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CANADIAN AVIATION REGULATION ADVISORY COUNCIL MANAGEMENT CHARTER

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PREAMBLE

This document establishes the governance structure of the Canadian Aviation Regulation Advisory Council (CARAC) and confirms Transport Canada's commitment to engage civil aviation stakeholders in rulemaking activities leading to the continued improvement of Canada's high level of aviation safety.

This document is companion to the CARAC Manual of Procedures RDIMS#10007276.

1. INTRODUCTION

The Canadian Aviation Regulation Advisory Council (CARAC) was established in 1993 to:

- increase public access and participation in Civil Aviation's rulemaking process;
- discuss and debate issues from various viewpoints;
- bring the various rulemaking proposals to the notice of senior management at an earlier stage; and
- facilitate harmonization with other national aviation authorities.

The CARAC is comprised of approximately 570 members who represent the aviation community, other interested parties and Transport Canada. The Council provides a consultation forum for the Civil Aviation regulatory program and is sponsored by the Director General, Civil Aviation.

The CARAC organizational structure consists of:

- Plenary – a general assembly of all members of the Council.
- National Civil Aviation Management Executive Board (NCAMX) and *previously known as the Civil Aviation Regulatory Committee or CARC*, is composed of Transport Canada Civil Aviation senior managers representing all functional authorities and chaired by the Director General, Civil Aviation.
- Directors – the Director of the Standards Branch or the Director of Policy & Regulatory Services Branch.
- Focus Groups – established on an ad hoc basis, comprised of selected representatives from the aviation community and Transport Canada.
- Special Technical Committees – established on an ad hoc basis, consisting of representatives from the aviation community, other interested parties and Transport Canada.
- A Secretariat – provides support and management of CARAC on behalf of NCAMX.

2. TRANSPORT CANADA MISSION

Transport Canada's [mission](#) is to serve the public interest through the promotion of a safe and secure, efficient and environmentally responsible transportation system in Canada.

3. GOVERNING PRINCIPLE

CARAC's main governing principle is to maintain or improve upon Canada's high level of aviation safety.

New proposals, including public interest issues, are judged on the safety and efficiency that would result from their implementation and are assessed at an early stage to determine where the development and approval processes can be streamlined and where resources should be focused. The following factors are considered in this assessment:

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

4. OBJECTIVE

CARAC's prime objective of assessing and recommending potential regulatory changes through cooperative rulemaking activities, is accomplished by supporting Transport Canada and the Civil Aviation Directorate through:

- communicating and seeking industry input on Transport Canada Civil Aviation's rulemaking and strategic priorities;
- 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;
- developing and maintaining administrative tools in order to engage the aviation industry at various stages of the rulemaking process;
- 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., International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPS), Federal Aviation Administration (FAA), European Aviation Safety Agency (EASA)) where safety or efficiency benefits can be derived; and

- transmitting comprehensive and accurate information to the aviation industry in a timely manner.

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 to represent the overall viewpoint of the aviation community and the interested public. These include management and labour organizations representing operators, manufacturers and professional associations.

5.1 Mandate of the CARAC Plenary

The mandate of the CARAC Plenary is to provide an open forum to the aviation industry and Transport Canada to exchange on the content, and execution of Transport Canada Civil Aviation’s rulemaking and strategic priorities in light of the operational and emerging technological needs of the aviation industry.

The CARAC Plenary is scheduled as directed by NCAMX. The time between meetings should not exceed a two-year period.

5.2 Mandate of the National Civil Aviation Management Executive (NCAMX)

As part of its mandate, NCAMX has the responsibility to identify and prioritize regulatory issues and to consider, approve and direct the implementation of recommendations made by CARAC focus groups and special technical committees as applicable.

CARAC members are not allowed to make direct representations to NCAMX.

5.3 Mandate of the Director

The Director is the Transport Canada Director of the Standards Branch or the Director of Policy & Regulatory Services Branch as applicable. On behalf of NCAMX, the Director assesses proposals and supportive documentation before they are submitted to a focus group or special technical committee. The Director also appoints the focus group leader and chairs the special technical committee meetings. The Director is responsible for reporting the outcome of a focus group or special technical committee meeting to NCAMX.

The Director of Policy & Regulatory Services Branch is responsible for managing the CARAC process and ensuring that there is sufficient diversity of aviation industry representatives in order to gather a range of views and expertise.

5.4 Mandate of Focus Groups

The mandate of a focus group is to review technical or safety policy issues, provide technical expertise on an issue, conduct risk assessments and develop possible solutions & recommendations within the scope of a defined Terms of Reference. Focus groups are comprised of selected subject matter experts from the industry and Transport Canada, as designated by the responsible Director who is also responsible to appoint a focus group leader.

The Director will determine the appropriateness of a focus group based on results of a Preliminary Issue and Consultation Assessment (PICA).

5.5 Mandate of Special Technical Committees

The mandate of special technical committees is to provide advice and recommendations to NCAMX on regulatory issues and formal regulatory proposals. A special technical committee discusses policy objectives and supportive documentation. Its members consist of a Director acting as Chair who represents Transport Canada, representatives from the aviation community and other interested parties.

The Director will determine the appropriateness of a special technical committee based on results of a Preliminary Issue and Consultation Assessment (PICA).

5.6 Mandate of Transport Canada Personnel

The Transport Canada functional branches are responsible for:

- providing representation on focus group and special technical committee at the discretion of the Director;
- participating as members of focus group or special technical committee;
- ensuring that focus group and special technical committee members receive relevant and substantiated information that may assist in their deliberations and the development of recommendations;
- reviewing and providing timely feedback on options and recommended proposals as developed by focus groups and special technical committee;
- considering and assessing all comments received from stakeholders at various stages throughout the rulemaking process;
- implementing approved proposals and initiatives as directed by NCAMX; and
- providing implementation progress reports to the Secretariat.

5.7 Mandate of the Secretariat

On behalf of NCAMX, the Secretariat is responsible for the establishment, implementation and maintenance of all systems required to allow CARAC to properly function. The Secretariat is managed by the Policy & Regulatory Services Branch and serves as the focal point for consultations on Civil Aviation regulatory development issues within Transport Canada.

6. ENGAGING IN CARAC

The early involvement of CARAC members is crucial in assessing and recommending potential regulatory changes through cooperative rulemaking activities. This is achieved by communicating relevant and accurate information to stakeholders and seeking their contribution at various stages of the CARAC process. An overview of the regulatory development process for Transport Canada Civil Aviation can be found in [Appendix A](#).

6.1 Preliminary Issue and Consultation Assessment (PICA)

Once prioritized by NCAMX, an issue is brought to the attention of CARAC through the submission of a [PICA](#). Through this process, CARAC members are asked to comment on the assessment of the issue, including the need for focused technical and safety analysis through the establishment of a focus group.

The Preliminary Issue & Consultation Assessment:

- defines the issue;
- notifies stakeholders of Transport Canada's intent to assess possible solutions to address an issue;
- determines the need for a focus group; and
- assists in determining the appropriate consultation stream (low, medium or high) with stakeholders.

Note: A PICA might not be required in all instances for example, in cases where a regulatory action is identified to mitigate an immediate risk to safety or when stakeholders have been engaged as part of a previous process.

6.2 Notice of Proposed Amendment (NPA)

Where a regulatory change is deemed an appropriate solution, the regulatory proposal will be presented as an NPA and shared online with CARAC members. The following table outlines the differences in the various consultation streams for the NPAs.

CARAC CONSULTATION STREAMS FOR NPA	
LOW IMPACT CONSULTATION STREAM	
Regulations	Standards
Online consultation of NPA	30-day online consultation of NPA
Consideration given to proceed directly to publication in the <i>Canada Gazette</i> , Part II	Amendment deemed effective 30 days following close of NPA consultation period
MEDIUM IMPACT CONSULTATION STREAM	
Regulations	Standards
Consideration for a focus group	Consideration for a focus group

Online consultation of NPA	30-day online consultation of NPA
Publication in the <i>Canada Gazette</i> , Part I	Amendment deemed effective 30 days following close of NPA consultation period
HIGH IMPACT CONSULTATION STREAM	
Regulations	Standards
Consideration for a focus group	Consideration for a focus group
Online consultation of NPA	30-day online consultation of NPA
Special technical committee meeting	Special technical committee meeting
Publication in the <i>Canada Gazette</i> , Part I	Amendment deemed effective 30 days following close of NPA consultation period

Note: 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.

6.3 Comment Periods

General

All comments submitted by CARAC members at the various stages of the CARAC process are considered by Transport Canada as an issue progresses through CARAC. Summary and disposition of comments received on an issue are published on the [CARAC Activity Reporting System](#).

In addition, the disposition of comments are submitted to NCAMX as part of the regulatory development processes.

7. RULEMAKING PROCESS

Proposed regulatory changes that are developed as part of the CARAC process must then follow the Government of Canada's rulemaking process and are published in the [Canada Gazette](#).

8. STANDARD MAKING PROCESS

Proposed changes to standards that are developed as part of the CARAC process proceed to the standard making process. The new standard is available online on the [CARAC Activity Reporting System](#) before being consolidated into the Canadian Aviation Regulations Standards and posted at: <http://www.tc.gc.ca/eng/acts-regulations/regulations-sor96-433.htm>.

8.1 Amendment or Introduction of a Standard

A new standard or an amendment to an existing standard (including removal of a standard) is approved by an authorized Transport Canada representative

and CARAC members are notified as soon as possible that a standard or an amendment to an existing standard has been made. The new standard is deemed to be effective 30 days after notification.

8.2 Amendment or Introduction of a Standard Associated with a Regulatory Amendment

Notwithstanding the above, if the new standard or the amendment to an existing standard is directly associated with a regulatory amendment being published in the *Canada Gazette*, the standard becomes effective on the date the associated regulation comes into force as announced in the *Canada Gazette*, Part II.

8.3 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, EASA or ICAO amendments to the airworthiness standards, amendments of the design standards of airworthiness are adopted by Transport Canada using a simplified process.

Following an internal review, Transport Canada will propose the adoption by reference of the amendment issued by the responsible authority as follows:

The adoption by reference of the foreign amendment are done by a Notice of Proposed Amendment (NPA). A PICA is not developed in these instances. The NPA is issued by the Secretariat and a 30-day consultation period will be provided.

CARAC members are to file their dissent to the Secretariat before the end of the 30-day consultation period.

The effective date for the changes is 30 days after the NPA closing date, unless a dissent is filed.

Dissent filed:

Once a dissent is received, the effective date of the proposed amendment is no longer valid and members will be notified accordingly by the Secretariat.

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

- are significant enough to justify a difference with the FAA, EASA or ICAO, NCAMX may recommend that:
 1. further assessment of the issue be conducted; 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 CARAC members of the new effective date of the proposed amendment.

Only the following standards are affected by this simplified process:

Airworthiness Manual (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 CAN TSO	FAA and EASA

9. AMENDING THE CARAC MANAGEMENT CHARTER

The *CARAC Management Charter* and the *CARAC Manual of Procedures* are administrative documents which may be amended from time to time by NCAMX. Recommendations for changes may be submitted to the Secretariat and will be considered by NCAMX. The Secretariat will inform CARAC members of any change made to the Charter.

10. COMMUNICATION AND EXTERNAL RELATIONSHIPS

Comprehensive and timely communications are given top priority. The appropriate & timely participation of representatives from the aviation community and from within Transport Canada in the CARAC process are key for an effective consultation process.

While the Secretariat serves as the focal point for communications, the designated spokespersons for CARAC are the Director General, Civil Aviation, the Director, Policy and Regulatory Services, the Manager, CARAC and the Director of Standards for Special Technical Committees.

10.1 CARAC Calendar and CARAC Activity Reporting System

To ensure full and equal access to CARAC information by its members and the aviation community, the Secretariat maintains a [CARAC calendar](#) and a [CARAC Activity Reporting System](#). To avoid scheduling conflicts, the Secretariat, as advised by the industry, endeavours to include major aviation community events on the calendar. Accordingly, the purpose of the calendar is to maintain a record of planned CARAC meetings while the [CARAC Activity Reporting System](#) provides supportive documentation on any given issue open for consultation.

10.2 Focus Group Final Report

Once approved by Transport Canada, a focus group final report is made available online in the [CARAC Activity Reporting System](#).

10.3 Decision Records

CARAC Decision Records are a summary of decisions and recommendations made during a CARAC special technical committee or plenary meeting; they are not a verbatim account of the proceeding. Once approved, these records are made available through the [CARAC Activity Reporting System](#).

10.4 Media Attendance and Recordings

All requests for media attendance at CARAC meetings must first be made and coordinated with Transport Canada's Media Relations Office by telephone at 613-993-0055 or by email at media@tc.gc.ca.

With the exception of recordings for the sole purpose of drafting the decision records, no other audio or video tape recordings are permitted during these CARAC meetings.

It should also be noted that CARAC focus group meetings are closed to media to ensure members can freely express their views during discussions.

**APPENDIX A
OVERVIEW OF REGULATORY DEVELOPMENT PROCESS FOR CIVIL AVIATION AT
TRANSPORT CANADA**

