

DRAFT MINUTES OF THE MEETING OF THE EASA MANAGEMENT BOARD
HELD ON
8 SEPTEMBER 2004
MB MEETING N°4-2004

0. LIST OF ATTENDEES

The Members, or alternate members present on that day with voting rights were the following:

AUSTRIA	Mr Karl	PRACHNER
BELGIUM	Mr Erik	VANNUFFEL
CZECH REPUBLIC	Mr Jindrich	PLOCH
CYPRUS	REPRESENTED BY PROXY BY GREECE	
DENMARK	Mr Kurt	LYKSTOFT LARSEN
ESTONIA	REPRESENTED BY PROXY BY DENMARK	
FINLAND	Mr Kim	SALONEN
FRANCE	Mr Maxime	COFFIN
GERMANY	Mr Thilo	SCHMIDT
GREECE	Mr Nicholas	KAVADAS
IRELAND	Mr Robin	MAC KAY
ITALY	Mr Alessandro	CARDI
LITHUANIA	Mr Alvydas	SUMSKAS
LUXEMBURG	Mr Henri	KLEIN
NETHERLANDS	Mr Sijbrand	VEENSTRA
POLAND	Mr Kryztof	KAPIS
PORTUGAL	Mr Luis	COIMBRA
SLOVAK REPUBLIC	Mr Maros	JANCULA
SPAIN	Represented by proxy by Portugal	
SWEDEN	Mr Arne	AXELSSON
UNITED KINGDOM	Mr Michael	SMETHERS
EUROPEAN COMMISSION	Mr Rodrigo	VILLA DE BENAVENT

The Chairman thanked the Board for their fruitful participation in the meeting with the ABIP, and recognised the use of such a meeting for sharing information and concerns.

1. ADOPTION OF AGENDA

The following agenda was unanimously adopted:

1. Adoption of the agenda
2. Adoption of the minutes
3. Report of the Executive Director
4. Appointment of the Accountant
5. Revised budget 2004
6. Opinion of the Management Board on 2003 accounts
7. Decision on 2005 draft work programme
8. Dissemination of airworthiness directives (ADs)
9. EU Directive 2003/42/CE concerning mandatory occurrence reporting in civil aviation and accident investigation report
10. AOB
 - a. Linguistic corrections to implementing rules
 - b. Inauguration of the Agency
 - c. Agency's relations with national aviation authorities (NAAs)
 - d. Reimbursement of travel costs for Members of the Board
 - e. EU contribution to Agency's budget after 2007
 - f. Preparation for ICAO Assembly

2. ADOPTION OF MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 30 March were adopted with the following modifications:

- The presence of Jules Kneepkens was recorded

3. REPORT OF THE EXECUTIVE DIRECTOR

The Executive Director presented a report on the establishment of the Agency detailing the activities of all directorates in the course of the last weeks. Specific information was provided as regards to the staffing of the Agency and its financial situation. The objective of having some 95 staff recruited by the end of the year should be met, as only one dozen of post are still vacant, but their recruitments are in progress. As for budget implementation, the situation appears as normal for title 1 and title 2 : good overall level of commitments and payments. A large number of payments is expected at the end of the year. Nevertheless, the situation for title 3 forecasts is not so optimistic (operational expenses) as the Agency will not receive charges in 2004, and will consequently not initiate as much commitments and payments as expected on that title.

He put the emphasis on the situation regarding the outsourcing contracts with the NAAs. Until now there are only two contracts signed. Before the entry into force of the fees and charges Regulation on 1 January 2005 the other contracts have to be finalised.

Other items arising were the progressive taking up of duties of the Agency's staff, and the consultation on Operations and Flight Crew Licensing as well as an update on the activities planned in 2004 work programme.

4. APPOINTMENT OF THE ACCOUNTANT

The former holder of the position having decided not to continue his employment with the Agency, the Management Board decided to appoint Ms Ponta as the Agency's Accounting Officer on the basis of a proposal from the Executive Director.

5. REVISED BUDGET 2004

The Agency presented to the Management Board an amended budget for 2004, which takes into account the fact that the Agency will not be receiving fees and charges in 2004. The changes are minor and reflect reductions in staff costs and costs associated with the set up of non-essential databases, an increase in IT expenses (set up of Cologne infrastructure), and also the cancellation of expenses related to the payment of certification activities to NAAs in title 3.

This amended budget was adopted without modification. It will now follow the same procedure for adoption as the General budget.

6. OPINION OF THE MANAGEMENT BOARD ON 2003 ACCOUNTS

The new Financial Regulation states that the Management Board of the Agency shall give its opinion to the European Parliament. This opinion will also be sent the Court of Auditors, to the Commission's auditor, and to the Council together with the opinion of the Court of Auditors.

In the light of the report from the Court of Auditors, the Management Board agreed that the 2003 accounts of the Agency properly reflect the activities undertaken in the course of that year.

7. DECISION ON 2005 DRAFT WORK PROGRAMME

The Management Board examined carefully the proposed work programme and adopted it after certain modifications. This adoption is now subject to the Commission's opinion.

8. DISSEMINATION OF AIRWORTHINESS DIRECTIVES (ADs)

The legal service of the Agency has provided a detailed opinion on the dissemination of ADs and on the associated legal obligations of the Agency. Their conclusion was that the Agency only has the obligation to issue the AD and not to disseminate it. Nevertheless, and given the safety importance of the issue, the analysis proposes that the Agency could set up a web site where ADs would be available against payment. The industry had, in the course of preparatory talks, not disagreed to that idea.

The Management Board welcomed the latter suggestion, but also requested that the Agency's legal analysis be deepened and tested against other opinions.

Considering that there seems to be a wide consensus on a system where the Agency would be the institution disseminating ADs, the Agency will come up with a tentative scheme for setting up that system. Some Members of the Board want to further clarify their legal position in relation to the envisioned system.

9. EU DIRECTIVE 2003/42 CONCERNING MANDATORY OCCURRENCE REPORTING IN CIVIL AVIATION AND ACCIDENT INVESTIGATION REPORT

One delegation drew the attention of the Board to the fact that the various obligations resulting from Regulations 1702/2003 and 2042/2003 may not be entirely compatible with the obligations resulting from the transposition of Directive 2003/42. The discrepancies might appear after the completion of the transposition of the above mentioned directive (July 2005). A number of financial, legal and practical aspects ought to be discussed before finding a solution on the subject. The Board noted the concern raised and agreed to come back to the subject if necessary on a future occasion.

10. AOB

a) Linguistic corrections to implementing rules (IR)

The Commission presented an update on the status of the linguistic corrections to be made to the IR. Most versions of the former 11 official languages have been corrected (except the Spanish version and Danish version) but the linguistic versions for all the new Community languages (since 1 May 2004) are missing.

b) Inauguration of the Agency

The Executive Director announced that the inauguration of the Agency will be held close to the December Management Board meeting.

c) Agency's daily work with NAAs

The necessity of coordinating the work of the Agency with the NAAs was mentioned. It was felt that the Management Board may not be the most appropriate forum in which to discuss this issue, and it was agreed that existing formal and/or informal working groups will tackle that kind of issue.

d) Reimbursement of travel costs for Members of the Board

It was agreed that the Agency will reimburse one person per delegation for their travel expenses. The Agency will book itself accommodation for 1 Board Members or alternate and will pay directly their accommodation costs (hotel and breakfast). Additional costs ensured during the stay will not be borne by the Agency. Lunch will be provided by the Agency. The travel costs (plane / train tickets / car expenses / public transport and taxis, in exceptional circumstances) will be reimbursed against provision of the bills or a copy of the air tickets.

Each delegate entitled to re-imbursement will have to fill in a form, and the reimbursements will be made to the entity or person having borne the expense.

e) EU contribution to Agency's budget after 2007

A discussion took place on the interpretation of articles 48 and 53 of the Basic Regulation concerning the Agency's sources of income and the contribution from the budget of the European Community in particular. It was recalled that the legislator's intention at the time was that rulemaking activities should be financed by this Community budget contribution and not by industry via fees and charges, which would have a detrimental impact on industry's competitive position. The Commission noted the importance of these issues and asked the Agency to present a formal inquiry requesting a legal interpretation on the subject. Depending upon the conclusions of this analysis a modification of the Basic Regulation may be necessary.

A specific point on the subject will be included on the agenda of the next Management Board.

f) Expenses of experts taking part in rulemaking groups

The Advisory Group of National Authorities had requested the Management Board to add the subject on its Agenda. It was agreed that the subject ought to be dealt with at the next meeting of the Board.

g) Notification to ICAO of the entry into force of Regulation 1592/2002

Member States were to notify to ICAO that the Agency is now responsible for certain tasks related to certification. Few of the Member States have so far undertaken this notification, and it now becomes urgent to do so as the General Assembly of ICAO will take place in the next months.

h) Additional point: Board of Appeal

After the Portuguese Member of the Management Board is no longer able to participate in the selection of the Members of the Board of Appeal the Belgian Member will take over that responsibility for which he was thanked by the Board.