



AGNA Rule of Procedure	Doc #	WI.RPRO.00047-001
	Approval Date	16/11/2010

AGNA Rule of Procedure

WI.RPRO.00047-001

	Name	Validation	Date
Prepared by:	Jean-Christophe NICAISE	Validated	09/11/2010
Verified by:	Eric SIVEL	Validated	11/11/2010
Reviewed by:	Veronique MAGNIER	Validated	11/11/2010
Approved by:	Eric SIVEL	Validated	16/11/2010



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DOCUMENT CONTROL SHEET

Process Area	Rules development
Main Process	Process a rulemaking task
Scenario	Process a rulemaking task
Process	Development of the rulemaking ToR - Prepare draft ToR
Main Process Owner	Eric SIVEL

Reference documents
a) Procedures
PR.RPRO.00001 - Process a rulemaking task PR.RMP.00001- Annual rulemaking programme
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 7.6 and 10 thereof.

Date of validation Owner level 1
<p>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</p>

Log of issues		
Issue	Issue date	Change description
001	16/11/2010	First issue



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The Advisory Group of National Authorities is established and chaired by the Executive Director to implement the Rulemaking Procedure adopted by the Management Board. As specified in article 10 of the Rulemaking Procedure, the tasks of the Group are as follows:

- i. providing advice on the content, priorities and execution of the Agency's rulemaking programme and amendments thereto;*
- ii. providing advice on the setting-up and composition of drafting groups as necessary in relation to specific rulemaking tasks;*
- iii. providing advice on the development and use of regulatory tools and concepts insofar as they relate to the work of the Agency including, in particular, recommendations on risk assessment analyses, regulatory impact assessments and other tools to be employed in rulemaking;*
- iv. adoption of recommendations addressed to the Executive Director on the consistency of the rulemaking programme and the need to adapt of existing rules to take account of technological and commercial evolution/progress;*
- v. adoption of recommendations addressed to the Executive Director on the need to adapt existing rules in the light of experience gained in their application;*
- vi. providing advice as appropriate in the context of ongoing efforts to improve the Agency's rulemaking processes and structures; and*
- vii. providing advice to the Executive Director pursuant to the procedure described in article 7.5.*

Article 7.6 of the the Rulemaking Procedure specifies that:

6. If the comments received from national authorities in the context of article 6.3 of this Decision indicate major objections to the proposed rule, the Executive Director shall consult the Advisory Group of National Authorities to discuss the rule further. In those cases where additional consultation results in continuing disagreement regarding the rule, the Executive Director shall include in the comment response document the results of this consultation and the impact and consequences of his/her decision regarding the issue at stake.

1. Meetings

The AGNA should hold four meetings per year, at the invitation of the Chair. The Chair may propose further meetings at his proposal or the proposal of a Member, with the agreement of the majority of AGNA members.

The Agency shall provide the necessary administrative and logistical support for AGNA meetings. Save in exceptional circumstances, the AGNA shall meet at the Agency's headquarters.

2. Participation and minimum attendance

Every AGNA member is entitled to participate in all AGNA meetings.

A Member may nominate a substitute if he/she is unable to attend a meeting. An alternate can only function in the absence of the Member and can exercise his/her rights and duties for the meeting in question only.

The Chair may invite non-AGNA members to attend as observers or guests of a meeting or part thereof. The Chair will inform Members of his/her intention to do so and his/her reasons for doing so. If there are strong objections by one or more Members, the meeting will discuss the invitation for the next AGNA meeting.



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AGNA itself may also decide by consensus that non AGNA Members should be invited. Invitations will be sent by the Chair.

Whereas it is permissible to invite the same non AGNA Member several times, no external person can become a member of AGNA in any function. The Chair shall ensure that the attendance of non-Members shall be limited to relevant agenda items.

As a rule, AGNA meetings shall be cancelled if, 14 (fourteen) days prior to the meeting, less than 5 (five) Members have confirmed their attendance. In special cases, if the circumstances so warrant, the Chair may observe a shorter period before cancellation.

In case of cancellation, the Agency will co-ordinate a new meeting date with the Chair. If at the second date again less than 5 (five) Members register for attendance, the AGNA meeting shall continue as planned, irrespective of attendance.

Members undertake to inform the Chair of any changes in their address, phone, fax or e-mail.

3. Agenda, minutes and documentation

The Chair shall prepare the agenda for each meeting. The Chair shall ensure that the agenda contains all the points that need be raised, including specific items raised by Members. The Chair will request Members to supply points for the agenda well in advance of the meeting.

As a rule, the necessary documentation for meetings (agenda, reports, working papers etc.) shall be distributed to the Members one month before the meeting. On individual issues it may be necessary to add documents at a later date, but the Agency will do its utmost to ensure that all relevant documents are received two weeks ahead of the meeting.

If so requested by a Member, the Group may discuss a new item not included in the agenda but if one Member so requests then no decision shall be made at that meeting on that item.

The Agency shall submit draft minutes of meetings to all participants for approval within 3 weeks of the meeting. Final approved minutes shall be circulated to all AGNA Members and internally within the Agency.

If no approval can be obtained within three weeks of circulation of the draft minutes, the draft minutes shall be submitted for final approval to the next AGNA meeting.

In accordance with the Agency's policy on access to documents, documents relating to the work of the AGNA shall be published in the Agency's official publication.

4. Chair

The tasks of the Chair include:

- chairing AGNA meetings;
- preparing the agenda and documentation for the meetings;
- adopting the minutes of the meetings;
- serving as a contact point for the Agency on subjects dealt with by AGNA Members between meetings; and



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- representing, where necessary, AGNA in its contacts with other bodies.

5. The Agency

The Agency supports the work of AGNA. This support shall include the following:

- distribution of preparatory documents, agenda, working papers and minutes for meetings;
- updating of list of AGNA Members;
- making available meeting rooms;
- distributing position papers, communications etc. to outside recipients;
- assisting the group with information on procedural questions;
- drafting the agenda and preparatory documents as necessary;
- drafting the minutes;
- collecting and drafting working papers/position papers if necessary;
- assisting the Chair with the conduct of the meeting;
- preparing the meeting together with the Chair; and
- ensuring appropriate co-ordination with the work of the Safety Standards Consultative Committee.

6. Working arrangements

Electronic mail shall be the normal and usual means of communication between AGNA Members and with the Agency, including for consultation on, and endorsement of, AGNA opinions and positions.

English shall be the working language of AGNA and will be used for all internal correspondence, meetings and external communication (unless dictated otherwise by third party concerned).

7. Decision-making

Members shall participate in good faith and with a view to, where possible, reaching common positions on matters of common interest.

AGNA decides by consensus. Consensus does not necessarily mean explicit unanimity but a sufficient level of common understanding which each member of the group can accept as a common position. If no consensus can be found, but the majority of the group wishes to take a certain position, the members who do not support the majority position may disassociate themselves from the majority position and may request to be mentioned as holding a minority position, whenever the majority position is communicated internally or externally.

Where no consolidated position is possible, Members shall, as much as possible, reflect the differing viewpoints in their authorities on the issue involved.

When so decided by the Chair, in case of urgency, and for the adoption of opinions on recurrent issues such as Terms of Reference, nomination of rulemaking groups' experts, amendments of the Rulemaking Programme, the following process will be followed:



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- the secretary will place the proposed opinion on the CIRCA site of the group, including names of proposed experts;
- members will have three weeks to comment spontaneously;
- if no dissenting view has been expressed within that period, the opinion of the group is deemed to be adopted;
- if a dissenting view has been expressed, the secretary will post a revised proposal on the CIRCA site;
- if again a dissenting view is expressed within three weeks, the point will be addressed in the following session of the group.

8. Transition clause

Six months after adoption and approval of these procedures, they will be reviewed and adapted if so required.



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RECORDS

Appendix A : Operational Documents

Record	Step / Related to

Appendix B : External Documents

Record	Step / Related to