



**SUMMARY OF DISCUSSIONS**  
  
**OF THE**  
  
**EASA MANAGEMENT BOARD**  
  
**SPECIAL MEETING ON STRATEGIC ISSUES**  
  
**HELD ON**  
  
**14 DECEMBER 2010**



**0. List of Attendees – Please see ANNEX 1**

The Chair opened the meeting and welcomed all participants, especially the new representatives from the Netherlands, Poland, Slovak Republic and UK.

**1. Adoption of the Agenda**

The Agenda was adopted as presented. The Chair noted that for time reasons, the discussion on Agenda item 4 “Safety Strategy” might need to be rescheduled to MB 04/2010 on 15 December 2010.

**2. Introduction by the Chair**

The Chair introduced WP02a and WP02b. He said that 2010 had been an eventful year for the Agency and underlined that the Agency is operating in a fast-changing environment. In the light of this, it would now be a good time for the Board to take stock on how the Agency is developing and to consider what should be the priorities for the medium-term. The Chair highlighted the following main factors:

- The challenge to complete the regulatory regime in all safety domains;
- The current financial climate and budget constraints for the Agency;
- The conclusions from ICAO’s High-Level Safety Conference and General Assembly;
- The experience of the volcanic ash episode.

The Chair explained that from WP02b, four main themes can be recognised, which are all interlinked:

- “EASA system”: a complex set of arrangements;
- “Partnership”: relationship between EASA, European Commission, Eurocontrol, NAAs and interested parties;
- “High Quality Prioritisation”: focus on key safety issues;
- “Evolution of Regulatory Approach”: take into account important developments.

**3. The EASA System – A Medium Term Perspective**

The Chair suggested to structure the discussion into 3 parts:

- First, a debate on sections 1-3 of WP02b (i.e. “Big Picture”, “Key Factors” and “What Does This Mean For EASA?”);
- Next, a run through sections 4-8 (“Safety Strategy” to “International Work”);
- Finally, a discussion of the next steps in section 9.



### Discussion on sections 1-3

Members welcomed the initiative taken by the Chair, noting that the paper identifies many important issues and common views. The Board expressed its satisfaction with the achievements made by EASA in the seven years since it took up its duties. As regards future developments, Members broadly welcomed the orientations proposed in the paper.

Discussion ensued on the following aspects:

#### (1) European Aviation Safety System

Members noted that the safety regulatory regime in Europe is complex and unique and agreed that it should be viewed and managed as a system ("the European Aviation Safety System"). Members recognised that Member States have to accept the concept introduced by the Basic Regulation, whereby main competences and responsibilities in aviation safety are transferred from NAA to EASA level. Members acknowledged that there is "no way back". It was noted that the European Aviation Safety Programme and Plan could play an important role in improving the European Aviation Safety System.

Members shared the view that the European Aviation Safety System is affecting not only EU but also non-EU countries. A harmonised approach and common uniform level of safety across Europe should thus be included in the Agency's strategy for the next years ("pan-European approach").

#### (2) Roles and responsibilities

Members felt that the roles and functions of the key players within the European Aviation Safety System are not perfectly clear. Hence, there should be a common understanding and - where necessary - clarification on the respective roles of the Agency, the Commission and the NAAs, and the interactions between them.

Particular concern was raised as regards the risk of losing knowledge and competence at NAA level. Ways would need to be found of making best use of existing competences, e.g. by finding a complementary /supportive way to work together. It was considered essential to recognise the interests of the NAAs and to build up a system of cooperation and mutual trust in order to make the complex European system work.

The Board shared the view that the Agency should be at the heart of the system, drawing together the threads to ensure the optimum combination of resources and expertise from across Europe.

#### (3) Partnership

Members strongly underlined the need for more partnership between EASA and the NAAs, duly taking into account the interests of both sides and reiterating that safety should be the key objective. EASA recalled that the



European Aviation Safety System is not an EASA but a common EU system. EASA is thus committed to work in close collaboration and partnership with NAAs and interested parties (e.g. through regular partnership meetings).

Members also noted the potential difficulties re implementation of partnership between EASA-NAA and NAA-NAA in practice. It should be carefully assessed of what already exists between states, what are the legal problems and how EASA could facilitate the partnership.

The Board agreed that relations between the Agency, NAAs, the Commission, Eurocontrol and interested parties should be firmly rooted in partnership, consensus building and mutual trust; EASA should facilitate cooperation between the different players.

#### (4) Workload and resources

Members acknowledged the tremendous amount of work that the Agency has been facing so far, noting that there will be even more challenges in the future in order to have the full set of rules timely in place. The Board agreed that a strong political lead is needed to support EASA in fulfilling its mission and tasks and in achieving the very ambitious objectives set for the future.

The Board took note of the resource constraints facing the Agency, NAAs and all other actors involved. The view was shared that efforts should be concentrated in setting priorities and in allocating resources to address major safety issues. It was also suggested that, in light of the limited resources, it might be helpful to slow down the process of integration in certain domains. In the same context Members expressed the view that any discrepancy between the Agency planning documents (e.g. Work Programme) and the budgetary decisions taken by the Board should be avoided. Clear leadership by the Board would be required to steer the Agency in the right direction.

#### (5) Complexity

Considering the complexity of the European Aviation Safety System and its products, Members agreed that it is becoming more and more difficult for NAAs and industry to absorb the regulations produced by the Agency. EAB said that in a system where EASA produces rules which NAAs and industry will have to implement, there is an inherent risk for loss of reality. Members saw a need for a clear prioritisation of tasks, focus on safety concerns as well as for simplification of rules. Moreover, Members underlined the core function of EASA in supporting stakeholders in implementing the regulations. To achieve this, good partnership and cooperation between EASA, NAAs and interested parties (e.g. via data sharing or involvement in rulemaking) is required. On priority setting the Commission said that it is important to also have a look at the various stakeholders and their respective roles.



#### (6) Teamwork

Members underlined the importance for the Agency to receive clear and consistent messages from the Board, both on priority-setting and resources. Question was raised on whether the Board would be willing to act as a team, taking the necessary ownership and respect to ensure a fruitful development of the Agency and the European Aviation Safety System as a whole.

Members agreed that the Board should act as a team in the interests of EASA and the European Aviation Safety System. In order to streamline work at EU level and to assure EASA being the centre of excellence for aviation safety in Europe, the Board should take responsibility and ownership for development of the organisation and make sure that the necessary tools (e.g. staffing and resources) are in place. This should include providing clear guidance to the Agency and taking duly into account European safety objectives and priorities endorsed at the political level. It was noted that a clear focus and specific actions are needed if the Board is to perform successfully..

EASA welcomed the fact that the Board wants to work as a team, underlining the need for clear priorities, consistent directions and clarity on resources.

The Chair summarised the discussion on section 1-3 as follows:

- 1) There was universal commendation to what has been achieved by the Agency in the seven years since it took up its duties;
- 2) There was general agreement that the safety regulatory regime in Europe should be viewed and managed as a system (the "European Aviation Safety System");
- 3) There was agreement that some work needs to be done to clarify what are the respective roles of the Commission, EASA, NAAs and the interactions between them;
- 4) The Board shared the view that the Agency should be at the heart of the system, drawing together the threads to ensure the optimum combination of resources and expertise from across Europe;
- 5) The Board underlined the essence of the Board acting as a team in the interests of EASA and the European Aviation Safety System;
- 6) The Board agreed that the relations between the Agency, NAAs, the Commission, Eurocontrol and interested parties should be based on partnership, consensus building and mutual trust and that EASA should facilitate cooperation between NAAs e.g. by technical exchange and operational coordination;
- 7) There was strong acceptance that the Agency should prioritise its tasks and devote resources to address priority safety issues.



Discussion on sections 4-8

The Chair suggested to focus the discussion on international work and rulemaking. He said that safety strategy would be covered during MB 04/2010 and certification would be addressed at the MB meetings in March or June 2011. Standardisation had already been discussed at MB 03/2010.

**(1) International work**

The Board recognised that calls on the Agency to support the Commission in international work will intensify. Members thus saw a need for the Commission to ring-fence budget for the Agency's international work. As ring-fencing alone might not solve the problem, the Board expressed the wish for additional funding from other EU sources to finance the Agency's increasing activities in the domain of international cooperation.

EASA noted that international work does not only cover the Agency's support to the Commission but also the support to aviation industry e.g. via working arrangements.

Acknowledging that international work for the Agency is likely to increase, the Commission agreed to consider more clearly earmarking funds for financing the Agency's in this domain. The Board welcomed this initiative and requested a follow-up discussion on the issue at a future MB meeting.

**(2) Certification**

While recognising that EASA is the competent authority for product certification in Europe, Members shared the view that there are a number of reasons for retaining a certain level of expertise in the airworthiness domain at NAA level. Members felt a tendency of NAA certification experts moving to EASA, creating a lack of competence within NAAs. The idea was brought up to establish a system of career development, allowing NAA experts to work for a certain time within EASA, e.g. as Seconded National Experts. This would allow experts to gather experience within EASA at the same time keeping the expertise at the NAA level.

It was suggested that regarding certification activities, EASA should also rely on mature third country regulators e.g. Canada, Australia. The Commission underlined that the Agency is bound by the EU Financial Regulation and the procurement rules when allocating certification tasks.

Members underlined the importance of efficiency and making best use of resources in the certification domain. Moreover, efforts should be made to simplify administrative processes. To that end, EASA should clearly identify needs vs resources, focusing on priority safety issues. Moreover, product sampling should be made to the extent possible in order to simplify administrative procedures. Members also underlined the importance of



concluding further BASAs to facilitate certification work and to reduce resources and burden for industry. As regards the specific aspect of SAFA, it was noted that inspections of flight schools are carried out by NAAs on a case by case basis; EASA should centralise this task in order to avoid any overlap.

The Board asked the Agency to come up with a more advanced certification strategy in 2011.

### (3) Rulemaking

The Chair said that rulemaking has been the pressure point for EASA, in order to get the basic set of rules in place. Once the initial set of implementing rules is in place, the need for further rules and amendments should be addressed. Another important issue is the streamlining of the rulemaking process, which generally is seen as being too heavy.

Members noted the challenges for the Agency in producing a high standard of safety rules in order to set up a common system, in particular in view of the commercial environment and global competition. As regards the future, it was noted that the main challenge will remain in keeping the rules up to date and in assessing whether the rules are still valid. Using experience from rule implementation e.g. NAA expertise and establishing a clear link to safety strategy would be core.

While having no fierce objections on the Agency's rulemaking programme, Members agreed that there are a lot of points to consider as regards the rulemaking procedure. The set-up of a review group was broadly welcomed.

Members saw a need for streamlining and tailoring the rulemaking process. It was suggested that the process should be data driven and risk-based. Moreover, prioritisation and early involvement of NAAs and stakeholders could avoid that changes to a proposed opinion are made at a very late stage, thereby reducing the risk of a failure of the rulemaking process. The use of external experts (e.g. from NAAs) could reduce the costs and administrative burden, at the same resolving the Agency's resource issue. Finally, members saw a need for a link with the European Aviation Safety Programme.

Members underlined that at all times safety justifications must be demonstrated for rulemaking task. Rules should be produced only when required to address safety concerns and the complexity of rules should be reduced; a clear distinction would need to be made between hard and soft law. It was also considered important to find the right balance between work carried out EASA in-house and work involving experts from NAAs and industry. Moreover, there should be a loop between rulemaking and standardisation.



The Commission underlined the complexity of the rulemaking process in aviation. It was noted that it cannot be up to EASA whether something will be regulated by soft or hard law. Most likely, it would be the Commission taking the political flag, but EASA would remain the center of technical expertise providing opinions on what to do. The respective roles would need to be clearly defined.

#### Next steps

The Chair said that he would come up with some draft conclusions of the strategic debate to be discussed at MB 04/2010 on 15 December. He noted that several projects are ongoing (e.g. review of the rulemaking process, certification strategy), requiring further strategic discussion in 2011.

Given the need for clarification of the roles and relationship between EASA, the Commission, NAAs and interested parties, the Chair underlined the importance of Commission initiative in this context. In view of the second independent external evaluation of the Agency (Art. 62 BR) to be launched by the end of 2011, the Chair invited the Commission to develop a set of questions and ToRs. The Commission expressed its readiness to be part of an expert group and said the Aviation Safety Conference on 26 January 2011 could be used as occasion to take up this issue in a horizontal way. The Chair asked the Commission to take initiative in convening an expert meeting to take the discussion further and to draw up ToRs for the upcoming Art. 62 evaluation.

#### **4. AOB**

The core conclusions of the MB Special Meeting as agreed by the Board during MB 04/2010 on 15 December 2010 are attached at **ANNEX 2**.





## **ANNEX 1: List of Attendance**

### **Members**

	<b>MEMBER</b>	<b>ALTERNATE</b>	<b>EXPERT</b>
<b>AUSTRIA</b>			
<b>BELGIUM</b>	Frank Durinckx	Benoit Van Noten	Didier Ledur
<b>BULGARIA</b>	Tilko Petrov	Eleonora Dobрева	
<b>CYPRUS</b>	Leonidas Leonidou		
<b>CZECH REPUBLIC</b>		Vítězslav Hezký	
<b>DENMARK</b>		Per Veingberg	
<b>ESTONIA</b>		Marve Allik	
<b>FINLAND</b>	Kim Salonen		Samuli Vuokila
<b>FRANCE</b>	Maxime Coffin	Florence Rousse	
<b>GERMANY</b>	Gerold Reichle	Josef Schiller	
<b>GREECE</b>		Vasilis Iliou	
<b>HUNGARY</b>		Eva Kallai	
<b>ICELAND*</b>	Petur Maack		
<b>IRELAND</b>	Ethna Brogan		Kevin Humphreys Brian Skehan
<b>ITALY</b>	Alessio Quaranta	Benedetto Marasa	Carmine Cifaldi
<b>LATVIA</b>			Aigars Krastins
<b>LIECHTENSTEIN*</b>	Wilfried Hauser		
<b>LITHUANIA</b>			
<b>LUXEMBOURG</b>			
<b>MALTA</b>			
<b>NETHERLANDS</b>	Ellen Bien	Jan-Dirk Steenbergen Pieter Mulder	Edwin Griffioen
<b>NORWAY*</b>	Heine Richardson	Oyvind Ek	
<b>POLAND</b>	Grzegorz Kruszynski		Darius Gluszkiewicz

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\* Members without voting rights



**EASA MB 01/2011**  
Summary of Discussions of the MB Special Meeting  
15 March 2011

	MEMBER	ALTERNATE	EXPERT
<b>PORTUGAL</b>			
<b>ROMANIA</b>		Tudorel Roman	
<b>SLOVAK REPUBLIC</b>	Peter Patoprsty		
<b>SLOVENIA</b>			
<b>SPAIN</b>		José M. Ramírez Ciriza	
<b>SWEDEN</b>	Ingrid Cherfils		Magnus Molitor
<b>SWITZERLAND*</b>	Marcel Zuckschwerdt		
<b>UNITED KINGDOM</b>	Michael Smethers (Chair)	Susan Hamilton	Duncan Nicholls
<b>EUROPEAN COMMISSION</b>	Matthias Ruete	Eckard Seeböhm	Nathalie Vande-Velde

**Observers**

	MEMBER	ALTERNATE	EXPERT
<b>EASA ADVISORY BOARD<sup>1</sup></b>	Vincent De Vroey	Claude Schmidt Thomas Leoff	Mick Sanders
<b>ALBANIA<sup>1</sup></b>			
<b>BOSNIA AND HERZOGOVINA<sup>1</sup></b>			
<b>CROATIA<sup>1</sup></b>			
<b>FORMER YUGOSLAV REPUBLIC OF MACEDONIA<sup>1</sup></b>			
<b>MONTENEGRO<sup>1</sup></b>			
<b>SERBIA<sup>1</sup></b>			Dragan Tesla
<b>U.N. MISSION IN KOSOVO<sup>1</sup></b>			

<sup>1</sup> Observers without voting rights.



## **ANNEX 2: CORE CONCLUSIONS**

**The Board debated a discussion paper on EASA's mid-term strategy tabled by the Chair.**

**In introducing the paper the Chair highlighted a number of factors which made it timely to consider how the Agency should develop over the next three years or so. He noted that EASA would still be developing over this period and that a major effort will be needed to complete the initial set of Implementing Rules across all domains. He drew attention to the resource constraints confronting all actors, and to the themes emerging from ICAO's work in 2010 on safety regulation.**

**The Board expressed its satisfaction with the achievements made by EASA in the seven years since it took up its duties. With regard to future developments the Board broadly welcomed the orientations proposed in the paper, and in particular the following:**

- a. the safety regulatory regime in Europe should be viewed and managed as a system (the "European Aviation Safety System"). There should be a common understanding, and where necessary clarification, of the respective roles of the Commission, the Agency and the National Authorities, and the interactions between them;**
- b. the Agency should be at the heart of the system, drawing together the threads to ensure the optimum combination of resources and expertise from across Europe;**
- c. the Agency should focus its own resources on completing the initial set of implementing rules and on addressing priority safety issues, taking care to promote the interests of the European Aviation Safety System in its interpretation of the Basic Regulation;**
- d. relations between the Agency, NAAs, the Commission, Eurocontrol and interested parties should be firmly rooted in partnership, consensus building and mutual trust; and EASA should facilitate cooperation between NAAs;**
- e. the Management Board should act as a team in the interests of EASA and the European Aviation Safety System, providing clear guidance and directions to the Agency, taking into account European safety objectives and priorities endorsed at the political level;**



- f. wherever possible the Agency should take an increasingly pro-active, data-driven and risk-based approach to improving safety. Rulemaking and compliance checking should not be the default option when an emerging safety risk is identified;**
- g. recognising that calls on the Agency to support the Commission in international work will intensify, the Commission should consider more clearly earmarking funds for financing this work.**

**The Board requested the Agency to reflect these principles in taking forward work on its review of rulemaking procedure; its certification strategy; its standardisation strategy; and the European Safety Plan, reporting back to the Board on a schedule to be determined.**

**The Board also asked the Commission to convene a meeting with the Agency and senior representatives of the Management Board to consider ways in which to embed and implement these principles. The meeting should also elaborate draft terms of reference for the next external evaluation of the Agency as required by Article 62 of the BR.**