this change.

The Chair said that the MB will not have to decide on this issue but that Members are invited to express their view.

The MB broadly supported the new structure of regulations jointly proposed by the Agency and the European Commission. Given the operational difficulties of a "Horizontal Rule Structure", going back to a vertical approach was seen as best way forward for the time being. EAB underlined the need for a mechanism to consult industry. The Netherlands, while accepting this practical solution, suggested to keep the GEN (general) part of the authority and organization requirements.

Members reminded that the debate on the horizontal approach should not be reopened as any additional delays on final rules would be unacceptable in view of the restricted timelines. It was noted that while there is no



fundamental resistance on the general concept of a “Horizontal Rule Structure”, some operators are facing severe difficulties in understanding which rules become applicable to them. Hence, operators should be given more time to prepare for this change of concept. It was felt that focus should be put on practical issues, helping Member States and industry with the implementation of new rules.

Noting that some parts would not fit in anywhere in the present structure, it was suggested to keep some element of the AR/OR concept (e.g. for SMS) as attachment to the existing parts. Moreover, the view was shared that ensuring consistency and stability in the rule structure should be the driving factor to avoid repeating similar requirements in different sets of rules. Members felt the need to ensure consistency of rules through continuous surveillance.

Members agreed on the importance of having a “Horizontal Rule Structure” in the long-run to enable the total system approach, by ensuring full consistency of requirements for authorities and organisations in all domains. The ED acknowledged this need, reminding that ICAO is already following the horizontal approach in the ANNEX on SMS.

The Chair summarized the discussion on the new rule structure as follows:

1. The MB broadly supported the new structure of regulations under the Agency’s remit jointly proposed by the Agency and the European Commission; considering the operational difficulties of a “Horizontal Rule Structure”, going back to a vertical approach was seen as best way forward for the time being.
2. The Board underlined the importance of having a “Horizontal Rule Structure” in the long-run to enable the total system approach.
3. The MB felt that the following points should be treated with caution (1) to ensure consistency between the different parts of the rule structure through continuous surveillance; (2) to avoid any further delays due to the change to the vertical approach, considering that implementing the rules at the national level will take considerable efforts and time and (3) to find a solution regarding the integration of parts which do not fit anywhere in the concept (e.g. SMS).

Rulemaking progress report

The Agency’s Rulemaking Director introduced WP04a, providing a summary of EASA rulemaking activities on the 1st and 2nd extension since MB 04/2010.

On the 1st extension, he highlighted the publication of NPA 2010-14 on Flight Time Limitations (FTL) in December and the revised schedule for Part-CAT (sailplanes and balloons), non commercial operations with complex (Part-



NCC) and non complex motor-powered aircraft (Part-NCO) and specialised operations (Part-SPO; i.e. aerial work); with regard to the latter, the Agency is currently discussing a workable solution with the Commission to timely complete these tasks.

On the 2nd extension he underlined the Agency's active support to the Commission in the adoption process of the three "fast track" ATM rules, noting that the Implementing Rules on ATCO licensing were adopted by the Commission in February and the two other rules are foreseen in March. Moreover, he informed on the Agency's support to the Commission as regards SES objectives as well as on the completion of the Annex 14 study with a horizontal study report which is available on the EASA website.

The Board welcomed the progress made by the Agency, in particular as regards of development of IRs. At the same time Members underlined the importance of having also the respective "soft law" (e.g. AMC/GM) timely in place. Moreover, it was felt that ensuring the continuity of operations is crucial; any gap for operators should be avoided when the new set of rules enters into force in April 2012. In view of the tight deadlines, the risk of last minute difficulties or incoherence should be duly taken into account. A rapid response mechanism should be developed here.

The Commission underlined the importance of timely delivery of rules and of keeping the agreed deadlines, in particular as regards commercial operations. In the field of non-commercial activities, there might be some room for flexibility ("a little later") but without re-opening the debate on timelines. The Rulemaking Director acknowledged that ensuring continuity is a principal aim of EASA. Last minute changes might be addressed e.g. via a "collective NPA"; work is ongoing here.

On FTL, Members noted that there is a lot of discussion amongst pilots, in particular as regards the scientific evidence for safety concerns and the consistency with medical requirements. Moreover, it was said that any "quick fix" solution in Europe should be avoided; competing elements such as the FTL mandated by the FAA and the scientific proof re "fatigue management" should be duly taken into consideration. The Rulemaking Director said that the focus is on safety issues and that there are contacts with the FAA on FTL. The final rulemaking product will take into account the "best practices" and accommodate the feedback from scientists and stakeholders in form of a balanced approach. At the same time the Agency will make in 2011 on the FCL requirements a comparison between the EU and the US system; this was asked for in the EASA committee.

Regarding ATCO licences, question was raised on whether the new rules will help to overcome existing obstacles as regards the recognition of ATCO licences and thereby improve the mobility for ATCOs. The Rulemaking



Director said that the new rules have been built on the directive which already provided for a certain level of mobility. Members also saw certain pitfalls of mobility, given the different European ATCO ratings. Moreover, some caution was expressed that the mobility of ATCO should not lead to a situation like in the pilot area, where pilots are attracted by those airlines paying the most. The Commission said that Europe is moving towards a more integrated system, allowing for interoperability and interchange ability of ATCO; standardisation would be of key importance here.

The Chair summarised the discussion as follows:

1. The Board commended the good progress made by EASA and expressed its confidence that the rulemaking work can be completed within the given timeframe, including a minimum delay on Non Commercial.
2. The Board underlined the need to also develop the respective "soft law" in good time for stakeholders; a "rapid response mechanism" should be put in place to address any last minute difficulties or incoherence.

Future of AGNA

The ED presented a note on the future of AGNA (WP03b). He said that AGNA originally had been created to provide advice to EASA mainly in the airworthiness domain. However, the extension of the Agency's scope to OPS, FCL and ATM/ANS and Aerodromes, raised the need to review the AGNA structure in order to ensure that AGNA is able to provide professional advice in all EASA domains. Moreover, such group would also have to take over safety advisory task handled so far by the Safety Regulation Commission of Eurocontrol (SRC). Considering that no single group would be able to provide expert advice in all fields of EASA competence at the same, the ED suggested a division of the current AGNA into three different groups dedicated to (1) Airworthiness, (2) OPS and FCL and (3) ATM/ANS and aerodromes. This approach would assure a balanced representation of experts from all domains. The ED said that no decision would have to be taken at MB 01/2011 but that comments from the Board would be welcome.

The Commission raised some concern on the proposed split-up into specialised expert groups, as this might endanger the capacity of a "multi-disciplinary working method". A possible solution could be a "middle way", ensuring both the right level of experts and a multidisciplinary approach.

The Board acknowledged the importance of having specialized expert groups in all domains under the Agency's remit, which provide an appropriate level of advice to the Agency in all its fields of activity. At the same time, the Board saw the need of having an "overarching" coordinating structure e.g. in form of a multidisciplinary expert group, focusing on both technical and



policy issues. It was suggested that AGNA remains as coordinating group, for any subgroups to be created. At the same time the Board noted that it will be difficult to maintain an “overarching” structure with all experts (around 80 persons). The ED underlined the importance of creating a group that is manageable and said that pragmatic solution is needed here.

The Board noted that the future of AGNA is currently also being discussed by the Rulemaking Review Group. The issue should be discussed in the global context of the rulemaking review and a clear position on a common understanding of the role and purpose of AGNA should be taken beforehand. The division of experts at national level should also be taken into account. The Board agreed to come back on this issue at the MB meeting in June or September.

Considering that the ATM/ANS domain is currently fully separated from AGNA's advisory role, the ED reminded the urgency of organising the transfer of safety advisory tasks dealt with by the SRC. The Board acknowledged this urgency and encouraged the Agency to establish a specialized expert group for ATM/ANS in close liaison with the SRC.

The Chair summarised the discussion as follows:

1. The Board acknowledged the importance of having specialised expert groups in all domains under the Agency's remit, which provide an appropriate level of advice to the Agency.
2. At the same time, the Board saw the need of having an “overarching” coordinating structure e.g. in form of a multidisciplinary expert group, noting that it will be difficult to maintain an “overarching” structure with all experts (around 80 persons); Members felt that a clear and common understanding of the role and purpose of the AGNA function is essential.
3. The Board noted that the future of AGNA is currently also being discussed by the Rulemaking Review Group. The Board agreed to come back on this issue at the MB meeting in June or September.
4. The Board acknowledged the urgency for the Agency as regards the transfer of tasks dealt with so far by the SRC and encouraged the Agency to establish a specialized expert group for ATM/ANS in close liaison with the SRC.

7. Safety Strategy

The ED gave report on the meeting of the European Aviation Safety Advisory Group (EASAC) held on 17 February 2011. On the European Aviation Safety Programme (EASP), he said that the Commission, as designated owner, will try and have the EASP approved by the Council of Transport Ministers. Following the conference organised by the Commission on EU Aviation Safety



Management on 26 January 2011 in Brussels, it had been agreed to also consider aspects of "just culture". The Agency in the meantime continues its work on the annual update of the EASP.

The Commission said that they are in process to adopt a white paper ("roadmap") on transport, with strong emphasis on aviation safety. Progress is being made towards a communication. The main objective is to present a common European approach and to promote Europe as the safest region for aviation in the world. Following a question on the legal basis for implementing the EASP, the Commission said that the EASP will be presented to the Council of Transport Ministers who have to decide on appropriate measures for implementation.

As regards the European Aviation Safety Plan (EASp), the ED said that EASA remains the owner and continues its work in developing the EASp. Focus is put on the aspects of (1) loss of control in flight and (2) runway incursion/excursion. He said that the Agency's Annual Safety Conference will also focus on these topics. As regards the implementation of the EASp the ED said that there currently are no legal means to impose the implementation of the plan on Member States. However, it was suggested by EASAC to request Member States to voluntarily commit to what has been endorsed.

The Board commended the excellent progress made by the Agency, respectively EASAC, as regards the development of a European Aviation Safety Strategy.

Question was raised on how the Agency envisages to keeping the EASp updated. The ED explained that EASAC will continuously progress work at their meetings and that it is planned to present an updated EASp at MB 04/2011 in December. Members asked on how the Agency foresees to invite Member States for voluntary commitments on the EASp. The ED explained that the EASp will be send to all Member State; a voluntary commitment would then be made by a letter of consent.

The Chair summarized the discussion as follows:

1. The Board commended the excellent progress made by the Agency, respectively EASAC, as regards the development of a European Aviation Safety Strategy.
2. The Board noted the success of the conference on EU Aviation Safety Management held on 26 January 2011 in Brussels.
3. The Board encouraged the Agency's to go ahead with its plan of inviting Member States to voluntarily commit to the EASp via a letter of consent.



8. Human Resources Strategy

The Head of the Human Resources Department presented his report on HR strategy (WP05), addressing questions raised during the discussion at MB 03/2010. On staffing, he provided information on the Agency's staff professional background, the settlement in Cologne and the key results of the Agency's first staff motivation survey. Moreover, he gave report on the status of recruitment, the salary benchmarking, overtime as well as on the use of Seconded National Experts (SNE) and the new EASA Traineeship policy. Finally, he spoke about the challenges ahead, namely the development of staff competences and internal mobility. In this context he mentioned the survey on aviation competence and the planned competence survey in non-aviation areas and functions. He also outlined the concept of temporary placements/secondments of EASA experts to industry.

Members commended the report provided by EASA, noting the importance for the Board of having regular updates on HR matters. The Board agreed that continuous development of EASA staff and keeping-up with technical developments (e.g. via a training programme) is of key importance for the Agency. The proposed secondments of EASA experts to industry were very much welcome in order to maintain technical expertise. On the other hand sending industry or NAA experts for a temporary placement to EASA was considered as equally important. The ED explained that it is planned to send EASA experts to industry only for a temporary "stage" with the aim to update their knowledge. The MB Chair said that the secondment of experts is a two-way process and the Agency would have to be flexible in this regard.

The Board commended the positive results of the staff motivation survey carried out by the Agency, in particular the fact that EASA staff is proud of working for the Agency. Question was raised on how the Agency plans to organise the follow-up on issues raised. The ED said that the study was presented only recently and that results are currently being analysed internally in order to find the right ways to systematically address the findings; a follow-up survey is planned for end 2011. The Agency foresees to repeat the survey on an annual basis.

The Commission welcomed the positive messages contained in the report, in particular on stabilisation and staff motivation, noting that the Agency's forward-looking approach to be "technical best in Europe" is very encouraging. Given the low turnover rate within EASA, the Commission reminded that this inherits a certain risk of becoming disconnected with the state of the art. Addressing this risk through secondments of EASA staff to industry and similarly of NAA experts to EASA was seen as a good solution, but the potential difficulties of secondment and use of SNE within the EU framework should be duly taken into consideration. Finally, the Commission



reminded the discussion on resources, staff salary etc. at EU level which might give need to find alternative ways of developing staff motivation.

EAB welcomed the idea of recruiting more experts from the industry sector as this would ensure that regulators remain connected with industry.

The Chair summarised the discussion as follows:

1. Members commended the report provided by EASA, noting the importance for the Board of having regular updates on HR matters.
2. The Board commended the positive results of the staff motivation survey carried out by the Agency, in particular the fact that EASA staff is proud of working for the Agency.
3. The Board underlined the importance of developing a detailed action programme within the Agency to address weak points identified by the staff motivation survey, and expressed its wish to be informed of such a programme at a future meeting.
4. The Board brought up several ideas on how to maintain technical expertise and professional capacity within the Agency, namely: (1) possibility of employment outside Cologne, (2) secondment, (3) inter-institutional discussions and (4) training strategy.

9. ENaCT Report

The ENaCT Chair presented a report on ongoing ENaCT activities (WP06), focussing on certification strategy and outsourcing principles. On certification strategy he said that the Agency had completed visits to 10 authorities, providing ENaCT with a good understanding of both NAA's and EASA's needs and requirements. This will enable the Agency to propose a revised certification strategy to be presented and discussed at MB 02/2011 in June. On outsourcing principles he said that ENaCT had reviewed and discussed the draft MB decision on allocation of certification tasks and recommended the adoption of the revised decisions by the MB.

10. Allocation of Certification Tasks

The Chair introduced the Draft MB Decision on the guidelines for the allocation of certification tasks to NAAs and QEs. He underlined that this decision is intended to open the floor to QEs and thereby ensure compliance with EU procurement rules. In addition, it shall ensure the long-term stability of the certification system with the right level of expertise. He confirmed that the level and quantity of outsourcing of Agency work to NAAs would be one of the elements of the wider certification strategy to be discussed at the next MB meeting.



Members agreed on the importance of taking this decision and commended the good progress made towards a workable solution. It was noted that the way forward proposed by the Agency is the best practicable one in the current context, reminding the difficulties to establish a level-playing field for NAAs and QEs. Reducing the red-tape and administrative work by the Agency in the allocation of certification tasks should be a main objective.

France presented a proposal for amending Article 4 of the MB Decision, with the intend to better reflect the three-step process, the priority to technical evaluation and to the order of priority for day to day allocation criteria.

The Chair acknowledged the importance of Article 4 and said that the proposal submitted by France would bring an added value to the allocation process and steps. Members welcomed the amendments proposed by France.

The Commission commended the satisfactory outcome of the discussion on outsourcing and the good progress made towards an agreeable solution. The Commission also welcomed the precisions proposed by France as they correctly reflect the discussion. The Commission said that the main challenge will remain to make the concept foreseen in the MB Decision operational (e.g. via framework contract).

The ED said that he is not much in favour of any amendments to Article 4 as all aspects had been subject to debate and finally been agreed within ENaCT. However, it should be up to the Board to make the final decision. He expressed his particular concern as regards the 80:20 ratio proposed for weighting technical and financial evaluation as this should be up to the Agency to decide. France said that the 80:20 ratio had been added to give tangible dimension. However, if the MB should opt for a more general wording, this would also be acceptable. Most importantly, the MB Decision has to be compliant with the EU procurement rules and should ensure that technical capacity precedes over financial considerations.

Some Members felt that the MB Decision should explicitly provide for the possibility of "grandfathering" accredited NAAs. Moreover, Members noted the legal constraints existing under certain national laws regarding the competition between NAAs and QEs.

The Commission said that an explicit "grandfathering" would not be possible for legal reasons. Instead, a balanced approach could be found via a framework contract, creating the detailed conditions. The ED acknowledged that current NAA accreditations remain valid in the area concerned and that the process will not have to be restarted again. The Chair noted that there would be no tendering for a specific task but that NAAs would be added to a list of accredited suppliers.



The consequences for NAAs which have started the accreditation process but have not yet finalised it were questioned. The ED explained that the accreditation process will only change when the scope of activities changes; with no change in scope, the accreditation process would continue as is.

On the competition between QEs and NAAs, the ENaCT Chair underlined the importance of the three-steps process contained in the MB Decision; with this, there would be no direct competition between NAAs and QEs.

EAB reinforced the need for having explicit criteria on the independence of QEs on technical and financial aspects as the credibility of certificates issued is of core importance for the applicant and third parties. The ENaCT Chair suggested taking this into account via an explicit reference to the criteria for QEs mentioned in ANNEX V of the Basic Regulation.

Following the discussion, a revised amendment to Article 4 was presented to the Board. A detailed analysis of the text proposal was undertaken; amendments and changes proposed by MB Members were taken on Board, namely (1) replacement of the 80:20 ratio by a general wording and (2) adding an explicit reference to the criteria of Annex V of the Basic Regulation, in particular the non-conflict of interests and financial independence requirements. The Board agreed on the amended text.

Spain, supported by the Netherlands, asked for explicit assurance on "grandfathering rights" for accredited NAAs in the MB Decision. The Board took note that such grandfathering is recognised by the MB Decision, in particular through its' Article 15.

The MB Decision on guidelines for the allocation of certification tasks to NAAs and QEs was formally adopted by the Board. The Board agreed to keep the issue under continuous review via the ENaCT group.

11. Transition from ESIMS to ATM/ANS standardisation

The ED introduced a note on the transition from ESIMS to ATM/ANS standardisation (WP08), including a letter from the European Commission explaining its view on the ATM oversight system in Europe after the entry into force of EASA's implementing rules. The ED said that the Agency had supported the Commissions' position and confirmed its formal agreement on the principles presented in the Commission letter.

He explained that the current cycle of the ESIMS Programme will expire at the end of 2011. The ATM/ANS standardisation activities currently conducted by Eurocontrol and the ESIMS Programme should be transferred to EASA Standardisation Inspection Programme by 01 January 2012. As regards the oversight of non-EU Eurocontrol Member States, he said that the Agency would be ready to include them into its ATM/ANS standardisation programme



as from 01 January 2012 via amendment of all the pan-European working arrangements by the end of 2011.

Members generally supported the proposed way forward and acknowledged EASAs' confirmation of agreement on the transition principles.

A question was raised as regards the planned review of Regulation (EC) 736/2006. The MB Chair explained that the first step will at least review the need to reflect the new domains of the 2nd extension. Furthermore, maybe at a second step, a review of the underlying philosophy might be needed.

Members noted the lack of clarity as regards the roles and responsibilities of the different players involved in the standardisation process (e.g. EASA, Eurocontrol, NAAs). To assure efficiency gains and facilitate work for NAA, as permanent solution EASA should become the single responsible body for standardisation. The ED said that EASA is already in charge, having the responsibility for standardisation teams and using the EASA standardisation methods; at the same time EASA still has to rely on Eurocontrol and NAAs to populate the standardisation teams. The Commission confirmed that the Council of Ministers had given the mandate to EASA to conduct standardisation inspections in the fields of ATM/ANS, as this was considered being the most effective and resource efficient way. The main challenge now is the smooth transition from ESIMS to EASA ATM/ANS standardisation.

Question was raised as regards the transfer period and on how long it would take for EASA to have the necessary resources in place. The ED explained that EASA currently is recruiting the standardisation team leaders to be available by 01 January 2012. At the same time, no clear indication is possible on when EASA will be capable of carrying out the standardisation activities in the ATM/ANS without any involvement of Eurocontrol. Due to resource constraints, the help of Eurocontrol probably will be needed for some more time. The door is also open to stakeholders e.g. NAAs to provide experts for standardisation activities.

Moreover, it was asked how the results of the ESIMS peer review would be taken into account in the standardisation process. The ED explained that Eurocontrol would have to provide access to the peer-review results.

Members asked for clarification regarding the timescale for amending the working arrangements with non-EU Eurocontrol Member States. The ED said that the text amendments to cover ATM/ANS standardisation shall be ready in summer 2011 and be fully completed by end 2011.

The Board acknowledged EASA's confirmation of agreement on the transition principles.



12. EASA office in Brussels

The ED presented a note on the set-up of an EASA office in Brussels (WP09). He underlined that the Agency is prudent to continue with the single office policy in Cologne. However, with the extension of the Agency's scope of work and mandate, the Agency finds itself increasingly at the heart of European Union aviation policy. This has necessitated a closer working relation with the Commission and the EU institutions, as well as with Eurocontrol and SESAR JU in the specific field of ATM/ANS. Major benefits would also be (1) to facilitate work of EASA Senior Management conducting meetings in Brussels by providing them with "hot desks" and IT tools, (2) to recruit and establish in Brussels ATM officers in the field of rulemaking and oversight. He concluded by saying that the Brussels offices would be composed of a small team in the ATM field and of staff members ensuring the function of a permanent representation and gathering of information.

Recognising the need for EASA of having a permanent representation in Brussels, the Board generally supported the establishment of a local office as presented by the ED.

The Commission also supported the idea, noting that there are valid reasons and several other Agencies had already opened a representation in Brussels. Some concern was raised as regards the specific tasks related to Eurocontrol, as the permanent representation should cover all EASA domains. Members agreed that ATM/ANS should not become isolated in Brussels.

Members asked for further clarification on the costs and resources involved, as well as on the format and location of the office. Question was also raised on the relation with the Commission and Eurocontrol, given that the establishment of an EASA office in Brussels might run against the independency of the Agency.

The ED explained that a preliminary analysis had been done by the Agency beforehand. On costs he said that monthly rental costs per m² in the Schumann district are about 100 Euro less than for equivalent office space in Cologne. On the size he said that it is envisaged to have first a team of about 10 people covering both the liaison function and the work in the field of ATM/ANS; overall the analysis had show positive effects on the budget.

The Chair of the FABS Committee asked whether the establishment of an EASA office in Brussels would be instead of renting extra office space in Cologne. A caveat should be added that renting office spaces in Brussels should be within the overall EASA budget for housing.

The Board concluded the discussion by providing its consent on the establishment of an EASA local office in Brussels.



13. Finance and Business Services Committee

The Board agreed to take up the report of the Finance and Business Services Committee under the respective agenda item.

14. Adoption of the 2012 Draft Budget, Draft Work Programme and Establishment Plan

2012 DB, DWP and EP

The Agency's Finance and Business Services Director introduced the key points of the Draft Work Programme (WP11d), including the implementation of the "fast track", the activities linked to the 1st extension (incl. Flight Standards, FCL and OPS), the strengthening of the certification structure (specifically for CAW activities) and rulemaking activities re 2nd extensions. On the Establishment Plan the Director said that this is part of the Work Programme.

The Chair of the FABS Committee said that the FABS Committee had assessed the Draft Work Programme in detail and recommendations made by the Committee had been duly taken into account; the Committee now recommends the Draft Work Programme to be adopted by the Board.

Members commended the quality of the document, noting the significant improvements made regarding length and understanding. It was suggested to summarise the key points and main challenges as initial page. EAB raised concern as regards the envisaged F&C costs and the required resources for tasks related to Third Country Operators approvals. The Chair said that resources needed depend on the outcome of the regulation.

The Board adopted the Agency's 2012 Draft Budget, Draft Work Programme (subject to inclusion of a summary on key points and challenges) and Establishment Plan.

The Chair explained that the adopted documents would be submitted to the Commission for the budgetary process. The Board would then have to come back to the 2012 Work Programme at the June and September meeting. The MB Chair invited MB Members to raise their comments on the Work Programme by 15 of April.

Review of KPIs

Question was raised as regards the review of KPIs. The FABS Committee Chair said that the development of a comprehensive set of KPIs is underway, including elements covering (1) Management Board Performance Indicators (MPIs), (2) Director/Executive Management Indicators (DPI) and (3) ISO KPIs. A first proposal for EASA Management Board Performance Indicators



(MPIs) had been developed by the FABS KPI working group and presented to the Board in form of a matrix.

The MB Chair said that given the large number of KPIs contained in the Work Programme, the FABS KPI working group should focus on "key" performance indicators. The Commission welcomed the matrix approach taken for MPIs but underlined that "lower level" KPIs e.g. at the level of Director/Executive Management Indicators (DPIs) should fit into this matrix. EAB said that the key challenge would remain to put the KPIs to practise. The ENaCT Chair offered to provide some assistance to the FABS committee re the preparatory work, in particular in the field of certification.

The Board agreed to go ahead with the approach taken by the FABS Committee. The Chair emphasised the importance of the Agency working closely with the FABS KPI Working Group to agree a small number of suitable indicators for inclusion in the next round of planning documents.

15. Adoption of the Staff Policy Plan 2012-2014

The Finance and Business Services Director presented the Staff Policy Plan 2012-2014 (WP12c). He said that the Commission Opinion on the SPP 2012-2014 had been received, most notably with a decrease of 2 subsidy-financed posts (on the 4 requested by the Agency). Once adopted, the final document would be submitted to the Commission by End March 2011.

Apologising for the late submission of their opinion, the Commission said that further improvements are required regarding the vacancy rate within the Agency.

The Board adopted the Agency's Staff Policy Plan 2012-2014.

On request by the FABS Committee Chair, the Agency's Finance and Business Services Director provided additional information on the Agency's budgetary results and the review of the F&C Regulation. On budgetary results he said that following last years remarks of the Court of Auditors there will be a change in the Agency's accounting policy with regard to the revenue recognition method applied, taking full advantage of the of the SAP system features. More detailed information would be provided in June. As regards the review of the F&C Regulations, he said that the proposal for the 3rd generation of the Agency's Fees and Charges Regulation has been further discussed with the Commission. On request of the Commission it was agreed to continue with a one step approach and to have the revised F&C Regulation approved by end 2011.



16. Review of MB Rules of Procedure

The Swedish Board Member and Chair of the legal working group presented a proposal for revised MB Rules of Procedure (WP13). She said that the main objective had been to clarify and facilitate the rules. The review had been undertaken not only to accommodate the recommendations from the IAS audit but also to do a complete revision and update of the rules. The Chair said that the two most significant amendments relate to Article 2 "Term of Office and Nominations" and the number of Alternates as well as to Article 3 "Chairmanship" and the question of 2/3 majority vs simple majority.

As regards the number of Alternates the MB Chair said that all Member States should be given equal opportunities; considering that the Commission had already nominated three Alternates, this approach should apply to all. However, the Working Group should elaborate further on a provision which strictly limits the number of representatives attending a meeting (e.g. max 3), in order to keep the size of the MB meetings manageable. The Board supported this position, reminding that attendance should be limited to three representatives, regardless of their status as Member, Alternate or Adviser; Article 4 of the (revised) RoPs should thus be amended accordingly.

On Chairmanship, the MB Chair said that the question of having a 2/3 or simple majority voting in the third ballot is purely academic, as in most cases the candidate with less votes would most probably withdraw from the election. Member shared this view, reminding that the rules should be kept as simple as possible and deviations to the original text should be limited.

Finally, Members underlined the importance of keeping the time limit of two weeks for the submission of MB documents for decision; MB documents should be made available to the Board as early as possible.

The Board asked the RoPs working group to take these recommendations on board. The final version will be submitted at MB 02/2011 in June for decision.

17. AOB

The ED presented a handout on a European Ombudsman (EO) proposal for a friendly solution in an inquiry against EASA regarding the translation of NPAs. He explained that an amateur pilot had raised an EO complaint against EASA's decision not to make available translations of its NPAs. Consequently, the EO had proposed a friendly solution according to which EASA should consider providing a translation of its NPAs or, where appropriate, a summary thereof in all the official languages of the EU in the future. The ED explained that from the Agency's perspective the translation into 21 languages would have major impacts on financial and human resources. While the translation of EASA Opinions is mandated by the Basic Regulation,



there is no similar requirement as regards NPAs. The translation of a summary alone might not help the public much further to participate in the public consultation process in view of the MB competence in translation policy matters, he invited the Board to provide further guidance to the Agency.

The Commission said that from a purely resource point of view, there should be a clear “no” on the translation of NPAs. However, the Agency should also consider the consequences when the issue is being considered by the EO as “an instance of maladministration”; this might lead to an escalation of the issue. A possible compromise to be proposed to the EO thus could be to translate the NPA title in all 21 EU languages and to provide on request an executive summary in the respective EU language.

The MB Chair reminded that the Board had already discussed the translation of NPAs at MB 01/2009 and did not support the translation of NPAs by the Agency. At that time it was suggested that entities should refer to their NAAs in case they should they have a problem of understanding a given NPA.

Members supported the Commission’s proposal to give a positive signal to the EO and avoid any escalation of the issue. The Board underlined that under no circumstance should the question of translating “soft law” (e.g. AMC/GM) become subject to the debate.

The ED said that NAAs should be encouraged to provide translations in their national languages (if available) to EASA. It was noted that mandating NAAs to provide NPA translations would not be appropriate in view of budget and resource constraints at NAA level. The Chair said that there is no expectation on NAAs, but that they could provide translations on a voluntary basis.

The Board agreed that some positive offer should be made to the EO which would deescalate the situation and reduce the risk for the Agency of being held accountable for maladministration.

The Chair closed the session thanking all participants for a fruitful meeting.



ANNEX 1: List of Attendance

Members

	MEMBER	ALTERNATE	EXPERT
AUSTRIA	Karl Prachner		Franz Nirschl
BELGIUM	Frank Durinckx		Didier Ledur
BULGARIA		Eleonora Dobрева	
CYPRUS	Leonidas Leonidou		
CZECH REPUBLIC		Vítězslav Hezký	Viktor Nath
DENMARK		Per Veingberg	Kent Hansen
ESTONIA	Koit Kaskel		
FINLAND	Kim Salonen		
FRANCE	Maxime Coffin		Genevieve Eydaleine
GERMANY			Thomas Burlage
GREECE			Georgios Sourvanos
HUNGARY			Tamas Revesz
ICELAND*	Petur Maack		
IRELAND	Ethna Brogan		Kevin Humphreys
ITALY	Alessio Quaranta	Benedetto Marasa	Carmine Cifaldi
LATVIA			
LIECHTENSTEIN*			
LITHUANIA			
LUXEMBOURG			
MALTA			
NETHERLANDS	Ellen Bien	Jan-Dirk Steenbergen	Pieter Mulder
NORWAY*	Heine Richardson	Oyvind Ek	Tom Egil Herredvela
POLAND	Grzegorz Kruszynski		Darius Gluszkiewicz
PORTUGAL			
ROMANIA	Claudia Virlan		

* Members without voting rights



	MEMBER	ALTERNATE	EXPERT
SLOVAK REPUBLIC	Peter Patoprsty		
SLOVENIA	Mirko Komac		
SPAIN		José M. Ramírez Ciriza	
SWEDEN	Ingrid Cherfils	Lars Österberg	Magnus Molitor
SWITZERLAND*	Marcel Zuckschwerdt		
UNITED KINGDOM	Michael Smethers (Chair)		Pat Rickets
EUROPEAN COMMISSION	Matthias Ruete	Eckard Seeböhm	Nathalie Vande-Velde Matthew Baldwin

Observers

	MEMBER	ALTERNATE	EXPERT
EASA ADVISORY BOARD¹	Vincent De Vroey	Claude Schmidt Thomas Leoff	
ALBANIA¹	Genci Resuli		
BOSNIA AND HERZOGOVINA¹		Selma Hodzic	
CROATIA¹	Jure Saric		
FORMER YUGOSLAV REPUBLIC OF MACEDONIA¹			
MONTENEGRO¹			
SERBIA¹			Dragan Tesla
U.N. MISSION IN KOSOVO¹			

¹ Observers without voting rights.



ANNEX 2: Action List

No.	Action number	Description action	Action holder	Deadline
1	# 03/MB 03/08	Amend & resubmit the proposed Procedure for the Selection of EASA Directors following submission to the Commission	EASA	Awaiting response from Commission
2	# 01/MB 01/10	Review of MB RoPs re voting procedures in the light of the recommendations from the IAS audit	EASA/MB	MB 02/2011
3	# 01/MB 03/10	Progress report on rulemaking in the context of the extension of Community competences	EASA/Commission	MB 02/2011
4	# 09/MB 02/10	Submit paper on EASA certification strategy	EASA	MB 02/2011
5	# 01/MB 04/10	Review of the Agency's Planning Cycle	EASA/FABS	MB 02/2011
6	# 02/MB 04/10	Provide lists of key actors and contacts re volcanic ash issue	Commission	MB 02/2011
7	# 03/MB 04/10	Provide final version of EASA-Eurocontrol partnership agreement to MB Members	EASA	MB 02/2011
8	#04/MB 04/10	Review of necessity to provide F&C performance information to MB Members	EASA/Commission	MB 02/2011
9	#08/MB 04/10	Prepare MB discussion on SAFA inspections	Commission	MB 02/2011
10	#01/MB 01/11	Strategy on future of AGNA	EASA	MB 03/2011
11	#02/MB 01/11	Submit paper on EASA research strategy	EASA	2011
12	#03/MB 01/11	Report on Action Programme on staff survey	EASA	MB 02/2011
13	#04/MB 01/11	Production of KPIs for next planning cycle	FABS	MB 04/2011