



**MINUTES OF THE MEETING OF THE**

**EASA MANAGEMENT BOARD**

**HELD ON**

**15 DECEMBER 2010 (MB 04/2010)**

**AND SUMMARY OF DECISIONS TAKEN**

**SUMMARY OF DECISIONS**

At its meeting held on 15 December 2010, the Management Board:

- Endorsed the European Aviation Safety Programme Manual;
- Endorsed the European Aviation Safety Plan 2011-2014;
- Formally adopted the Agency's Business Plan 2011-2015;
- Formally adopted the Agency's 2011 Budget.



**0. List of Attendees – Please see ANNEX 1**

The Chair opened the meeting and welcomed all participants.

**1. Adoption of the Agenda**

The Agenda was adopted as presented. The Chair announced that an explanatory note on waiving the immunity of the ED in the context of the AF447 accident would be presented by the Agency under AOB.

**2. Adoption of the minutes of the previous meeting**

The Board reviewed the draft minutes of MB 03/2010 (WP02). On the adoption of the Work Programme 2011 by written procedure France noted that some changes had been included after MB 03/2010 without giving MB Members possibility to comment. This should be avoided in the future. France also said that the Board should discuss and agree on the Agency's planning cycle at the next MB meeting. The Chair asked the FABS Committee to have a closer look at the EASA planning cycle for the MB 02/2011 meeting in June. The Commission requested to have the Agency's Multiannual Rulemaking Programme be adopted by the Board together with the Work Programme. On volcanic ash issues Norway asked whether the Agency would be in the position to take over leadership. The Chair explained that leadership should be in cooperation with the Commission and Eurocontrol.

The draft minutes of MB 03/2010 were adopted as presented.

The Board went through the action list attached at Annex 2 of WP02. On action #03/MB 03/10 the Chair said that the paper provided by EASA is not sufficiently clear on the roles and functions of key actors in the volcanic ash issue, in particular as regards the European crisis cell. The Commission explained that the role of the crisis cell goes beyond the volcanic ash issue and that its actual composition depends on the type of crisis. The Chair invited the Commission to produce a follow-up paper, clearly identifying on "who is doing what" in the volcanic ash issue. The Commission agreed to provide a paper with names and telephone numbers.

**3. Comments from the Chair**

The Chair commended the Agency on the successful completion of the ISO 9001:2008 certification, underlining that the Agency has achieved to be the first EU body to receive this certification. On the MB sharepoint application, the Chair said that the EASA IT Department is heavily working on solving the technical issues encountered with respect to the module that controls access. A sustainable solution is expected soon.



#### **4. Report of the Executive Director**

The ED presented his report on developments since MB 03/2010 (WP03a). He underlined inter alia the following elements of the report:

- European Aviation Safety Programme (EASP) and Plan (EASp) produced;
- Advance NPA re effects of volcanic ash on aircraft engines;
- New Regulation (EC) 996/2010 on Accident Investigation;
- Follow-up on Koito seats issue: visit to Koito facilities;
- A380 Qantas Airline incident: EASA involvement in airframe and engine CAW activities;
- Rulemaking Programme 2010: implementation rate 100%;
- 1<sup>st</sup> extension: FCL adopted;
- Eurocontrol: partnership arrangements in place;
- International cooperation: support to EUROMED project;
- Evaluation of EASA support activities: good balance;
- 2009 stakeholder survey published: average satisfaction rate (75-85%);
- Alternative EASA headquarters: offer received, negotiation plan agreed;
- Budget implementation: commitments level 96%, payments level 66%;
- Technical Training: 26 sessions, 26 courses, 183 EASA + 56 NAA attendees.

In discussing the ED report the following points were made:

Netherlands asked for further details regarding the Koito seats issue, in particular on the planning and next steps, the envisaged implementation date for a final AD and on how remarks from industry would be integrated. The EASA Certification Director explained that a proposed AD has been issued for consultation and briefing sessions with industry and foreign NAAs are organised. EASA and FAA visited the Koito facilities in November 2010 for review the testing that has been conducted by Koito under the oversight of JCAB. There are still several open actions from the meeting and coordination between EASA and the FAA continues. EASA and FAA are working through all comments received from stakeholders during the consultation period; it is expected that this process will be completed in February 2011. A new draft AD is expected for early 2011. The EASA Certification Director said that he would be pleased to provide any additional information on request.

France asked the Agency to provide the Board with a copy of the partnership arrangements agreed between EASA and Eurocontrol.

UK asked whether the Safety Information Bulletins (SIBs) discussed at the last EASA/NAA partnership meeting would be send back to NAAs for consultation. Moreover, UK asked for the Agency's plans regarding the organisation of a strategic forum to discuss standardisation issues. EASA explained that work continues in line with what had been agreed at the last partnership meeting and that discussion will continue with the Commission



and NAAs. The EASA Standardisation Director had been asked to organise a strategic forum to discuss standardisation issues.

The Commission pointed out that a strategic discussion on research is required, to determine how much research should be carried out by EASA and what should be carried out e.g. within the context of the 8<sup>th</sup> EC Framework Programme. The ED said that EASA would be happy to discuss the research issue, noting that research activities are not a stand-alone issue but should be seen in close conjunction with rulemaking and certification activities. The Chair suggested to take up the research topic at one of the next MB meetings, based on paper prepared by the Commission and EASA.

Norway asked whether the Agency is still facing difficulties with regard to the recruitment of its staff. The ED explained that there is no recruitment issue. However, the recruitment process is very long (around 3-6 months), causing the risk of a gap when a staff member is leaving the Agency. Fortunately, the turnover rate within the Agency is only minor. The Board agreed that a more detailed discussion on HR issues takes place at MB 01/2011 in March.

Members questioned the added value of regularly providing "Fees & Charges Performance Information" to the Board. It was suggested that EASA and the Commission review this issue. The Commission underlined the need for a revision of the Fees & Charges Regulation and said that they are trying to get the Commission opinion on the new proposal ready shortly.

## **5. Rulemaking in the context of the extension of Community competences**

The Agency's Rulemaking Director introduced WP04, providing a summary of EASA rulemaking activities on the 1<sup>st</sup> and 2<sup>nd</sup> extension since MB 03/2010.

As regards the 1<sup>st</sup> extension, he said that EASA continued along the agreed lines, strictly adhering to priority setting. He underlined the adoption of the Part-FCL opinion and the delivery of the CRDs on AR/OR and OPS as planned. Moreover he pointed out that conferences on AOR and CAT/SPA A+H as well as a dedicated helicopter performance session at the EASA Rotorcraft Forum were organised to inform stakeholders. Finally, he outlined the next steps re 1<sup>st</sup> extension rulemaking activities.

On the 2<sup>nd</sup> extension, the Rulemaking Director said that progress had been made both in the domain of ATM and aerodromes. In the ATM field he highlighted that within the fast-track process the draft regulation on ATCO licensing had been submitted to the EASA & SES Committee and the draft regulations on ANSP requirements & safety oversight had been submitted to the SES Committee. Apart from the fast-track opinions, the Agency has further continued its rulemaking activities in line with the priorities set by the



Commission and aiming at the full implementation of the Basic Regulation. He also underlined that the Agency had contributed actively in developing the SES implementing rules on the ATM Network Management Functions and Functional Airspace Blocks and made good progress as regards stakeholder relations, e.g. via Eurocontrol partnership, the SESAR programme or increased military involvement in rulemaking.

Regarding aerodrome rulemaking he recalled that the Basic Regulation foresees the adoption of aerodrome IRs by 2013. 3 key rulemaking tasks (ADR.001 – aerodrome operators & oversight authorities, ADR.002 – aerodrome operations, ADR.003 – aerodrome design) are ongoing; the first two meetings of the related rulemaking groups took place. Moreover, the Annex 14 implementation study was completed, covering all EU States (but 1). As key criteria reflected in future rules he mentioned (1) individual certification basis and (2) seamless continuity for airport market.

#### Discussion on 1<sup>st</sup> extension

The Board welcomed the report provided by the Rulemaking Director and commended the good progress made by the Agency.

Several Members noted that the rulemaking schedule for 2011 is very ambitious. Considering this, the schedule should be reviewed, in particular as regards task with no high safety priority.

The Commission recalled that 2011 will be a challenging year for the Agency, in view of the rulemaking deadlines to be respected and bearing in mind the complexity of certain rulemaking projects. In the light of this, timing and scope of some rulemaking actions might need to be reviewed; a review and commitment on deadlines should be made in January 2011. The Commission noted that there is very little margin for discussion on controversial proposals, in order to comply with the given deadlines.

Members raised concern on the expected rulemaking workload in 2011, as the work foreseen in the Work Programme and Business Plan would go far beyond 100%. The Board should assess possible ways and means to mitigate this, e.g. by (1) simplification of rules and (2) better organisation (e.g. re interrelation between rulemaking groups, EASA and Commission).

The Chair underlined that the current rulemaking procedure has to be followed for present rulemaking tasks. However, the excessive demand on EASA rulemaking staff would need to be addressed. Prioritisation of tasks e.g. by having a closer look on the domains of non-commercial or general aviation might be a potential way forward.

The EASA Rulemaking Director acknowledged that the Agency would take their lessons learned from the 1<sup>st</sup> extension when it comes to the review of the rulemaking procedure. Moreover he said that the Agency would be happy



to revisit the planning for 2011 together with the Commission. On the level of workload, he said that EASA rulemaking staff is very committed but that any negative effects on health have to be avoided.

The Commission reminded to have no illusions re a significant reduction in workload; rulemaking at EU level is complex and deadlines set by the Basic Regulation will have to be respected with no possibility for change. The Commission proposed to firstly finalise the review of the rulemaking process, before the rulemaking issue is further discussed in the Board.

EAB noted that industry is quite satisfied with regard to the Part-FCL opinion but that there are still concerns as regards the AR/OR and OPS.

Some Members raised concern as regards the question of US (N-) registered aircraft. Difficulties might arise not only with regard to licences but also regarding maintenance. The Rulemaking Director said that through the FAA, a comparison between the US licences requirements and the EU approach would need to be made in order to identify differences. A potential way forward could be an Annex on "licensing" in the EU-US bilateral agreement.

#### Discussion on 2<sup>nd</sup> extension

EAB said that the introduction of the ACAS II software (version 7.1) should be swiftly adopted by Comitology, underlining that this important task should be taken up with priority.

Spain raised concern regarding the start of standardisation activities in the ATM field as foreseen in the Work Programme 2011. Given that Regulation (EC) 736/2006 has a strictly defined scope, a revision of the standardisation regulation should be undertaken as soon as possible. The EASA Rulemaking Director said that the Agency is working closely with the Commission on a revision of Regulation (EC) 736/2006.

## **6. European Aviation Safety Programme & Plan**

The Agency's Deputy Director for Strategic Safety introduced the European Aviation Safety Programme (EASP) and European Aviation Safety Plan 2011-2014 (EASp). He said that both documents had been developed under leadership of the European Aviation Safety Advisory Committee (EASAC) within a relative short period of time. The Director explained the concept of two deliverables, namely (1) description of activities and processes (EASP) and (2) detailed actions (EASp) and the rationale for having an Aviation Safety Programme and an Aviation Safety Plan at European level. With focus on the Safety Plan 2011-2014, he said that the plan had been developed following a bottom-up approach, whereby initial priorities were set up by aggregating the national priorities on safety risks provided by the Member States. He explained that the Safety Plan outline is composed of 3 sections



(1) systemic issues, (2) specific safety issues and (3) future risks or “look ahead”, but also take into account human factors and human performance (horizontal). The EASp also describes the process to collect input from Member States and the links with the European Aviation Safety Programme. As main benefits the Director highlighted a consistent approach to safety issues, improved cooperation and a reduction of overlaps. He concluded by saying that the initial EASp indicates an important first step but that as “ongoing document” it has to be maintained, updated and improved in collaboration with all stakeholders, depending on priorities changes.

As regards the Aviation Safety Programme, the Director explained that the EASP is the European approach to addresses ICAO requirements for State Safety Programmes in the framework of the European aviation safety system created by the Basic Regulation including the different actors, their roles and responsibilities. It describes the measures taken at European level to measure safety performances and how the system should work in order to continuously improve safety.

Members welcomed both documents as substantial contributions to aviation safety and commended the Agency for the excellent work done. Both, the EASP and EASp were seen as an excellent example of cooperation and partnership. There was agreement that the documents are a good starting point and that the support to NAAs in being compliant with ICAO rules will be addressed in the EASP

#### Discussion on European Aviation Safety Programme (EASP)

The Commission raised question on the ownership of the EASP. While the document could be seen as a specific programme produced by EASA, it might be desirable having a more comprehensive approach to be adopted at the EU highest political level .The EASP thus should be taken further by, refining existing elements and integrating new issues (all activities must be mentioned), with the aim to produce a comprehensive European Policy (“speaking with one voice”). The document on the table should be seen as EASA recommendation to the political level.

Members strongly supported the idea of political ownership and of having a wider EU strategy. It was considered important to bring the EASP up at EU political level and to give the document effects that go beyond the range of the EU (pan European dimension, mention of ECAA countries in the first release). At the same time Members noted that a pan-European and total system approach would be very ambitious, requiring a firm commitment of all actors involved. It was suggested that the Board endorses the EASP, signalling agreement with the Commission that this material should be adopted at the highest level.





Members noted that the EASP can be seen as a guiding element and road to follow but that some further work is required on the initial document; the draft should be subject to further consultation with Member States and industry in order to take their comments on board. Moreover, the view was shared that clarification is needed on the roles and responsibilities of key actors and on cooperation between NAAs and EASA. EAB noted that safety data sharing is a key element, requiring close partnership between EASA, NAAs and industry; increased funding is needed here. Regarding the practical implementation of the EASP, to give the programme effects at national level, there should be a clear interface with the Commission/EU that is playing the main role for defining EU wide policies/strategies.

The Chair summarised the discussion on the EASP as follows:

1. The Board commended the Agency for the excellent work done;
2. The Board agreed that it is not for the Management Board to adopt the EASP at the meeting; instead, the draft should be taken up at EU level for consideration of other aspects and for political endorsement;
3. The Board agreed that a pan-European dimension needs to be considered;
4. The Board endorsed the EASP, handing it over to the Commission to generate the political debate and to initiate the necessary governance proceedings to enable adoption at EU level.

The Commission underlined that the EASP is a solid basis for work. In view of adopting the EASP at EU level, the Commission suggested to present the EASP in broad lines (e.g "towards a European Programme") at the conference on EU aviation safety management on 26 January 2011. It was requested to send detailed comments to EASAC, in advance of the Conference, to improve the current document.

#### Discussion on European Aviation Safety Plan (EASp)

The Board agreed that the EASp is an excellent document, providing a good basis for further work.

Members agreed that at this stage, the Board is not prepared to formally adopt the EASp without further reflection, considering that a formal adoption would commit Member States to take particular action.

The Board shared the view that the initial EASp 2011-2014 was not ready to be officially published. At this stage, the document should only be distributed to NAAs and industry in order to allow for comments and further input. The Board agreed that a clear communication strategy is required, in particular as regards the risks identified and the specific actions to mitigate them; EASAC would be the right forum to reflect on the next steps to be taken. It was





nevertheless acknowledged that the publication of the EASp in a longer term was of importance, so that Member States have a clear view of the actions they are expected to take on board in their national Safety Plans.

Some specific comments were made on possible improvements of the EASp. UK noted that while the current document clearly indicates the risks identified, the deliverables need to be specific outcomes in order to see measurable improvements. EAB said that further work is needed on the training policy for pilots, e.g. clarification on the role of IGPT.

The Commission reminded that the architecture of the European Aviation Safety System is still changing; the priority should be to have the final rule structure in place by 2012/2013. Overall, the initial EASp should be seen as a working document that is consistently developing. The Commission suggested that "the Board welcomes the work on the first version of the EASp, encouraging EASA to take the work further".

The Agency's Deputy Director for Safety Strategy acknowledged that the EASp is a rolling document, noting that the current Plan is a pragmatic approach with emphasis and priority on what is currently being done.

The Chair summarised the discussion on the EASp as follows:

1. The Board commended EASA for the work done and agreed that the EASp is an excellent document, providing a good basis for further work;
2. The Board agreed that a formal MB decision would go beyond the remit of the Board at this stage, noting that there is need for further improvements and that more time is required for Member States to consider the document;
3. The Board agreed to warmly endorse the EASp 2011-2014, encouraging EASA to take the work further;
4. The Board shared the view that the initial EASp 2011-2014 is not ready to be officially published but that the document should be distributed to NAAs and industry in order to allow for comments and further input. Simultaneously, Members saw a need to officially publish the EASp in the long run in order to give the document the right effects;
5. The Board agreed that a clear communication strategy is required; EASAC will further reflect on the next steps to be taken.



## **7. ENaCT Report**

The ENaCT Chair presented a report on the ongoing ENaCT activities (WP06). The Board agreed to focus on point 1 “certification strategy” while point 2 “outsourcing principles” would be discussed under agenda item 8.

The ENaCT Chair said that the Agency had initiated a number of visits to NAAs in order to clarify and, as far as possible, quantify the needs of NAAs with respect to retaining competences in the airworthiness domain at NAA level. The interim reports provided by EASA showed a variety of needs with some common and some different views between NAAs. Welcoming these reports, the ENaCT working group continued to agree to properly set up the EU system as follows, in order to avoid any duplication of tasks: (1) identify NAA needs & requirements, (2) agree on the global needs in the EU system, and identify the number of experts to perform the tasks (recognised by all NAAs) and (3) improve cooperation to make best use of scarce resources, a good communication being part of it (e.g. via bilateral meetings).

Members welcomed the steps proposed by the ENaCT working group. The Board agreed to discuss the Agency’s certification strategy in further detail at MB 02/2011 in June.

## **8. Allocation of Certification Tasks**

The ENaCT Chair summarised the key elements of the discussion on outsourcing principles. He said that no real consensus had been reached within ENaCT as some NAAs were still hesitant on opening the market to QEs. Given the Agency’s proposal to select NAAs and QEs through a procurement procedure, NAAs were particularly concerned as there is no guarantee for NAAs to be chosen and consequently no certainty as regards workload and experts needed. This could make NAAs unable to retain their experts with negative consequences for them and for the global system.

ENaCT therefore had decided to have a new discussion based on an evaluation of risks for the system when (1) adopting or (2) not adopting guidelines to open outsourcing to QEs. As a result, ENaCT recognised the necessity to open the certification system to QEs in order for the Agency to continue with its certification tasks. Although not all NAA representatives shared the opinion of the Commission Legal Service, ENaCT agreed on the necessity for a pragmatic approach, sublimating national interest for the benefit of maintaining the European certification system. Given the three step process proposed by EASA (composed of (1) pre-selection, (2) accreditation and (3) allocation), ENaCT recognised that NAAs willing to participate in the system would be able to go through the first two steps without undue difficulties and that the core point would be the allocation of



tasks. ENaCT therefore recommended to the MB to adopt a decision that will allow launching the two first steps but to simultaneously continue work on the elaboration of a global strategy for certification and appropriate criteria for task allocation.

The Board in principle supported the three-step process proposed by the Agency, recognising the need for the Agency to outsource certification tasks to both NAAs and QEs in order to carry on with its certification tasks and to be in compliance with the EU legal requirements. The way forward recommended by ENaCT was generally accepted.

Several Members expressed their concern that under some national laws, NAAs might not be allowed to compete with private parties in a tendering process. Moreover, it was said that NAAs are not yet prepared to be treated the same way as the private sector. Further analysis would be required before a final decision on the outsourcing policy is taken, in particular on how to solve any legal constraints at the national level.

The Commission explained that the Basic Regulation provides for a legal guarantee to allocate certification tasks to both NAAs and QEs. Hence, there is no way for the Commission to intervene in this concept. The primary interest should be maintaining a quality certification system in Europe, but at the same time compliance with EU legal rules would need to be assured. The Commission recalled that it had not insisted to immediately change existing contracts but this situation could not continue as it could be easily challenged before the ECJ. The future system which has to be coherent with EU law should (1) maintain quality, (2) ensure competition and (3) avoid bureaucracy (e.g. by using framework contracts instead of making every contract subject to procurement ).

Members asked whether there is any possibility to put NAAs in a privileged position. The Commission said that this is not possible, but that legitimate means would need to be found to make the process not too difficult. It was noted that EU law allows balancing to a certain extent and that with the present criteria NAAs already seem to be in an advance position (e.g. certain requirement already complied with). It was suggested to communicate the principles for outsourcing to interested parties before the next MB.

Specific comments were raised on the criteria to be applied for the allocation of certification tasks. Some Members underlined that QEs would have to respect the confidentiality of information received by parties and reiterated the need for proper sharing of safety information between NAAs, QEs and EASA. EAB said that independence should also be taken into account besides the criteria of legal, economic and professional capacity. Moreover it was noted that aspects of labour law, e.g. social standards might need to be reflected in the tendering/allocation criteria, in order to ensure fair



competition between NAAs and QEs (e.g. in retaining a critical mass of experts). Finally, some Members underlined the importance for NAAs to retain their own experts in order to fulfil certain tasks.

The Chair summarised the key points of the discussion as follows:

1. The Board recognised that an MB Decision on the subject is required as soon as possible, in order for the Agency to continue with its certification work;
2. The Board recognised that EASA cannot continue to be in an illegal position;
3. Members took note of the fact that some NAAs might have a different opinion on the situation and agreed that interests of NAAs should be duly considered;
4. Members expressed their general support to the three step process of (1) preselection, (2) accreditation and (3) allocation;
5. Some Members indicated that any procurement system would need to take into account the potential impact on the NAA, any national implementation constraints,...;
6. Members agreed that fair balance is needed between (1) providing legal certainty for EASA and (2) not putting NAA expertise at risk.

In the light of the discussion, the Chair proposed not to adopt the related MB decision at the meeting, but to continue elaborating work within ENaCT and EASA, in particular as regards the main aspects for establishing outsourcing criteria (Art. 4). A formal decision would then have to be taken by the Board at MB 01/2011 on 15 March. The Chair invited all Members to reconsider the issue and to convey their potential concerns to EASA. In the meantime, EASA could already commence with step 1 of the process.

The Commission welcomed this approach and said that it would consult the Commission Legal Service in order to get a clearer picture on how to manage the issue of public vs private procurement in order to progress.

## **9. 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.



## **10. Adoption of the Business Plan 2011-2015**

The Agency's Finance and Business Services Director introduced the Business Plan 2011-2015. He said that the Business Plan 2011-2015 covers a period of challenge and change for the Agency and its stakeholders, most notably due to (1) the reduction of the EU Subsidy, (2) the elimination of the transition periods related to the extensions of the Agency remit and (3) the fast-track procedure for ATM/ANS activities. These challenges have been reflected in the proposed Business Plan. He underlined that the Business Plan 2011-2015 is completely balanced, for both regulatory and F&C activities and takes into account the results of the savings exercise performed as a result of the subsidy reduction.

The Director provided an overview on the key milestones 2011-2015 and the global economics, including revenue and cost analysis. With regard to the latter he said that the revenue and expenditure are increasing from 112m€ in 2011 to 140m€ in 2015. On the Agency' staffing, he highlighted the proposal to assign some available operational expenses to hire additional staff in the F&C activities (incl. replacement of 12 CAs by TAs in applications management and outsourcing activities) in order to cope with some new or previously non-identified activities. Globally, it is expected that staff (TAs at the end of the year) increases from 574 in 2011 to 713 in 2015.

The Chair of the FABS Committee said that the Business Plan 2011-2015 had been analysed and discussed in detail and that the Agency had amended the document in line with comments and recommendations made. While some suggestions for improvement were already addressed in the current version, other elements would be integrated in the new Business Plan 2012-2016, e.g. a re review of the strategic objectives, revised KPIs and an executive summary, including all necessary information for the MB for its high level consideration. The FABS Committee advised the MB to adopt the Business Plan 2011-2015, taking note of the amendments proposed for the next review of the document.

Members generally welcomed the Business Plan 2011-2015 as an effective planning tool for the Agency.

EAB raised concern on the additional FTEs in the F&C activity. As an alternative solution EASA could use efficiency gains e.g. by working in partnership with Eurocontrol in the ATM domain. France noted that the staffing for ATM activities is not fully coherent with the impact assessment. Moreover question was raised on the steadiness of financial resources coming from 3<sup>rd</sup> country operators as there might be a risk of reciprocity and possible obstacles. Considering the financial situation in Member States, Germany asked for an in-depth review of budgetary issues for the next Business Plan 2012-2016, also taking into account risks related to the level of EU subsidy.



The Commission welcomed the overall approach reflected in the Business Plan 2011-2015, commending the adequate reflection of the resource constraints. The following specific comments were made:

- p.8: Replace the wording "significant decrease" along the lines that the EU subsidy is "less than what EASA has requested";
- p.102: any figure that goes beyond the EU subsidy granted in 2011 and any staff increase from 2012 onwards cannot be guaranteed;
- p.3 (strategic objectives): Replace "European aviation system" by "European aviation safety system"; replace "EASA's regulatory framework" by "EU regulatory framework"; take out last sentence on the paragraph on regulatory framework;
- Chapter 5 (business risks): Instead of considering lack of resources as risk, it would be better to show mitigation actions (e.g. redeployment, efficiency gains.);
- General: Revisit Business Plan as regards staffing projections in Fees & Charges activity, taking into account the actual annual income.

The Chair asked to integrate the revised strategic objectives as presented to the Board. Moreover he reiterated the need for having a more user friendly executive summary in the next Business Plan 2012-2016, as proposed by the FABS committee. Such executive summary should be built around the strategic objectives, identifying the main priorities, risks and challenges. The Board agreed.

The Board adopted the Business Plan 2011-2015, subject to amendments and caveats brought up by the Board during the meeting.

## **11. Adoption of the 2011 Budget**

The Agency's Finance and Business Services Director introduced the 2011 (provisional) Budget for adoption, highlighting that it had been completely derived from the Business Plan 2011-2015.

The FABS Chair said that the 2011 Budget had been analysed and discussed and confirmed that it is fully based on and consistent with the Business Plan 2011-2015. The FABS Committee advised the MB to adopt the 2011 (provisional) Budget presented by the Agency.

The Commission welcomed the Agency's efforts to rationalise expenditure and reminded the Board that the 2011 EU budget had not yet officially been approved.

The Board adopted the Agency's 2011 (provisional) Budget.



## **12. Planning Documents 2012**

The Agency's Finance and Business Services Director introduced the Agency's 2012 Draft Budget and SPP 2012-2014 for information. He said that both documents are based on and consistent with the Business Plan 2011-2015. The 2012 Draft Budget will be presented to the MB for adoption at MB 01/2011 in March. The SPP 2012-2014 will be sent to the Commission for its opinion by 15 January 2011 at the latest and will then be presented to the MB for adoption at MB 01/2011 in March.

The FABS Committee Chair said that the committee would provide some proposed KPIs and revised strategic objectives at MB 02/2011 in June with some proposed KPIs and revised strategic objectives.

## **13. Status Report on Fees & Charges Regulation**

The Board agreed to postpone the status report, as there were no new developments in this domain.

## **14. Review of MB Rules of Procedure**

The Swedish Board Member and Chair of the legal working group provided a status report on the review of the MB Rules of Procedure. She said that the review is undertaken not only to include the recommendations from the IAS audit re written procedure but also to do a complete revision and update of the rules. Three meetings were held throughout the year and most of the work has been finalised. As regards the proposed changes, the Swedish Member mentioned in particular clearer rules on the attendance of alternates and experts, clearer rules on voting, including voting by proxy, and a more structural approach regarding Agenda issues and the distribution of working documents. The question on the number of Alternates per delegation has also been reflected, after this was brought up by the Commission. The Group Chair said that it is envisaged to circulate a proposal to the Board in February, to give Members time for review before MB 01/2011 in March.

## **15. AOB**

The following AOB issues were discussed during the meeting:

### Draft MB Decision on waiving the immunity of the Executive Director

The Agency's Chief Legal Adviser presented an explanatory note and draft MB decision on permitting the Executive Director the disclosure of information in legal proceedings and waiving the immunity of the Executive Director in the context of the AF447 accident occurred on 01 June 2009.





The Commission analysed the proposed decision from a legal point of view and has no objection.

The Board took note of the issue presented, accepting that it has to play a formal role in this context. Members agreed that the Board will have to waive the immunity by written procedure (positive decision) when indicated and requested by the Agency. The Board noted that such decision has to be taken for each individual case and that the immunity waiver is only valid for questions being asked in this specific case.

#### Core conclusions of the MB Special Meeting on strategic issues

The Board discussed the draft core conclusions of the MB Special Meeting held on 14 December 2010 as presented by the Chair. A detailed analysis of the document was undertaken paragraph by paragraph. Amendments and changes proposed by MB Members were taken on Board. The Board adopted the amended version which was circulated to MB members at the end of the meeting. The core conclusions are presented in ANNEX 2 of the Summary of Discussion of the MB Special Meeting.

#### SAFA ramp inspections

Norway pointed out difficulties for some NAAs regarding the obligations in the context of SAFA ramp inspections. In particular, it was mentioned that SAFA inspections require skilled inspectors to carry out the necessary pre-flight checks, which is a high financial and bureaucratic burden to NAAs. While there was a significant increase in SAFA inspection work carried out in the recent years, no real safety benefit could be seen.

The Commission said that SAFA ramp inspections are foreseen under the present SAFA regime. The EU SAFA programme is not a political but a safety initiative that provides a major tool for assessing problems and identifying unsafe aircraft. Whether inspections are properly used is a separate question.

The Chair proposed to assess this issue not at MB meetings but e.g. in the SAFA committee. Several states said that discussions in the SAFA Committee had not been fruitful and that the Board would be the right forum to address the issue, since it concerned how to use NAAs resources in the most efficient way. Member shared the view that any unnecessary bureaucracy should be avoided and an overkill in oversight activities should be prevented. EAB said that while industry generally supports SAFA ramp inspections, too many inspections should be avoided. A risk based approach should be applied here and NAAs should be in the position to decide on their focus.

In the light of the discussion, the Chair asked the Commission to organise a dedicated meeting with those Member States most affected and to bring the matter back to the Board if necessary.

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



## **ANNEX 1: List of Attendance**

### **Members**

	<b>MEMBER</b>	<b>ALTERNATE</b>	<b>EXPERT</b>
<b>AUSTRIA</b>			Walter Gessky
<b>BELGIUM</b>	Frank Durinckx	Benoit Van Noten	Didier Ledur
<b>BULGARIA</b>	Tilko Petrov	Eleonora Dobрева	
<b>CYPRUS</b>	Leonidas Leonidou		
<b>CZECH REPUBLIC</b>		Vítězslav Hezký	David JAGR
<b>DENMARK</b>		Per Veinberg	
<b>ESTONIA</b>		Marve Allik	
<b>FINLAND</b>	Kim Salonen		Susanna Metsälampi
<b>FRANCE</b>	Maxime Coffin		
<b>GERMANY</b>		Josef Schiller	
<b>GREECE</b>		Vasilis Iliou	
<b>HUNGARY</b>			Eva Kallai
<b>ICELAND*</b>	Petur Maack		
<b>IRELAND</b>	Ethna Brogan		Kevin Humphreys Brian Skehan
<b>ITALY</b>	Alessio Quaranta	Benedetto Marasa	Carmine Cifaldi
<b>LATVIA</b>			Aigars Krastins
<b>LIECHTENSTEIN*</b>	Wilfried Hauser		
<b>LITHUANIA</b>			
<b>LUXEMBOURG</b>			
<b>MALTA</b>			
<b>NETHERLANDS</b>	Ellen Bien	Jan-Dirk Steenbergen Pieter Mulder	Edwin Griffioen
<b>NORWAY*</b>	Heine Richardson	Oyvind Ek	
<b>POLAND</b>	Grzegorz Kruszynski		Dariusz Gluszkiewicz

---

\* Members without voting rights



	MEMBER	ALTERNATE	EXPERT
<b>PORTUGAL</b>		Anacleto Santos	
<b>ROMANIA</b>		Tudorel Roman	
<b>SLOVAK REPUBLIC</b>	Peter Patoprsty		
<b>SLOVENIA</b>			
<b>SPAIN</b>		José M. Ramírez Ciriza	
<b>SWEDEN</b>	Ingrid Cherfils	Lars Österberg	Magnus Molitor
<b>SWITZERLAND*</b>	Marcel Zuckschwerdt		
<b>UNITED KINGDOM</b>	Michael Smethers (Chair)	Susan Hamilton	Duncan Nicholls
<b>EUROPEAN COMMISSION</b>	Matthias Ruete	Eckard Seebohm	Nathalie Vande-Velde

#### Observers

	MEMBER	ALTERNATE	EXPERT
<b>EASA ADVISORY BOARD<sup>1</sup></b>	Vincent De Vroey	Claude Schmidt Thomas Leoff	Mick Sanders
<b>ALBANIA<sup>1</sup></b>			
<b>BOSNIA AND HERZOGOVINA<sup>1</sup></b>		Selma Hodzic	
<b>CROATIA<sup>1</sup></b>			
<b>FORMER YUGOSLAV REPUBLIC OF MACEDONIA<sup>1</sup></b>			
<b>MONTENEGRO<sup>1</sup></b>			
<b>SERBIA<sup>1</sup></b>			Dragan Tesla
<b>U.N. MISSION IN KOSOVO<sup>1</sup></b>			

<sup>1</sup> Observers without voting rights.



## **ANNEX 2: Action List**

<b>Action number</b>	<b>Description action</b>	<b>Action holder</b>	<b>Deadline</b>
# 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
# 01/MB 01/10	Review of MB RoPs re voting procedures in the light of the recommendations from the IAS audit	EASA/MB	MB 01/2011
# 01/MB 03/10	Progress report on rulemaking in the context of the extension of Community competences	EASA/Commission	MB 01/2011
# 09/MB 02/10	Submit paper on EASA certification strategy	EASA	MB 02/2011
# 05/MB 03/10	Strategic discussion on EASA HR issues	EASA/MB	MB 01/2011
# 01/MB 04/10	Review of the Agency's Planning Cycle	EASA/FABS	MB 02/2011
# 02/MB 04/10	Provide lists of key actors and contacts re volcanic ash issue	Commission	MB 01/2011
# 03/MB 04/10	Provide final version of EASA-Eurocontrol partnership agreement to MB Members	EASA	MB 01/2011
#04/MB 04/10	Review of necessity to provide F&C performance information to MB Members	EASA/Commission	MB 02/2011
#05/MB 04/10	Reflect on next steps re the communication of the EASp	EASAC	MB 01/2011
#06/MB 04/10	Review MB decision on allocations of certification tasks and provide note on grandfathering	EASA	MB 01/2011
#07/MB 04/10	Proposal on KPIs and revised strategic objectives	FABS	MB 02/2010
#08/MB 04/10	Prepare MB discussion on SAFA inspections	Commission/EASA	MB 02/2010