

**INTERNATIONAL CIVIL AVIATION ORGANIZATION  
NORTH AMERICAN, CENTRAL AMERICAN AND CARIBBEAN OFFICE**

**FOURTH MEETING OF DIRECTORS OF CIVIL AVIATION  
OF THE CENTRAL CARIBBEAN**

(Grand Cayman, Cayman Islands, 17-20 May 2000)

**Agenda Item 7: Safety Oversight**

**Model Aviation Regulatory Document:  
Law, Regulations, and Implementing Standards  
and Training**

(Presented by the United States of America)

**SUMMARY**

The Federal Aviation Administration (FAA) has developed a model aviation regulatory document consisting of a civil aviation law, regulations and implementing standards for flight operations and continuing airworthiness of aircraft. Model regulations were developed using ICAO material, comparisons of the U.S. Federal Aviation Regulations and the European Joint Aviation Requirements, and in some instances, Canadian and Australian regulatory material. This model aviation regulatory document has been provided to ICAO for use in its projects and initiatives and is also available on the FAA Internet site at <http://www.faa.gov/avr/iasa/index.htm>. The model aviation regulatory document is being used as the basis for the development of ICAO TRAINAIR Program courses for aviation safety inspector training for certification and surveillance of air operators and approved maintenance organizations. These courses are being developed at the FAA Academy using FAA and ICAO technical experts. These courses will be available later this year for teaching at ICAO approved government safety inspector regional/subregional training centers.

## **INTRODUCTION**

1.1 The International Civil Aviation Organization (ICAO) has established minimum aviation Standards and Recommended Practices (SARPs) for Contracting States to use as a guide in the development and implementation of their own laws, regulations, and guidance material. However, the ICAO standards and supporting guidance material lack the degree of detail and comprehensiveness needed to be used by a country as its “stand-alone” civil aviation regulations.

1.2 Both ICAO and FAA safety surveys of Civil Aviation Authorities have shown that the structure of a State’s civil aviation law and regulations is one of the more crucial factors leading to an unfavorable assessment. Civil aviation safety is directly related to effective laws, regulations and standards to implement those regulations.

1.3 ICAO Standards and Recommended Practices (SARPs), supplemented with the U.S. Federal Aviation Regulations at Title 14 Code of Federal Regulations (14 CFR) and the European Joint Aviation Requirements (JAR), provide the best bases for a model civil aviation law, model regulations and implementing standards.

1.4 Until now, there has been no cohesive set of model aviation safety law, regulations, and guidance material available for a country to adopt without considerable adaptation. The FAA completed its development of the model aviation regulatory document in June 1999 and provided it to ICAO for use in its programs and initiatives. The FAA has made this document available via the World Wide Web on the FAA’s Internet site (<http://www.faa.gov/avr/iasa/index.htm>) so all interested States and parties may have access to this documentation. The FAA plans to continue the development of the civil aviation law and regulations and will revise the document as experience is gained in its use, and as suggestions or observations are made by those who use it.

## **2. DISCUSSION**

2.1 The FAA has had considerable experience in assisting States develop aviation regulatory material for their own adoption. This experience includes attempts to translate and/or implement the FAA regulations at 14 CFR and related material, and to some extent the JAR, for use by individual countries. These efforts have had varying degrees of success.

2.2 The FAA regulations at 14 CFR are viewed by many nations as not easy to adapt to many oversight situations of a smaller scale, are difficult to enforce without an appropriate legal structure, and are not readily translated into other languages. The requirements at 14 CFR contain a significant amount of technical detail in the regulations themselves, which according to ICAO recommended practices, is more appropriately suited for inclusion in supporting implementing documents that accompany the regulations. The JARs are viewed by some non-European countries as less enforceable than 14 CFR, are often just restatements of ICAO guidelines, and require many variances in order to adapt them to local environments. All of these observations have some merit, but this is due to the fact that the JAR is itself a model that would have to be adapted by each European country to its own situation.

2.3 FAA initially developed these documents as one of its contributions to assist the many ICAO regional safety oversight and harmonization projects. Experience has shown that having this material available at the onset of a project can save two years of project time and related expenses.

2.4 The model aviation regulatory document, in its present form, consists of a model civil aviation law, model regulations and implementing standards.

2.5 The model civil aviation law is based upon the statute authorizing the Federal Aviation Administration and works under either code law or common law. It meets the governmental authority standard required by ICAO and includes statutory authority for all civil aviation activities, including air traffic, airports, security, accident investigation, and certification of aircraft, flight operations, maintenance organizations, and airmen.

2.6 Model regulations were developed using ICAO material, comparisons of 14 CFR, the JAR, and in some instances, Canadian and Australian regulatory material. The model regulations address flight operations and continuing airworthiness of aircraft. Where possible, each model regulation is cross-referenced to the applicable ICAO, 14 CFR and JAR element.

2.7 The FAA project development team included FAA harmonization and safety oversight experts experienced in many international safety areas, including: FAA/JAA harmonization; FAA International Aviation Safety Assessment (IASA) Program; Asia-Pacific Economic Cooperation (APEC); and, ICAO activities including the Safety Oversight Program, Technical Cooperation Bureau (TCB) initiatives, and Study Panels.

2.8 While the final product is considered by FAA to be a “model” set of aviation documents, past experience has shown that many countries will adopt an entire body of regulations whole, even if they do not understand them.

2.9 The FAA has also agreed to develop generic operations and airworthiness government safety inspector courses for certification and surveillance of air operators and maintenance organizations for the ICAO TRAINAIR Program. The model aviation regulatory document is used throughout the courses' as a reference for certifying an air operator or approved maintenance organization. The FAA, as part of this project, is also developing two courses to train future course instructors from around the world. The training course material is being developed at the FAA Academy using FAA and ICAO technical experts. These courses will be available for teaching at ICAO Approved Government Safety Inspector Regional/Sub-regional Training Centers.

2.10 Training development for the ICAO TRAINAIR airworthiness and operations courses began in mid-1998 and is scheduled to be completed this year. Currently, FAA and ICAO are beginning to test the prototype training modules. To ensure that the training fully meets the needs of the international civil aviation community, a wide, global cross-section of participants were invited to participate in the prototype courses. Prototype testing of the operations courses were completed in March and the airworthiness courses are scheduled for the prototype testing beginning June 19.

2.11 The operations courses will also be taught, on a regular basis, at the FAA Academy by mid-summer 2000. Inquiries regarding course availability should be directed to the FAA Academy, International Services Division, at telephone number: +1-405-954-3508, or facsimile number: +1-405-954-4345, or to the FAA Office of International Aviation, at telephone number: +1-202-267-3173, or facsimile number: +1-202-267-5032. Reference should be made to course number 23000.

### **3.0 Conclusion**

3.1 The model aviation regulatory document provides excellent guidance for States seeking to upgrade their civil aviation law, regulations and guidance material. It is also applicable for States seeking to develop regulations compatible with the Federal Aviation Regulations or the Joint Aviation Requirements. The document is also a good source for referencing both the FAA and JAA application of ICAO SARPS.

3.2 The inspector training courses being developed for the ICAO TRAINAIR Program will provide for standardized, safety-critical training under the ICAO SARPS for certification and surveillance of air operators and approved maintenance organizations. These courses will be available later this year for teaching at ICAO approved government safety inspector regional/subregional training centers.

3.2 The FAA will continue to work with ICAO to address safety oversight concerns in order to reach our mutual goal of having a safe and efficient aviation system worldwide.