



EASA MB 02/2012

6 June 2012

WP02 – Final Minutes of EASA MB 01/2012

13 March 2012

**FINAL MINUTES OF THE MEETING OF THE
EASA MANAGEMENT BOARD
HELD ON
13 MARCH 2012 (MB 01/2012)
AND SUMMARY OF DECISIONS TAKEN**

SUMMARY OF DECISIONS

At its meeting held on 13 March 2012, the Management Board:

- Formally adopted the revised Rulemaking procedure, amending and replacing MB Decision 08-2007
- Formally adopted the Agency's 2013 Draft Budget, Draft Work Programme and Establishment Plan ;
- Formally adopted the Agency's 2013-2015 Staff Policy Plan



0. List of Attendees (Please see ANNEX 1)

The Chair opened the meeting, welcoming all participants, and introduced the new alternate member from DGAC France, Mr Patrick Cipriani, from the Direction de la sécurité de l'aviation civile Nord.

The Chair also introduced Roberto Lenti, Head of the Brussels Office, who has taken over the responsibility for the MB Secretariat, replacing José Penedo del Rio.

Finally, he also welcomed Mr Paolo Jorge Marcelino Baptista de Andrade, representing INAC Portugal as an observer. Both the Member and Alternate could not participate.

1. Adoption of the Agenda

The Agenda was adopted as presented with two additions to the AOBs, requested by the Commission:

- a) update on the Fees & Charges regulation;
- b) relationship between ground handling regulation and rulemaking

2. Adoption of the minutes of the previous meeting

The draft minutes of MB 04/2011 were adopted as presented.

3. Comments from the Chair

Executive Director successor: The Chair thanked Board Members for one-to-one discussions regarding the profile of the ED successor in 2013.

The Commission confirmed that it was in the process of preparing the VN and acknowledged that the Chairman had been feeding comments from the Board. The selection panel will be established following the publication of the VN, probably in June, and will have Mr Ruete, Director General DG MOVE, as Chair, with the MB represented by an observer. The Commission hopes to present short list of candidates for consideration and decision by the MB at its meeting in March 2013.

Unmanned aircraft systems: The Chair reported that the workshop phase of the UAS Panel process was now complete, and that the Panel would now prepare a single report to the Commission. ICAO had recently agreed changes in the treatment of UAS in SARPs, and a worldwide symposium on UAS will take place in Montreal in spring 2013.

4. Report of the Executive Director

(Presented by the Executive Director (ED))

The Executive Director presented the report on EASA developments since MB 04/2011.

He underlined *inter alia* the following elements:

- The high workload within the Agency is a concern, especially vis-à-vis ATM issues. Special mention was made of *ad hoc* issues that EASA also has to address, e.g. the conflict of interest issue as it required a lot of work in parallel, drawing considerably on Agency resources;



- The Agency has certified its first Russian aircraft (Sukhoi Superjet), which will be used first in Mexico and then in Italy;
- IORS: fully up and running. A specific report will be presented at the June MB;
- OSD to be approved by EASA committee soon;
- Standardisation report: excellent document prepared by the Standardisation department, to be sent soon to the Commission and may be discussed at next Partnership meeting in May;
- Brussels office: opened on 1st March in the same building as SESAR (Cortenberg 100). Currently 5 people are working there, primarily on ATM standardisation, with maybe some TCO and SAFA staff to follow;
- The Agency is monitoring very carefully the F&C revenue and will report in June.

In discussing the ED Report the following points were made:

A380 : The Chair, supported by the Commission, thanked the ED, praising the Agency for its effective communication strategy, issuing well-judged statements at the right time.

Fees and Charges : The Commission would like to have a more thorough analysis of the trend of F&C in terms of multiannual perspective, as previously agreed.

5. Report of the FABS Committee

(Presented by Ellen Bien, Chair of the FABS)

The Chair of the FABS presented the report and the progress made in the FABS.

She underlined *inter alia* the following elements:

- Draft Work Programme is in line with the Business Plan;
- 5% cut: discussion on-going between EC and DG BUDG, but no feedback received yet;
- KPI group: 32 indicators addressing performance, not safety, have been identified. Nevertheless, still work in progress and proposes to implement what is there with a review in one year.

The Commission acknowledged that KPIs have now been established, but recognised that setting KPIs in a public administration is always problematic and that this is still work in progress.

6. Adoption of the 2013 Draft Budget, Draft Work Programme and Establishment Plan

(Presented by Luc Vanheel, EASA Finance and Business Services Director)

The Director presented the documents submitted to the Management Board.

He underlined *inter alia* the following elements:

- Figures are in line with what was discussed in December. Revenue from fees has not increased for the current remit (stable), but for new tasks (plus 25 M€); subsidy is practically flat;



- The Agency is foreseeing additional staff, mainly in F&C funded areas. For subsidy funded areas it has requested 12 posts, pending the approval by the budgetary authority. The latter was also discussed with DG MOVE in front of DG BUDG explaining the rationale that the Agency first develops the rules, and then verifies that they are applied. The Agency has highlighted that it has new tasks linked to the first extension in 2012 and to the second in 2012-2013 (ATM/ANS + aerodromes). The most important action is to be labelled as “new task” agency, as opposed to “cruising speed”. The Agency needs to be allowed to increase its staff to reflect additional functions.
- 2011 performance: still provisional accounts, but are less gloomy than what was forecasted last year, with a potential positive outturn, not because revenue is up (actually it is down) but because the Agency was able to contain its expenditure, containing the costs (IT, missions, outsourcing). Breakeven on the subsidy part;

In discussing the agenda item the following points were made:

KPIs: The EAB, followed by Norway and France, recognised the work done so far and supports the implementation of the KPIs. However, urged (France) that they are coherent, and where possible identical to those used internally (e.g. quality) to ensure there is no duplication or significant increase in work. Also recommends that those activity indicators relating to certification and organisation approvals are reviewed and validated by ENACT.

Budget cuts: The Commission explained it has made a proposal to reduce by 5% its resources in view of the next financial perspectives, both for the Commission, and the regulatory and executive Agencies. DG MOVE is pushing to have EASA accepted as a ‘new tasks’ agency. New staff for EASA would need to be found by staff reductions in other Agencies (“beggar thy neighbour”). Reply expected by the end of March.

The EAB highlighted that budget problems are something the industry and the NAAs are also facing, but agreed with the importance that the Agency is viewed as a ‘new tasks’ agency, acknowledging that there is still a lot of work to be done and it is far from being complete. Cutting 5% of staff over the next 5 years could have serious consequences and asked other members to support the Agency. With a new activity, people need to be recruited and then trained. This process has now started in the Agency, expecting to be at cruising speed in 2-3 years. Norway underlined that Safety in aviation is a major concern, reminded the ED comments in the previous MB that cuts could well prove detrimental to safety not immediately but in few years and political masters should be made aware of this. The Chair also recognised that the question of resources needs to be raised at political level.

The Chairman concluded by acknowledging the good quality of the documents but also the possible forthcoming cuts and supported call by EC to MB members to lobby their respective finance ministers. Recognizing the first set of draft KPIs as the basis for on-going work, which would include an evaluation by ENACT of relevant KPIs, with the aim of inserting the indicators in the next Work Program, requested that a footnote is inserted indicating that KPIs are being actively reviewed and should be modified in subsequent versions. Accepted the proposal of France, with KPIs to be reviewed in March and September MB meetings.



The 2013 Draft Budget, Draft Work Programme and Establishment Plan, were therefore adopted, as advised by the Chair of the FABS. EC abstained pending DG BUDG reply.

7. Adoption of the Staff Policy Plan 2013-2015

(Presented by Luc Vanheel, EASA Finance and Business Services Director)

The Director presented the documents submitted to the Management Board.

In discussing the agenda item the following points were made:

ENDs: The Netherlands underlined that although ENDs (“SNEs”) are seen as an option it is becoming more and more difficult due to cuts in the NAAs, and enquired as to the possibility for shorter term recruitment. The Chair clarified that END contracts can be from 6 months to 4 years (1.5.1) and the EC indicated its preference for at least a year.

The 2013-2015 Staff Policy Plan was therefore adopted, with the EC abstaining for the reason explained above.

8. Regulation of General Aviation

(Presented by Alain Leroy, Head of Product Department, and Martin Robinson, representative from EAB - IAOPA)

Mr Leroy presented the document submitted to the Management Board.

He underlined *inter alia* the following elements:

- “Two wheel” concept, not the Agency and the NAAs, but the Agency together with the NAAs on the inside, with the GA community on the outside. Recognised that it is a challenge to reach an agreement with 27 member states;
- Three principles: proportionality – flexibility – standardisation;
- Challenges: how do we implement a risk based approach in order to apply resources where needed; how do we move forward and how to work together?

Mr Robinson (IAOPA) presented the EAB document submitted to the Management Board.

He underlined *inter alia* the following elements:

- Without criticising what has been done until now, wonders whether things can be done differently, underlining the common themes between the two papers;
- Promoted better use of SARPS (standards and recommended practices)
- Indicated that the issue is in the fine details and that change is not bad but must be ensured it goes in the right direction.

In discussing the agenda item the following points were made:

New approach: France (Spain, Ireland, and Switzerland) agreed with the recommendations of the EAB paper, in particular with starting from a totally different approach and searching for a common simplified position. If the approach is not changed there will be two main risks, either activity would cease and/or activities will no longer conform with the rules, with the safety level actually decreasing (France).

France suggested to create within a short timeframe guidelines defining expected safety levels for GA, lower than those required for commercial air transport (France, UK) trying



to find a balance between what is good for GA and for the 'public' (Czech Republic). The Commission suggested to think about the reversal of burden of proof. The United Kingdom suggested that clarity was needed on the consequences for regulatory work now underway of considering a new approach. Switzerland stated that we should not be looking at compliance at all costs.

In addition Sweden would like to ensure that everyone fully understands the current regulation, which is not always prescriptive but does allow flexibility. Italy proposed to start with simple things which would reduce the burden for GA.

Clarify understanding of GA: The Commission is aware that a different approach is needed but calls for a clarification of what is meant by GA. It is important to define the scope (gliders, balloons, etc.) and the desired regulation structure (self-regulation, lighter regulation, risk based approach).

Harmonisation yet local flexibility: Not all national practices should be standardised (one size fits all does not work) with some flexibility should be left for local realities, e.g. different topology (EAB, Austria and The Netherlands). Harmonised and standardised rulemaking should not forget the small structures in GA (Austria).

Key concepts: Proportionality, cost benefit analysis and flexibility should be taken into account for clearly focused rulemaking (Austria, Poland).

The Chair summarised the discussions. Doing nothing is not satisfactory because of the risk of GA withdrawing (leaving the field) or operating illegally because of too much regulatory burden. There was a consensus that (a) the acceptable level of safety risk for GA is higher than for CAT; that (b) there is a risk of GA being "caught up" in over-regulation because of the priority to complete IRs governing CAT; and that (c) strategies other than regulation (eg training, publicity) may be effective in raising GA safety standards. Supported the French proposal in trying to establish guidelines, but through a group rather than a conference. Asked France to convene and lead this small group (no more than 10), with representatives of the Agency and a small group of NAAs, representatives of GA associations (2) and the Commission. The group should work quickly so that its conclusions can inform the on-going debate on certain draft IRs currently going through the legislative pipeline, e.g. on non-commercial and special operations.

9. EASA Research Strategy

(Presented by John Vincent, Deputy Director for Strategic Safety & Head of Safety Analysis)

The Deputy Director presented the documents submitted to the Management Board.

He underlined *inter alia* the following elements :

- Research is a small and modest function in the Agency, run with only two project officers; overall aim is to be up to date with the technology developments, trying to stay ahead of the curve and ensure the Agency is at the cutting edge, anticipating safety issues as well as current issues;
- Consistency between priorities set in the Aviation safety plan and research plan
- All of the research done by the Agency is freely available to the whole community on the EASA website



- Short term:
 - spend money on a year on year basis, committed one year to be delivered the next year, based nevertheless on a 3-year research plan;
 - budget is small but used efficiently, and the Agency always has more projects than money to fund them;
 - setting priorities is very important, and themes are specified through EARPG;
 - keep track of the major projects funded by DG RTD, in some of which the Agency is involved, in some as evaluators, with some workshops organised in Cologne.

In discussing the agenda item the following points were made:

Research and EASA: the EAB, together with the Netherlands, supported the overall principle that EASA does some research as it needs to be ready for the future. A lot is being done by DG RTD and SESAR and it is important for EASA to ensure that all of this research is put to good use, and that what is being done by SESAR can then be implemented. Taking into account the discussion on the resources, the Commission wished to clarify the role of EASA and indicated that with FP8 ("Horizon 2020") the Commission will be moving towards external project management. Research is already being done by Eurocontrol, which has a large research centre, and two JUs, SESAR and Clean Sky. EASA should be the voice of aviation safety in the whole of aviation-related research projects, communicating its needs and having full knowledge of what is going on. It should only use very little resources on very few projects, not duplication. The ED praised that the role of the Agency is being recognised, and underlined that with the little money the Agency has it has achieved very good results. He also hoped that the Agency will now be able to influence more and more what is being done.

The Chair concluded that (a) the Board welcomed the report; (b) the Board noted the importance of the Agency injecting safety aspects into wider EU research projects; (c) the Agency should attempt to document ways in which earlier research projects had led to concrete improvements in aviation safety; and (d) the next iteration of EASp should indicate the role of research in meeting the objectives of the Plan.

10. Rulemaking in the context of the extension of Community Competencies

(Presented by Jules Kneepkens, Rulemaking Director)

The Director presented the documents submitted to the Management Board.

In discussing the agenda item the following points were made:

Progress and transition periods: The Commission (together with The Netherlands, Italy and France) recognised the very good progress made since autumn 2009, for example on the FCL proposal.

Italy, having recognised that for the first extension the quality of rulemaking work has improved a lot, indicated that for the second extension there is something to clarify on the ATM rules, in particular a clarification of the respective roles. France underlined that the CRDs published since the beginning of the year have been accepted well, and would like to ensure that particular attention is paid to the transition periods. Austria underlined the importance of safety cases in the RAG (Rulemaking Advisory Group).



The Agency reported that transition period is something on which it is working closely together with Standardisation in order to assist the MS during this period.

SMS: The Commission indicated that SMS information and communication is important and everyone should be aware on how they have to feed into the system.

11. Rulemaking procedure and process

(Presented by Jules Kneepkens, Rulemaking Director)

The Director presented the documents submitted to the Management Board.

The meeting formally adopted the revised MB Decision on the rulemaking process.

12. ATM Rulemaking programme

(Presented by Jussi Myllyarnemi, Head of Rulemaking ATM/ANS and Aerodromes Department)

Mr Myllyarnemi presented the progress report submitted to the Management Board.

He underlined *inter alia* the following elements:

- Short-term (cohesion) versus long-term (addressing overlaps);
- Urged to adapt SES rules taking into account the BR;
- Underlined the importance of the programme management between SES and EASA and the setting of priorities, what they are and the timeframes;
- Insisted that rules should tackle technological advancements, and looking at the past does not always give answers for the future;
- Although the ATM regulatory system is quite complete it does not cover everything, and additional regulation would complement what is already there;
- Standardisation visits have started to be carried out, with useful feedback loops;
- Assured that all the advice, including that coming from the MB, has been taken on board, yet complying with the fast track;
- Regarding future plans on SESAR: is this the time to think about self-regulations or should we regulate everything?

In discussing the agenda item the following points were made:

Prioritisation of tasks and resources in NAAs: The Chair expressed the feeling that the stakeholders in industry are not really aware of how much is coming their way and in acknowledging that the ATM task has put a very substantial burden on the Agency, would like to ensure that the priorities have been set right. Austria supported the Chair's comments, indicating that momentum has picked up, and wondered whether the prioritisation of the rulemaking programme should be looked at. Concern was conveyed that states need to acquire the competencies in order to fully implement the regulations and that there are a lot of new tasks/rules, and speed at which they will come (Austria and UK).

SES and BR: The Commission indicated that the clear separation between SES and the BR will need to be looked at in future developments. The current overlap means that these aspects will need to be reviewed in both committees, with a possible need for joint committee meetings. It will be even more important to be transparent and to coordinate.



13. Article 62 Evaluation

(Presented by the Chair)

The Chair presented the paper submitted to the Management Board.

He underlined *inter alia* the following elements:

Article 62 (ex-53) is a statutory evaluation of the Agency. The Chair asked the MB whether it agreed to launch the evaluation, with a small group established by the Chair to draft terms of reference, and kindly requested the MB whether any particular item should be looked at. It underlined that the study should be focused

The Commission requested to be involved in writing the ToRs and underlined that although it is important to focus the study, the legal obligations should not be forgotten.

It was agreed that the Chair would convene a small group as proposed, with the aim of reporting back in June, and the Chair invited expressions of interest to join the group.

14. AOB

(Presented by the Chair)

Ground handling: The Commission was approached by a few members of the MB regarding safety requirements in the provision of ground handling services and how will this interrelate with the future aerodromes regulations.

The Chair closed the session thanking all Delegations for the fruitful discussions.



ANNEX 1: List of Attendance

Members

	MEMBER	ALTERNATE	ADVISER/EXPERT
AUSTRIA	Karl Prachner	Franz Nirschl	
BELGIUM		Benoit Van Noten	
BULGARIA		Eleonora Dobрева	Stoino Gerogiev
CYPRUS			
CZECH REPUBLIC	Josef Rada	Vítězslav Hezký	
DENMARK	Per Veinberg		
ESTONIA	Koit Kaskel		
FINLAND		Susanna Metsälampi	
FRANCE	Maxime Coffin	Patrick Cipriani	Thierry Lempereur
GERMANY			
GREECE		Georgios Sourvanos	
HUNGARY		Eva Kallai	
ICELAND*	Pétur Maack		
IRELAND	Ethna Brogan		Brian Skehan
ITALY		Benedetto Marasa	
LATVIA			
LIECHTENSTEIN*			
LITHUANIA			
LUXEMBOURG	Claude Waltzing	Claude Wagener	
MALTA			
NETHERLANDS	Ellen Bien	Jan-Dirk Steenbergen Pieter Mulder	
NORWAY*	Heine Richardsen		
POLAND			Darius Gluszkiewicz

* Members without voting rights



	MEMBER	ALTERNATE	ADVISER/EXPERT
PORTUGAL			Paulo de Andrade
ROMANIA			
SLOVAK REPUBLIC	Peter Patoprsty		
SLOVENIA	Mirko Komac	Jožef Slana	
SPAIN	Luis Rodríguez Gil	José M. Ramírez Ciriza	
SWEDEN	Ingrid Cherfils		Magnus Molitor
SWITZERLAND*	Marcel Zuckschwerdt		
UNITED KINGDOM	Michael Smethers (Chair)	Susan Hamilton Pat Ricketts	
EUROPEAN COMMISSION	Mathias Ruete	Eckard Seebohm	Peter Sorensen

Observers

	MEMBER	ALTERNATE	ADVISER/EXPERT
EASA ADVISORY BOARD¹	Vincent De Vroey	Gilles Garrouste Thomas Loeff	Mick Sanders
ALBANIA¹			
BOSNIA AND HERZOGOVINA¹			
CROATIA¹			
FORMER YUGOSLAV REPUBLIC OF MACEDONIA¹			
MONTENEGRO¹			
SERBIA¹			Dragan Tesla
U.N. MISSION IN KOSOVO¹			

¹ Observers without voting rights.



ANNEX 2: Action List

No.	Action number	Description action	Action holder	Deadline
1	11/MB04/11	ED to inform MB on accommodation developments	Agency	On-going
2	12/MB04/11	Written consultation on draft Fees and Charges Regulation	MB	January 2012
3	01/MB 01/12	Presentation on Conflict of interest	Agency	MB 02/2012
4	02/MB 01/12	Article 62 update and ToRs	Chair	MB 02/2012
5	03/MB 01/12	Report from the GA group	France	MB 02/2012
6	04/MB 01/12	Paper on range of international work	Agency	MB 02/2012
7	05/MB 01/12	Paper on arrangements for oversight of continuing airworthiness, including the IORS process	Agency	MB 02/2012
8	06/MB 01/12	Paper on Agency's training activities (June or September)	Agency	MB 02/2012