

RULE DEVELOPMENT MANUAL

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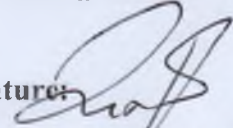
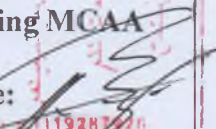
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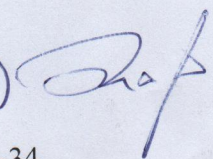
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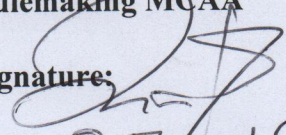
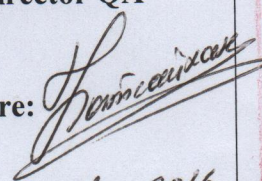
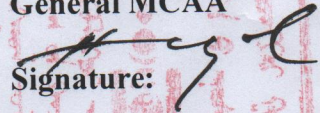

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LIST OF EFFECTIVE PAGES

This is the first edition of the Rule Development Manual and all pages are effective as of 30.May.2016.

Subsequent revisions will identify individual effective pages.

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Revision Highlights

Please read the revision highlights below when you insert revised page onto Rule Development Manual. Be aware that previous revision highlights must be kept in Rule Development Manual in order to ensure to keep trace of the successive revision for a same edition. For editorial and contentious question, contact to RMD addressed;

Revision 1: Phone number 282010 changed to 285010 on page 4 and LEP and Rev. Highlight revised correspondingly.

Revision 2: - On Title list, Acceptance and approval persons names are changed;
- Minor grammar correction;
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Administration	Civil Aviation Authority or other representing body
AC	Advisory Circular
CAR	Civil Aviation Regulations
COSCAP	Cooperative Development for Operational Safety and Continuing Airworthiness Program
CRC	Chairman of Regulatory Committee
CAPs	Civil Aviation Publications
Director General CAA	President, Director General, Chairman
ICAO	International Civil Aviation Organisation
EASA	European Aviation Safety Agency
EC	European Commission
EU	European Union
MCAA	Mongolian Civil Aviation Authority
Minister	Minister of Board with overall responsibility
NPA	Notice of Proposed Rule Making
NZAR	New Zealand Aviation Rule
NZCAA	New Zealand Civil Aviation Authority
LEP	List of Effective Page
Primary Aviation Legislation	Civil Aviation Law 1999/Decree
RMD	Rulemaking Division
RIS	Regulation Impact Study
SRD	Safety Regulation Division
SARPs	Standards and Recommended Practices



CHAPTER 1

INTRODUCTION

1.1. GENERAL

The purpose of this Chapter is to provide MCAA staff involved in regulations development with the required understanding of the regulatory framework and rule making processes as well as an understanding of their responsibilities in performing these activities.

The MCAA is responsible for issuing the necessary regulations and decisions for the implementation of the Mongolian Civil Aviation Regulation. In addition, the MCAA is responsible for developing and promulgating appropriate, clear and concise aviation safety standards. In fulfilling its obligations and responsibilities, the MCAA is also responsible for promoting full and effective consultation and communication with all interested parties on aviation issues, and should, in performing its functions and exercising its powers, consult with government, commercial, industrial, consumer and other relevant bodies and organizations.

1.2. OVERVIEW

1.2.1 Background

The written laws of Mongolia applicable to the MCAA are derived from a number of sources. They are grouped under two broad headings:

- (a) Primary aviation legislation, Civil Aviation Act 1999, which permit regulations to be issued; and
 - (b) Subject to “Memorandum for Technical Cooperation 1999” between the CAA of Mongolia and New Zealand on mutual cooperation in implementation of Assembly Resolution A29-3 (Global Rule Harmonization, 29th ICAO Assembly, 1992), which urges States to promote global harmonization of national rules, Mongolian Civil Aviation Safety Regulation has been reconciled to the Civil Aviation Regulation of New Zealand.
 - (c) Specific Operating Regulations, to address, at a minimum, national requirements emanating from the primary aviation legislation and providing for standardised operational procedures, equipment and infrastructures (including safety management and training systems), in conformance with the ICAO SARPs.
- The existing legislative scheme for regulating aviation safety reflects the complexity of the industry itself and the need to have a regulatory system that is able to respond quickly to urgent safety issues and to technological



change, while at the same time complying with basic legal requirements and safeguards. The existing legislation consists of the:

1. Enabling legislation;
2. Specific Operating Regulations;
3. Quasi-regulation such as Policy Letters, Advisory and Guidance Material.

1.2.2 Enabling Legislation

The enabling legislation gives effect to Mongolian obligations under the Convention on International Civil Aviation (Chicago Convention) entered into at Chicago on 7 December 1944.

1.2.3 Specific Operating Regulations

The Specific Operating Regulations set out in detail the safety standards that are required in relation to airworthiness of aircraft, licences and ratings of operating crew and maintenance personnel, air traffic control, rules of the air, dangerous goods, airports, aviation security and many other issues. Many of these rules are based on the Standards set out in the Annexes to the Chicago Convention and New Zealand civil aviation regulation which was adopted by MCAA in year 1999. Same time, Civil Aviation Authority of New Zealand is in the final stage of the NZAR harmonization process with EU/EASA regulations. They are being progressively reviewed as the MCAA brings its requirements into line with international standards and international best regulatory practices like European Union regulation which is targeted by Mongolian government to proceed by year 2020. The regulations and the amendments to the regulations must be authorized by the Mongolian requirement in conjunction with development of the NZAR and EASA.

1.2.4 Quasi-regulation/Advisory and Guidance Material

Civil Aviation Publications (CAPs), Advisory Circulars and Forms are classified as quasi-regulation. These documents provide standards, policy, guidance or advisory information and methods for compliance with the Regulations. The publication of initial issue or amendments to these documents must be approved by the delegated Manager of Rulemaking before being published.



1.3. STANDARDS DEVELOPMENT

1.3.1 General

1.3.1.1 Standards are the minimum requirements (regulations, policy, advisory material, procedures, etc.) covering the initiation, development and maintenance of the requirements. Compliance with standards results in an acceptable level of aviation safety. Standards should be enforceable and non-compliance may involve penalty provisions.

1.3.1.2 Regulatory policy sets out the rules by which MCAA regulates the aviation industry in the interests of the safety of air navigation. Regulatory policy finds its ultimate expression in the enactment of legislation. Any standards, conditions, qualifications, etc., which the MCAA considers to be mandatory in the interests of the safety or security of air navigation must be incorporated into legislation to be enforceable and thus become part of the Mongolian regulatory policy.

1.3.1.3 In year 1993, Mongolian Civil Aviation Authority was established, by the government decision in order to regulate old civil aviation safety system. Rulemaking Division (RMD) of the MCAA is part of Safety Regulation Division (SRD) and consist of 5 permanent staff dedicated for development of the Safety Regulation, Advisory Circulars and Forms. RMD is led by Manager of Rulemaking who reports directly to Deputy Director General. It is the role of the Rulemaking staff to continuously review and recommend standards development of the New Zealand CAA and ICAO SARPs in the applicable field he is involved with.

1.3.1.4 There is a MCAA Legal Advisor available for all matters requiring legal advice, interpretation, official Mongolian/English translation and drafting of legislation. All communication and correspondence with the Legal Advisor shall be through the Regulatory Committee.

1.3.1.5 Amendment 164 of Annex 1 to the Chicago Convention on International Civil Aviation urges flight crew members, ATC personnel and aircraft maintenance engineers to comply with the English language proficiency requirements. And under Article 14 of the Civil Aviation Law of Mongolia 1999, "Use of foreign language in civil aviation" the some aviation documents like AC's and Forms has been released in English version only, in order to prevent any mistranslation and misuse of the aviation safety related documents.

1.3.1.6 MCAR has been released in English and Mongolian languages. In the event of any conflict and discrepancy between the two above mentioned versions, Mongolian version shall prevail.



1.3.2 Basis of Standards

The MCAA is committed to ensuring its regulatory requirements meet or exceed the minimum requirements of ICAO SARPs. The legislation and amendments should, wherever possible, harmonize with the standards and practices of the European Union.

1.3.3 ICAO

As Mongolia is a party to the Chicago Convention on International Civil Aviation, the MCAA has undertaken under Article 37 to collaborate with the other Contracting States, in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to aircraft, personnel, airways and auxiliary services. The Chicago Convention set up the International Civil Aviation Organization (ICAO) as the regulatory body for international civil aviation. As a Contracting State and signatory to the Chicago Convention, the MCAA has an obligation to consider and apply the International Standards and Recommended Practices (SARPS) adopted by the International Civil Aviation Organisation (ICAO) and designated in the Annexes to the Convention on International Civil Aviation. The Council of ICAO adopts Annexes (18) to the Chicago Convention setting out “international standards and recommended practices” (Chicago Convention, Art. 54 (1)). The Annexes provide the basis for aviation safety regulation throughout the world. The legislation governing civil aviation activities in Mongolia has been developed on the basis of the NZAR and SARPs contained in the ICAO Annexes and the standards developed by the European Aviation Safety Agency (EASA) as applicable. For any ICAO Annex Standard, the MCAA must:

- (a) Consider and implement changes to the legislation to reflect the NZAR and SARPs and any changes or amendments to the Annexes; or
- (b) Otherwise notify ICAO of differences between the Mongolian legislation and practices and the international standards contained in the Annexes.

1.3.4 Cooperative Development of Operational Safety & Continuing Airworthiness Programme (COSCAP)

COSCAP is a dedicated forum for promoting continuing dialogue, coordination and cooperation in matters related to flight safety among the participating civil aviation administrations and creating an environment for harmonization and advancement in safety oversight policies, procedures and regulations. It also provides efficient and cost-effective method for the conduct of inspection and certification of operators, aircraft and training establishments.

The Project is guided by a Director General, comprising the Civil Aviation Authorities of the Member States, Director, Technical Cooperation Bureau of ICAO or his representative, ICAO Regional Director or his representative, and the Project



Coordinator.

Director General has tasked Regulatory Committee to coordinate the development of harmonized regulations based on European model which is followed by New Zealand to the participating member States, and to maintain them in compliance to the ICAO SARPs.

1.3.5 European Aviation Safety Agency (EASA)

Rulemaking Directorate

The MCAA's Rulemaking Directorate contributes to the production of all EU and NZ legislation and implementation material related to the regulation of civil aviation safety and environmental compatibility. It submits opinions to the European Commission and must be consulted by the Commission on any technical question in its field of competence. It is also in charge of the related international co-operation. Experts within the Rulemaking Directorate have direct contact with all relevant stakeholders, and make use of the knowledge available within industry and national administrations across the European Union.

Currently the Basic Regulation establishes Community competence for the regulation of the airworthiness and environmental compatibility of aeronautical products, parts and appliances, pilot licensing, air operations, Air Traffic Management and third country aircraft.

Aviation safety regulations in Mongolia are developed based on the NZAR and EASA regulations where possible.



CHAPTER 2 REGULATORY COMMITTEE

2.1. GENERAL

2.1.1 Objective

A Regulatory Committee is established by the Director General to develop regulations and to conduct a periodic and comprehensive review and revision of the aviation legislation contained in the Mongolian Civil Aviation Act 1999 and Mongolian Civil Aviation Regulation and related guidance material.

2.1.2 Function and Role

The Regulatory Committee is responsible to the Director General for the formulation, development and promulgation of legislation (both Law and Regulations) to give legislative effect to regulatory policy and for the preparation of supportive/interpretative documents to assist in the implementation of the legislation.

2.1.3 Composition

The Director General appoints the chair to the Committee and it comprises the following members:

- Chairperson (appointed by the Director General);
- One member appointed by each Department of SRD with good regulatory background
- Manager of Rulemaking Division
- Major Airline delegated person

Note: Personnel with specific expertise in various regulations may be invited to participate in the meetings and assist the Regulation Committee as required.

2.1.4 Purpose of the Committee

The purpose of the Committee is to develop, maintain and administer aviation standards (legislation and guidance material) applicable to maintenance and operation of aircraft; airspace, aviation security and the licensing of personnel and aerodrome certification. The Committee then, recommends the proposed changes to the Director General for approval to promulgate.

Once the Director General has approved the initial regulation or any amendment developed by the Regulation Committee, it is the responsibility of each participating State to implement the regulation within acceptable time frame.



2.1.5 Committee Responsibility

The Committee has a standards development and rule making responsibility for:

- (a) Setting and maintaining aviation safety and security standards and developing associated guidance material.
- (b) Formulating related policy proposals.
- (c) Assisting with the development of procedures to be used by the MCAA's staff when monitoring compliance with aviation safety and security standards.
- (d) Providing interpretations, advice and guidance on aviation safety standards as necessary to the Authorities, government agencies, the aviation industry and the public.
- (e) Maintaining a dialogue with other aviation regulatory authorities, particularly NZCAA, foreign government agencies, ICAO and other international representative organizations as necessary.
- (f) Providing technical advice and input to the development of Mongolian educational, advisory and information publications related to aviation safety standards and assisting as necessary with training delivery.
- (g) Ensuring that the legislative Projects, public consultation, project review and close- out are conducted in an efficient and accountable manner.
- (h) Reviewing all final proposals for legislative change.



CHAPTER 3
PROPOSALS FOR CHANGE

3.1. PROPOSALS

3.1.1 Origin of Proposed Change

The suggestion for a legislative change proposal may come from various sources, for example:

- (a) Industry, the public or MCAA staff, may identify a problem or deficiency within the legislation that makes compliance difficult or impossible and, as a result, make recommendations to improve the legislation;
- (b) A legislative change may be instigated as a result of a revision to/or new ICAO Annex amendment (by ICAO State Letter) with which the Mongolia must comply or notify ICAO of differences;
- (c) Revision to NZCAR regulations is be reviewed by Rulemaking Division staff and recommendation made to the Regulation Committee.

3.1.2 Submission of Proposal

MCAA staff should submit their proposal using the appropriate form. Industry personnel and the general public submitting a suggestion or proposal are encouraged to discuss their suggestions/proposals with a MCAA standards/technical specialist prior to submitting their proposal, by calling the MCAA and asking for the technical specialist/specialty area. Suggestions or proposals to change the legislation, advisory information, regulatory procedure, etc., may be submitted to MCAA in one of the following ways:

E-mail: rule@mcaa.gov.mn

Fax: 976-11-70049825

*Mail to: Rulemaking Division of MCAA
P.O Box 6, Buyant-Ukhaa-34
Ulaanbaatar, Mongolia 17120*



3.1.3 Contents of Proposal

All suggestions or legislative change proposals should:

- (a) Clearly identify the subject, topic area, or associated regulation, document, or procedure;
- (b) Include a brief statement of the proposed change or course of action;
- (c) Reason/justification for the proposal; and
- (d) Include any amplifying documents or information, which would assist in clarifying and/or supporting the proposal should be attached to the submission.

3.1.4 Administrative Action

On receipt of the proposal, the Regulatory Committee:

- (a) Reviews the development activity associated with the proposal to determine whether it is already being examined;
- (b) Allocates a reference number and registers receipt of the proposal;
- (c) Acknowledges receipt of the proposal and advises of the outcome; and
- (d) Forwards the submission to a project team or appropriate person for the consideration of the proposal.

3.1.5 Merit of Proposal

All legislative change proposals received by the MCAA must be tabled at a Committee meeting. The Committee must decide if the proposal warrants a regulation, or change to a regulation, or an advisory publication. In assessing whether a proposal requires regulatory change the proposal should be subjected to certain principles and tests. These principles for a proposal include:

- (a) Is it safety outcome oriented, with explicit safety objectives, which enable flexible solution?
- (b) Does it enable for the transfer of safety responsibilities to industry?
- (c) Is it consistent with international practice?



- (d) Is it to be based upon consultation with industry and other affected groups?
- (e) Does it avoid “over regulation”?
- (f) Does it take into account complementary legislation?
- (g) Is it simple, understandable, valid and internally consistent?
- (h) Does it provide a basis for measuring compliance and allow for enforcement when necessary?
- (i) Is it subject to periodic review?

3.1.6 Proposal Assessment

The Regulatory Committee assesses the proposal and would be expected to contact the originator of the proposal for assistance and any required clarification.

3.1.6.1 In assessing/evaluating the regulatory change proposal submissions the Committee must consider both the positive and negative effects that each option will have on safety, the Mongolia, other goals, etc; such as;

- (a) Evaluates the effect of the proposal on safety, efficiency and other goals in accordance with the procedure below (3.1.6.2 – 3.1.6.4 below)
- (b) Determines the nature and significance of the proposal and the areas of legislation that may be affected;
- (c) Defines and clarifies the issues involved and identifies possible solutions;
- (d) Analyses associated policy and legislative issues and their proposed impact on the proposal;
- (e) Advises Manager of Rulemaking Division of the outcome.



3.1.6.2 Effects on Safety (for each option)

- (a) Positive/beneficial effects
- (b) Direct and indirect effects
- (c) Short and long term effects
- (d) Negative/harmful effects
- (e) Direct and indirect effects
- (f) Short and long term effects

3.1.6.3 Effects on MCAA Efficiency (for each option)

- (a) Positive/beneficial effects
- (b) Direct and indirect effects
- (c) Short and long term effects
- (d) Negative/harmful effects
- (e) Direct and indirect effects

3.1.6.4 Effects on other goals (for each option)

- (a) International standards
- (b) Aviation transport system
- (c) Summary and assessment of the relevant merits of each option
- (d) Environment
- (e) Financial
- (f) Other effects



CHAPTER 4

PROJECT

4.1. PROJECT TEAM

4.1.1 Selection/Composition

If considered appropriate, the Regulatory Committee may appoint a Project Manager and, if required, Project Team members, including participants from the specialist/expertise area of the industry. Each Project Team is specifically formed for development of a particular piece of legislation or supporting documentation and must comprise MCAA multi-disciplined staff and could include industry representatives with subject matter expertise.

4.1.2 Project Team Responsibilities

Each Project Team is responsible for researching and analysing/evaluating the issues/problems referred to it in the timeframe specified. Project Teams must take into account:

- (a) Regulatory criteria established for legislation.
- (b) ICAO requirements.
- (c) Foreign legislative requirements (e.g. NZ and EU/EASA).
- (d) Accident investigation reports and other technical data.
- (e) Other relevant materials (such as court decisions) that have an impact on the interpretation and enforcement of the regulations.

4.1.3 Project Planning

The Project Manager/Project Team is responsible for developing a Project Plan setting out how they will achieve results. It should contain records of past projects and a judgement of what is required to meet the project objectives. The Project Manager should have direct authority over the team members to encourage commitment to the project goals and schedule. The Project Plan should establish tasks and work milestones. Should the Project Manager/Team determine that there is merit to the proposal the Project Manager should recommend a Project Plan to the Regulatory Committee? The Committee must be briefed regularly by the Project Manager on progress achieved or delays encountered.



4.2. PROJECT PLAN

4.2.1 Purpose

The Project Plan is the fundamental document for defining the problem, purpose, outcomes and strategies of a project. The Plan details what must be done and who will do it. The purpose of the Project Plan is to provide the Committee with:

- (a) Sufficient information about the problems requiring review.
- (b) Reasons for undertaking the project.
- (c) What the project will deliver to Mongolia/industry (e.g. regulations, guidance etc.)
- (d) The boundaries/scope of the project.
- (e) Broad estimates of the tasks, resources and the time required to implement the project.

4.2.2 Project Plan Content

A comprehensive Project Plan would consist of the following elements but may be abbreviated as appropriate:

- (a) Background Brief - discussion of historical information leading to the requirement for the particular project/regulatory initiative.
- (b) Problem/issue - Description of the identified problem or issue.
- (c) Objectives - The policy relating to the identified problem and the desired objectives for the project/regulatory initiative.
- (d) Persons affected (beneficiaries/stakeholders) - Those groups or individuals most affected by the proposed project/regulatory initiative.
- (e) Deliverables - A list of the proposed deliverable items expected from the project/regulatory initiative.
- (f) Implementation options (strategy) - A list/explanation of the options that need to be considered to achieve the outcomes of the project/regulatory initiative.



- (g) Consultation with affected parties - An explanation of how consultation will be achieved.
- (h) Project oversight/control and Project Team - A list of the project team with their individual responsibilities and tasks.
- (i) Work Schedule - A list/explanation (in table format if appropriate) of the tasks expected (in logical sequence) to complete the project/regulatory initiative, together with estimated target dates for completion of each task.

4.3. PROJECT PLAN PHASES

The Project Manager/Team will normally conduct the Project in accordance with the following phases:

4.3.1 Phases

There are seven project phases:

- (a) Project Initiation and Planning Phase. (Trigger Phase)
- (b) Regulatory Development Phase (includes informal consultation with interested parties, Issue Assessment Phase),
- (c) Legal Drafting Phase. (Rule program development Phase)
- (d) Formal Consultation Phase (appropriate SRD including NPA if required, Rule Project Phase).
- (e) Legislative Approval Phase.
- (f) Hand-over/Implementation Phase.
- (g) Project Closeout.

Project staff should follow phases sequentially as each phase builds on the previous.



4.3.2 Project Initiation and Planning Phase

This phase:

- (a) Identifies the Project Manager and Project Team.
- (b) Describes the project purpose/issue.
- (c) Defines the scope of the project and terms of reference.
- (d) Establishes the benefits that will accrue from the project.
- (e) Details the resources required.
- (f) Sequences the project activities/tasks.
- (g) Assigns responsibility for the project—this is documented in the Project Plan.

4.3.3 Regulatory Development Phase

The project's deliverables are produced in this phase. The phase includes research and development elements of the project and informal consultation through the use of Consultative bodies, interchange of information and Project Team meetings. When the MCAA is notified of an amendment to an ICAO Annex by ICAO State Letter, the amendment must be sent to the Committee for forwarding to the Project Manager.

The Project Manager/Team responsible for developing or amending the regulations must assess the amendment to the particular ICAO Annex and implement the provision and intent of the changes into the legislation as necessary, or implement the action to notify a difference should that be the result. The MCAA Legal Consultant and interested parties should be advised at this stage.



4.3.4 Legal Drafting Phase

This phase:

- (a) Finalizes the policy.
- (b) Develops and submits the legal drafting instructions.
- (c) Negotiates the legal draft content with the legal drafter. The MCAA Legal Advisor should be given a draft copy at this stage.
- (d) Finalizes and accepts the legal drafts for the purposes of formal consultation and subsequent making of the legislative change.

4.3.5 Formal Consultation Phase

Discretionary public/industry consultation through the NPA process occurs in this phase. The NPA and use of a SRD and industry consultative body are preferred method of articulating the final policy and proposed rules for aviation community and public comment.

4.3.6 Legislative Approval Phase

This phase:

- (a) Finalizes and settles the legislative changes.
- (b) Completes the Regulation Impact Study (RIS), if required.
- (c) Develops the explanatory materials that must accompany the legislation through the approval process to the Director General MCAA.
- (d) Requires a no objection from the MCAA Legal Advisor.
- (e) Reviews the proposed change by the Committee.



4.3.7 Hand-over/Implementation Phase

All Mongolian Civil Aviation Regulation can be subject to a hand-over/implementation phase, with the legislation commencing at a predetermined period after the regulation has been approved by the Director General CAA. This period must be stated in an Information Bulletin and provides the transitional provisions of the new/replacement regulation. The implementation phase also includes:

- (a) The conduct of Mongolia/industry training and education.
- (b) Issue of delegations, waivers and authorizations.
- (c) Finalization and publication of industry guidance material and Authority procedures.
- (d) Production of hard copy or electronic copy of documents.

Once the regulation/legislative change has been made, the work of the Project Team is not considered finished and project staff continue to be involved in the regulatory implementation phase for continuity purposes in such matters as regulatory interpretations, etc.

4.3.8 Project Closeout

This phase:

- (a) Finalizes the administrative and financial aspects of the project.
- (b) Is used to evaluate the project and draw conclusions about the conduct of the project as a source of information/risks for other projects. A post-implementation review should be instigated to assist the Committee to monitor the usefulness of the regulatory changes and to maintain the legislation's use.



**CHAPTER 5
PUBLIC CONSULTATION**

5.1 COOPERATION WITH THE AVIATION INDUSTRY

5.1.1 General

The MCAA is committed to working cooperatively with the aviation industry to maintain and enhance aviation safety. This is especially important as far as the development of standards and regulatory material is concerned. The Project Manager may establish a consultative body formed to meet this corporate objective. It should be noted that there is no legal obligation to consult with the aviation industry. However it is considered a worldwide practice, which benefits the MCAA and the industry in the pursuit of safety. There are numerous methods of achieving cooperation with the aviation industry; such as:

- (a) Establish a consultative body with interested parties;
- (b) Meet with interested parties;
- (c) Publish a Notice of Proposed Amendment (NPA);
- (d) Request comment on a rule change in advance without a NPA;
- (e) Establish a Regulation Impact Study and invite comment.

5.1.2 Consultative Body

The Consultative Body brings together MCAA staff and representatives from a diverse range of aviation industry organizations to work jointly during the development phase of regulatory material. The Consultative Body examines proposed regulatory changes to determine if they are worth pursuing and assists MCAA in the allocation of priorities to those projects. Aviation industry experts then work together with MCAA staff in subordinate groups on the detailed development of regulatory material (both new regulations and amendments). These organizations could represent airlines, general aviation, aircraft engineers, pilots, airports, private aircraft owners, flight instructors, recreational aviation personnel, aviation security personnel, cabin crew, search and rescue and the aviation insurers.



5.1.2.1 Consultative Body Tasks

The principle tasks of the Consultative Body are to:

- (a) Consider regulatory proposals that have been submitted to the MCAA with a view to deciding whether a proposal is worthy of consideration and, if so, recommending a level of priority that should be placed on the regulatory work associated with the proposal;
- (b) Through the aviation industry members of the group, identify individual industry experts to work with MCAA staff on the development of regulatory proposals;

Note: Except where stated in the Mongolian Civil Aviation Act 1999 in respect to “Appropriate Authorities”, the MCAA is not required by Law to consult with government, commercial, industrial, consumer and other relevant bodies and organizations (including ICAO and bodies representing the aviation industry). However, as a general principle, the MCAA will ensure that the industry is consulted whenever deemed appropriate.

5.2 NOTICE OF PROPOSED AMENDMENT (NPA)

5.2.1 Procedure

The basic procedure for consultation is for the MCAA to publish, by bulletin or on a website, a notice of its intention to make a rule and the availability of the proposed rule. The actual rulemaking proposal is released publicly as a Notice of Proposed Amendment (NPA), which sets out the proposed change and supporting information. Anybody interested has a reasonable time (normally 60 days) to comment.

5.2.2 Text

The NPA will include the actual text of the proposed legislative change. The NPA will include:

- (a) an introductory statement providing an overview of the purpose of the NPA and the benefits expected, and an invitation to comment signed by the CCCC, together with the comment period.
- (b) background information, including a description of the problem addressed and why regulatory action is required.
- (c) the objectives of the proposed rule; the objectives of the proposal; what outcomes,



goals or targets are sought in relation to the identified problem.

- (d) the options that were considered and the constraints making them viable or not.
- (e) An impact analysis covering who will be affected by the proposals, the effect options will have on existing legislation, the impacts the options in terms of as costs and benefits, the distributional effects, that data sources and assumptions made, and a summary of why the particular option is preferred.
- (f) a description of the subjects and issues involved.
- (g) An explanation of how the proposals will be implemented and reviewed/assessed.
- (h) a guide on how to comment (including addresses).
- (i) copies of proposed guidance material.
- (j) a date by which comments must be submitted, and where to send comments. A response sheet is included and respondents are urged to use the response sheet when submitting their comments to Mongolia.

5.2.3 NPA Responses

Anybody can make a comment on a proposed rule. Comments must be in writing and are generally expected to be submitted using the response sheet provided in the NPA document.

5.2.4 NPA Register

The MCAA will register all comments made. After the time for comments (or any extension of it) expires, the MCAA will evaluate all the comments received, and publishes a Summary of Responses setting out a summary of the comments received, Mongolian response to them and a disposition action. The summary will set out Mongolian policy and intended legislative action.



5.2.5 NPA Style

Writing style is an important part of the process and the following are some questions (you will need to ask yourself) to assist those preparing an NPA.

- (a) Are the conclusions that you want the reader to reach clear in your mind?
- (b) Have you addressed the concerns of the reader?
- (c) Do your arguments lead logically to your conclusions?
- (d) Have you put what is important first?
- (e) Are your sentences short and your language clear?
- (f) Have you used clear (not obscure) technical language?

Note: See Attachment 2 for example of NPA and accompanying Information Bulletin)



**CHAPTER 6
REGULATION DRAFTING**

6.1 REGULATION CRITERIA

The following regulatory criteria is established for the development of the Regulations

- (a) Regulations must be focused on safety.
 - (i) Based on Mongolian functions.
 - (ii) Mongolian first priority is the protection of fare paying passengers.

- (b) Regulations must be justified.
 - (i) Must address a safety problem.
 - (ii) Alternative non-regulatory approaches are not adequate or appropriate.
 - (iii) Should be the minimum intervention necessary so as not to impede efficient aviation operations.

- (c) Regulations must be clear, concise and unambiguous.
 - (i) Written simply and in plain narrative English.
 - (ii) Short and to the point.
 - (iii) Minimum cross-references.
 - (iv) Use tables of contents and headings
 - (v) Include a List of Effective Pages (LEP)
 - (vi) Separated into Chapters or Sections

- (d) Regulations must be enforceable
 - (i) Must clearly set out who is responsible for compliance.
 - (ii) Should not provide for subjective determinations.
 - (iii) Must be unambiguous.

- (e) Regulations must be consistent with the Mongolian international obligations.
 - (i) ICAO Convention and other Instruments.
 - (ii) ICAO Standards (differences must be filed).
 - (iii) Bilateral agreements

- (f) Regulations, wherever possible, must be harmonized with NZCAA, except where unique Mongolian context requires otherwise.

- (g) Regulations should be written as outcome-based/performance standards (not as prescriptive requirements).



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- (i) Allows different means of compliance, promotes innovation.
 - (ii) Minimises need to amend regulations.
 - (iii) Minimises additional administrative burden on the Mongolia.
- (h) Regulations should be based on risk management principles.
- (i) Level of regulation should take into account the risks inherent in an activity, the control of individuals over those risks, and the likelihood and consequences of an accident occurring
- (i) Regulations must be cost beneficial or neutral.
- (i) Benefits should exceed costs (taking into account industry, MCAA and consumers).
 - (ii) Should be cost-effective in terms of achieving the largest safety return for the smallest investment
- (j) Regulations should take a “systems” approach to safety.
- (i) Safety issues should be treated holistically rather than in isolation.
 - (ii) Aviation organizations should have internal systems, procedures and manuals in place to promote and facilitate this approach.



6.2 LEGISLATIVE DRAFTING

6.2.1 General

Each Project Team pioneering the revision of legislation on a topic must, after it has agreed on the relevant policy proposals, prepare the legal drafting necessary to give effect to the proposed policy. If, in the course of its work, the Project Team needs legal advice, it should apply directly to the MCAA Legal Advisor. Such advice may be for general or specific legal advice and legal interpretations on existing legislation.

Note:

Legal drafting of amendments to the Mongolian Civil Aviation Regulation should be sent to The MCAA Legal Advisor in English for review to avoid translation errors.

6.2.2 Definitions and Meanings

A piece of legislation often includes definitions of terms used within it. The terms defined are principally the ones that are specific to the legislation in some way. Ordinary dictionary words are not normally defined — they are assumed to take their ordinary dictionary meanings. Legal terms also are not normally defined; again, they are assumed to have their ordinary legal meanings. The Regulations use many technical terms. A term of which the meaning is well known within aviation and generally accepted is usually not defined. If an unfamiliar word or term occurs in the Regulations, it may be defined in a general dictionary. For example, chord, empennage, fuselage, and longeron are all defined in the Oxford Dictionary. Occasionally a term that is in general use may be defined because the general meaning of the term is not sufficiently precise. For example, although everybody knows what “flight” generally means, it can also mean taxiing. In cases like this there should be a definition in the Mongolian Civil Aviation Regulation. The standard definitions of aviation terms are those laid down by ICAO and published by it in International Civil Aviation Vocabulary (ICAO Document 9113). Generally, terms defined by ICAO are used in the Regulations with the meaning given by ICAO. The ICAO definition will either be used unchanged, or rewritten in minor ways to be clearer and easier to read.



6.2.3 References

Definitions may be contained in:

- (a) Mongolian Civil Aviation Regulation interpretation summary
- (b) ICAO Annexes
- (c) Oxford Dictionary

6.2.4 Basic Principles

As Mongolian Civil Aviation Regulations should not need clarification, it is important that the correct word is used and the following basic principles should be applied.

- (a) Do not define non-technical words used in their ordinary, natural sense as defined in the Oxford Dictionary
- (b) Check the dictionary meaning to make sure it has the effect you want.
- (c) Do not define technical terms if they are widely understood and are used in their ordinary sense as defined in standard technical dictionaries.
- (d) Do define any word you use in a narrower or broader sense than its ordinary sense.
- (e) Do define abbreviations if the abbreviation is used in the text.
- (f) If you define a term, always use the defined term in the text.
- (g) Definitions should not be used to shorten the text if that makes understanding the text harder.
- (h) A definition should be the same part of speech as the defined term, and the text should make sense if the definition is substituted for the defined term.



6.2.5 Structure

6.2.5.1 Potential Ambiguity

Try to ensure that a sentence has only one possible interpretation. In particular, position adjectives, adjectival phrases, adverbs or adverbial phrases so as to avoid ambiguity.

6.2.5.2 Length of Sentences

Try to keep sentences short. Consider whether a long sentence would be better divided, even if that means repeating some of the words. (Studies show that readers find longer sentences more difficult to read and comprehend.)

6.2.5.3 Words

Use the simplest, commonest word that will do the job. However, sometimes a more familiar word has too many possible meanings and it is better to choose a less familiar word that has a more precise meaning.

6.2.5.4 Cross-references

If you change numbering, cross-references must be changed accordingly.

6.2.5.5 Paragraphs and Sub-paragraphs

Do not over-paragraph. If you find you are tempted to use a sub-subparagraph, try redrafting the material into separate sub-regulations.

Note:

When numbering paragraphs, you may need to allow for a subsequent regulation(s).

6.2.5.6 Headings.

The headings should be brief and should indicate the subject matter of the regulation without attempting to summarise the effect of the regulation.

6.2.5.7 Other Standards

Where non-regulatory standards are referenced in publications (e.g. EU/EASA, ACs, ACJ), they should be referred to by the same international standard title/name that is in force from time to time. The application and use of these standards should be restricted to that provided in the advisory material wherever possible.



6.3 SUPPORT DOCUMENTATION DRAFTING

6.3.1 Types of Documentation

In addition to the legislative drafting principles stated above, this Section provides a guide for the Project Manager developing the following legislative supporting documentation:

- (a) Airworthiness Notices (ANs)
- (b) Civil Aviation Publications (CAPs)
- (c) Internal Procedures Manual
- (d) Instruments of Delegations and appointment

6.3.2 Airworthiness Notices (ANs)

Airworthiness Notices (ANs) provide guidance on the preferred method for complying with Mongolian Civil Aviation Regulations. ANs are developed/written at the same time as the new Mongolian Civil Aviation Regulation by the Project Team responsible for the particular Mongolian Civil Aviation Regulation. ANs are developed and published by MCAA for the benefit of the aviation industry. ANs may provide recommendations and guidance to illustrate a means, but not necessarily the only means, of complying with aviation legislative requirements, or they may explain certain regulatory requirements by providing interpretive and explanatory material in the interest of aviation safety. ANs are issued either as a numbered-subject system corresponding to a broad topic relating to a Part of the Regulations or a numbered-specific system corresponding to a particular regulation. ANs must be numbered sequentially.

6.3.3 Civil Aviation Publications (CAPs)

Civil Aviation Publications (CAPs) are primarily written to provide guidance on the preferred method for complying with the particular Mongolian Civil Aviation Regulation. The need for, and the content of, a CAP to support new or proposed legislation changes, effectively evolves during the development phase of the project. The CAPs contains information and informative posters that are used to explain and visualize certain rules and procedures to ease understanding of subjects.



6.3.4 MCAA Procedures Manual

Procedures are written to advise technical personnel and administrative staff on the policies and processes relating to the activities of the functional/activity area in support of regulatory and administrative requirements. These procedures should be contained in a controlled Procedures Manual.

6.3.5 Amendments

Amendments to guidance material are initiated and developed using the same procedures as those detailed previously for requesting and issuing a new document. When an existing document is amended, it is issued as a complete document with a new revision status number. Under the heading Status of this document, explain the reason for the new issue and state the number of the document being replaced.

6.3.6 Components of Supporting Documentation

There should be a publication identification number, which essentially stays the same throughout the life of the document. The title name should be as brief as possible and phrased in the active voice.

- (a) **Table of Contents.** This is a table that includes page numbers. The headings given in the Table of Contents are the main headings used on the body of the publication. Make certain that the headings used can fill these two functions. Ensure that the headings reflect the subject of the publication and where specific information can be found. There should also be a List of effective Pages (LEP).
- (b) **Background Information.** There are a number of items of information that provide the background or the context for reading the supporting documentation. These are:
 - (i) The relevant regulations and other reference material.
 - (ii) Who the document applies to.
 - (iii) Why the publication was written, including the regulations that are open to interpretations, the options available and the reasoning behind the advice to be given.
 - (iv) The status of the publication and whether it is an initial issue or a revision of an earlier one, or an elaboration. If it is a revision, the reader needs to be given advice of what has been revised.
 - (v) Further information and who to contact for clarification.



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- (c) **Advisory Text.** Because the advice is often complex and/or detailed, it is necessary to have a number of different levels of headers and texts. The options available are:
- (i) Major sections of advice defined as a discrete series of events to engage in an identifiable action, such as creating a manual or completing a check-list. The headers for these sections appear in the left hand column with no other material. The major headings also appear in the Table of Contents.
 - (ii) Sub-headings within each section should reflect the major action steps in the sequence or the major categories of events under the main headings.
 - (iii) Where a description is needed, such as for a diagram or table, use full sentences.
 - (iv) Bullet points can be used to fulfil the role of secondary headers or to mark discrete steps or lists of categories. Large bullet points are used following a main header with no secondary header to show major lists of such things as responsibilities. Small bullet points are a list of actions or categories that can, technically, be seen as one sentence.
 - (v) Qualifying text, where there is the need to comment on a piece of advice or alert the reader to other possibilities, use italics (e.g., if you need to refer the reader to another document). But care and discretion should be taken in doing this: in other words, do not overdo it.
- (d) **Warning Device.** Although the supporting documents are generally advisory only, it is often the case that the recommended procedures include matters that are governed by the Regulations or may be MCAA policy. Where this occurs, it is recommended to include the use of a warning device. This is distinctive text that tells the reader that this step or action is a legal requirement. For example “As some of this information includes Mongolia legislative requirements, compliance is required wherever the word “shall” is used in this document”.
- (e) **Attachments.** Attach all relevant forms, schedules, check lists and other necessary documents at the back of the document. Design them in such a way that they can be photocopied and easily read from the copy.



6.3.7 Drafting Principles for Supporting Documentation

6.3.7.1 The Reader Is Paramount. You must always remember that you are writing to help the reader understand something important for them—not something important to you. You are not trying to explain why the MCAA is having difficulties trying to do something, or what the MCAA reasoning is. The basic aim of the document is to advise people on a standard procedure or how best to comply with the standards and regulations.

6.3.7.2 The Reader Must Be Able To Act. Always ask of the text you write:

- (a) Can the readers put this into practice?
- (b) Can they understand the implications for their practice?

6.3.7.3 Some Specific Rules

- (a) Avoid acronyms—but if they are common you can use them, provided you define the acronym on its first use.
- (b) Always put the main action of the sentence first and then add the qualifier—for example, "Do (x) in certain circumstances" versus "in certain circumstances, do (x)".
- (c) Try to avoid nominalization—where a common verb is turned it into a pious noun
- (d) Check that you have an ‘action’ in the sentence, wherever possible.
- (e) Avoid sentence construction in the passive voice.
- (f) Sentences with three or more clauses should always be avoided. Try writing two sentences instead.

6.3.7.4 Reviewing and Revising

Documents should never be written without careful scrutiny by another person or Committee. It is strongly recommended that a formal review and revision process be established such that:

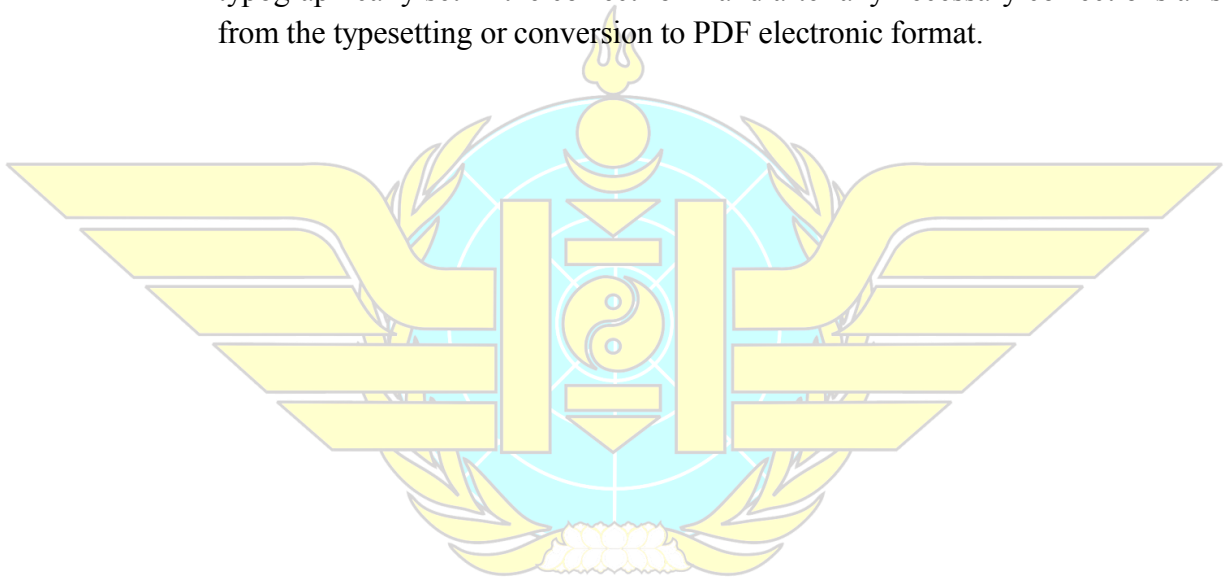
- (a) Every document is carefully read by one other person-preferably someone who is not overly familiar with the content.



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- (b) The reviewer should read the document as critically as possible, asking questions from the point of view of the potential reader—questions like: "What else do I need to know to act?"; "How else could this be interpreted?"; and "Is this information necessary at all?".
- (c) Every writer should expect to receive constructive reviewer comments and it should be automatic that a second version be produced before the initial signing off.
- (d) A final signing off of the document should be done after the document has been typographically set in the correct form and after any necessary corrections arising from the typesetting or conversion to PDF electronic format.





CHAPTER 7

REGULATION PUBLICATION

7.1 PRE-PUBLICATION REVIEW

7.1.1 Responsibilities of the Regulatory Committee

The Committee, through the Department Directors, is responsible to review all proposals on matters of regulatory change and policy to ensure that they are consistent with Mongolian strategic objectives/corporate policies and that the safety implications of any changes have been properly evaluated. The Committee must:

- (a) Ensure that proposals for legislative change have been considered in the context of Mongolian overall strategy and corporate plans for regulatory change.
- (b) Ensure that proposals for legislative change have been/will be subjected, where appropriate, to risk and safety.
- (c) Confirm that the impact of any new proposals on plans for legislative change already agreed has been assessed, and that the proposed priority and resource effort for implementing change has been endorsed by the relevant functional policy area
- (d) Consider all proposals for changes to Mongolian policy and make recommendations to the Committee.
- (e) Ensure that all regulatory, standards, interpretative, advisory and procedural documentation complies with Mongolian documentation policy
- (f) Ensure that all projects for legislative change are coordinated with other legislative projects, where appropriate.
- (g) Ensure that a NPA is published if appropriate.
- (h) Provide policy guidance to Project Managers as required.
- (i) When forwarding the proposed amendment to the Director General CAA, there should be a written statement stating that the amendment has been reviewed in accordance with these procedures.



- (j) An Information Bulletin should be sent to the aviation industry and affected parties by the Chairman of Regulatory Committee advising of the new amendment.

7.2 PREPARATION

7.2.1 General

Preparation for the implementation/introduction of legislative changes should commence when the Project Manager is reasonably assured of the regulatory outcome—that is, during once the Committee has agreed to the amendment of the regulations.

The majority of the legislation and advisory information drafts should be processed and finalized during this period in anticipation of final approval. The Project Manager will, during this period, commence preparation of the implementation programme and educational visit itinerary in anticipation of the planned legislation commencement date. Ideally, the implementation programme should commence well in advance of the actual legislation commencement date, to ensure all MCAA personnel and the industry is reasonably prepared on commencement of the legislation.

(see Attachment 1 for Amendment Checklist)

7.2.2 CD Format

7.2.2.1 The CD must have the following on the cover;

- (a) Official cover on disc and plastic case
- (b) Validity date (such as Edition 1-2016) with effective date but without expiry.

7.2.2.2 The CD content should be:

- (a) In separate Parts for each area (e.g. licensing, airworthiness, security, airports, etc.).
- (b) Easy to navigate (hyper-linking).
- (c) Presented in PDF (read-only).
- (e) Include Foreword.
- (f) Indicate overview of changes from last edition.



- (g) Include list of effective pages.
- (h) Be able to be printed as a document with page numbering.

Note: The CD is a controlled document. However printed copies must be stamped as “uncontrolled”.

7.2.3 Administration of Amendment, Publication and Distribution

The Regulatory Committee is responsible for the administration, coordination, preparation, publication and distribution of amendments to the Mongolian Civil Aviation Regulation document. The following procedure shall be adopted:

- (a) Three months prior to the proposed publication of the regulations, a memo should be sent by the Regulatory Committee to all Department Directors having input responsibilities advising of the forthcoming promulgation of a new Mongolian Civil Aviation Regulation CD edition. The memo will further request that final draft amendment proposals be submitted for consideration by the Committee not later than six weeks prior to the promulgation date of the relevant Mongolian Civil Aviation Regulations.
- (b) The Committee will recommend approval to the Director General CAA of the proposed new CD edition once all corrections are made and the Project manager has conducted a final review.
- (c) The Project Manager will prepare a consolidated new CD edition for final review of the formatting by the Committee.

Note: Careful scrutiny should be taken to ensure the conversion to a PDF document did not result in formatting, pagination or hyper-link errors

- (d) Once approval of the Director General CAA is obtained, a CD of the proposed new edition will be prepared and turned-over to the contractor.
- (e) The new CDs will be packaged and dispatched to subscribers no later than 10 days prior to the effective date.

Note: Subscribers or holders of the Mongolian Civil Aviation Regulation should be advised to dispose of previous editions.



7.2.4 Information Bulletin

An Information Bulletin is the preferred method of officially notifying the aviation industry and persons/organisations affected by the amendment that an amendment has been published. The Bulletin should be distributed at the time of publication.

Note: See Attachment 3 for example of Information Bulletin





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ATTACHMENT 1 AMENDMENT CHECKLIST

REGULATORY COMMITTEE	PROJECT MANAGER
Register any proposal or State Letter	
Respond to proposer if applicable	
Review proposal	
Appoint Project Manager/Team	
	Evaluate
	Create Project team if required
	Make recommendation to Committee
Evaluate Project recommendation	
If no amendment action required, advise proposer	
If amendment action required, advise PM	
Respond if ICAO State Letter*	
	Research
	Create consultative body if required
Refer to Legal Advisor	Draft amendment
	Determine CAA training requirements
	Make recommendations to Committee
Evaluate Project recommendations	
	Draft Notice of Proposed Amendment
Issue NPA to aviation industry **	
Advise Departments on MCAA training requirement	
Determine change to fees if applicable	
	Review industry responses to NPA
	Make further amendment if required
	Send final amendment to Committee
Refer to Legal Advisor	
Send final amendt to Director General for approval***	
	Create industry guidance material
	Send guidance material to Committee
	Create authority internal procedures
	Send procedures to Committee
Evaluate guidance material and procedures	Prepare Information Bulletin
Notify affected MCAA staff	
Publish guidance material and procedures	
Publish Information Bulletin	Create CD or hard copy for distribution
Distribute amendment ****	
Advise proposer of outcome	
	Determine effect of regulatory change
	Determine adequacy of procedures



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- NOTE:*
- ** Response to be made by due date on State Letter.
 - ** Issue NPA, 3 months prior to effective date (response time 6 weeks).
 - *** Send for approval, 4 weeks prior to effective date.
 - **** Publish amendment 10 days prior to effective date.





ATTACHMENT 2

EXAMPLE OF NOTICE OF PROPOSED AMENDMENT FORMAT

Information Bulletin Number XX/2016

TO : All Operators/Organisations

FROM: Rule making MCAA

REF:

DATE:

SUBJECT: NOTICE OF PROPOSED AMENDMENT (NPA 01/2016)

Please find attached the Notice of Proposed Amendment (NPA) 01/2016 regarding the adoption of Part M for your review and necessary action.

This NPA contains a proposal to amend the legislation to adopt the requirements of Part M into the Mongolian Civil Aviation Regulations. The proposed amendment also involves a major change to existing Mongolian Civil Aviation Regulations as well as editorial changes.

It would be appreciated if industry working groups are established, which can then work together with nominated MCAA staff in specific groups on the detailed development of this regulatory material. You are invited to respond to this proposal using the response sheet provided in this NPA. The closing date for comments is May 2016.

Finally, I would like to thank you in advance for taking the time to consider and respond to this proposal and wish to stress that no action will be taken on this proposal until all responses and submissions have been considered.

Best regards,



**CHAIRMAN OF REGULATORY COMMITTEE
MCAA**

Issued as part of the process of public consultation by the Mongolian Civil Aviation Authority



Who this NPA applies to:

It is anticipated that this proposal will affect the following groups in the aviation industry: Operators of Mongolian registered aircraft, aircraft engineering facilities and MCAA staff.



**NOTICE OF PROPOSED AMENDMENT
(NPA 01/2016)**

TABLE OF CONTENTS

Paragraph	Subject	Page No.
1.	Introduction	3
2.	Objective	3
3.	Legislation Proposal	4
4.	Affect of Changes	4
5.	Presentation	4
6.	How To Submit Comments On This NPA	4
7.	Summary of Responses	5
8.	Response Sheet	6



1. INTRODUCTION

1.1 The Mongolian aviation safety requirements are currently contained in the Mongolian Civil Aviation Regulations. It has become MCAA policy that the Mongolian Civil Aviation Regulations will be gradually amended to move towards a European based system of regulations.

1.2 The purpose of this Notice of Proposed Rule Making (NPA) is to:

- (a) Continue the process of formal public consultation on proposed amendments of the Mongolian Civil Aviation Regulations; and
- (b) Ensure the adequacy of legislation governing operations of MCAA registered in accordance with ICAO SARPS and international best regulatory practices; and
- (c) Determine the effect on the aircraft operator of the proposed legislation.

1.3 The MCAA now seeks comments on this proposal from the aviation industry and the concerned parties before proceeding further.

1.4 Abbreviations

EC European Commission
EASA European Aviation Safety Agency
NPA Notice of Proposed Amendment
SARPS ICAO Standards and Recommended Practices

2. OBJECTIVE

2.1 The objective of this NPA is to:

- (a) revise and harmonize the existing regulations in accordance with EC/EASA Part M;
- (b) utilize the guidance provisions of Part M material, annexed to EC/EASA Implementing Rule 2042/2003.

2.2 A number of regulatory criteria have been identified to guide the development of the Mongolian Civil Aviation Regulations. The criteria require that the new legislation should:



- (a) be clear, concise and unambiguous;
- (b) be consistent with Mongolian international obligations;
- (c) be harmonised with ICAO SARPS and European standards, unless unique Mongolian circumstances require otherwise;
- (d) be outcome-based, to the greatest extent practicable;
- (e) be cost effective or cost neutral; and
- (f) be enforceable.

3. LEGISLATION PROPOSAL

- 3.1 The options considered during development of this NPA were complete harmonisation with EC/EASA Part M.
- 3.2 The MCAA believe that revision and modification of existing legislation along the lines of the European model is appropriate and consistent with MCAA future objectives and regional harmonisation.
- 3.6 Amendment action is planned for June 2016 edition of the Mongolian Civil Aviation Regulations.

4. AFFECT OF CHANGES

- 4.1 The persons affected by this NPA are:
 - (a) Operators of Mongolian registered aircraft;
 - (b) Engineering facilities; and
 - (c) MCAA staff.
- 4.2 Effect on Existing Regulation. This NPA contains all of the necessary amendments to the existing Mongolian Civil Aviation Regulation (*add appropriate Part or Section*). Amendments to other Mongolian Civil Aviation Regulations will be issued as a future NPA in the near future.



- 4.3 The effect of the proposed new legislation is considered to be generally cost neutral, with greater operational flexibility and guidance.
- 4.4 There would be no additional change in MCAA inspections and compliance with the proposed legislation will be monitored and enforced through normal MCAA surveillance activity.

5. PRESENTATION

The complete proposed amendment to CAR-M is issued as a read only CD. All changes to the base EU/EASA Part M document are shown either in red or as a track change.

6. HOW TO SUBMIT COMMENTS ON THIS NPA

The Notice of Proposed Amendment process is the MCAA’s method of notifying and seeking comment from industry and the public with respect to proposed changes to rules. All submissions are evaluated and assessed with a view to incorporating any necessary changes to the draft regulations prior to their formal promulgation as law. In order to simplify collation and summarising of comments, it is requested that responses be made on the NPA Response Sheet provided (Refer page 6) or a copy of the sheet, with additional comments attached as necessary. Responses can be individual or from industry working groups. Written comments quoting NPA 01/2016 should be forwarded by *(Date)* to the Rulemaking Division of MCAA by post to P.O Box-6, Buyant-Ukhaa 34, Ulaanbaatar, Mongolia, 17120, or e-mail to: rule@mcaa.gov.mn.

7. SUMMARY OF RESPONSES

Subsequent to the closing date for comments, a Summary of Responses will be made publicly available in conjunction with the issue of the Final Rules for each Part. The MCAA may contact persons in respect to submissions in order to clarify issues but is not obliged to individually acknowledge or respond to comments or submissions.



RULE DEVELOPMENT MANUAL



NPA 01/2016 RESPONSE SHEET

Please return this response sheet by (Date) by post to P.O Box -6, Buyant-Ukhaa 34, Ulaanbaatar, Mongolia, 17120, or e-mail to: rule@mcaa.gov.mn.

Please indicate your acceptance or otherwise of the proposal by ticking [√] the appropriate box below. Any additional constructive comments, suggested amendments or alternative action will be welcome and may be provided on this response sheet or by separate correspondence.

[] The proposals are *acceptable without change*.

[] The proposals are *acceptable but would be improved if the following changes were made:* (Please provide explanatory comment).

.....
.....
.....
.....

[] The proposals are *not acceptable but would be acceptable if the following changes were made:* (Please provide explanatory comment).

.....
.....
.....

[] The proposals are *not acceptable under any circumstances.* (Please provide explanatory comment).

.....
.....
.....
.....

Name.....Organisation:.....
Address/Contact No:.....

Signed:

Date:



ATTACHMENT 3

EXAMPLE OF INFORMATION BULLETIN

Information Bulletin Number XX/2016

TO : All Operators/Organisations

FROM: EEEE

REF:

DATE:

SUBJECT: REVISION OF Mongolian Civil Aviation Regulation

Please, kindly note that amendment (*add*) to the Mongolian Civil Aviation regulation will take effect from (*date*.)

This amendment was notified in Notice of Proposed Amendment (NPA) 01/2016 regarding the adoption of (*Part M*).

All CD copies of the previous edition should be destroyed and any printed copies should either be destroyed or marked “uncontrolled” in accordance with the organisation’s quality management system.

Best regards,

CHAIRMAN OF REGULATORY COMMITTEE, MCAA