

Management Board Decision

DECISION N° 05-2021

of 10 December 2021

**adopting the Rules of Procedure of
the Management Board of the European Union Aviation Safety Agency**

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AVIATION SAFETY AGENCY,

Having regard to of Regulation (EU) 2018/1139 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency¹, hereinafter referred to as the “Basic Regulation” and in particular Article 98(2)(j) thereof;

Whereas:

(1) The Management Board, shall ensure that the Agency carries out its mission and performs the tasks assigned to it under the conditions laid down in the Basic Regulation;

(2) The Rules of Procedure as established by the Management Board² needed to be revised in the light of the amended Basic Regulation and the experience and working practice of the Management Board;

The following rules of procedures are adopted.

¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.08.2018, p. 1).

² As established by EASA MB Decision 06-2011 of 09 June 2011.



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

**Article 1
Composition**

1. The Management Board consists of one member and two alternates appointed by each Member State as stipulated in Article 99 of Regulation (EU) 2018/1139 (the Basic Regulation). The Commission has two members and two alternates.
2. The Management Board members can be categorised as follows:
 - (a) “Member States with voting rights” meaning the Member States of the European Union and the European Commission.
 - (b) “Member States without voting rights” meaning Iceland, Liechtenstein, Norway and Switzerland.

**Article 2
Admission of Observers**

1. Representatives of European third countries not being a Member State to EASA, or covered by paragraph 4, may be invited to attend the Management Board’s meetings as observers provided such countries have concluded appropriate arrangements in accordance with Article 90(2) of the Basic Regulation.
2. The EASA Advisory Body established in accordance with Article 98(4) of the Basic Regulation, hereinafter referred to as “SAB”, shall appoint four of its members to participate as observers in the Management Board. They shall represent, as broadly as possible, the different views represented in the advisory body. The initial term of office shall be 4 years and shall be extendable.
3. The attendance of experts and of persons whose opinion might be of interest, shall be agreed by the Management Board on a case by case basis. The organisation of, and attendance at, hearings on specific matters shall be decided in the same manner.
4. 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 Management Board’s meetings as observer when the accession negotiations have been finalised.
5. Observers do not have voting rights.

**Article 3
Term of office and Nominations**

1. The duration of the term of office of members and alternates of the Management Board is four years and the term is extendable, as stipulated by Article 99(1) the Basic Regulation. Unless the Member State informs otherwise, the term of office shall be considered to have been renewed. If an appointed member or an alternate leaves the Management Board before the end of his or her term of office, then the duration of the term of office of his or her replacement is a full term of office.
2. Nominations of a member, the two alternates, and/or observers, as well as any changes thereto, must be submitted in writing to the Chairperson of the Management Board, with a copy to the MB Secretariat.



Article 4 **Chairmanship**

1. In accordance with Article 100 of the Basic Regulation, the Management Board shall elect a Chairperson and a Deputy Chairperson from among its members with voting rights, with its terms of office being four years. The terms of office shall be extendable once for a further four years. If their membership of the Management Board ceases at any time during their term of office, their term of office shall automatically expire on that date.
2. The Chairperson and Deputy Chairperson shall be elected by separate, secret ballot. The election shall take place at a meeting of the Management Board convened by the outgoing Chairperson.
3. The Chairperson and Deputy Chairperson shall be elected by the Management Board's members with voting rights, acting in accordance with the voting rules in Article 102(2) of the Basic Regulation.
4. Prospective candidates for Chairperson or Deputy Chairperson should indicate their interest to the sitting Chairperson at least 3 weeks before the next meeting.
5. The Chairperson and Deputy Chairperson must receive majority of votes to be elected. Majority of votes includes all possible votes in the Management Board (i.e. 50% + 1 of the possible votes)³. Elections shall take place in accordance with the following procedure.
 - (a) If there is one candidate:
 - i. the candidate must receive a majority of the votes to be elected.
 - (b) If there are two candidates:
 - i. the candidate who receives majority of the votes is elected.
 - (c) If there are more than two candidates:
 - i. in the first ballot, if a candidate receives the majority of the votes, that candidate is elected.
 - ii. if none of the candidates receives the majority of the votes, the two candidates who obtained the highest number of votes go forward to the second ballot. When it is not possible to determine who the two candidates are 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 ballot.
 - iii. in the second ballot, the candidate who receives majority of the votes is elected.
6. The terms of office of the Chairperson and Deputy Chairperson shall commence on the first day of the month following the vote, unless decided otherwise.
7. 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. Such meeting is 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.

³ All possible votes means the total number of Member States with voting rights, regardless of meeting presence. As an example, when the number of all possible votes is 29, a majority of votes is 15 votes or more. Should the total number of all possible votes be 30, a majority would be 16 votes or more.



Article 5

Attendance at meetings

1. The Management Board members should attend all meetings of the Management Board. Where this is not possible, their alternate should attend instead. Both, the Management Board member and his or her alternate can participate in the same meeting.
2. A Management Board member and/or his or her alternate may be assisted by an adviser. The Chairperson may authorise the attendance of a second adviser. The attendance of advisers shall be communicated to the MB Secretariat at the latest one day before the meeting.
3. In any case, the total number of representatives per delegation attending the same meeting shall not exceed three, except with the consent of the Chairperson.
4. The Executive Director shall take part in all the Management Board's deliberations and may be assisted by other staff of the Agency, along with the MB Secretariat provided by the Agency.
5. At the proposal by the Chairperson, or the request of any one member present at the meeting and following an explanation of that member, the Management Board may decide with a general agreement in accordance with Article 9(2) of these Rule of Procedure, whether or not to hold the meeting or a part of it in a closed session attended only by the members of the Management Board, their alternates and the Executive Director, as well as the MB Secretariat. If the Management Board decides to hold a closed session it shall also agree whether to consider the matter in an extended closed session with the inclusion of such additional persons as the Management Board may decide.

Article 6

Convening of meetings

1. Meetings of the Management Board shall be convened by the Chairperson, or the Deputy Chairperson in the absence of the Chairperson. The Management Board shall hold at least two ordinary meetings a year.
2. 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 Management Board or, in the event of equal length of service, by the oldest of the longest serving members. If not possible, the Management Board may decide to elect among its members a chairperson for this meeting by a majority of all present voting members.
3. At the last meeting of a calendar year at the latest, the Management Board shall agree on a meeting calendar for the forthcoming year. The proposed meeting calendar shall take into account the Agency's planning cycle.
4. The Chairperson may convene a meeting at his instigation or at the request of at least one third of the members. Such meeting shall take place within six weeks of receipt of the request, or two weeks in urgent cases.
5. When the Management 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 exceptional circumstances.
6. When circumstances require, and provided that one third of the members does not object, the Chairperson may change the date or place of a meeting of the Management 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.
7. When circumstances require, meetings may be held on an online platform.

Article 7

Agenda and meeting documents

1. A provisional agenda shall be drawn up by the Chairperson. It shall contain, items specifically requested by a member, alternate or observer of the Management Board as well as any items requested by the Executive Director.
2. Without prejudice to paragraph 1, matters 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 should indicate for each item the requested action to be taken by the Management Board, as follows:
 - (a) “For decision”: The agenda item will be concluded with a decision by the Management Board. The relevant meeting document will specify the applicable voting rules as stipulated in Article 9 of this Rules of Procedure.
 - (b) “For discussion”: The agenda item will be discussed by the Management Board without taking a decision. The Chairperson will summarise the conclusions at the end of the discussion.
 - (c) “For information”: The Management Board takes note of the information provided under this agenda item.
4. The agenda, accompanied by the relevant material for decision making, will be made available to the members, alternates and observers at least two weeks prior to each meeting, except in exceptional circumstances. Material for decision making that is reviewed by the Programming and Resources Advisory Group (PAR AG) prior to the Management Board meeting may be made available to the members, alternates and observers on shorter notice.
5. If any necessary working document for decision is transmitted to the members outside the time-limits specified in paragraph 4, no such decision shall be taken on the question to which it relates, unless the Management Board decides otherwise.
6. The agenda shall be adopted at the beginning of each meeting.
7. If the Management Board so decides, urgent items/questions may be added to the agenda at any time prior to the end of the meeting. Items may also be deleted from the agenda or carried over to a subsequent meeting.

Article 8

Quorum

1. The representatives of at least two thirds of all members with voting rights shall constitute the quorum necessary for the meeting to be valid. In case a proxy has been given in accordance with Article 9(3), such proxy shall be considered as being included in the present members.
2. In the absence of a quorum, the Chairperson shall close the meeting and convene another as soon as possible. In exceptional cases, the meeting, without decisions being taken, may be held on a proposal of the Chairperson or a member with voting right, provided that no other member with voting right objects to such proposal.



Article 9

Voting

1. The Management Board shall take its decisions in accordance with the general voting rules specified in Articles 102 of the Basic Regulation.
2. For other decisions of the Management Board, where the voting procedures prescribed by the Basic Regulation do not apply, the Management Board may decide on the matter by general agreement.
3. In addition to his or her own vote, each member with a voting right may cast one vote for another member with a voting right that he or she has received by proxy. The proxy shall be submitted in form of a written authorisation from that other member in advance to the Chairperson, with a copy to the MB Secretariat.
4. In the absence of a member of the Management Board with voting right, his or her alternate shall be entitled to vote.
5. Without prejudice to Article 4(2), votes shall be taken by show of hands unless a secret ballot is requested by at least one-third of the members with voting right present in the meeting.
6. For each decision according to Article 9(1) adopted by the Management Board, the results of the vote 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.
7. The Chairperson may authorise a member to explain briefly his or her vote cast.

Article 10

Decisions by written procedures

1. Without prejudice to Articles 8 and 9, decisions of the Management Board may be taken by written procedure, on a proposal from the Chairperson, provided that one third of the members with voting right does not object. To this end, the Management Board members shall receive in advance the proposed measures on which a decision is sought.
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. Any Management Board member with voting rights who does not express his or her opposition or intention to abstain before the deadline laid down in the request for written procedure is considered to have given his or her tacit agreement to the proposal.
3. The response period must not be less than 14 calendar days, except in exceptional circumstances. The precise date to cast a vote shall be defined by the Chairperson. Votes are cast by return e-mail or by online voting, if available.
4. The result of a written procedure will be notified without delay to the Management Board members.

Article 11

Confidentiality

1. The discussions in the Management Board as well as the related meeting documents, shall be confidential unless the Management Board agrees otherwise. Members, alternates, observers and others present shall respect the confidential character of Management Board meetings.



2. The Management Board's decisions, minutes of meetings and any other related document shall be subject to the provisions of Article 119 of the Basic Regulation and measures taken for its implementation.

Article 12 **Minutes of Management Board meetings**

1. The minutes of each meeting shall be drawn up following each meeting and shall contain, in particular:
 - (a) a summary of the decisions taken;
 - (b) a summary of the agenda items presented and discussed; and
 - (c) a list of attendees.
2. The draft minutes shall be forwarded to the Management Board for their review and comments no later than four weeks after the end of the meeting, except in exceptional circumstances. Comments from the Management Board shall be communicated to the MB Secretariat within the given deadlines but in any case before the following meeting.
3. The minutes shall be approved by the Management Board at its next meeting. Once approved, the minutes shall be signed by the Chairperson. A signed copy of the minutes shall be kept in the archives of the Agency.
4. The final text of the minutes shall be made available to the Management Board not later than two weeks after its approval.

Article 13 **Subsidiary Bodies**

1. The Management Board may create subsidiary bodies at its own discretion. The Management Board shall determine their composition and shall provide further guidance on their scope and activities.

Article 14 **Consultation of the EASA Advisory Body**

1. When an opinion of the SAB is required in accordance with Article 98(4), the Chairperson of the Management Board shall notify to the Chairperson of the SAB of the subject matter to be discussed at least two months before the meeting of the Management Board. The Chairperson of the Management Board may provide at the same time any document or material relevant to that subject. If the opinion of the SAB has not been forwarded to the Chairperson of the Management Board at least two weeks before the meeting, the Management Board may proceed without taking such opinion into account.
2. Notwithstanding paragraph 1 above, the Chairpersons of the Management Board and of the SAB may agree on a shorter notice if the urgency so requires. The Management Board shall be notified accordingly at least three weeks in advance of the meeting.
3. When the SAB has issued an opinion to the Management Board, the Management Board shall put the subject on its agenda at the earliest possibility and respond.

Article 15
Amendment of the Rules of Procedure

1. The Management Board may amend these Rules of Procedure by a decision taken into accordance with Article 102 of the Basic Regulation. Any member, alternate or observer may propose amendments to the Chairperson.
2. Amendments to the Rules of Procedure shall enter into force on the next day following the decision by the Management Board.

Article 16
Mission expenses

1. Travel and subsistence expenses incurred by Member States and Observers, as defined by Article 1 and Article 2(1), (2) and (4), shall not be subject to reimbursement by the Agency.
2. Travel and subsistence expenses incurred by the experts referred to in Article 2(3) invited by the Management Board in connection with specific Management Board meetings shall be subject to the applicable Decision of the Executive Director on the general terms and conditions for the reimbursement of travel and subsistence expenses to outside persons.

Article 17
Entry into force

1. These rules shall enter into force on the next day following the adoption by the Management Board.

Article 17
Repeal

The "Rules of Procedure of the Management Board of the European Aviation Safety Agency" adopted by Management Board Decision 06-2011 is hereby repealed.

Done in Cologne, 10 December 2021

<signed>
Piotr Samson
Chair of the Management Board