



SSCC Rule of Procedure	Doc #	WI.RPRO.00048-001
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## SSCC Rule of Procedure

### **WI.RPRO.00048-001**

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**DOCUMENT CONTROL SHEET**

<b>Process Area</b>	Rules development
<b>Main Process</b>	Process a rulemaking task, Annual rulemaking programme
<b>Scenario</b>	All
<b>Process</b>	All
<b>Main Process Owner</b>	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 9 thereof.

**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

**Log of issues**

Issue	Issue date	Change description
001	16/11/2010	First issue



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## TERMS OF REFERENCE

### Objectives

- I The Safety Standards Consultative Committee (SSCC) shall provide the European Aviation Safety Agency (EASA) with advice on the content, priorities and execution of the Agency's Rulemaking Programme and amendments thereto.
- II The SSCC shall verify that appropriate changes contained within future Rulemaking Programmes are supported by a formal and structured safety case that justifies the need for regulation together with a Regulatory Impact Assessment that supports any required investment by Industry.
- III The SSCC shall retain independence and a right of initiative on all aspects related to the rulemaking activities of the Agency.
- IV The SSCC shall assist, and provide advice to, the Executive Director as required by EASA rulemaking procedures.

### Tasks

- I The SSCC shall take initiative and express the position of interested parties on all aspects related to the rulemaking activities of the Agency whenever deemed appropriate.
- II The SSCC shall provide 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 analysis, regulatory impact assessments and other tools to be employed in rulemaking.
- III The SSCC shall provide advice on the consistency of the rulemaking programme and the adaptation of existing rules to take account of technological and commercial evolution/progress.
- IV The SSCC shall provide advice as appropriate in the context of ongoing efforts to improve the effectiveness and efficiency of the Agency's rulemaking processes and structures.

### Membership, Chairmanship, rules of procedures and working arrangements

- I The SSCC is composed of representatives from organisations and trade associations representing the industries, professions and end user groups concerned, as determined by the Executive Director.
- II The SSCC shall adopt its rules of procedure and elect a Chair in consultation with the Executive Director.
- III The SSCC shall define its internal organisation, sub-structure and practical working arrangements, in order to be able to effectively and efficiently address the various domains of aviation safety rulemaking.
- IV The Agency shall provide the Committee with the administrative and logistical support necessary for its operation.
- V Aspects of the Committee's work, including membership, procedures, meeting agendas, minutes and appropriate supporting documentation shall be published in the Agency's official publication.
- VI The SSCC Chair will review, with the Agency, the SSCC TOR and Rules of Procedure once per annum.



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## RULES OF PROCEDURE

### 1. Meetings

- 1.1 The full SSCC shall hold at least two meetings per year, at the invitation of the Chair. The Chair may propose further meetings at his discretion or the proposal of a Member, with the agreement of the majority of SSCC members.
- 1.2 Save in exceptional circumstances, the SSCC and its sub-committees shall meet at the Agency's headquarters.

### 2. Membership, participation and minimum attendance

- 2.1 The list of SSCC members is provided by Decision N° 2004/02/RM of the Executive Director of the Agency dated 20 February 2004, or any subsequent change thereof.
- 2.2 Every SSCC member is entitled to participate in all SSCC meetings.
- 2.3 A Member may nominate an alternate if he/she is unable to attend a meeting provided that the alternate is from the group s/he is affiliated with. 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. Each Member may nominate only one alternate and will ensure that such nominated representatives have sufficient resources to provide continuous and consistent representation at the meetings as may be required. Refer to 8.7 for representations at the Sub-Committee meetings.
- 2.4 The Chair may invite non-SSCC 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 SSCC meeting.
- 2.5 SSCC itself may also decide by consensus that non-SSCC Members should be invited. The Chair will send invitations.
- 2.6 Whereas it is permissible to invite the same non-SSCC Member several times, no external person can become a member of SSCC in any function. The Chair shall ensure that the attendance of non-Members shall be limited to relevant agenda items.
- 2.7 Each member will, upon request of the Secretary, confirm their attendance and that of any nominated representatives or alternates not less than 14 days prior to the meetings. SSCC meetings shall be cancelled if, 14 days prior to the meeting, less than 5 Members have confirmed their attendance. In special cases, if the circumstances so warrant, the Chair may observe a shorter period before cancellation.
- 2.8 In case of cancellation, the Agency will co-ordinate a new meeting date with the Chair and Vice Chair. If at the second date again less than 5 (five) Members register for attendance, the SSCC meeting shall continue as planned, irrespective of attendance.
- 2.9 Members undertake to inform the Chair of any changes in their position within their organisations, replacements, addresses and phone or fax or e-mail.



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- 2.10 Members shall participate in good faith and with a view, to where possible, reaching common positions on matters of common interest. These positions should be reached in recognition of the need to balance safety, program impact and international harmonisation.
- 2.11 Members are expected to represent positions based upon their best technical knowledge as subject matter experts on issues before the committee.
- 2.12 Members are expected to bring information to the committee that will enable and support decisions that balance the interests of public safety, the regulatory program of the Agency and the business interests of groups they are affiliated with.
- 2.13 Members shall co-ordinate the views taken in a meeting within the group they are affiliated with to ensure that a coherent position of such group is brought forward at a meeting. Moreover Members shall ensure that they express where possible the consolidated positions of their profession and shall liaise with other relevant trade associations or organisations to ensure that they do.

### **3. Agenda, minutes and documentation**

- 3.1 The Chair shall, together with the Agency, 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 and, where applicable, the Agency. The Chair will request sub-committee chairs to supply points for the agenda well in advance of the meeting.
- 3.2 As a rule, the necessary documentation for all meetings (agenda, reports, working papers etc.) shall be distributed to Members fifteen working days before the meeting. On individual issues it may be necessary to add documents at a later date, but all relevant documents shall be received one week ahead of all meetings.
- 3.3 Draft minutes of all meetings shall be circulated to all participants within 3 weeks of the meeting. Final approved minutes shall be circulated to all Members under the signature of the Chair.
- 3.4 If no approval can be attained within three weeks of their circulation, draft minutes shall be circulated with indication of the different positions and submitted for final decision to the next meeting.
- 3.5 In accordance with the Agency's transparency policy, relevant documents relating to the work of the SSCC shall be published in the Agency's official publication.

### **4. Chair**

- 4.1 SSCC shall elect a Chair and a Vice Chair and each shall serve for a period of two years. Election shall be made on a one member, one vote basis. Vice-Chairs must come from a different group than the Chair. The Chair and/or Vice-Chair may be re-elected. The tasks of the Chair (or in his/her absence the Vice-Chair) include:
  - 4.1.1 Chairing meetings;
  - 4.1.2 preparing, together with the Agency, the agenda and documentation for the meetings;
  - 4.1.3 adopting the minutes of the meetings;
  - 4.1.4 between meetings, serving as a contact point with the Agency;
  - 4.1.5 representing, where necessary, the Committee in its contacts with the Agency and other bodies.



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## 5. Working Arrangements

- 5.1 Electronic mail shall be the normal and usual means of communication between Members, and with the Agency, including for consultation on, and endorsement of opinions and positions.
- 5.2 The SSCC or its sub-committees may nominate among its members, on an ad hoc basis, co-ordinators on specific subjects.

## 6. Decision-making

- 6.1 Decisions shall be made by consensus. Consensus does not necessarily mean explicit unanimity but a sufficient level of common understanding, which each member 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.
- 6.2 Where no consolidated position is possible, Members shall, as much as possible, reflect the differing viewpoints and aspects in their profession on the issue involved.

## 7. Language

- 7.1 English shall be the working language of SSCC and its sub-committees and will be used for all internal correspondence, meetings, and external communications (unless dictated otherwise by third party concerned).

## 8. Sub-Committees

- 8.1 The SSCC is assisted by Five sub-committees supporting the following industry sectors:
  - Flight Standards
  - Design and Manufacturing
  - Engineering and Maintenance
  - Aerodromes
  - Air Traffic Management

This list will be revised from time to time to adjust it to the rulemaking needs and the evolutions of the industry.

- 8.2 Each sub-committee shall elect a Chair and Vice-Chair.
- 8.3 Each sub-committee will meet independently at least once a year or at the discretion of the sub-committee chair.
- 8.4 The Chair of each sub-committee will formally report to the full SSCC at least once per year.
- 8.5 Upon completion of the work of the sub-committees, each elected Chair/Vice Chair shall report back to the full SSCC for ratification and adoption of their work as appropriate. The Chair/Vice Chair may be supported by a secretary present during the sub-committee meetings and such secretaries may attend the full SSCC in an observer capacity only.



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- 8.6 Every SSCC member is entitled to participate in their chosen SSCC sub-committees. Every SSCC member can elect to participate in any and all sub-committees, as the member may deem appropriate.
- 8.7 Each member of the SSCC may elect to appoint one representative and one alternate in their chosen sub-committees and will ensure that such nominated representatives have sufficient resources to provide continuous and consistent representation at the sub-committee meetings. Only one representative shall attend any such sub-committee.
- 8.8 Sub-committees may consult with subject matter experts to assist them in their tasks. These experts may include non-SSCC members as required.
- 8.9 Without prejudice to the above points, the present rules of procedures of the SSCC are applicable to the functioning of the sub-committees.
- 8.10 The tasks of the SSCC and its sub-committees shall be as follows:
- 8.10.1 The full SSCC shall consider rulemaking strategy and policy generation, together with cross group activities and the structure of the rulemaking programme as appropriate.
- The Rulemaking Programme itself shall be addressed by the sub-committees on the basis of regulatory code assignment. Cross group consideration will be addressed to the full SSCC or, by agreement, a combination of sub-committees.
- 8.10.3 Each sub-committee shall review the rulemaking tasks contained within its remit together with and, where appropriate, the preliminary Regulatory Impact Assessment provided by the Agency.
- 8.10.4 Each Sub-committees shall assign a priority to the rulemaking tasks within its remit based upon the opinions of its members:
- **High** (high cost, high risk, proven safety issue etc...)
  - **Important** (clarity of the rule, flexibility, consistency, rule coherence)
  - **Minor** (rule is appropriate but of minor impact and non-urgent)
  - **Not required** (rule is not necessary for the management of safety or the improvement of regulatory efficiency and should not be progressed further)
- 8.10.5 Following publication by the Agency of the Rulemaking Task Terms of Reference, each sub-committee may make comments as appropriate directly to the Agency. This shall include recommendations on the need for the establishment and composition of a drafting group or the use of Agency resources for the fulfilment of each rulemaking task. Furthermore their members shall inform the groups they are affiliated with about the need to nominate experts in drafting groups.
- 8.10.6 Sub-committees may liaise directly with the Agency on details of their work.
- 8.10.7 Sub-committees shall provide the SSCC with opinions on rulemaking tasks identified with the SSCC and the Agency among those assigned a high and important priority in accordance with 8.10.4 above. Such opinion shall be forwarded in due time to allow the SSCC to issue an opinion to the Agency before the planned issue of the related NPA.
- 8.10.8 Sub-committees shall provide advice to the Agency on the possibility or need to extend or reduce the consultation period associated with NPAs.



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- 8.10.9 Following publication of an NPA sub-committees may provide the SSCC with opinions to allow it to comment to the Agency, including the nomination of members for inclusion in the NPA comment review groups as appropriate.
- 8.10.10 Sub-committees may review the comment response documents to NPAs and provide the SSCC with opinions to allow it to comment to the Agency as appropriate.

## 9. The Agency

- 9.1 The Agency supports the work of SSCC and its sub-committees. This level of support will vary depending on the resources available, but shall include the following:
  - 9.1.1 distribution of preparatory documents, agenda, working papers and minutes for meetings;
  - 9.1.2 updating of the list of SSCC members;
  - 9.1.3 making available meeting rooms;
  - 9.1.4 distributing position papers, communications etc. to outside recipients;
  - 9.1.5 assisting with information on procedural questions;
  - 9.1.6 drafting agendas and preparatory documents as necessary;
  - 9.1.7 collecting and drafting working papers/position papers if necessary;
  - 9.1.8 preparing the meeting together with the Chair.
  - 9.1.9 assisting the Chair with the conduct of the meeting;
  - 9.1.10 drafting minutes and submitting them, as appropriate, to the members for comments and to the Chair for signature.
  - 9.1.11 ensuring appropriate co-ordination with the work of the Advisory Group of National Authorities.



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**RECORDS**

**Appendix A : Operational Documents**

Record	Step / Related to

**Appendix B : External Documents**

Record	Step / Related to