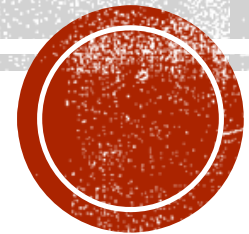


YD TEXTS CAPACITY BUILDING WORKSHOP 1

YD Rulemaking

Kigali 22 – 24 July 2019



Kofi Henaku, PhD

CONTENT

- **Primary Rulemaking Obligation**
- **Executing Agency Regulations**
 - **Article 5 (c)**
 - **Article 15**

POWERS OF THE EXECUTING AGENCY

- Art. 5 (c)
- Formulate opinions, make decisions, guidelines and guidance materials including clarifications of provisions of the Decision and acceptable means of compliance;

ARTICLE 15

PROCEDURES FOR DEVELOPMENT OF DECISIONS, REGULATIONS AND GUIDELINES

When the Executing Agency develops regulations, procedures, to be applied by State Parties, it shall establish a procedure for consulting the State Parties, the regional economic communities, eligible airlines, service providers and all interested parties.

The Executing Agency shall adopt rules through the procedure of Notification of Proposed Rulemaking on the Yamoussoukro Decision (Hereinafter, YDNPR).

The Executing Agency shall adopt detailed procedures for taking decisions **and** making regulations, and issuing guidelines.

Those procedures shall:

- (a) Draw on expertise available in standing and ad-hoc AFCAC Committees, aeronautical authorities, the regional economic communities, airlines and **other** air transport service providers;
- (b) Involve appropriate experts from relevant interested parties, including but not limited to African Universities and Research institutions related to air transport;
- (c) Ensure that the Executing Agency publishes documents widely with interested parties according to a timetable and a procedure which includes an obligation on the Executing Agency to submit written responses to the consultation process.

Rule. 3

1. The Secretary General shall establish an annual rule-making programme in consultation with the Monitoring Body and the regional economic communities.
3. Any person or organisation may propose the development of a new rule or an amendment thereto.

Rule 4

2. The Secretary General shall draw up **terms of reference** and from time to time amend the same for each rule-making task after consulting the Monitoring Body.
3. The Secretary General shall choose between the use of a drafting group, consultants or Executing Agency resources for the fulfilment of each rulemaking task

Rule 6

1. All State Parties, eligible airlines, air transport service providers and any person or organisation with an interest in the rule under development shall be entitled to comment ...
2. The consultation period shall be four (4) months from the date of publication of the proposed rule

Rule 7

The Secretary General shall ensure that comments are reviewed by appropriately qualified experts not directly involved in the drafting of the proposed rule together with the Executing Agency staff or drafting group

The Secretary General shall review the comments received and publish a response within three (3) months

- Extra consultation permitted

- **The Secretary General shall issue a decision in respect of the rule in question no earlier than two (2) months following the date of publication of the Response to proposed rule.**

THANK YOU FOR YOUR ACTIVE PARTICIPATION

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