

EASA MANAGEMENT BOARD

3 December 2002

Draft Minutes of the 3rd meeting of the EASA Management Board (list of participants is attached)

1. AGENDA

The Management Board adopted unanimously the following agenda:

Administrative part (for decision):

- 1) Adoption of the agenda
- 2) Adoption of the minutes of 2nd meeting of the Management Board
- 3) Election of Chairperson and Deputy Chairperson (vote)
- 4) Participation of European third countries in the EASA Management Board
- 5) Structure of the Agency
- 6) Confirmation of next meeting

For discussion:

- 1) Process of selection of the Executive Director (oral report)
- 2) Implementation of 2002 Budget (oral report)
- 3) A.O.B.

2. MINUTES OF THE PREVIOUS MEETING

The minutes of the 2nd meeting of the Board as set out in the corresponding document dated 18 November 2002 have been adopted unanimously with two modifications:

- The Board's homage to the victims of the Luxair air crash, occurred on 6 November, and its condolences expressed to their families.
- Item 11.1, concerning the participation of the third countries: removal of "the first likely to be invited informally to the board".

The final text will be published.

3. ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

Mr. Thilo Schmidt was elected Chairman, by ten votes against six to Mr. Michael Smethers, only other candidate (the latter withdrawing its candidature after the first ballot, a second vote was not necessary).

As proposed by the newly elected Chairman, Mr. Smethers was elected, unanimously, Deputy Chairman.

4. PARTICIPATION OF EUROPEAN THIRD COUNTRIES IN THE EASA MANAGEMENT BOARD

After discussion on the basis of a working paper drafted by the secretariat, the Management Board agreed that third European countries will be allowed to participate initially in the deliberations of the Management Board in four different ways:

- By anticipation the states referred to in paragraph 5 of article 3 of the rules of procedures will be invited as observers, taking into account the state of readiness of their National Aviation Authorities.
- By anticipation the states referred to in paragraph 6 of article 3 of the rules of procedures will be invited as observers, under conditions which do not prejudice their future association.

- The JAA Member States will be invited as observers, under “working arrangements”¹ connected with the implementation of "the option 3" proposed by the ECAC/JAA/EC task force.

- Finally, other states will be invited case by case by the Board as observers, on an ad hoc basis, under "working arrangements"¹ where there content justifies that they are associated with the deliberations of the Board.

On these bases, the Board approved unanimously the attached decision concerning the invitation of Iceland, Norway and Switzerland.

According to one member, it is advisable to define as soon as possible the contents of the "work arrangements" provided for in Article 18, because they will lay down the methods of participation of the third countries in the work of the agency. For that reason, he suggested a special meeting of the Board on this subject, to expose to the European third countries, invited for the occasion, the philosophy of the agency on the matter. A written contribution to that effect will be submitted.

5. STRUCTURE OF THE AGENCY

The Board discussed a working paper provided by the Secretariat, which set out some principles to be agreed by the Board.

a) On the main question of the development of regulatory material, a consensus emerged on the following items:

- The authority and the competence of the agency have to be established immediately.

- The regulatory system has to be centralized, because the various regulations have to be consistent with each other and meet standardized quality criteria; this is also the interest of the industry.

- There must be no discontinuity with the current system.

It is therefore necessary to set up quickly a strong rule-making team, with varied competencies, able to make use of external expertise.

These objectives have to be achieved under high constraints. To be operational as from September 2003, the Agency shall take over its rule-making responsibilities, immediately, but it is unlikely by then to have in place sufficient in-house capacity

¹ Implementation of Article 18 of the EASA Regulation.

to undertake all the necessary tasks. Consequently, it seems inevitable to use, during the transition phase, the expertise and the human resources of the JAA system - the more so as those have the confidence of industry and foreign partners. However, the use of the JAA system does not mean that the agency will reproduce the structures and the procedures of the JAA: only the technical expertise and capacity to handle rule-making processes shall be used.

The structure of the agency as far as rule-making is concerned, will be decided later, with the Executive Director, taking into account the conclusions reached on the agency's own procedures for rule-making (article 43) and certification (article 44).

In conclusion of this first debate, the Chairman asked the secretariat to prepare a questionnaire related to the key points still outstanding, which will serve as a support to the debates of the next meeting.

b) On the certification of products and organizations, a consensus exists for the transfer to the agency, as from its first day of operation, of the responsibilities which fall within its field of activity. It is also admitted that to carry out the corresponding tasks, national means and resources will have to be used, at least during a period of transition. Then, the agency will internalize certain tasks gradually, according to a process to be negotiated with the national administrations.

The practical methods of this transfer to the agency of expertise currently existing within Member States remain to be defined, as numerous questions that it raises, in particular at the legal level, or relative with its influence on the structure of the agency. The discussion on this topic will be held at the next meeting, at the same time as that on the geographical structure of the agency.

6. CONFIRMATION OF NEXT MEETING

On 17 December 2002 in Brussels (Borschette Center).

7. PROCESS OF SELECTION OF THE EXECUTIVE DIRECTOR (ORAL REPORT)

About forty applications have been received. The candidates meeting the selection criteria will be audited by a jury composed by senior staff of the Commission, then the opinion of an external consultant will be required. The Commission intends to submit its proposal to the Board by the end of January 2003; it took note of the Board's wish to have a short list.

8. IMPLEMENTATION OF 2002 BUDGET (ORAL REPORT)

The Commission is doing its best to proceed with the auxiliary personnel recruitment, the building hiring and the purchase of the furniture and IT equipment needed. The budget must be committed before 10 December because of the procedures in force.

9. A.O.B.

During the meeting, the Chairman asked that henceforth the documents emitted by the secretariat be numbered, in order to facilitate the deliberation of the Board and the monitoring of the files.

Management Board of the EASA
List of participants, 3rd meeting, 03.12.02

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