



EASA Rulemaking



Presentation to WakeNet 2 Workshop
Eurocontrol, Bretigny, France, 28 Nov. 2005
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Rulemaking: General

- **Task of the Agency: Basic Regulation Articles 13 and 14**
- **Establishment of Rulemaking Procedure based on Article 43**
- **EASA Management Board MB/7/03, 17 June 2003**
- **“Procedure ... for the issuing of opinions, certification specifications and guidance material”:** “Rulemaking Procedure”



Rulemaking Procedure

- **Contents:**
- **JAR 11 used as reference**
- **section 1: Basic principles and applicability**
- **Section 2: Rulemaking Procedure**
 - ☞ programming
 - ☞ {initiation, drafting, consultation, comments review, adoption}: "NPA process"
- **Section 3: Final provisions**



Programming (process)

- (ED) Executive Director establishes annual rulemaking program
- He consults SSCC and AGNA
- any person may propose issues
- Programme supported by preliminary RIA (Regulatory Impact Assessment)
- ED can adapt the program
- Publication of program
- Regular review of the impact of rules



Programming (contents)

→ Program takes account of:

☞ EASA objectives:

safety, environmental protection, free movement,
cost-efficiency

☞ Criteria for implementing rules:

state of the art, experience and technical progress

☞ Developments in European and international law

☞ Harmonization with non-EU partners



Programming (contents)

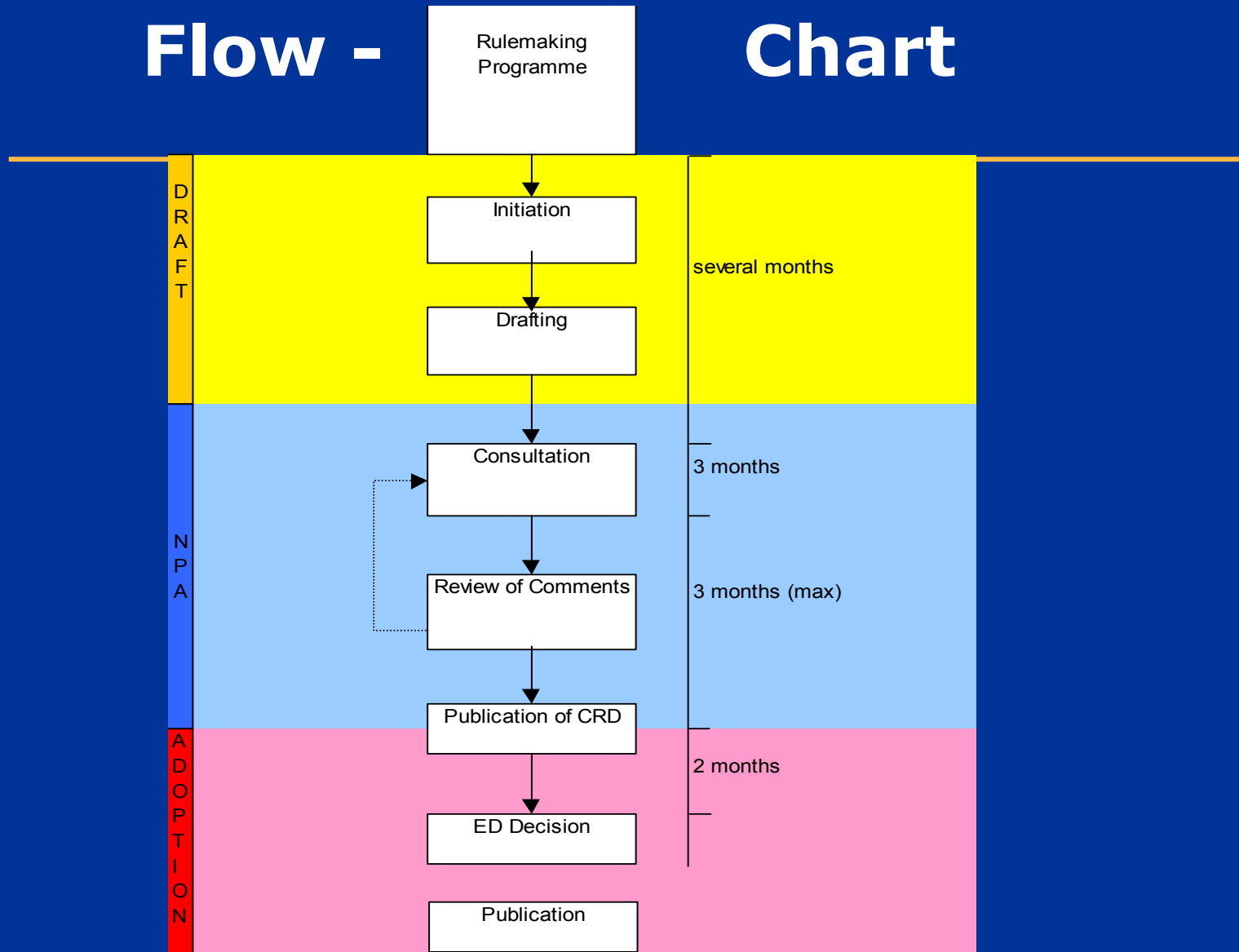
- ➔ **Program takes account of: (continued)**
 - ☞ Risk assessment studies and research
 - ☞ need to correct implementation problems
 - ☞ results of air accident investigations
 - ☞ needs of emerging air traffic enhancement program



Flow -

Rulemaking Programme

Chart





NPA Process: Initiation

Draw up Terms of Reference after consulting SSCC and AGNA

☞ definition of task

☞ timetable

☞ format of deliverable

- ➔ **Choose between drafting group or Agency resources**
- ➔ **If drafting group: ED decides composition after consulting SSCC and AGNA**
- ➔ **Agency to provide support to groups**



NPA Process: Drafting

- ED may amend ToR
- ED to verify that drafting result satisfies ToR
- Assign unique NPA reference code
- Publish NPA, including
 - ☞ proposed rule
 - ☞ explanatory note
 - ☞ significant, contentious or interface issues
 - ☞ situation with respect to ICAO and non-EU AA
 - ☞ full RIA



Regulatory **I**mpact **A**ssessment

- **What: decision support process**
- **Why: improve quality of regulation**
- **How: clarify positive and negative impacts**
- **form not prescribed**
- **model provided**
- **RIA proportionate to the likely impact**



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Regulatory Impact Assessment model

→ Purpose and Intended Effect

- ☞ Issue which the NPA is intended to address
- ☞ Scale of the issue (quantified if possible)
- ☞ Brief statement of the objectives of the NPA – such as a safety improvement

→ Options

- ☞ The options identified and evaluated
- ☞ If possible the preferred option selected

→ Sectors affected

- ☞ sectors affected and the number of organisations / individuals / aircraft affected



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Regulatory Impact Assessment model (continued)

→ Impacts

- ☞ quantified
- ☞ segmented by sector
- ☞ addressing following considerations:
 - Safety,
 - Economic,
 - Environmental
 - Social
 - Other aviation requirements
- ☞ Equity and fairness issues



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Regulatory Impact Assessment model (continued)

→ Consultation

→ Summary and Final Assessment

- ☞ Comparison of impacts
- ☞ summary of who are affected and issues of equity and fairness
- ☞ Final assessment and recommendation



NPA Process: Drafting

→ take account of:

- ☞ EU Law (EASA Regulation)
- ☞ ICAO SARPs
- ☞ harmonization with non-EU partners
- ☞ results of air accident investigations
- ☞ timely implementation
- ☞ compatibility with existing rules
- ☞ state of the art and best practices
- ☞ technological developments
- ☞ regulatory impact



NPA Process: Consultation

- **Any person may comment**
- **Consultation period: 3 months**
although ED may decide on different period
- **extensions can be granted only in**
exceptional cases
- **Comments shall contain:**
 - ☞ **identification of the comment provider**
 - ☞ **NPA reference code**
 - ☞ **position with justification**



NPA Process: Review of comments

- Comments review by original drafter(s) AND experts not involved in the drafting
- Comment response document (CRD) to be published 3 months after consultation
- above period can be amended
- if significant differences: ED may decide to re-circulate
- if major objections from NAA's (for rules to be applied by MS), ED shall consult AGNA



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NPA Process: Adoption and publication

- **ED will issue decision not earlier than 2 months after publication of CRD**
- **Rules + explanatory memorandum to be published in Agency's Official publication**



Rulemaking: other issues

- **SSCC**
- **AGNA**
- **co-operation with third countries and International organisations: arrangements**
- **Access to documents: EC regulation 1049/2001**
- **Retention of documents: indefinitely**
- **Special procedures: A-NPA**
- **transition: easier procedure**



**THANK YOU FOR YOUR
ATTENTION.**

**Your comments/questions are
welcome**

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