



RAG and TAGs rule of procedure

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DOCUMENT CONTROL SHEET

Process Area	Rules development
Main Process	Process a rulemaking task
Scenario	Process a rulemaking task
Process	All
Main Process Owner	Jules KNEEPKENS

Reference documents**a) Procedures**

PR.RPRO.00001 - Process a rulemaking task

PR.RMP.00001 - Rulemaking programme

b) Internal documents

The amended MB Decision 01/2012 of 13.03.2012 concerning the Procedure to be applied by the Agency for the issuing of Opinions, Certification Specifications, Acceptable Means of Compliance and Guidance Material ("Rulemaking Procedure") and in particular Article 7.6 and 10 thereof.

WI.DRM.00013 - Archiving and filing of rulemaking deliverables

Date of validation Owner level 1

RAG: Rulemaking Advisory Group

SSCC: Safety Standards Consultative Committee

TAG: Thematic Advisory Group

Log of issues

Issue	Issue date	Change description
001	28/08/2012	First issue



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Introduction

Following the report of the Working Group set up by the Management Board to review the Rulemaking Process, the Rulemaking procedure was amended on 13 March 2012.

Among the changes introduced, the former Advisory Group of National Authorities (AGNA) was replaced by a Rulemaking Advisory Group (RAG) and Thematic Advisory Groups (TAGs), whose number is to be determined taking into account the scope of functions of the Agency. Article 10 of the amended Rulemaking Procedure describes the tasks of the RAG and the TAGs.

The purpose of this document is to set up more detailed rules of procedure for both the RAG and the TAGs.

I. General

1. Establishment, general purpose and composition of the RAG and TAGS

The Rulemaking Advisory Group (RAG) and the Thematic Advisory Groups (TAGs) are established by the Executive Director.

Their general purpose is to:

- facilitate the discussion of controversial or horizontal issues at an early stage of the rulemaking process;
- provide the Agency with a forum to consult Member States on technical safety issues within the scope of its rulemaking activity, in particular in what regards the safety objectives, grounds and considerations underlying the safety provisions and proposed methods;

when the proposed new rules or changes to existing rules affect the Member States.

The Groups shall be made up of representatives of:

- the national authorities responsible for applying the Basic Regulation and its implementing rules; and
- the Commission.

The Executive Director is not bound by any advice given by the RAG and TAGs. The final decision is always the Agency's decision.

2. Chair

The RAG and the TAGs shall be chaired by the Executive Director, who may delegate this task to a staff member of the Agency.

The tasks of the Chair include:

- chairing RAG and TAGs meetings;
- preparing the agenda and documentation for the meetings;
- adopting the minutes of the meetings;
- serving as the Agency's contact point on subjects dealt with by RAG and TAGs Members between meetings;
- ensuring appropriate co-ordination with the work of the Safety Standards Consultative Committee.

3. Agency

The Agency supports the work of RAG and TAGs, providing the necessary administrative and logistical support for meetings and to the Chair. This support shall include the following:

- distribution of preparatory documents, agenda, working papers and minutes for meetings;
- updating of list of RAG and TAGs Members;
- making available meeting rooms;
- distributing position papers, communications etc.;
- assisting the group with information on procedural questions;



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- drafting the agenda and preparatory documents as necessary;
- drafting the minutes;
- collecting and drafting working papers/position papers if necessary.

4. Agenda, minutes and documentation

The Chair shall prepare the agenda for each meeting of the RAG/TAGs. The Chair shall ensure that the agenda contains all the points that need be raised. The Chair will request Members to supply possible 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 at least 7 working days before the meeting. On individual issues it may be necessary to add documents at a later date.

The Agency shall circulate draft minutes of meetings to all participants within 4 weeks of the meeting. The minutes shall be approved at the next meeting. Final approved minutes shall be circulated to all Members and internally within the Agency.

In accordance with the Agency's policy on access to documents, documents relating to the work of RAG and TAGs shall be published in the Agency's website. This includes membership, procedures, meeting agendas, minutes and related documentation.

5. Meetings

RAG and TAGs meetings shall take place at the Agency's headquarters (in Cologne).

RAG and TAGs meetings shall be cancelled if, 14 days prior to the meeting, less than 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 Chair will set another meeting date. If at the second date again less than five Members register for attendance, the Chair may decide to hold the meeting as planned, irrespective of attendance, or to definitively cancel it.

6. Duties of RAG and TAG members

RAG and TAG Members shall participate in good faith and with a view to, where possible, reaching common positions on matters of common interest. They will be requested to sign a non-conflict of interest form.

When the Chair seeks a common position from RAG and TAG members, this common position shall be agreed by consensus. Consensus does not 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.

Members shall undertake to reflect the viewpoint of their authorities on the relevant issue as clearly and comprehensibly as possible. They should also strive to present consistent opinions throughout the process. Members undertake to inform the Chair of any changes in their address, phone, fax or e-mail.

7. Working arrangements

Electronic mail and sharing of documents via CIRCA or equivalent platform shall be the normal and usual means of communication between RAG and TAGs Members, the Chair and the Agency, including for consultation on RAG and TAGs opinions and positions.

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

When so decided by the Chair, and particularly in case of urgency and for recurrent issues (such as Terms of Reference, nomination of rulemaking groups' experts, amendments of the Rulemaking Programme), a written process may be used, with the following steps:

- the Agency will place the relevant document on the CIRCA or equivalent platform of the group;
- members will have three weeks to comment spontaneously;



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- if no dissenting view has been expressed within that period, the opinion of the group is deemed to be favourable;
- if a dissenting view has been expressed, the Agency will review its initial proposal. When significant amendments to the Agency's initial proposal are made as a consequence of the comments, the Agency may decide to place a revised proposal on the CIRCA or equivalent platform;
- in this case, and if again a dissenting view is expressed within three weeks, the Agency will nevertheless make its final decision.

II. Rulemaking advisory Group (RAG)

1. Functions

The RAG is a high level strategic group, with the following tasks:

- providing advice on the overall priorities of the rulemaking programme;
- providing advice on horizontal or controversial issues, including on concept papers;
- providing advice on the Agency's rulemaking processes and structures;
- providing advice in the case of substantial difference in the views of the Member States with regard to a specific rulemaking task, or in relation to outstanding technical issues prior to the adoption of the Opinion;
- providing advice on the understanding of provisions of the Basic Regulation

2. Membership and participation

The Members of the RAG shall be persons nominated by each EASA Member State and the Commission. The persons nominated shall be high level aviation regulatory safety administrators able to present an authoritative strategic view on the aviation world.

The Chair may invite on a case-by-case basis representatives of stakeholders.

No alternates are envisaged for the Members of the RAG. In exceptional circumstances, as in case of sickness or other unavoidable indisposition, a member of RAG may be replaced.

3. Meetings

The RAG shall meet twice a year, in the second and fourth quarters of each year, at dates to be defined by the Chair. The RAG meeting should take place preferably two weeks after the TAGS meeting. The meetings' calendar will be provided one year in advance.

Further meetings of the RAG may be convened by the Chair, either at his initiative, or following the request of at least half of the Members. These additional meetings should focus on specific issues.

III Thematic Advisory Groups (TAGs)

1. Functions

The TAGs are technical groups, focussing on a certain area within the competence of the Agency. Their tasks, within their relevant area, are as follows:

- providing advice on the content, priorities and execution of the Agency's rulemaking programme, including commenting on preliminary Regulatory Impact Assessments and Terms of Reference;
- providing advice on the composition of drafting groups as necessary in relation to specific rulemaking tasks;
- providing guidance on the way forward for Rulemaking Tasks related to complex technical issues; For this purpose, TAG members may be requested to meet with SSCC sub-committees, to exchange information and views;
- providing input on the implementation of rules, to assess the need for further rulemaking activities;
- providing input on the coherence between existing rules and proposed rules;



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vi. on request of the RAG, providing advice on any specific technical aspects.

Four TAGs are set up, covering the following areas:

- 1) Production and Maintenance,
- 2) Flight Crew Licensing and Air Operations,
- 3) ATM/ANS,
- 4) Aerodromes.

2. Membership and participation

The Members of the TAGs shall be persons nominated by each Member State and the Commission. The person nominated shall be qualified experts able to advise authoritatively on the subject.

TAGs Members may indicate an alternate when they are unable to attend a meeting. This alternate can only attend in the absence of the Member and can only exercise his/her rights and duties for the meeting in question.

TAGs Members may be accompanied by an additional expert, if so justified by the agenda of the meeting. In this case, they shall inform the Chair in advance.

The Chair may invite international or European organisations, as well as third countries with which the Agency has concluded working arrangements to nominate a permanent observer to the TAGs. The Chair may also decide to invite additional experts to join the TAGs as observers when specific issues need to be discussed.

3. Meetings

The TAGS shall meet two times a year, at dates to be defined by the Chair. The meetings' calendar will be provided one year in advance.

Further meeting of the TAGs may be convened by the Chair, either at his initiative, or following the request of at least half of the group's Members. These additional meetings should be thematic in nature, and focus on specific issues.

The Chair may also decide to convene joint meetings of two or more TAGs to discuss multidisciplinary tasks.

IV Transition clause

End of 2013, these procedures 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