

European Aviation Safety Agency

RULES OF PROCEDURE OF THE MANAGEMENT BOARD OF THE EUROPEAN AVIATION SAFETY AGENCY

Having regard to Regulation (EC) N) 1592/2002¹ of the European Parliament and of the Council of 15 July 2002, establishing a European Aviation Safety Agency, hereinafter called the “Regulation” and in particular to Chapter III thereof,²

In order for the Management Board, hereinafter called “the Board”, to ensure that the Agency carries out its mission and performs the tasks assigned to it under the conditions laid down in the Regulation.

The following rules of procedures are adopted.

Article 1 Term of office

The duration of the term of office of members of the Board is set by article 25(1) of the Regulation. If a member or an alternate leaves the Board before the end of his/her term of office, then the duration of the term of office of his/her replacement is a full term of office.

Article 2 Chairmanship

1. The election of the first Chairperson shall take place immediately after the Board has adopted these Rules of Procedure. The election of his/her successor shall take place at a meeting of the Board convened by the outgoing Chairperson to be held at least three months before the end of his or her term.
2. The Chairperson of the Board shall be elected by the Board's members, acting in accordance with the voting rules in article 28 of the Regulation. Where there are several candidates, election shall take place in accordance with the following procedure; however, if there are only two candidates, the first ballot will not be held.

¹ Official Journal L 240, 7.9.2002, p. 1.

² Article 24(2) stipulates: “*The Management Board shall: ...j) establish its rules of procedure.*”

- In the first ballot, the candidate who receives at least a two-thirds majority of the votes of all members is selected.
 - If none of the candidates receive a two thirds majority of the votes of all members, the two candidates who obtained the highest number of votes go forward to the second ballot. When it is not possible to determine who are the two candidates with the highest number of votes due to equality, there shall be a special ballot in order to obtain the two candidates for the next round.
 - In the second ballot, the candidate who receives at least a two thirds majority of the votes of all members is elected. If none of the candidates receive a two-thirds majority of the votes of all members, there will be a third round.
 - In the third round, the candidate who receives the majority of the votes of all members is elected.
3. Following the election of the Chairperson, the Board shall elect a Deputy Chairperson with the same procedure as in paragraph 2.
 4. The term of office of the Chairperson and Deputy Chairpersons is set by article 26(2) of the Regulation.
 5. If the office of Chairperson or Deputy Chairperson falls vacant before the end of the term of office, the Deputy Chairperson or Chairperson as the case may be shall convene a meeting to elect a successor, to be held within three months. The member then elected shall serve as Chairperson or Deputy Chairperson for a full term of office or until the end of his membership of the Management Board, whichever is the earlier.
 6. The terms of office of Chairpersons and Deputy Chairpersons shall begin on the first day after their predecessors' terms of office or, in case the predecessor has left his/her office, the day of the election.
 7. If both the Chairperson and the Deputy Chairperson are unable to attend a meeting, the meeting shall be chaired by the longest serving member of the Board or, in the event of equal length of service, by the oldest of the longest serving members.

Article 3

Attendance at meetings

1. The Board members should attend all meetings of the Board; where this is not possible, their alternate should attend in their stead; both can attend and participate. They may be assisted by one adviser or expert; the attendance of a second adviser or expert may be authorised by the Chairperson.
2. Any Board member can also represent one other member, provided that a written authorisation from the absent member is provided to the Chairperson.

3. Unless the Board decides otherwise in a particular case, the Executive Director shall take part in all the Board's deliberations and may be assisted by other staff of the Agency.
4. The attendance as observers of experts and of persons whose opinion can be of interest shall be decided by the Board on a case by case basis; the organisation of, and attendance at, hearings on specific matters shall be decided in the same manner.
5. Any State which has been accepted as a candidate for membership of the European Union shall be entitled to appoint a representative to attend the Board's meetings as observer when the accession negotiations have been finalised.
6. Representatives of European third countries having entered into agreements with the Community in accordance with article 55 of the Regulation, shall be entitled to attend Board's meetings under the terms and conditions specified in such agreements.
7. Representatives of European third countries not covered by paragraphs 5 or 6, in particular those Members of the Joint Aviation Authorities, may be invited to attend Board meetings as observers provided such countries have concluded appropriate arrangements in accordance with article 18 of the Regulation.
- 8.(i) At the request of any one member present at a meeting the Chairperson shall restrict the meeting to a closed session by requiring all persons to leave the meeting with the exception of the members of the Board and their alternates.
 - (ii) Following an explanation by the member requesting the closed session the Board shall decide whether
 - to consider the matter in closed session,
 - to consider the matter in an extended closed session with the inclusion of such additional persons as the Board may decide or
 - to consider the matter under normal meeting arrangements.

Article 4

The convening of meetings

1. The date of the meetings shall be decided by the Board at least at its preceding meetings.
2. An agenda, accompanied by the relevant material for decision making, will be forwarded to the members at least two weeks prior to each meeting.
3. When the Board is to meet at the instigation of the Chairperson or at the request of at least one third of the members, the Chairperson shall convene a meeting to take place within six weeks of receipt of the request, or two weeks in urgent cases.

4. When the Board is convened to deliberate on a matter of urgency, the notice of convocation and the provisional agenda shall be transmitted by the Chairperson to members no later than the tenth day before the start of the meeting, except in cases of 'force majeure'.
5. If any necessary working document is transmitted to the members outside the time-limits specified in points 1 and 2, no decision shall be taken on the question to which it relates, unless the Board decides otherwise.
6. When circumstances require, and provided one third of the members does not object, the Chairperson may change the date or place of a meeting of the Board. Notification of such change shall be given to members no later than three weeks before the original or revised date of the start of the meeting, whichever is the earlier.

Article 5 Agenda

1. A provisional agenda shall be drawn up by the Chairperson. It shall contain, in addition to those questions whose inclusion is requested by a member, any question whose inclusion is requested by the Executive Director.
2. Without prejudice to paragraph 4, questions to be included on the provisional agenda shall be submitted to the Chairperson not less than six weeks before the date of the start of the meeting.
3. The agenda shall be adopted at the beginning of each meeting.
4. If the Board so decides, urgent questions may be added to the agenda at any time prior to the end of the meeting, and items on the agenda may be deleted or carried over to a subsequent meeting.

Article 6 Quorum

The representatives or proxy-holders of at least two thirds of all voting members shall constitute the quorum necessary for the meeting to be valid. In the absence of a quorum, the Chairperson shall close the meeting and convene another as soon as possible.

Article 7 Voting

1. The Board shall take its decisions in accordance with the voting rules specified in the Regulation. For that purpose the total number of members of the Board is that of the members entitled to cast a vote, present or not.

2. In addition to his/her own vote, each voting member may cast one vote that she/he has received by proxy. The proxy shall be notified to the Chairperson at the beginning of the meeting.
3. Unless a secret ballot is requested by at least one-third of the voting members present, votes shall be taken by show of hands.
4. Notwithstanding paragraph 3, the vote shall be taken by secret ballot for the election of the Chairperson and Deputy Chairperson of the Board unless the Board decides differently unanimously.
5. For each decision adopted by the Board, the result with the numbers of votes cast shall be recorded. A statement of the views of the minority may be entered in the minutes along with the decision if the minority so requests.
6. The Chairperson may authorise a member to speak briefly in explanation of a vote he has cast.

Article 8

Decisions by written procedures

1. Without prejudice to Articles 6 and 7, decisions of the Board may be taken by written procedure, on a proposal from the Chair, provided one third of the members does not object.
2. A proposal for a decision to be taken by written procedure shall not be subject to amendment; it shall be approved or rejected in its entirety.
3. Notwithstanding the provisions in paragraphs 1 and 2, in exceptional cases, where a decision of the Board is needed in an emergency situation, documents and information may be transmitted and votes cast by the quickest means that is available and acceptable to members.
4. The result of a written procedure will be notified without delay to the Board members.

Article 9

Transmission of documents; minutes

1. A summary of the decisions taken at each meeting of the Board shall be forwarded to members not later than two weeks after the end of the meeting.
2. The draft minutes, to which shall be attached the summary referred to in paragraph 1, the attendance list, and the decisions taken with the numbers of votes cast at each vote, shall be forwarded to members before the following meeting and in any case not later than two weeks after the end of the meeting.

3. Once approved, the minutes shall be signed by the Chairperson. The signed copy of the minutes shall be kept in the archives of the Agency.
4. The final text of the minutes shall be forwarded to members not later than two weeks after its approval.

Article 10
Confidentiality of the Board's proceedings

1. All proceedings of the Board shall be confidential. Members and others present at meetings of the Board shall respect the confidential character of these proceedings.
2. The Board's decisions, minutes of meetings and any other related document shall be subject to the provisions of article 47 of the Regulation and measures taken for its implementation.

Article 11
Subsidiary Bodies

The Board may create subsidiary bodies at its own discretion. The Board shall determine their composition.

Article 12
Consultation of the Advisory Body of Interested Parties

1. When an opinion of the Advisory Body of Interested Parties referred to in article 24(4) of the Regulation is required, the Chairperson of the Board shall notify to the Chairperson of that Body the subject matter to be discussed at least two months before the meeting of the Board; it may provide at the same time any document or material relevant to that subject. If the opinion of the Advisory Body of Interested Parties has not been forwarded to the Chairperson of the Board at least two weeks before the meeting, the Board may proceed without taking such opinion into account.
2. Notwithstanding paragraph 1 above, the Chairpersons of the Board and of the Advisory Body of Interested Parties may agree on shorter notice if the urgency so requires; Members of the Board shall be notified accordingly at least three weeks in advance of the meeting.
3. When the Advisory Body of Interested Parties has issued an opinion to the Board, the Board shall put the subject on its agenda at the earliest possibility and respond.

Article 13
Mission expenses

All travel and subsistence expenses incurred by experts invited by the Board in connection with meetings relating to Board business shall be paid by the Agency in accordance with the scales laid down by the Staff Regulations of Officials of the European Communities for officials in grades A4 to A8.

Done at Brussels, ...

For the Management Board

M. Ayrat
Acting Chairman