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**ICAO Virtual Meeting for Civil Aviation Authorities Directors General on Aviation Recovery in the
North American, Central American and Caribbean (NACC) States**

15 December 2020

Agenda Item 5: Next Steps and 2021 Planning and Projections

PROJECT UPDATE: HARMONIZATION OF THE REGULATORY FRAMEWORK

(Presented by the Secretariat)

EXECUTIVE SUMMARY	
This Working Paper aims to present an update to the Project for the harmonization of the legal/regulatory framework in CAR Region, inviting States and industry to join the implementation of this Project.	
Action:	The suggested actions are presented in Section 5.
<i>Strategic Objectives:</i>	<ul style="list-style-type: none">• Safety
<i>References:</i>	<ul style="list-style-type: none">• Final Report of the Sixth Meeting of the North American, Central American and Caribbean Directors of Civil Aviation (NACC/DCA/06)• Joint Assistance Activities under the NACC Regional Office Systemic Assistance Programme (NACC SAP)

1. Introduction

1.1 The CAR Region is composed of the Central Caribbean States, the Eastern Caribbean States/Territories and the Central American States, with a mixture of cultures and legal structures in the States and the different Territories. Considering that many of these States have limited resources, the implementation based on synergies/regional collaboration as an approach has the potential to offer greater efficiency at a lower cost, especially given the responsibility for aviation safety, shared by signatories to the Convention from Chicago.

1.2 The region presents a fragmented legislative and regulatory aviation framework, thus making it difficult to facilitate activities, including safety oversight that may require a harmonized or similar approach.

1.3 Similarly, considering that staffing for the technical areas of the civil aviation authorities is very limited in the CAR Region, the establishment of a regional safety oversight model, allowing for the use of inspectors on a regional level, is critical to facilitate the sharing of resources and will certainly bring benefits to many States. This was clearly identified and agreed under Conclusion NACC/DCA/6/5 – *SHARING OF TRANSNATIONAL SAFETY INSPECTOR IN THE CAR REGION AND IDENTIFICATION OF CRITICAL USOAP IMPROVEMENTS* and the initiative for a seamless regulatory framework in the region

1.4 However, the great diversity of regulatory systems represents an important limiting factor for this regional approach, making harmonization of regulations essential for increasing the effective implementation of safety oversight in the CAR Region, as was discussed during the NACC/DCA/7 Meeting for the Project Initiative for the Harmonization of the Regulatory Framework.

1.5 During the NACC/DCA/08 Meeting, several States and industry expressed their support for the Project Initiative for the Harmonization of the Regulatory Framework, as shown as Joint Assistance Activities under the NACC SAP. United States, ALTA, CASSOS and COCESNA were part of the supporting members to this initiative.

1.6 The initial scope and activities of the Harmonization of the Regulatory Framework Project was reviewed and updated between 2019 and 2020 to focus on the initial top priority common interest regulations for the States. COCESNA committed on the support of a legal expert for the Project and other States as well.

1.7 An initial donation for the start of this Project has been provided through the ICAO Resource Mobility Platform since 2020.

2 Revised Project for the Harmonization of the Main Regulations

2.1 Following the review done to the Project for ensuring short term and more effective results in benefit of the States, through the Project review conducted, the ICAO NACC Regional Office proposes a phased solution focused on:

- The harmonization of the main regulations employed in the aviation safety oversight by States of the Caribbean, Central America and Mexico.
- The establishment of mechanisms to ensure both the legitimate adoption of harmonized regulations by interested States as applicable or its acceptance as a base for the development of their own customized versions, and the necessary and timely amendments to such regulations, to keep them up-to-date.

2.2 The implementation of this harmonization project will lead to the development of a mechanism for updating legislation and regulations, and also may lead to the creation of a system to recognize and delegate authority to inspectors to assist other States in implementing their safety oversight obligations.

2.3 An additional benefit brought about by the harmonization of regulations is the potential to facilitate relationships between States and the use of harmonized regulations by the industry which will facilitate the international operations, based on the recognition that the regulations adopted or customized would be in conformity with international requirements and will be extremely similar in the region.

2.4 It is envisioned that this project will be implemented through additional ICAO resources, as well as that of in-kind contributions from legislative, regulatory and technical experts from the States involved.

2.5 The key assumptions of the Project are:

- availability of legal and regulatory resources by ICAO, funded under this project, and in-kind technical support from industry and States;
- legal/regulatory/technical experts will be chosen from the ones available in the region;
- commitment and support from participating States, with a focus on Small Island Developing States (SIDS); and
- the revision of regulatory framework may be grouped by sub regions (for example Central America) and the ones using United States Model Civil Aviation Regulations (MCArs), British Overseas Territories Aviation Requirements (OTARs), etc.

2.6 The Project is structured into three phases:

PHASE	DESCRIPTION
Phase 0	Establishing the regional scope of harmonization
Phase 1	Establishment of a Mechanism of Regulatory Cooperation (MoRC)
Phase 2	Harmonization of regulations (145, 129, 91 and 121)

2.7 The Project will deliver the following harmonized regulations:

- Master Regional Regulation 145 - Repair Station
- Master Regional Regulation 129 - Foreign air carriers
- Master Regional Regulation 91 - General operating and flight rules
- Master Regional Regulation 121 - Operating requirements: domestic, flag, and supplemental operations

3 Estimated Timelines and Budget

3.1 The estimated timelines for the development of the project are:

PHASE	ACTIVITY	DURATION (working days)
Phase 0	Establishing the regional scope of harmonization	90
Phase 1	Establishment of a Mechanism of Regulatory Cooperation (MoRC)	70
Phase 2	Harmonization of regulation on Repair Stations (145)	86
	Harmonization of regulation on Foreign air carriers (129)	86
	Harmonization of regulation on General operating and flight rules (91)	138
	Harmonization of regulation on Operating requirements: domestic, flag, and supplemental operations	138
	Estimated total	608

3.2 The Project is expected to be supported Champion States, international organizations (ALTA, EASA, CASSOS, CONCESNA, etc.) and industry (Airbus, Boeing, etc.), with a total cost estimated in US \$ 270,000, to be funded by donors.

3.3 The Project Document for this Project is available for at the ICAO Resource Mobility Platform as requested. The Project start will be done in late January 2021, following the confirmation of the participating States and industry partners.

4 Conclusion

4.1 Due to the characteristics of the States in CAR Region, a regional approach for the development/improvement of the safety oversight represents the best option.

4.2 For this to be feasible, harmonization of existing regulations is a key requirement, and this Project offers an opportunity for this to be done for the benefit of the region.

4.3 Commitment from involved States and support from donors, Champion States, international organizations and industry is key to the implementation of the project.

5 Suggested Actions

5.1 Based on the reviewed explanation of the Project of Harmonization of the Regulatory framework, the Meeting is invited on the following actions:

- a. take note of the updates to the Project formulation as explained in section 3;
- b. States are invited to confirm their interest to participate in the Project for the adoption/acceptance of the harmonized regulations by **15 January 2021**;
- c. international organizations and industry members are invited to manifest their interest in supporting the project by **15 January 2021**; and
- d. take any other action as the meeting considered necessary