

European Aviation Safety Agency

DECISION OF THE MANAGEMENT BOARD AMENDING THE MB DECISION 06-2005 OF 14 JUNE 2005 ADOPTING IMPLEMENTING RULES FOR THE AGENCY'S FINANCIAL REGULATION

THE MANAGEMENT BOARD,

- Having regard to the Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, hereinafter called the "EASA Regulation"¹, and in particular Articles 52 and 53 thereof,
- Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, hereinafter called "General Financial Regulation", and in particular Article 185(1) thereof,²
- Having regard to the Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the Framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, hereinafter called the "Framework Regulation"³,
- Having regard to the Commission Regulation (EC) No 593/2007 of 31 May 2007 on the fees and charges levied by the European Aviation Safety Agency ⁴, hereinafter called the "Fees and Charges Regulation", and in particular Article 3 thereof,
- Having regard to Management Board Decision 09-2003 of 26 August 2003 adopting the Agency's financial regulation, hereinafter the "Agency's Financial Regulation",
- Having regard to Management Board Decision 14-2007 amending the MB Decision 09-2003 of 26 August 2003: Financial Regulation of the European Safety Agency, and in particular the amended article 19.1a,

¹ OJ L 240, 7.9.2002, p.1

² OJ L 248, 16.9.2002, p.1.

³ OJ L 357, 31.12.2002, p. 72

⁴ OJ L 140, 1.6.2007, p. 3

Whereas:

- (1) The European Aviation Safety Agency, hereinafter referred to as "the Agency", has legal personality and hence its own budget covered by specific financial rules,
- (2) The Management Board of the Agency has accordingly adopted the Agency's own Financial Regulation which is based on the Framework Regulation,
- (3) The EASA Regulation lays down the sources of revenue of the Agency, including fees and charges levied by the Agency,
- (4) According to Article 3 of the Fees and Charges Regulation the fees constitute assigned revenue in accordance with the Article 63 of EASA Regulation⁵,
- (5) As the list of earmarked revenue has been completed in article 19 in the "Agency's Financial Regulation" in accordance with the revised article 18 (1) of the General Financial Regulation⁶,
- (6) The Agency's Implementing Rules should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 7 of the Implementing Rules for the Financial Regulation of the European Aviation Safety Agency, is amended as follows:

a) In paragraph 2 the following is added:

5 COMMON POSITION adopted by the Council on 15 October 2007 with a view to the adoption of a Regulation of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC, Article 63.5: "The amount of the fees and charges shall be fixed at such a level as to ensure that the revenue in respect thereof is in principle sufficient to cover the full cost of the services delivered. These fees and charges shall be assigned revenues for the Agency." (COD 2005/0228; COM(2007)0631)

6 Council Regulation (EC, Euratom) No 1995/2006 of 13 December 2006 amending Regulation (EC, Euratom) No 1605/2002 on the Financial regulation applicable to the general budget of the European Communities; OJ L 390, 310.12.2006

"Except for the assigned revenue from fees and charges,..."

b) A new paragraph 3 is added:

"Appropriations corresponding to assigned revenue from fees and charges may be made available as soon as the amount receivable has been estimated, referred to in article 3, paragraph 3 of the Fees and Charges Regulation."

Article 2

Article 51 of the Implementing Rules for the Financial Regulation of the European Aviation Safety Agency, is amended as follows:

In paragraph 2 the following is added:

"..., except in the case referred to in article 7, paragraph 3."

Article 3

These rules shall enter into force on the day following its adoption by the Management Board of the Agency.

Done at Cologne on 14 December 2007,

The Chairman
Thilo Schmidt
