



Annual rulemaking programme

Doc #

PR.RMP.00001-001

Approval Date

25/03/2010

Annual rulemaking programme

PR.RMP.00001-001

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DOCUMENT CONTROL SHEET

Process Area	Rules development
Main Process	Annual rulemaking programme
Main Process Owner	Eric SIVEL

Reference documents**a) Contextual documents**

Commission Regulation (EC) 1049/2001 - Regarding public access to European Parliament, Council and Commission documents
 Commission Regulation (EC) 216/2008 - Regulation of European Parliament and of Council of 20 Feb. 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) 1592/2002 and Directive 2004/36/EC
 Commission Regulation (EC) 45/2001 - Regulation of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data
 MB Decision 01-2004 - Decision of the Management Board concerning the arrangements to be applied by the Agency for public access to documents as last amended.
 MB Decision 08-2007 - Decision of the Management Board on Rulemaking Procedure as last amended

b) Internal documents

TE.GEN.00404 - Minutes of meeting
 TE.RMP.00037 - Pre-RIA
 WI.DRM.00013 - Archiving and filing of rulemaking deliverables

Abbreviations

AGNA: Advisory Group of National Authorities
 A-NPA: Advance-Notice of Proposed Amendment
 CdT: Centre de Traduction
 CRD: Comment Response Document
 DG-TREN: Directorate General Transport & Energy
 FRA: Foreign Regulatory Authority (i.e. FAA)
 GC: Group Composition
 JAALO: Joint Aviation Authorities Liaison Office
 MB: Management Board (Decision)
 MoM: Minutes of meeting
 MS: Member State of the EU
 NAA: National Aviation Authority
 NPA: Notice of Proposed Amendment
 NRT: Non Rulemaking Task
 R: Rulemaking Director
 R.6: Process Support
 RG: Review Group
 RIA: Regulatory Impact Assessment
 RP: Rulemaking Programme
 RUO: Rulemaking Officer
 SSCC: Safety Standards Consultative Committee
 ToR: Terms of Reference
 WI: Work Instruction



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Log of issues

Issue	Issue date	Change description
001	25/03/2010	First issue, Migration of R.P001-00 and related QMS work instructions



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INTRODUCTION

Purpose and scope

This process covers the establishment, execution, monitoring and modification of the Agency's annual Rulemaking programme. Basically, the process steps identify who will do what, when and how.

This process is related to the development of the annual Rulemaking Programme in view of issuing Opinions, Certification Specifications and Guidance Material by the Agency Rulemaking Directorate, as defined in Management Board Decision 08/2007 "The Rulemaking Procedure.

Article 3.9 of Management Board Decision 08/2007 on "review of the impact of the rules by the Executive Director" is not described. For this "downstream" activity, the Agency will analyse feedback from its Advisory Bodies on the effect of the rules and the cost-benefit to industry, including the efficiency of the Rulemaking Procedure. Other possible implementation means are through the evaluation of the Agency activities to be performed once during the first three years of operation of the Agency and every five years thereafter (Article 51 of EASA regulation) or the conduct of dedicated studies.

Legal framework

The Rulemaking Procedure prescribes in its Articles 3 and 4.3 the requirements for the development and publication of the annual Rulemaking Programme.

Basic Principles

Programming is regarded as an extremely important part of the rulemaking process. It reflects three principle concerns in the setting of priorities contained in the Rulemaking Programme:

- Firstly, it is vital that rulemaking priorities are established in accordance with the objectives set out in the EASA Regulation and broader EU objectives in aviation policy. This is set out in among others, Article 2 of the EASA Regulation.
- Secondly, programming should be based both upon a methodical and systematic approach to risk assessment and the full use of other studies in order to ensure that Agency measures (in terms of identified rulemaking priorities) achieve the high-level objectives set out in the Regulation in an optimal manner.
- Lastly, it is clear that rulemaking cannot be carried out in a vacuum: due attention should be paid to all relevant ICAO obligations and other constraints, such as Community law and existing implementation problems. Other criteria relating to air accident investigations, the updating of rules in the light of scientific/technological progress and rulemaking impacts of air traffic management programmes have also been added at the request of stakeholders.

Proper attention shall be paid to risk assessment and cost/benefit analysis at the earliest possible stages of rulemaking, rather than it only being incorporated as an after thought in the final stages of drafting. Each task of the Rulemaking Programme is therefore supported by a preliminary Regulatory Impact Assessment assigning a priority and taking into account Agency resources needed to implement the programme (the latter is the sole responsibility of the Agency).

Rulemaking programming shall reflect the principles of openness and transparency: the Advisory Bodies AGNA and SSCC play an important role in advising on the content priorities and execution of the Agency's Rulemaking Programme and amendments thereto.

In a continuous effort to globally harmonise civil aviation rules, the Agency co-operates with Third Country Aviation Authorities in the programming process and the implementation thereof.

A proactive approach shall be adopted with regard to the monitoring and improvement of Agency rulemaking content and processes.

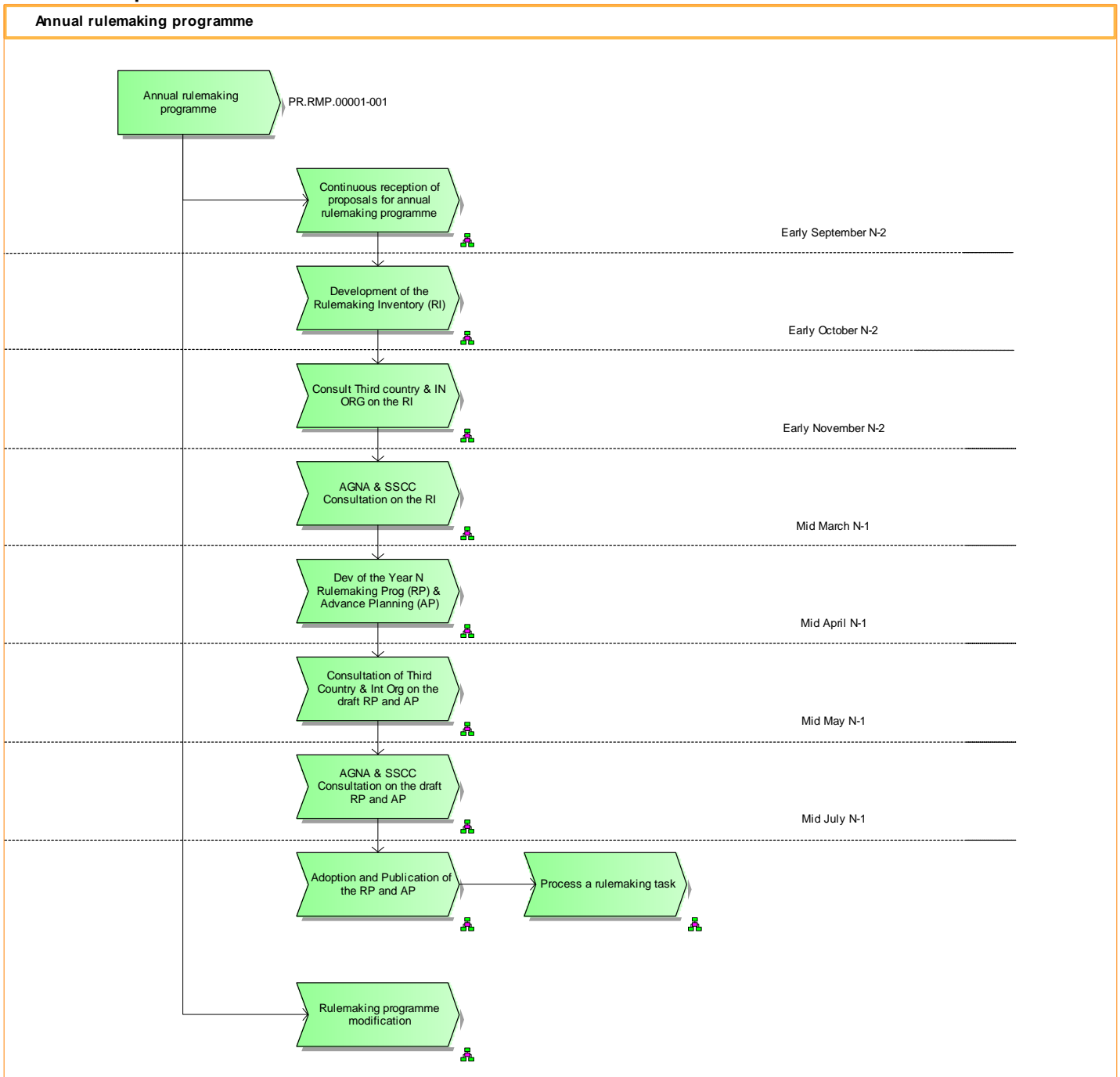
Structure of the Process:

The programming process has different possible inputs, which constitute the "pool" of potential rulemaking items, from which the Rulemaking Programme for the year N and the Advance Planning (containing all tasks already started or initiated in year N and leading to a rule during the subsequent years) is drawn up.

The main output of the process is the approved Rulemaking Programme for the year N. Once the programme is approved and published, it will have to be executed, and, if necessary, modified. Programme modifications are therefore considered as an integral part of the programming process, as they may relate to the current year programme (year N) or the adopted next year programme (year N+1).

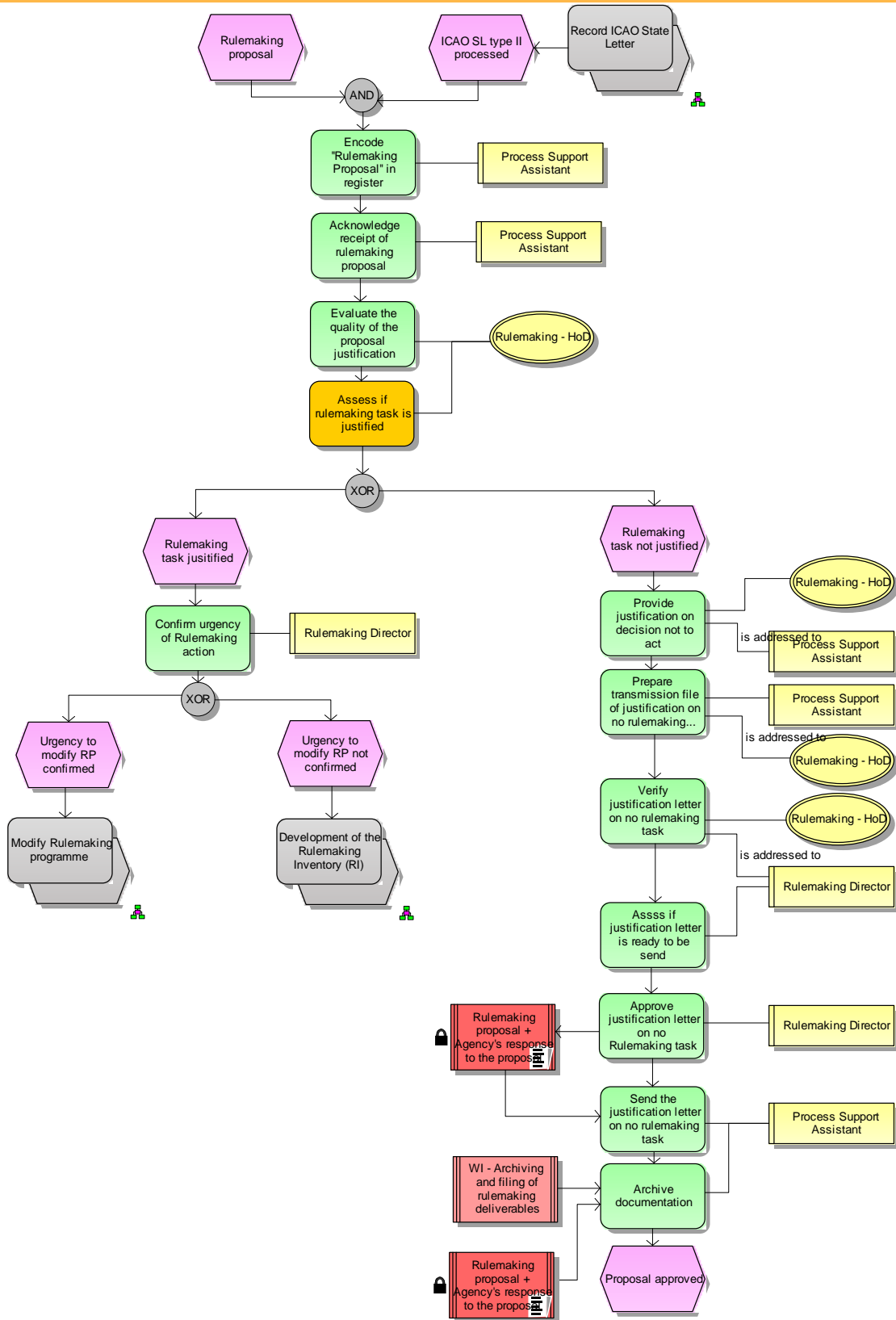


Structure of process charts





Continuous reception of proposals for annual rulemaking programme





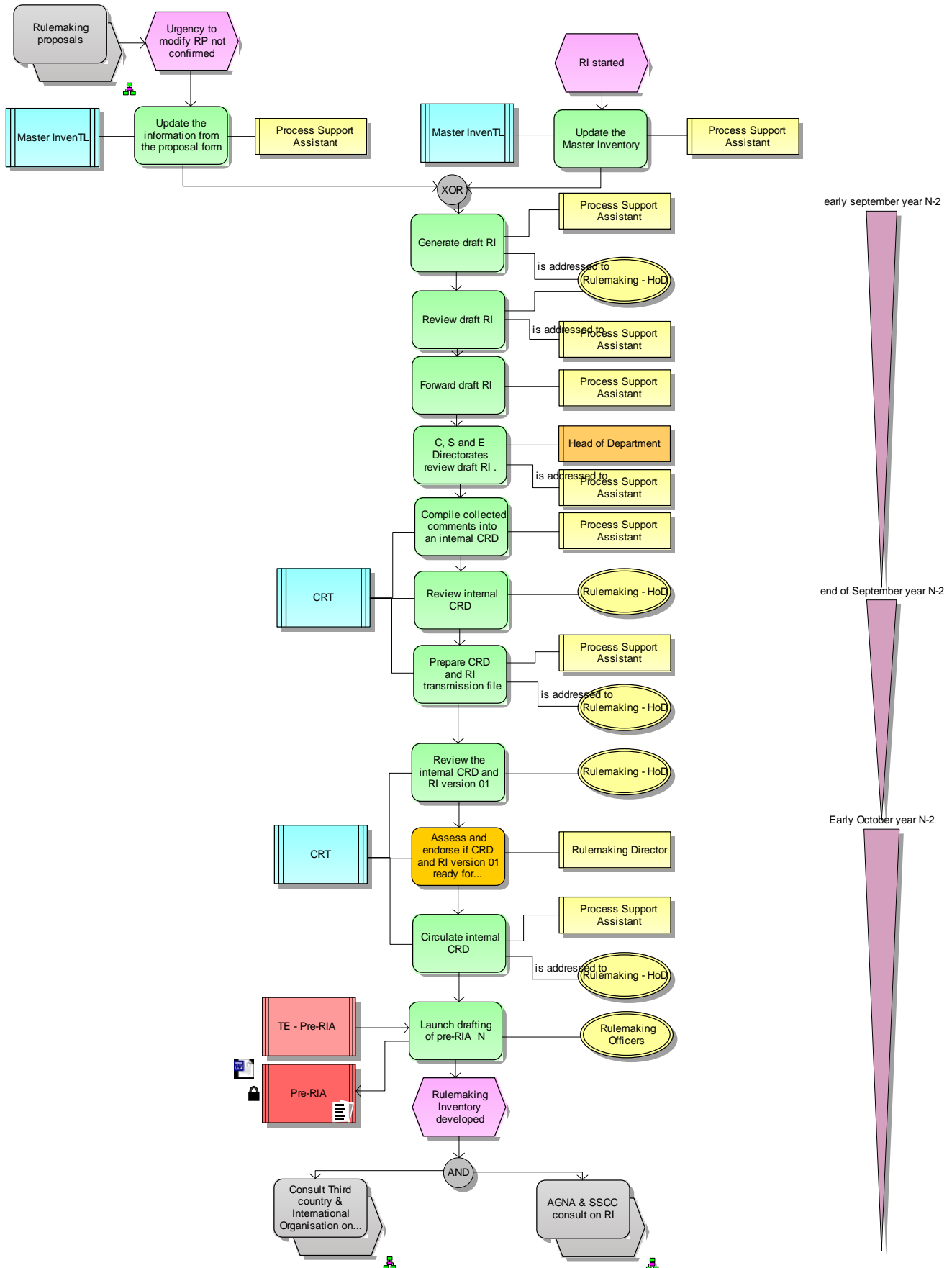
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Activity	Description to the process activity
Encode "Rulemaking Proposal" in register	---
Acknowledge receipt of rulemaking proposal	Acknowledge receipt and transmit to competent operational Department for initial assessment
Evaluate the quality of the proposal justification	---
Assess if rulemaking task is justified	---
Confirm urgency of Rulemaking action	---
Provide justification on decision not to act	---
Prepare transmission file of justification on no rulemaking task	Prepare transmission file and forward to Heads of Departments
Verify justification letter on no rulemaking task	Verify letter (HoD R.2, R.3, R.4)
Assess if justification letter is ready to be send	---
Approve justification letter on no Rulemaking task	---
Send the justification letter on no rulemaking task	---
Archive documentation	Ensure proper retention of documentation i.a.w. archiving policy

Internal Process Interfaces
Record ICAO State Letter Modify Rulemaking programme Development of the Rulemaking Inventory (RI)



Development of the rulemaking inventory (RI)





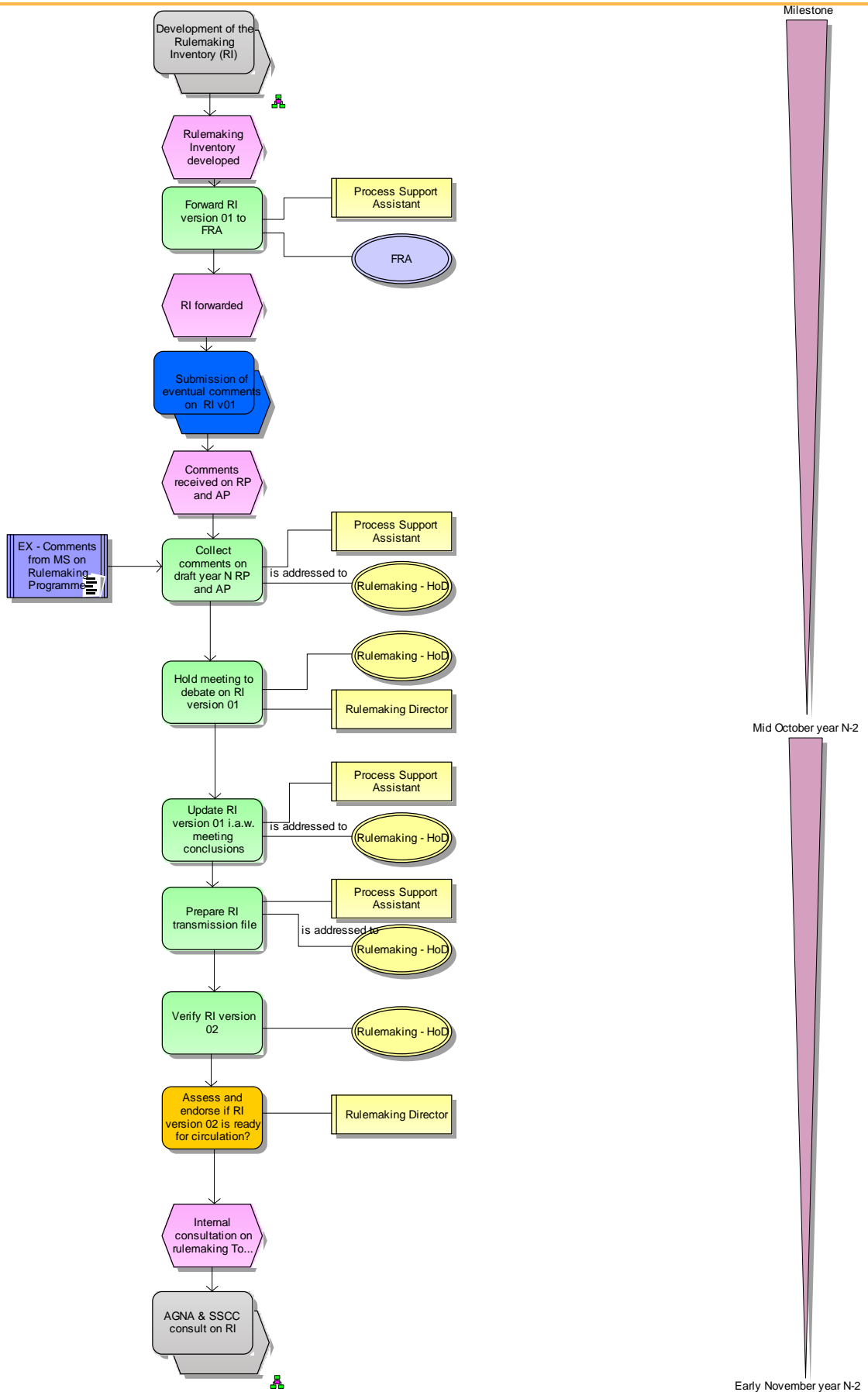
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Activity	Description to the process activity
Update the information from the proposal form	Update the Master Inventory with: 1- Accepted rulemaking proposals 2- Programme modification requests classified "non-urgent"
Generate draft RI	Generate draft RI and forward to Rulemaking departments for endorsement.
Review draft RI	Review draft RI and submit inputs
Forward draft RI	Forward draft RI to Certification, Standardisation and Executive Directorates for internal consultation.
Update the Master Inventory	with all possible rulemaking inputs identified by RUO: 1- Experts (EASA, Industry, NAAs); 2- Strategic Safety Initiatives and Accident Investigation (from E.2); 3- Amended ICAO SARPs (from R.1).
C, S and E Directorates review draft RI .	Review draft RI and submit inputs on priorities and/or new ideas.
Compile collected comments into an internal CRD	---
Review internal CRD	Review internal CRD and respond to comments providing reasons for incorporation, change or refusal.
Prepare CRD and RI transmission file	Prepare transmission file and forward CRD + RI version 01 to R.2, R.3, and R.4 Head of Department
Review the internal CRD and RI version 01	Review the internal CRD and verify RI version 01 (HoD R.1, R.2, R.3, R.4, R.5)
Assess and endorse if CRD and RI version 01 ready for circulation.	---
Circulate internal CRD	---
Launch drafting of pre-RIA N	Launch drafting of pre-RIA on tasks to be initiated or completed in year N

Internal Process Interfaces
Rulemaking proposals Consult Third country & International Organisation on the RI AGNA & SSCC consult on RI



Consult Third country & International Organisation on the RI





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Activity	Description to the process activity
Forward RI version 01 to FRA	---
Collect comments on draft year N RP and AP	Collect comments and forward to R.2, R.3, R.4
Hold meeting to debate on RI version 01	Hold meeting to debate on RI version 01, contentious issues, updated year N Rulemaking Programme, as required.
Update RI version 01 i.a.w. meeting conclusions	Update RI version 01 i.a.w. meeting conclusions/correspondence and forward to R.2, R.3, and R.4
Prepare RI transmission file	Prepare transmission file and forward RI version 02 to R.2, R.3, and R.4 Head of Departments
Verify RI version 02	HoD R2, R3 and R4 verify RI version 02.
Assess and endorse if RI version 02 is ready for circulation?	---

Internal Process Interfaces

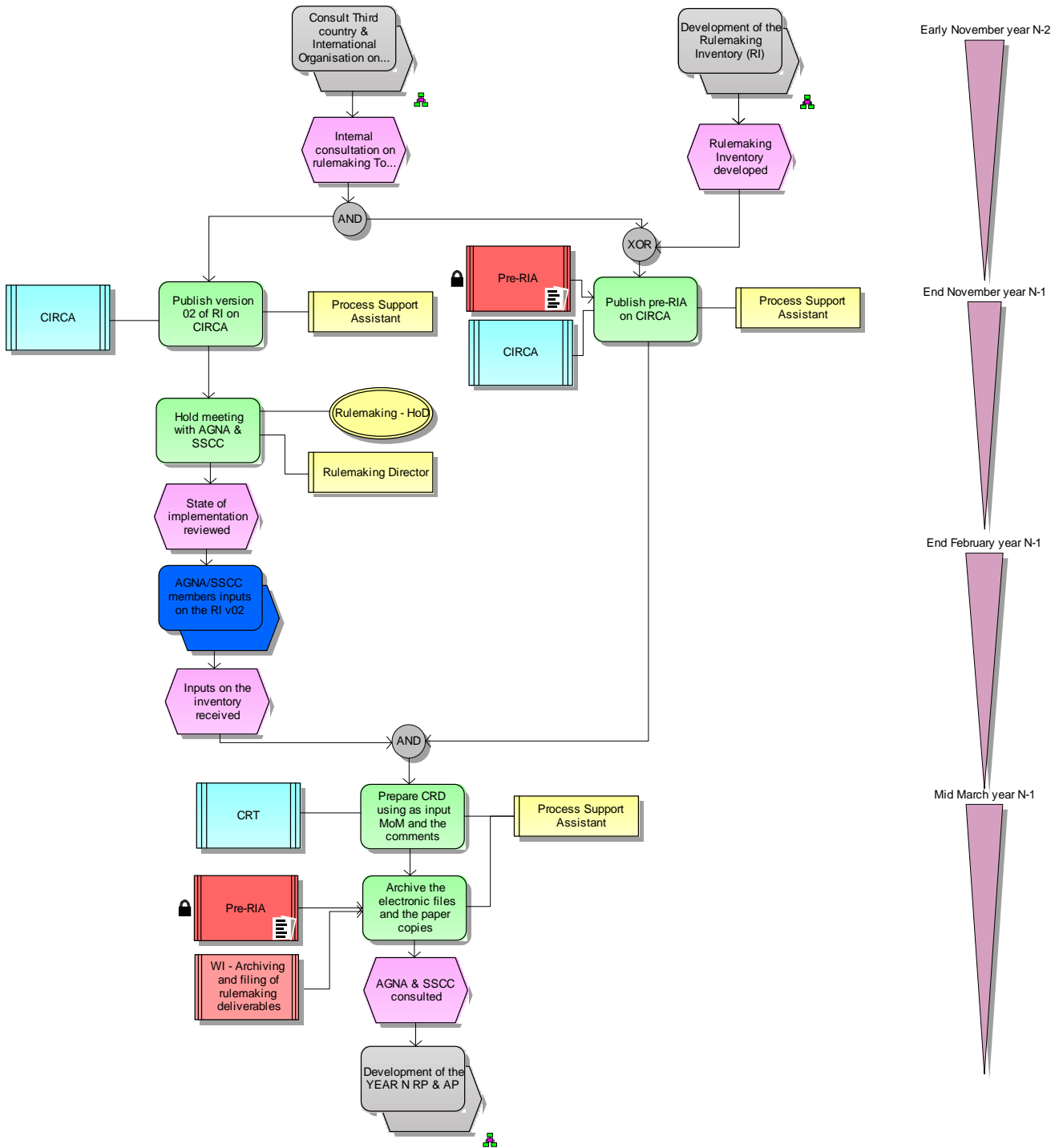
Development of the Rulemaking Inventory (RI)
AGNA & SSCC consult on RI

External Process Interfaces

Submission of eventual comments on RI v01



AGNA & SSCC consult on RI





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Activity	Description to the process activity
Publish version 02 of RI on CIRCA	Publish version 02 of RI on CIRCA as working document for AGNA & SSCC
Hold meeting with AGNA & SSCC	Hold meeting with AGNA & SSCC to review state of implementation of the current programme and present the RI version 02
Publish pre-RIA on CIRCA	---
Prepare CRD using as input MoM and the comments	Prepare CRD using as input MoM and the comments received from AGNA/SSCC and forward to R.2, R.3, R.4.
Archive the electronic files and the paper copies	Archive the electronic files and the paper copies of pre-RIA.

Internal Process Interfaces

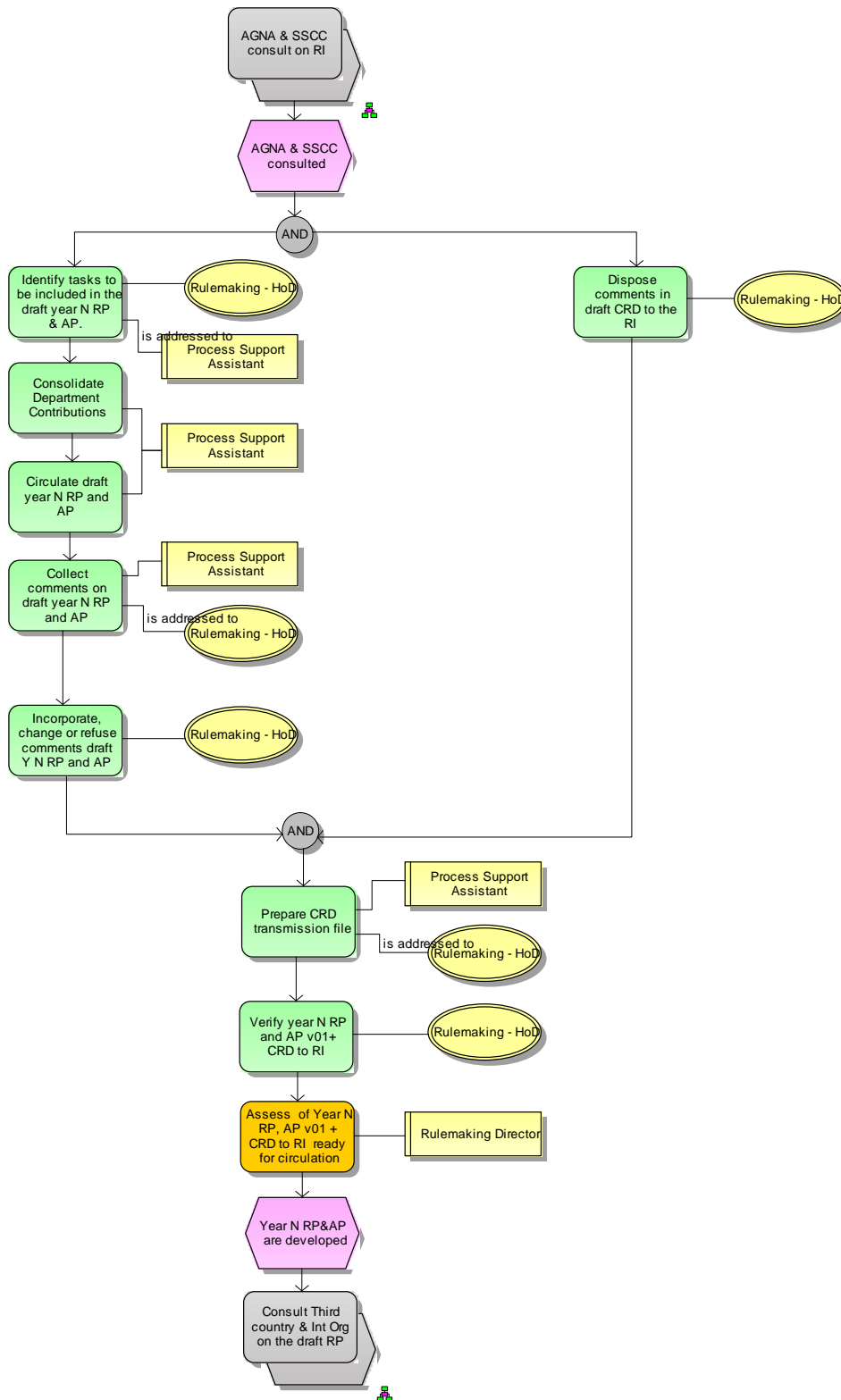
Consult Third country & International Organisation on the RI
Development of the Rulemaking Inventory (RI)
Development of the YEAR N RP & AP

External Process Interfaces

AGNA/SSCC members inputs on the RI v02



Development of the YEAR N RP & AP



Year N-1

1st half of April year N-1

2nd half of April year N-1



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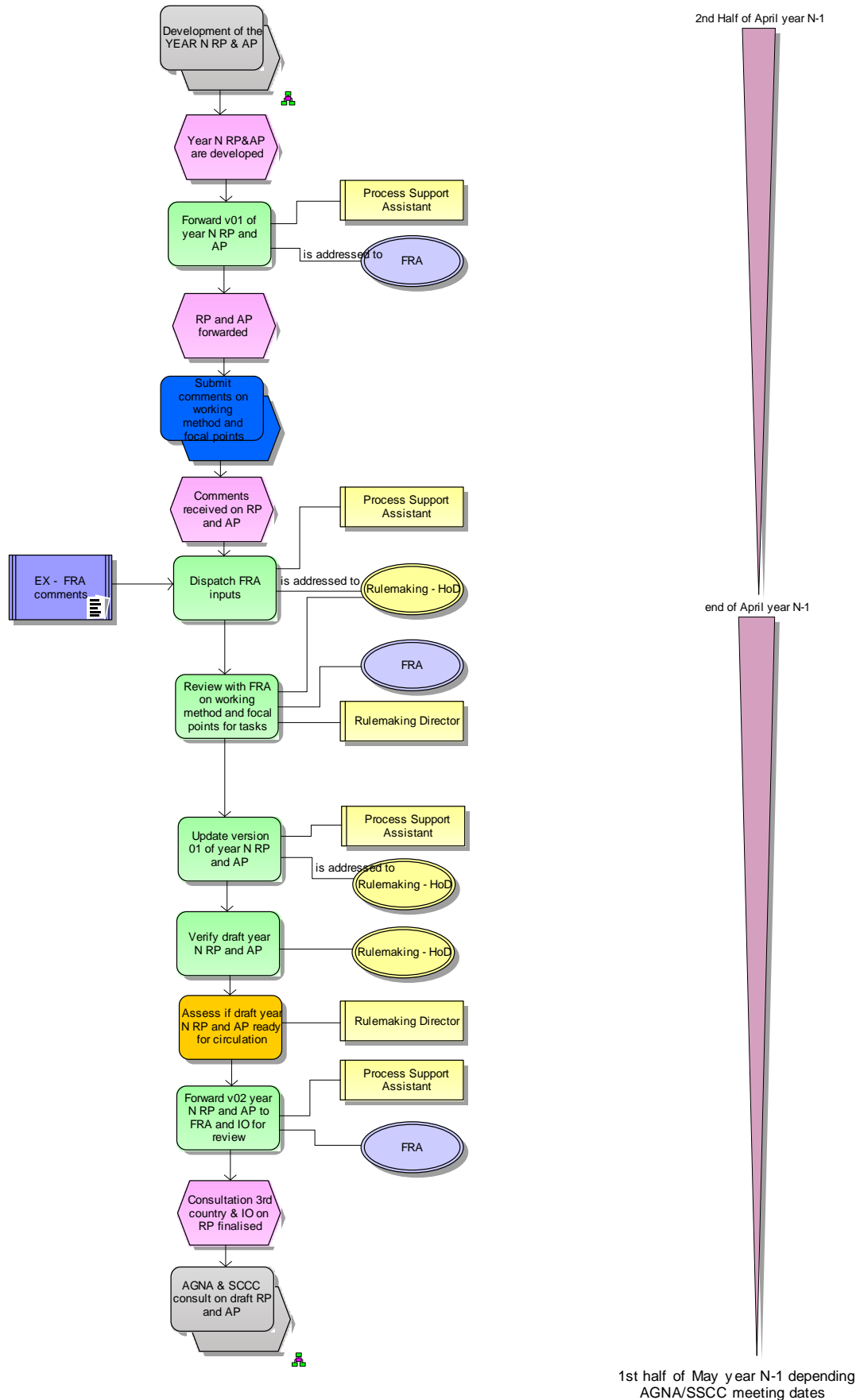
Activity	Description to the process activity
Identify tasks to be included in the draft year N RP & AP.	Identify tasks to be included in the draft year N Rulemaking Programme and Advance Planning and forward to R.6.
Consolidate Department Contributions	---
Circulate draft year N RP and AP	Circulate draft year N Rulemaking Programme and Advance Planning within the Agency
Collect comments on draft year N RP and AP	Collect comments and forward to R.2, R.3, R.4
Incorporate, change or refuse comments draft Y N RP and AP	Incorporate, change or refuse comments to draft year N Rulemaking Programme and Advance Planning
Dispose comments in draft CRD to the RI	---
Prepare CRD transmission file	Prepare transmission file and forward version 01 of year N Rulemaking Programme and Advance Planning + CRD to RI to R.2, R.3 and R.4 Head of Department.
Verify year N RP and AP v01 + CRD to RI	Verify year N Rulemaking Programme and Advance Planning version 01 + CRD to RI
Assess of Year N RP, AP v01 + CRD to RI ready for circulation	Assess and endorse of V01 of Y N RP, AP + CRD to RI

Internal Process Interfaces

AGNA & SSCC consult on RI
Consult Third country & Int Org on the draft RP



Consult Third country & Int Org on the draft RP and AP





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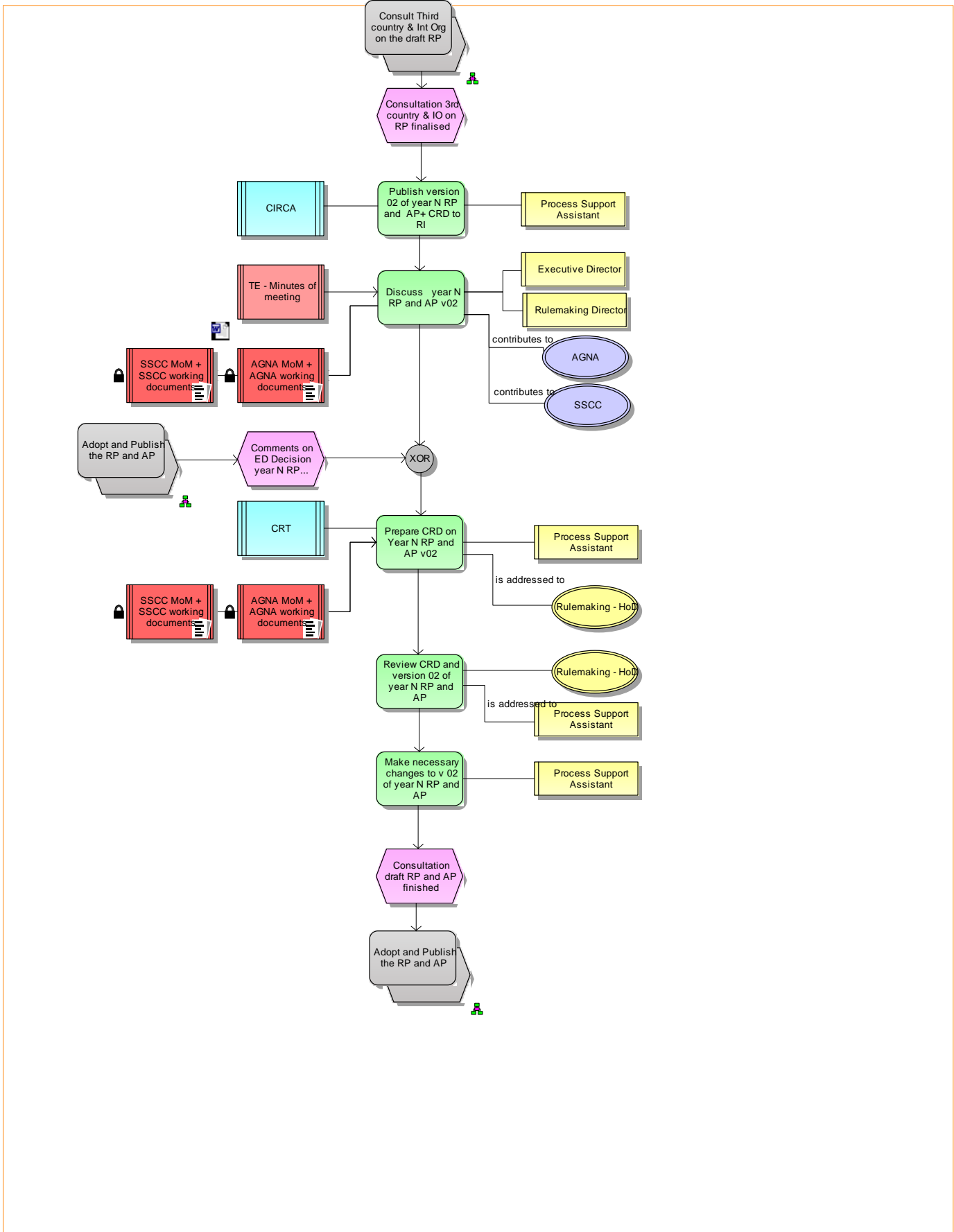
Activity	Description to the process activity
Forward v01 of year N RP and AP	Forward version 01 of year N Rulemaking Programme and Advance Planning to FRA
Dispatch FRA inputs	Dispatch FRA inputs to R2,R3,R4
Review with FRA on working method and focal points for tasks	Hold meeting to debate with FRA on working method and focal points for tasks of joint interest or discuss contentious issues, as appropriate
Update version 01 of year N RP and AP	Update version 01 of year N RP and AP i.a.w. meeting conclusions and forward to R.2, R.3 and R.4 Head of Department
Verify draft year N RP and AP	Verify draft year N RP and AP
Assess if draft year N RP and AP ready for circulation	Assess if draft year N RP and AP ready for circulation and endorse if needed
Forward v02 year N RP and AP to FRA and IO for review	---

Internal Process Interfaces
Development of the YEAR N RP & AP AGNA & SCCC consult on draft RP and AP

External Process Interfaces
Submit comments on working method and focal points



AGNA & SCCC consult on draft RP and AP





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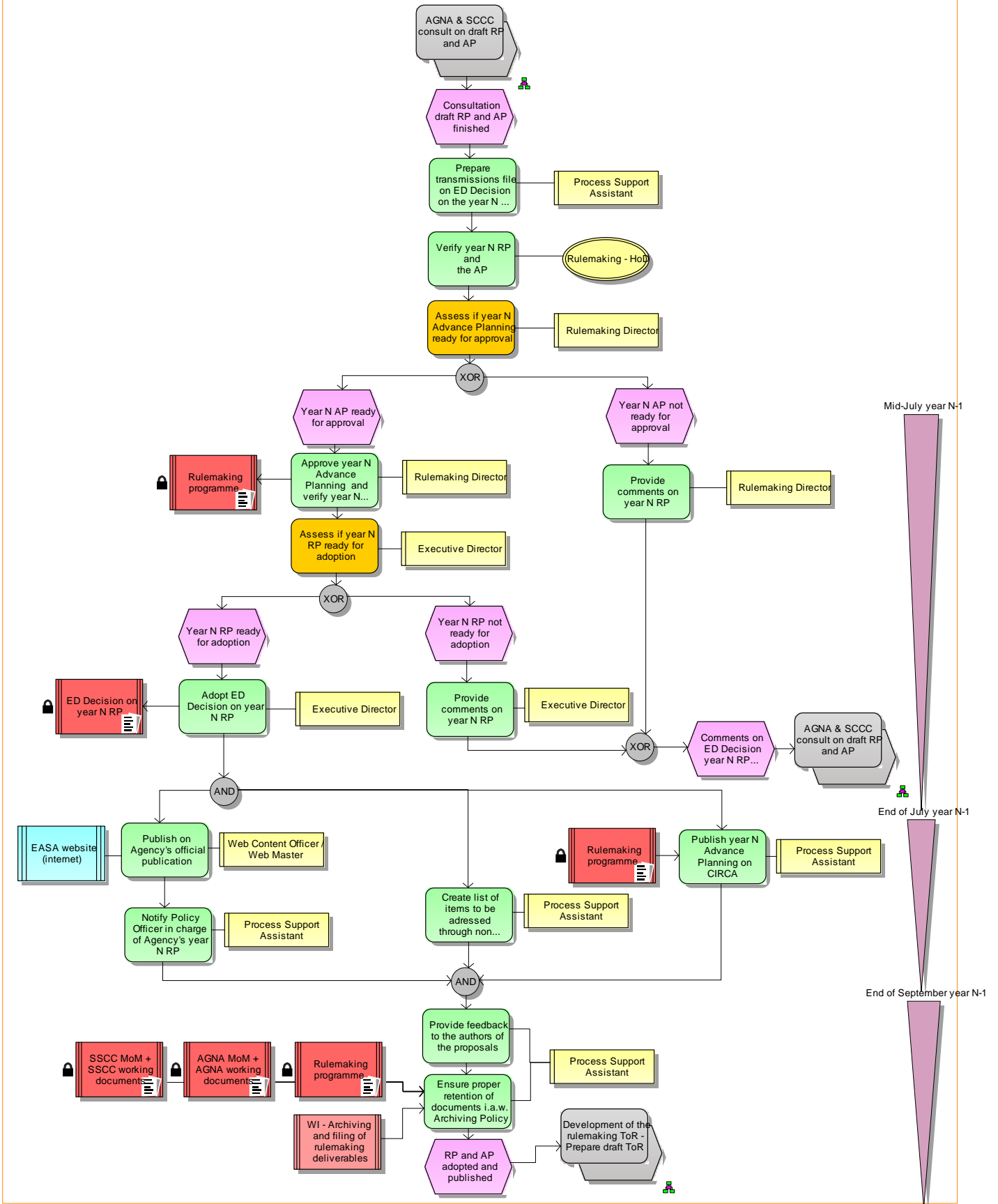
Activity	Description to the process activity
Publish version 02 of year N RP and AP+ CRD to RI	Publish version 02 of year N Rulemaking Programme and Advance Planning + CRD to RI on CIRCA for review by AGNA/SSCC
Discuss year N RP and AP v02	Discuss version 02 of year N Rulemaking Programme and Advance Planning with AGNA & SSCC
Prepare CRD on Year N RP and AP v02	Prepare CRD using as input MoM AGNA/SSCC and forward to HoD R.2, R.3, R.4
Review CRD and version 02 of year N RP and AP	HoD R2, R3 and R4 review CRD and version 02 of year N RP and AP.
Make necessary changes to v 02 of year N RP and AP	---

Internal Process Interfaces

Consult Third country & Int Org on the draft RP
Adopt and Publish the RP and AP



Adopt and Publish the RP and AP





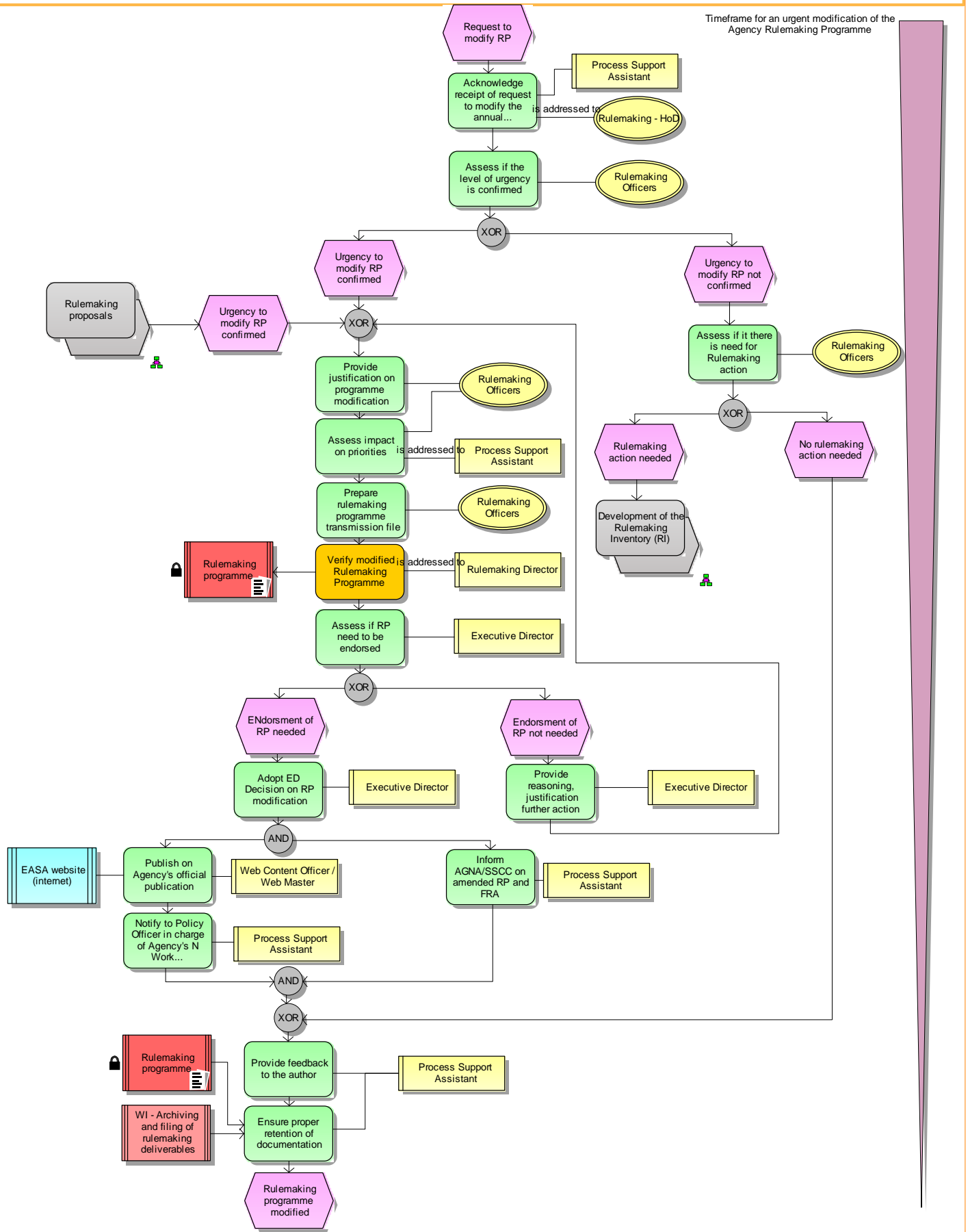
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Activity	Description to the process activity
Prepare transmissions file on ED Decision on the year N RP and AP	Prepare transmissions file on ED Decision on the year N Rulemaking Programme and approval of the Advance Planning
Verify year N RP and the AP	---
Assess if year N Advance Planning ready for approval	---
Approve year N Advance Planning and verify year N Rulemaking Programme	---
Assess if year N RP ready for adoption	---
Adopt ED Decision on year N RP	---
Provide comments on year N RP	---
Publish on Agency's official publication	Publish on Agency's official publication and archive ED Decision on year N Rulemaking Programme
Notify Policy Officer in charge of Agency's year N RP	---
Create list of items to be adressed through non rulemaking means	---
Publish year N Advance Planning on CIRCA	---
Provide feedback to the authors of the proposals	Provide feedback to the authors of the proposals on Agency decision to act on a "rulemaking proposal"
Ensure proper retention of documents i.a.w. Archiving Policy	---

Internal Process Interfaces
AGNA & SCCC consult on draft RP and AP Development of the rulemaking ToR - Prepare draft ToR



Modify Rulemaking programme





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Activity	Description to the process activity
Acknowledge receipt of request to modify the annual rulemaking programme	Acknowledge receipt of and encode the request to modify the rulemaking programme and forward to R.2, R.3, R.4
Assess if the level of urgency is confirmed	Assess the request to modify RP and if the level of urgency is confirmed.
Provide justification on programme modification	---
Assess impact on priorities	Assess impact on priorities taking into account resources and transmit to R.6
Prepare rulemaking programme transmission file	---
Verify modified Rulemaking Programme	---
Assess if RP need to be endorsed	---
Assess if it there is need for Rulemaking action	---
Adopt ED Decision on RP modification	---
Publish on Agency's official publication	Publish on Agency's official publication and archive ED Decision on year N Rulemaking Programme
Provide reasoning, justification further action	Provide reasoning, justification and instructions further action
Notify to Policy Officer in charge of Agency's N Work Programme	---
Inform AGNA/SSCC on amended RP and FRA	---
Provide feedback to the author	Provide feedback to the author of a proposal on the Agency's follow-up given to his/her "Rulemaking proposal"
Ensure proper retention of documentation	Ensure proper retention of documentation i.a.w. archiving policy

Internal Process Interfaces

Rulemaking proposals
Development of the Rulemaking Inventory (RI)



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RECORDS

Appendix A : Operational Documents

Continuous reception of proposals for annual rulemaking programme	
Record	Activity
Rulemaking proposal + Agency's response to the proposal	- Approve justification letter on no Rulemaking task

Development of the rulemaking inventory (RI)	
Record	Activity
Pre-RIA[Pre.RMP.00036-000]	- Launch drafting of pre-RIA N

AGNA & SCCC consult on draft RP and AP	
Record	Activity
AGNA MoM + AGNA working documents	- Discuss year N RP and AP v02
SSCC MoM + SCCC working documents	- Discuss year N RP and AP v02

Adopt and Publish the RP and AP	
Record	Activity
ED Decision on year N RP	- Adopt ED Decision on year N RP
Rulemaking programme	- Approve year N Advance Planning and verify year N Rulemaking Programme

Modify Rulemaking programme	
Record	Activity
Rulemaking programme	- Verify modified Rulemaking Programme

Appendix B : External Documents