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Agenda Item 2: Safety Oversight
2.5 Safety – related topics

MODEL AVIATION REGULATORY DOCUMENT: LAW, REGULATIONS, AND IMPLEMENTING STANDARDS AND ICAO ENDORSED GOVERNMENT SAFETY INSPECTOR TRAINING TO BE CONDUCTED ON AN INTERNATIONAL BASIS

(Presented by the United States of America)

SUMMARY

The Federal Aviation Administration (FAA) has developed a model aviation regulatory document consisting of civil aviation laws, 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 used as a reference document for ICAO Endorsed Government Safety Inspector Training conducted on an International basis. The courses that are now available for instruction address Government Safety Inspector training for certification of air operators and approved maintenance organizations. Experts from the FAA, ICAO and Contracting States of ICAO collaborated in the development of the material, while Government Safety Inspectors from all over the world took part in the testing of the training packages. The courses are available at training centers that conduct ICAO Endorsed Government Safety Inspector training on an international basis. The FAA is continuing 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 that a country needs to use as its "stand-alone" civil aviation regulations.

1.2 Both ICAO and FAA safety surveys of Civil Aviation Authorities have shown that the poor 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 basis 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 laws, 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/safety/programs_initiatives/oversight/iasa/model_aviation so that all interested States and parties may have access to this documentation. The FAA is currently updating this model with recent changes to ICAO SARPs and with input from States who have adapted the model for their own use. Version 2.5 of the model document is expected to be available by September 2005. The model addresses ICAO Annexes 1, 2, 6, 7, the continuing airworthiness provisions in Annex 8, and the relevant portion of Annex 18. Extensive cross-reference tables will also be available to indicate where a model regulation carries out a related ICAO SARP.

2. Discussion

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

2.2 Many nations view FAA regulations as unnecessarily complicated, difficult to enforce without an appropriate legal structure and not readily translated into other languages. These FAA requirements 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. Some non-European countries view the JARs as less enforceable than FAA regulations, often just restatements of ICAO guidelines and requiring many variances in order to adapt them to local environments. All of these observations have some merit, but this is because the JAR is itself a model that would have to be adapted by each European country to its own situation.

2.3 The 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 at least 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, 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 crossed-referenced to the applicable ICAO standards, FAA regulation, 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 Universal Safety Oversight Audit Program, Technical Panels, Study Groups, and Technical Cooperation Bureau (TCB) initiatives. The updated versions of the model contain the contributions of ICAO experts and those of ICAO Contracting States through the training course development process and input from States that have adapted the model for their own use.

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, despite not understanding 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. These courses are a part of the ICAO Government Safety Inspector (GSI) Program and are to be conducted on an international basis. 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.

2.10 These courses are available at training centers that ICAO has endorsed to conduct the GSI training, including Brazil, Netherlands, and South Africa. Inquiries for GSI training taught by the FAA may be directed to the FAA Office of the Assistant Administrator for International Aviation via email at 9-awa-aia-intl-training@faa.gov.

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 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 at training centers 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.

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