

**MINUTES OF THE MEETING OF THE EASA MANAGEMENT BOARD**  
**HELD ON**  
**2 JUNE 2004**  
**MB MEETING N°3-2004**

**0. LIST OF ATTENDEES**

The Members, or alternate members present on that day with voting rights were the following :

AUSTRIA	Mr	Karl	PRACHNER
BELGIUM	Mr	Benoît	VAN NOTEN
CZECH REPUBLIC	Mr	Jindrich	PLOCH
DENMARK	Mr	Kurt	LYKSTOFT LARSEN
ESTONIA	Mr	Koit	KASKEL
FINLAND	Mr	Kim	SALONEN
FRANCE	Mr	Maxime	COFFIN
GERMANY	Mr	Thilo	SCHMIDT
GREECE	Mr	Nicholas	KAVADAS
IRELAND	Mr	Robin	MAC KAY
ITALY	Mr	Salvatore	SCIACCHITANO
LITHUANIA	Mr	Romualdas	ARAMANAVIČIUS
LUXEMBURG	Mr	Henri	KLEIN
NETHERLANDS	Mr	Jules	KNEEPKENS
POLAND	Mr	Kryztof	KAPIS
PORTUGAL	Mr	José Ernesto	DA COSTA QUEIROZ
SLOVAK REPUBLIC	Mr	Maros	JANCULA
SPAIN	Represented by proxy by Portugal		
SWEDEN	Mr	Arne	AXELSSON
UNITED KINGDOM	Ms	Pat	RICKETTS
EUROPEAN COMMISSION	Mr	Enrico	GRILLO PASQUARELLI

*The Chairman of the Board welcomed the new Member States on the occasion of their first Management Board as full members. A specific mention was also made of all recently appointed Members and Alternates*

## **1. ADOPTION OF AGENDA**

The following agenda was unanimously adopted:

1. Adoption of the agenda
2. Adoption of the minutes
3. Report of the Executive Director
4. Explanatory note on Agency's accounts process
5. Appointment of the Quality and Standardisation Director
6. Discussion on the Agency's training policy
7. Opinion of the Management Board on the fees and charges Regulation
8. Discussion on the dissemination of ADs
9. Visit to the Agency's new offices
10. Any other business
  - a. ABIP's terms of references
  - b. Communication plan of the Agency
  - c. EU Directive 2003/42/CE concerning mandatory occurrence reporting in civil aviation.
  - d. Approvals Numbering
  - e. Assessment of the acquis communautaire in future Member States
  - f. Bilateral agreements with the USA :implementing procedures for licensing
  - g. Selection of the Members of the Board of Appeal

## 2. ADOPTION OF MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 30 March were adopted with the following modifications:

- Item 3d: the second paragraph is modified to read as follows:  
*“Important news was received from the Commission concerning the issue of the Agency’s potential liability in the case of air accidents. DG Budget is investigating to what extent it may be possible for the necessary cover to be arranged at the level of the European Commission.”*
- Item 4a: the words “if possible.” are added at the very end of the paragraph.
- Item 5: the word “last” is deleted before “Management Board meeting”
- Item 6e: deletion of “the Agency ... structures.”
- Item 6: the request to insert a definition of SMEs will be inserted, as well as the request to be provided with some indications on the level of fees and charges
- Item 8b: the text is modified to read as follows:  
*“The Board discussed the subject of Airworthiness Directives and associated translation issues. The discussion also turned to the sharing of responsibilities between the Agency and NAAs on this subject. It was agreed that the Board would return to the subject on a future occasion following a legal analysis of the situation.”*
- Item 8b: the word “emission” is replaced by “issue”.
- Item 8: a reference to the issue of the relationship between the SAFA programme and the Agency’s activity was inserted as follows:  
*“The relationship between SAFA and the Agency was briefly discussed and it was agreed that this would be discussed at a future meeting of the Board.”*

## 3. REPORT OF THE EXECUTIVE DIRECTOR

The Executive Director presented a report on the establishment of the Agency. Emphasis was put on the delay encountered in the signature of contracts with the NAAs. To date, only two contracts have been signed, and recent progress in the adoption of the fees and charges Regulation underlines the need to have these contracts in place.

Another concern relates to the existing contract with Central JAA, and the fact that, due to the lack of staff, it could be unable to provide the level of support initially foreseen. Moreover, the set up of the billing process between them and the Agency has not yet proven entirely satisfactory. If the situation does not improve then the significant funds earmarked from EASA’s 2003 budget may not be used. The Management Board expressed its strong wish to see progress on this issue before its next meeting in September.

One delegation expressed its concern that the list of products of the new Member States published on the Agency’s website (Decision 2004/01/CF) could be misleading. The Agency stated that these products meet the ICAO requirements and

must be allowed to fly in all EU states. It must be clarified as to what is the proper certification basis for each of these products, in order to avoid double certificate.

#### **4. AGENCY'S 2003 ACCOUNTS**

The Administrative Director of the Agency presented a paper to the members of the Management Board, on the procedure for the discharge of the Agency's 2003 accounts. The Basic Regulation requires that the discharge by the Management Board be given before 15 June, but nevertheless, a transitional period allows for the discharge to be given by September. Considering that the final report from the Court of Auditors has not been yet received in the Agency, it is proposed that the Management Board give its discharge via written procedure in July. The accounts will be sent to the Management Board, together with the comments of the Court of Auditors.

#### **5. APPOINTMENT OF THE QUALITY AND STANDARDISATION DIRECTOR**

In order to allow the Management Board to take an informed decision, the Executive Director reported on the process which had led to the choice of the candidates to be interviewed on the basis of a proposal of the Executive Director. . The Management Board decided to appoint Mr Francesco Banal as Quality and Standardisation Director.

#### **6. DISCUSSION ON THE AGENCY'S TRAINING POLICY**

The Executive Director presented a discussion paper on the Agency's training policy. This paper assesses the need to set up such a policy, and analyses the Agency's possible role.

The discussion within the Management Board underlined several elements, essential to the definition of the Agency's training policy. These are as follows:

- Training expertise within NAAs should be made available to help the Agency's.
- The Agency should not at this stage rule out the possibility of itself becoming the primary training provider in the future, given that the Agency's scope of competence will grow and that training provides the Agency with an additional and useful interface and means of feedback with regulated parties.
- Direct Agency participation in training activities in the longer term will help achieve the objective set out in Regulation 1592/2002 article 2.2.c (promotion of Community standards and rules worldwide).
- Given the pressure on Agency's resources at the current time using accredited authorities is acceptable.

It was therefore agreed that the Agency will elaborate its training policy on the basis of using accredited entities and will look ahead with a view to developing more ambitious options in the future. Such a document will be elaborated in the future and examined by the Management Board.

## **7. DISCUSSION ON FEES AND CHARGES REGULATION**

The Management Board has to provide an Opinion on the proposal for a Regulation on fees and charges, as drafted by the European Commission. The Chairman recalled that the Board had agreed to give that opinion on the principles, and should not focus on the details of the text.

The discussion recalled the principles which had been agreed upon by the Management Board during its last discussions, and which are being reflected in the text presented by the European Commission.

- Balance of expenditure and income
- All costs incurred by the Agency for certification activities should be recovered via the fees and charges collected.
- The structure of the fees and charges will be applied in such a way so as not to favour applicants based on their geographical location.
- The structure of the fees and charges shall help to promote the development of SMEs.
- Part of the rulemaking activities of the Agency should be funded by fees and charges.
- Specific attention should be paid to on-going certification programmes.

With the notable exception of the last point, all these principles are reflected in the text presented to the Management Board, .It was noted that industry would expect transparency on cost structure, particularly if there was any element of cross-subsidisation between different businesses.

The draft Regulation was modified after the remarks made by certain Member States, industry and after the results of the Commission's inter-service consultation between the DGs with an interest in the Regulation.

It was agreed that one of the two main difficulties still encountered in the text relate to the proposal to have most of the charges for a specific programme paid towards the end of the programme. Unless an excessively large reserve is set up, this would generate a cash-flow problem unmanageable from the Agency's point of view. Moreover the Agency would have to structure its payments to NAAs accordingly and it is uncertain that the proposed system would be acceptable from the industry's point of view given the latter's need to be able to budget its likely expenses effectively.

The other main problem encountered with the text lies in the date of entry into force of the Regulation. The Regulation cannot be effective before all outsourcing contracts (including financial provisions) are signed with all concerned NAAs. Moreover the transitional measures must take into account the fact that some certification programmes have already been pre-paid by the industry, and will not be paid to the Agency. The Commission accepts the difficulties which could be generated by the text as it is and agreed to undertake further talks on the subject with the Agency and with the DGs which had requested these changes.

The Agency is currently setting up various models and projections on the basis of the presumed workload. This will allow for the possibility of putting actual figures on the

existing formula, and the Management Board wishes to see these simulations before making its final decision.

It was therefore agreed that all comments from the Members and industry on the text would be sent to the Agency and the Agency will gather the answers to this comments and will circulate them to the Management Board together with simulations enclosing figures on the proposed formulas.

The Commission agreed to provide a written response to comments made previously by Board members.

Regarding practical aspects, the Commission stated that it was ready to look at possible solutions to the potential problem of cashflow and regarding the issue of the entry into force of the Regulation, indicated that it may be possible to have a date for entry into force after the date of adoption of the Regulation (subject to clarification by the Commission's legal service).

## **8. DISSEMINATION OF ADS**

The Agency presented a working paper on the subject to the Board which included a number of different options for the dissemination of ADs. It should be borne in mind that the main request for setting up a common database for ADs was received from industry which expressed its willingness to pay for such a service, if necessary.

After discussion on the proposed options, it clearly appeared that the Management Board is split between two options. Some consider that the Agency should solely its own European ADs, whilst other consider that the Agency should publish all ADs since the idea of having a single ADs source would add simplicity and clarity.

It was therefore agreed to seek a more refined legal analysis of the situation before taking a Decision.

## **9. AOB**

### ***a) ABIP's terms of reference***

The terms of reference of ABIP were examined by the Management Board, and were accepted.

### ***b) Agency's communication plan***

The Management Board asked the Agency to provide its *external* communication plan, in order to assess the strategy of the Agency towards its stakeholders.

### ***c) Occurrence reporting***

Due to the lack of time, the review of this item was postponed to the next meeting of the Management Board. The Board requested that the issue of accident investigation reports also be dealt with on that occasion.

***d) Organisation approvals numbering***

It was requested from the Agency to set up such a numbering system based on provisions in Regulation 1592/2002. AGNA was consulted on the subject and considered that the system proposed was satisfactory. However, complaints were received from industry that the system imposed unfair costs. The question will be re-examined at the next AGNA meeting. The Agency pointed out the possibility for NAAs to use cross-reference tables and transitional periods to lighten any burden.

***e) Assessment of the *acquis communautaire* (for information)***

DG Enlargement of the European Commission is carrying out a peer review in the candidate countries of the transposition of the *acquis communautaire*. This shall be carried out by representatives of national administrations and shall be organised by the Technical Assistance and Information Exchange unit of Directorate-General Enlargement. Concerning the *acquis* related to air transport, national administrations will soon receive requests to provide experts for peer reviews in Bulgaria, Romania and Northern Cyprus.

***f) Bilateral agreements with the USA: Implementing Procedures for Licensing***

The Commission is negotiating the mutual recognition of Pilots Licences and letters to Permanent Representations have been sent, in order to establish the position of the Commission for this negotiation.

***g) Selection of the Members of the Board of Appeal***

The Commission wishes to involve a member of the Management Board in the selection of the Members of the Board of Appeal of the Agency. It was agreed that Mr Queiroz would take on this responsibility for what he was thanked by the Board.

**10. NEXT MEETING**

The Management Board will hold its next meetings on 8 September 2004 and on 13 December 2004.

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*The chairman reminded all members that the quorum necessary for meetings of the Management Board had changed as a result of enlargement on 1 May 2004 and that the regular presence of members is required for the effective operation of the Board.*