



Rules of procedure of the Member States
Advisory Body and its Technical Bodies

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	Name	Validation	Date
Prepared by:	Daniela Defossar	Validated	20/11/2018
Verified by:	Rodrigo Priego	Validated	20/11/2018
Reviewed by:	Dominique Perron	Validated	21/11/2018
Approved by:	Massimo Mazzoletti	Validated	26/11/2018





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DOCUMENT CONTROL SHEET

Reference documents

a) Procedures

PR.RPRO.00001 - Rules development

PR.SFPRG.00001 - Safety programming and monitoring (RMP-SP-EPAS)

b) Internal documents

The MB Decision 18/2015 of 15.12.2015 repealing Decision 01/2012 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').

The MB Decision 19/2015 of 15.12.2015 on the establishment of the Member States Advisory Body.

The MB Decision 20/2015 of 15.12.2015 on the establishment of the Stakeholder Advisory Body and replacing Decision 3/2002 of the Management Board establishing the Advisory Body of Interested Parties.

Abbreviations/Definitions

COMs: SAB (sectorial) committees

EPAS: European Aviation Plan for Safety (former European Plan for Aviation Safety, EASp)

MAB: Member States Advisory Body

MB: Management Board

MS: Member States

RAG: Rulemaking Advisory Group

SAB: Stakeholders Advisory Body

SSP: State Safety Plan

TAGs: Thematic Advisory Groups

TeBs: Member States Technical Bodies

TECs: SAB (technical) committees

WI: Work Instruction

Log of issues

Issue	Issue date	Change description
001	04/04/2016	First issue after restructuring the MS advisory structure





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002	31/05/2018	Second issue containing amendments to Pts. I.1, 1.2, 1.5, 1.6 I.7, II.3, II. 4 and III.3 to adjust procedures and to update the name of the Stakeholder Advisory Bodies, and addition of Pt. II.4 in order to include rules of procedure of the MAB Strategy Group into the text.
003	26/11/2018	Third issue including a new pt I.8 on sub-groups that may be created under the MAB and TeBs.





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Introduction

Following the Management Board (MB) meeting on 15 December 2015 and the adoption of three new MB Decisions (see reference documents above), the Rulemaking procedure and the Agency's advisory structure have been amended.

The former Rulemaking Advisory Group (RAG) and Thematic Advisory Groups (TAGs) have been replaced by the Member States Advisory Body (MAB) and the Member States Technical Bodies (TeBs), the number of which is to be determined according to the scope of functions of the Agency.

The purpose of this document is to set up the detailed rules of procedure for both the MAB and the TeBs.

I. General

1. Establishment, general purpose and composition of the MAB and TeBs

The MAB and the TeBs are established by the [MB Decision 19/2015](#).

Their general purpose is to:

- facilitate the discussion of strategic, controversial or horizontal issues at an early stage of the Agency programming cycle;
- provide the Agency with a forum to consult Member States (MS) on both strategic (MAB) and technical (TeBs) safety priorities;

when the proposed actions (i.e. issuing safety promotion material, new rules or changes to existing rules, support to oversight) affect the MS.

Additionally, such bodies shall provide

- implementation support for such actions where necessary;
- feedback on implementation issues.

The MAB shall ensure that horizontal or strategic issues arising at TeB level are discussed in MAB meetings with the objective to provide a harmonised position to the Agency.

The Groups' members shall be representatives of:

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

The final composition of MAB and TeBs shall be determined by the Executive Director of the Agency, following nominations provided by the MS.

The Agency is not bound by any advice given by these bodies.

2. Chair

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





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The tasks of the Chair include:

- chairing MAB and TeBs meetings;
- preparing the agenda and documentation for the meetings in due time;
- adopting the minutes of the meetings;
- serving as the Agency's contact point on subjects dealt with by MAB and TeBs Members between meetings;
- ensuring appropriate co-ordination with the work of the Stakeholders Advisory Body (SAB) and its COMs (SAB (sectorial) committees) and TECs (SAB (technical) committees).

3. Agency

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

- updating the list of MAB and TeBs Members;
- making meeting rooms available;
- assisting the group with information on procedural questions;
- drafting and distributing the agenda and preparatory documents in due time;
- drafting and distributing the meeting minutes;
- collecting, drafting and distributing working papers/position papers and communication;
- facilitating coordination between the MAB and the TeBs and among the TeBs.

4. Agenda, minutes and documentation

The Chair shall prepare the agenda for each meeting of the MAB/TeBs. The Chair shall ensure that the agenda contains all the points that need to be raised. The Chair will request Members to supply possible points for the agenda well in advance of the meeting.

The necessary documentation for meetings (agenda, reports, working papers, etc.) shall be distributed to the Members at least 10 working days before the meeting. In specific cases, 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 after 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 MAB and TeBs shall be published on the Agency's website. This includes membership, procedures, meeting agendas and minutes.

5. Meetings

MAB and TeBs meetings shall take place at the Agency's headquarters in Cologne or in the European Union facilities in Brussels.





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MAB and TeBs 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 and voting of MAB and TeBs members

MAB and TeBs Members shall participate in good faith and with a view to, where possible, reaching common positions on matters of common interest. 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 will be requested to sign an acknowledgment that they are aware about EASA's code of conduct for external experts.

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

When the Chair seeks a common position from MAB and TeBs members, this common position shall be agreed by consensus. Consensus does not mean explicit unanimity, but a sufficient level of common understanding that 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.

7. Working arrangements

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

English shall be the working language of MAB and TeBs and will be used for all internal correspondence, meetings and external communication.

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 CIRCABC, Sharepoint or equivalent platform of the group;
- Members will have three weeks to comment;
- 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 CIRCABC, Sharepoint 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.





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8. Establishment of sub-groups

- The MAB and the TeBs may establish sub-groups to discuss or address specific topics requiring specific expertise. Such groups shall establish Terms of Reference (ToR) describing their objectives, scope of work and, as relevant, deliverables and timelines. The ToR shall be endorsed by the MAB or the TeB under which they are established. Such groups shall regularly report on their work and achievements to the responsible MAB or TeB. Members of these sub-groups shall be nominated by the MAB or relevant TeB. In the case of the Common Training Initiative Group (CTIG), membership shall be extended to all ECAC States.

II. Member States Advisory Body (MAB)

1. Functions

The MAB is a high level strategic group. Its functions are stated in the [MB Decision 19/2015](#).

2. Membership and participation

Each EASA MS and the Commission shall nominate a member. 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 international or European organisations as well as third countries - with which the Agency has concluded working arrangements or which entered into agreements with the EU whereby they undertook to adopt and apply EU law in the field covered by the Basic Regulation and its implementing rules - to nominate a permanent observer to the MAB.

The Chair may invite on a case-by-case basis stakeholders' representatives or experts from the National Competent Authorities to present or discuss a specific topic.

The MAB members may propose an alternate, who can replace or join the member in the MAB meetings.

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

3. Meetings

The MAB shall meet between two and four times a year, at dates to be defined by the Chair. The MAB meeting should take place preferably after the TeBs meetings in order to ensure that horizontal or strategic issues arising at TeB level can be followed-up at the MAB meetings. The meetings' calendar will be provided one year in advance.

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

4. MAB Strategy Group

The MAB shall establish a MAB Strategy Group (hereinafter referred to as 'MAB SG') which supports the MAB in its functions.

The MAB SG can be tasked by the Agency or the MAB to work or provide advice on the following:

- Inform the Agency and the MAB on national strategic developments which may impact the European aviation system;





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- Advise the Agency and the MAB on emerging issues, assist the Agency in assessing their effect on the EU aviation system, and contribute to defining a common policy and strategies to address them;
- Identify strategic priorities and actions for the EPAS and advise the Agency and the MAB on interdependencies with ICAO's Global Aviation Safety Plan (GASP), Global Air Navigation Plan (GANP), Global Aviation Security Plan (GASep) and other relevant ICAO or third country initiatives;
- Contribute to the development of monitoring and evaluation schemes to determine the effectiveness of rulemaking, safety promotion, oversight, standardisation, international cooperation or training activities;
- Prepare a common position for endorsement by the MAB, as required, using input coming from the TeBs, where relevant;
- Provide feedback to EASA and the MAB on strategies and policies;
- Assist the Agency in monitoring the functioning of the MS Advisory Bodies structure and propose adaptations, as necessary.

The MAB SG is chaired by the Agency's Safety Management and Strategy Director. The Secretariat is provided by the Agency.

Each MAB member is entitled to participate or nominate one representative to the MAB Strategic Study Group. The European Commission is also entitled to nominate a representative. The Chair may invite external experts to contribute to specific agenda items.

The MAB SG meets as required.

The MAB SG presents all the results of its work to the MAB for information or endorsement by all MAB members, as relevant.

III. Member States Technical Bodies (TeBs)

1. Functions

The TeBs are technical groups, focussing on a specific area within the competence of the Agency. The TeBs are a forum for consulting MS on implementation issues and best practices as well as on technical safety priorities when the proposed actions (e.g. issuing safety promotion material or changing existing rules) affect the MS. The TeBs tasks, within their relevant area, are as follows:

- providing advice on the content, priorities and execution of the Agency's safety programmes as well as the best way to address certain safety initiatives (e.g. safety promotion, focused oversight, regulations development, research, etc.);
- presenting and discussing progress on the different types of safety initiatives (regulations development, development of safety promotion, etc.) or new initiatives in the domains as well as providing feedback on addressed safety initiatives (also including identified difficulties);
- providing input on the implementation of rules, the issues faced during oversight and exchange of operational practices and suitability of rules;
- discussing implementation policies and new initiatives in their area, such as pooling of inspectors;
- commenting on the domain specific preliminary impact assessments, rulemaking impact assessment and terms of reference of rulemaking and safety promotion projects and providing advice on the composition of





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rulemaking and safety promotion groups as necessary in relation to specific rulemaking and safety promotion projects;

- vi. providing input on draft rules, as determined by the rulemaking process (e.g. focused consultations);
- vii. providing economic and other quantitative data for the purpose of conducting preliminary impact assessments, regulatory impact assessments, and ex-post evaluations of rules;
- viii. providing input on performance indicators for ex-post evaluations;
- ix. providing input for the ex-post evaluation of the rules and the need for further rulemaking activities in view of implementing a performance-based approach considering the coherence between existing rules and proposed rules;
- x. providing guidance on the way forward for rulemaking tasks related to complex technical issues.

The following TeBs are set up, covering the following areas:

1. Production and Continuing Airworthiness ¹,
2. Air Operations,
3. Air Crew (including Flight Crew, Cabin Crew, Medical and FSTD),
4. ATM/ANS,
5. Aerodromes,
6. Safety Management²,
7. General Aviation.

In addition to the functions common to all TeBs, the Safety Management TeB is also:

- i. advising the MS with the implementation and maintenance of their SSPs by exchanging information and addressing implementation issues;
- ii. providing input and feedback on the implementation of the EPAS in regards to systemic issues;
- iii. providing recommendations to EASA/EC on further actions required to support SSP / EPAS implementation;
- iv. addressing issues stemming from the standardisation cross-domain assessment;
- v. discussing and providing related recommendations where action is required on:
 - a. safety management implementation (e.g. human factors, safety culture, just culture);
 - b. feedback obtained from Standardisation activities on cross-domain issues and as relevant for State safety management;

¹ Continuing Airworthiness as defined in Commission Regulation (EU) No 1321/2014.

² Replacing the EASp Summit





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- c. issues related to the common authority requirements, e.g. oversight methods, inspector qualifications, etc.;
- d. issues related to the common organisation requirements;
- e. just culture and implementation issues in relation to Regulation 376/2014 (in cooperation with the Network of Analysts).





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2. Membership and participation

Each EASA MS and the Commission shall nominate a member for each TeB. The persons nominated shall be qualified experts able to advise authoritatively in the domain of the TeB.

The TeBs members may propose an alternate, who can replace or join the member in the TeBs meetings.

TeB members may be accompanied by an additional subject matter expert typically with operational/practical experience, 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 or which entered into agreements with the EU whereby they undertook to adopt and apply EU law in the field covered by the Basic Regulation and its implementing rules - to nominate a permanent observer to the TeBs. The Chair may also decide to invite additional experts to join the TeBs as observers when specific issues need to be discussed.

3. Meetings

The TeBS shall meet between two and four times a year, at dates to be defined by the Chair. The meeting calendar will be provided one year in advance.

Further TeB meetings may be convened by the Chair, either at his/her 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 TeBs to discuss multidisciplinary tasks.

If thematic issues arise, which necessitate consultation and/or discussion with the COMs and TECs, the respective Chairs may decide to convene such joint meetings with the one or more TeBs and one or more COMs/TECs.

IV. Review of this Rules of procedures

This document will be reviewed and adapted at the end of 2017, if so required.





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RECORDS (Optional)

Appendix A : Operational Documents

Record	Step / Related to

Appendix B : External Documents

Record	Step / Related to

