



Determination of the memberships of Rulemaking groups

Doc #

WI.RPRO.00044-001

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DOCUMENT CONTROL SHEET

Process Area	Rules development
Main Process	Process a rulemaking task, Annual rulemaking programme
Scenario	All
Process	All
Main Process Owner	Eric SIVEL

Reference documents**a) Procedures**

PR.RPRO.00001 - Process a rulemaking task
 PR.RMP.00001 - Annual rulemaking programme
 WI.RPRO.00045 - Rule of Procedure for Rulemaking Groups

b) Internal documents

MB Decision 08/2007 of 13.06.2007 amending and replacing Decision 07/2003 concerning the Procedure to be applied by the Agency for the issuing of Opinions, Certification Specifications and Guidance Material ("Rulemaking Procedure") and in particular Article 4 and 7 thereof.
 FO.RPRO.00028 - Contact details of candidate for rulemaking group Form

Date of validation Owner level 1

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	11/11/2010	First issue



I. INTRODUCTION

The Rulemaking Procedure foresees, inter alia, in its articles 4 and 7 the establishment as appropriate of groups to assist in the drafting of, and review of comments on, rules to be issued by the Agency. It then requires the Executive Director to establish, after having consulted the Safety Standards Consultative Committee and the Advisory Group of National Authorities, the necessary internal procedures for the implementation of the Rulemaking Procedure, in particular the provision of standard procedures for such groups.

The present document specifies the procedures applicable to the determination of the membership of rulemaking groups.

II. RULEMAKING GROUPS

a) After adoption of the Rulemaking Programme or of the Advance Rulemaking Planning, the Rulemaking Director shall invite the Safety Standards Consultative Committee and the Advisory Group of National Authorities to nominate proposed members of each rulemaking group where the establishment of such groups is foreseen. Such nomination shall be made within the three weeks following the invitation using the dedicated form (FO.RPRO.00028-001 - Contact details of candidate for rulemaking group).

b) On the basis of the proposals received, the Rulemaking Director shall determine the membership of the group, taking into account the need to draw upon technical expertise available among national authorities and, where necessary, interested parties, to ensure that the expertise required for executing the tasks of the group is available. The size of a rulemaking group should normally not exceed six persons, plus the secretary.

c) When international agreements or working arrangements so commit the Agency, the composition of the group shall be expanded to include the experts appointed by the foreign partners, as provided in the applicable agreements or arrangements¹.

d) The final composition of the group shall be communicated to the Safety Standards Consultative Committee and the Advisory Group of National Authorities and shall be published in the Official Publication of the Agency.

e) The composition of a group may be modified at the request of its Chair when a member may not fulfil its duties or when the implementation of the task shows the need for additional or different expertise. In such case the Rulemaking Director shall co-ordinate with the Chair of the group to find an acceptable new composition and consult the Safety Standards Consultative Committee and the Advisory Group of National Authorities on such composition.

f) Exceptionally, a rulemaking group may be supported by subgroups. Subgroups may be established in strictly justified cases (e.g. rulemaking in new areas, or a task involving complex, multidisciplinary subjects), either when the main group is established, or later on at the request of the Chair. There should be at least one representative from the main group in each subgroup. The nomination of the other subgroup members is made by the Safety Standards Consultative Committee and the Advisory Group of National Authorities upon invitation

¹ FAA – EASA Rulemaking Co-operation arrangement (WI.RPRO.00049-001)
TCAA – EASA Rulemaking Co-operation arrangement (WI.RPRO.00050-001)



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by the Rulemaking Director. On the basis of the proposals received, the Rulemaking Director shall determine the membership of the subgroup, applying the same principles as for the main group composition (see point II. b) above). The provisions of point II. d) are applicable.

III. REVIEW GROUPS

a) A review group is a rulemaking group augmented of two members. One shall be a person involved in standardisation inspections in the domain affected by the task of the group. The other person shall be chosen to ensure that dissenting views, as they appear in the consultation, are duly represented in the review of comments and the drafting of the final proposal of the group.

b) The Rulemaking Director shall co-ordinate with the Chair of the rulemaking group and seek the opinion of the Safety Standards Consultative Committee and the Advisory Group of National Authorities on the composition of the review group.

c) The final composition of the group shall be communicated to the Safety Standards Consultative Committee and the Advisory Group of National Authorities and shall be published in the Official Publication of the Agency.

d) The provisions of point II. e) are applicable to the modification of the composition of a review group.

IV. COSTS

Costs associated to the participation in rulemaking groups are to be borne by the employers of the members. In exceptional cases the Agency may reimburse the participation of experts from micro, small or medium-sized enterprises (SME) or non-profit organisations (NPO). In such cases the reimbursement is made in accordance with the applicable Executive Director Decision.

In this connection SME and NPO are defined as follows:

- SME:

Micro, small and medium-sized enterprises consist of enterprises which employ fewer than 250 persons and which have either an annual turnover not exceeding 50 million euro, or an annual balance sheet total not exceeding 43 million euro. For further details visit the European Commission website on SME definition:

http://ec.europa.eu/enterprise/enterprise_policy/sme_definition/index_en.htm

- NPO:

A non-profit organisation (also called not-for-profit) is a legally constituted organisation whose objective is to support or engage in activities of public or private interest without any external commercial or monetary profit.

The request for eligibility for reimbursement must be made at the time of nomination of the expert to the rulemaking group. The dedicated form (FO.RPRO.00028-001 - Contact details of candidate for rulemaking group) should be used for this purpose.

**Annex****HANDLING OF SUBGROUPS**

The establishment of subgroups should be **exceptional** and well considered.

The rulemaking officer and his/her group prepare the ToRs for the subgroups (there are no draft subgroup ToRs, only final versions, because these subgroup ToRs just reflect the actual task and how the related work should be divided)

Subgroup ToRs shall contain a paragraph which explicitly points out the relation between subgroup and main group: Subgroups are to report to the main group and the work of subgroups is only finalized by the acceptance of the main group.

The subgroup ToRs are submitted to RPS. RPS will send an e-mail to AGNA/SSCC including these subgroup ToRs **for information only** and ask them to nominate candidates for the subgroups in question.

In this letter to AGNA/SSCC, the relation between subgroup and main group shall be stated again shortly to place an emphasis on it.

The criteria for selecting members for a subgroup are more or less the same as for a regular group. The subgroup should include one member from the main group, the other members should add additional expertise and therefore constitute an added value.

The subgroup compositions will later on be published on the EASA website.



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RECORDS

Appendix A : Operational Documents

Record	Step / Related to

Appendix B : External Documents

Record	Step / Related to