

European Aviation Safety Agency

DECISION OF THE MANAGEMENT BOARD AMENDING THE AGENCY'S FINANCIAL REGULATION

THE MANAGEMENT BOARD,

- Having regard to the Regulation (EC) 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/EC¹, hereinafter called the "EASA Regulation", and in particular its Articles 62 and 63,
- 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 the Opinion of the Commission of the European Communities,

¹ 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, including those collected in 2007, shall be assigned revenues for the Agency."* (COD 2005/0228; COM(2007)0631)

² OJ L 248, 16.9.2002, p.1.

³ OJ L 357, 31.12.2002, p. 72

⁴ OJL 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 63.5 of the EASA Regulation⁵,
- (5) The list of earmarked revenue in Article 19 should be completed in accordance with the revised article 18 (1) of the General Financial Regulation⁶,
- (6) The Agency's Financial Regulation should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 19 of the Financial Regulation of the European Aviation Safety Agency, is amended as follows:

- (a) in paragraph 1, the following points (c) to (i) are added:
 - (c) revenue from third parties in respect of goods, services or work supplied at their request;

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, including those collected in 2007, 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

- (d) revenue arising from the repayment of amounts wrongly paid;
 - (e) proceeds from the supply of goods, services and works for Community institutions or other Community bodies;
 - (f) proceeds from the sale of vehicles, equipment, installations, materials, and scientific and technical apparatus which are being replaced or scrapped when the book value is fully depreciated;
 - (g) insurance payments received;
 - (h) revenue from payments connected with lettings;
 - (i) revenue from the sale of publications and films, including those on an electronic medium.
- (b) The following paragraph 1a is added:
- 1a. Fees and charges, including those collected in 2007, shall be assigned revenues for the Agency.

Article 2

This Decision shall enter into force on the date of entering into force of the Regulation (EC) 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.

Done at Cologne, 14 December 2007,

The Chairman
Thilo Schmidt
