



# CANADIAN AVIATION REGULATION ADVISORY COUNCIL MANUAL OF PROCEDURES

DECEMBER 2016

Canada

## Table of Contents

1. ELIGIBILITY .....	3
1.1 CARAC Membership .....	3
1.2 Focus Group Membership .....	3
1.3 Special Technical Committee .....	3
2. PROCEDURES .....	4
2.1 General .....	4
2.2 Exceptions to PICA or NPA .....	4
2.3 Focus Group .....	4
2.4 Special Technical Committee .....	5
2.5 Comment Period .....	5
2.6 Following the Comment Period .....	5
3. CARAC PLENARY .....	6
4. PROVISION OF INFORMATION FOR DISCUSSION .....	6
5. VIDEO CONFERENCE / TECHNOLOGY .....	6
6. RESPONSE SERVICE STANDARDS .....	7
7. AMENDMENT OF THE MANUAL OF PROCEDURES .....	7
Appendix A: Template – Preliminary Issue & Consultation Assessment .....	8
Appendix B: Template – Notice of Proposed Amendment .....	11
Appendix C: Focus Group Terms of Reference .....	12
Appendix D: Roles & Responsibilities of a Focus Group .....	13

## **1. ELIGIBILITY**

### **1.1 CARAC Membership**

Any person or organization interested in aviation safety may request to be a member of the Canadian Aviation Regulation Advisory Council (CARAC) and should inform the Secretariat of any change to their contact information. Every two years, a call out is sent to members asking them to confirm if they wish to remain on the distribution list. This ensures current and engaged members.

Persons wishing to become members should send an email to: [carrac@tc.gc.ca](mailto:carrac@tc.gc.ca).

### **1.2 Focus Group Membership**

Members of CARAC focus groups are individuals with specialized technical knowledge who can provide a diverse and balanced representation through a thorough investigation of the issues. A maximum of ten (10) representatives (unless special permission is granted by the Director) from the aviation community and government are selected by the Director.

Selected members:

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

### **1.3 Special Technical Committee**

Any CARAC member may take part in a special technical committee.

## 2. PROCEDURES

### 2.1 General

The CARAC Manual of Procedures is companion to the CARAC Management Charter RDIMS#8804821.

Issues prioritized for possible rulemaking are developed using a Preliminary Issue & Consultation Assessment (PICA) and a Notice of Proposed Amendment (NPA). The template for a PICA and NPA can be found in [Appendix A](#) and [Appendix B](#).

### 2.2 Exceptions to PICA or NPA

A PICA may not be developed in all instances to engage stakeholders at the early stages of the CARAC process. For example, where amendments to the *Canadian Aviation Regulations* are of an editorial nature (e.g. a [Miscellaneous Amendment](#)); to amend the Design Standards of Airworthiness by adopting by reference a foreign amendment or to update an outdated reference in the regulations, an NPA would be developed and used as the tool to engage stakeholders instead of a PICA.

In cases where regulatory action is intended to mitigate an immediate risk to safety, proposed standards or regulations may be drafted without an NPA. Aviation stakeholders would be consulted through the *Canada Gazette* process and informed by the CARAC Secretariat.

### 2.3 Focus Group

When a focus group is established, terms of reference, including members, are published in a timely manner on the CARAC Activity Reporting System's website and shared with members via email to inform them of the activity. A template terms of reference can be found in [Appendix C](#).

The focus group leader is appointed by the Director. In consultation with focus group members, the focus group leader schedules meetings and notifies focus group members. General guidance on conduct of focus group and the roles & responsibilities of its members is provided in [Appendix D](#).

Focus group meetings are closed to observers unless the presence of observers is previously agreed to by the Director and focus group members.

Observers: Persons whose objective in attending is to learn about the issues.

When appropriate, and with the approval of the focus group leader, focus group members may invite technical advisors other than focus group members to speak directly to a focus group and to participate in discussions. However, these individuals are not members of the focus group and have no voice when consensus is sought.

Technical Advisors: Persons whose role in attending is to support a focus group member. The number of technical advisors will not normally exceed two per focus group member.

The focus group prepares a set of recommendations in the form of a final report. Focus group members are urged not to disseminate draft focus group documentation / reports, until such time that final reports / recommendations are reviewed by the Director for further approval by the National Civil Aviation Management Executive Board (NCAMX). The final report is then shared with all CARAC members and accompanied by a bulletin to confirm the next steps.

## **2.4 Special Technical Committee**

Whenever a special technical committee is scheduled, a notice to that effect is published in a timely manner on the CARAC Activity Reporting System's website and shared with members via email to inform them of the activity and seek their input and participation. The notice contains the formal announcement of the meeting, the agenda and a copy of all relevant information to be discussed.

The decision record is posted online within 90 days following the meeting. In addition, bulletins are shared with all CARAC members and posted online to update on the issue and confirm the next steps.

## **2.5 Comment Period**

Transport Canada endeavours to provide four (4) weeks for stakeholders to provide input on PICAs and NPAs however the timeline may vary depending on the nature and urgency of the proposed changes.

## **2.6 Following the Comment Period**

Comments received, including dissents, are considered by Transport Canada as the issue progresses through the rulemaking process.

Comments received are summarized in a bulletin that is shared with stakeholders and posted online.

All documents relating to a PICA, NPA (including the simplified process NPA), focus group or special technical committee meeting are posted online using the [CARAC Activity Reporting System](#).

In addition, when a modification to the *Canadian Aviation Regulations* is published in the *Canada Gazette*, Part I or Part II, the Chief of Regulatory Affairs informs CARAC members.

For more information on the *Canada Gazette* process, visit: <http://www.gazette.gc.ca/cg-gc/lm-sp-eng.html>

### **3. CARAC PLENARY**

The CARAC Plenary serves as a forum to discuss with civil aviation industry representatives and associations the strategic and regulatory priorities of Transport Canada Civil Aviation.

Three (3) months before the scheduled meeting, members receive via email the meeting date and can submit agenda items relating to operational and emerging technological needs that may impact the Civil Aviation rulemaking and strategic priorities. New agenda items are considered and a final agenda is shared with stakeholders one (1) month before the meeting.

The decision record is posted online within 90 days following the meeting.

### **4. PROVISION OF INFORMATION FOR DISCUSSION**

As a general rule, at a CARAC focus group, special technical committee or plenary meeting, only information on the agenda is open for discussion at the meeting.

### **5. VIDEO CONFERENCE / TECHNOLOGY**

In an effort to be more inclusive, CARAC meetings may be organized using video conference allowing members to attend from different locations across Canada.

## **6. RESPONSE SERVICE STANDARDS**

All submissions are acknowledged within 48 business hours. The Secretariat endeavours to respond to questions within a reasonable and timely manner.

## **7. AMENDMENT OF THE MANUAL OF PROCEDURES**

Amendments can be made from time to time at the request of members or the Secretariat. Members would be provided the changes for information only.

**APPENDIX A**  
**TEMPLATE – PRELIMINARY ISSUE & CONSULTATION ASSESSMENT**

**I. OVERVIEW**

**1. Issue**

*Define the issue or problem.*



**2. Background**

*Provide any relevant background information (e.g., historical information, prior mitigation efforts).*



**3. Safety Profile**

*Provide occurrence data and/or outline the safety case for the issue, where applicable.*



**4. Key Stakeholders**

*Identify all key stakeholders (provide name of specific key industry stakeholders). Identify distributional issues if any (groups impacted at a disproportionately high rate). Identify any rationale put forward by industry to raise the issue as a priority for their sector.*



**5. Population Size**

*Quantify current affected population (operators, category of aircraft, Canadian Aviation Document (CAD) holders, etc).*



**6. Current Framework**

*Describe current requirements under the Canadian Aviation Regulations. Confirm limitations of current framework. Provide reference to guidance material if any.*



**7. ICAO Obligations**

*Identify applicable standards (ICAO SARPs) and any existing differences filed on the issue.*



**8. International Agreements, foreign civil aviation authorities**

*Describe international agreements, if any. Explain what has been done by FAA / EASA to address the issue or problem.*



**9. Potential Impact on the Civil Aviation Safety Program**

*Describe the potential impacts of the issue on the Civil Aviation Safety Program (e.g. service and surveillance to the aviation industry, aviation safety oversight).*



## **II. DETERMINATION OF THE NEED FOR A FOCUS GROUP**

Some issues may not require the establishment of a focus group. If a focus group is established, Terms of Reference (template in [Appendix D](#)) will be developed. Assess the need to establish a focus group against the following criteria:

CRITERIA	SCORE IN POINTS (PTS)	RESULTS
Scope of the issue <ul style="list-style-type: none"> <li>• <u>Administrative change / non-technical</u>: administrative amendments having no impact. Ex: errors in format, typographical errors, numbering errors, inconsistencies between the English and French versions, as long as these inconsistencies are non-substantive</li> <li>• <u>Technical</u>: issue that requires technical research/analysis</li> <li>• <u>Highly technical</u>: significant technical change to current program or introduction of new technology that requires complex research and/or analysis</li> </ul>	a) Administrative change / Non-Technical = 1 pt b) Technical = 2 pts c) Highly technical = 3 pts	
Availability of information / data Factors to consider: <ul style="list-style-type: none"> <li>• Previous research (Working Group, Issue Papers, Reports)</li> <li>• Reliability / Accuracy of the information available?</li> <li>• Reliable sources for the information / data?</li> <li>• Is the information protected or proprietary?</li> </ul>	a) Readily available = 1 pt b) Partially available = 2 pts c) Not available = 3 pts	
Expertise on the issue/subject <ul style="list-style-type: none"> <li>• Where are the Subject Matter Experts (SMEs) - persons with special knowledge or skills in a particular area or topic?</li> </ul>	a) Internal = 1 pt b) Internal & External = 2 pts c) External = 3 pts	
<b>NEED FOR A FOCUS GROUP</b>		
<b>TOTAL:</b>	<b>3 to 4 pts</b>	<b>5 to 9 pts</b>
<b>XXX points</b>	<b><u>NO</u></b>	<b><u>YES</u></b>

*Justify the need for the establishment or not of a Focus Group.*



### III. PROPOSED CONSULTATION STREAM

Assess the potential impact of the proposed solution against the following criteria:

CRITERIA	SCORE IN POINTS (PTS)	RESULTS
<p>Introduction or revision of an element in the CARs Factors to consider:</p> <ul style="list-style-type: none"> <li><b>Minor:</b> Is the issue affecting one or few areas of the regulation?</li> <li><b>Substantial:</b> Is the issue cross-functional (several areas of specialty within TCCA)?</li> <li><b>New:</b> New element and/or consultation required with other departments / agencies (Ex: DND, NAV CANADA)?</li> </ul>	<p>a) Minor element change to current regulation = 1 pt</p> <p>b) Substantial element change to current regulation = 2 pts</p> <p>c) New element to current safety program or interdepartmental issue = 3 pts</p>	
<p>Adverse impacts on one or several segments of industry including regional variations Factors to consider:</p> <ul style="list-style-type: none"> <li>Does this issue relate to a specific type of operation or sector of the industry?</li> <li>Population size of sector of the industry potentially affected</li> <li>Specific regional impact</li> </ul>	<p>a) No impact = 1 pt</p> <p>b) Minimal impact = 2 pts</p> <p>c) Substantial impact = 3 pts</p>	
<p>Estimated costs to industry</p> <ul style="list-style-type: none"> <li>Quantify the potential costs to industry (equipment, training, implementation, etc) based on available information or preliminary analysis</li> </ul>	<p>a) Decrease / Neutral = 1 pt</p> <p>b) Increased costs = 2 pts</p> <p>c) Substantial increase of costs = 3 pts</p>	
<p>International agreements, obligations and standards (ICAO SARPs), Harmonization with other civil aviation authorities</p> <ul style="list-style-type: none"> <li>Will the proposed solution align Canada with ICAO Standards and/or foreign civil aviation authorities?</li> </ul>	<p>a) Full alignment / non-applicable = 1 pt</p> <p>b) Some alignment = 2 pts</p> <p>c) No alignment = 3 pts</p>	

PROPOSED CONSULTATION STREAM			
TOTAL:	4 pts	5 - 9 pts	10 -12 pts
XXX points	<u>LOW</u>	<u>MEDIUM</u>	<u>HIGH</u>

*Proposed consultation level and rationale.*

**UNTIL XX-XX-201X, COMMENTS ON THIS NOTICE MAY BE ADDRESSED, IN WRITING, TO:**

**APPENDIX B**  
**TEMPLATE – NOTICE OF PROPOSED AMENDMENT**

<b>EXECUTIVE SUMMARY</b>
<b>BACKGROUND</b>
<ul style="list-style-type: none"> <li>• Transportation Safety Board (TSB) recommendations, if applicable</li> </ul>
<b>STATEMENT OF THE PROBLEM AND POLICY CONSIDERATIONS</b>
<ul style="list-style-type: none"> <li>• What is the issue?</li> <li>• What has lead to this situation?</li> <li>• What are the policy considerations in addressing the problem?</li> </ul>
<b>ANALYSIS SUMMARY</b>
<p>Occurrences</p> <ul style="list-style-type: none"> <li>• Any data / occurrences from aviation safety intelligence and/or the TSB?</li> </ul>
<p>Risk Assessment</p> <ul style="list-style-type: none"> <li>• Provide a summary of the risk assessment, as applicable.</li> </ul>
<p>Focus Group</p> <ul style="list-style-type: none"> <li>• Results of the external/internal stakeholder participation in the focus group.</li> </ul>
<p>Domestic and International Facts including ICAO SARPs</p> <ul style="list-style-type: none"> <li>• Describe actual domestic / international regulatory framework, if applicable.</li> </ul>
<i>Canadian Aviation Regulations (applicable references)</i>
<p>Triage Statement</p> <ul style="list-style-type: none"> <li>• What is the impact level of this proposal according to the Treasury Board Secretariat's Triage Statement?</li> </ul>
<p>Recommended Consultation Stream</p> <ul style="list-style-type: none"> <li>• Provide link to the Preliminary Issue &amp; Consultation Assessment in the CARAC Activity Reporting System, as applicable.</li> </ul>
<b>RECOMMENDED SOLUTION</b>
<ul style="list-style-type: none"> <li>• What is the general direction that the department would like to take to deal with this issue?</li> <li>• What is the policy rationale for recommending this solution?</li> </ul>
<b>OBJECTIVES</b>
<ul style="list-style-type: none"> <li>• What are the expected objectives of the proposed changes?</li> </ul>
<b>PROPOSED CHANGES</b>
<ul style="list-style-type: none"> <li>• List affected provisions, where applicable and describe policy rationale for introducing the change and meet the objectives.</li> </ul>
<b>UNTIL XX-XX-201X, COMMENTS ON THIS NOTICE MAY BE ADDRESSED, IN WRITING, TO:</b>

## APPENDIX C

### TEMPLATE - FOCUS GROUP TERMS OF REFERENCE

#### **Background**

Describe what issue Transport Canada's Civil Aviation is intending to solve; its history; and related activities. To minimize the possibility of duplicating or overlapping assignments, all other activities that could impact the task should be identified.

#### **Purpose**

Provide a statement about the desired outcome the focus group should strive for and what the final recommendation should include (e.g., the necessary documents to justify and carry-out the recommendation).

#### **Scope**

Describe what NCAMX would like the focus group to do, the scope of the task (e.g., references to specific *Canadian Aviation Regulations* sections, advisory circulars, etc.).

#### **Approach**

Describe the suggested approach to be undertaken and possible actions it may wish to undertake to complete the activity.

#### **Focus Group**

Formally introduce the focus group, its leader and members and provide information pertaining to the procedures.

#### **Reporting**

Outline the focus group responsibilities concerning reporting of its status and of recommendations.

#### **Director**

Outline the roles and responsibilities of the Director with respect to the focus group recommendations.

#### **Timing**

Define the focus group completion target and approximate dates for starting focus group activities.

#### **Budget**

Explain funding responsibilities of Transport Canada and of the members of the aviation community participating in the focus group.

#### **Administrative**

Advise focus group participants of who is responsible for the administrative management.

**APPENDIX D**  
**ROLES & RESPONSIBILITIES OF A FOCUS GROUP**

<b>Roles and Responsibilities Focus Group Leader</b>	<b>Guidance for the Focus Group Leader</b>
Work with the Director and the CARAC Secretariat to establish the focus group.	The focus group leader keeps an updated list of members and provides it to the Secretariat.
Work with the Director to seek and maintain a balanced focus group membership that contributes to the final product and team success. The focus group leader may, with the agreement of the Director, expand or contract the focus Group as necessary.	Members attend regular meetings. The focus group leader can recommend to the Director removal of members who do not participate or are disruptive.
Establish task groups, as appropriate, to accomplish a sub task.	When established by the focus group, a task group must report to the focus group, and the focus group is responsible for approving the work of the task group. The task group has no authority; consequently, the focus group leader is responsible for presenting all concepts, proposals, recommendations, etc., to the Director.
In addition to his/her role as facilitator, the leader may be an active member of the focus group unless another representative of the leader's organization represents that organization.	The focus group leader normally has a voice whenever a consensus is sought; however, he/she may not count his/her opinions in determining the level of consensus if another person represents the same organization. The same applies to other focus group members – one voice per organization.
Ensure adherence to the focus group guidelines (ground rules) adopted by the focus group.	The focus group should establish guidelines or ground rules for conducting business. Ground rules could include 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.
Ensure that, at each meeting, notes are taken; recommendations are recorded; and that all decisions/consensus are documented.	To prepare recommendations, the focus group leader needs to document all decisions, etc. The leader should arrange to have someone take the appropriate notes. Copies of records should be sent to the Secretariat for the file.
Ensure that the agreed group size and member representation is maintained.	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 focus group leader should advise the Director if the focus group members change in such a way that upsets this balance. A decision to adjust the size or membership of the focus group may therefore be required.  If the focus 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 focus group leader may then seek out an individual with the appropriate expertise to ensure completeness of the focus group discussions.

<p>Call meetings and strive to balance meeting locations in order to minimize participant costs and schedule tentative meeting dates in advance to reduce work conflicts and maximize participation.</p>	<p>Some of the focus group members may have budget constraints or work conflicts that would keep them from attending every focus group meeting. The focus 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 for members to adjust schedules to allow participation.</p>
<p>Compile agenda items and distribute them to each focus group member well in advance of focus group meetings.</p>	<p>The focus 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 focus group members.</p>
<p>Report on progress, decisions reached, follow-up actions, schedule and issues remaining to be resolved to the Director.</p>	<p>The focus group leader updates the Director on the progress of the focus group (e.g., on schedule, decisions made, and any bottlenecks preventing task completion) The leader should contact the Secretariat to establish target dates for distributions of the final report to NCAMX.</p>
<p>Ensure progress toward consensus is being achieved.</p>	<p>Although the goal of every focus group is to reach consensus, that may not be possible in every case. If the focus group believes that the service of a facilitator would help them reach consensus, the focus group leader may request the Secretariat to arrange for that service. If profound differences among the focus group members remain after all reasonable attempts to resolve them have been made, the focus group may cease activity if the members agree to do so. The focus group should document all agreements that have been reached as well as any unresolved issues, and the focus group leader should then brief the Director. The focus group leader may, however, present recommendations or proposals that, in his/her opinion, best fit the positions discussed.</p>
<p>If legal or benefit/cost issues arise during deliberations, obtain informal regulatory or economic advice through the Secretariat.</p>	<p>The focus group has at its disposal the services of both regulatory specialists and benefit/cost analysts. When needed, these individuals will provide informal input on regulatory and economic issues or proceed to ensure that formal opinions are provided.</p>
<p>Ensure the proposed documents (excluding the benefit/cost analysis) are drafted. Supporting documentation (e.g., 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 focus 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 as a result of the focus group recommendations.</p>