

## **EASA MANAGEMENT BOARD**

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**29 April 2003**

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### **DRAFT MINUTES OF THE NINTH MEETING OF THE EASA MANAGEMENT BOARD**

#### **0. LIST OF PARTICIPANTS**

The attending members or alternates were the following:

Austria:	Mr. Karl PRACHNER
Denmark:	Mr. Henning CHRISTENSEN
Finland	Mr Kim SALONEN
France:	Mr. René GAUDIN
Germany:	Mr. Thilo SCHMIDT
Greece:	Mr. Nicholas KAVADAS (up to and including point 6)
Ireland:	Mr. Robin MCKAY
Italy:	Mr. Salvatore SCIACCHITANO
Luxembourg:	Mr. Henri KLEIN
Netherlands:	Mr. Jules KNEEPKENS
Portugal:	Mr. José E. da Costa QUEIROZ
Sweden:	Mr Arne AXELSSON
United Kingdom:	Mr. Mike SMETHERS
European Commission:	Mr. Michel AYRAL (up to and including point 5) Mr Claude PROBST (as from point 6)

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 8<sup>th</sup> meeting of the Management Board (WP 2)
- (3) Decision on the Structure of the Agency (WP3)
- (4) EASA/ JAA co-operation temporary agreement

**For discussion**

- (5) EASA/ JAA longer term co-operation (WP4b)
- (6) Draft decision on Rulemaking (WP5)
- (7) Meeting with ABIP on 20 May 2003
- (8) A.O.B.
  - Relations with the American FAA (WP 6)
  - Selection of the Executive Director (WP 7)

*The Chairman reported briefly on the meeting he and the Vice-Chairman had on the previous day with the newly appointed Assistant FAA Administrator for international affairs, Mr LAVIN and the FAA Brussels Representative. It was a courtesy introduction rather than a working session. The FAA expressed its strong interest in, and support to, the establishment of EASA. They hoped for a smooth transition from the JAA system and look forward to a fruitful co-operation with the Agency.*

*The Chairman also recalled the arrival of the future Member States representative, as observers, scheduled for the next meeting.*

## **2. MINUTES OF THE PREVIOUS MEETING**

The minutes of the 8<sup>th</sup> meeting of the Board were adopted with the following modifications:

- ◆ Pages 1 and 4 : the repeated sentences will be deleted.
- ◆ Page 3 : Rulemaking process:

- ◆ The first sentence is modified as follows: “The objective is to take a decision...”  
A last sentence is added: “It will be possible to modify the rules from time to time as experience develops.”
- ◆ Under item 4, the following paragraph is added :
  - “*Working relationship with the JAA*”

*Members again underlined the need for a clear, effective and practical understanding between EASA and the JAA about their respective roles and responsibilities during this transition period. In the course of an extensive discussion it was noted that, while a formal and binding legal arrangement would present difficulties, it is important to document the roles and responsibilities as soon as possible. It was agreed that the Commission would prepare a paper listing the various tasks and responsibilities for the Board’s next meeting. The appropriate status of the paper could be addressed subsequently.*”
- ◆ Under item 4 the following sentence will be deleted “... in a document to be presented by the Commission during the next Management Board meeting. This document will list the work that needs to be done and will be used as a basis for a request to the JAA”
- ◆ Under item 4 the last paragraph is renamed as follows “*Examination of the process of transposition of Implementing Rules for consistency with Community Law*”
- ◆ Under Item 4, in this paragraph “*the legal experts are working on the legal revision of the JAR*” is replaced with “*the legal experts are currently working on the draft Implementing Rules*”
- ◆ Under item 6 : the first paragraph is deleted and replaced with the following :

*“As a consequence of the delay in the appointment of the Executive Director, the Commission intends to continue assisting the Agency as far as possible, so that it will become operational by the intended deadline.”*
- ◆ Under Item 6 the last sentence “*the Commission will invite these countries to nominate a representative and the Chairman of the Board will then invite them to the meetings*” is deleted.

The final text will be published.

### **3. DECISION ON THE STRUCTURE OF THE AGENCY**

#### *ABIP comments on the structure of the Agency*

The Board examined the comments of the ABIP which were very much valued and appreciated. It nevertheless recalled that a formal consultation on the subject was not compulsory.

In this connection the Board felt that the provisions foreseen thus far will satisfy the concerns expressed and were consistent with those of the Interested Parties. Suggestions to provide additional assistance to the Executive Director by implementation of an International Director and a Technical Director covering the three technical Directorates required further examination, but were not incompatible with the envisaged structure. Such options could be reviewed when more is known about the views of the Executive Director on his/her role and areas of responsibility.

The Board also recalled its desire to leave managerial discretion to the Executive Director in designing the lower levels of the organisational structure. The Board decision should therefore only address at this stage the two first layers of the structure, which is enough to launch the selection process for key staff of the Agency.

Before taking a decision the Board is nevertheless willing to discuss the whole subject with the ABIP on 20<sup>th</sup> May next. In view of that meeting the Secretariat will prepare speaking points on the basis of the deliberations of the Board.

#### *Job descriptions for Directors*

The Board agreed that the Directors of the Agency should be strong executive personalities and that the grade at which the positions will be advertised should be sufficient to attract such personalities. It is nevertheless necessary to provide the Executive Director with appropriate benefits to confirm his/her authority and hierarchical precedence. Detailed job descriptions for the Directors will be examined by the Board at its next meeting.

#### **4. EASA / JAA CO-OPERATION TEMPORARY AGREEMENT**

As requested by the Board, the Secretariat, together with the Commission, has examined its short term needs that could be provided/supported by the JAA. That is limited to providing expert support to the Secretariat for:

- finalising the draft Implementing Rules, certification specifications and guidance material;
- ensuring, using the JAA distribution system, their wide publication;
- a draft decision of the Board on the handling of applications for certificates (implementation of art.44 of the EASA Regulation).

Altogether that represents a maximum of 15 experts working part-time with the Secretariat until September. It is therefore questionable whether that limited contribution is worth a formal arrangement.

Several members expressed surprise about this presentation and thought that co-operation should go beyond what is necessary between now and September. They expressed concern in particular on how tasks such as certification and continuous rulemaking would be handled by the Agency in view of its limited ability to hire the necessary staff in the short time remaining.

The Commission considered that such aspects of co-operation were to be discussed in the framework of the implementation of the so-called ECAC Option 3 as presented in their working paper WP 4B.

To conclude, it was agreed to present the short term needs to the JAA for consideration during their meeting on 14<sup>th</sup> May.

## **5. EASA/ JAA LONGER TERM CO-OPERATION**

The Commission presented its working paper on EASA/JAA co-operation in the context of the implementation of Option 3. This document examines the issue of maintaining the unity of rulemaking and the reciprocal acceptance of certificates among European States. As a practical solution it envisages that the Agency could :

- conclude a contract with the JAA specifying the conditions under which it would take over Central JAA tasks, using as appropriate existing JAA means and resources;
- sign the Cyprus Arrangements, with the necessary interpretation of its provisions.

Some members again expressed surprise at this approach, which may provide a solution for the continuation of rulemaking tasks, but would not cover certification activities.

The Commission recalled that work had been proceeding for several months with JAA, national, industry and FAA experts, on drafting a transfer policy covering certification tasks. That policy foresees that the Agency would take over responsibility for nearly all such tasks as from 28 September, making use of national resources:

- individual experts for on-going and new certification projects;
- State of design systems for continued airworthiness of existing products.

The conditions for such use are to be agreed between the Agency and individual NAAs; there is no role foreseen for the JAA, except for the use of Central JAA resources under the above mentioned contract.

Following these explanations, the Board expressed an urgent need for a paper that would provide more information on the transfer policy. The exact description of who does what, how and when should be clarified.

It was also agreed that the Commission paper should be presented to the JAA Board as another option for the implementation of ECAC Option 3 which is to be discussed at their next meeting on 14<sup>th</sup> May. In that context the member representing the Commission recalled Member States' obligations when questions of Community interest were addressed in external fora, in particular the need to adopt common positions before decisions can be made therein. It was also agreed that the Commission would be provided with a copy of the document to be discussed in the JAA Board to help them draft the contribution requested by the Board.

#### **6. DRAFT DECISION ON RULEMAKING**

The Board examined the proposed draft decision and provided comments article by article. Various suggestions were made to improve the text.

A majority of the Board however clearly wanted to ensure the participation of national administration in the process.

One delegation had also difficulties with the envisaged language regime.

The issue will be further examined by the Board during its next meeting, together with the ABIP comments. The Secretariat will prepare a revised draft to facilitate a decision on that day.

#### **7. CONFIRMATION OF NEXT MEETING**

The Management Board will meet on 20th May in Brussels.

#### **8. MEETING WITH ABIP ON 20 MAY**

The Board agreed to meet the ABIP on 20th May. This meeting will last an hour and a half at the beginning of the afternoon. The agenda discussed will be ABIP comments of the last consultation (rulemaking and structure of the Agency).

This timing should allow the Board to take final decisions on these issues afterwards.

## **9. AOB**

This item included :

- Relations with the American FAA (WP 6)
- Selection of the Executive Director (WP 7)

Due to lack of time the points under this agenda item could not be examined with the attention they deserved; they will, therefore, be presented again at the next Board Meeting.

**Members of the Management Board of the EASA**  
**List of participants, 7<sup>th</sup> meeting, 18.03.03**

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