



**MINUTES OF THE MEETING OF THE EASA MANAGEMENT BOARD
HELD ON 10 DECEMBER 2008 (MB 04/2008)***

AND SUMMARY OF DECISIONS TAKEN

MB MEETING No. 04/2008

SUMMARY OF DECISIONS

At its meeting held on 10 December 2008, the Management Board:

- Adopted the Agenda (document EASA MB 04-2008 WP01 Draft Agenda rev.1);
- Renewed the term of office of the Approvals and Standardisation Director
- Adopted the minutes of MB 03/2008
- Adopted the Draft Budget 2009
- Adopted the proposal restructuring of the Agency.

* Norway, Iceland, Liechtenstein and Switzerland participate in the Agency (and are hence members of the Management Board without voting rights) under article 55 of Regulation 1592/2002 as a result of Decisions No 179/2004, No 15/2005 and 16/2005 of the EEA Joint Committee which incorporates the Basic Regulation and its implementing rules into Annex XIII to the EEA Agreement.



0. List of Attendees – Please see annex

The Chair opened the meeting and welcomed the new members of the Management Board as follows :

- Greece - Konstantinos Konstantinidis - new Governor of Hellenic CAA) – Greece
- Switzerland - Marcel Zuckschwerdt (Director of Aviation & Strategy Division -FOCA)
- Montenegro - Mr Renato Brkanovic Deputy Director of CAA for Safety, Directorate for Civil Aviation Montenegro
- Netherlands - Mrs Ellen Bien – Director for Civil Aviation Policy – The Netherlands (attended MB 04/2009 as a Technical Advisor)
- Sweden - Ms Lena Byström Möller – Director General for Luftfartsstyrelsen (Swedish CAA)

The Chairman further indicated that apologies were received from Bulgaria, Malta and Hungary.

1. Agenda

The Irish delegation asked to discuss under AOB the issue of foreign operators transporting passengers without a valid AOC together with the IAA/FAA agreement on surveillance procedures for N (US) registered aircraft operating in Ireland.

The Agenda was adopted.

2. Renewal of the term of office of the Approvals and Standardisation Director.

The term of office of Mr Francesco Banal was renewed.

3. Adoption of the minutes

The draft minutes of MB 03/2008 were adopted after the following comments were considered and approved for inclusion by the Board.



Paragraph 7.4: Selection of Directors. Italy highlighted that the wording might not be adequate, as it was for the Executive Director to define the criteria and construct the short list of candidates for presentation to the Management Board.

Paragraph 3.11: EU-US Safety Agreement. Norway pointed out that the EFTA countries are not automatically included in this agreement and as a result they are in the process of exchanging letters with the US in order to conclude parallel bi-lateral agreements with the US. This is being done in close cooperation with EASA and the Commission.

The status of the list of Actions arising from MB 03/2008 and appended to the minutes of that meeting was reviewed

Actions List MB 03/2008

Action number	Description action	Action holder	Deadline
# 01/MB 0308	Examine & Report findings on Business Plan	ENaCT & Budget Committee	End November 2008 Completed
# 02/MB 0308	Revision of the Establishment Plan	EASA	Completed
# 03/MB 0308	Amend & resubmit the proposed Procedure for the Selection of EASA Directors following submission to the Commission	EASA	MB04/2008 Awaiting response from Commission
# 04/MB 0308	Transmit the Workprogramme together with the Opinion of the Commission to the Institutions and Member States	EASA	30 September 2008 Completed
# 05/MB 0308	ISO 9001 project: Provide MB with major recommendations from audits	EASA	Will be presented at MB 01/2009
# 06/MB 0308	Article 51: Transmit issued recommendations together with timetable to the Commission	EASA	Completed



# 07/MB 0308	Article 51: Progress reports on the implementation of the recommendations	Article 51 Steering Committee - Rapporteur Maxime Coffin	Twice yearly.
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The Chair added the following comments regarding individual items on the action list:

#03/MB 0308: A Director of Finance and Corporate Services will be selected in June 2009. He suggested that the Agency use the procedures as defined in the draft Procedure for the Selection of Directors presented to MB 03/2008, pending receipt of the Commission's Opinion. On receipt of the Opinion the Selection Procedure could be formalised.

#06/MB 0308 Art. 51: The Commission will transmit the Management Board's recommendations to the Parliament and Council as foreseen under the Basic Regulation.

#07/MB 0308: The rapporteur on Article 51 Steering Committee will report at MB 01/2009.

Procedure for the circulation of draft minutes.

The Chair outlined a new procedure regarding the processing of draft minutes of the Management Board. He called for a briefer style of Minutes that reflects the threads of the discussion rather than a verbatim record.

Though the delegations were mainly supportive, they nevertheless stressed the importance of being able to have specific points reflected in the minutes. Germany added that a verbatim record was a good way of preparing for the next meeting.

The Chair confirmed that comments would be attributed on request, and that the minutes would continue to provide a full and accurate record of the Board's deliberations.

Furthermore, a timetable for the processing of the draft Minutes of MB 04/2008 was agreed as follows: the Management Board Secretariat will circulate the Draft Minutes by 12/01/2009. Members will have the option of submitting comments in writing until 23/01/2009. These comments will be examined by the Chair, who will take appropriate action and issue a revised version that will be circulated together with Working Papers for MB 01/2009.



4. Comments from the Chair

The Chair thanked members for electing him and further thanked the previous Chair for his dedicated work over 6 years from the Agency's inception to the present day. He underlined that the Management Board has a key role in bringing together all the main interested parties, and should be a strong source of support and challenge for the Agency.

The Chair introduced and outlined the Progress Report of the Transport Council, which he indicated could be seen as a high-level political steer. He commended the French Presidency for its work related to the adoption by the Council of the proposal for the extension of the Agency's remit to ATM and Aerodromes. He asked that in light of the Report the Management Board should aim to include strategic discussion in the agenda for each meeting in order to give clear guidance to the Agency. He invited Board Members to let him know of any strategic issues they would wish the Board to address.

The Chair indicated that the Management Board will use MB 02/2009 to enact a one and a half day programme that will commence at 14.00 hrs on 8 June 2009 with an informal session, followed by a social event in the evening. The normal Management Board meeting will then be conducted on 9 June 2009.

The Chair outlined the reasons behind the re-configuration of the seating arrangements for Management Board meetings and hoped that it would encourage the active exchange of views. He welcomed the EAB, and stated that a system of regular meetings between EAB representatives, the Executive Director and himself could be a good way to strengthen relationships and the exchange of views. He further indicated that he would be standing down from his position of co-Chairman of the ENaCT group and asked that Maxime Coffin (Management Board Deputy Chair) accept the role, which Mr Coffin did with thanks.

5. ED report.

The Executive Director presented his report on developments since the previous Management Board, including the certification of the Eclipse 500, and of the Tupolev TU-204, the first ex-USSR aircraft certified by the Agency.

In discussion of the report the following points were made:

- a. although the number of certificates issued seemed lower than usual in the last quarter, the number of applications had not significantly



- reduced, suggesting no clear impact yet from the global financial crisis;
- b. the reduction in the number of rule-making tasks raised some concerns. The Executive Director stressed that the number of tasks reflected the fact that the Agency should concentrate on OPs and FCL as requested by Council and as defined by AGNA and SSCC. The Chair commented that the Board would welcome a realistic target derived primarily from safety needs and not unduly influenced by resourcing constraints;
 - c. the EU-US BASA, signed in June, had not yet been ratified; the major problems continued to be fees and charges and the oversight of foreign repair stations;
 - d. no timetable had yet been set for developing the EASA /EUROCONTROL Roadmap on ATM /ANS, but the Executive Director expected to report further at MB 01/2009;
 - e. environmental issues were not a priority and there was no intention to dedicate a lot of resources to work on the NPA; final outputs were not expected until 2013-2015;
 - f. the results of the consultant's study on outsourcing and proximity activities are expected at the end of 2009; the Management Board will be involved in the steering group of the study;
 - g. the Agency is currently recruiting a liaison officer, expected to be in post by June 2009, to work with non-EASA countries, and has also drafted Working Arrangements with third countries that are expected to be in place before the end of the JAA; and
 - h. the Agency's Corrective Action Plan, further to the April 2008 ICAO Audit would be sent to Board Members.

6. Budget

Luc van Heel presented an overview of the proposed draft Budget 2009 after follow-up meetings with ENaCT, the Budget Committee and the High Level Strategic Group. It has to be noted that the overall figures are in line with the Business Plan.

Revenue : the Fees and Charges have increased with respect to 2008 but not in line with the PDB 2009. This is the result of the postponement to 2010 of the first extension. Also, the increase in the EC subsidy was less than expected because of Galileo financing.

Expenditures: the increase is less than expected for staffing due to the delay in the extension and the subsequent postponement of recruitments. Similarly the cost for Buildings was also less for the same reason. The Establishment Plan was adjusted to 506 though it is expected that a total of 479 staff members will be required for next year pending the extension.



As indicated by the Commission, the Romero facility cannot be officially included in the Budget forecast of the Agency, though it is available for use, should the Agency need it, on specific request to the Commission for release of funds. If the Romeo Facility can be used, the Agency will be able to perform most of its planned tasks.

France underlined that the Agency had been in a difficult situation. Short term concerns had been mitigated through the postponement of the first extension, but structural financial problems remain. The Agency needs a sustainable funding solution as a basis for performing its tasks.

Austria noted that savings could have an impact on the Agency's activities. They expressed concerns as regards Certification and Rulemaking, and the possible reduction of information workshops on the extensions of competences. They requested ENaCT to monitor the number of hours allocated to certification work, and sought a clear link between the content of the Implementing Rules and the number of persons and the financing available.

In response to a question regarding the number of standardisation visits, the Agency stressed that no reduction in the number of audits was foreseen in 2009.

To address EAB concerns about their involvement in future budgetary discussions, the Chair referred to his plans for regular structured meetings between himself, the Executive Director and EAB representatives.

The Chair commented that the solution for 2009 was "acceptable" mainly because of the postponement of the first extension, though budgeted Continuing Airworthiness activity remained lower than requested by ENaCT. He highlighted the importance of the Romero facility and welcomed further comments from the Commission confirming its availability.

The Chair went on to read an extract of the text agreed the previous day by the Council of Ministers of Transport requesting adequate EASA funding in accordance with its tasks.

The Draft Budget 2009 was adopted.

7. The restructuring of the Agency.

The Executive Director made a proposal for a second re-organisation of the Agency. The proposal was triggered by the need to improve workflows between Finance and Plans & Programmes and the implementation of ERP,



as well as to have a matrix organisation for the support activities such as Finance, Legal, ICT, procurement.

The structure would be modified as follows:

- Plans & Programmes would join Finance, ICT and Procurement in a new Directorate (Finance and Business Services)
- Legal would be transferred to Rulemaking, the main clients in terms of legal advice, although some direct contact with the Executive Director will remain, such as the complaints to the Ombudsman
- Human resources would be transferred to the Executive Directorate.

Luc van Heel will be acting director of the new Directorate, pending the recruitment of a Director to be appointed by the Management Board in June.

The Commission welcomed the fact that the document presented by the Agency announces some "efficiency gains" and asked Mr. Goudou some more information to be able to quantify them. Denmark underlined a possible conflict with a Management Board Decision dated back in 2003.

A Decision relating to the proposed restructuring of the Agency was adopted.

8. Safety Strategy

John Vincent presented the 2007 Annual Safety Review and gave a preview of safety developments in 2008. The Board was very supportive of the report and discussed various ways in which it might be developed further, including the following:

- the need for better general aviation data was highlighted, as it is not homogeneous in the reference sources such as Eurostat, EUROCONTROL, or ICAO. To that end, the Agency intends to create a data-warehouse next year. In order to remedy flaws in definitions an agreement with ICAO would be needed;
- measures should be developed to track the effect of the Agency's activities on safety, similar to Eurocontrol's performance review system;
- more account should be taken of human factors;
- there should be some coordination between EASA and national safety reports; and
- consideration should be given to the impact of regional differences on the figures.



A wide-ranging, strategic discussion followed on the role, formulation and future development of the Agency's "safety strategy" based on a short note circulated by the Chairman. The following points were made:

- safety analysis is an integral part of the Agency's work, underpinning all its core functions; it is needed for the Agency better to carry out all its tasks in the proactive way sought by Ministers and for meeting the primary objective of the Basic Regulation;
- a fully operational occurrence reporting database would be a vital source of data and the Agency needs high quality analysis tools;
- there are many other sources of information – operators' data systems; SAFA; accident investigations and recommendations from around the world (not just those involving EASA aircraft/operators); and ICAO audits;
- safety analysis is at an embryonic stage and would in time be linked into Business Planning and the Work Programme;
- a critical safety role was performed by the NAAs, and action was needed to mesh together the Agency's work with NAAs' safety analysis work.

It was agreed that John Vincent would set up a small group with NAA experts to consider how best to coordinate safety analysis work between the Agency and NAAs, and that further discussions on how to strengthen the collection, analysis and use of incident data would await the current work being undertaken by the Commission on a proposal to amend the Occurrence Reporting Directive.

9. Adoption of the Business Plan of the Agency 2009-2013

The draft Business Plan was represented following discussion at 03/2008 and subsequent meetings with the ENaCT, the Budget Committee and the Strategic High Level Group.

This version of the Business Plan considers a single balanced scenario aligning costs with revenues for both fees and charges and regulatory activities.

The Commission representatives regretted the pessimistic tone of the document that could give the impression that the Agency is not able to discharge its responsibilities in its field of competence, as it highlights the tasks not likely to be performed. The Commission strongly requested the Agency to rephrase the document; otherwise it could not adopt the Business Plan. Finally, as already mentioned on other occasions, the Commission stressed the fact that the Agency has to plan its activities on the basis of the resources actually available.



Most delegations, including the EAB, were supportive of the Business Plan, which they considered a good summary of the possible activities, although they expressed concern over the lack of resources available to perform the tasks owing to the level of the EU subsidy, especially with regard to the second extension. It was nevertheless recognised that the Business Plan is a living document, and assumptions for the second extension could be revised in next year, or the year after, depending on the income available to the Agency.

A proposal by the Netherlands to amend the text relating to the Agency's outsourcing of certification tasks was agreed.

As a conclusion, it was agreed that the Chair would moderate between the Commission and the Agency to prepare a redraft of the Plan in line with the views expressed by the Board. The text would then be circulated for adoption by written procedure. Future discussions between the Agency and the Commission will take place on staffing and funding requirements for ATM and aerodromes, and ENACT will consider how best to carry out further study on the number of man-hours to be allocated to work on continuing airworthiness of design.

10. Outsourcing:

The Executive Director explained that a new policy on outsourcing was needed not only because the current Management Board decision (10/2007) was not in conformity with the Basic Regulation, but also because some NAAs were no longer capable of performing outsourced tasks in their territory. The Agency needed to be able to offer such work, and new tasks associated with the extension of remit, to other NAAs or Qualified Entities. He foresaw no substantial change in the Agency's relationship with NAAs in the short-term, noting that 5-year contracts covering airworthiness activities and product certification had been signed on 01/07 this year, but recognised there would be changes in the longer term.

Board Members recognised that the current MB Decision had to be changed and that there might be a need for the Agency to use QEs in some circumstances. However a significant number of members argued that NAAs should not be treated the same as Qualified Entities: such a presumption would undermine the principles of partnership on which the EASA system relied, would not allow the Agency to establish long-term outsourcing partners, and would constrain the NAAs abilities to plan for their long term responsibilities.

Board Members were also concerned that NAAs could not compete in an open market. The Commission commented that transparency is the basic



principle of an open tender and indicated that it had sought the opinion of its Legal Service on the subject; a response is pending.

Reminding the meeting about the Agency's proposed consultants' study in this area, the Chairman concluded that the subject would be remitted to ENACT on 8 January, and would be tabled for further discussion at a future Management Board meeting.

11. Amendment of the EASA Financial Regulation and its Implementing Rules

The amended Financial Regulation was not yet ready for adoption by the Management Board, as it is subject to approval of the Commission, which is still pending; the deadline for adoption is 10 January 2009.

The Chair proposed that the Agency consulted directly with the Commission to resolve any difficulties.

12. AOB

The Irish delegation circulated papers on the issue of foreign operators operating in Ireland or in Irish registered aircraft, for the information of other Members.

EAB composition:

In view of the proposed extension of the Agency's remit into ATM and aerodromes, the Chair had received letters from CANSO, IFATCA, and ACI Europe, seeking representation on the EAB. These requests were acceptable to the EAB representatives, but would require a formal Decision by the Management Board in line with the provisions of the Basic Regulation. This matter will be taken at the February meeting.

The Chair closed the meeting thanking the participants for a fruitful discussion.



List of Attendance

	MEMBER	ALTERNATE	EXPERT
AUSTRIA	Karl Prachner		Walter Gessky
BELGIUM		Benoit Van Noten	
BULGARIA			
CYPRUS			
CZECH REPUBLIC	Josef Rada		Vítězslav Hezký
DENMARK	Kurt Lykstoft Larsen	Per Veinberg	
ESTONIA	Koit Kaskel		
FINLAND	Kim Salonen		
FRANCE	Maxime Coffin		
GERMANY	Thilo Schmidt	Josef Schiller	
GREECE	Konstantinos Konstantinidis		Georgios Sourvanos
HUNGARY			Ferenc Arnold
ICELAND *	Pétur Maack		
IRELAND	Ethna Brogan		Brian Skehan Kevin Humphreys
ITALY	Salvatore Sciacchitano		Carmine Cifaldi
LATVIA		Edgars Gindra	
LIECHTENSTEIN*			
LITHUANIA			
LUXEMBOURG		Claude Wagener	
MALTA			
NETHERLANDS	Pieter Mulder	Jan-Dirk Steenbergen	Ellen Bien
NORWAY*	Heine Richardson	Øyvind EK	Karl Koeford
POLAND		Tomasz Kadziolka	Dariusz Gluszkiewicz
PORTUGAL		Anacleto Santos	
ROMANIA			
SLOVAK REPUBLIC	Josef Bebiak		
SLOVENIA			
SPAIN		José M. Ramírez Ciriza	
SWEDEN	Lena Byström Möller		Magnus Molitor
SWITZERLAND*	Marcel Zuckschwerdt		
UNITED KINGDOM	Michael Smethers	Natasha Coates	Pat Ricketts
EUROPEAN COMMISSION	Zoltan Kazatsay		Alessandra Zampieri

* Members without voting rights



EASA MB 01/2009
Minutes of Management Board MB 04/2008
as adopted at MB 01/2009
10 February 2009

Action List

Action number	Description action	Action holder	Deadline
# 07/MB 0308	Article 51: Progress reports on the implementation of the recommendations	Article 51 Steering Committee - Rapporteur Maxime Coffin	MB 01/2009 *Bi-annual
# 05/MB 0308	ISO 9001 project: Provide MB with major recommendations from audits	EASA	Rescheduled for MB 02/2009
# 03/MB 0308	Amend & resubmit the proposed Procedure for the Selection of EASA Directors following submission to the Commission	EASA	Awaiting response from Commission
# 06/MB 0308	Article 51: Transmit issued recommendations together with timetable to the Commission	Commission	To be transmitted to the Parliament and Council
# 07/MB 0308	Article 51: Progress reports on the implementation of the recommendations	Article 51 Steering Committee - Rapporteur Maxime Coffin	Twice yearly.
# 01/MB 0408	Redraft certain areas of text in the Business Plan	EASA, European Commission, the Chairman	End of December
# 02/MB 0408	Outsourcing	ENaCT	MB 01/2009
# 03/MB 0408	Safety Analysis	EASA *Pending discussions with the Commission on Occurrence Reporting	MB 01/2009
# 04/MB 0408	Amendment to the EASA Financial Regulation	EASA, European Commission	10 January 2009 Awaiting response from Commission