

EASA MANAGEMENT BOARD

20 May 2003

MINUTES OF THE TENTH MEETING OF THE EASA MANAGEMENT BOARD

0. LIST OF PARTICIPANTS

The attending members or alternates were the following:

Austria:	Mr. Karl PRACHNER
Belgium	MR Erik VAN NUFFEL
Denmark:	Mr. Henning CHRISTENSEN
Finland :	Mr Kim SALONEN
France:	Mr. René GAUDIN
Germany:	Mr. Thilo SCHMIDT
Greece:	Mr. Athanassios THEODOROPOULOS
Ireland:	Mr. Robin MCKAY
Italy:	Mr. Salvatore SCIACCHITANO
Netherlands:	Mr. Jules KNEEPKENS
Portugal:	Mr. José E. DA COSTA QUEIROZ
Sweden:	Mr Arne AXELSSON
Spain	Mr Luis RODRIGUES GIL
United Kingdom:	Ms Pat RICKETTS
European Commission:	Mr. Michel AYRAL

The list of all participants, including alternates and advisers, is attached.

1. AGENDA

The Management Board unanimously adopted the following agenda.

For decision

- (1) Adoption of the agenda (WP 1)
- (2) Adoption of the minutes of the 9th meeting of the Management Board (WP 2)
- (3) Decision on the Structure of the Agency (WP 3)
- (4) Decision on rulemaking (WP 4)

For discussion

- (5) Meeting with the ABIP (scheduled at 14h30) :
 - (a) Answer to ABIP on their comments on the Structure of the Agency (WP 5)
 - (b) Answer to ABIP on their comments on the rulemaking procedures
- (6) Job descriptions for the Directors (WP 6)
- (7) EASA/JAA co-operation (WP 7)
- (8) A.O.B
 - (a) Report on the hiring of staff
 - (b) Selection procedures for temporary agents
 - (c) Extension of the existing bilateral aviation safety agreements (WP8)
 - (d) Selection of the Executive Director (WP 9)
 - (e) Meeting with the F.A.A.

In order to facilitate the meeting with the ABIP, and to be able to deal with all the points of the Agenda, the Board agreed to proceed in the following order 1,2,6,7,8 and then 5,3,4.

2. MINUTES OF THE PREVIOUS MEETING

The minutes of the 9th meeting of the Board were adopted with the following modifications:

- ◆ Page 4 : under “*ABIP comments on the structure of the Agency*”, a full stop is added after “is not compulsory” and the rest of the paragraph is deleted.
- ◆ Pages 6 and 7 under item 6 “*Draft decision on rulemaking*”, the second sentence is replaced with “*A majority of the Board however clearly wanted to ensure the participation of national administrations in the process.*”

3. DECISION ON THE STRUCTURE OF THE AGENCY

The Board had, in previous meetings, agreed to focus its attention on the structure of the Executive part of the Agency. Moreover, the Board is keen on not jeopardising the managerial decisions of the future Executive Director. The proposed decision therefore focuses on the functions of the various directorates of the Agency, but does not go into the very details of the organisation and of the functioning of these directorates.

Decisions such as where to locate the “Safety Analysis and Research” in the organisational chart, can remain open until discussed with the future Executive Director.

After having examined the position of the Advisory Body of Interested Parties (ABIP), and bearing in mind that the structure of the Agency could be modified in the future if the situation so requires, the Board unanimously adopted the decision on the structure of the Agency, as presented in the Working Paper 3.

4. DECISION ON RULEMAKING

The Board examined another proposal for a Decision on rulemaking. The Secretariat had modified the initial draft, taking into account the comments from the ABIP and from the Board.

The Board still considered that the proposed text does not provide for the necessary involvement of national authorities. All the expertise available within these should be made available for the Agency’s rulemaking process. The Board recognised however that such involvement should not alienate the independence’s of the Executive Director.

It has therefore been agreed that the Secretariat will draft another proposal where a body for national authorities would be consulted parallel to the Safety Standards Consultative Committee, with the possibility of having joint discussions between the two Committees.

The new proposed text will be sent around to the members and they will provide written comments, as appropriate, before the next Management Board meeting.

Finally, several members of the Board expressed their concern that the consultation on provisions of Article 15, may not provide sufficient time for discussing significant differences with the JAA system. A more flexible approach should be arranged.

5. MEETING WITH THE ADVISORY BODY OF INTERESTED PARTIES

The Board had agreed to meet the ABIP in order to discuss their reactions to the first two consultations (on rulemaking and on the structure of the Agency).

The Chairman of the EASA Management Board thanked the ABIP for their flexibility in reacting to these consultations and for the professionalism of the answers they provided.

(a) Answer to ABIP on their comments on the Structure of the Agency

The EASA Management Board had the opportunity to discuss the initial comments of the ABIP on the structure of the Agency. Hence, on behalf of the whole Board, the Chairman initiated the debate by summarising the initial reactions of the Board to the ABIP's comments.

The Board believes that an horizontal structure is more of a guarantee for the Agency's main tasks, that it improves the Executive Director's responsibility as regards to the missions of the Agency. Moreover, this horizontal structure will be more flexible and will allow for sufficient evolution when the scope of the EASA regulation evolves. Responding to the concerns expressed by the ABIP, the Board will draw the attention of the Executive Director on the necessity to nourish strong interactions between the directorates and on the necessary team work in order to avoid safety gaps and lack of uniformity.

The Board wanted it to be clear that the proposed structure of the Agency could evolve with time and with various situation. Much of the immediate structure of the Agency may also depend on the profile of the Executive Director.

(b) Answer to ABIP on their comments on the rulemaking procedures

Regarding ABIP's comments on the role of the proposed Safety Standards Consultative Committee (SSCC), the Chairman expressed his belief that this provides a meaningful mechanism for industry involvement in the rulemaking work of the Agency whilst retaining the proper level of independence for the Agency with regard to safety-related decisions. The Chairman welcomed ABIP's offer to assist the Agency as it develops the tools necessary to execute its regulatory tasks effectively, in particular, its approach to regulatory impact assessment, including cost-benefit analysis. In this connection, the key role to be played by the SSCC was recalled.

6. JOB DESCRIPTIONS FOR THE DIRECTORS

The Board re-asserted its wish to recruit the Directors at A2 grade in order to attract the most qualified and highest level candidates. The Commission re-iterated its doubts about the level of recruitment of the directors.

The Board insisted on the fact that the ability to work into an international environment does not mean that the candidates must have worked for an international organisation before. Having worked with various nationalities before should suffice.

As for the recruitment procedure itself all the provisions defined for EASA temporary agents (see below) also apply.

The calls for application could be published between the beginning and the middle of June. It will be published in the Official Journal of the European Union and on the web. Members of the Board will be notified before publication.

It is noted that the Rulemaking Director does not need to be a lawyer. He/ she must have a good understanding of aviation law matters, without being necessarily a technical specialist.

7. EASA/JAA CO-OPERATION

A brief report from the JAA Board and ECAC meetings on 14/15 May was provided. It was agreed to participate to a task force composed of executive representatives from the JAA Board and Committee, Central JAA, ECAC, the Commission and the EASA Management Board. This task force will analyse available documents on EASA/ JAA co-operation and provide for a compromise during a special JAA Board meeting in Strasbourg (7 July 2003).

The Board also examined and discussed a paper on the transfer of regulatory tasks, presented by the Commission. This paper explains what resources of the Central JAA and national administrations should be made available to the Agency until it can hire its own staff and internalise the related tasks. The logic underpinning of this document is that only the resources that are the joint asset of the Central JAA staff and administrative support tasks, shall be covered by a JAA/EASA co-operation agreement while the availability of national resources should be directly agreed between the EASA and each NAA as appropriate. It also stresses the need to respect the independence of the Agency and, as a consequence, the impossibility for it to outsource to the JAA using the JAA's procedures on the preparation of decisions.

In that context, the Agency itself would also have to manage and co-ordinate the various certification tasks with the support of central JAA. For this, the Agency mainly needs an Executive Director and a Certification Director. If necessary, additional staffing can also be brought by the support from national experts,

seconded to the Agency by their national administration. The Chairman re-asserted his expectation to have both the Executive Director and the Certification Director in post by 28 September 2003.

The majority of the Board supported the proposed approach and believed that the various opinions expressed on the subject are compatible ; the above mentioned task force should therefore be able to reach an agreement acceptable for all parties.

The Board also agreed to examine at its next meeting the outcomes of the work of the group.

Pending that time it was decided that the EASA Management Board Chairman should write a letter to the Chairman of the JAA Board summarising the short-term needs of the Agency in terms of support from Central JAA.

In view of the need to prepare for the outsourcing of certification tasks to NAAs, the Commission will organise – on behalf of the Agency- a group with the help of national experts to examine the sharing of tasks and the contractual relation under which they would be executed. The Board asked to be informed of the work of that group.

8. A.O.B

(a) Report on the hiring of staff

A financial team composed of three agents (Grade A, B and C) is being hired and should take post as from 1 July. The Board welcomes this announcement.

(b) Selection procedures for temporary agents

The Secretariat had drafted a paper summarising what ought to be the main administrative steps for hiring temporary agents. These procedures would apply to all levels of the organisational charts, including Directors. The goal is to ensure the recruitment of the highest quality staff with a transparent and fair procedure.

The whole procedure will be presented to the Executive Director so that he/she can adopt on it. As for the “substance” of the recruitment , i.e. the selection criteria, these will have to be defined by the Executive Director on a case-by-case basis.

The Commission noted that an additional paragraph on deontology should be added, in order to prevent potential conflicts of interests between candidates and members of the Selection Committees.

It has also been noted that any position that requires a “university degree”, some technical diploma can be recognised as such thanks to the equivalence grid defined within the Staff Regulations.

It is reminded that as long as the Staff Regulations applies only EU nationals will be able to apply for the jobs. Future Member States nationals will be able to apply when their country join. Non EU nationals, but coming from countries that have entered into an agreement with the EU for participating in EASA, will also be entitled to apply.

(c) Extension of the existing bilateral aviation safety agreements (WP8)

In a document presented by a member, and supported by others the necessity of modifying the safety agreements concluded by some Member States with the United States was raised. The competence for modifying these agreements has been transferred to the Community. The Member States want to be allowed to temporarily negotiate the evolution, until the moment when the Community has concluded its own agreement. The Commission agreed to consult its legal services on the subject.

(d) Selection of the Executive Director (WP 9)

The call for application will be closed on 7 June. The candidates will then be screened and the interviews will take place. A member of the Board has been designated by the other members in order to assist the Commission during this initial phase and to liaise between the Commission and the Board on the subject.

(e) Meeting with the Federal aviation Authority

The Board agreed to meet 7 Executive representatives of the American Federal Aviation Authority. This will be a brief courtesy meeting, taking place from 15h00 to 16h00 at the next Management Board meeting. The meeting will then be followed in the evening by a reception offered by the FAA.

9. CONFIRMATION OF NEXT MEETING

The Management Board will meet on 17 June 2003 in Brussels.

Members of the Management Board of the EASA
List of participants, 10th meeting, 20.05.03

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