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CARAC MANAGEMENT CHARTER AND PROCEDURES

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DIVISION I – MANAGEMENT CHARTER

1. INTRODUCTION

The Canadian Aviation Regulation Advisory Council (CARAC) was established to increase public access and participation in Civil Aviation's rule-making process; to discuss and debate issues from various viewpoints; to bring the various rule-making proposals to the notice of senior management at an earlier stage; and to facilitate harmonization with other national aviation jurisdictions. The Council was inaugurated on July 1, 1993 and is sponsored by the Director General, Civil Aviation (DGCA).

CARAC is composed of representatives from the aviation community, Transport Canada Civil Aviation (TCCA) and other interested parties thus providing a consultation forum for the Civil Aviation regulatory program.

The basic structure of CARAC, as illustrated in Appendix 1, consists of the following:

- A CARAC Plenary, which is a general assembly of all members of the Council, whose role and responsibilities are to be the custodian of the *CARAC Management Charter and Procedures*. The *CARAC Management Charter and Procedures* is incorporated by reference into subsection 103.01(2) of the *Canadian Aviation Regulations* (CARs). The Plenary is responsible for establishing and amending, as required, CARAC's rules and procedures regarding consultation, in accordance with the provisions established herein.
- A Civil Aviation Regulatory Committee (CARC), composed of the respective Senior Executives representing all functional authorities of TCCA, whose role and responsibilities are to recommend final regulatory decisions to the Minister. As part of this process, the CARC has the responsibility, on behalf of the Minister, to identify and prioritize regulatory issues and to consider, approve and direct the implementation of recommendations made by the CARAC Technical Committee.
- A Technical Committee, consisting of representatives from TCCA, the aviation community and other interested parties, represents each Part of the *Canadian Aviation Regulations* (CARs). Its role is to review and analyze assigned issues and make regulatory recommendations.
- Working Groups (WG), comprising of representatives from the aviation community, the government and other interested parties, whose mandate is to develop proposals and recommendations in accordance with the assigned tasks. Working Groups will be formed by, and report to, the Technical Committee on an as-required basis.
- A Secretariat, whose role and responsibilities are to provide support and management of CARAC on behalf of CARC.

With the coming into force of the CARs on October 10, 1996, the CARAC consultative process was firmly established as part of the regulations under subsection 103.01(2) of the CARs requiring consultation for standards incorporated by reference. It states that:

“The Minister shall not make a standard or an amendment to a standard unless the Minister has undertaken consultations with interested persons concerning the standard or the amendment in accordance with the procedures specified in the publication entitled *CARAC Management Charter and Procedures*.”

In addition, as a matter of policy, TCCA has decided to use CARAC for consultation on all aspects of its rule-making activities.

Exceptions:

Notwithstanding the requirements of subsection 103.01(2) of the CARs, standards may be made in emergency situations. Subsection 103.01(4) of the CARs states as follows: "A standard or an amendment to a standard may be made and brought into effect by the Minister without regard to subsections (2) and (3) where the standard or amendment is urgently required to ensure aviation safety or the safety of the public." Subsection 103.01(3) of the CARs states as follows: "No standard or amendment to a standard shall come into effect less than 30 days after it is made."

It is noted that the Canada Air Pilot (CAP) and the Canada Flight Supplement (CFS) have unique publication requirements. Therefore, as a matter of policy and convenience, there will be no consultation on procedural amendments to the CAP or the CFS. However, changes to the CAP or CFS that may affect policy will be subjected to consultation through CARAC (e.g., a change to the methodology or criteria for the development of a particular procedure). Changes that fall into this category should be brought to the attention of the CARAC Secretariat by the concerned CARAC member.

In addition to the above, an amendment may be required when the members of the Standing Joint Committee on the Scrutiny of Regulations request that a change be made in either the regulations or the standards. This request is in accordance with the Statutory Instruments Act. In the event that consultation is not possible through the regular CARAC process, affected CARAC members will be notified by mail of the upcoming changes in the Canada Gazette.

Information Note:

1. *It should be noted that CARAC activities do not replace the official regulation-making requirements currently in place within the Government of Canada:*

Formal public consultation on proposed regulations through the Canada Gazette, Part I will continue. To ensure that the information pre-published in the Canada Gazette, Part I is available to all CARAC members, the Secretariat has implemented an electronic administrative notice to all CARAC members with a link to the prepublication.

The final publication of registered regulations will continue to be done through the Canada Gazette, Part II. For ease of reference and user-friendliness, Transport Canada publishes an office consolidation which includes the Aeronautics Act, the regulations and their incorporated standards. The consolidation is available in print and on the Transport Canada web site.

2. *Advisory or guidance material, because they are unenforceable, need not be subjected to consultation at CARAC prior to publication. However, should anyone have a comment to make concerning an advisory, they can request that it be considered by the Technical Committee using the Request for Regulatory Action procedures, details of which are found in Chapter 3 of Division II of the Charter.*

2. TRANSPORT CANADA MISSION AND VISION

Transport Canada's mission is to develop and administer policies, regulations and services for the best possible transportation system for Canada and its citizens. Its role is to develop up-to-date and relevant transportation policies and legislation and to maintain the highest level of safety and security possible.

TCCA's measures of success in contributing to Transport Canada's vision of having the world's safest transportation system are:

- the continued improvement of the high level of aviation safety in Canada; and
- a high level of public confidence in the Civil Aviation program.

3. GOVERNING PRINCIPLES

Accordingly, the governing principle of CARAC is to fulfil the commitment to maintain or improve Canada's high safety standards. Therefore, in cases other than those involving ministerial public interest issues, recommendations for changes to the aviation regulatory system will be made with a view to maintain or improve aviation safety in Canada. New proposals are judged on the safety and efficiency

that would result from their implementation and are assessed at an early stage to determine where approval processes can be streamlined and where resources should be focused. The following factors will be considered in this assessment:

- potential impact of the regulation on health and safety, security, the environment, and the social and economic well-being of Canadians;
- cost or savings to government, business, or Canadians and the potential impact on the Canadian economy and its internal competitiveness;
- potential impact on other federal departments or agencies, other governments in Canada, or on Canada's foreign affairs; and
- degree of interest, contention, and support among affected parties and Canadians.

CARAC activities typically consist of a study/evaluation phase. To ensure an effective and efficient process, reports and recommendations developed over the years, both within and outside the federal government, are used as sources of information. Furthermore, all new proposals or recommendations for change will be substantiated pursuant to the Committee Procedures provided in Chapter 2 of Division II of the Charter.

Each CARAC member organization should be represented by a delegate appointed by the member organization, and that delegate should be authorized by the member organization to act on its behalf. In addition, each member organization may designate one or more alternates as its appointed delegate.

4. OBJECTIVE

CARAC's prime objective, to assess and recommend potential regulatory changes through co-operative rule-making activities, is accomplished as follows:

- Identifying critical or contentious issues that indicate a need to examine and revise, where necessary, existing regulations, policies, standards or procedures to maintain or improve aviation safety in Canada.
- Soliciting and identifying aviation industry needs for full consideration through direct involvement and consultation.
- Eliminating, wherever possible, constraints to system safety and allowing for efficiency through regulations and standards to reduce complexity and increase productivity of the overall aviation safety system.
- Minimizing the regulatory burden where safety is not compromised.
- Maximizing, to the extent practicable, the compatibility of the Canadian regulatory system with that of other regulatory authorities (e.g., ICAO Standards and Recommended Practices (SARPS), FAA, EASA) where safety or efficiency benefits can be derived. However, efficiency benefits must not compromise safety.

5. ORGANIZATIONAL STRUCTURE – RESPONSIBILITIES AND RELATIONSHIPS

CARAC is a joint undertaking of government, the aviation community and the interested public. Participation is sought through a large number of organizations and individuals so that the overall viewpoint of the aviation community and the interested public is represented. These include management and labour organizations representing operators, manufacturers and professional associations. The CARAC organizational structure is outlined below and is illustrated in Appendix 1 "CARAC – An Organizational Overview."

Information Note:

Persons interested in becoming a member of CARAC may do so in accordance with Division II – Procedures, Section 1.4 – Participation of Interested Persons in CARAC.

5.1 Mandate of the CARAC Plenary

The mandate of the Plenary is to establish, and amend as required, the rules and procedures of the CARAC consultation process. While it is understood that regulatory processes are ultimately the responsibility of the Crown, TCCA has, to ensure CARAC's continued success, provided the Plenary with custody of the *CARAC Management Charter and Procedures*. As custodian, the Plenary will review and approve proposed changes to the *CARAC Management Charter and Procedures*. Accordingly, the amending procedures are provided in section 10.2 of Division I to ensure that proposed changes are substantiated and subjected to consultation.

As part of maintaining the CARAC process, CARC charges the Secretariat with scheduling and organizing CARAC Plenary meetings. The CARAC Plenary is scheduled as directed by CARC. The time between meetings should not exceed a two-year period.

5.1.2 Membership of the CARAC Plenary

The CARAC Plenary is open to CARAC members as well as to anyone interested in civil aviation matters.

5.2 Mandate of the Civil Aviation Regulatory Committee (CARC)

The CARC's mandate is to recommend final regulatory decisions to the Minister. As part of this process, CARC has responsibility, on behalf of the Minister, to:

- identify rule-making needs;
- establish rule-making priorities;
- review and approve risk assessments as required;
- assign rule-making issues to the Technical Committee for study, where required;
- approve the establishment of Working Groups;
- consider and approve Technical Committee reports and recommendations;
- review and provide disposition of dissents;
- direct regulatory development and the implementation of recommendations;
- ensure that CARAC's membership has sufficient diversity to ensure the requisite range of views and expertise necessary to discharge its responsibilities; and
- provide advice to the Minister.

Information Note:

While the responsibility for assigning issues to the Technical Committee remains CARC's, CARC has requested the Director of the Standards Branch, the Director of the Policy and Regulatory Services Branch and the Secretariat to act on its behalf when performing its daily activities. These include the coordination, review and preparation of materials for the CARAC Technical Committee meetings (refer to Appendices 2, 3 and 11).

5.2.1 Membership of the Civil Aviation Regulatory Committee (CARC)

The CARC consists of a Chair, TCCA Directors who may also serve as Technical Committee Executive Directors, regional representatives, and the Secretariat, as follows:

Chair:	Director General, Civil Aviation (DGCA)
TCCA Directors:	Director, Policy and Regulatory Services Director, International Operations Director, Standards Director, National Operations Director, National Aircraft Certification Director, Medicine
Regional Representatives:	All Regional Directors, Civil Aviation
Optional:	Director, Management Services Departmental Legal Services Director, Civil Aviation Secretariat Transport Canada – Policy Directorate
Secretariat Services:	Chief, Regulatory Affairs

5.3 Mandate of the Technical Committee

The mandate of the Technical Committee is to provide advice and recommendations on regulatory proposals/initiatives as they relate to the CARs.

5.3.1 Membership and Management of the Technical Committee

To ensure that the CARAC process receives the best possible advice in all matters relating to civil aviation, attendance at Technical Committee meetings is open to the interested aviation community and public.

It is noted that Transport Canada endeavours to ensure that all relevant personnel participate in these meetings. The main purpose for this participation is to ensure that officers responsible for an issue understand the discussions and recommendations being made by the Committee, thus providing for an implementation process that is as seamless as possible. Notwithstanding, CARC recognizes that this can result in the expression of diverging views. Accordingly, prior to any issue (e.g., Notices of Proposed Amendment (NPAs)) being formally introduced to the Technical Committee, adequate internal review and coordination will be ensured.

The Technical Committee consists of an Executive Director acting as Chair who represents TCCA; and its members, including:

- aviation community representatives and interested members of the public;
- Working Group Chairs; and
- TCCA Representatives.

5.3.2 Establishing Technical Committees

In addition to the activities assigned to the Technical Committee, CARC will also consider requests for the establishment of other Technical Committees to advise on regulatory issues that relate to other or more specific subject areas or that fall within the mandate of industry, government/industry, or committees already established. As it is CARAC's intent to minimize the number of Technical Committees, CARC will use the following criteria to establish their appropriateness. Requests to establish Technical Committees should be made in writing and may be submitted to either the CARAC Secretariat or the CARC Chair. The request should include:

- the title of the proposed Technical Committee; and
- a description of the mandate and scope of the proposed Technical Committee.

5.3.3 Criteria

The following criteria may be used to determine the appropriateness of establishing a Technical Committee:

- Distinctiveness: The area of interest is not included as part of an existing CAR (e.g., CARC would not have to request another Technical Committee to review a recommendation made by the proposed Technical Committee); and
- Uniqueness: The area of interest is of a unique nature or is so broad that it cannot be properly addressed in an existing Part of the CARs.

If the Technical Committee being proposed does not meet the above criteria, its area of interest may fit better under a Working Group or an existing Technical Committee. Such a determination would be made by CARC in consultation with the CARAC member proposing the addition. Notwithstanding the above criteria, CARC may, under special circumstances, agree to the establishment of a Technical Committee if it is considered to be in the best interests of the CARAC process. All new Technical Committees that are established will be required to follow the same procedural rules as the regular Technical Committee.

Information Note: Any Technical Committee established under sections 5.3.2 and 5.3.3 of Division I will serve a special purpose.

5.4 Mandate of Working Groups

Working Groups are established, as required by the Technical Committee, and approved by CARC, to address specific issues set out in the approved Working Group Terms of Reference.

5.4.1 Membership and Management of Working Groups

The existence of Working Groups will normally be limited to the period required for them to complete the assigned task. However, it is recognized that certain Working Groups may have a mandate where the issues cannot be addressed over a few meetings. Working Groups with quasi permanent mandates will be known as Standing Working Groups. Membership of Working Groups will consist of representatives from government and the aviation community. As a general rule, a Working Group will be limited to not more than ten individuals with specialized technical knowledge who intend to participate actively in Working Group discussions. Appointment of a nominee to a Working Group by the Technical Committee is made in consideration of the individual organization or member's experience to identify and discuss technical issues. A reasonable effort shall also be made by the Technical Committee to ensure that the membership of the Working Group fairly represents the points of view of those potentially affected by its work.

A Working Group Leader and its members will be selected by the Technical Committee in accordance with the Working Group procedures provided in section 2.3 of Division II.

5.5 Mandate of the Executive Director

The Executive Director of the Technical Committee is the TCCA Director of the Standards Branch. In his/her capacity as TCCA Director, the Executive Director of the Technical Committee will, on behalf of the CARC Chair, assess proposals from the aviation community before they are assigned to the Technical Committee, in accordance with the Request for Regulatory Action procedures provided in section 3 of Division II.

Information Note:

Should the Executive Director of the Technical Committee not be available to attend a Technical Committee meeting, the Executive Director of the Technical Committee may appoint a representative who shall clearly state to attendees that he/she is acting on behalf of the Executive Director. The appointed representative will have the same authorities as the Executive Director of the Technical Committee.

In addition to his/her departmental responsibility noted above, the Executive Director of the Technical Committee's mandate within CARAC is:

- to perform the function of the Technical Committee Chair;
- to ensure that the mandate of TCCA personnel, as described in section 5.6 of Division I, is met;
- to be the liaison between Transport Canada and CARAC members;
- to be the focal point for the Secretariat regarding CARAC affairs;
- to develop the regulatory work plan for the regulations and standards initiatives which are approved by CARC, within the Executive Director's functional area, in coordination with the Secretariat;
- to perform the procedural responsibilities identified herein;
- to ensure that proposed agenda items are appropriately analyzed before being added to the Technical Committee's agenda; and
- to coordinate proposals or other discussions within Transport Canada before CARAC meetings in coordination with the Secretariat (refer to Appendix 11).

5.6 Mandate of Transport Canada Personnel

The Transport Canada Standards Branch, Office of Primary Interest (OPI) and Office of Technical Interest (OTI) will be responsible for:

- providing representation on the Technical Committee and Working Groups at the discretion of the Executive Director of the Technical Committee;
- nominating and committing expert resources as members of the Technical Committee or Working Groups;
- ensuring that the Technical Committee and Working Groups receive relevant and substantiated information that may assist in their deliberations and the ensuing development of recommendations;
- reviewing and providing timely feedback on options and recommended proposals as developed by Working Groups;
- participating in Technical Committee discussions;
- implementing approved proposals and initiatives as directed by CARC for regulations and the Executive Director of the Technical Committee for standards, as appropriate; and
- providing implementation progress reports to the Secretariat.

5.6.1 Legal Opinions

Legal opinions form part of the information that Transport Canada has at its disposal. However, these are protected documents as they are provided as advice to the Minister, by the Department of Justice, within a particular context that may also contain other privileged information. Nonetheless, they often contain information that may be useful to the Technical Committee or Working Groups.

Therefore, rather than distributing the legal opinions, Transport Canada will develop Departmental position papers, based on an up-to-date legal opinion, with respect to the current state of affairs. These papers will be reviewed by all OPIs and CARC, as required. Once accepted, they will constitute the Departmental policy for discussion at CARAC meetings.

Notwithstanding, it is noted that under exceptional and specific circumstances legal opinions could be used. In cases where this would be considered, the Executive Director of the Technical Committee or Working Group Leader will request the Secretariat to co-ordinate a request with the Transport Canada Department of Justice representative.

5.7 Mandate of the Secretariat

The foundation of CARAC is established and maintained by the Secretariat, on behalf of CARC. The Director of the Secretariat shall be the Director, Policy and Regulatory Services, and is represented by the Chief, Regulatory Affairs. The Secretariat is responsible for managing the activities of CARAC and is the focal point for all communications on Civil Aviation regulatory development issues within Transport Canada.

6. PRESENTATIONS TO THE CIVIL AVIATION REGULATORY COMMITTEE

CARAC members are not allowed to make direct representations to CARC. Therefore, dissents or other representations should be made to the Technical Committee.

7. EXTRAORDINARY CONSULTATION

CARAC may also be used for extraordinary consultation to provide a framework for gathering information on proposals from the Aviation Safety Policy Division of the Policy and Regulatory Services Branch and processing public interest issues, where safety may or may not be the primary concern. Findings from such a process will be used to establish if any further actions should be undertaken, such as regulations, standards or advisory material.

Regulatory action would normally not be taken by Transport Canada before local consultation with all affected publics has been completed, and then only when non-regulatory options have been examined and have been determined to be unsuitable to resolve the identified issue. Such issues would be processed in the following manner:

7.1 Initiating Official

The Initiating Official shall ensure that:

- the issue to be solved is clearly identified;
- the public affected by the issue is clearly identified;
- alternative courses of action to resolve the issue have been identified and analyzed in consultation with the affected public; and
- the impact of the proposed courses of action on all parties, including the aviation community has been identified. (The Secretariat can provide assistance in the form of benefit/cost analysis).

The initiating official will co-ordinate the proposal with the appropriate Civil Aviation Headquarters functional branch head and then submit a report to the Secretariat covering the foregoing and a proposed course of action.

Information Note:

The public interest issues noted above are not those contemplated by subsection 5.9(2) of the Aeronautics Act concerning exemptions from regulatory requirements.

7.2 Secretariat

The Secretariat will, on behalf of CARC, send the report to the Aviation Safety Policy Division of the Policy and Regulatory Services Branch if the proposal is outside the scope of the existing regulations. If it is determined that the proposal falls under the existing regulatory program, an evaluation is conducted by the Standards Branch. If CARC directs that the proposal move forward, the program design is undertaken by the Standards Branch with guidance from the Secretariat. Once the proposed course of action has been determined the Secretariat will send the report to the Technical Committee, Transport Canada managers and the affected public for discussion and comment, as well as to the Minister's office for information.

7.3 CARC Review

In reviewing these comments, CARC will:

- recommend a course of action to the Minister, if the issue has been adequately addressed; and
- request that additional consultation be undertaken, if it is determined that there are affected members of the public other than those identified in the study or if there are impacts that had not previously been identified.

7.4 Development of a Notice of Proposed Amendment (NPA)

When the recommended course of action is accepted, CARC will task the Transport Canada Standards Branch to develop an NPA for review by the Technical Committee using the NPA procedures provided in section 3.6 of Division II.

Information Note:

With respect to public interest issues related to noise, the above process is supplemental to the established provisions of sections 602.105 and 602.106 of the CARs and the noise abatement procedures implementation process outlined in the Aeronautical Information Manual (AIM) TP 14371. CARC may therefore choose either of these processes, as appropriate. However, such issues will normally follow the procedures set out in the AIM, followed by those of the CARAC process. Extraordinary consultation procedures would be followed only in exceptional circumstances.

8. CONSENSUS IN CARAC

Intrinsic in CARAC's objective of assessing and recommending potential regulatory changes through co-operative rule-making activities is the concept of achieving these results through consensus-building. Accordingly, CARAC members are requested to strive to achieve consensus on issues submitted for consultation.

Information Note:

Additional guidance to the Executive Director of the Technical Committee and Working Group Leaders is provided in Appendix 9.

9. DISSENTS

Whether or not a consensus is reached during discussions, each CARAC member has the right to have an objection considered. Should the member request it, the objection will be formally added to the record as a dissent. Dissents are to be presented in writing to the Secretariat following the meeting so that they can be submitted to CARC for consideration. Dissents are to be submitted to the CARAC Secretariat within 45 business days following the Technical Committee meeting:

By mail: Transport Canada - Civil Aviation
330 Sparks Street
Ottawa, ON K1A 0N5
Attn.: Chief, Regulatory Affairs (AARBH)

By fax at: 613-990-1198 / Att.: Chief, Regulatory Affairs (AARBH); or

By e-mail at: services@tc.gc.ca / Att.: Chief, Regulatory Affairs (AARBH)

CARC will review the written dissent relative to the issue and decide on the course of action to be taken. The Executive Director of the Technical Committee or the Secretariat, as appropriate, will also ensure that the dissenter is advised of the CARC decision. The Secretariat will endeavour to respond to any written dissent within 45 business days following CARC meetings. The response will contain a summary of CARC's decision.

After CARC has closed an issue, dissents and a summary of their disposition will also be provided to the members of the Technical Committee as an Appendix to the agenda and/or Decision Record for their information.

10. AMENDING THE CARAC MANAGEMENT CHARTER AND PROCEDURES

10.1 General

Amendments may be proposed by any CARAC member through the CARAC Secretariat. These amendments will then be discussed at the CARAC Plenary to confirm their inclusion in this Charter. Amendments will be made available to the CARAC members on the Transport Canada web site.

10.2 Amendment Procedures

Following receipt of a proposal to amend the Charter, the Secretariat will acknowledge receipt and advise CARC at its next meeting. The Secretariat will then prepare a Notice of Charter Amendment (NCA) for discussion at the next scheduled Plenary meeting. The NCA will include the following information:

- Reference;
- Title;
- Sponsor;
- Issue;
- Justification for Change;
- Current Text; and
- New Text (current text shown with revision marks to indicate new text to facilitate review).

As indicated in section 8 of Division I, CARAC members are requested to strive to achieve consensus on the amendments proposed. When reviewing NCAs, consensus is achieved when there are no formal objections raised at the Plenary either in person or in writing by at least two interest groups. Objections raised by individuals will be noted but will not prevent the approval of the NCA. However, objections raised by at least two interest groups will require reconsideration of the proposed amendment. An interest group is defined as an organization representing the aviation community with a Charter and membership, this includes Transport Canada, the Department of National Defence and NAV CANADA, and as determined by the Chair of the Plenary.

Following the Plenary meeting, the Secretariat will either proceed to amend the Charter if the NCA is accepted or it will close the file. The Secretariat will also advise the sponsor of the Plenary's decision.

11. PROJECT RESOURCES

Apart from the full-time Secretariat, resource support is solicited from within TCCA and the aviation community, as required. Participation of individuals will be sought through contact with CARC and the Technical Committee. Agreements regarding the area of assignment, role and responsibilities, and the duration of the assignment will be negotiated with the nominees' parent organization.

Costs incurred by organizations outside TCCA are expected to be borne by those organizations. However, TCCA will provide, where available, meeting facilities and secretarial functions, such as record-keeping.

12. COMMUNICATION AND EXTERNAL RELATIONSHIPS

Comprehensive and timely communications are given top priority. The extensive participation of representatives from the aviation community and from within TCCA in every facet of CARAC is expected in order to ensure a high level of communication with the aviation community.

While the Secretariat serves as the focal point for communications, the designated spokespersons for CARAC are the Director General, Civil Aviation (DGCA), the Director, Policy and Regulatory Services, and the Chief, Regulatory Affairs.

13. CARAC MEETINGS

13.1 General

To ensure full and equal access to CARAC meetings by its members and the aviation community, the Secretariat maintains a CARAC calendar. The Secretariat also endeavours to include major aviation community events on the calendar by contacting its members periodically. Accordingly, the purpose of the calendar is to maintain a record of planned CARAC meetings and to ensure that meetings do not overlap, as much as is practicable.

Technical Committee meetings will be scheduled twice per year, or as required, and can be held over the course of several days.

Only one Working Group meeting should be scheduled per day, however, if necessary, Leaders may arrange to have more than one meeting scheduled on a given day. To accomplish this, the Secretariat will request that the Leader requesting the scheduling of a simultaneous meeting contact the other Leader to coordinate their member lists. If no duplication exists, the meetings can be scheduled simultaneously. Nonetheless, it is suggested that the Leader also confirm such instances with the members of the Working Group.

To add meetings to the calendar, the Executive Director of the Technical Committee or Working Group Leaders should advise the Secretariat. The following information will be added to the calendar:

- Title of the meeting
- Dates of the meeting
- Contact person and telephone number
- Location (including city if not in Ottawa)

The calendar will be available to members upon request from the Secretariat. The Secretariat also maintains a copy of the calendar on the Transport Canada web site.

Information Note:

Transport Canada will endeavour to minimize conflicts between CARAC and other meetings requiring industry participation. Identified conflicts should be reported to the CARAC Secretariat. CARAC members are encouraged to provide the CARAC Secretariat with the scheduling of their major events for inclusion in the CARAC Calendar.

13.2 CARAC Decision Records

CARAC Decision Records are a summary of decisions and recommendations made during a meeting; they are not a verbatim account of the proceeding. Records may also include, where appropriate, information that places these decisions and recommendations in the proper context. Where possible, records will include more details when contentious issues are discussed. Additional information on Decision Records can be found in section 2.2.4 of Division II.

As stated above, dissents will, at the request of a member, be recorded in a Decision Record. Written dissents should be provided to the Secretariat within 45 business days of advising the Technical Committee of the dissent, unless otherwise agreed to by the Executive Director of the Technical Committee and the dissenter, and recorded in the Decision Record.

14. MEDIA ATTENDANCE

14.1 General

All requests for media attendance at CARAC meetings should first be made and coordinated with Transport Canada Media Relations office as follows:

Transport Canada
Media Relations Office
Tower C, Place de Ville, 28th Floor
330 Sparks Street
Ottawa, ON K1A 0N5
Telephone: 613-993-0055
Fax: 613-991-6719

Audio and video tape recording is not permitted during CARAC meetings. Notwithstanding this, the media is always welcome to conduct interviews prior to or following these meetings and would be invited to secure the necessary video footage of meeting locations at these times.

14.2 CARAC Plenary and Technical Committee Meetings

Subject to the criteria set out in section 14.1, media attendance at the CARAC Plenary and Technical Committee meetings will be open.

14.3 Working Group Meetings

Media attendance at Working Group meetings will not normally be permitted. If a CARAC member believes it is necessary to invite the media, the invitation should be extended from the Technical Committee level. In such cases, the procedure for inviting the media to Technical Committee meetings should be followed.

However, at the start of the meeting, the Working Group Leader will advise the Working Group of the media's presence and seek, by unanimity, direction from the Working Group on whether their attendance at the meeting should be permitted. If agreed, the media would attend as observers.

DIVISION II – PROCEDURES

1. GENERAL PROCEDURES

1.1 Conduct of the Process

To ensure that CARAC functions effectively, the procedures contained herein will guide its conduct. As previously stated, CARAC activities are conducted based on a study/evaluation phase.

The study/evaluation phase of a CARAC task assignment includes the following:

- Issue identification;
- Risk and impact assessments (Consideration of benefit/cost, competitive impact, environmental impact, implementability, and consideration of equitability issues and the effect on technology/business innovation);
- Analysis of recommendations and identification of options for CARC;
- CARC consideration and direction to the Director, Standards;
- Establishment of Working Groups, development of Terms of Reference and development of recommendations;
- Development and submission of proposal (preferred option) by the Standards Branch;
- Technical Committee assessment;
- CARC review and approval;
- Regulatory drafting/editing;
- Canada Gazette/Transport Canada Civil Aviation Publication process; and
- Continuous monitoring and reporting on initiatives to CARC and the Plenary.

Information Note:

Options for solutions and recommendations may be of a regulatory or non-regulatory nature. Alternative or non-regulatory solutions are outlined in section 3.10 of Division II.

1.2 Defining and Assigning CARAC Tasks

Tasks approved for assignment to the Technical Committee typically consist of NPAs and Discussion Items. The definition of a CARAC task will include the following:

- the objective of the task (e.g., a description of what the Technical Committee is requested to review) including references to specific regulations, standards and advisory material, if appropriate;
- a definition of what the final product is expected to be;
- a date by which the Technical Committee must review it and advise CARC that it will undertake the task as defined; and
- a date by which the Technical Committee must complete the task.

The Technical Committee may choose to accept the task, modify it or reject it. If the Technical Committee proposes any significant changes to the task's scope or subject matter, CARC must approve the changes before the Technical Committee may proceed. If the Technical Committee rejects the task, no further CARAC activity takes place and TCCA may then consider proceeding with the project internally. In such cases, however, the Technical Committee shall provide an explanation or dissents, in writing, to CARC for not accepting the task. An example of a task

assigned to a Technical Committee could be a request to form a Working Group to study a particular issue.

1.3 New Technical Committee Tasks or Establishment of Working Groups

Whenever a new task is assigned to the Technical Committee or a new Working Group is established, a notice to that effect will be published on the web site or any other media at the disposal of the Secretariat. Such notification will be distributed at least 30 business days before the action in the notification is due. The notice serves to advise members of the activity and to seek their input and participation.

1.4 Participation of Interested Persons in CARAC

If an issue is assigned to the Technical Committee, each CARAC member is entitled to participate in the consultations by attending meetings or by submitting written information, views or arguments. In addition, when an issue is submitted by a petitioner, he/she may also be requested to answer questions on the information originally submitted or to comment on the views and arguments submitted by CARAC members, if CARC considers it desirable.

Persons wishing to become members of CARAC should advise the CARAC Secretariat by fax at 613- 990-1198 or by e-mail at services@tc.gc.ca. The information provided with the request is identified in section 1.6 of Division II, Public Notification.

1.5 Provision of Information

The Secretariat will ensure that all relevant information is made available to members of the aviation community before it is discussed at a Technical Committee meeting. As a general rule, only information contained in the submission, as provided in the notice of meeting, will be open for discussion at a meeting. Only additional or clarifying information should be provided at the meeting. If it is acceptable to Technical Committee members, materials may be distributed for formal discussion at a later meeting. Such materials would be for advance notification or to provide background information. Accordingly, a notice of meeting will be published containing the following:

- a formal announcement of the meeting;
- the agenda; and
- a copy of all relevant information to be discussed.

1.6 Public Notification

To maximize the openness of the process, the Secretariat must ensure that CARAC members are properly notified on all relevant issues. To achieve this goal, a CARAC membership list has been developed and is maintained by periodically asking members to update the information contained therein. Nonetheless, CARAC members should advise the Secretariat of any changes as they occur to ensure that material is properly distributed. The membership list comprises the following information:

- Name;
- Title;
- Organization;
- Address;
- Telephone and Fax numbers;
- E-mail address; and
- Preferred format for receipt of information.

Information Note:

Members are requested to identify themselves as active members or as observer members. An active member normally attends meetings on a regular basis. An observer member does not usually attend meetings but provides comments on proposals of interest.

2. COMMITTEE PROCEDURES

2.1 Civil Aviation Regulatory Committee (CARC)

In accordance with CARC's mandate, the following procedures apply to CARC:

2.1.1 CARC Chair Responsibilities

The Chair is responsible for the oversight of CARAC's activities, including:

- presiding at meetings of the CARAC Plenary;
- presiding at meetings of the CARC;
- with the assistance of the Secretariat, assessing CARAC policies pertaining to membership and its work program and, as necessary, proposing changes for consideration by CARC; and
- certifying the accuracy of CARC and CARAC Plenary meeting Decision Records.

2.1.2 CARC Agenda

The Secretariat will:

- obtain CARC meeting agenda material from CARC members and prepare the agenda as required;
- ensure that all materials provided are supported by a written submission (e.g., position papers);
- confirm with the Executive Director of the Technical Committee that dissents have been received for some issues being placed on the agenda; and
- ensure that, further to section 3.3 of Division II, appeals submitted by persons having requested a regulatory change are placed on the agenda.

2.1.3 CARC Meetings

The CARC will:

- meet quarterly, or as required;
- be restricted to its members or their designated representatives; and
- review, in the conduct of its meetings, as required and set priorities for:
 - (a) the regulatory work plan;
 - (b) new issues that may not be on the regulatory initiatives list as they require work to be conducted by other Federal Government Departments; and
 - (c) the CARAC work plan, including the formation of Working Groups.

2.1.4 CARC Decision Records

CARC shall advise the National Civil Aviation Management Executive and the Minister, as required, of rule-making activities and priorities.

Decision Records shall be kept at each CARC meeting and shall include the time and place of the meeting; a list of meeting attendees; a summary of matters discussed and decisions made.

CARC Decision Records will be published on the Transport Canada web site on a timely basis. Print copies can be made available upon request to the Secretariat.

2.2 Technical Committee

Pursuant to the Technical Committee's mandate, the following procedures apply to the Technical Committee.

2.2.1 Technical Committee Responsibilities

The following outlines the responsibilities of the Technical Committee, its members and the Executive Director of the Technical Committee.

2.2.1.1 TECHNICAL COMMITTEE GENERAL RESPONSIBILITIES

The Technical Committee is responsible for performing the following tasks:

- aiming for consensus during their deliberations;
- making provision for the statement of dissenting positions, where consensus cannot be achieved;
- making recommendations to CARC regarding preferred regulatory options;
- recommending the formation of appropriate Working Groups to CARC on an as-required basis and assigning tasks in accordance with the CARC mission statement;
- tracking the activities of the Working Groups and reporting to CARC through the Executive Director of the Technical Committee;
- providing guidance to the Working Groups on the development of implementation options; and
- reviewing and approving Working Group proposals regarding assigned tasks.

Information Note:

When discussing issues during their meetings, the Technical Committee may refer to the regulatory analysis questions provided at Appendix 15. Furthermore, where appropriate, the Technical Committee may request a more formal analysis. In such cases, the Executive Director of the Technical Committee will advise the CARAC Secretariat by providing the terms of reference of the analysis. This information may then be used to develop the Regulatory Impact Analysis Statements (RIAS) which are published with regulatory proposals in the Canada Gazette.

2.2.1.2 TECHNICAL COMMITTEE MEMBERS' RESPONSIBILITIES

In addition, individual Technical Committee member's responsibilities include the following:

- attending meetings, as required;
- striving for consensus during deliberations; and
- nominating and committing knowledgeable representatives from their respective organizations to serve as members of Working Groups.

2.2.1.3 EXECUTIVE DIRECTOR

The Executive Director of the Technical Committee will act as the representative of his/her TCCA Functional Area and of CARC. He/she is responsible for:

- presiding at Technical Committee meetings and serving as Transport Canada's spokesperson for all Technical Committee activities and meetings in the particular interest area.
- ensuring that the Technical Committee does not reopen issues at a meeting where consensus has been previously obtained unless new information is presented that would result in a recommendation being changed or re-evaluated;
- being the focal point for all communications between CARC and the Technical Committee;
- ensuring recognition of the Technical Committee's role in aviation rule-making and enhancing its effectiveness;
- updating CARC on Technical Committee activities;
- requesting legal, benefit/cost and drafting assistance from the Secretariat;
- ensuring that each task is properly co-ordinated before it is presented to the Technical Committee;
- establishing appropriate Working Groups;
- appointing Leaders of Working Groups;
- co-ordinating with the Working Group Leader to suggest the appropriate selection of Working Group members prior to the selection process at the Technical Committee meeting;
- ensuring that Working Groups are balanced in membership;
- co-ordinating for approval at the Technical Committee the addition of a Working Group member after the final selection of Working Group members has been made by the Technical Committee;
- co-ordinating with the Secretariat to set meeting schedules and establish agendas;
- conducting in-depth reviews of Working Group reports;
- keeping the CARAC Secretariat informed of the Working Groups' activities and members; and
- certifying the accuracy of Technical Committee meeting Decision Records.

2.2.2 Technical Committee Agenda

The Secretariat will:

- contact the Executive Director of the Technical Committee to ascertain if any items, such as Working Group recommendations, are ready for review by the Technical Committee and should be placed on the agenda; and
- ensure that agenda materials are distributed 45 business days before the meeting date. If the deadline cannot be met, the Executive Director of the Technical Committee must then defer the meeting or, under urgent circumstances, seek the DGCA's approval to proceed.

Information Note:

The Secretariat has been given the responsibility to ensure the completeness of meeting materials. As such, the Secretariat may return documents to the originator that do not satisfy the minimum requirements or that do not otherwise provide enough information to allow the reader to understand the background, justification and amendment being proposed.

Information Note:

With respect to those industry members wishing to add agenda items to the Technical Committee's meeting agenda, the Secretariat will:

- *obtain meeting agenda material from Technical Committee members and prepare the agenda, as required;*
- *ensure that all materials provided are supported by a written submission (refer to section 3 of Division II for additional information and to Appendix 5 for a sample agenda). To be considered at the meeting, suggested agenda items from the aviation community will be provided to the Secretariat no later than sixteen weeks before the scheduled meeting date. These items will include details as described in section 3.5 of Division II.*

2.2.3 Technical Committee Meetings

The Technical Committee will normally meet twice a year, or as required. Technical Committee meetings shall be open to the public, and announcement of the meetings shall be published on the Transport Canada web site or in any other medium.

The proceedings of a Technical Committee meeting shall, in general, be conducted informally. Where issues develop during meetings or consensus cannot be achieved, provision shall be made for statements of dissent.

2.2.4 Technical Committee Decision Records

Decision Records shall be kept for each Technical Committee meeting and shall be distributed to members on a timely basis. They will include the time and place of the meeting; a list of meeting attendees; a summary of matters discussed and conclusions reached; and copies of reports received, issued or approved by the Technical Committee; (refer to Appendix 6 for an example of a Technical Committee Decision Record format);

2.2.5 Reports on Tasks assigned to the Technical Committee

Progress reports on tasks assigned to the Technical Committee shall be made to CARC, as required;

Technical Committee members are urged not to disseminate draft reports until they have been discussed by the Technical Committee. Reports shall be marked "DRAFT" until discussed at a Technical Committee meeting; and

Final reports shall be transmitted to the CARC Chair by written submission through the Secretariat.

2.3 Working Groups

To assist in its work, the Technical Committee may, from time to time, with the approval of CARC, form Working Groups to act as staff to the Technical Committee (refer to Appendix 7 which outlines the Working Group process).

2.3.1 Establishment of a Working Group

Once a Working Group is established by the Technical Committee, following approval from CARC, each member of the Working Group contributes his/her particular knowledge or experience to task completion and subsequent formulation of alternative recommendations

to the Technical Committee. All Working Group work is reviewed by the Technical Committee. The Technical Committee evaluates Working Group contributions and, when satisfied, makes recommendations to CARC. Working Groups function under the administrative control of an appointed Working Group Leader, who reports to the Technical Committee.

2.3.2 Appointment of a Working Group Leader

When the Technical Committee has CARC's approval to establish a new Working Group, the Executive Director of the Technical Committee, in co-ordination with the Technical Committee, must appoint a Working Group Leader. Ideally, the Leader should possess technical expertise in the specific task area. However, it will be important for the Leader to be a good facilitator capable of organizing and leading the Working Group as it strives to meet the outcomes stated in the Working Group Terms of Reference. The Working Group Leader does not need to be a representative of any of the Technical Committee member organizations.

For the purposes of a Standing Working Group where its term may extend longer than one year, the appointment shall not be less than one year and no longer than two years. This appointment may be renewed, however, as recommended and accepted by the Technical Committee members at least every two years.

2.3.3 Working Group – Terms of Reference

In order to establish a Working Group, a Terms of Reference (TOR) document must first be prepared. The TOR defines the task, explains why the task is needed, identifies any commitment to a schedule and identifies whether the Working Group will be a Standing Working Group where the mandate will extend over a period of time or issues. For the purposes of a Standing Working Group, the tasks may be separated and finalized without ending the mandate of the Working Group. The TOR is normally developed under the direction of the Executive Director of the Technical Committee, in co-ordination with the Working Group Leader. The TOR is ultimately recommended for approval by the Technical Committee. In preparing the TOR, Transport Canada should review the history behind the rule, advisory material and policy statements and provide this information to the drafter (refer to Appendix 8 for a sample and description of a TOR).

2.3.4 Working Group – Eligibility

Working Group members are individuals sought to provide a diverse and balanced representation capable of providing a thorough investigation of the issues in the completion of the assigned tasks. Where possible, organizations should nominate different representatives for different Working Groups to preclude scheduling difficulties and to encourage specialization.

To become a Working Group member and to meet the associated responsibilities, the prospective member should:

- have aviation knowledge and expertise in the area being analyzed;
- be available to attend meetings and actively participate in the process; and
- be willing to co-ordinate with constituents to gain their input as required.

2.3.5 Working Group – Notification of Establishment

Notification must be given to announce the establishment of the Working Group. This notification is done by the Secretariat in co-ordination with the Executive Director of the Technical Committee or the Working Group Leader, as required. The notice provides the TOR and requests members to advise the Secretariat of their interest to participate prior to the next Technical Committee meeting. The names will then be forwarded to the Executive Director of the Technical Committee and the Working Group Leader.

Information Note:

When advised, the CARAC Secretariat will endeavour to keep CARAC members advised of the creation of Working Groups or Study Groups that are not formed as part of CARAC.

2.3.6 Working Group – Member Selection Process

As soon as possible after the publication date of the notice and prior to the next Technical Committee meeting, the Executive Director of the Technical Committee and the Working Group Leader should discuss any issues regarding the selection of Working Group members based on their eligibility and to ensure that the desired balance has been reached. The complete list of names of all those who have advised the Secretariat of their interest to participate as Working Group members will then be presented for selection at the Technical Committee meeting at the same time as the TOR is reviewed and approved. The Executive Director of the Technical Committee and the Working Group Leader will present the Technical Committee with their recommendations for the Working Group membership; however, it is the responsibility of the Technical Committee members to make the final membership selection.

The Working Group Leader will then advise the individuals who have been selected to be members of the Working Group. The Working Group Leader is also responsible for advising persons who were interested in participating when they have not been selected. The Executive Director of the Technical Committee may accept an additional Working Group member, subject to the approval of the Technical Committee members at the next meeting.

For the purpose of membership selection of a Standing Working Group, the member selection will be reviewed and updated at the Technical Committee every year, at the latest, every two years.

2.3.7 Working Group Responsibilities

The following outlines the responsibilities of Working Groups, its members and its Leader.

2.3.7.1 WORKING GROUP – GENERAL RESPONSIBILITIES

Working Groups are responsible for:

- reviewing and analyzing all information relating to the assigned task;
- developing and evaluating options, and formulating proposals;
- identifying, documenting and raising issues that need attention or resolution;
- identifying the impact of proposals;
- conducting confirmation/validation studies as required or as directed by the Technical Committee or CARC;
- discussing and clarifying each member's role and expectations early in the process to avoid misunderstandings;
- fostering full and complete discussion and resolution of all technical, legal and policy issues; and
- keeping key individuals within his/her respective organization fully and completely advised and informed of decisions reached, unresolved issues and planned action to resolve issues.

2.3.7.2 WORKING GROUP – MEMBERS' RESPONSIBILITIES

In addition, individual Working Group member's responsibilities include:

- ensuring availability to attend periodic Working Group meetings;
- contributing their respective aviation knowledge and expertise to the task(s) assigned to the Working Group;
- taking an active part in representing the public interest in making contributions to the rule-making process; and
- co-ordinating within their respective organizations to gain input early in the process.

2.3.7.3 WORKING GROUP – LEADER'S RESPONSIBILITIES

Further to the above, Working Group Leaders are responsible for the general oversight and administration of the Working Group. Additional information of these responsibilities and general guidance for the Working Group Leader is provided in Appendix 9.

The role of the Leader is to facilitate discussions and activities of the Working Group as it strives to reach consensus in respect of its TOR. In circumstances where the consensus is not attainable, the Leader is responsible for preparing a report containing a summary of the proceedings and a series of recommendations for discussion by the Technical Committee. In such cases, the report will contain any dissents or views presented by Working Group members in order to provide the Technical Committee with as clear an outline of the issues as possible. The Working Group Leader is also responsible for ensuring that the Working Group members are fully consulted on the contents of a final report and for enclosing dissents that result from this review.

Prior to initiating activities, the Leader will contact the Secretariat to ensure that he/she has all relevant information needed to perform the function of a Working Group Leader. Information about the skills needed to lead Working Groups is also available from the Secretariat.

2.3.8 Working Group Meetings

The Working Group Leader will, in consultation with Working Group members, establish the date, time and location of the initial Working Group meeting and will notify Working Group members. Subsequent meetings will be scheduled by mutual agreement of members. Written notification of any Working Group meeting must be given at least 30 days before the scheduled meeting date, unless otherwise agreed to by the Working Group members. Guidance on the general conduct of Working Group meetings is provided in Appendix 10.

When appropriate and with the approval of the Working Group Leader, Working Group members may invite technical advisors other than Working Group members to speak directly to a Working Group and to participate in its discussions. However, these invited persons are not members of the Working Group and have no voice when consensus is sought.

As indicated in section 14.3 of Division I, Working Group meetings are closed to observers unless the presence of observers is previously agreed to by the Working Group Leader and the Working Group members. However, it is noted that the terms "technical advisor" and "observer" are sometimes confused. Accordingly, they are defined as follows:

Technical Advisors: Persons whose role in attending is to support a WG member. The number of Technical Advisors will not normally exceed two.

Observers: Persons whose objective in attending is to learn about the issues or about the CARAC Working Group process.

2.3.9 Working Group Reporting

Progress reports on tasks assigned to a Working Group shall be made to the Technical Committee, as required;

Working Group members are urged not to disseminate draft Working Group reports.

Final reports are reviewed by the Technical Committee.

2.4 Secretariat

On behalf of CARAC, the Secretariat is responsible for the establishment, implementation and maintenance of all systems required to allow the proper functioning of CARAC. The Secretariat is managed by the TCCA Regulatory Affairs Division. As the focal point for all communications pertaining to the Technical Committee, the Secretariat:

- monitors and administers CARAC activities from the study/evaluation phase to full implementation by the TCCA functional branches, or until CARAC is satisfied that the intent of the assigned task has been met;
- prepares Technical Committee and CARAC meeting agendas and the associated background material;
- reports to CARAC on the status of CARAC activities and seeks decisions and direction, as required;
- ensures that the CARAC membership is well informed of its activities through such media as the Internet, the *AIP Canada* (ICAO) and any other media considered appropriate;
- announces the formation of Working Groups;
- prepares programming and approval documents related to the resource or contractual needs of CARAC;
- provides technical or logistical support to CARAC and the Technical Committee respecting facility management and the communication aspects of CARAC proceedings;
- establishes and maintains secure systems of records and data management for all essential documents related to CARAC, as well as a project tracking system to monitor and report on the various activities within CARAC;
- establishes and maintains a quality control function for all material being prepared for submission to CARAC and the Technical Committee;
- maintains the *CARAC Management Charter & Procedures* on behalf of the Plenary; and
- arranges for training, such as facilitator skills for Working Group Leaders, where requested.

3. REQUESTS FOR REGULATORY ACTION (INVOKING CARAC)

3.1 General

Anyone may request CARAC to consider issuing, amending or revoking a regulation, standard or advisory material. Accordingly, the following details the procedures for "Invoking CARAC". These procedures are illustrated in Appendix 11.

Anyone wishing to "Invoke CARAC" shall do so, in writing, to

Transport Canada - Civil Aviation
330 Sparks Street
Ottawa, ON K1A 0N5
Attn.: Chief, Regulatory Affairs (AARBH)

Requests may also be submitted electronically to the following web address: services@tc.gc.ca.

Requests are to be accompanied by appropriate documentation in order to ensure a prompt and concise review of the proposal. The template contained in Appendix 12 must be used in the submission. The following details the information that should be provided:

- historical and technical background;
- the advantages and disadvantages of the proposal containing any information, views or arguments available to the petitioner to support the action sought, including reasons why the granting of the request would be in the interest of aviation safety or the public;
- the expected impact on aviation safety and the environment;
- where possible, consideration of the approach of other aviation authorities to the same issue;
- the anticipated economic impact; and
- any other related material.

3.2 Secretariat

For each request received, the Secretariat, on behalf of CARC, will:

- acknowledge receipt of the request and forward it to the Director, Standards,
- respond to the petitioner following technical input from Standards.

3.3 Executive Director (Director of the Standards Branch)

Upon receipt of a request provided by the Secretariat, the Executive Director of the Technical Committee will:

- determine the proposal's merit by reviewing the documentation provided;
- determine the proposal's compatibility with existing regulations, standards or advisory material; and consult the Policy Division of the Policy and Regulatory Services Branch, as required;
- obtain technical input from specialists on specific issues;
- ensure the requirements of the Canadian government's federal rule-making requirements are met;
- request the addition of the regulatory initiative to the list of regulatory initiatives approved by CARC; and
- provide technical input to the Secretariat who will then notify the petitioner(s) of the subsequent proposed actions with respect to the request within 90 days.

As a result, the Director, Standards may:

- direct his/her staff to generate regulatory or non-regulatory action, where there is departmental agreement with the request;
- add the request as an agenda item for Technical Committee discussion. The Technical Committee can then recommend that regulatory action be taken, the issue be referred to a Working Group, an alternative or non-regulatory solution be developed or the request be denied. In the latter case, the petitioner may request that CARC reconsider the Technical Committee recommendation (the Executive Director of the Technical Committee will ensure that proposed agenda items are appropriately analyzed before being added to the Technical Committee's agenda); or
- deny the request by the petitioner to have the proposal considered by the Technical Committee. Accordingly, the Executive Director of the Technical Committee will advise the Secretariat to notify the petitioner. In such cases, an appeal may be submitted in writing to the CARAC Secretariat for consideration by CARC. All appeals are required to provide information not previously submitted to TCCA.

3.4 Civil Aviation Regulatory Committee (CARC)

In cases where an issue is submitted for consideration, CARC may:

- direct the Executive Director of the Technical Committee to instruct his/her staff to generate an NPA for Technical Committee consideration, provided that the appropriate requirements of the Canadian government's federal rule-making requirements, have been conducted; and there is general agreement with the request.
- direct the Executive Director of the Technical Committee to add the request as an agenda item for Technical Committee discussion as described above. Should the Technical Committee recommend that the request be denied, the petitioner may not request that CARC reconsider the Technical Committee recommendation unless new information is provided that may alter the recommendation;
- direct the Executive Director of the Technical Committee to develop or implement an alternative or non-regulatory solution; or
- direct the Secretariat, with input from Standards, to advise the petitioner that the request has been denied.

3.5 Discussion Items

When a decision is made to place a request, as a discussion item, on the Technical Committee's agenda, the Executive Director of the Technical Committee will provide a summary of the request to the Secretariat. In addition, a preliminary analysis of the proposal in the request should also be provided to the Policy Division of the Regulatory Services Branch and the Secretariat. The summary will include (refer to format in Appendix 12):

- the file number of the request (where applicable);
- the regulatory reference;
- the subject title;
- the name of the petitioner;
- a description of the general nature of the request;
- a justification (as presented in the request for instituting rule-making procedures);
- the TCCA position in respect of the request;
- the current text; and
- the proposed new regulatory text to meet intent of the change (where possible).

3.6 Notice of Proposed Amendment (NPA)

If it is determined that an NPA is to be prepared, the Executive Director of the Technical Committee will provide details of the request to the Secretariat. The NPA is Transport Canada's administrative tool to formally announce regulatory change proposals to regulations and standards to the aviation community and, in particular, to CARAC. NPAs will contain the following information and be presented, as illustrated in Appendix 13, to the Technical Committee:

- Reference;
- English Title;
- French Title;
- Sponsor (indicate if not OPI Branch or Transport Canada);
- Language (does the change affect English, French or both languages);
- Issue;

- Justification for Change (this section should, where applicable, refer to the impact of different options or provide relevant regulatory text or references found in other national regulations);
- Current Text; and
- New Text (current text shown with revision marks to indicate new text to facilitate review).

3.7 Justification for Regulatory Changes

For documents produced by CARAC, which would not be subject to publication in the *Canada Gazette* and thus would not require a Regulatory Impact Analysis Statement (RIAS), a substantive justification will still be required (for example, changes to CARs Standards). Similar to a RIAS, the purpose of the justification is to provide background information on the development and impact of the proposal. Many of the same questions addressed in the RIAS should also be considered in the justification. It should also form part of the recommendation package presented to CARC by the Technical Committee.

3.8 Establishment of Working Groups Following a Request for Regulatory Action

If the Technical Committee recommends the establishment of a Working Group as a result of a Request for regulatory action, then the normal Working Group procedures in section 2.3 of Division II will be followed.

3.9 Acceptance or Denial of a Request for Regulatory Action

Requests for regulatory action assigned to CARAC, for which a recommendation for regulatory action is made by the Technical Committee and accepted by CARC, will be forwarded to the Executive Director of the Technical Committee for final drafting and submission into the regulatory process.

Requests for regulatory action assigned to CARAC, for which the Technical Committee recommends or CARC determines, after consideration, that the request does not justify instituting regulatory action, the Executive Director of the Technical Committee shall advise the Secretariat to notify the petitioner accordingly. A summary of the specifics of the denial should include the following:

- the file number of the request;
- the name of the petitioner; and
- the disposition of the request (reasons for not pursuing the request).

3.10 Alternative or Non-Regulatory Solutions

A possible outcome of Working Group recommendations, Technical Committee discussions or direction by CARC is an alternative or non-regulatory solution. It is noted that alternative or non-regulatory solutions are a priority of government as published in the *Federal Regulatory Policy*. They should be pursued where possible when regulatory solutions need not be considered to ensure that TCCA's safety mandate is met.

Before implementing such alternative or non-regulatory solutions, the Executive Director of the Technical Committee will seek CARC's concurrence to ensure that it meets the overall intent of the Civil Aviation regulatory program.

3.11 Regulation and Standard Making Process for NPAs

NPAs to regulations that receive approval as part of the CARAC process must still follow the Government of Canada's regulatory process and be published pursuant to the *Statutory Instruments Act* in the *Canada Gazette* (refer to Appendix 14, Regulation and Standard Making Process).

NPAs to standards that are recommended for approval as part of the CARAC process follow the process for making standards. In this process, standards that are recommended by a Technical Committee, without oral or written dissent, may proceed directly to Transport Canada's publication process.

Notwithstanding the above, if the standard is directly associated with a regulatory NPA that will be published in the *Canada Gazette*, the publication date of the standard will be the same as the regulation as announced in the *Canada Gazette*, Part II (refer to Appendix 14, Regulation and Standard Making Process).

3.11.1 Simplified Process for the Amendment of the Design Standards of Airworthiness by Adopting by Reference a Foreign Amendment

To minimize delays between the Canadian effective date and that of the FAA or EASA amendments to the Airworthiness standards, Transport Canada has accepted the Aircraft Certification Technical Committee's recommendation that a simplified process for the amendment of the design standards of Airworthiness be adopted. The process is intended to minimize the following issues that are created by such delays:

- uncertainty from the industry on TCCA intentions toward harmonization; and
- determination of the standards in effect, in Canada, at the time of application for a Type Certificate.

Only the following standards are affected by this simplified process:

AWM	Basis for the AWM	Authority Responsible
500.02 and 500.03	FAR 1, secs. 1.1 and 1.2	FAA
516	ICAO Annex 16	ICAO
522 & 523-VLA	CS-22 & CS – VLA	EASA
527-VLR	CS-VLR	EASA
523 to 535	FAR 23 to 35	FAA
537	TSOs and ETSOs	FAA and EASA

3.11.1.1 PROCEDURE – PHASE I

Following an internal review, TCCA, Aircraft Certification, Regulatory Standards will propose the adoption by reference of the amendment issued by the responsible authority as follows:

- the adoption by reference of the foreign amendment will be effected by a Notice titled "Notice of Proposed Amendment" (NPA). The NPA will be issued by the Secretariat and provide a 30 day time period for consultation;
- the effective date for the changes will be 30 days after the closing date of the Notice, unless a dissent is filed;
- TCCA and CARAC members are to file their dissent to the Secretariat before the end of the 30 day Notice;
- Once a dissent is received, the effective date of the proposed amendment is no longer valid. The Secretariat will immediately notify the Technical Committee members; and
- If a dissent is received, the procedure in 3.11.1.2 b), Phase II, is followed.

Information Note:

The procedures outlined in section 9 of Division I are helpful in understanding how dissents are handled.

Exceptions

A notice for adoption by reference will not be issued by TCCA in the following cases:

1. TCCA either filed a reservation with the responsible authority of the NPA (EASA), NPRM (FAA), which was ignored at the final ruling process by the responsible authority or TCCA filed a difference with ICAO; or
2. In cases where the amendment is in conflict with Canadian legislation:
 - TCCA will either issue an NPA; or
 - advise/consult the Technical Committee at its next meeting.

3.11.1.2 PROCEDURE – PHASE II

(a) No dissents filed

TCCA will translate and proceed with the incorporation of the amendment into the corresponding AWM chapter. The publication of the amendment will replace the foreign text adopted by reference. The effective date for the change will be 30 days following the closing of the 30 day consultation period.

(b) Dissents filed

A dissent will automatically trigger the review by CARC. Where the proposed changes in the dissent:

- are significant enough to justify a difference with the FAA, EASA or ICAO, CARC may recommend that:
 1. an NPA be developed following the CARAC amendment process for presentation at a Technical Committee meeting; or
 2. a new NPA is to replace, in part or in full, the Adoption by Reference Notice, resulting in a revised Adoption by Reference Notice to be submitted with a new effective date;
- are not significant enough to justify a difference with the FAA, EASA or ICAO, or when a proposed change in the dissent is rejected, the Secretariat will advise the proponent of the dissent and will inform the Technical Committee members of the new effective date of the proposed amendment. In accordance with the procedure for dissents found in section 9 of Division I, the dissents and summary of their disposition by CARC will be provided to Technical Committee members at the next routine meeting of the Technical Committee.

4. REGULATORY IMPACT ANALYSIS STATEMENT (RIAS)

4.1 General

The RIAS is a document that is published in the *Canada Gazette*, Parts I and II along with the text of the regulation and any amendments. The RIAS explains the purpose and intended effect of the regulation and invites the public to comment. A description of the costs and benefits expected, and

the consultation that has been conducted, is also provided. The requirement for publication of a RIAS arose as part of the government's regulatory reforms in 1986 and became a regular practice in 1987.

4.2 CARAC and the RIAS

The Technical Committee and Working Groups should provide, where possible, recommendations to CARC in the form of "complete packages". The more complete these packages are at the time of their submission, the greater the time savings within the regulatory process. A complete package would include the recommendation, the proposed rule or amendment, and relevant justification statements that would permit the development of a RIAS.

4.3 RIAS Content

The RIAS is structured as follows: Executive Summary, Objectives, Description, Regulatory and non-regulatory options, Benefits and Costs, Rationale, Consultation, Implementation, enforcement and service standards; Performance measurement and evaluation, and Contact.

When completing a RIAS, the author should consider all the related questions that are found at the following link <http://www.tbs-sct.gc.ca/ri-qr/index-eng.asp>. These same questions should also be considered during Technical Committee and Working Group discussions.

4.3.1 Regulatory Review Criteria

Further to the RIAS-related questions, it is recommended that the author also consult the regulatory review criteria in Appendix 15 for additional guidance.

5. DISPOSITION OF COMMENTS

5.1 General

As noted above, CARAC activities do not replace the public rule-making procedures now in place within the Government of Canada. Therefore, regulations will continue to be published for consultation in the *Canada Gazette*, Part I.

Following the review of comments, a disposition of comments summary will be prepared by the Secretariat and will be made available upon request.

Normally, when regulatory proposals are discussed at CARAC, no significant comments are received following pre-publication in the *Canada Gazette*, Part I. In such cases, CARC will assign the review and disposition of these comments to the functional group within TCCA. However, if comments resulting in substantive changes are received, CARC may then consider tasking the Technical Committee to recommend disposition of the comments. Accordingly, the following would be applicable.

5.2 Comments Assigned to CARAC

The Technical Committee will review and consider the comments and will recommend changes which may include redrafting the final rule, the development of advisory material, etc.

The Technical Committee may establish or reconvene a Working Group, with the approval of CARC, to deal with the new information provided, or do the work itself.

The CARAC Secretariat will then publish a notice announcing assignment of the task (and establishment of the Working Group, if appropriate), citing the applicable references. The notice may solicit participation of non-CARAC individuals.

The preamble or RIAS prepared for the final document will be amended to state the effect that the comments had on the regulatory proposal and that it resulted from a CARAC recommendation.

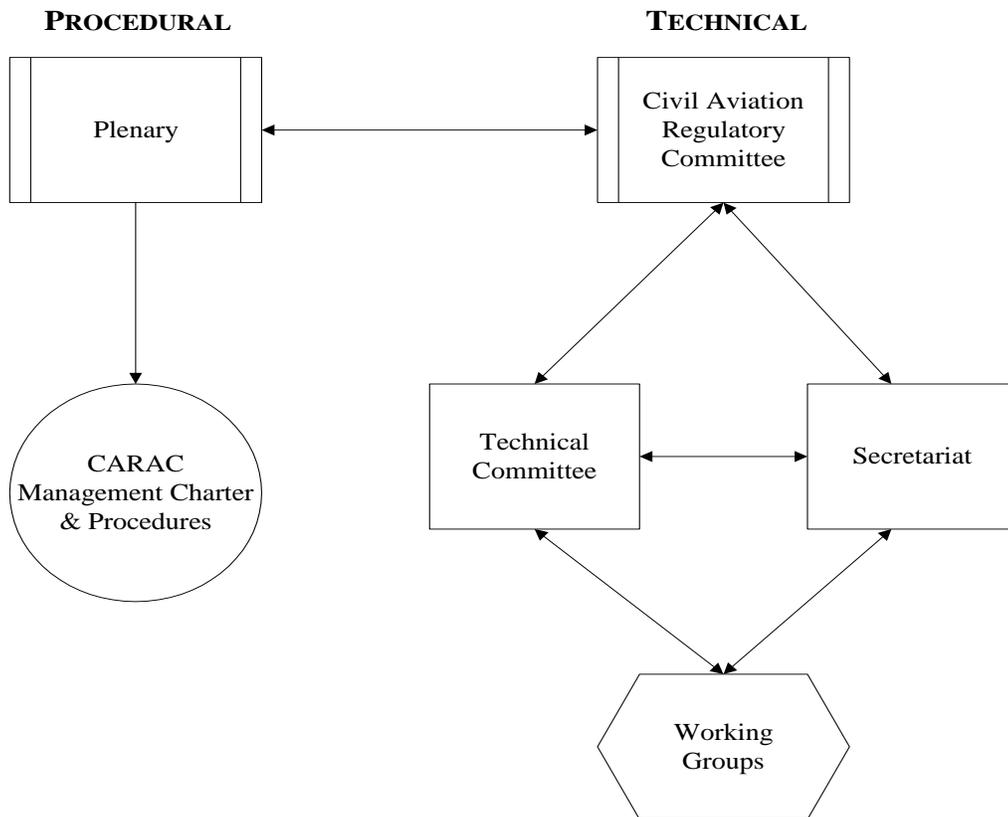
5.3 Comments Assigned to Transport Canada Civil Aviation

If TCCA receives, or expects to receive, significant comments on a proposal and chooses to review the comments and recommend the disposition itself, TCCA will review and consider the comments

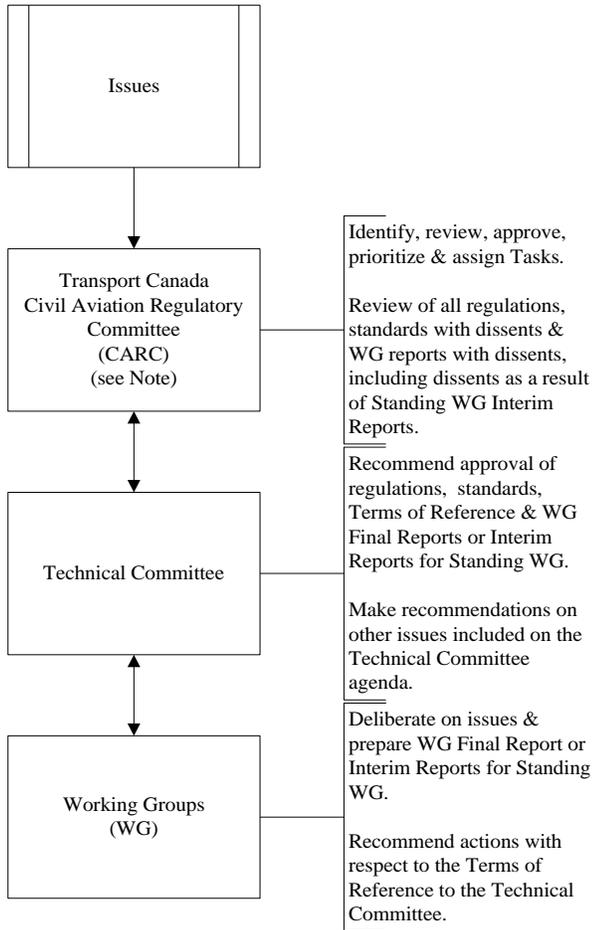
and will recommend changes which may include redrafting the final rule, the development of advisory material, etc. The preamble or RIAS prepared for the final document will be amended to state the effect that the comments had on the regulatory proposal.

DIVISION III – APPENDICES

APPENDIX 1 – CARAC – AN ORGANIZATIONAL OVERVIEW



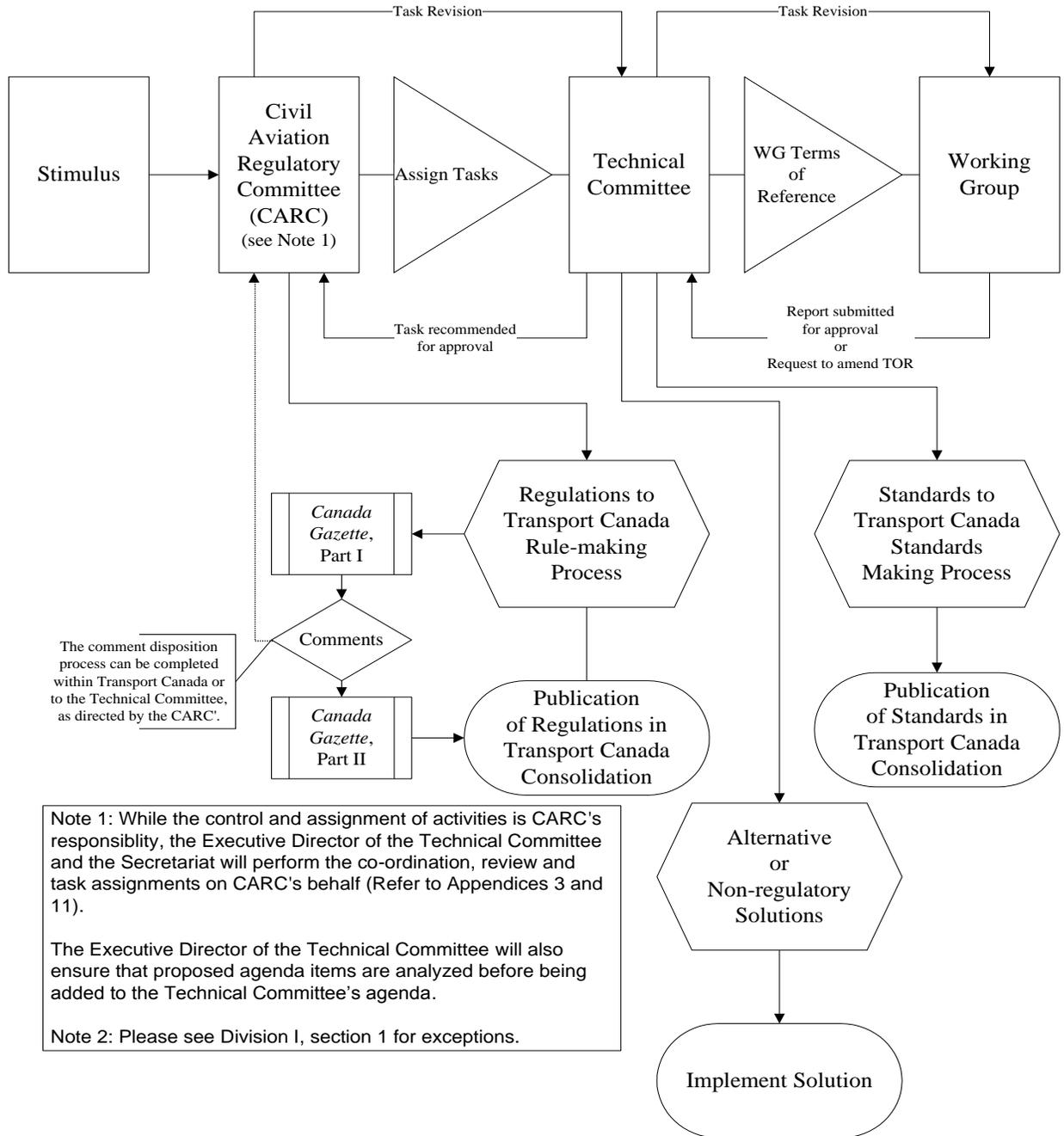
APPENDIX 2 – CARAC PROCESS – OVERVIEW



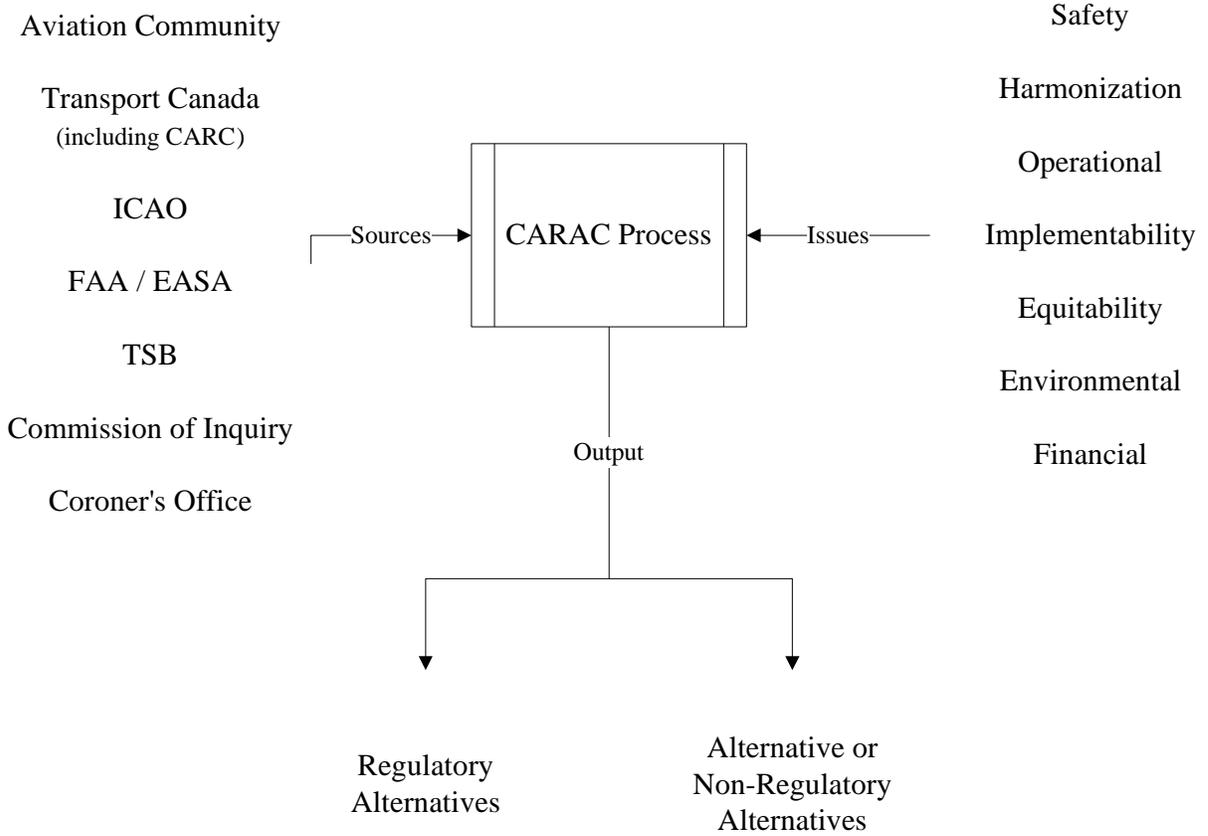
Note: While the control and assignment of activities is CARC's responsibility, the Executive Director of the Technical Committee and the Secretariat will perform the coordination, review and task assignments on CARC's behalf (Refer to Appendices 3 and 11).

The Executive Director will also ensure that proposed agenda items are analyzed before being added to the Technical Committee's agenda.

APPENDIX 3 – CARAC PROCESS WORK FLOW



APPENDIX 4 – CARAC PROCESS STIMULUS



APPENDIX 5 – TECHNICAL COMMITTEE AGENDA (SAMPLE)

Technical Committee Agenda

DATE — LOCATION:

Meeting Start Time:

ITEM NO.	AGENDA ITEM	PRESENTER
YYMM-1	Review of previous Decision Record	
YYMM-2	Review of Proposed Work Plan (as required)	
YYMM-3	Review of Working Group Terms of Reference(s) (as required)	
YYMM-4	Status of Working Group(s) (as required)	
YYMM-5	Review of Working Group Final Report(s) (as required)	
YYMM-6	Review of Notices of Proposed Amendment (NPA)	
YYMM-7	Requests for Regulatory Action (non-NPA)	
YYMM-8	Other issues	

APPENDIX 6 – DECISION RECORD (SAMPLE)

Technical Committee

(Insert Meeting Date)

Meeting Decision Record

ITEM	AGENDA ITEM	DECISION	ACTION
	Opening Remarks		
YYMM-1	Review of Previous Decision Record		
YYMM-2	Working Group Status Report or Working Group Final Report		
YYMM-3	Review of Notices of Proposed Amendment (NPAs)	Please see Appendix for the NPA review results.	

Decision Record prepared by:

CARAC Secretariat

Date

Decision Record approved by:

Executive Director, Technical Committee

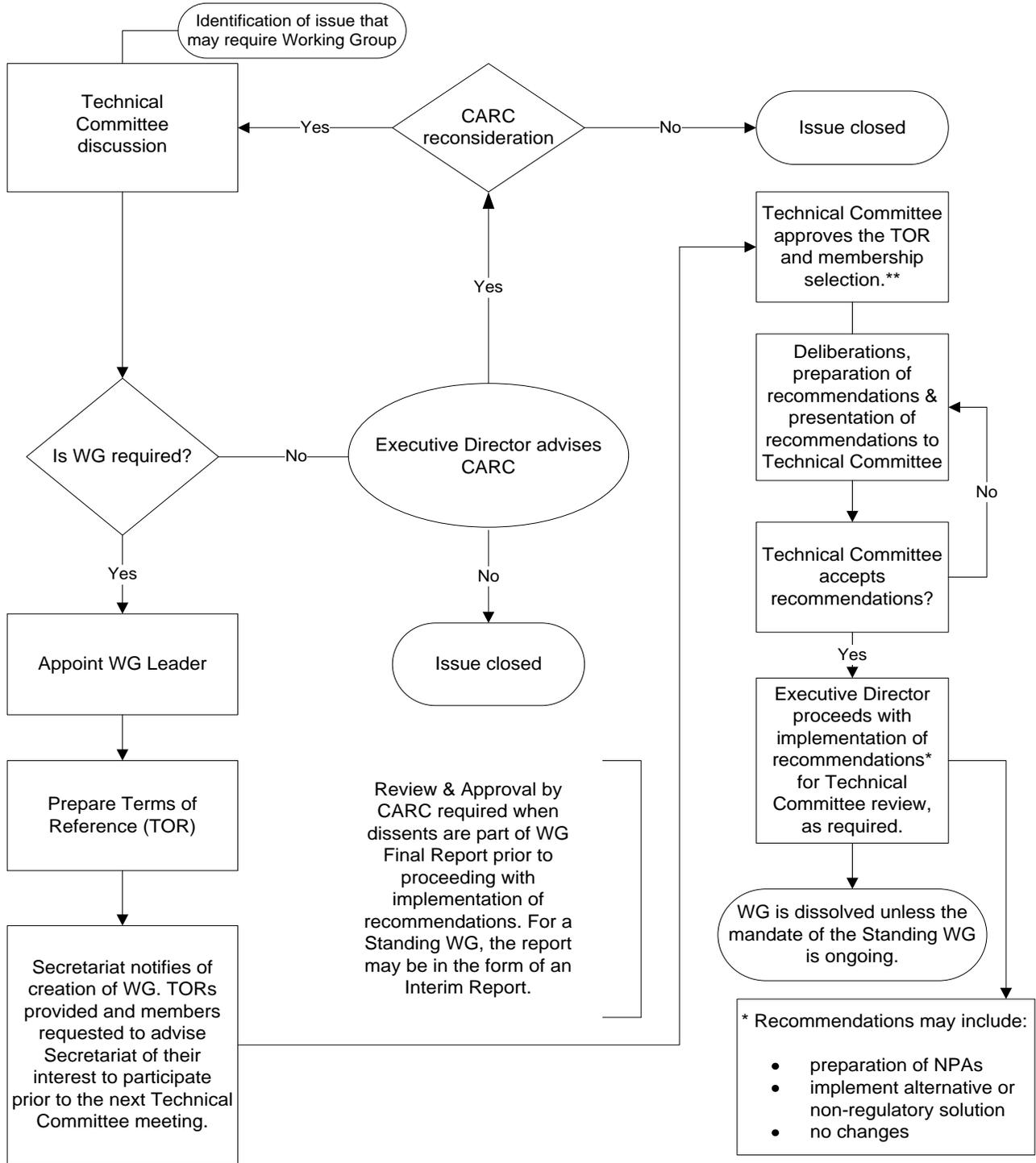
Date

APPENDIX 6 – NPA REVIEW RESULTS (SAMPLE)

DECISION RECORD ITEM YYMM—3

NPA NUMBER	TITLE	STATUS, COMMENTS AND REVISED TEXT	ACTION

APPENDIX 7 – WORKING GROUPS



** The Executive Director of the Technical Committee may accept an additional WG member at a later date subject to the approval of the Technical Committee members at the next Technical Committee meeting.

APPENDIX 8 – WORKING GROUP TERMS OF REFERENCE (DESCRIPTION & SAMPLE)**1. Background**

Describes what issue the Technical Committee is intending to solve; the origin of the request (e.g., a TSB recommendation); the history that led to the issue; and related activities taking place or that may have taken place. To minimize the possibility of duplicating or overlapping assignments, all other activities that could impact the task should be identified.

2. Purpose

Provides a statement about the desired outcome the Working Group should strive for and what the final recommendation should include (e.g., the necessary documents to justify and carry out the recommendation).

3. Scope

Describes what the Technical Committee would like the Working Group to do, the scope of the task (e.g., references to specific CAR sections, advisory circulars, etc.).

4. Approach

Describes the approach to be undertaken by the Working Group, including suggestions made by the Technical Committee concerning possible actions it may wish to undertake to complete the activity.

5. Working Group

Formally introduces the Working Group, its Leader and members, by the Technical Committee and names the Working Group. Also provides information pertaining to the procedures as set out in this document.

6. Reporting

Outlines the Working Group responsibilities concerning reporting of its status and of recommendations. For the purpose of a Standing Working Group, final recommendations on particular issues can be included in an Interim Report for acceptance at the Technical Committee.

7. Technical Committee

Outlines the roles and responsibilities of the Technical Committee with respect to the Working Group recommendations.

8. Timing

Defines the Working Group completion target and approximate dates for starting Working Group activities. If the purpose of the Working Group is meant to take place over a longer period of time, than as is recommended in the CARAC Charter, this Working Group would be considered a Standing Working Group.

9. Budget

Explains funding responsibilities of Transport Canada and of the members of the aviation community participating in the Working Group.

10. Administrative

Advises Working Group participants of who is responsible for the administrative management.

11. Signature Box

Approves the TOR. The signature of the Executive Director of the Technical Committee appears.

APPENDIX 9 – WORKING GROUP LEADER RESPONSIBILITIES

The Leader is responsible for the general overview and administration of the activities of the Working Group as follows:

- Upon the formation of a Working Group and before its first meeting, under the guidance of the Executive Director of the Technical Committee, develops a Terms of Reference document. The Terms of Reference will describe the assigned task and provide guidance regarding the strategy and approach to be followed in the development of options and proposals;
- Once the call for membership has been co-ordinated by the CARAC Secretariat and prior to the next Technical Committee meeting, the Executive Director of the Technical Committee and the Working Group Leader should discuss any issues regarding the selection of the Working Group members based on their eligibility and to ensure that the desired balance has been reached;
- Once the Technical Committee has approved the Terms of Reference and selected the Working Group membership, the Working Group Leader is responsible to advise all individuals who had expressed an interest in being a Working Group member as to the final membership selection;
- Develop a work plan, providing a time schedule and resource requirements, etc., required to complete the task. For the purpose of a Standing Working Group, the work plan should be reviewed at least every year, at the latest, every two years;
- Preside at meetings of the Working Group;
- Compile agenda items and distribute an agenda prior to each Working Group meeting;
- Ensure that each suggestion is given due consideration by the team;
- Obtain Technical Committee agreement concerning the conceptual solution the Working Group plans to pursue;
- Identify issues to be addressed by the Technical Committee;
- Strive towards consensus and, if it is not achievable, ensure that all dissenting views are well recorded for future consideration at the Technical Committee meetings;
- If an issue arises that requires legal or benefit/cost input, seek assistance from the Secretariat;
- Ensure that supporting documentation (notes, suggestions, decisions/consensus) and justification for each decision made and action recommended are maintained and available for future use and ensure traceability of the activities of the Working Group;
- Certify the accuracy of Decision Records;
- Submit information about future Working Group meetings to the Executive Director of the Technical Committee and to the Secretariat;
- Provide copies of relevant materials to Working Group members well in advance of the meeting. While information is typically provided 30 days in advance, the Working Group may agree to a lesser time, if it so chooses;
- Ensure all Working Group documents are marked “DRAFT” and that they should not be released to the public until they are ready to be presented to the Technical Committee;
- Submit progress reports to the Executive Director of the Technical Committee for discussion at the Technical Committee and, if required, subsequent presentation and consideration by CARC regarding progress made, decisions reached and next actions, including schedules and unresolved issues that require resolution; and

- Ensure that sufficient time is provided to fully discuss issues, including holding meetings, as required.

The following additional guidance is also provided in respect of these activities:

Roles and Responsibilities Working Group Leader	Guidance for the Working Group Leader
(1) Works with the Executive Director of the Technical Committee, the CARAC Secretariat and the Technical Committee to establish the Working Group. It will be at this stage that there will be a determination whether the Working Group will be a Standing Working Group.	The CARAC Secretariat is responsible for all co-ordination activities related to the formation of the Working Group. The Working Group Leader needs to ensure that a member list is maintained current and provided to the Secretariat.
(2) Works with the Executive Director of the Technical Committee to secure and maintain a balanced Working Group membership that will materially contribute to the final product and team success. The Working Group Leader may, with the agreement of the Executive Director of the Technical Committee, expand or contract the Working Group as necessary to attain final product and team success. The addition of a Working Group member by the Executive Director of the Technical Committee is subject to the approval of the Technical Committee members at the next Technical Committee meeting. For the purposes of a Standing Working Group, the membership will be reviewed at least every year, or at the latest, every two years.	The Working Group members should regularly attend meetings and should not come and go as they wish. He/she has the right to recommend to the Executive Director of the Technical Committee removal of members who do not participate or are disruptive.
(3) Establishes task groups, as appropriate, to accomplish a sub task.	It may be necessary to break a task into a number of sub tasks and assign those sub tasks to task groups not necessarily composed of the same members as the Working Group. A task group must report to the Working Group, and the Working Group is responsible for approving the work of the task group. The task group has no authority within the Technical Committee management chain; consequently, the Working Group Leader is responsible for presenting all concepts, proposals, recommendations, etc., to the Technical Committee.
(4) In addition to his/her role as facilitator, the Leader may be an active member of the Working Group unless another representative of the Leader's organization represents that organization.	The Working Group Leader normally will have a voice whenever a consensus is sought; however, in order to avoid the appearance of "stacking the deck," he/she may not count his/her opinions in determining the level of consensus if another person represents the same organization. The same should hold true for other Working Group members – one voice per organization.
(5) Ensures that all Working Group members have a clear understanding of the Terms of Reference and schedule completion date, unless it is a Standing Working Group. If the Working Group is a Standing Working Group	The Working Group Leader should ensure that, at the beginning of every meeting, everyone understands the Terms of Reference and the established schedule.

<p>the schedule completion date will be in regards to completing a specific task rather than the entire Scope of the Mandate.</p>	
<p>(6) Ensures adherence to the Working Group Guidelines (ground rules) adopted by the Working Group.</p>	<p>The Working Group should establish guidelines or ground rules for conducting business. Ground rules could include such things as how many meetings a member can miss before a recommendation to remove a member is made and whether a member may bring an associate and when/if that associate may participate in discussions (refer to definition of “observer” and “technical advisors” in section 2.3.8 Division II).</p>
<p>(7) Considers all relevant background material relevant to the task.</p>	<p>If it has not already been provided, the Working Group Leader should request that Transport Canada provide the relevant background material.</p> <p>The Leader promotes collaboration; considers all elements contributed by participants; ensures each suggestion receives full consideration by the Working Group; combines all constructive suggestions/ideas to reach a positive, useful outcome or decision and resolves conflict.</p>
<p>(8) Ensures that, at each meeting notes are taken; recommendations are recorded; and all decisions/consensus are documented.</p>	<p>To make drafting of a Notice of Proposed Amendment (NPA) or other recommendation easier, the Working Group Leader needs to ensure that all decisions, etc., are documented. The Leader should arrange to have someone take the appropriate notes. Copies of records should be sent to the Secretariat for insertion to Working Group files. For this purpose, file numbers are provided on the upper right hand corner of a Terms of Reference or are available from the Secretariat.</p>
<p>(9) Ensures that the agreed group size and membership is maintained.</p>	<p>To ensure and maximize consensus, the Leader must ensure that the appropriate level of expertise is available and that balance of interests is maintained. The Working Group Leader should therefore advise the Executive Director of the Technical Committee if the Working Group membership changes in such a way that upsets this balance. A decision to adjust the size or membership of the Working Group may therefore be required. For the purposes of a Standing Working Group the membership shall be reviewed on an annual basis, at the latest, every two years.</p> <p>Notwithstanding, if the Working Group is deliberating on a task and it determines that it needs the expertise of an individual with experience or expertise not available from the members, the Working Group Leader may then seek out an individual with the appropriate expertise to ensure completeness of the Working Group discussions. This individual becomes a technical advisor to the Working Group, in accordance with section 2.3.8 of</p>

	Division II.
(10) Calls meetings of the Working Group. The Leader should endeavour to balance meeting locations in order to minimize participant costs and to schedule tentative meeting dates in advance to reduce work conflicts so as to maximize participation.	Some of the Working Group members may have budget constraints or work conflicts that would keep them from attending every Working Group meeting. The Working Group Leader should attempt to schedule meetings at locations that would allow as many members as possible to attend. A number of meetings should be scheduled in advance so that members have the opportunity to adjust schedules to allow participation.
(11) Advises the Secretariat of any meetings to be included in the CARAC calendar of meetings.	Many of the Technical Committee participants are members of more than one Working Group. For this reason, Working Group Leaders should advise the Secretariat of any meeting dates and locations. Inclusion of those dates in the CARAC calendar will enable members to avoid conflicts and coordinate schedules to minimize travel.
(12) Compiles agenda items and distributes them to each Working Group member well in advance of Working Group meetings.	The Working Group Leader should have a formal agenda for each meeting and distribute the agenda to each member at least 30 days before the meeting unless a shorter time has been agreed to by Working Group members.
(13) Develops, with Working Group consensus, a work plan (where appropriate) for presentation to the Technical Committee. For the purpose of a Standing Working Group this work plan should be presented every year, at the latest, every two years.	The Working Group Leader needs to be able to manage the Working Group's schedule for completion of a task in accordance with the Terms of Reference. Therefore, the Leader should develop a plan for how the Working Group expects to complete its work and the schedule it will follow.
(14) Briefs the Technical Committee on the work plan (where appropriate) and obtains the Technical Committee's approval.	The Working Group Leader is responsible for providing the work plan and other briefings to the Technical Committee.
(15) Develops, with Working Group consensus, a concept paper/briefing (where appropriate) for presentation to the Technical Committee.	The Working Group needs to agree to the concept that will be proposed to the Technical Committee by the Working Group Leader. The concept identifies, for example, how the affected rule would be changed, whether advisory material is needed, and whether a compliance schedule is required.
(16) Briefs the Technical Committee on the concept and obtains the Technical Committee's approval.	The Working Group Leader is responsible for providing the concept and other briefings to the Technical Committee.
(17) Once the work plan and concept have been approved by the Technical Committee, leads the Working Group toward technical agreement on regulatory change recommendations, if so directed by the Technical Committee. Otherwise, the Technical Committee may request Transport Canada to develop an NPA.	The Working Group Leader will need to ensure that the NPA reflects the concept approved by the Technical Committee.

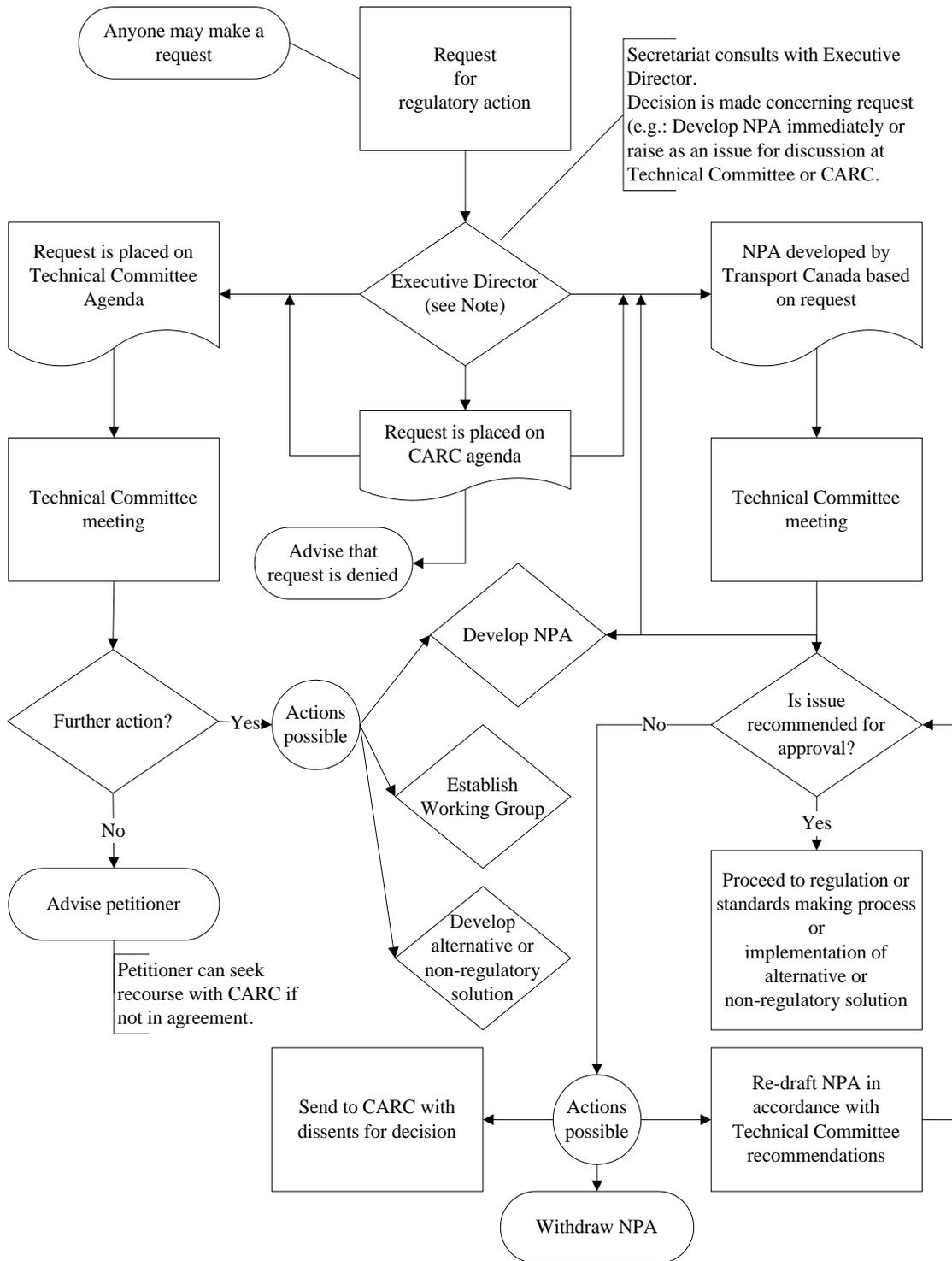
<p>(18) At each Technical Committee meeting, reports the progress, decisions reached, follow-up actions, schedule and issues remaining to be resolved. Any written status report should be transmitted to the Secretariat for distribution to the Technical Committee.</p>	<p>The Working Group Leader needs to keep the Technical Committee up-to-date on the progress of the Working Group (e.g., Is the Working Group on schedule? What decisions have been made? Are any bottlenecks preventing the Working Group from completing its task?) The Leader should contact the Secretariat to establish target dates for distributions to the Technical Committee.</p>
<p>(19) Ensures progress toward consensus is being achieved.</p>	<p>Although the goal of every Working Group is to reach consensus, that may not be possible in every case. If the Working Group believes that the service of a facilitator would help them reach consensus, the Working Group Leader may request the Secretariat to arrange for that service. If profound differences among the Working Group members remain after all reasonable attempts to resolve them have been made, the Working Group may cease activity if the members agree to do so. The Working Group should document all agreements that have been reached as well as any unresolved issues, and the Working Group Leader should then brief the Technical Committee. The Working Group Leader may, however, present recommendations or proposals that, in his/her opinion, best fit the positions discussed.</p>
<p>(20) If legal or benefit/cost issues arise during deliberations, obtains informal legal or economic advice through the Secretariat.</p>	<p>The Working Group has at its disposal the services of both legal specialists and benefit/cost analysts. When needed, these individuals will provide informal input on legal and economic issues or proceed to ensure that formal opinions are provided.</p>
<p>(21) Ensures the proposed document (excluding the benefit/cost analysis) is drafted. Supporting documentation (notes, suggestions, decisions/consensus) and justifications for each decision made and action recommended must be made available to Transport Canada for use when drafting NPAs.</p>	<p>It is the Working Group Leader's responsibility to ensure that Transport Canada has sufficient information on which to base an NPA and to ensure the accuracy of the NPA.</p>

APPENDIX 10 – WORKING GROUP MEETING GUIDELINES

- The Working Group should first discuss the Working Group Terms of Reference (TOR) to establish if all criteria to be evaluated by the Working Group are clearly addressed. If not, the Working Group Leader should recommend any changes to the TOR to the Executive Director of the Technical Committee. The Executive Director of the Technical Committee will then raise the issue to the Technical Committee for approval at its next meeting. Any changes should also be coordinated through the Secretariat.
- An open discussion and identification of issues should first be completed.
- Proposals should then be sought and entertained from any source (Transport Canada or aviation community). To ensure proper consideration, proposals should be provided in writing (e.g., the exact wording of the change being proposed including any supporting arguments and/or data) six (6) weeks prior to the next meeting of the Working Group for distribution purposes.
- During the Working Group meeting, full and open discussion of the proposals can then take place. Advantages and disadvantages of proposals discussed should be recorded for the information of the Technical Committee, if required later.
- If consensus on one proposal can be achieved, the Working Group Leader, with assistance from Transport Canada if the Leader is not from Transport Canada, drafts formal recommendations for use in the final report. For the purpose of a Standing Working Group, these recommendations could be included in an interim report so that they can be implemented.
- Where consensus can be found on an issue or issues, early in the Working Group process, or during the deliberations of a Standing Working Group, with the agreement of the members, the Working Group Leader may offer interim written recommendations (possibly with dissents) to the Technical Committee pending the completion of the Working Group mandate. In such cases, an NPA could be prepared and distributed for Technical Committee consideration where the Technical Committee recommends the approval of the specific issue.
- Where consensus on a proposal cannot be reached, all views must be properly recorded so as to allow the Working Group Leader to make recommendations to the Technical Committee on those issues. Recommendations may be to adopt any one of the expressed views, propose an alternative solution or defer the decision to the Technical Committee based on the information provided. In all cases, the recommendations should then be reviewed and discussed by the Working Group to ensure they reflect the group's intent, and any agreed changes that should be incorporated. Dissenting views must be included with the recommendations in the report.
- The Working Group Leader then presents the final report, or an interim report for the purpose of a Standing Working Group, to the CARAC Secretariat for inclusion at the next Technical Committee meeting where the proposal and supporting arguments will be discussed. The authority of the Technical Committee with respect to Final Working Group Reports is as follows:
 - The Technical Committee can accept the Final Working Group Report as presented;
 - The Technical Committee can reject the Final Working Group Report if it agrees that the Working Group has not completed its mandate as set out under the Working Group Terms of Reference (TORs). The Technical Committee can instruct the Working Group to reconvene in order to complete its mandate; and
 - The Technical Committee has no authority to rewrite the Working Group report, however, they have the authority to attach further recommendations and further dissents to the Working Group report.

- Further possible actions of the Technical Committee are contained within Appendix 9 of the CARAC Charter.
- Occasionally, in complex cases, there is an iteration of the above process as the Technical Committee may request the Working Group to deal with a specific issue.
- Where no agreement is reached by either the Working Group or the Technical Committee, the issue is referred to CARC for discussion and action. (Possible actions by the CARC are well documented in the CARAC Charter.)

APPENDIX 11 – REQUESTS FOR REGULATORY ACTION



Note: While the control and assignment of activities is CARC's responsibility, the Executive Director of the Technical Committee and the Secretariat will perform the co-ordination, review and task assignments on CARC's behalf (Refer to Appendices 3 and 11). The Executive Director of the Technical Committee will also ensure that proposed agenda items are analyzed before being added to the Technical Committee's agenda.

**APPENDIX 12 – REQUESTS FOR REGULATORY ACTION – TECHNICAL COMMITTEE
DISCUSSION ITEM (SAMPLE)**

File Number	
Regulatory Reference	
Subject Title	
Sponsor or Petitioner (indicate OPI Branch if sponsored by TRANSPORT CANADA)	

Description:

This section should include the following:

- Historical and technical background.

Justification for Change:

This section should include the following:

- The advantages and disadvantages of the proposal containing any information, views or argument available to the petitioner to support the action sought, including reasons why the granting of the request would be in the interest of aviation safety or the public;
- The expected impact on aviation safety and the environment;
- Where possible, consideration of the approach of other aviation authorities to the same issue;
- The expected economic impact; and
- Any other related material.

Departmental Analysis (as appropriate):

See Division II – Procedures sections 3.3 to 3.9 for departmental requirements.

Current Regulatory Text:

Text of Proposed Regulatory Change:

APPENDIX 13 – NOTICE OF PROPOSED AMENDMENT (NPA) (SAMPLE)

NPA / APM :	2010--xxx
Reference / référence:	Insert CAR reference / inséré la référence du RAC
English Title / titre anglais :	Title as found in CAR
French Title / titre français :	Titre tel que stipulé dans le RAC
Sponsor (indicate if not the OPI Branch or TC) / Bureau responsable (indiquer si ce n'est pas la direction du BPR ou TC)	
Language (E – F - Both) Langue (A – F – les deux)	Both/Les deux

Issue / Objet :

(Describe the issue(s) and explain why government intervention is needed.)

- Historical and technical background as required.

Justification for Change / Justification de la modification :

(State the objectives for government intervention in concrete terms and its broader policy context, including, if any, the approach of other aviation authorities to the same issue.)

(Include a preliminary description of the regulatory initiative under consideration.)

- Summary of Risk Assessment, including advantages and disadvantages of the proposal.
 - *Risk assessment document prepared either by TCCA, or if applicable or validated, by a foreign Civil Aviation authority, such as the FAA, JAA or EASA.*
- Triage – Anticipated Impact – Low, Medium or High
 - *The estimated impact as documented in the triage (low / medium / high)*
- Are we anticipating any environmental or aboriginal rights impact?
 - *If yes, the requirement for a deeper analysis such as a Preliminary Strategic Environmental Assessment Scan (SEA) may be needed.*
- Enforcement plan, if applicable
 - *(Explain how the policy will be enforced by administrative penalties (if so include the list of designated provisions along with the amounts of penalties in Schedule II to Subpart 3 of Part I, of the Canadian Aviation Regulations) or by penal prosecutions).*
- Service standards, if applicable
 - *(If the initiative is impacting existing fees or is introducing new regulatory fees, include the level of services that Transport Canada will honour. The User Fees Act requirements kick in once service fees are raised).*
 - *Refer to Civil Aviation Directive (CAD) No. QUA-009 Civil Aviation Service Standards Framework or Staff Instruction (SI) No. QUA-010 Civil Aviation Service Standards Improvement Process.*

Current Text / Texte actuel :

Insert current text here copying the text from the latest version of the CARs.

New Text / Nouveau texte :

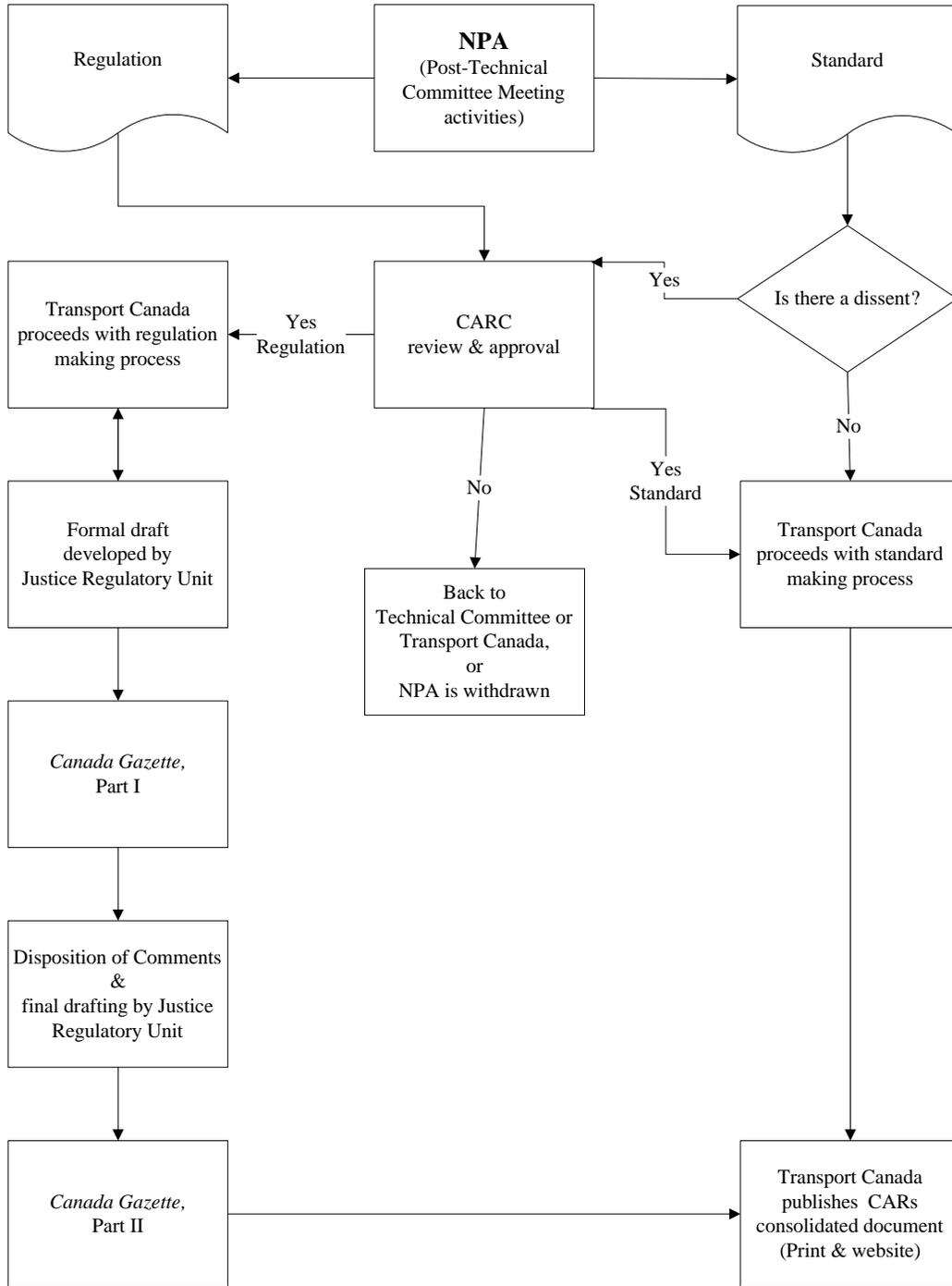
Insert New Text here with revision marks turned on (deleted text = strikethrough / inserted text = underline).

Include the following schedule should the provision be designated. Indicate the CAR section number along with the amount of the individual fine and corporation fine.

Schedule – Designated provisions to section 103.08

Column I	Column II	
	Maximum Amount of Penalty (\$)	
Designated provision	Individual	Corporation
PART XXX – (TITLE)		
SUBPART XXX – (TITLE)		
(CAR section number)	amount	amount

APPENDIX 14 – REGULATION AND STANDARD MAKING PROCESS



APPENDIX 15 – REGULATORY REVIEW – BACKGROUND AND CRITERIA

Background

1. Description/Purpose: Describe the proposed regulation and its type. This describes the type of the proposed regulation in terms of whether it addresses safety, administrative or environmental needs.
2. Target Audience: Describe the application of the proposed regulation, e.g. who will be expected to comply with the regulation – everyone, pilots, owners, air carriers, etc. The scope of the application should also be indicated – domestic, foreign or both.
3. International Requirement: List any ICAO or other international requirement for the regulation.
4. TSB/Commission of Inquiry Recommendation or Comment: If the proposed regulation is the result of a recommendation of the Transportation Safety Board (TSB) or a Commission of Inquiry, the recommendation is identified. If the proposed regulation has been the subject of comment by one of these bodies, that information should also be set out, where possible.
5. Regulatory Impact Analysis Statement (RIAS): A RIAS should be completed, as described above.

Criteria – Regulatory Review

6. Need/Safety: A description of the need that the proposed regulation is intended to address and an assessment of whether the regulation meets that need should be set out. In the case of virtually all TCCA regulations, this will relate to the safety of the national air transportation system.

Questions Considered (as appropriate):

- Does this proposed regulation apply to the proper community, and how is this determined?
- Is the proposed regulation solely concerned with achieving a legitimate safety objective, or does it regulate additional requirements?
- Does the proposed regulation respond to real safety/security requirements? How is this determined?
- Is the proposed regulation necessary to fulfill a legal obligation (e.g., a requirement of the *Aeronautics Act*) or an international requirement?

7. Implementability: Ease of implementation is related to compliance and user-friendliness. The proposed regulation should be analyzed in terms of how easy it is for users to understand and comply with it. Documents relating to the proposed regulation, or to which reference is required for compliance, should be listed.

Questions Considered (as appropriate):

- Can compliance with the proposed regulation be readily determined?
- Is the proposed regulation enforceable?
- Does the proposed regulation stand on its own or must it be considered in conjunction with other regulations?
- Is the proposed regulation made in such a way that it offers those regulated the maximum flexibility in choosing how to comply?

8. Costs vs. Benefits: The cost of complying with the proposed regulation should be quantified both in terms of industry costs and government costs. This analysis is a qualitative one. Where possible, a detailed quantitative analysis should be provided.

Questions Considered (as appropriate):

- How are costs measured against benefits when determining whether to proceed with a regulation or amendment?
- What costs would be incurred by industry in complying with the proposed regulation?
- Would all of these costs be avoided if the regulation were not implemented?
- Would the benefits derived from the proposed regulation exceed the costs?
- What costs would be incurred by the government in monitoring and enforcing compliance?
- What would the benefit of the proposed regulation be in terms of its effect on aviation safety?

9. Competitive Impact: Any competitive impact of the proposed regulation, in terms of Canadian business competing with the U.S. or other countries, should be identified.

Questions Considered (as appropriate):

- Would the proposed regulation protect government investment at the expense of flexibility for industry?
- What costs or constraints would the proposed regulation impose on Canadian industry that it would not impose on foreign industry in an equivalent manner?
- Is there an equivalent foreign regulation?
- Would the proposed regulation hinder inter-modal competition?
- Would the proposed regulation impose unfair burdens on potential new entrants to the civil aviation industry in Canada that those already participating would not have to face?

10. Environmental Impact: The impact of the proposed regulation on the environment, if any, should be described.

Questions Considered (as appropriate):

- What requirements would be imposed by the proposed regulation that could have an impact on the environment?
- Would the proposed regulation encourage or inhibit the use of environmentally sound practices?
- Where a regulation would have an environmental impact, would it have a long-term or permanent effect on the environment?

11. User-Friendliness: The proposed regulation is analyzed in terms of how easy it is for users to understand.

Questions Considered (as appropriate):

- Is the proposed regulation drafted in a simple and straightforward way? Are terms adequately defined?
- Will the proposed regulation be stable and enduring or will it change frequently, causing compliance problems for the industry?
- Have all appropriate parties been consulted? How will their replies be used in determining the final form of the proposed regulation?

- Are the regulatory provisions drafted in a balanced way (e.g. are powers delegated appropriately, is the use of incorporation by reference sound)?
12. **Equitability:** This is related to competitive impact and is concerned with the application of the regulation to various users.
- Questions Considered (as appropriate):
- Would the proposed regulation discriminate among those regulated (e.g., does it cost more for some to implement than others)?
 - Is the application of the proposed regulation appropriate to all the various types of aircraft and operations that would be subject to it (i.e., fixed wing aircraft vs. rotorcraft, small vs. large operations, northern vs. southern operations)?
 - Would the proposed regulation discriminate between Canadian industry and foreign industry in its application?
 - Are there criteria, that may be consistently applied, for granting exemptions to the rule?
13. **Impact on Technological/Business Innovation:** This is also related to competitive impact. If the proposed regulation has an impact on technological or business innovation, a description should be provided.
- Questions Considered (as appropriate):
- Would the proposed regulation inhibit innovation by limiting the range of technical solutions to operational problems?
 - Would the proposed regulation promote technological innovation? How?
 - Would the proposed regulation promote the development of Canadian technology?
14. **Alternatives to Regulation:** Alternatives may be identified by the regulated community or by TCCA. Any alternative should be analyzed and either rejected, with an explanation, or reserved for further consideration.
- Questions Considered (as appropriate):
- On what basis is the proposed regulation accepted as the appropriate course of action?
 - What secondary consequences would ensue from adjusting or eliminating regulatory provisions?
 - Is the proposed regulation required to comply with international agreements or conventions?
 - Are there any non-regulatory alternatives that would be at least as effective, and possibly less expensive, to address the need met by the proposed regulation?
15. **Final Recommendation:** All proposed regulations may be placed into one of three categories: *Accept*, *Reject* or *Review further*. The category is determined on the basis of the analysis using the criteria described above. A rationale should be provided for the category selected as well as the criteria most influential in determining the final recommendation.