

European Aviation Safety Agency

DECISION OF THE MANAGEMENT BOARD¹ ADOPTING THE RULES OF PROCEDURE OF THE MANAGEMENT BOARD OF THE EUROPEAN AVIATION SAFETY AGENCY

The Management Board,

Having regard to Regulation (EC) No. 216/2008² of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No. 1592/2002 and Directive 2004/36/EC, hereinafter referred to as the "Basic Regulation" and in particular Article 33(2)(j) thereof;

Whereas:

(1) The Management Board, hereinafter called the "Board", shall ensure that the Agency carries out its mission and performs the tasks assigned to it under the conditions laid down in the Basic Regulation;

(2) The Rules of Procedure as established by the Board³ needed to be revised in the light of the amended Basic Regulation and the experience and working practice of the Board;

The following rules of procedures are adopted.

¹ Adopted at MB 02/2011 on 09 June 2011.

² OJ L 79, 19.03.2008, p. I as last amended by Regulation (EC) No. 1108/2009 of the European Parliament and of the Council of 21 October 2009, Official Journal L 309, 24.11.2009.

³ As established by EASA MB Decision 03-2002 of 14 November 2002.

RULES OF PROCEDURE OF THE MANAGEMENT BOARD OF THE EUROPEAN AVIATION SAFETY AGENCY

Article 1 Membership

In these Rules of Procedure the term "member" or "members" means a representative of a Member State of the European Union and a representative of the European Commission, being "member with voting right" as well as a representative from Liechtenstein, Iceland, Norway and Switzerland, being "member without voting right".

Article 2 Term of office and Nominations

1. The duration of the term of office of members of the Board, is stipulated by Article 34(1) of the Basic Regulation. Unless the Member State informs otherwise, the term of office shall be considered to have been renewed. If a member or an alternate leaves the Board before the end of his/her term of office, then the duration of the term of office of his/her replacement is a full term of office.
2. Nominations of a member and/or his or her alternate must be submitted in writing to the Chairperson of the Board, if possible one month before the envisaged start of the term of office of that member or alternate. The number of nominated alternates shall be maximum three per delegation.

Article 3 Chairmanship

1. In accordance with Article 35(1) of the Basic Regulation, the Management Board shall elect a Chairperson and a Deputy Chairperson from among its members. The terms of office of the Chairperson and Deputy Chairperson, as set by Article 35(2) of the Basic Regulation shall be three years, or shall expire when they cease to be members of the Board, if earlier. The terms of office shall be renewable once.
2. The Chairperson and Deputy Chairperson shall be elected by separate, secret ballots. The election shall take place at a meeting of the Board convened by the outgoing Chairperson at least two months before the end of their respective terms of office.
3. The Chairperson and Deputy Chairperson shall be elected by the Board's members with voting right, acting in accordance with the voting rules in

Article 37 of the Basic Regulation based on a proposal made by members of the Board.

4. Where there is more than one candidate, election shall take place in accordance with the following procedure; if there are only two candidates, subparagraph (a) and (b) shall not apply.
 - a. In the first ballot, the candidate who receives at least a two-thirds majority of the votes is elected.
 - b. If none of the candidates receives a two thirds majority of the votes, the two candidates who obtained the highest number of votes go forward to the second ballot. When it is not possible to determine who the two candidates are with the highest number of votes due to equality, there shall be a special ballot in order to obtain the two candidates for the next ballot.
 - c. In the second ballot, the candidate who receives at least a two thirds majority of the votes is elected. If none of the candidates receive a two-thirds majority of the votes, there will be a third ballot.
 - d. In the third ballot, the candidate who receives the majority of the votes is elected.
5. If the office of Chairperson or Deputy Chairperson falls vacant before the end of the term of office, the Deputy Chairperson or Chairperson as the case may be shall convene a meeting to elect a successor, to be held within three months. The member then elected shall serve as Chairperson or Deputy Chairperson for a full term of office or until the end of his membership of the Management Board, whichever is the earlier.
6. The terms of office of the Chairperson and Deputy Chairperson shall commence on the first day after their predecessors' terms of office or, in case the predecessor has left his/her office, the day of the election.
7. If both the Chairperson and the Deputy Chairperson are unable to attend a meeting, the meeting shall be chaired by the longest-serving member of the Board or, in the event of equal length of service, by the oldest of the longest serving members. If not possible, the Board may decide to elect among its members a Chairperson for this meeting by a two thirds majority of all voting members.

Article 4 **Attendance at meetings**

1. The Board members should attend all meetings of the Board. Where this is not possible, their alternate should attend instead. Both, the Board member and his or her alternate can participate in the same meeting.

2. A Board member and/or his/her alternate may be assisted by an adviser or expert. The Chairperson may authorise the attendance of a second adviser or expert. The attendance of advisers or experts shall be communicated to the Secretariat at the latest one day before the meeting.
3. In any case, the total number of representatives per delegation being present at the same meeting shall not exceed three, except with the consent of the Chairperson.
4. The Executive Director shall take part in all the Board's deliberations and may be assisted by other staff of the Agency
5. At the request of any one member present at the meeting and following an explanation of that member, the Board may decide in accordance with Article 9(2) of this Procedure, whether or not to hold the meeting or a part of it in a closed session attended only by the members of the Board, their alternates and the Executive Director.
6. If the Board decides to hold a closed session it shall also agree whether to consider the matter in an extended closed session with the inclusion of such additional persons as the Board may decide.
7. Exceptionally, the Chairperson may propose to the Board to restrict the meeting to members only, or in the absence of a member one designated alternate, as well as the Executive Director.

Article 5

Admission of observers / Representatives of third countries

1. The attendance as observers or experts and of persons whose opinion might be of interest shall be agreed by the Board on a case by case basis. The organisation of, and attendance at, hearings on specific matters shall be decided in the same manner.
2. Any State which has been accepted as a candidate for membership of the European Union shall be entitled to appoint a representative to attend the Board's meetings as observer when the accession negotiations have been finalised.
3. Representatives of European third countries having entered into agreements with the Community in accordance with Article 66 of the Basic Regulation, shall be entitled to attend the Board's meetings under the terms and conditions specified in such agreements.
4. Representatives of European third countries not covered by paragraphs 2 or 3 may be invited to attend the Board's meetings as observers provided

such countries have concluded appropriate arrangements in accordance with Article 27 of the Basic Regulation.

Article 6 Convening of meetings

1. At the last meeting of a calendar year at the latest, the Board shall agree on a meeting calendar for the forthcoming year. The proposed meeting calendar shall take into account the Agency's planning cycle.
2. The Chairperson may convene a meeting at his instigation or at the request of at least one third of the members. Such meeting shall take place within six weeks of receipt of the request, or two weeks in urgent cases.
3. When the Board is convened to deliberate on a matter of urgency, the notice of convocation and the provisional agenda shall be transmitted by the Chairperson to members no later than the tenth day before the start of the meeting, save in exceptional circumstances.
4. When circumstances require, and provided one third of the members does not object, the Chairperson may change the date or place of a meeting of the Board. Notification of such change shall be given to members no later than three weeks before the original or revised date of the start of the meeting, whichever is the earlier.

Article 7 Agenda and meeting documents

1. A provisional agenda shall be drawn up by the Chairperson. It shall contain, in addition to those questions whose inclusion is requested by a member, any question whose inclusion is requested by the Executive Director.
2. Without prejudice to paragraph 1, matters to be included on the provisional agenda shall be submitted to the Chairperson not less than six weeks before the date of the start of the meeting.
3. The agenda should indicate for each item the requested action to be taken by the Board, as follows:
 - a. "For decision": The agenda item will be concluded with a decision by the Board. The relevant meeting document will specify the applicable voting rules as stipulated in Article 9 of this Rules of Procedure.
 - b. "For discussion": The agenda item will be discussed by the Board without taking a decision. The Chairperson will summarise the conclusions at the end of the discussion.

- c. "For information": The Board takes note of the information provided under this agenda item.
4. The agenda, accompanied by the relevant material for decision making, will be made available to the members at least two weeks prior to each meeting, save in exceptional circumstances. Material for decision making that is reviewed by the Agency's Finance & Business Services Committee prior to the Board meeting may be made available to the members on shorter notice.
5. If any necessary working document for decision is transmitted to the members outside the time-limits specified in point 4, no such decision shall be taken on the question to which it relates, unless the Board decides otherwise.
6. The agenda shall be adopted at the beginning of each meeting.
7. If the Board so decides, urgent questions may be added to the agenda at any time prior to the end of the meeting, and items on the agenda may be deleted or carried over to a subsequent meeting.

Article 8 Quorum

1. The representatives or proxy-holders of at least two thirds of all members with voting right shall constitute the quorum necessary for the meeting to be valid.
2. In the absence of a quorum, the Chairperson shall close the meeting and convene another as soon as possible. In exceptional cases, the meeting, without decisions being taken, may be held on a proposal of the Chairperson or a member with voting right, provided that no other member with voting right objects to such proposal.

Article 9 Voting

1. The Board shall take its decisions in accordance with the general voting rules specified in Articles 37 or the specific voting rule laid down in Article 39 of the Basic Regulation.
2. For other decisions of the Board, where the voting procedures prescribed by the Basic Regulation do not apply, the Board may decide by general agreement.
3. In addition to his/her own vote, each member with a voting right may cast one vote for another member with a voting right that he/she has

received by proxy. The proxy shall be submitted in the form of a written authorisation from that other member in advance to the Chairperson.

4. In the absence of a member of the Board with voting right, his/her alternate shall be entitled to vote.

5. Without prejudice to Article 3(2), votes shall be taken by show of hands unless a secret ballot is requested by at least one-third of the members with voting right on site.

6. For each decision according to Article 9(1) adopted by the Board, the results of the vote shall be recorded. A statement of the views of the minority may be entered in the minutes along with the decision if the minority so requests.

7. The Chairperson may authorise a member to explain briefly his/her vote cast.

Article 10 **Decisions by written procedures**

1. Without prejudice to Articles 8 and 9, decisions of the Board may be taken by written procedure, on a proposal from the Chairperson, provided one third of the members with voting right does not object. To this end, the Board members shall receive in advance the proposed measures on which a decision is sought.

2. A proposal for a decision to be taken by written procedure shall not be subject to amendment; it shall be approved or rejected in its entirety. Any Board member with voting right who does not express his or her opposition or intention to abstain before the deadline laid down in the request for written procedure is considered to have given his or her tacit agreement to the proposal.

3. The response period must not be less than 14 calendar days, save in exceptional circumstances. The precise date to cast a vote shall be defined by the Chairperson. Votes are cast by return e-mail or by fax sent at the indicated number or by online voting, if available.

4. The result of a written procedure will be notified without delay to the Board members.

Article 11

Minutes of Board meetings

1. The minutes of each meeting shall be drawn up under the auspices of the Chairman. These minutes shall contain, in particular, (a) a summary of the decisions taken, (b) a summary of the agenda items presented and discussed (c) a list of attendees.
2. The draft minutes shall be forwarded to the Board for their review and comments no later than four weeks after the end of the meeting, save in exceptional circumstances. Comments from the Board shall be communicated to the Secretariat within the given deadlines but in any case before the following meeting.
3. The minutes shall be approved by the Board at its next meeting. Once approved, the minutes shall be signed by the Chairperson. A signed copy of the minutes shall be kept in the archives of the Agency.
4. The final text of the minutes shall be made available to the Board not later than two weeks after its approval.

Article 12

Confidentiality

1. The discussions in the Board as well as the related meeting documents, shall be confidential unless the Board agrees otherwise. Members, alternates, observers and others present shall respect the confidential character of Board meetings.
2. The Board's decisions, minutes of meetings and any other related document shall be subject to the provisions of Article 58 of the Basic Regulation and measures taken for its implementation.

Article 13

Subsidiary Bodies

The Board may create subsidiary bodies at its own discretion. The Board shall determine their composition and shall provide further guidance on their scope and activities.

Article 14

Consultation of the EASA Advisory Board

1. When an opinion of the EASA Advisory Board, hereinafter referred to as "EAB", established in accordance with Article 33(4) of the Basic Regulation is

required, the Chairperson of the Board shall notify to the Chairperson of the EAB the subject matter to be discussed at least two months before the meeting of the Board; it may provide at the same time any document or material relevant to that subject. If the opinion of the EAB has not been forwarded to the Chairperson of the Board at least two weeks before the meeting, the Board may proceed without taking such opinion into account.

2. Notwithstanding paragraph 1 above, the Chairpersons of the Board and of the EAB may agree on shorter notice if the urgency so requires; Members of the Board shall be notified accordingly at least three weeks in advance of the meeting.

3. When the EAB has issued an opinion to the Board, the Board shall put the subject on its agenda at the earliest possibility and respond.

Article 15 **Amendment of the Rules of Procedure**

1. The Board may amend these Rules of Procedure by a decision taken into accordance with Article 37 of the Basic Regulation. Any member may propose amendments to the Chairperson.

2. Amendments to the Rules of Procedure shall enter into force on the next day following the decision by the Board.

Article 16 **Mission expenses**

All travel and subsistence expenses incurred by experts invited by the Board in connection with meetings related to Board business shall be subject the applicable Decision of the Executive Director on the general terms and conditions for the reimbursement of travel and subsistence expenses to outside persons.

Article 17
Entry into force

These rules shall enter into force on the next day following the adoption by the Board.

Done at Cologne,

[Signed]

Michael Smethers
Chair of the Management Board