



**MINUTES OF THE MEETING OF THE EASA MANAGEMENT BOARD
HELD ON 17 SEPTEMBER 2008 (MB 03/2008)***

AND SUMMARY OF DECISIONS TAKEN

MB MEETING No. 03/2008

SUMMARY OF DECISIONS

At its meeting held on 17 September 2008, the Management Board:

- adopted the Agenda (document MB 03-2008, WP 01);
- adopted the minutes of the MB meeting 02-2008 held on 11 June 2008 (document MB 03-2008, WP 02);
- elected the Chair and Vice-Chair of the MB;
- adopted the Work Programme 2009 (document MB 03-2008, WP 05a, 05b, 05c & 05d);
- nominated the Agency's Accounting Officer (document MB 03-2008, WP 07a, 07b & 07c);
- adopted the Quality Management Standards issue 2 of the Agency and repealed MB Decision 09-2006 of 2 June 2006 on the EASA Quality Management System Standards issue 01 (document MB 03-2008, WP 08a, 08b & 08c);
- decided to temporarily cease all reimbursements to experts (document MB 03-2008, WP 09);
- decided to issue recommendations, including an action plan with a proposed timetable, regarding the Article 51 evaluation concerning changes to Regulation (EC) 216/2008 (document MB 03-2008, WP 10a & 10b);
- decided on the following dates for 2009 MB meetings (document MB 03-2008, WP 11b):

* Norway, Iceland, Liechtenstein and Switzerland participate in the Agency under Article 66 of Regulation (EC) 216/2008 and are members of the Management Board without voting rights.



MB 01/2009	Tuesday 10 February
MB 02/2009	Tuesday 9 June
MB 03/2009	Tuesday 22 September
MB 04/2009	Tuesday 15 December.

0. List of Attendees – Please see annex

1. Adoption of the Agenda

The Management Board adopted the Agenda with the following amendments:

1. The WP 11a Standardisation Programme 2009 would be discussed under Agenda item 6 Work Programme 2009.
2. Agenda item 7 Procedure for the selection of EASA Directors would only to be discussed and no decision would be taken. The Commission explained that the "Guidelines on Staff Policy in the Regulatory Agencies" stipulate that in view of the consistent application of the Staff Regulations of Officials of the European Communities the draft implementing rules to these Staff Regulations must be adopted by the Agency after obtaining the Commission's agreement to these drafts. The procedure of their adoption is defined in the aforementioned Guidelines. EASA was encouraged to submit the draft decision to the Commission services for agreement pursuant to article 110 of the Staff Regulation before it is adopted by the Management Board
3. A proposal from Austria to discuss problems with the CRD tool would be discussed under Agenda item 12 AOB

2. Adoption of the minutes of the previous meeting

The MB Secretariat presented the comments on the minutes it had received from some members of the Board.

- The European Commission had asked that the minutes should better reflect their statements made regarding 1) the Agency's low implementation of the rulemaking programme, 2) the Agency's **low level of implementation of the planned** continuing airworthiness work.



- The Czech Republic had submitted corrected names on participants.
- Mr Claude Probst had submitted some comments on the minutes.
- Denmark commented at the meeting that its comments regarding publication of MB documents on the EASA website had not been reflected in the minutes.

After clarification from the Executive Director that the EASA website was now updated with all relevant MB documents, the Management Board adopted the minutes subject to the proposed amendments.

3. Report of the Executive Director

The Executive Director reported briefly on the main events since the last meeting. See generally WP 03a.

These are some highlights from the discussion:

The Executive Director mentioned that in the products certification area the recently adopted revised AD policy takes better into account expectations from stakeholders. The Agency will transmit any mandatory continuing airworthiness information (MCAI) which it has found necessary for the continuing airworthiness of aircraft and for the safe operation of aircraft, regardless of whether the issue is related to the approved design or to the conformity to the approved design. In addition to the normal Airworthiness Directive, the new policy therefore embraces Emergency Conformity Information (ECI) and Safety Information Bulletins (SIB). The United Kingdom was pleased to see improvements in the AD area and was interested to know the views of the EAB on this issue. The EAB confirmed that it welcomed the new policy but stated that it was somewhat concerned about the title of the ECI since it did not clarify if/that the information was mandatory.

Regarding outsourcing, the Executive Director mentioned that the Agency has initiated a study on outsourcing of certification tasks. This activity connects to the Article 51 study which recommended the Agency to conduct such a study. The Terms of Reference for the study has been published. The United Kingdom urged all members of the Management Board to study the Terms of Reference since it concerns several items of interest, such as the



use of qualified entities, proximity activities and local offices. All those issues have been discussed in the ENaCT group. He was however not convinced that NAAs involvement is fully taken into account. He finally suggested that a member from the Management Board should be in the steering group for the study. This proposal was supported by several Member States. The Commission also voiced that it would like to be represented in the steering group. The Executive Director clarified that the contractors will be instructed to have a global view of the situation including the interests of the NAAs. He was positive towards the proposal to have one member of the Board in the steering committee.

The Executive Director noted that the rulemaking work on the extension of the Agency's remit to FCL, OPS and 3rd Country Operators is progressing as planned. The United Kingdom, calling for an overlap between the first set of NPA-FCL and the second set of NPA, proposed the Agency should release a formal document to clarify the different deadlines. This proposal was accepted by the Executive Director. Regarding the time plan for the implementing rules, the Commission commented that this was a very optimistic view and that a planned enter into force in spring 2010 is more realistic than 01/01/2010.

The Executive Director noted that the implementation rate of the 2008 rulemaking programme was low and that measures from the Rulemaking Director are required to get back on track. In its comments to the report, the Commission noted that the implementation rate of the rulemaking programme continues to be low and encouraged the Agency to make better progress.

Regarding safety analysis the Executive Director mentioned that the Agency was involved in responses to several recent accidents. In the recent Spanair accident, the Agency had not been directly involved and had only recently able to organise a meeting with the Spanish authorities to be held on 18 September. The Commission commented that the low involvement of the Agency in investigation was unfortunate and that it was a pity that the preliminary report from the Spanish authorities had already been released without coordination.

The delegate from France made some observations regarding general aviation. He welcomed simplified regulations but underscored the importance of harmonisation with the FAA, especially for light aviation to facilitate free movement of goods. He also noted that the new regulations on maintenance for light aircraft are needed as soon as possible. Finally he noted the possibility to align the research work of the Agency with that of the NAAs. The Executive Director confirmed the importance to avoid differences



between the Agency and the FAA and as regards research noted that the requested cooperation already exist through a working group. The Commission replied to the second point raised by clarifying it had drafted its final proposal well before 28 September and that it was now up to the Council and Parliament to agree to the proposal. Normally they have 3 months for this according to the rules but the Commission has made an official plea that they should react immediately. The Member States could of course also try through their representation in Brussels to speed up the process.

The Executive Director confirmed that the required guidance material for SAFA inspections would be in place in time (by end September). The Commission welcomed this information and noted that the exchange of experts/inspectors should be further developed since the best way to learn is from each other.

Regarding support activities the Executive Director briefed the Management Board concerning the increased number of requests for public access to the Agency's documents. He mentioned that, while the requests are completely legitimate, this was starting to be a time consuming task and that additional resources may be needed to manage the process. The Commission noted the comments made and confirmed that it is struggling with the same situation but without getting additional resources. The handling of such requests is legally something that all institutions must do "on top" of everything else.

Noting the financing of the new tasks for the Agency under the new remits, the Executive Director confirmed that preparation work had already been started in order to align the entry into force of an updated Fees & Charges regulation with the entry into force of the Implementing Rules. The Commission welcomed this information since the new Fees & Charges Regulation should be ready when the new system is in place and remarked that the Agency must include 9 months in its planning to allow for the comitology process.

The representative from the Commission took this opportunity to remind the board that the signed EU-US safety bilateral agreements will only enter into force when an exchange of letters has taken place. However, the exchange of letters is conditional on changes to the Fees & Charges system to reflect the commitment made earlier this year to the US industry. Furthermore, the USA has recently adopted a new act which calls for approval of foreign repair stations which complicates the issue further. The complexity of the matter requires further discussion. Norway pointed out that the EFTA countries are not automatically included in this agreement and as a result they are in the process of exchanging letters with the US in order to conclude parallel bi-



lateral agreements with the US. This is being done in close cooperation with EASA and the Commission.

The Chairman finally noted that the Management Board had no further comments, thanked for the report and the valuable comments made, and closed the agenda item.

4. Elections of the Chairman and Vice-Chairman of the Management Board

The Management Board decided to elect Mr. M. Smethers as Chairman and Mr. M. Coffin as vice-Chairman of the Management Board.

5. Business Plan of the Agency

The Business plan (see generally WP 04), presented by Mr. L. Vanheel, stretches over the period 2009-2013. Mr Vanheel emphasised that there are planned to be two extensions of the Agency's scope during this period, the first to air operations, pilot licensing and third country operators and the second to aerodromes and air traffic management.

Two scenarios were presented to take into account the financial constraints. The **full scenario** including all the activities considered necessary by the Agency to completely fulfil its tasks, and a **basic scenario** limiting the expenses to adapt to the forecasted revenues.

United Kingdom expressed that the board should identify and focus on the strategic issues. To facilitate that he proposed that, between today and the December meeting, the ENaCT group and the Budget Committee should review the document in detail and report to a strategic group. This group should review their reports with a view to make a final report and recommendation to the Management Board meeting in December.

The Netherlands generally expressed its support for the proposal from the United Kingdom.

The EAB representative also expressed support to United Kingdom's proposal to progress the issue and declared its willingness to help identifying the indicators. He clarified that his main concern lies in the area of cross-subsidy between different segments of the industry which, in his view, was not in line with the principles of the Fees and Charges Regulation. A second EAB representative commented that there had probably been an underestimation



of the costs for certain activities since there appear not to be enough resources. He noted that the probable remedies are either increase of fees or to fall-back to the basic scenario. If the basic scenario would be activated, the result will be delays for the industry which was not acceptable for the European industry to stay competitive. Furthermore he pointed to the apparent unstable system which is in place and which puts the system at a state of "crisis" every year. To remedy the situation, he suggested re-working the whole Fees and Charges system. The third EAB representative voiced concerns over fees for approval of third country operators since the outside world might retaliate with fees for European operators. This, he stated, would be very unfortunate for an industry which is in a time of financial crisis.

The Commission clarified that the Agency is supposed to make proposals which takes into consideration the available resources. The Commission was also surprised that the staffing figures in the document are different than the once previously agreed. It also supported the proposal from United Kingdom for the work ahead and was willing to support the EAB to discuss indicators.

Italy expressed support for the proposal by the United Kingdom and added that the reduction of 22 000 working hours in product certification and the resulting effect on staff should be clarified.

Germany, expressing support to the previous speakers, added that even though two scenarios are interesting for the comparison, the Management Board have to decide on only one scenario. He was also missing a discussion about financial reserves.

The Executive Director, in responding to the comments made, noted that the first objective of the document was already achieved, namely to provoke a discussion about strategic issues. He clarified that the Agency had tried to uncover all issues in the document and that it showed well how the Agency sees the situation. In response to the comment from Germany he confirmed that only one scenario is indeed needed and that we need precise figures to make the document correct. He also commented to the EAB that, in his view, it is not proportionate to speak of crisis for the Agency if we would have 22 000 hours or so less at disposal. The Chair supported this comment.

After Mr. Vanheel responded to the several comments made the Chair opened for a second round of comments in which Spain, Austria, Ireland and Sweden expressed support to the proposal from the United Kingdom on the work ahead.



The Chair then summarised that a majority of delegations had expressed support for the proposal from the United Kingdom that the two groups – the ENaCT and the Budget Committee – should study the document and report to a high level strategic group which would provide the Agency with the necessary input to prepare a final report and Business Plan to the December Management Board meeting. On the question of planning and time schedules, the United Kingdom proposed that ENaCT and the Budget Committee should produce their reports by the end of October, that the strategic group would meet in November and that the Agency should deliver its final documents to the Management Board by the end of November. The Chair appreciated this schedule and proposed that the different groups should work out the details between themselves including the question of representation in the strategic group.

With this, the Chair proposed and received approval from the Management Board of the way forward as just described and thanked everyone for an interesting discussion.

6. Work Programme 2009

The Management Board was requested to adopt the Work Programme which draft was submitted at its June meeting. It was stressed that the comments received from the Commission further to the meeting are taken into account in this last version.

The Executive Director presented the paper and advised that the main difference between the paper initially tabled and this one resides in the general planning of the tasks. In this new version, the tasks postponed till 2010 had been highlighted for deletion. The Executive Director advocated that the Business Plan and the Work Programme should be adopted at the same time. The year 2008 had been more difficult in terms of planning with the new Basic Regulation entering into force in April, while the Implementing Rules are likely to be adopted only by end of 2009 or even in 2010, later than previously expected. The document is in line with the request of the Commission to adapt the Work Programme with the resources available, even in the case the European Parliament would stand by the 1, 7M€ cut from the Agency's budget.

The Commission invited the Agency to reassess the Work Programme 2009 in line with the staffing and budgetary issues, and to be prepared to review the document, should the level of subsidy be different from the forecast. Also, the Commission was pleased to note that the Rulemaking programme was



more realistic than the previous one. Hence, the targets for completion could be reached at the end of the year.

Further to a question raised by the Commission, it was confirmed by the Executive Director that the Establishment Plan would be revised in line with the discussions on the Work Programme.

After the discussion the Management Board adopted the Work Programme for 2009 and the Chair invited the Agency to proceed with the transmission to the institutions.

7. Procedure for the selection of EASA Directors

The Executive Director presented this agenda point which is connected to the recent selection of the Rulemaking Director. At its June meeting, the Management Board requested to be provided with a procedure describing the composition of the Selection Committee, the actions it is expected to take, the way the Management Board shall decide on the nomination of the Director, the actions to take in case no agreement can be reached within the Management Board, and the procedure for the renewal of a Directors' contract.

The Chair highlighted that some principles of relevance were already mentioned in the Basic Regulation, namely Articles 18 and 20.

The Chair opened the floor for comments. Though the delegations seemed supportive to the draft paper, some sought more detailed information to be provided to the Management Board.

Italy suggested to define the criteria for the short list of the candidates submitted to the Management Board as well as precision as regard the voting procedure in case there are more than two candidates short listed. Norway underlined the faulty numbering of the paragraphs of the decision. The United Kingdom requested to delete "... either from inside or outside the Agency" in the first sentence of Art. 2.

Belgium sought some clarifications as whether the Head of Human Resources acting as secretary was part of the panel or not, and the meaning of "function group" in Article 3. Belgium also requested the following comments to be taken into account: Art 1 should state that the position is open because of a vacancy; Art 11: last sentence, add "... The work of the selection



committee is finished **if there is no appeal**"; Art 12, 2nd § 1st line add "**personally**" informed.

The Chair concluded that, based on above mentioned comments, the amended version will be forwarded to the Commission for approval before being tabled at the Management Board meeting in December.

8. Appointment of the Accounting Officer

The Management Board decided to appoint Mr. V. Contineanu as EASA's Accounting officer.

9. Update of the Agency's Management standards and the ISO9001 project status

This agenda item was presented by Mr. J-M. Mastio, Head of Internal Audit and Quality. He explained that the quality Management Standards of the Agency were adopted two years ago. A simplification is now proposed (25 standards) based on the simplification of the ICS standards from the Commission and on lessons learned. These new standards are compliant with the European Commission system and with the 9001 ISO standard. They aim to ensure that the Agency is well managed and that its missions and objectives are achieved. The Management Board has to adopt these EASA Quality Management standards pursuant to Art 38 of the Financial Regulation.

The Agency is looking at an ISO9001 certification of its management system. The objective is to contribute to the Agency's mission by implementing efficient processes based on safety consideration and stakeholders' feedback. The whole process will be consistent with the ERP to be implemented throughout the Agency.

For the time being, the process is ongoing and there are still some gaps to be filled. It is expected that the certification will take place in 2010 when potential findings raised during the 2009 informal audit performed by an accredited body will be closed.

The delegations welcomed the initiative and voiced their concerns as regard the resources needed for the ISO 9001 certification. They also underlined the need for proper quality training for the staff towards the ISO9001 certification. They requested the major recommendations deriving from the



audits to be reported to the Management Board, which the Executive Director agreed upon.

After the discussion, the Management Board decided to adopt the new set of EASA Quality Management Standards (E.L001-02) as proposed.

10. Reimbursement of experts

The Executive Director introduced the Agency's view on reimbursement of experts. The reimbursement of travel and accommodation costs of rulemaking group members has been considered since 2004 for staff from the National Aviation Authorities. However, in recent times, the industry has requested to also benefit from the refunding of costs when attending rulemaking groups. A working paper proposing not to refund NAAs members any longer was submitted to the Management Board for its consideration at its first meeting of the year 2008. As no clear agreement was reached, the Chair proposed to come back to the issue at a further meeting. In view of the financial perspective, the Agency proposed to temporarily cease the refunding of travel costs to NAAs experts.

The Management Board agreed on the Agency's proposal to temporarily cease the reimbursements of travel costs for experts. Reimbursement will nonetheless be considered on a case by case basis for experts whose organisation cannot bear the travel costs.

11. Article 51

Mr. P. Mulder presented the progress report on behalf of the Steering Committee of the Article 51 study, which took into account the comments made by the Management Board at its June meeting. The recommendations and findings are now re-grouped under five main headings. In addition, for the follow-up of each of the 19 recommendations, a timetable has been developed. The Management Board is to send the report to the Commission. Recommendations are directed to the Agency, the Commission, Member States, European Parliament and Council, the Management Board and the EAB. The Commission will send the report including the recommendations directed to them, together with their opinion to the Institutions.

In response to a question, the United Kingdom explained that the Steering Committee had been of the opinion that to respond to the consultants' recommendation on Annex II would be premature, in the light of the on-



going study. The issue of the allocation of tasks to Qualified Entities could be tabled at the December meeting.

Most delegations welcomed the recommendation for an adequate funding according to the tasks to perform for each remit. The Commission suggested the wording of the paragraph on funding to be modified as follows: *“The Parliament and the Council when agreeing to an extension of the Agency’s remit should ensure they also agree on the allocation of sufficient additional resources to the Agency for new tasks”*.

It was agreed that the Management Board would review its effectiveness on strategic decision-making in the light of the high level structured discussions between the Agency and the Commission proposed in the recommendations.

It was reiterated that the upcoming problem of shortage experts is becoming an urgent matter. The issue has been already discussed at ENaCT, which had agreed on the urgency of mapping specialities, and subsequently to recruit young experts and train them on the domains likely to lack expertise in the coming years.

The Management Board subsequently decided to issue the proposed recommendations, as regrouped, as well as the action plan with the proposed timetable.

A discussion followed on how to monitor progress on implementing the recommendations, which will be carried out by the Management Board itself. It was agreed to remit this to the Steering Committee, augmented as appropriate, and M. Coffin, France, was nominated as rapporteur to present progress report twice a year to the Management Board. He would be assisted in this task by M Mulder.

The Chair thanked the participants for a fruitful discussion and M. Mulder and the Steering Committee on Article 51 for the work undergone.

12. AOB

The Commission addressed the issue of the non-EU EASA Member States reticent to implement the amended Regulation (216/2008) because of the article related to sanctions imposed by the Commission (Article 25). It was reminded that the Basic Regulation applies in its entirety to all EASA Member States. The Commission advised that should these States not implement the



whole Basic Regulation, they will formally ask those States to be suspended from being Members of the Management Board.

It was pointed out by one member of the management board that the process of implementing EASA -related regulations was different for non-EU EASA member states than the member states of EU. Implementation of the New Basic Regulation of EASA is in process regarding the non-EU EASA member states. In practice it takes a longer period of time to implement EASA (related) regulations when they contain other requirements than pure flight safety technical requirements.

The Chair made a plea to the Commission to find a solution and not put the membership of these States in jeopardy.

2009 Management Board meetings:

The Management Board decided that the newly appointed Chair and the Executive Director be tasked to bilaterally discuss and decide the proposed calendar for the 2009 meetings and notify in writing the final meeting dates to the Members of the Board.¹

The Chair closed the meeting and thanked the participants for a fruitful meeting and the good cooperation and support he enjoyed during his chairmanship.

¹ The final meetings dates for 2009 were subsequently decided as follows:
MB 01/2009 Tuesday 10 February
MB 02/2009 Tuesday 9 June
MB 03/2009 Tuesday 22 September
MB 04/2009 Tuesday 15 December.



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List of attendance

	MEMBER	ALTERNATE	EXPERT
AUSTRIA	Karl Prachner		Walter Gessky
BELGIUM	Frank Durinckx	Benoit Van Noten	
BULGARIA	Zahari Alexiev	Eleonora Dobрева	
CYPRUS	Leonidas Leonidou		
CZECH REPUBLIC	Josef Rada		Vítězslav Hezký
DENMARK	Kurt Lykstoft Larsen	Per Veinberg	
ESTONIA	Koit Kaskel		
FINLAND	Kim Salonen		Matti Tupamaki
FRANCE	Maxime Coffin		
GERMANY	Thilo Schmidt	Josef Schiller	
GREECE			Georgios Sourvanos
HUNGARY		Zoltán Keszthelyi	Eva Kallai
ICELAND*	Pétur Maack		
IRELAND		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 Steenberghe	
NORWAY*	Heine Richardson	Øyvind EK	
POLAND		Tomasz Kadziolka	Dariusz Gluszkiewicz
PORTUGAL		Anacleto Santos	
ROMANIA		Irina Iliescu	
SLOVAK REPUBLIC	Josef Bebiak	Martin Nemecek	
SLOVENIA		Jozef Slana	
SPAIN		José M. Ramírez Ciriza	
SWEDEN	Jacob Gramenius		Magnus Molitor
SWITZERLAND*	Raymond Cron		
UNITED KINGDOM	Michael Smethers	Natasha Coates	Pat Ricketts
EUROPEAN COMMISSION	Zoltan Kazatsay	Roberto Salvarani	Alessandra Zampieri

* Members without voting rights



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ECAA OBSERVER STATES	Croatia	
	Albania	
	Bosnia and Herzegovina	
	Former Yugoslav Republic of Macedonia	
	Serbia	Goron Crljen
	Montenegro	
	United Nations Mission in Kosovo	
EASA ADVISORY BOARD OBSERVERS	Mark Wilson Claude Schmitt Peter Sorensen Alan Eccleston	

Action list

Action number	Description action	Action holder	Deadline
# 01/MB 0308	Examine & Report findings on Business Plan	ENaCT & Budget Committee	End November 2008
# 02/MB 0308	Revision of the Establishment Plan	EASA	
# 03/MB 0308	Amend & resubmit the proposed Procedure for the Selection of EASA Directors following submission to the Commission	EASA	MB04/2008
# 04/MB 0308	Transmit the Workprogramme together with the Opinion of the Commission to the Institutions and Member States	EASA	30 September 2008
# 05/MB 0308	ISO 9001 project: Provide MB with major recommendations from	EASA	



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		audits		
# 0308	06/MB	Article 51: Transmit issued recommendations together with timetable to the Commission	EASA	
# 0308	07/MB	Article 51: Progress reports on the implementation of the recommendations	Article 51 Steering Committee Rapporteur Maxime Coffin	Twice yearly