

**INTERNATIONAL CIVIL AVIATION ORGANIZATION
Seventh Meeting of the Civil Aviation Authorities of the SAM Region
(RAAC/7)**

(Salvador, Bahia, Brazil, July 1-3, 2002)

Agenda Item 8: Other items

**Model Aviation Regulatory Document:
Law, Regulations, Implementing Standards, and ICAO Endorsed Government Safety
Inspector Training to be Conducted on an International Basis**

(Presented by the United States of America)

INFORMATION PAPER

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. This paper contains information on how the model aviation regulations were developed; a website address where they can be viewed; and how they are utilized as a reference document in the ICAO endorsed Government Safety Inspector Training, part of the ICAO TRAINAIR Program. This paper encourages States to take the referenced course and advises States that the FAA continues to develop follow-on training for ICAO under this program.

1. 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. Version 2.1 of the model document is now available and has been updated with input from FAA, ICAO and Contracting States of ICAO.

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 unnecessarily complicated, 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 Panels, Study Groups, and Technical Cooperation Bureau (TCB) initiatives. The updated versions of the model (now at Version 2.1) contain the contributions of ICAO experts and those of ICAO Contracting States through the training course development process.

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 developed generic operations and airworthiness government safety inspector courses for certification of air operators and maintenance organizations for the ICAO Endorsed Government Safety Inspector Training to be conducted on an International Basis. These courses are a part of 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. Additionally, during the course development process, model directive material was developed to supplement the model regulatory document. These courses are available at training centres that conduct ICAO Endorsed Government Safety Inspector training on an international basis.

2.10 Training development for the ICAO airworthiness and operations courses began in mid-1998 and was completed in September 2000. A wide, global cross-section of government aviation safety inspectors participated in the testing of prototype courses to ensure that the training fully meets the needs of the international civil aviation community. The operations course received the prototype testing during February – March 2000 and the airworthiness course received the prototype testing during July 2000.

2.11 The FAA, as part of this project, has also developed two courses to train future course instructors to teach these government aviation safety inspector courses. The training course material has been developed at the FAA Academy using FAA and ICAO technical experts. The operations instructor training course received the prototype testing during March 2000 and the airworthiness instructor training course received the prototype testing during August 2000. These courses are available at the FAA Academy, and will be provided upon request of ICAO.

2.12 The government aviation safety inspector courses are being taught, on a regular basis, at the FAA Academy. Inquiries regarding course availability should be directed to the FAA Academy, at telephone number: +1-405-954-5967, or facsimile number: +1-405-954-8487, 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 – Government Aviation Safety Inspector (Operations) and course number 23002 - Government Aviation Safety Inspector (Airworthiness).

3. 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 government aviation safety inspector training courses developed for the ICAO will provide standardized, safety-critical training consistent with the ICAO SARPS for certification of air operators and approved maintenance organizations. These courses are available for teaching at training centres that conduct ICAO Endorsed Government Safety Inspector training on an international basis.

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.