



Regulatory Impact Assessment (RIA) Methodology	Doc #	WI.RPRO.00046-002
	Approval date	26/09/2011

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	Name	Validation	Date
Prepared by:	Jean-Christophe NICAISE	Validated	23/09/2011
Verified by:	Eric SIVEL	Validated	23/09/2011
Reviewed by:	Oscar FERREIRA	Validated	26/09/2011
Approved by:	Eric SIVEL	Validated	26/09/2011
Approved by:	Jules KNEEPKENS	Validated	26/09/2011



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DOCUMENT CONTROL SHEET

Process area	Rules development
Main process	Process a rulemaking task, Annual rulemaking programme
Scenario	All
Process	All
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 3.4 and 5.3 thereof.
 TE.RMP.00037- Pre-RIA
 TE.RPRO.00034- Notice of Proposed Amendment (NPA)
 TE.RPRO.000xx- Regulatory Impact Assessment
 TE.RPRO.000xx- Regulatory Impact Assessment light

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



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Log of issues		
Issue	Issue date	Change description
001	16/11/2010	First issue
002	26/09/2011	Reference included to new RIA and RIA light templates



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I. INTRODUCTION

The Rulemaking Procedure foresees, *inter alia*, in its articles 3.4 and 5.3 the establishment of Regulatory Impact Assessments (RIAs) to support the decision-making process. It then requires the Executive Director to establish, after having consulted the Safety Standards Consultative Committee and the Advisory Group of National Authorities, the necessary internal procedures for the implementation of the Rulemaking Procedure, including the content of such RIAs.

The present document specifies the scope and content of the RIAs to be provided by the Agency to support its rulemaking decisions. It was developed by R.6.2.

II. PRELIMINARY RIA

The template describes the process to be followed: TE.RMP.00037-001 Pre-RIA.

III. REGULATORY IMPACT ASSESSMENT

The Regulatory Impact Assessment is a tool to support decision-making. The aim of the RIA is to determine the best option to achieve the objective of a rulemaking activity while minimising potential negative impacts. It consists of a series of five logical steps that structure the analysis: problem identification, objective definition, option development, impact analysis and option comparison. By providing transparent and evidence-based analysis of the advantages and disadvantages of the rule options with regard to defined objectives, decision-makers and stakeholders are given a solid reference framework for discussion and, informed and evidence-based decisions. RIA development is therefore a process that is integrated with the rule development process of the Agency. Stakeholder consultation and collection of expertise through rulemaking groups can run throughout the whole process.

The depth and scope of the impact assessment is determined by the expected size of the impact of the new policy. This is the so-called principle of proportional analysis. Generally speaking, all new proposals that apply to a new policy area or introduce a new approach that affects a high number of people need to be preceded by a fully detailed impact analysis. More limited policy changes in an area, which is already regulated, require only a limited impact assessment. Table 1 below gives an overview of the three types of RIA applied by the Agency.

Table 1: RIA types used at EASA

RIA types	Characteristics	When to use it
No RIA, only discussion in the Explanatory Note	Possible effects are only discussed in the Explanatory Note.	Only negligible impacts expected, recurrent rulemaking, updating of rules, no options available for the Agency (C Items).
RIA light¹	Only qualified discussion on the impacts. All RIA elements used and discussed.	Limited impacts, possibly sufficient information from other sources (e.g. FAA Economic Evaluations); limited stakeholder concerns (B6 and less).
Full RIA²	Quantified where possible, with questionnaires if necessary. All elements of the RIA discussed, quantified or not, comparison of options using an appropriate methodology ³	Significant impacts expected, significant stakeholder concerns, new rules (A items and certain B items).

Where a Pre-RIA in the 2010 format is available, the RIA type is defined there. When starting the

¹ See TE.RPRO.xxxxx

² See TE.RPRO.xxxxx

³ Cost-benefit Analysis, Cost-Effectiveness Analysis or Multi-Criteria Analysis



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rulemaking task, the rulemaking officer may contact R.6.2 in order to discuss the RIA type, data and methodology issues as well as possible cooperation on the new task.

The following sections describe the outline of both full and light RIA. Full RIA and RIA light differ not in the structure, but in depth of analysis. Chapter 5 below is only required for full RIAs. The below outline is only indicative and gives the main content required, but may be adjusted to better suit a particular issue.

IV. OUTLINE OF THE REGULATORY IMPACT ASSESSMENT REPORT⁴

1. Process and consultation

[Describe briefly how the RIA was developed. Was a Pre-RIA available? If there was a rulemaking group, who were the representatives, when were the ToR agreed. Was there any other input, e.g. through a study?]

2. Issue analysis and risk assessment

[Check if a Pre-RIA is available for this issue. If it exists, you can copy-paste the text and verify if it still applies.]

2.1. Issue which the NPA is intended to address and sectors concerned

[Explain the issue that the proposal is intended to address. Describe the nature and extend of the problem.]

[What are the underlying root causes, drivers of the issue.]

[Specify the reasons for the action, and constraints thereto. Possible reasons may be ICAO requirements; high level policy decisions; service experience; incident/accident data; supporting research data; scientific or technical progress; international harmonisation; regulatory improvement, etc. Possible constraints may be conflicting policies; established law that limits the scope of action, etc.]

[Which sectors, groups and stakeholders are affected by the issue? Who are the key players.]

[Types of aircraft, system, constituents or equipment affected. Give additional information to the cover sheet, e.g. more detailed breakdown, number of products affected, etc.]

[What is the current regulatory status? Is there any legislation that is applicable to this issue?]

[Develop a baseline scenario, i.e. How will the situation develop (deteriorate?) if the regulatory framework is not changed or if other measures are taken?]

[Why does the problem need to be addressed by the Agency?]

[Identify the assumptions made.]

2.2. What are the risks (probability and severity)?

[If the current situation implies uncertainty about possible harmful events, this section tries to specify the safety or environmental risks involved. If applicable, please identify the risks.]

[What information is available on the probability/frequency of the problem? Quote available data and sources on which the proposal is based. As regards safety issues, probability is defined as the likelihood that an unsafe event or condition may occur.]

[What is the scale/severity of the problem? As regards safety, severity can be defined as the possible consequence of an unsafe event or condition, taking as a reference the worst foreseeable situation.]

3. Objectives

The overall objectives of the Agency are defined in Article 2 of Regulation (EC) No 216/2008. This proposal will contribute to the overall objectives by addressing the issues outlined in Section 2. The specific objective of this proposal is therefore:

⁴ More details contained in the respective templates.



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[Define a clear specific objective directly related to the issue analysis. The specific objective should address the issue identified and its root causes. In most cases the objective has been defined in the Pre-RIA and in the Terms of Reference of the Rulemaking task.]

4. Options identified

Any options for dealing with the issue shall be identified. The option of doing nothing (option 0) shall be considered as the reference situation. Non-rulemaking options should be considered wherever possible. Although it is important to attempt to identify a range of options, only those reasonably practicable shall be further analysed. A pre-screening and bundling of options may be necessary. If a pre-screening and pre-selection was applied it should be explained on the basis of which criteria certain options were excluded.

5. Methodology and data requirements (only for full RIA)

5.1. Methodology

If a full RIA was conducted, please describe the applied methodology (e.g. SRM, cost/benefit analysis, multi-criteria analysis). The methodology used to reach the different estimates shall be explained and any underlying assumptions set out. Any data source used should be identified.

5.2. Data requirements

[Which data needed to be collected? Are these data publicly available? if yes indicate the sources, if no indicate how they were collected. What is the methodology used to reach the different estimates?]

6. Analysis of impacts

The evaluation shall identify all the possible impacts resulting from implementing the considered options on all concerned sectors. The below chapters can be combined or omitted if, for example, no social impact is expected for any of the options.

The evaluation shall identify the sectors of the civil aviation community (including authorities) within the regulated domain, which will be affected and, if appropriate, the number of organisations /persons/ or aircraft affected by the options. These sectors include manufacturers, operators, maintenance, crew, organisations, training organisations, consumers, aircraft owners, etc. If a specific category of persons, small businesses, regional groups are likely to be differently affected, this shall be identified for further evaluation and quantification. Only those sectors that are directly affected by the intended measure need to be considered.

6.1. Safety impact

All safety impacts of the considered options shall be identified and, wherever possible, quantified. The evaluation shall include an identification of hazards and a classification of risks taking into account the probability of occurrence and the severity of effects. If no impact on safety is expected, a statement to that effect shall be made.

6.2. Social impacts

Any positive or negative social impacts shall be identified, e.g. on employment, working hours, working conditions, movement of personnel and health.

6.3. Economic impacts

All economic impacts of the considered option, whether positive or negative in nature, shall be identified and, wherever possible, quantified. If it is impossible to quantify the economic impacts, the evaluation shall describe how the concerned sectors are affected by the different options. Both one-off and recurring impacts shall be identified. Does any option induce a competitive disadvantage for certain economic entities (obstacles on the level playing field)?

6.4. Environmental impacts

Any significant environmental impact (noise and emissions) shall be identified. If an environmental impact assessment has been carried out the results shall be summarised.

6.5. Proportionality issues



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Does any of the options induce a competitive disadvantage for Small and Medium-Sized Enterprises and/or General Aviation?

6.6. Impact on regulatory coordination and harmonisation

Impacts on implementation, ICAO-compliance, FAA/TCCA harmonisation?

7. Conclusion and preferred option

The options are to be compared and a final assessment shall be made stating the main reasons for choosing the preferred option recommended.



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RECORDS

Appendix A : Operational Documents

Record	Step/Related to
Full RIA	
RIA light	

Appendix B : External documents

Record	Step/Related to