



## LEGAL TASK FORCE

### TERMS OF REFERENCE AND RULES OF PROCEDURE<sup>1</sup>

#### TERMS OF REFERENCE

##### 1. Objective

The objective of the Legal Task Force shall be to examine legal issues and develop proposals for the solution of legal issues related to the role and work of ECAC.

##### 2. Mandate

The Legal Task Force shall perform, *inter alia*, the following functions:

- a) To advise Directors General of Civil Aviation on matters relating to the interpretation and amendment of the ECAC Constitution, the legal status of ECAC and its relationship with other international organisations;
- b) To study and make recommendations on matters relating to public international air law;
- c) To discuss legal issues relevant to the work of ICAO with a view of facilitating and supporting the participation of ECAC Member States in the legal work of ICAO (e.g., ICAO Legal Committee) as well as coordinating ECAC common positions, where possible and appropriate, including but not limited to the preparation and implementation of international legal instruments (Conventions, Agreements, Memoranda of understanding, Resolutions, etc.) and submit reports and recommendations thereon to Directors General of Civil Aviation; and
- d) To discuss other legal issues relevant to the work of ECAC or of interest to ECAC Member States, as appropriate.

##### 3. Method of work

The Legal Task Force shall determine a provisional agenda of each of its meetings, provided that it is consistent with the mandate given to it by Directors General of Civil Aviation and its annual work programme.

The Legal Task Force shall report on its work to Directors General at their meeting in December each year, and submit at that same meeting its proposed work programme for the following year.

#### RULES OF PROCEDURE

##### 1. Chairmanship of the Task Force

The Chair and Deputy Chair shall be representatives from an ECAC Member State. Directors General of ECAC Member States shall appoint the Chair and Deputy Chair upon nomination by the Legal Task Force.

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<sup>1</sup> Adopted by Directors General through written consultation on 12 February 2015.

Each mandate is limited to three (3) years. The Chair and Deputy Chair may serve a maximum of two mandates. A Deputy Chair may apply for the position of Chair after serving two mandates as Deputy Chair. A Chair may apply for the position of Deputy Chair after serving two mandates as Chair.

### **1.1. Appointment of the Chair/Deputy Chair**

The appointment procedure is as follows:

- a) No later than three (3) months before the next meeting of the Task Force, at which the Chair is to be considered, Member States are invited to nominate candidates from the Task Force members;
- b) The nominations received are presented by the ECAC Secretariat to the Task Force for consideration;
- c) The Task Force considers the applications received, and nominates a candidate; and;
- d) The nomination is communicated to the ECAC Directors General at the following DGCA meeting for decision, and formal appointment;
- e) ECAC Directors General (according to Article 11.1 of ECAC Constitution) appoint the Chair based upon the proposal made by the Task Force.

## **2. Role and duties of the Chair**

The Chair is responsible for:

- a) Promoting discussion, collaborating and achieving consensus among members and observers of the Task Force;
- b) Leading the Task Force with regard to its achievement of the annual work programme;
- c) Approving the draft agenda of the meetings, on the basis of the draft presented by the ECAC Secretariat, and facilitating discussions;
- d) Approving the draft Summary of Discussions of the meetings, on the basis of the draft presented by the ECAC Secretariat;
- e) Reporting regularly to Directors General; and
- f) Representing the Task Force at relevant meetings.

The Chair ensures that new Task Force members agree to respect the Rules of Procedure.

In case the Chair would not be available for a meeting due to urgent and important reasons, he/she shall inform the ECAC Secretariat as soon as possible.

## **3. Role and duties of the Deputy Chair**

The Deputy Chair, who should be from another Member State than the Chair, is responsible for:

- a) Assisting as required the Chair in leading the Task Force with respect to the implementation of its annual work programme;
- b) Acting as chair of meeting in the absence of the Chair for urgent and important reasons. In such cases, the same Rules of Procedures apply and the deputy chair leads the meeting in the same capacity as the chair;
- c) Representing the Task Force at relevant meetings, when the Chair is not available to do so or upon request of the Chair.

## **4. Membership in the Task Force**

The Legal Task Force shall be composed of experts designated as representatives of and by ECAC Member States, and shall be open to participation by all ECAC Member States. The ECAC Secretariat is a member of the Task Force and acts as Secretary of the meetings.

### **4.1. Procedures for becoming member**

ECAC Member States may nominate members to the Task Force by writing to the ECAC Secretariat, which will forward them to the Chair/Deputy Chair.

Members may be replaced by one of their colleagues provided that the Chair and the ECAC Secretariat be informed in advance and that the replacement is acting in the same capacity as the member.

Members, who wish to resign, should do so in writing to the Chair and the ECAC Secretariat.

### **4.2. Participation in meetings**

Members or their replacement shall sign an attendance list at each meeting. A record of attendance by members is disseminated to the Task Force after the meeting.

Failure to attend (or be represented) three consecutive meetings will result in the member being removed from the Task Force mailing list.

### **4.3. Experts' participation**

Member States may invite experts to participate in their delegation on an ad-hoc basis (for a meeting or part of a meeting), if such participation is considered to be conducive to the work on subject matters assigned to the Legal Task Force.

The Chair may invite other experts to participate on an ad-hoc basis (for a meeting or part of a meeting), if such participation is considered to be conducive to the work on subject matters assigned to the Legal Task Force.

### **4.4. Observers' participation**

The European Commission has the status of permanent observer to the Task Force.

The Chair may invite observers from international organisations, non-ECAC States or non-governmental aviation organisations, to participate on an ad-hoc basis (for a meeting or part of a meeting), if such participation is considered to be conducive to the work on subject matters assigned to the Legal Task Force.

## **5. Meetings of the Task Force**

- a) All members should actively contribute to the work of the Task Force. These contributions should include:
  - Produce Working or Information Papers (WP/IPs);
  - Comment on Working and Information Papers exchanged;
  - Contribute to the discussions held during meetings;
  - Contribute to the work of the Task Force between regular meetings.
- b) The Task Force will organise at least two (2) meetings per year; these meetings

will take place at ECAC offices. When deemed necessary in consideration of specific work priorities additional meeting(s) may be convened. Should additional meetings be organised, other locations may be considered;

- c) All papers shall be submitted to the ECAC Secretariat at least ten (10) working days in advance of the meeting in order to give members an opportunity to inform their preparation for the meeting. Papers received less than three (3) working days before the meeting will not be disseminated by email to other members; and
- d) A maximum of two (2) participants per entity (excluding the Chair) may participate in the Task Force although the Chair may allow three (3) participants based on the specific expertise of these persons and their potential contribution to the Task Force.

## **6. Role of the ECAC Secretariat**

The ECAC Secretariat attends all meetings of the Task Force and is responsible for:

- a) Making all administrative arrangements in the preparation of the meetings (i.e. circulation of all documents, such as agendas, working/information papers) in liaison with the Chair;
- b) Maintain an up-to-date list of members and observers of the Task Force; this list is used to communicate about Task Force meetings and activities;
- c) Providing updates on ECAC activities as appropriate;
- d) Preparing the agenda of the meetings;
- e) Preparing a Summary of Discussions after each meeting, which will be circulated to all Task Force members, once approved by the Chair;
- f) Submitting working papers and information papers;
- g) Preparing an annual report of the Task Force activities, which will be submitted to the Directors General; and
- h) Conducting a permanent monitoring of the Task Force membership, including in particular a regular review and update of the Task Force mailing list.

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