

European Aviation Safety Agency

2003 REPORT OF ACTIVITY

Introduction

The Agency's tasks and missions

The European Aviation Safety Agency, EASA, is an Agency of the European Community which has been given specific regulatory tasks in the field of aviation safety. Its establishment is key to the implementation of the European Union's strategy to maintain and improve the level of aviation safety in Europe and beyond.

The European Community, national regulators, industry and others stakeholders active in the aviation sector have sought for a long time to give Europe a real aviation safety authority, similar to the Federal Aviation Administration (FAA) in the United States, which would be able to:

- draw-up common standards to ensure the highest level of safety;
- oversee their uniform application across Europe and;
- promote them at world level.

Such an authority should also contribute to Community efforts to limit the environmental impact of aviation. As such there is a need to translate environmental requirements (in the field of gaseous emissions and noise) into precise technical criteria and ensuring that the resultant requirements are met by aircraft before they are permitted to fly.

In addition to helping to ensure a uniform and high level of aviation safety, the Agency should also help to boost the competitiveness of the aviation industry, by promoting efficient regulatory and certification processes which should lower compliance costs for airlines, manufacturers, service organisations and others in the sector

The Agency has been assigned certain competencies with respect to the design, production and operation of products, parts and appliances, as well as to the personnel and organisations involved these activities. These domains represent only a first step in the scope of competency of the Agency as the Basic Regulation establishing the Agency also foresees the approval of air operations, and the licensing of air crew.

The Agency has also been given the power to manage executive tasks related to aviation safety where collective action would be more effective than individual action by EU Member States. In this connection, it is responsible for the following activities:

- issuing type and other certificates with respect to aeronautical products and certificates to certain organisations
- assisting the European Commission in the monitoring of the application of common rules as well as in the implementation of the necessary safeguard measures;
- providing its technical assistance in contacts and negotiations with the aeronautical authorities of third countries and international organisations competent for civil aviation safety and environmental protection; and
- assisting the European Community and its Member States with their co-operation and assistance activities with third countries

The functioning of the Agency

The **Executive Director** is appointed by the Agency's **Management Board**. The Board, which brings together representatives of the Member States and the Commission, is responsible for the definition of the Agency's priorities, the establishment of the budget and for monitoring the Agency's operation.

In order to ensure that decisions on safety issues are free from all political interference, decisions must be in the hands of a neutral and independent decision maker invested with the necessary powers. This is why the safety decisions of the Agency will be taken by its Executive Director as is already the case in most countries which have developed systems for aviation safety regulation.

Since these decisions directly affect people and organisations, the Regulation creates an independent **Board of Appeal** whose role is to check that the Executive Director has correctly applied European legislation.

The **Advisory Body of Interested Parties** assists the Management Board in its work. It comprises organisations representing aviation personnel, manufacturers, commercial and general aviation operators, maintenance industry, training organisations and air sports.

2003, cornerstone year for the Agency

The Agency was created by Regulation (EC)1592/2002 from 15 July 2002. The Agency's Management Board was established quickly thereafter and undertook together with the Commission a range of activities necessary to lay the foundation for the Agency to begin its operations in 2003. Initial staff were hired from February 2003 when the first actions were taken towards the completion of the core tasks of the Agency in helping the European Commission to shape new rules in the field of airworthiness and environmental certification of aeronautical products, parts and appliances, and in the approval of organisations and personnel engaged in the maintenance of these products.

The Basic Regulation having set the target date of 28 September 2003 for the Agency to be responsible in these two domains, efforts were concentrated towards the completion of the necessary Regulatory framework.

Efforts were also concentrated at the physical establishment of the Agency: this implies the definition of a full working and administrative environment, compliant with the rules defined in the Staff Regulations. Various elements need to be taken into account in order to have a clear understanding of the level of progress and of the activities that were carried out. It should be borne in mind that Agency's staff in 2003 was composed of entirely new staff, and that an extensive use of external expertise, lying notably within the JAA and the National Aviation Authorities (NAAs) , was necessary to reach the above mentioned goals.

The supervision of this work was ensured at the beginning of 2003 by the Commission and by the Management Board as it took some months to recruit suitable senior staff. The arrival in post of the Executive Director allowed for a more rapid establishment, and in some cases completion, of the whole infrastructure necessary for the establishment of the Agency.

1 The completion of the regulatory framework related to the commencement of the Agency's certification functions: the 2003 main objective for the Agency

The completion of the regulatory framework has been considered as essential in order to enable commencement of operation of the Agency on 28 September 2003. This means the development and adoption of the formal acts specified in the Basic Regulation, the most essential items being the adoption of the Implementing Rules (IRs) by the Commission, and subsequently Acceptable Means of Compliance (AMCs) and Guidance Material by the Agency.

Nevertheless, another set of Decisions was necessary to complete this regulatory framework and to establish proper procedures for the functioning of the Agency.

1.1 The completion of the regulatory framework related to the entry into force of the Basic Regulation: the 2003 main objective for the Agency

1.1.1 Implementing Rules, Acceptable Means of Compliance and Guidance Material

The Basic Regulation required the Commission to adopt a comprehensive framework of implementing rules, as part of the legislative process leading to the commencement of the Agency's operation.

The Agency is directly involved in the elaboration of these implementing rules. It assists the Commission in preparing drafts¹, which are submitted to the Commission as "Opinions".

These implementing rules relate to:

- the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as the certification of design and production organisations, and,
- the continuing airworthiness of aeronautical products, parts and appliances and the certification of organisations and personnel involved in the related tasks

¹ Articles 12, 13 and 14 of the Basic Regulation

The elaboration of the initial drafts: a close collaboration between technical experts of the core groups and legal experts from the Agency.

For the development of these texts, the Agency relied on the voluntary contributions of so-called 'Core Groups'. These are groups of experts who, drawing on their expertise and technical knowledge, facilitated the drafting of implementing rules in the light of existing international, JAA and industry practices.

The texts, in particular their technical provisions, present a pragmatic approach, JARs and changes thereto, as well as available JAA regulatory material having been used extensively to provide maximum continuity with the current requirements widely used by Member States.

The core groups drew up the initial draft to be transmitted to Agency's staff so as to proceed with verification of consistency of the drafts with the Community law and the European policies. This transposition work started in February 2003, initially with one legal advisor working on the subject and later joined by two other legal advisors.

They carried out this work in extremely close relationship either with the core groups, or the "focal-points" of these core groups. The guideline was to keep at all stages of the procedure a close relationship in between the technical experts of the core groups and the legal experts of the Agency and to avoid any kind of confusion or discrepancy as regards the technical contents of the texts.

The core groups having worked on the revision of the drafting of the implementing rules :

IR 21 core group : Implementing rules for part 21
IR 34 and IR 36 : Emissions and noise
IR 39
IR M
IR 145
IR 66 and IR 147
Airworthiness of Aircraft (together with parts and appliances)
Airworthiness of engines and propellers
Regulatory interactions
Essential requirements for operations
Essential requirements for licensing

The elaboration of the Opinions of the Executive Director: consultation of interested parties

This intensive collaborative work resulted in the elaboration of two draft Opinions which were circulated on 6th of June 2003 among the interested parties.

The rulemaking procedure adopted by the Management Board allowed for a shorter consultation period for these very specific drafts Implementing Rules. This specific provision of the Decision was justified by the necessity to meet the 28 September deadline.

The Agency used a consultation system that had proven in the past to be efficient and had the merit to be known by all interested parties, i.e. the JAA consultation system. It was not conceivable to impose on interested parties the additional requirement of providing comments in a short time to a totally new system.

The consultation of documents during the elaboration of the Implementing Rules

The Agency was faced with an urgent need to publicise its proposals for implementing rules, certification specifications, guidance material and acceptable means of compliance which were necessary for the Agency to begin carrying out its certification tasks from 28 September 2003. Given the urgency for carrying on the consultation on the recently elaborated draft implementing rules and given the lack of its own resources, the Agency decided to set up a joint database for the handling of comments with the help and experience of the Joint Aviation Authorities.

The idea was to create a database available at the same time for the JAA experts and for the Agency's staff. All comments were introduced into the database upon reception. This allowed it to utilise an established means of consultation, with the considerable advantage of not having to create an entirely new mean of consultation for those consulting it at a moment when the rapidity of reaction for all interested parties was crucial for respecting the deadline of 28 September. On the other hand, the database allowed for functionalities which helped greatly in the elaboration of the common response document.

This database allowed for rapid dissemination and treatment of comments between the technical and legal experts. It was also maintained by the JAA. Upon reception of the comments, each was encoded into the database, and linked to the relevant part of the draft opinion. Draft answers were elaborated in the meantime so as to propose a Common Response Document as soon as possible.

Submissions of the opinions and adoption of the Implementing Rules

By 18 July 2003, 844 comments had been received for the draft opinion pertaining to airworthiness and environmental certification, and 1,870 relating to continuing airworthiness.

After having taken due consideration of all comments received, the Agency subsequently submitted its Opinions to the Commission on the 1st of September 2003².

² pursuant to Articles 5 and 12, paragraph 2(b) of the Basic Regulation

These Opinions were approved by the EASA Committee, and the Regulations adopted by the Commission. The resulting implementing rules are, respectively, Commission Regulation (EC) N° 1702/2003 and Commission Regulation (EC) N° 2042/2003.

These Regulations contain Annexes which cover the relevant fields: Part-21 and Part-M, Part-145, Part-66 and Part-147.

The elaboration of subsequent associated material: acceptable means of compliance, guidance material and certification specifications

Furthermore, pursuant to the Basic Regulation the Agency shall, where appropriate, issue certification specifications (CS), including airworthiness codes and acceptable means of compliance, as well as guidance material for the application of the Basic Regulation and its implementing rules, as part of its regulatory framework.

The drafts were also published for consultation with the interested parties. The associated material, however, falls outside of the remit of the implementing rules and has therefore been subject to separate adoption by way of several Decisions of the Agency's Executive Director, which are accessible on the Agency's official website.

CS are used to demonstrate compliance with the Basic Regulation Essential Requirements and its implementing rules. The following CSs have been adopted, and are accessible on the Agency's official website:

CS-25 large aeroplanes
CS-34 : aircraft engines emissions and fuel venting
CS-36 : aircraft noise
CS-APU :auxiliary power unit
CS-AWO : all weather operations
CS-P : propellers
CS-E : engines
CS-ETSO : European Technical Standards orders
CS-Definitions
CS-22 : sail planes and powered sailplanes
CS-23 : normal, utility, aerobatics and commuter aeroplanes
CS-27 : small rotorcraft
CS-29 : large rotorcraft
CS-VLR : very light rotor craft
CS-VLA.: very light aircraft

1.1.2 The impact of the entry into force of the Basic Regulation

Having completed the regulatory framework for the Agency to begin carrying out its certification tasks, the Agency was to handle the practical sole responsible for the

tasks defined in Article 15 of this Regulation and had to deal with the practical impact of this responsibility. These relate mainly to issuing certificates and approvals.

Article 15 : Airworthiness and Environmental Certification

1. . *With regard to products, parts and appliances referred to in Article 4(1), the Agency shall, where applicable and as specified in the Chicago Convention or its Annexes, carry out on behalf of Member States the functions and tasks of the State of design, manufacture or registry when related to design approval. To that end, it shall in particular:*
 - (a) *for each product for which a type-certificate or a change to a type-certificate is requested, establish and notify the type-certification basis. That certification basis consists of the applicable airworthiness code, the provisions for which an equivalent level of safety has been accepted and the special detailed technical specifications necessary when the design features of a particular product or the experience in operation render any of the airworthiness code provisions inadequate or inappropriate to ensure conformity with essential requirements;*
 - (b) *for each product for which a restricted certificate of airworthiness is requested, establish and notify the specific airworthiness specifications;*
 - (c) *for each part or appliance for which a certificate is requested, establish and notify the detailed airworthiness specifications;*
 - (d) *for each product for which environmental certification is required in accordance with Article 6, establish and notify the appropriate environmental requirements;*
 - (e) *conduct, itself or through national aviation authorities or qualified entities, technical inspections associated with products, parts and appliances certification;*
 - (f) *issue the appropriate type-certificates or associated changes;*
 - (g) *issue certificates for parts and appliances;*
 - (h) *issue the appropriate environmental certificates;*
 - (i) *amend, suspend or revoke the relevant certificate when the conditions according to which it was issued are no longer fulfilled or if the legal or natural person holding the certificate fails to fulfil the obligations imposed on it by this Regulation or by its implementing rules;*
 - (j) *ensure the continuing airworthiness functions associated with the products, parts and appliances it has certified, including reacting without undue delay to a safety problem and issuing and disseminating the applicable mandatory information.*
2. *With regard to organisations, the Agency shall:*
 - (a) *conduct, itself or through national aviation authorities or qualified entities, inspections and audits of the organisations it certifies;*
 - (b) *issue and renew the certificates of:*
 - (i) *design organisations; or*
 - (ii) *production organisations located within the territory of the Member States, if requested by the Member State concerned; or*
 - (iii) *production and maintenance organisations located outside the territory of the Member States;*
 - (c) *amend, suspend or revoke the relevant organisation certificate when the conditions according to which it was issued are no longer fulfilled, or if the organisation concerned fails to fulfil the obligations imposed on it by this Regulation or by its implementing rules.*

Tasking NAAs and JAAs

Despite not being staffed with technical experts, the Agency found the means to discharge its responsibility in drawing on the experience laying within the NAAs and the Central JAA. It decided to conclude contracts with them.

Taking into account the necessary period of time to negotiate contracts acceptable by all parties notably in terms of liability conditions, the Management Board therefore agreed that the Executive Director should write to all the National Authorities and the Central JAA, in order to task them for a 4-month period for the technical preparatory work which needed to be undertaken³. The final decision, as well as the responsibility for all other decisions, remains in the hands of the Executive Director

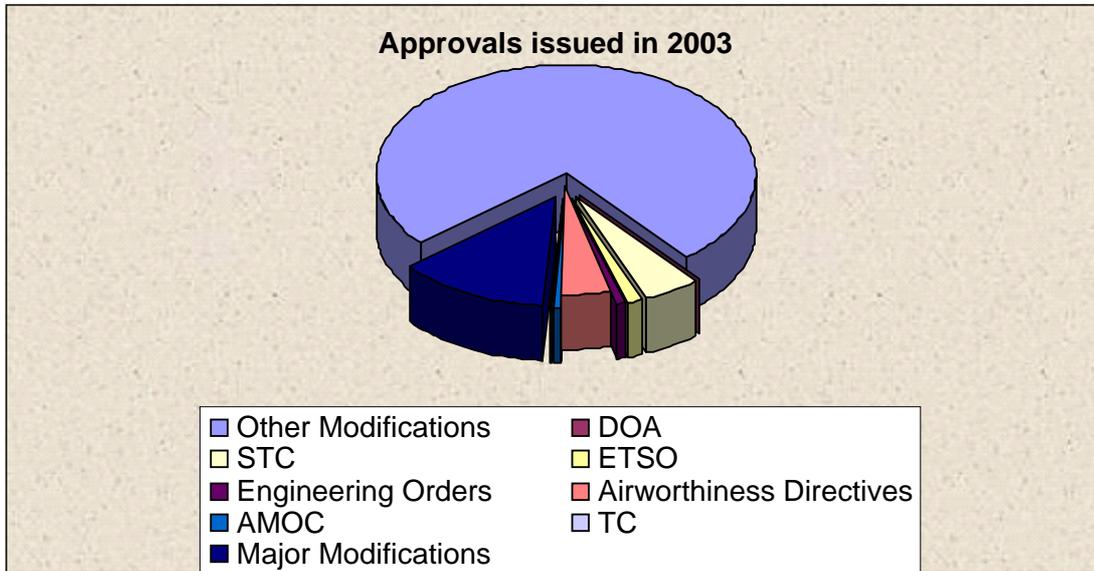
Handling of all requests sent to the Agency

Apart from type certificates, airworthiness directives, design organisation approval, European technical standards orders and major changes or repairs which are the essence of the certification work, the scope of Article 15 of the Basic Regulation also covers all kind of minor modifications and repairs. This represents a considerable number of approvals to be issued directly by the Agency. A small task force composed of one and then of three persons was immediately set up to proceed with the evaluation of the requests issued by the National Aviation Authorities. The principles for this procedure were agreed upon during a meeting with representatives of all NAAs, and published on the web site of the Agency. Specific attention was also paid to allocating the investigation work on imported products to NAAs.

The Agency handed over its first Type Certificate on 11th December 2003, this marking so a historical milestone for European aeronautics, this certificate being the first European-wide airworthiness certificate ever delivered..

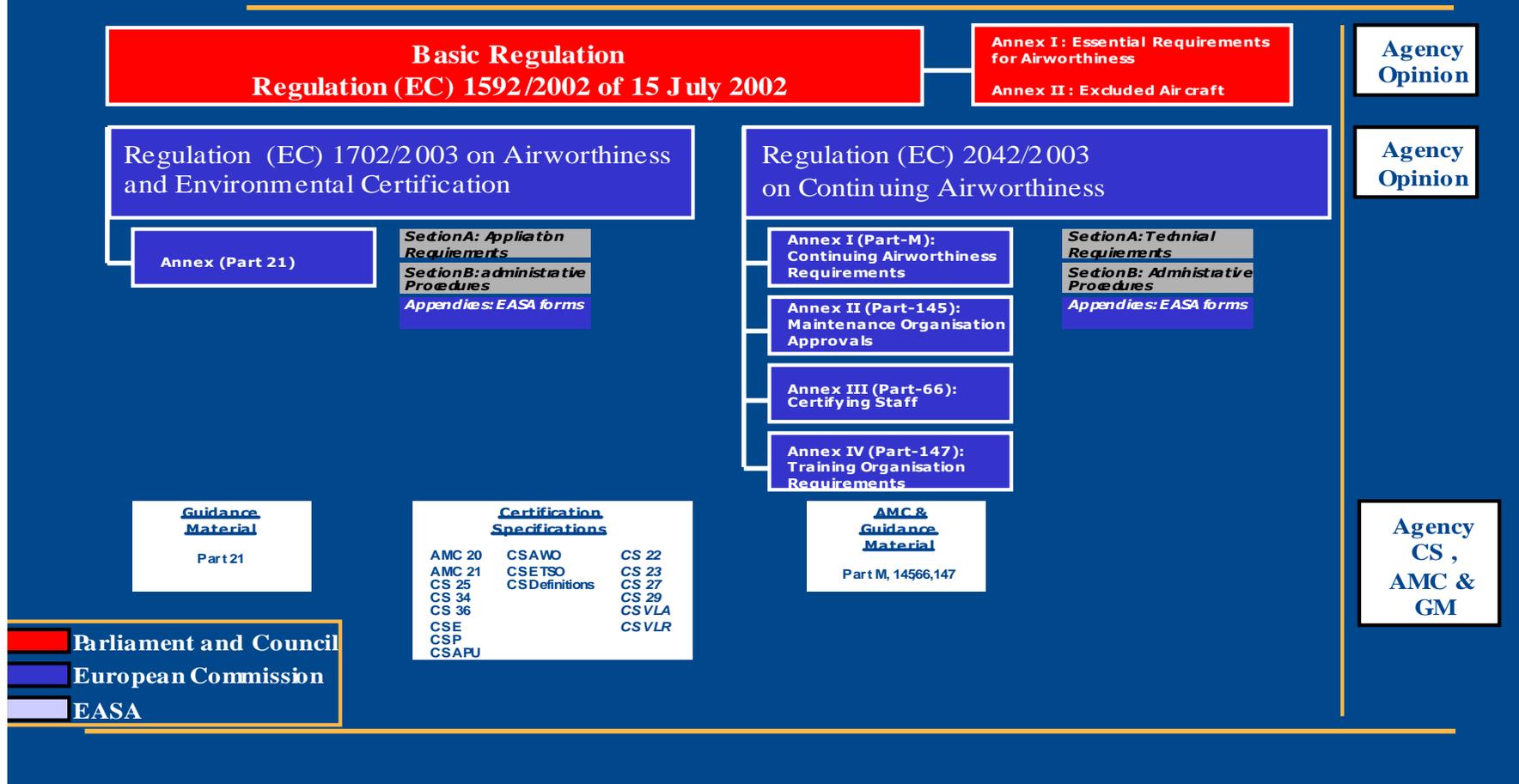
More than 2000 approvals were issued between 28 September 2003 and 31 December 2003, as shown below.

³ This letter was renewed on January 2004



Approvals issued in 2003		
Type of document approved / %	Number of approvals issued	%
Type Certificate	4	0,15
Supplemental TC	97	4,5
Airworthiness Directives	90	4,2
Major Modifications	272	12,73
European Technical Standard Orders	33	1,52
Engineering Orders	17	0,81
AMOC	9	0,4
Other Modifications	1606	75,2
DOA	4	0,2
Total =	2135	

EASA Regulatory Framework



1.2 Completion of the rest of the regulatory framework

1.2.1 Definition of the Outsourcing policy

As the 28 September 2003 deadline approached, it became clear that the Agency would not achieve its tasks with the internal resources then available.

Outsourcing as a general means to fulfil the missions during the establishment period of the Agency

It is foreseen that during the early years of its operation the Agency will require the services of the national aviation authorities in order to satisfactorily fulfil its executive tasks.

At a later stage, all the necessary expertise to carry out all certification activities may reside within the Agency but given that this point remains some years away, there is a need for a clear framework to be put in place which would allow for this expertise to be tapped.

The Management Board has therefore adopted guidelines for the outsourcing of certification tasks which include quality criteria to be met by NAAs to be recognised as fit and able to execute such tasks on behalf of the Agency. The European Commission signalled its agreement with these guidelines at the Management Board meeting in December.

In the meantime the Agency has already established the necessary practical arrangements for the tasks to be carried out by NAAs (see above).

To some extent it appeared that this measure allowed for a smooth transition between the previous system and the Agency's system. The delegation of tasks was designed so that from the applicant point of view there would be a minimum amount of change. The main interlocutor for the industry would remain, for the time being located within the NAAs, but with the responsibility for all tasks and decisions being clearly transferred to the Agency.

Negotiation of outsourcing contracts with national aviation authorities

In 2003 the Agency also started to draft contracts with the NAAs setting out the conditions applying to the outsourcing of these tasks and negotiations began on the content of these contracts with NAAs in particular the LBA (Germany), the CAA (UK) and the DGAC (France). In order to bridge the gap between the start of Agency responsibility in September 2003 and the conclusion of the necessary contracts, arrangements have been made for NAAs to continue to carry out the respective activities during the intervening period.

The service contract with the Central JAA

In parallel with the negotiation of outsourcing contracts with the NAAs, the Agency finalised a service contract with the Central JAA on 2 December 2003. By signing this service contract, the JAA commit themselves to provide the Agency with expertise in certification tasks and rulemaking and to co-ordinate tasks when requested by the Agency.

1.2.2 The rulemaking procedure

The rulemaking procedure was adopted by the Management Board in June 2003. The Advisory Body of Interested Parties was previously consulted on the decision in accordance with article 24.4 of the Basic Regulation. The Decision sets out a system for the development of regulatory material which balances the independence of the Agency with the requirement to involve expertise from industry and NAAs in the drafting of such texts. In this connection, the decision foresees the establishment of two advisory committees which the Agency will use to gain input from experts into the ‘upstream’ and ‘downstream’ rulemaking process: the Safety Standards Consultative Committee (SSCC) convened to represent the interests of interested parties and the Advisory Group of National Authorities (AGNA), which represents national authorities responsible for implementing EU legislation and Agency measures in aviation safety.

The tasks of both the SSCC and AGNA include the following:

- i. providing advice on the content, priorities and execution of the Agency’s rulemaking programme;
- ii. providing advice on the development and use of regulatory tools and concepts;
- iii. advising the Executive Director on the consistency of the rulemaking programme and the need to adapt existing rules to take account of technological and commercial evolution/progress; and
- iv. advising the Executive Director on improvements to the Agency’s rulemaking processes and structures.

In designing its rulemaking procedure the Agency has been mindful of the need to retain full control over the drafting phase for new rules and decisions on the adoption of specific texts, be they Opinions addressed to the European Commission, certification specifications or guidance material.

Concerning the Agency’s rulemaking programme, a number of tasks were identified in the course of the consultation on the implementing rules necessary for the setting up of the Agency in 2003 and these have been carried forward as priority actions for 2004.

The Agency worked closely with the Advisory Body of Interested Parties in 2003 to identify members of the SSCC. Member States were invited to nominate AGNA members at the end of 2003. The two bodies were to start their work early in 2004.

SSCC Composition		AGNA Composition	
Martin Ambrose ERAA	Alain Picard Dassault Aviation	José A. Basanez DGAC Spain	Sofia Markiewicz Civil Aviation Office Poland
Fred Bruggeman Aircraft Engineers International	Jacques Renvier Snecma	Jan Bengtson CAA Norway	John Nolan Irish Aviation Authority
Pier Giorgio Colombo Augusta	Martin Robinson AOPA	Alessandro Cardì ENAC	José Silvério Rocha e Cunha INAC Portugal
Inger-Helene Enger ETF	Fons Schaefers (IACA member)	Marc De Smet Direction Générale Transport Aérien, Service Public Fédéral Mobilité et Transport	Wilhelm Schulze-Marmeling Luftfahrt-Bundesamt Germany
Wolfgang Engler Airbus	Charles Schmitt EHA	Walter Gessky Austrocontrol	Jean Teillet Direction Générale de l'Aviation Civile (DGAC/SFACT)
Peter Feind Liebherr	Rudolf Schuegraf Europe Air Sport	Daniel Hügli CAA CH	Ari Vahtera Chief of Section, Airworthiness Finland
Alex Fisher IATA	Peter Sorensen European Cockpit Association	Ingrid Lindén Civil Aviation Administration	Koos Van der Spek CAA NL
David Gibbons Rolls-Royce	Liam Sisk FLS Aerospace		Per Veingberg Civil Aviation Administration
Perrine Guérault European Business Aviation Association	Barry Valentine GAMA		Trevor Woods Civil Aviation Authority
Didier Guy EAAPS	Carlo Vergari Harrods Aviation Ltd		
Wayne Jenner AEA	Bob Wilson Britten Norman		
Gerald R. Mack AIA	Mark Wilson Ecogas		
Robert Mather Pratt & Whitney Canada Corp.			
Paulo Cesar Olenscki Embraer			

1.2.3 Interpretation of article 10 of the Basic Regulation

The list of tasks to be undertaken by the Agency in 2004 considered that the clarification of flexibility provisions as defined in Article 10 of the Basic Regulation was probably not the highest priority for 2003. The Agency was hence extremely careful not to provide any erroneous interpretation, nor any sort of memorandum of understanding on the subject.

Nevertheless, during the last quarter of 2003 it appeared that the various national authorities could have different interpretations of that very article, and that this variety of interpretations of the provisions of Article 10.1 and 10.3 could lead to some discrepancies within the market.

It must be underlined that the amount of work generated by the process of approving all minor modifications and repairs within the Agency led to a considerable burden within the Agency and within National Administrations. The flexibility provisions were therefore used considerably in order to ensure the continuity of operations. NAAs were reminded of their obligation to notify other national authorities as well as the Commission and the Agency, in case of use of the provisions of Article 10.

It was also agreed between the Agency and the Commission to set up a procedure of notification for all the approvals granted by the Agency on issues that had been dealt with under the provisions of Article 10 by national aviation authorities.

1.2.4 The extension of the scope of the Basic Regulation

The reflection on the subject was initiated by and within the Agency, in order to prepare the opinion of the Executive Director to be issued in 2004. This covers the expansion of the scope of the Basic Regulation to air operations and flight crew licensing in accordance with Article 7 of the Basic Regulation. The aim is to integrate two new Annexes to the Basic Regulation including the Essential Requirements for air operations and flight crew licensing. Therefore, two Core Groups have been created and asked by the Agency to draft two proposals.

The two core groups comprise members from national authorities and at a later stage, industry was invited to have representation. The composition of the Core groups was chosen in such a way as to ensure that expertise from the EU, the JAA and the industry would be best available for the task set.

Full attention was paid to:

- Maintaining system approach.
- Preserving global consistency between EU and ICAO principles and rules, and consistency intra Agency's regulations (i.e. airworthiness, continued airworthiness, licensing.)
- Having vision principle to avoid too frequent ER revisions. (Example future hazards accountability)

- Accounting for “state of the art” and “best practices”.
- Avoiding making Essential Requirements impossible to implement in the case of the smaller sized/private operators.
- Rule proportionality. Rules should be appropriate to the case being addressed and not be unduly prescriptive.
- Accountability and balance when addressing social and economic needs.
- Easy transition from the present JAR- based system to the Agency’s system
- Keep it simple.

The Agency still has to process these draft Essential Requirements in accordance with the rulemaking process and will then issue its opinion to the Commission.

1.2.5 The reciprocal acceptance of certification findings

In accordance with Article 18 of the Basic Regulation preparatory work has been undertaken in order to allow the Executive Director to take decisions related to the reciprocal acceptance of technical certification findings and minor modifications. This preparatory work led to the signature of technical agreements in early 2004 with Canada and Brazil.

1.2.6 The certification procedures

The certification procedures relate to the handling of applications received within the Agency for the certification of products and organisations. A draft text had been elaborated within the Agency and was then submitted for comment to the ABIP. The text was consequently amended in order to take into account the applicable comments and was submitted to the Management Board during its last 2003 meeting. The final approval of the Management Board is expected early in 2004.

1.2.7 The establishment of the Board of Appeal

The establishment of a Board of Appeal was considered as a high priority as regards to the completion of the Regulatory framework of the Agency. Article 35 of the Basic Regulation provides for setting up such a Board on the basis of a proposal of the Commission.

The Management Board provided an opinion on the proposal of the Commission during its November 2003 meeting.

The Board of Appeal will consist of two technically qualified members and one legally qualified member who will be the Chairperson. The Executive Director shall attach a Registry to the Board of Appeal.

The EASA Committee met on 15 December 2003 and unanimously delivered its positive opinion on the establishment of this Board of Appeal. On 22 January 2004, the Commission adopted a Commission Regulation laying down rules on the

organisation and composition of the Board of Appeal of the European Aviation Safety Agency.

1.2.8 Publication and public access to documents policies

Setting up of the Agency's official publication

The Basic Regulation, as well as several of the procedures adopted by the Management Board of the Agency, refers to the obligation to publish documents in an official publication of the Agency. Given the necessity to make documents available with very short notice, and given the flexibility provided by internet publication, the incoming Executive Director took an early decision that the Agency's website www.easa.eu.int would serve as the Agency's official publication to ensure easy access by interested parties.

Looking to the longer term the Agency started to draft its future options for publications and in this connection has checked the facilities available from the EU Publications Office and private sector suppliers.

Setting up an access to documents policy

Regarding public access to documents, the Agency is bound by Regulation 1049/2001 which describes the right of access to documents drawn up by the Agency or in the Agency's possession. Given the sensitivity and amount of proprietary information with which the Agency will be entrusted in the course of its certification activities, this subject has been one of considerable importance. With the assistance of the European Commission Secretariat-General, the Agency drafted a Management Board Decision adapting the provisions of Regulation 1049/2001 to the Agency's specific circumstances. With a view to securing the confidence of interested parties in the Agency's procedures, the Management Board agreed to a request by the Advisory Body of Interested Parties to be consulted on the Decision prior to its adoption. With this in mind, consultation with ABIP was launched in November, with a view to the Management Board adopting its Decision early in 2004. The Basic Regulation, as amended, obliges the Agency to have these necessary procedures in place by 1 April 2004.

1.2.9 Linguistic arrangements

In accordance with article 24.2.k of the Basic Regulation, the Management Board held an initial discussion of this issue at its meeting in September on the basis of a discussion paper produced by the Agency. This useful debate served to identify the aspects of the Agency's operational role for which the issue of linguistic arrangements is of importance, such as the issue of certificates and approvals and so on. It was agreed that the Executive Director would return to the Management Board as necessary in the future should specific issues emerge related to linguistic arrangements.

1.2.10 Elaboration of 2004 workprogramme

A workprogramme was elaborated as from the arrival in post of the Executive Director in order to set up the priority actions of the Agency for 2004. Not surprisingly, the set up of the Agency and the recruitment campaign will still be an important goal of the Agency. The completion of the regulatory framework will be continued, notably with the start of the work on the elaboration of implementing rules for Operations and flight crew licensing.

The final opinion of the Commission was delivered in February 2004; allowing for the final approval of the document by the Management Board in March.

1.2.11 The fees and charges

The Agency initiated the reflection on the subject, notably by proposing some guideline principles for the definition of the fees scheme for the Agency. It was nevertheless impossible to draft a definitive proposal for the text in 2003. It has consequently been agreed between the Agency and the National Aviation Authorities that they would carry on all tasks described in article 15 of the Basic Regulation at no cost for the Agency.⁴

CONCLUSION

All essential regulatory requirements were met in 2003 in spite of the difficulties, and the Agency was able to successfully meet the target date of 28 September for the entering into force of the Certification Regulation.

The most urgent and necessary element missing within this regulatory framework is the Regulation on fees and charges which is considered as the top priority in 2004

⁴ This letter was renewed on January 2004 in order to allow for the latter

2 The physical establishment of the Agency

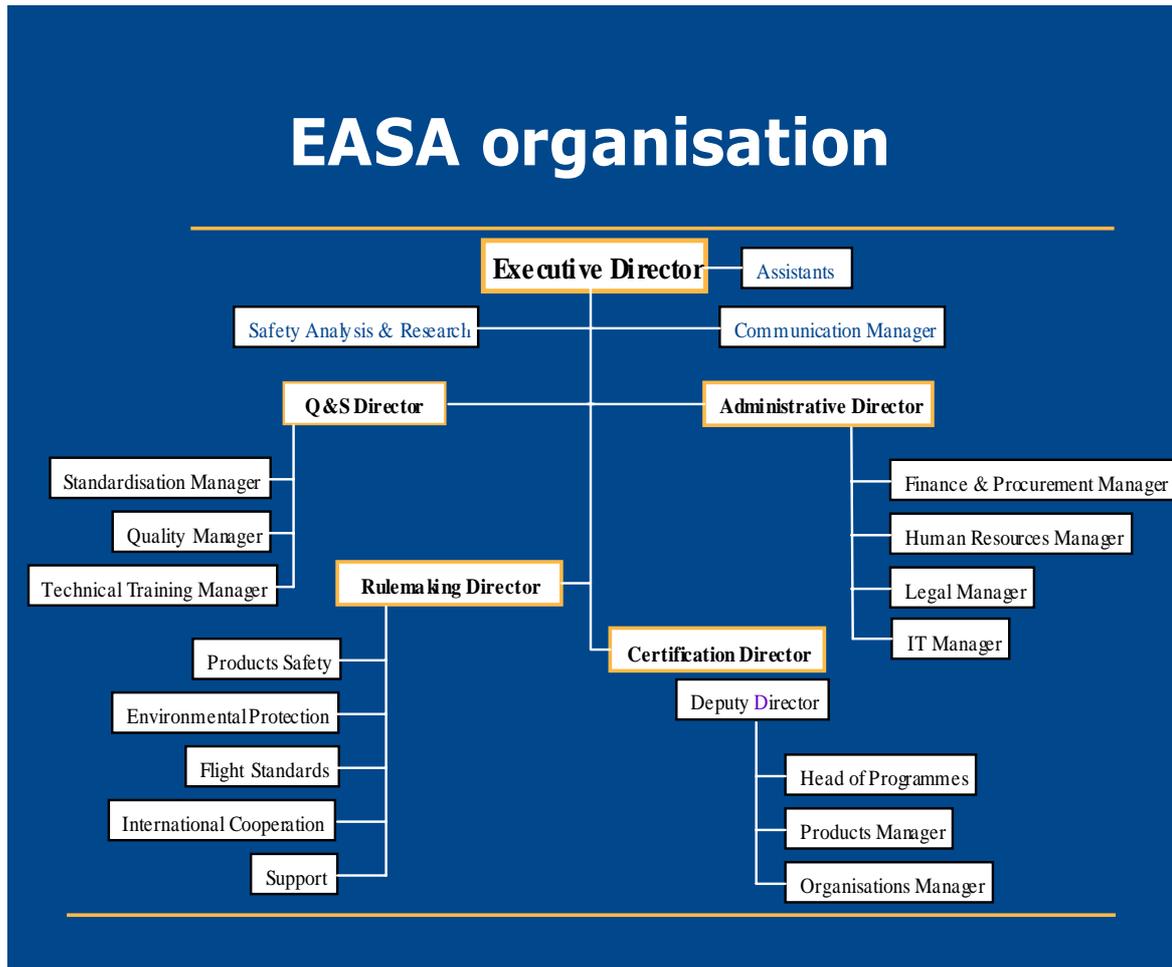
2.1 Agency's human resources in 2003

2.1.1 Structure of the Agency

Taking into consideration the suggestions made by the consultant hired by the Commission, after consultation with the interested parties and further contributions gathered during the course of its deliberations, the Management Board agreed that the Agency's structure should be as light as possible, functional and formalized only after the Executive Director expressed his opinion thereon.

On the aforementioned basis, the chosen structure consists of 4 directorates (certification, rulemaking, quality & standardization and administration) and provides for a clear separation between the different tasks.

At the end of 2003 the preliminary structure was envisaged as follows:



2.1.2 The staffing policy of the Agency

With a view to giving effect to the Agency's budget and particularly the establishment plan, the Management Board agreed that the Agency would employ its staff under five year fixed temporary agent contracts. These would become indefinite after their first renewal date and/or indefinite duration contracts according to the nature of the individual posts and the profiles of the candidates.

Recruitment procedures for the aforementioned temporary agents was presented for information to the Management Board.

In addition, the Agency established the legal basis for Seconded National Experts (SNE) for which the Decision was signed by the Appointing Authority on 4 December 2003.

2.1.3 Initial staffing and recruitment of the Agency

Initial task force setting up the Agency

On request of the Management Board and pending the recruitment of the Agency's own staff, the Commission used short terms contracts and employed up to 11 auxiliary agents to ensure the secretariat to the Management Board and the preliminary work for the Agency's operational and administrative independence. This included 3 legal advisers working on the completion of the regulatory framework and the revision of the Implementing rules of the Basic Regulation and later on several staff working on the administrative set up of the Agency.

Agency's Staff

The European Aviation Safety Agency's Executive Director, M. Patrick Goudou, was nominated by the Management Board of the Agency on 11 July 2003.

As provided by the Agency's Basic Regulation, the appointment of staff falls under the responsibility of an Appointing Authority who is the Executive Director. His arrival in post allowed for the launch of the Agency's recruitment campaign. The immediate priority was the launch of the recruitment of the directors of the Agency, in order to allow them to participate in the definition of all lower layers of the organisational chart of the Agency.

On the basis of the 2003 establishment plan, the Agency, published the following vacancy notices:

Vacancy Notice	Position	Closing date
EASA/A/2003/001	Budget Officer	11-Nov-03
EASA/A/2003/002	System Administrator	11-Nov-03
EASA/A/2003/003	Accounting officer	11-Nov-03
EASA/A/2003/004	Technical administrator	11-Nov-03
EASA/A/2003/005	Chef de la Certification	16-Nov-03
EASA/B/2003/006	IT Assistant	16-Nov-03
EASA/B/2003/007	Financial Assistant	16-Nov-03
EASA/A/2003/008	Communication Officer	11-Nov-03
EASA/A/2003/009	Policy Officer	16-Nov-03
EASA/A/2003/010	Legal Adviser	30-Nov-03
EASA/A/2003/011	Executive Secretary	09-Dec-03
EASA/A/2003/012	Certification Manager Propulsion	21-Nov-03
EASA/A/2003/013	Certification Aviation Générale	21-Nov-03
EASA/A/2003/014	Certification Manager Rotorcraft	21-Nov-03
EASA/A/2003/015	Certification Manager Large Planes	21-Nov-03
EASA/A/2003/016	Certification Manager Equipment & Appliances	21-Nov-03
2003/C/198/A/02	Director Certification	06/10/2003
2003/C/198/A/01	Director Administration	06/10/2003
2003/C/198/A/04	Director Rulemaking	06/10/2003
2003/C/198/A/03	Quality and Standardisation	06/10/2003

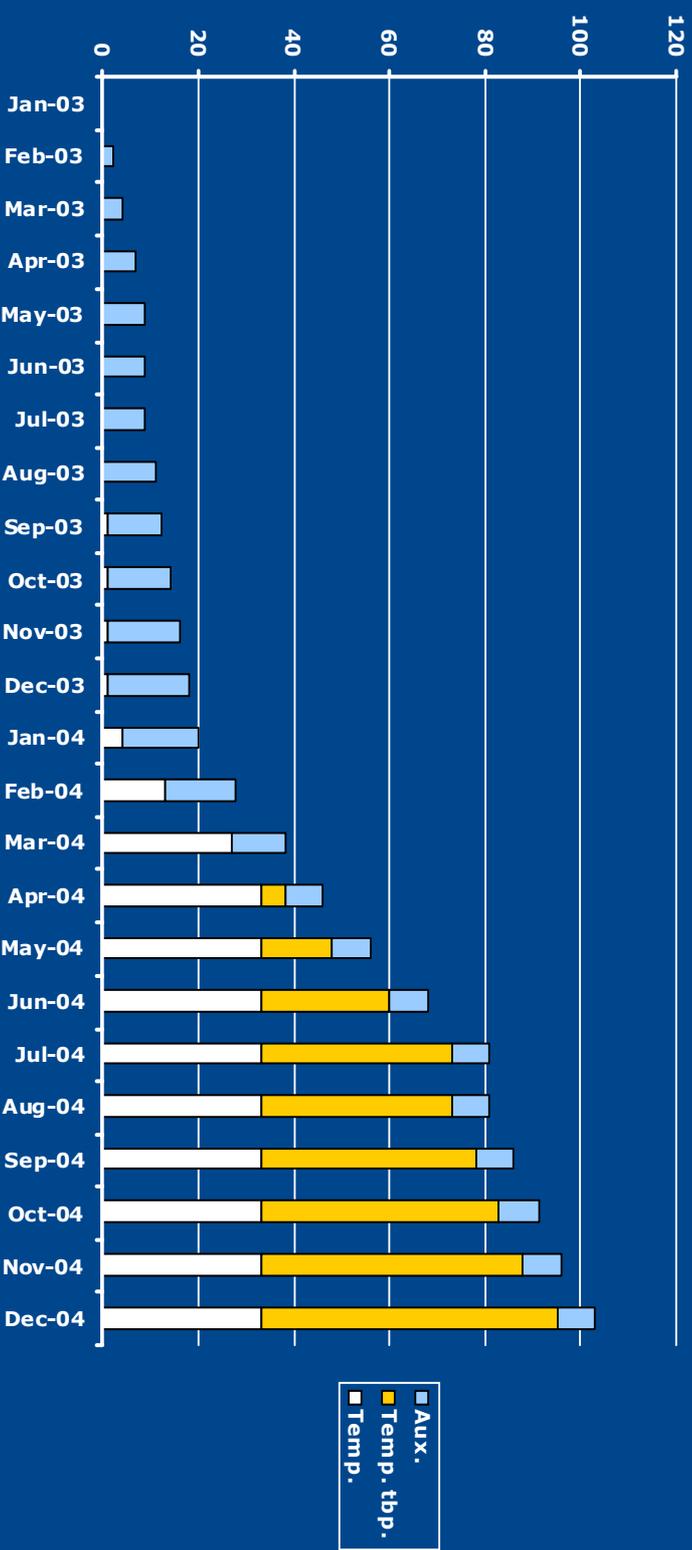
In addition, the Appointing Authority contracted 6 auxiliary agents to strengthen the administrative capacity as provided by the Commission established task force. Taken together, 18 people worked for the Agency at the end of 2003.

More importantly, the recruitment process of the Directors was formalized during the Management Board meeting for November and was finalised by a written procedure in December, allowing their arrivals as of 1 January 2004.

Mr. Markku Junkkari was appointed as Administrative Director of the Agency, Mr. Claude Probst as Rulemaking Director, and Dr Norbert Lohl as Certification Director. The Management Board requested the Agency to launch a new procedure for the recruitment of a quality and standardization director.

In general, the recruitment of the temporary agents was a very important and burdensome task in the last quarter of 2003 (and this is to continue through 2004 and 2005 due to the rapid growth of the Agency). The result has been worth the time and effort involved as more than 20 staff have been selected during the early part of 2004.

EASA Staff in 2003 and 2004



2.2 Budget, setting up of financial system

In order to be independent, the Agency requires its own financial system and financial staff (Accountant, Verifying Agent, Internal Auditor, etc.) as defined in the Agency's Financial Regulation.

In this regard, one of the goals of the first team recruited in August 2003 was to set-up the foundation of the financial system necessary to allow the Agency to independently execute its budget.

To be fully operational and aligned with the General Financial Regulation, the financial system had to include:

- a budget management system
- a general ledger system
- a reporting system

Based on the experience of other Agencies, it was decided to join the Agencies SI2 Common Support Service (CSS), which provided consulting for both the budget management system of the Commission (SI2) and the reporting tool chosen by the Commission (Business Objects). Originally created by the European Training Foundation in Turin, the CSS is a non-profit structure constituted of 15 EU Agencies collaborating and sharing the costs of a team of three full-time consultants hosted inside Commission's DG BUDG and whose aim is to help Agencies with their financial information system. More than just consulting, the CSS was also in charge of organising the hosting of the SI2 application in the Commission's Data Centre infrastructure.

This latter element was critical, as the Agency did not have the IT human resources and infrastructure to install a major application such as SI2 locally, especially during the early stage of its launch. Installed and tested centrally during the summer, SI2 was complemented in September by a general ledger system (EXACT Software) already in use in six other Agencies.

With all major pieces of the financial system in place and tested late September, the Agency could justify its capability to execute its remaining budget 2003 on its own from October 1st. On schedule, the transfer of financial competence between DG TREN and the Agency took place on October 1st creating a bridge between SI2 and EXACT became the next target to automate and secure the accounting function.

The SI2-EXACT bridge project started in early October. The functional design of the bridge (rules for booking – transfer of data between SI2 and the general ledger, etc.) was based on an existing bridge between SI2 and other general ledger systems while

some improvements (possibility to send information back to SI2, etc.) were defined at the initial stage.

The target production date was January 1st 2004 and several changes were adopted based on the new rules for booking (adoption of International Accounting Standards) by the Commission and the Agencies. Delivered on time, the bridge provides an important contribution to the Accountant productivity and was fully operational from January 1st 2004. Managing budget and booking in conformity with the Financial Regulation was not enough to qualify the financial system as complete. Reporting is an important part of the Accounting and Finance Department duties and an extensive set of Business Objects reports was started early October.

The aim of these reports was both financial and managerial as they:

- allow the follow-up of the budget execution of the selected year,
- allow to trace operations (commitment, payment, recovery orders) in all phases of their life,
- allow to identify delays and bottlenecks for all type of operations,
- allow to create financial forecasts and see how the actual budget execution coming from SI2 meets the forecast introduced in Business Objects,
- provide the foundation for a risk management system by checking the distribution of payments versus a normal distribution and pointing extreme/abnormal numbers.

The first battery of reports was available early December and was used for drafting the Agency's 2003 accounts and financial statement.

In parallel with the deployment of the different software, an important effort of training was initiated early October to meet SI2 extensive set of features tailored made for the EU Financial Regulation. While training its agents to use SI2 was key, other training aimed at learning procurement rules and general budget management were organised with considerable support from DG TREN.

With the successful deployment of the financial system in 2003, the Agency has put in place a stable model that has been proven to be both cost efficient and effective in other Agencies. Based on these foundations, the electronic payments and a fully integrated inventory management system should be put in place in 2004.

The framework for the financial autonomy of the Agency

The Framework Financial Regulation for Community bodies provides a structure for the Agency's own financial Regulation. This financial regulation was adopted by the Management Board on 26 August 2003. An interim accounting officer was also appointed at the same meeting allowing for the completion of the legal necessity for the financial autonomy of the Agency.

2.3 Information Technology system

Shaping the IT architecture

The second half of 2003 was dedicated to draw up the hardware and software platforms to be acquired.

An important step towards the set up of an independent IT environment has been the preparation of contracts for the acquisition of the necessary initial IT infrastructure in accordance with EU public procurement rules.

The Agency has looked into the possibilities offered by the Commission's framework contracts with certain IT providers and decided to be associated with several already established contracts for ordering its own servers, workstations, peripherals and office automation tools. Execution of these contracts started in the last quarter of 2003 when the Agency gained its financial autonomy.

Furthermore, the Agency has made significant efforts by collaborating with the Commission's services in the preparation of future EU framework contracts for the supply of operating systems and software, database management systems and telecommunication services. These framework contracts ensure the access to a wide spectrum of resources on these domains for the next four years.

Web site infrastructure

The Agency has developed its own provisional web site which went public in time to meet the 28 September deadline. This web site publishes official documents on line which is considered an important step for the entry into force of the Basic Regulation, and the web site is currently used as the Agency's official publication, allowing for the publication of Decisions, opinions, and in the near future, consultations.

This initial and rapidly implemented web site has proved to be an essential tool for the stakeholders and customers of the Agency. A more elaborate and improved web site is envisaged for 2004.

Collaboration services

During 2003 the need to provide a private space for a group of partners that need to collaborate to achieve common tasks has been identified. The Agency has decided to provide group-work services by taking full advantage of the CIRCA tool. A common virtual space was created enabling the members of the Management Board to access securely the confidential applications and files for the recruitment process for directors. The use of CIRCA will be further extended to cover the needs from the SSCC and AGNA committees.

Applications Development

The IT department has provided significant support to the elaboration of Implementing Rules on continuing airworthiness as well on Acceptable Means of Compliance and Guidance Material with respect to continuing airworthiness.

Ad-hoc databases have been developed to support the consultation process, issue Comment Response Documents which were made publicly available on the Agency's web site.

Users support

The Agency faced an increased demand for support as a result of the steady increase in staff.

2.4 Communications

The shaping of the website of the Agency: a tool for the functioning of the Agency

The communications activities of the Agency were focused on accompanying the commencement of the Agency's certification tasks and notably on setting up a web site which has been used and updated through the last quarter of 2003 as the official publication of the Agency. This web site has also been designed in order to allow for the publication of vacancy notices for the various recruitment campaigns of the Agency.

The very first ceremonies for the deliveries of the first Type Certificates were organised by the Agency, together with a press conference.

The design of the logo of the Agency

Initial contacts were taken with several companies in order to design a logo, which would help the Agency to profile its image. The first proposals were not considered to fit the identity of the Agency, and a logo was finally designed within the Agency, and finalised with the support of a graphic design company. This logo will appear on all associated material used by the Agency, and will form the cornerstone of the visual identity of the Agency.

A contract subcontracting graphic design activities (for the year 2004 only) was also signed.

Communications activities will become more widely developed in 2004 with the design of a corporate identity, the production of a leaflet, the set-up of a crisis communication strategy and the definition and implementation of a communications plan.