

On the basis of points 2, 10 (1) indents one and two, and point 14 (2) of the Decision on incorporation of the Civil Aviation Directorate of the State of Serbia and the State of Montenegro ("Official Gazette of the Republic of Serbia" No 102/03), Decision on exercising the founder`s rights of the Civil Aviation Directorate of the State of Serbia and the State of Montenegro ("Official Gazette of the Republic of Serbia" No 53/06), and the Conclusion on name modification of the Civil Aviation Directorate of the State of Serbia and the State of Montenegro ("Official Gazette of the Republic of Serbia" No 12/07),

Council of the Civil Aviation Directorate of the Republic of Serbia hereby adopts

**REGULATION LAYING DOWN RULES ON THE ORGANISATION AND
COMPOSITION OF THE BOARD OF APPEAL OF THE EUROPEAN
AVIATION SAFETY AGENCY**

Article 1

Subject matter

1. This Regulation provides for the organization and composition of the Board of Appeal of the European Aviation Safety Agency.
2. The Commission Regulation (EC) No 104/2004 of 16 May 2006 laying down rules on the organisation and composition of the Board of Appeal of the European Aviation Safety Agency is transposed by this Regulation and adapted to the legislation of the Republic of Serbia.
3. The Commission Regulation (EC) No 104/2004 is set out in the Annex to this Regulation.

Article 2

Definition

1. "ECAA agreement" means the Multilateral Agreement between the European Community and its Member States, Albania, Bosnia and Herzegovina, Bulgaria, Republic of Croatia, the former Yugoslav Republic of Macedonia, Iceland, Republic of Montenegro, Norway, Romania, Republic of Serbia and the United Nations Interim Administration in Kosovo (in accordance with Security Council resolution UN Security Council Resolution 1244 of 10 June 1999) on the establishment of a European Common Aviation Area.
2. "Agency" used in the Annex to this regulation means European Aviation Safety Agency.
3. "Regulation" used in the Annex to this regulation means Regulation on common rules in the field of civil aviation and establishment of EASA ("Official Gazette of the Republic of Serbia" No 1/10).
4. "Regulation (EC) No 216/2008" used in the Annex to this Regulation means Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC.

Regulation (EC) No 216/2008 is transposed into the legislative system of the Republic of Serbia by Regulation on basic rules in the field of civil aviation and establishment of European Aviation Safety Agency.

5. "Community" and "Community Law" used in the Annex to this Regulation shall be interpreted according to points (2) and (3) of Annex II of the ECAA Agreements.

Article 3

Entering into force

This Regulation shall enter into force on the eighth day of its publication in the Official Gazette of the Republic of Serbia.

No:1/0-01-0001/2010-0008

In Belgrade, 23 February 2010

Council

President

Milutin Mrkonjic

Commission Regulation (EC) No 104/2004 of 22 January 2004 laying down rules on the organisation and composition of the Board of Appeal of the European Aviation Safety Agency

Article 1

The number of boards

For the purpose of deciding on appeals from the decisions referred to in Article 44 of Regulation (EC) No 216/2008 (Article 81 of the Regulation) a Board of Appeal is established.

Article 2

Qualifications of the members

1. The Board of Appeal shall consist of two technically qualified members and one legally qualified member which shall be the Chairperson of the Board.
2. The technically qualified members and their alternates shall hold a university degree or an equivalent qualification and shall have substantial professional experience in the field of certification, in one or more of the disciplines set out in the Annex to this Regulation.
3. The legally qualified member and his alternate shall be a graduate in law and qualified by recognised experience in Community and international law.

Article 3

Powers of the Chairperson

1. The Board of Appeal shall be convened by its Chairperson. The Chairperson shall ensure the quality and consistency of the Board's decisions.
2. The Chairperson shall assign the examination of an appeal to one of the Board's members as rapporteur.

Article 4

Role of the rapporteurs

1. The rapporteur shall carry out a preliminary study of the appeal.
2. The rapporteur shall ensure a close consultation and exchange of information with the parties to the proceedings. For that purpose, the rapporteur shall:
 - (a) prepare communications to the parties subject to the direction of the Chairperson of the Board;
 - (b) communicate any deficiencies to be remedied by a party to the proceedings;

- (c) set appropriate procedural time limits in accordance with Article 48(2) of Regulation (EC) No 216/218 (Article 85(2) of the Regulation);
 - (d) sign all communications on behalf of the Board.
3. The rapporteur shall prepare internal meetings of the Board and the oral proceedings.
 4. The rapporteur shall draft the decision.

Article 5

Registry attached to the Board of Appeal

1. The Executive Director shall attach a registry to the Board of Appeal. Personnel in charge of the registry shall not participate in any Agency proceedings relating to decisions that can be brought under appeal.
2. The personnel of the registry shall in particular be responsible for:
 - (a) the keeping of a register initialled by the Chairperson in which all appeals and supporting documents are lodged in chronological order;
 - (b) the receipt, transmission and custody of documents;
 - (c) the performance of other support functions to the Board of Appeal which involve no legal or technical discretion, particularly with regard to representation, the submission of translations and notifications;
 - (d) the submission to the Chairperson of the Board of a report on the formal admissibility of each newly-filed appeal;
 - (e) where necessary, drawing up the minutes of oral proceedings.

Article 6

Deliberations

1. Only members of the Board shall participate in the deliberations; the Chairperson of the Board may, however, authorise other officers such as personnel of the registry or interpreters to attend. Deliberations shall be secret.
2. During the deliberations between members of the Board, the opinion of the rapporteur shall be heard first and the Chairperson last.

Article 7

Voting conditions and order

1. Decisions of the Board of Appeal shall be taken by a majority of its members. In the event of a tie, the vote of the Chairperson of the Board shall be decisive.
2. If voting is necessary, votes shall be taken in the sequence provided for in Article 6(2). Abstentions shall not be permitted.

Article 8
Entry into force

This Regulation shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX
LIST OF DISCIPLINES

1. The following technical disciplines:

- (i) flight/performance
- (ii) structure
- (iii) hydromechanical systems
- (iv) rotor/transmission systems
- (v) electrical/HIRF/lightning
- (vi) avionics/software
- (vii) powerplant installation/fuel systems
- (viii) cabin safety/environmental systems
- (ix) noise/emissions
- (x) continued airworthiness/airworthiness directives as applied to the following products, their parts and appliances:
 - (a) large aeroplanes
 - (b) rotorcraft
 - (c) small aeroplanes
 - (d) balloons/airships/gliders/UAV's
 - (e) engines/APUs/propellers.

2. Approvals of and quality systems associated with:

- (i) design organisations
- (ii) production organisations
- (iii) maintenance organisations.