

Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (Text with EEA relevance) (repealed)

CHAPTER III

THE EUROPEAN AVIATION SAFETY AGENCY

SECTION I

TASKS

Article 12

Establishment and functions of the Agency

1 For the purpose of the implementation of this Regulation, a European Aviation Safety Agency, hereinafter referred to as ‘the Agency’, shall be established.

2 For the purposes of ensuring the proper functioning and development of civil aviation safety, the Agency shall:

- a undertake any task and formulate opinions on all matters covered by Article 1(1);
- b assist the Commission by preparing measures to be taken for the implementation of this Regulation. Where these comprise technical rules and in particular rules relating to construction and design and operational aspects, the Commission may not change their content without prior coordination with the Agency. The Agency shall also provide the Commission with the necessary technical, scientific and administrative support to carry out its tasks;
- c take the necessary measures within the powers conferred on it by this Regulation or other Community legislation;
- d conduct inspections and investigations as necessary to fulfil its tasks;
- e in its fields of competence, carry out, on behalf of Member States, functions and tasks ascribed to them by applicable international Conventions, in particular the Chicago Convention.

Article 13

Agency measures

The Agency shall, where appropriate:

- (a) issue opinions addressed to the Commission;
- (b) issue certification specifications, including airworthiness codes and acceptable means of compliance, as well as any guidance material for the application of this Regulation and its implementing rules;
- (c) take the appropriate decisions for the application of Articles 15, 45 and 46.

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Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III. (See end of Document for details)

Article 14

Opinions, certification specifications and guidance material

1 In order to assist the Commission in the preparation of proposals for basic principles, applicability and essential requirements to be presented to the European Parliament and to the Council and the adoption of the implementing rules, the Agency shall prepare drafts thereof. These drafts shall be submitted by the Agency as opinions to the Commission.

2 The Agency shall, in accordance with Article 43 and the implementing rules adopted by the Commission, develop:

- a certification specifications, including airworthiness codes and acceptable means of compliance; and
- b guidance material;

to be used in the certification process.

These documents shall reflect the state of the art and the best practices in the fields concerned and be updated taking into account world wide aircraft experience in service, and scientific and technical progress.

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

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- 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.

Article 16

Monitoring the application of rules

- 1 The Agency shall conduct standardisation inspections in the fields covered by Article 1(1), in order to monitor the application by national aviation authorities of this Regulation and of its implementing rules, and shall report to the Commission.
- 2 The Agency shall conduct technical investigations to monitor the effectiveness of the application of this Regulation and its implementing rules, having regard to the objectives set out in Article 2.
- 3 The Agency shall be consulted and give its opinion to the Commission on the application of Article 10.
- 4 The working methods of the Agency for conducting the tasks referred to in paragraphs 1, 2 and 3 will be subject to requirements to be adopted in accordance with the procedure referred to in Article 54(2), and taking into account the principles laid down in Articles 43 and 44.

Article 17

Research

- 1 The Agency may develop and finance research in so far as it strictly relates to the improvement of activities in its field of competence, without prejudice to Community law.
- 2 The Agency shall coordinate its research and development activities with those of the Commission and the Member States so as to ensure that policies and actions are mutually consistent.

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Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III. (See end of Document for details)

3 The results of research funded by the Agency shall be published, provided it does not classify them as confidential.

Article 18

International relations

1 The Agency shall assist the Community and its Member States in their relations with third countries in accordance with the relevant Community law. It shall, in particular, assist in the harmonising of rules and mutual recognition regarding approvals attesting the satisfactory application of rules.

2 The Agency may cooperate with the aeronautical authorities of third countries and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty.

3 The Agency shall assist Member States to respect their international obligations, in particular those under the Chicago Convention.

SECTION II

INTERNAL STRUCTURE

Article 19

Legal status, location, local offices

1 The Agency shall be a body of the Community. It shall have legal personality.

2 In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings.

3 The Agency may establish its own local offices in the Member States subject to their consent.

4 The Agency shall be represented by its Executive Director.

Article 20

Staff

1 The Staff Regulations of officials of the European Communities, the Conditions of employment of other servants of the European Communities and the rules adopted jointly by the institutions of the European Communities for purposes of the application of those Staff Regulations and Conditions of employment shall apply to the staff of the Agency, without prejudice to the application of Article 33 of this Regulation to the members of the Board of Appeal.

Status: Point in time view as at 29/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III. (See end of Document for details)

2 Without prejudice to Article 30, the powers conferred on the appointing authority by the Staff Regulations, and by the Conditions of employment of other servants, shall be exercised by the Agency in respect of its own staff.

3 The Agency's staff shall consist of a strictly limited number of officials assigned or seconded by the Commission or Member States to carry out management duties. The remaining staff shall consist of other employees recruited by the Agency as necessary to carry out its tasks.

Article 21

Privileges and immunities

The Protocol on the Privileges and Immunities of the European Communities shall apply to the Agency.

Article 22

Liability

1 The contractual liability of the Agency shall be governed by the law applicable to the contract in question.

2 The Court of Justice of the European Communities shall have jurisdiction to give judgement pursuant to any arbitration clause contained in a contract concluded by the Agency.

3 In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its servants in the performance of their duties.

4 The Court of Justice shall have jurisdiction in disputes relating to compensation for the damage referred to in paragraph 3.

5 The personal liability of its servants towards the Agency shall be governed by the provisions laid down in the Staff Regulations or Conditions of employment applicable to them.

Article 23

Publication of documents

1 Without prejudice to decisions taken on the basis of Article 290 of the Treaty, the following documents shall be produced in all official languages of the Community:

- a the safety review referred to in Article 11(4);
- b opinions addressed to the Commission pursuant to Article 14(1);
- c the annual general report and programme of work referred to in Article 24(2)(b) and (c) respectively.

2 The translation services required for the functioning of the Agency shall be provided by the Translation Centre for bodies of the European Union.

Status: Point in time view as at 29/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III. (See end of Document for details)

Article 24

Powers of the Management Board

- 1 The Agency shall have a Management Board.
- 2 The Management Board shall:
 - a appoint the Executive Director, and the Directors on a proposal from the Executive Director in accordance with Article 30;
 - [^{F1}b] the Management Board shall adopt the annual report on the Agency's activities and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors and the Member States.

The Agency shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures;]

 - c before 30 September each year, and after receiving the opinion of the Commission, adopt the Agency's programme of work for the coming year and forward it to the European Parliament, the Council, the Commission and the Member States; this programme of work shall be adopted without prejudice to the annual Community budgetary procedure and the Community legislative programme in relevant areas of aviation safety;
 - d adopt guidelines for the allocation of certification tasks to national aviation authorities or qualified entities in agreement with the Commission;
 - e establish procedures for making decisions by the Executive Director as referred to in Articles 43 and 44;
 - f carry out its functions relating to the Agency's budget pursuant to Articles 48, 49 and 52;
 - g appoint the members of the Board of Appeal pursuant to Article 32;
 - h exercise disciplinary authority over the Executive Director and over the Directors, in agreement with the Executive Director;
 - i give its opinion on the fees and charges regulation as referred to in Article 53(1);
 - j establish its Rules of Procedure;
 - k decide on the linguistic arrangements for the Agency;
 - l complement, where appropriate, the list of documents mentioned in Article 23(1);
 - m establish the organisational structure of the Agency and adopt the Agency's staffing policy.
- 3 The Management Board may advise the Executive Director on any matter strictly related to strategic development of aviation safety, including research as defined in Article 17.
- 4 The Management Board shall establish an advisory body of interested parties, which it shall consult prior to making decisions in the fields referred to in paragraph 2(c), (e), (f) and (i). The Management Board may also decide to consult the advisory body on other issues referred to in paragraphs 2 and 3. The Management Board shall not be bound by the opinion of the advisory body.

Textual Amendments

- F1** Substituted by [Regulation \(EC\) No 1643/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation \(EC\) No 1592/2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.](#)

Status: Point in time view as at 29/03/2007.

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Article 25

Composition of the Management Board

1 The Management Board shall be composed of one representative of each Member State and one representative of the Commission. To this effect, each Member State and the Commission shall appoint a member of the Management Board as well as an alternate who will represent the member in his/her absence. The duration of the terms of office shall be five years. This term of office shall be renewable.

2 Where appropriate, the participation of representatives of European third countries and the conditions thereof shall be established in the arrangements referred to in Article 55.

Article 26

Chairmanship of the Management Board

1 The Management Board shall elect a Chairperson and a Deputy Chairperson from among its members. The Deputy Chairperson shall ex-officio replace the Chairperson in the event of his/her being prevented from attending to his/her duties.

2 The term of office of the Chairperson and Deputy Chairperson shall expire when their respective membership of the Management Board ceases. Subject to this provision, the duration of the terms of office of the Chairperson or Deputy Chairperson shall be three years. These terms of office shall be renewable.

Article 27

Meetings

1 Meetings of the Management Board shall be convened by its Chairperson.

2 The Executive Director of the Agency shall take part in the deliberations.

3 The Management Board shall hold at least two ordinary meetings a year. In addition it shall meet at the instance of the Chairperson or at the request of at least one third of its members.

4 The Management Board may invite any person whose opinion can be of interest to attend its meetings as an observer.

5 The members of the Management Board may, subject to the provisions of its Rules of Procedure, be assisted by advisers or experts.

6 The secretariat for the Management Board shall be provided by the Agency.

Article 28

Voting

1 Without prejudice to Article 30(1), the Management Board shall take its decisions by a two-thirds majority of its members. At the request of a member of the Management Board, the decision referred to in Article 24(2)(k) shall be taken by unanimity.

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2 Each member shall have one vote. The Executive Director of the Agency shall not vote. In the absence of a member, his/her alternate shall be entitled to exercise his/her right to vote.

3 The rules of procedure shall establish the more detailed voting arrangements, in particular, the conditions for a member to act on behalf of another member as well as any quorum requirements, where appropriate.

Article 29

Functions and powers of the Executive Director

1 The Agency shall be managed by its Executive Director, who shall be completely independent in the performance of his/her duties. Without prejudice to the respective competencies of the Commission and the Management Board, the Executive Director shall neither seek nor take instructions from any government or from any other body.

2 The European Parliament or the Council may invite the Executive Director of the Agency to report on the carrying out of his/her tasks.

3 The Executive Director shall have the following functions and powers:

- a to approve the measures of the Agency as defined in Articles 13 and 15 within the limits specified by this Regulation, its implementing rules and any applicable law;
- b to decide on inspections and investigations as provided for in Articles 45 and 46;
- c to allocate certification tasks to National Aviation Authorities or qualified entities according to guidelines set by the Management Board;
- d to undertake any international functions and technical cooperation with third countries pursuant to Article 18;
- e to take all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of the Agency in accordance with the provisions of this Regulation;
- f to prepare each year a draft general report and submit it to the Management Board;
- g to exercise in respect of the staff the powers laid down in Article 20(2);
- h to draw up estimates of the revenues and expenditure of the Agency pursuant to Article 48, and implement the budget pursuant to Article 49;
- i to delegate his/her powers to other members of the Agency's staff subject to rules to be adopted in accordance with the procedure referred to in Article 54(2);
- j with the consent of the Management Board, to take a decision regarding the establishment of local offices in the Member States in accordance with Article 19(3).

Article 30

Appointment of senior officials

1 The Executive Director of the Agency shall be appointed on grounds of merit and documented competence and experience relevant for civil aviation, or dismissed by the Management Board on the proposal of the Commission. The Management Board shall take its decision by a three-quarters majority of its members.

2 The Executive Director may be assisted by one or more Directors. If the Executive Director is absent or indisposed, one of the Directors shall take his/her place.

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Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III. (See end of Document for details)

3 The Directors of the Agency shall be appointed, on the grounds of professional competence relevant for civil aviation, or dismissed by the Management Board on the proposal of the Executive Director.

4 The term of office of the Executive Director and of the Directors shall be five years. This term of office shall be renewable.

Article 31

Powers of the Boards of Appeal

1 Within the Agency, there shall be one or more Boards of Appeal.

2 The Board or Boards of Appeal shall be responsible for deciding on appeals against the decisions referred to in Article 35.

3 The Board or Boards of Appeal shall be convened as necessary. The number of Boards of Appeal and the work allocation shall be determined by the Commission according to the procedure referred to in Article 54(3).

Article 32

Composition of the Boards of Appeal

1 A Board of Appeal shall consist of a Chairperson and two other members.

2 The Chairperson and the two members shall have alternates who will represent them in their absence.

3 The Chairperson, the other members and their respective alternates shall be appointed by the Management Board from a list of qualified candidates adopted by the Commission.

4 Where the Board of Appeal considers that the nature of the appeal so requires, it may call up to two further members from the aforesaid list for that case.

5 The qualifications required for the members of each Board of Appeal, the powers of individual members in the preparatory phase of the decisions and the voting conditions shall be determined by the Commission according to the procedure referred to in Article 54(3).

Article 33

Members of the Boards of Appeal

1 The term of office of the members of the Boards of Appeal, including their Chairperson and their respective alternates, shall be five years. This term shall be renewable.

2 The members of the Boards of Appeal shall be independent. In making their decisions they shall not be bound by any instructions.

3 The members of the Boards of Appeal may not perform any other duties in the Agency. The function of the members of the Boards of Appeal may be a part-time function.

4 The members of the Boards of Appeal may not be removed either from office or from the list during their respective terms, unless there are serious grounds for such removal and

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the Commission, after obtaining the opinion of the Management Board, takes a decision to this effect.

Article 34

Exclusion and objection

1 Members of the Boards of Appeal may not take part in any appeal proceedings if they have any personal interest therein, or if they have previously been involved as representatives of one of the parties to the proceedings, or if they participated in the decision under appeal.

2 If, for one of the reasons mentioned in paragraph 1 or for any other reason, a member of a Board of Appeal considers that he/she should not take part in any appeal proceedings, he/she shall inform the Board of Appeal accordingly.

3 Members of the Boards of Appeal may be objected to by any party to the appeal proceedings on any of the grounds mentioned in paragraph 1, or if suspected of partiality. An objection shall not be admissible if, while being aware of a reason for objecting, the party to the appeal proceedings has taken a procedural step. No objection may be based on the nationality of members.

4 The Boards of Appeal shall decide as to the action to be taken in the cases specified in paragraphs 2 and 3 without the participation of the member concerned. For the purposes of taking this decision, the member concerned shall be replaced on the Board of Appeal by his/her alternate.

Article 35

Decisions subject to appeal

1 An appeal may be brought against decisions of the Agency which have been taken pursuant to Article 15, 46 or 53.

2 An appeal lodged pursuant to paragraph 1 above shall not have suspensory effect. The Agency may, however, if it considers that circumstances so permit, suspend the application of the contested decision.

3 An appeal against a decision which does not terminate proceedings as regards one of the parties may only be made in conjunction with an appeal against the final decision, unless the decision provides for separate appeal.

Article 36

Persons entitled to appeal

Any natural or legal person may appeal against a decision addressed to that person, or against a decision which, although in the form of a decision addressed to another person, is of direct and individual concern to the former. The parties to proceedings may be party to the appeal proceedings.

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Article 37

Time limit and form

The appeal, together with the statement of grounds thereof, shall be filed in writing at the Agency within two months of the notification of the measure to the person concerned, or, in the absence thereof, of the day on which it came to the knowledge of the latter, as the case may be.

Article 38

Interlocutory revision

1 If the Executive Director considers the appeal to be admissible and well founded, he/she shall rectify the decision. This shall not apply where the appellant is opposed to another party to the appeal proceedings.

2 If the decision is not rectified within one month after receipt of the statement of grounds for the appeal, the Agency shall forthwith decide whether or not to suspend the application of the decision pursuant to the second sentence of Article 35(2), and shall remit the appeal to the Board of Appeal.

Article 39

Examination of appeals

1 If the appeal is admissible, the Board of Appeal shall examine whether the appeal is well founded.

2 When examining the appeal, the Board of Appeal shall act expeditiously. It shall as often as necessary invite the parties to the appeal proceedings to file observations on notifications issued by itself or on communications from the other parties to the appeal proceedings, within specified time limits. Parties to the appeal proceedings shall be entitled to make oral presentations.

Article 40

Decisions on appeal

The Board of Appeal may exercise any power which lies within the competence of the Agency, or it may remit the case to the competent body of the Agency. The latter shall be bound by the decision of the Board of Appeal.

Article 41

Actions before the Court of Justice

1 An appeal may be brought before the Court of Justice against decisions of the Boards of Appeal on the terms and conditions laid down in Article 230 of the Treaty.

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Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III. (See end of Document for details)

2 Should the Agency fail to take a decision, proceedings for failure to act may be brought before the Court of Justice on the terms and conditions laid down in Article 232 of the Treaty.

3 The Agency shall be required to take the necessary measures to comply with the judgment of the Court of Justice.

Article 42

Direct appeal

Member States and the Community institutions may lodge a direct appeal before the Court of Justice against decisions of the Agency.

SECTION III

WORKING METHODS

Article 43

Procedures for the development of opinions, certification specifications and guidance material

1 As soon as possible after the entry into force of this Regulation, the Management Board shall establish transparent procedures for issuing opinions, certification specifications and guidance material referred to in Article 13(a) and (b).

Those procedures shall:

- a draw on expertise available in the aviation regulatory authorities of Member States;
- b whenever necessary, involve appropriate experts from relevant interested parties;
- c ensure that the Agency publishes documents and consults widely interested parties, according to a timetable and a procedure which includes an obligation on the Agency to make a written response to the consultation process.

2 When the Agency, pursuant to Article 14, develops opinions, certification specifications and guidance material to be applied by Member States, it shall establish a procedure for consulting the Member States. To this effect, it may create a working group in which each Member State is entitled to designate an expert.

3 Measures referred to in Article 13(a) and (b) and the procedures established pursuant to paragraph 1 of this Article shall be published in an official publication of the Agency.

4 Special procedures shall be established to address immediate action to be taken by the Agency to react to a safety problem and to inform the relevant interested parties of the action they are to take.

Article 44

Procedures for taking decisions

1 The Management Board shall establish transparent procedures for taking individual decisions as provided for in Article 13(c).

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Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III. (See end of Document for details)

Those procedures shall:

- a ensure the hearing of the natural or legal person to be addressed in the decision and of any other party with a direct and individual concern;
- b provide for notification of a decision to a natural or legal person and its publication;
- c provide for information to the natural or legal person to whom a decision is addressed, and any other parties to proceedings, of the legal remedies available to that person under this Regulation;
- d ensure that the decision contains reasons.

2 The Management Board shall also establish procedures specifying the conditions under which decisions are notified while taking due account of the appeal procedure.

3 Special procedures shall be established to address immediate action to be taken by the Agency to react to a safety problem and to inform the relevant interested parties of the action they are to take.

Article 45

Inspections of Member States

1 Without prejudice to the enforcement powers conferred by the Treaty on the Commission, the Agency shall assist the Commission in monitoring the application of this Regulation and its implementing rules, by conducting standardisation inspections of Member States competent authorities as specified in Article 16(1). The officials authorised under this Regulation, and the national authorities, are thus empowered, in compliance with the legal provisions of the Member State concerned:

- a to examine the relevant records, data, procedures and any other material relevant to the achievement of aviation safety levels in accordance with this Regulation;
- b to take copies of or extracts from such records, data, procedures and other material;
- c to ask for an oral explanation on the spot;
- d to enter any relevant premises, land or means of transport.

2 The officials of the Agency authorised for the purpose of these inspections shall exercise their powers upon production of an authorisation in writing specifying the subject matter, the purpose of the inspection and the date on which it is to begin. In good time before the inspection, the Agency shall inform the Member State concerned of the inspection and of the identity of the authorised officials.

3 The Member State concerned shall submit to such inspections and shall ensure that bodies or persons concerned also submit to inspections.

4 When an inspection under the terms of this Article entails an inspection of an undertaking or an association of undertakings the provisions of Article 46 shall apply. Where an undertaking opposes such inspection, the Member State concerned shall afford the necessary assistance to officials authorised by the Agency to enable them to make their inspection.

5 Reports drawn up in application of this Article shall be made available in the official language(s) of the Member State where the inspection took place.

Status: Point in time view as at 29/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III. (See end of Document for details)

Article 46

Investigation of undertakings

1 For the application of Article 15, the Agency may itself conduct or allocate to national aviation authorities or qualified entities all necessary investigation of undertakings. Investigations shall be carried out in compliance with the legal provisions of the Member States in which they are to be undertaken. To that end, the persons authorised under this Regulation are empowered:

- a to examine the relevant records, data, procedures and any other material relevant to the execution of the tasks of the Agency;
- b to take copies of or extracts from such records, data, procedures and other material;
- c to ask for an oral explanation on site;
- d to enter relevant premises, lands or means of transport of undertakings.

2 The persons authorised for the purpose of these investigations shall exercise their powers upon production of an authorisation in writing specifying the subject matter and purpose of the investigation.

3 In good time before the investigation, the Agency shall inform the Member State concerned in whose territory the investigation is to be made, of the investigation and of the identity of the authorised persons. Officials of the Member State concerned shall, at the request of the Agency, assist the authorised persons in carrying out their duties.

Article 47

Transparency and communication

[^{F11} Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding access to European Parliament, Council and Commission documents⁽¹⁾ shall apply to documents held by the Agency.]

2 The Agency may communicate on its own initiative in the fields within its mission. It shall ensure in particular that, in addition to the publication specified in Article 43(3), the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its work.

[^{F13} The Management Board shall adopt the arrangements for implementing Regulation (EC) No 1049/2001 within six months after the entry into force of Regulation (EC) No 1643/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 1592/2002 of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency⁽²⁾.]

4 Any natural or legal person shall be entitled to address himself/herself in writing to the Agency in any of the languages referred to in Article 314 of the Treaty. He/she has the right to receive an answer in the same language.

[^{F25} Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint to the Ombudsman or form the subject of an action before the Court of Justice, under Articles 195 and 230 of the EC Treaty respectively.]

Status: Point in time view as at 29/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III. (See end of Document for details)

Textual Amendments

- F1** Substituted by Regulation (EC) No 1643/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 1592/2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.
- F2** Inserted by Regulation (EC) No 1643/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 1592/2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.

SECTION IV

FINANCIAL REQUIREMENTS

Article 48

Budget

- 1 The revenues of the Agency shall consist of:
- a contribution from the Community and from any European third country with which the Community has concluded agreements referred to in Article 55;
 - b the fees paid by applicants for, and holders of, certificates and approvals issued by the Agency; and
 - c charges for publications, training and any other services provided by the Agency.

2 The expenditure of the Agency shall include the staff, administrative, infrastructure and operational expenses.

[^{F13} Revenue and expenditure shall be in balance.

4 Each year the Management Board, on the basis of a draft statement of estimates of revenue and expenditure, shall produce a statement of estimates of revenue and expenditure of the Agency for the following financial year.

5 This statement of estimates, which shall include a draft establishment plan together with the provisional work programme, shall by 31 March at the latest be forwarded by the Management Board to the Commission and to the States with which the Community has concluded agreements in accordance with Article 55.

6 The statement of estimates shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the budgetary authority) together with the preliminary draft general budget of the European Union.

7 On the basis of the statement of estimates, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.]

[^{F28} The budgetary authority shall authorise the appropriations for the subsidy to the Agency.

The budgetary authority shall adopt the establishment plan for the Agency.

Status: Point in time view as at 29/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III. (See end of Document for details)

9 The budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

10 The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of the budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.]

Textual Amendments

- F1** Substituted by [Regulation \(EC\) No 1643/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation \(EC\) No 1592/2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.](#)
- F2** Inserted by [Regulation \(EC\) No 1643/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation \(EC\) No 1592/2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.](#)

[^{F1}Article 49

Implementation and control of the budget

1 The Executive Director shall implement the budget of the Agency.

2 By 1 March at the latest following each financial year, the Agency's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3 By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Agency's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for the financial year shall also be forwarded to the European Parliament and the Council.

4 On receipt of the Court of Auditors' observations on the Agency's provisional accounts, under Article 129 of the general Financial Regulation, the Executive Director shall draw up the Agency's final accounts under his own responsibility and submit them to the Management Board for an opinion.

5 The Management Board shall deliver an opinion on the Agency's final accounts.

6 The Executive Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

7 The final accounts shall be published.

Status: Point in time view as at 29/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III. (See end of Document for details)

8 The Executive Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Management Board.

9 The Executive Director shall submit to the European Parliament, at the latter's request, any information necessary for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10 The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.]

Textual Amendments

- F1** Substituted by [Regulation \(EC\) No 1643/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation \(EC\) No 1592/2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.](#)

Article 50

Combating fraud

1 In order to combat fraud, corruption and other unlawful activities the provisions of Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-fraud Office (OLAF)⁽³⁾ shall apply without restriction.

2 The Agency shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-fraud Office (OLAF)⁽⁴⁾ and shall issue, without delay, the appropriate provisions applicable to all the employees of the Agency.

3 The decisions concerning funding and the implementing agreements and instruments resulting from them shall explicitly stipulate that the Court of Auditors and OLAF may carry out, if necessary, on-the-spot checks among the recipients of the Agency's funding and the agents responsible for allocating it.

Article 51

Evaluation

1 Within three years from the date of the Agency having taken up its responsibilities, and every five years thereafter, the Management Board shall commission an independent external evaluation on the implementation of this Regulation.

2 The evaluation shall examine how effectively the Agency fulfils its mission. It shall also assess the impact of this Regulation, the Agency and its working practices in establishing a high level of civil aviation safety. The evaluation shall take into account the views of stakeholders, at both European and national level.

3 The Management Board shall receive the findings of the evaluation and issue recommendations regarding changes to this Regulation, the Agency and its working practices to the Commission, which may forward them, together with its own opinion as well as appropriate proposals, to the European Parliament and to the Council. An action plan with a timetable shall

Status: Point in time view as at 29/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III. (See end of Document for details)

be included, if appropriate. Both the findings and the recommendations of the evaluation shall be made public.

[^{F1}Article 52

Financial provisions

The financial rules applicable to the Agency shall be adopted by the Management Board after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities⁽⁵⁾ unless such departure is specifically required for the Agency's operation and the Commission has given its prior consent.]

Textual Amendments

- F1** Substituted by [Regulation \(EC\) No 1643/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation \(EC\) No 1592/2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.](#)

Article 53

Fees and charges regulation

1 The Commission, acting in accordance with the procedure laid down in Article 54(3) and after consulting the Management Board, shall adopt a regulation on fees and charges.

2 The fees and charges regulation shall determine in particular the matters for which fees and charges pursuant to Article 48(1) are due, the amount of the fees and charges and the way in which they are to be paid.

3 Fees and charges shall be levied for:

- a the issuing and renewal of certificates, as well as the related continuing oversight functions;
- b the provision of services; they shall reflect the actual cost of each individual provision;
- c the processing of appeals.

All fees and charges shall be expressed, and payable, in euro.

4 The amount of the fees and charges shall be fixed at such a level as to ensure that the revenue in respect thereof is in principle sufficient to cover the full cost of the services delivered.

The contribution referred to in Article 48(1), may cover, for a transitional period ending on 31 December of the fourth year from the entry into force of this Regulation, the expenditure relating to the initial running phase of the Agency. In accordance with the procedure laid down in Article 54(3), this period may be extended, if necessary, for no more than one year.

Status: Point in time view as at 29/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III. (See end of Document for details)

- (1) [^{F1}OJ L 145, 31.5.2001, p. 43.]
- (2) [^{F1}OJ L 245, 29.9.2003, p. 7.]
- (3) OJ L 136, 31.5.1999, p. 1.
- (4) OJ L 136, 31.5.1999, p. 15.
- (5) [^{F1}OJ L 357, 31.12.2002, p. 72; corrigendum in OJ L 2, 7.1.2003, p. 39.]

Textual Amendments

- F1** Substituted by Regulation (EC) No 1643/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 1592/2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.

Status:

Point in time view as at 29/03/2007.

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 1592/2002 of the European Parliament and of the Council (repealed), CHAPTER III.