



Minutes of MB 01/2009  
as adopted at MB 02/2009  
09 June 2009

**MINUTES OF THE MEETING OF THE EASA MANAGEMENT BOARD HELD ON 10  
FEBRUARY 2009 (MB 01/2009)  
AND SUMMARY OF DECISIONS TAKEN  
MB MEETING No. 01/2009**

SUMMARY OF DECISIONS

At its meeting held on 10 February 2009, the Management Board:

- Adopted the decision on EAB new memberships;
- Adopted the decision on guidelines for the allocation of certification tasks to national aviation authorities and qualified entities;
- Endorsed the IAS 2009 -2011 audit plan.



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

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

Vasilis Illiou – Deputy Governor of the Hellenic Civil Aviation Authority  
Vincent de Vroey – Chairperson of the EAB  
Claude Schmidt – Deputy-Chairperson of the EAB

## **1. Agenda**

The Agenda was adopted but the Chairman reserved the right to change the order of the items for time management reasons.

## **2. Adoption of the minutes**

The minutes were adopted. The review of the action list was made by the Chair.

### **Action List MB 04/2008**

<b>Action number</b>	<b>Description action</b>	<b>Action holder</b>	<b>Deadline</b>
# 07/MB 0308	Article 51: Progress reports on the implementation of the recommendations	Article Steering Committee Rapporteur Maxime Coffin 51 -	On agenda
# 05/MB 0308	ISO 9001 project: Provide MB with major recommendations from audits	EASA	MB 02/2009
# 03/MB 0308	Amend & resubmit the proposed Procedure for the Selection of EASA Directors following submission to the Commission	EASA	Awaiting input from the Commission



# 06/MB 0308	Article 51: Transmit issued recommendations together with timetable to the Parliament and Council	Commission	On-going
# 02/MB 0408	Outsourcing	ENaCT	On agenda
# 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	On agenda

### 3. Comments from the Chair

The Chair reported that the discussion on Safety Strategy at the previous meeting had been useful and fruitful, but on reflection the focus might have been rather narrow, being mainly on safety analysis. He suggested that the Agency's broader safety strategy might be revisited, first at the EASA/NAA Partnership meeting in April and then again in the Management Board.

MB 02/2009 will be a one and a half day meeting commencing at 14.00 hrs on 8 June 2009. On the first afternoon there will be informal discussion on strategic issues, and an evening event is planned. The formal parts of the agenda will be taken on 9 June. Possible issues for informal discussion include safety strategy, the Agency's international work, the Agency's environmental role, standardisation, and training. He invited Members to come up with other topics they would like to raise during the meeting.

At the EASA All Staff meeting the Chair had attended before Christmas, his presentation on the role of the Management Board had given rise to many constructive and interesting questions.

### 4. ED report

The Executive Director presented his report on developments since the previous Management Board, including the TU 204 Type Certificate hand-



over in Moscow; the invoicing of travel costs, which had dissuaded some organisations from maintaining their Part-145 approvals; and the publication of 2 major NPAs in January on Operational Suitability Certificates and Air Operations for Community Operators. He was pleased to report that income from Fees & Charges amounted to 67M€ in 2008, 13 M€ more than estimated, partly reflecting improved financial procedures.

The following points were made in discussion:

- a. The deadline for comments on the NPA on Authority and Organisational Requirements had been postponed till 15 April 2009, to overlap with the period for comments of the other NPAs, as decided during the AGNA meeting;
- b. EUROCONTROL: a Roadmap for the transition to EASA is under discussion. Some delegations favoured a more active participation of the Agency in the Provisional Council of EUROCONTROL; and
- c. Delegates welcomed the work of the ESSI. The Agency should have a leading role in the establishment of a Community Safety Programme.

## **5. Adoption of the 2010 PDB and outline Work Programme**

### PDB 2010

Luc van Heel presented the PDB 2010 for adoption, stressing that it had been prepared using the Business Plan that was adopted by written procedure on 31 January 2009. The figures contained in the PDB 2010 take into account the rate of inflation. Revenue from Fees and Charges is to increase, as compared to 2009, due to the extension of the remit.

The Commission's representative highlighted that the new Financial Regulation includes a new process and time-table for processing the PDB. For the current year the Commission proposal has to be delivered by the end of April to the budgetary authorities.

Board Members expressed concern as regard the role of the Board vis à vis budget issues, as the Board should not simply take note of such an important document but be able to discuss and influence it. They underlined that there was a need for the 27 Members States to define the Work Programme in relation to the Budget, and reiterated the need for the MB to have a greater



strategic role in the budget process. They were concerned that the new time-table would make efficient planning more difficult.

Furthermore, questions were raised as to whether the projected income for 2010 was not too optimistic given the world financial climate, and whether the possible revenue from Fees and Charges further to the extension of the remit had not been overestimated.

In response to a question raised by Albania about the decrease in the International Cooperation Budget, the Executive Director commented that Title IV for these operations could be increased if the Commission requested Technical Operations to be performed by the Agency, and financed them.

The Chair commented that the Board did not have the ultimate power to establish the overall Budget, which was matter for the Budgetary Authorities. However, the Management Board should review the timetable for next year to strengthen its active involvement in the process, and provide adequate opportunity for proper scrutiny. He also reminded the Board that longer term issues identified in the Business Plan, linked to the extensions of the remit and the availability of sufficient resources for Standardisation and Rulemaking activities, had still to be resolved with the Commission.

The Chair said that the Agency had increasingly good communications with the European Parliament, but he asked Members to remind their national budgetary authorities of the important role of the Agency in terms of safety and its consequent staffing needs.

The Chair concluded by acknowledging the need to put the PDB into the process without delay to meet the administrative deadlines prescribed by the Commission, but signalled the need for further discussion as more information becomes available over the next few months. On this basis the Board adopted the PDB.

#### Outline Work Programme 2010

Comments were made and clarifications sought as regards:

- The time-line for the implementation of the new remit and the corresponding fees and charges;
- The development, use and follow-up of KPIs.



The Agency will further develop KPIs in the final Work Programme 2010. Tracking of progress on the current KPIs in 2008 will be addressed in the Annual Report to be presented at the next MB meeting.

Netherlands requested an updated policy paper from the Agency on Technical Training, which was agreed by the Executive Director.

The UK asked that on p.31 of the OWP (Accident Investigation) the term partnership be replaced by co-operation. The Executive Director agreed the amendment.

Finland raised the issue of Standardisation in the field of Ops and Licensing and the need to address the post-JAA situation. They further stressed that the amended Regulation 736/06 needed to be in place by 2012.

As the Agency proposed activities in the fields of research, including one environmental study, the Commission indicated that it did not encourage the Agency to conduct research. The Commission also observed that although it was good to have a "green" Agency, there were more important core functions on which the Agency should concentrate. In response, the Executive Director underscored the Agency's mandate under the Basic Regulation to conduct research; however the Agency does not carry out research per se, but rather intends to influence aviation research financed by the EC, to make sure that safety is taken into account. A limited number of small studies have been contracted by the Agency after co-ordination with the Commission and the Member States when safety problems have been identified.

A number of Board Members commented that it was not acceptable to include references to the Agency issuing an Opinion in 2010 on a 3<sup>rd</sup> extension of scope to environmental matters. The Executive Director replied that the Agency has small dedicated teams to certify products and take part in ICAO standards development.

France supported the Agency's research programme, as they felt it was a matter of credibility for the Agency, but insisted that it should not duplicate that of the Member States.

The EAB indicated that the Agency should be provided with separate financing for its assistance to the Commission on the Community black-list.



## **6. Adoption of the 2010 -2012 Staff Policy Plan**

Luc van Heel reported that the draft Staff Policy Plan (SPP) is based on the Business Plan 2009-13. The reorganisation of the Agency that was approved at MB 04/2008 was not yet reflected. The figure of 506 FTEs in 2009 was that presented in 2008 and adopted by the European Parliament.

In response to the Chair's query as to whether it was necessary for the Board to adopt the Plan today, the Executive Director indicated that the timetable had been modified this year. The Commission has indicated that the Establishment Plan 2010 would have to be submitted today (10/02/2009), and that the Agency had to submit the SPP by 31/03/2009 to the Commission.

The Commission indicated that the SPP envisaged the second extension of tasks being fully applicable by 2012 – although this date was not yet fixed. Although the indicative plan was in line with the Business Plan, the 2010-2012 SPP was unacceptable to the Commission in its present form, as cooperation with EUROCONTROL might ease the staffing pressure on the Agency. The Commission also wanted references in the Plan to efficiency indicators, and an explanation of the ratio of subsidy-based to fee-based posts. The opinion of the Commission reflected comments made by DGs TREN, BUDG and ADMIN.

Luc van Heel pointed to the introduction of SAP, and the importance of developing and monitoring KPIs, as ways of achieving and demonstrating efficiencies.

Netherlands underlined that while the Commission proposals were noted, the Council had already outlined in its Progress report at the December Council that there should be sufficient resources made available to perform the 2<sup>nd</sup> extension tasks.

France proposed that, should no agreement be reached, a review of the Business Plan be undergone to adapt the Agency's tasks to the level of its resources.

Germany voiced concerns with respect to some of the Commission statements about possible synergies with EUROCONTROL. They were concerned that the Commission would await the approval of the European Parliament and the Council on the extension before identifying the increase in staffing requirements, though in practice it would be necessary to have the staff in place earlier in order to prepare for the work.



The UK voiced concerns that the Commission letter seemed to assume that regulations could be applied uniformly throughout the 29 European Agencies, and that it did not address major questions of resourcing. The assumption in the letter that Rulemaking experts could be moved from one area to another was not realistic.

The EAB, Denmark and France supported the previous statements. They felt that the Agency's core functions were inadequately funded by the Community subsidy. Concerns were raised that expected synergies with EUROCONTROL when EASA took responsibility for ATM safety were unrealistic.

The Chair concluded that the consultants performing the Secretary General's study on the evaluation of the Agencies should visit both the Agency and the Management Board, in order to understand better the specificities of the Agency. The employment contract conditions requested by the Commission did not reflect market reality and would hinder the Agency in attracting qualified staff. The tone of the Commission's letter was not one of partnership, and the text was surprising given the late date that it was sent. As it would not be fruitful to adopt the SPP without proper consideration of the Commission's letter, discussions must proceed at speed in order to meet the deadline for sending the final document to the European Parliament by the end of April.

Following the suggestion of the Netherlands and with the support of France, the Chair was mandated by the Board to form a small group to conduct discussions with the Commission together with the Agency, in order to arrive at a final document by 31 March 2009.

The Chair promised to keep Board Members informed on the outcome of the discussions.

## **7. Rulemaking Procedures**

The Director for Rulemaking told the Board that the Agency has responded to adopted Article 51 Recommendations by drawing up proposals to:

- Improve the Rulemaking process via improved preliminary RIAs;
- improve the rule development process by creating additional opportunities to get input from stakeholders;
- Improve the feedback received from implementation and make better use of it in Rulemaking activities;
- Improve general communication with stakeholders ;
- Ensure efficient AGNA and SSCC working methods.





Germany welcomed very much the proposals and welcomed this new approach. They appreciated that the comments from the Authorities and the Industry were incorporated in the proposals.

Norway also very much welcomed the proposals, but stressed that the proposed rulemaking improvements would have resource implications and might affect the number of tasks completed each year. As regards feedback on implementation, the Agency would need to be informed about the outcome of national appeal processes. Finally, the proposal to increase thematic meetings involving AGNA and SSCC invited comparisons with the role of the EASA Committee, which hardly ever met.

France welcomed the better co-operation between the Agency and stakeholders and made the following points:

- High-level groups should be involved in the Rulemaking Process, before the end of the comments period;
- The way experts from industry and NAAs were to be consulted was important, hence the need for well-defined ToRs on the sharing of tasks between the Agency and the experts, such as - for example - in the involvement of GASR;
- All internet-based Rulemaking documents would be useful to stakeholders but should be made available free of charge.

Italy agreed that stakeholder involvement is both important and positive but signalled a rethink in SSCC composition may be necessary to take the new remit into account.

Iceland said that the Agency needed to outline how the outcome of the Standardisation visits might be used in order to gauge the effectiveness of the regulations.

Some delegations highlighted the need to translate NPAs, especially for regulated persons or entities that do not have the capacity to work in English. As translations would represent an important part of the budget of the Agency, it was agreed that these entities should refer to their NAAs should they have a problem of understanding a given NPA. When a NAA makes a partial or complete translation into its language, the Agency is prepared to discuss how this translation may be made available on its website.



## **8. Impact on Agency of Economic downturn**

The paper tabled at the last Partnership meeting was presented by the Executive Director. It was reported that the forecast for air traffic movements in 2009 is rather pessimistic as a significant decrease in the operations is expected as compared to the previous years. However, certification activities may not be unduly impacted, at least for the time being, as manufacturers are currently working on new models. Close attention should be given to the oversight of organisations to ensure that cost reductions were not made at the expense of safety. The Executive Director further stressed that simplification and efficiency of rulemaking might also allow industry to make cost savings.

The EAB underlined there might be a significant downturn in certification activities and reported that some customers of large aeroplanes had already cancelled their orders. There could also be a significant decrease in orders from business and general aviation, and a drop in certification applications from small entities.

The Commission thanked the Agency for the paper and the review of the situation it offered. They stressed that a decrease of 30% of operations was expected in commercial and cargo flights altogether.

The Chair said that there were two key possible effects for the Board to consider. The Agency's revenue would decrease if there were a significant drop in demand for certification tasks. And regulators needed to be alert to ensure that the difficult economic situation facing operators did not give rise to an increased level of safety risk (whilst acknowledging the absence of any evidence from earlier downturns of a link between economic performance and safety standards). Following a description from the NL delegation of work they were carrying out internally in this area, the Chair indicated that further brainstorming on the subject might take place at the next Partnership meeting.

## **9. Composition of the EAB**

Letters of applications had been received by the Chairman from ACI Europe, CANSO, and IFATCA in which they sought admission to the EASA Advisory Board in anticipation of the extension of the remit. EAB had indicated it would welcome these 3 additional organisations.

The new composition of the EAB was approved.



## **10. Report from ENaCT**

### Allocation of Certification tasks

The opinion of the ENaCT group had been requested by the MB in December. As a first step, the Agency proposed to have the possibility to allocate a given task to another NAA, should the local NAA not be able to perform the task.

The Commission underlined that the Commission Legal Services' opinion on the guidelines for allocations of tasks had not been received yet, but they were in a position to adopt the proposed interim procedure.

The Chair concluded that pending the opinion of the Commission's Legal Service and the outcome of the Agency's consultants' study on outsourcing, the allocation of tasks will be based on the interim procedure proposed by ENaCT, ie allowing tasks to be allocated to NAAs other than the home NAA in specified circumstances. The Board amended its Decision on outsourcing accordingly.

As regard Continuing Airworthiness, further analysis was required on the nature of the task, how much of it needed to be carried out, and how it should be resourced. An ENaCT sub-group had been mandated to look into the matter in depth and report to the ENaCT meeting in May.

The Pool of Experts is already in place involving 11 NAAs. Since the possibilities of using the pool appear not to be sufficiently widely understood, the Agency will organise a workshop to give it greater publicity.

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

Luc Vanheel stated that in the Basic Regulation, Fees and Charges had been treated as Assigned Revenue. The Commission's interpretation of Assigned Revenue is that each certification task should have its own budget lines in income and expenditure, which would be extremely burdensome for the Agency. A meeting is planned with DG BUDG to try to resolve the issue. In the meantime, since the Agency had no agreement from the Commission the amendments to the Financial Regulation could not be adopted.



## **12. Selection of EASA's Directors**

The Board was informed that as the Opinion of the Commission had not yet been received, the selection procedure applicable to Directors could not be adopted. The Chair confirmed that the appointment of the Director of Finance and Business Services would be conducted in line with the draft procedure.

## **13. IAS Strategic Audit Plan 2009-2011**

The Executive Director supported the IAS Strategic Audit plan, which mitigated any risk of overlap with other audits.

The IAS audit plan was endorsed.

## **14. Article 51**

The Deputy Chair said that although the Commission had not yet sent an opinion on the recommendations of the study to the Parliament and the Council, the recommendations did not require legislative change and therefore could be acted upon straight away. He circulated a table showing progress with the various proposals.

Some recommendations had already been the subject of discussion in the course of the meeting (eg the rulemaking process, continuing airworthiness).

The recommendation for an EASA focal point for smaller enterprises to be appointed in each NAA was highlighted, since small operators sometimes have difficulty to find the right interlocutor at the Agency. It was noted that not all NAAs have yet appointed their focal point.

The Chair asked the addressees of the various recommendations to continue with their implementation, and said that the Deputy Chair would report again on progress at the September Management Board meeting.

## **15. AOB – OPS and FCL Standardisation in the post-JAA and pre-IR phase**

The Executive Director reported that the ECAC Directors General had agreed on the disbandment of the JAA on 30 June 2009. Standardisation activities were coordinated by the Agency in OPS and FCL in accordance with national rules and JAA rules of procedures. This raised questions about the



performance of the standardisation visits and the acceptance of the findings after the closure of the JAA, before the adoption and implementation of the Agency's OPS and FCL IRs.

Finland underlined that the standardisation costs coverage had to be clarified and stressed that a pan-European standardisation programme was of the utmost importance for safety reasons.

The Commission reported that amendments to the Standardisation Regulation 736/06 were being drafted to take into account the extension of the remit. The revised version of the Regulation will be circulated to the members of the Board. The Commission underlined that special attention had to be paid to the current level of safety, which should not be undermined by the closure of the JAA or the lack of implementing rules. In any case, standardisation activities should not experience any interruption. The Commission stated that the present level of funding from the Community subsidy should be sufficient.

Albania and Serbia voiced concerns as regard the recognition of certificates for non-EASA Member States.

The Chair concluded that standardisation visits had to continue and that the particular concerns of non-EU Member States will be addressed in the framework of Working Arrangements. As for the EU Member States, standardisation will continue to be performed by the Agency after the closure of the JAA. With the discontinuation of the JAA Committee, the Agency will address post-standardisation recommendations to each Member State, which will have the final decision on how to react.

The Chair closed the session thanking all participants for a fruitful meeting.



## ANNEX 1: List of Attendance

### Members

	MEMBER	ALTERNATE	EXPERT
AUSTRIA	Karl Prachner		Walter Gessky
BELGIUM		Benoit Van Noten	
BULGARIA	Zahari Alexiev	Eleonora Dobрева	
CYPRUS	Leonidas Leonidou		
CZECH REPUBLIC	Josef Rada	Vítězslav Hezký	
DENMARK	Kurt Lykstoft Larsen	Per Veinberg	Thorbjörn Ancker
ESTONIA	Koit Kaskel		
FINLAND	Kim Salonen	Topi Sirén	
FRANCE	Maxime Coffin	Florence Rousse	
GERMANY	Thilo Schmidt	Josef Schiller	
GREECE		Vasilou Iliou	Georgios Sourvanos
HUNGARY			Eva Kallai
ICELAND*	Pétur Maack		
IRELAND	Ethna Brogan	Dick Davis	Brian Skehan
ITALY	Salvatore Sciacchitano	Giuseppe Carrabba	Carmine Cifaldi
LATVIA			
LIECHTENSTEIN*			
LITHUANIA			
LUXEMBOURG		Claude Wagener	
MALTA	Anthony Gatt		
NETHERLANDS	Pieter Mulder	Jan-Dirk Steenbergen	Rob Van Lint
NORWAY*	Heine Richardson	Øyvind EK	Karl Koeford
POLAND		Tomasz Kadziolka	Dariusz Gluszkiewicz
PORTUGAL		Anacleto Santos	

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\* Members without voting rights



	MEMBER	ALTERNATE	EXPERT
ROMANIA		Irana Iliescu	
SLOVAK REPUBLIC	Josef Bebiak		
SLOVENIA		Jozef Slana	
SPAIN	D. Luis Rodríguez Gil	José M. Ramírez Ciriza	
SWEDEN	Lena Byström Möller	Siv Gustavsson	Magnus Molitor
SWITZERLAND *	Marcel Zuckschwerdt		
UNITED KINGDOM	Michael Smethers	Natasha Coates	Pat Ricketts
EUROPEAN COMMISSION	Zoltan Kazatsay		Maria Hernandez-Antunez

#### Observers

	MEMBER	ALTERNATE	EXPERT
EASA ADVISORY BOARD <sup>1</sup>	Vincent de Vroey	Claude Schmidt	Fiona McFadden
ALBANIA <sup>1</sup>		Genci Resuli	
BOSNIA AND HERZOGOVINA <sup>1</sup>			
CROATIA <sup>1</sup>		Ante Juric	
FORMER YUGOSLAV REPUBLIC OF MACEDONIA <sup>1</sup>			
MONTENEGRO <sup>1</sup>		Renato Brkanovic	
SERBIA <sup>1</sup>		Goron Crljen	
U.N. MISSION IN KOSOVO <sup>1</sup>			

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



**ANNEX 2: Action List**

Action number	Description action	Action holder	Deadline
# 05/MB 0308	ISO 9001 project: Provide MB with major recommendations from audits	EASA	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 Parliament and Council	Commission	
# 07/MB 0308	Article 51: Progress reports on the implementation of the recommendations	Article 51 Steering Committee - Rapporteur Maxime Coffin	Twice yearly.
# 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  Pending discussions with the Commission	10 January 2009