



ICAO

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North American, Central American and Caribbean Office

WORKING PAPER

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**Tenth North American, Central American and Caribbean Directors of Civil Aviation Meeting
(NACC/DCA/10)**

Fort-de-France, Martinique, France, June 21-23, 2022

**Agenda Item 5: NAM/CAR Regional Safety/Air Navigation Implementation
5.2 Safety Implementation Matters**

**DOCUMENTING COMPLIANCE WITH THE MODEL CIVIL AVIATION REGULATIONS (MCARS) IN THE ICAO
ELECTRONIC FILING OF DIFFERENCES (EFOD) SYSTEM**

(Presented by United States)

EXECUTIVE SUMMARY

Among the world's most widely used regulatory framework, MCARs provide regulators a template for use in complying with ICAO's Standards and Recommended Practices (SARPs) for ICAO Annexes 1, 2, 6 (all three parts), 7, 8, 18, and 19. Although many States incorporate all or portions of the MCARs as the basis for their national aviation regulatory systems, each of these States must individually identify and notify ICAO and other Contracting States of differences in their national aviation regulatory systems in the EFOD System. This paper proposes to add the MCARs to the EFOD System, thereby enabling a master set of current differences to be made available with each release of the MCARs for States to leverage as part of their obligation to file their regulatory differences with ICAO. Such accommodation by ICAO could expedite the individual State's compliance with filing of differences and assist ICAO's efforts to strengthen Regional Safety Oversight Organizations (RSOOs).

Action:	Suggested actions are presented in Section 4.
<i>Strategic Objectives:</i>	<ul style="list-style-type: none">• Safety• Air Navigation Capacity Building and Efficiency• Security & Facilitation• Economic Development of Air Transport
<i>References:</i>	ICAO provisions and guidance material related to notification of differences: <ul style="list-style-type: none">• Articles 12, 37, 38, 54, 57 and 90 of the Convention on International Civil Aviation• Annexes 9 and 15• Assembly Resolution A38-11; Assembly Resolution A39-22• <i>Manual on the Notification and Publication of Differences (Doc 10055)</i>• <i>TRAINAIR PLUS Operations Manual (TPOM) (Doc 10052)</i>

1 Introduction

1.1 The Convention on International Civil Aviation (the Convention) requires Contracting States to adopt measures to ensure safety through conformity with international standards. These include legislation that establishes and empowers a civil aviation authority (CAA) in each State, and the promulgation of specific operating regulations for civil aviation. Under the Convention, States also agree to conform to the standards presented in a series of Annexes to the Convention and to notify ICAO of differences from Standards. Annex 15 further directs States to publish significant differences in their Aeronautical Information Publication.

1.2 As noted in Assembly Resolution 38-11, Assembly Resolution A39-22, and ICAO Document 10055, *Manual on Notification of Differences*, the ICAO EFOD System is the preferred method of filing differences. The EFOD System allows States to file differences online, offline (paper copy), and to validate those differences with ICAO. The Online Framework (OLF) that includes the EFOD System also contains States' dashboards, corrective action plans, self-assessments, compliance checklists, and EFOD reports used in conjunction with the ICAO Universal Safety Oversight Audit Programme (USOAP).

1.3 The Model Civil Aviation Safety Act (Act) and the MCARs are published to assist regulators in carrying out their oversight responsibilities. At ICAO's request, the United States published the first MCARs in 1998. MCARs were to serve as the basis for the ICAO Endorsed Government Safety Inspector (GSI) Training Program. As referenced in ICAO Document 10052, *TRAINAIR PLUS Operations Manual (TPOM)*, the GSI program is a special subset of the ICAO TRAINAIR Plus program that seeks to provide high quality, standardized training to flight standards inspectors of all CAAs worldwide. The goal of the Act and the MCARs is to focus on the performance of inspector tasks based on laws and regulations that are fully compliant with ICAO SARPs. All MCAR development and changes are approved by ICAO.

1.4 In 2003, ICAO recognized that the MCARs were used by over half of its Contracting States. As a result, ICAO developed a data collection program aimed at documenting compliance with SARPs. While the outcome of that effort, the EFOD System, has been in use for years, there currently exists no mechanism to input the MCARs into the EFOD System in order to easily document compliance with Standards.

2 Discussion

2.1 The United States believes the MCARs could be added to the ICAO Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) Online Framework and specifically in the EFOD System by inserting a new model State profile, thereby enabling compliance of the MCARs to ICAO provisions to be documented. Uploading MCARs into the EFOD System will provide significant benefits to Contracting States and RSOOs. For States, once MCARs are entered into the ICAO EFOD System, a State will have the opportunity to review MCAR compliance to ICAO SARPs and be better informed about their own State's compliance with the SARPs. It will also assist States in recognizing and closing gaps in a State's regulations, or it can be used in development of aviation safety agreements, which necessitate the comparison of each party's regulatory system to identify commonalities or areas of divergence.

2.2 The approach proposed for the MCARs could be extended to other regulations in use across multiple States, including other model aviation regulations. Permitting RSOOs to document common regulations into the EFOD System (e.g., such as the European Union Aviation Safety Agency has done)

supports ICAO's efforts to strengthen State safety oversight, accident and incident investigation, and safety management capabilities, while allowing for more efficient and effective use of limited resources and greater harmonization worldwide. Increasing the visibility of common aviation regulations in use around the world by making their differences from ICAO provisions readily available in the EFOD System, could facilitate this endeavor.

2.3 The United States believes that having comparison documents of States' regulations and the major regulatory system documents would be beneficial both within and outside of the NACC region. This will allow the compliance data to be stored in the EFOD database, enabling timely updates and retrieval of safety-critical information. Further, it receives a quality check through the ICAO USOAP. This approach will not only focus States on their own ICAO compliance, but it will also allow for comparisons with the regulations of other organizations' systems through the ICAO EFOD reporting process.

2.4 The Act and MCARs are proven by worldwide utilization, to serve as the foundation for an effective safety oversight system through aviation legislation and regulations. The MCARs are available in three languages (English, French, and Spanish) at no cost to States or ICAO. The United States seeks the opportunity to enhance this resource further by providing on-demand access to up-to-date details about MCARs compliance with ICAO Standards using the EFOD System, which is an interface already familiar to CAAs.

3 Conclusion

3.1 The United States seeks support from NACC Contracting States and the ICAO NACC Regional Office to endorse and promote this proposal through official ICAO channels in order to permit the upload of the MCARs into the EFOD System. As an aid to States using the MCARs and needing to file differences in the EFOD System, the United States believes this method would benefit all stakeholders and provide the best tools for States to achieve compliance with ICAO Standards. The U.S. Federal Aviation Administration can offer its years of experience in developing the MCARs and supporting regulatory harmonization projects, and is poised to provide personnel, at no cost to ICAO, to input the MCARs and provide the functional requirements to maintain the annual update to ensure States remain in compliance to ICAO SARPs.

3.2 Should this approach to the MCARs as outlined in this paper prove beneficial, ICAO could consider uploading other common model regulations, such as the Air Safety Support International Overseas Territories Aviation Requirements and Regional Safety Oversight Cooperation System Latin American Aeronautical Regulations, into the EFOD System, if supported by the responsible organization.

3.3 With the Meeting's support of the proposed draft Conclusion, the United States plans to make similar proposals in other ICAO regional forums with the goal of building worldwide support for this initiative in advance of the 41st ICAO Assembly in September 2022.

<p>DRAFT CONCLUSION</p> <p>NACC/DCA/10/XX</p> <p>Model Civil Aviation Regulation (MCARs) in the ICAO Electronic Filing of Differences (EFOD) System</p>	
<p>What:</p> <p>That,</p> <ul style="list-style-type: none"> • States endorse the proposal to include MCARs into the ICAO EFOD System and consider supporting this proposal at the 41st ICAO Assembly; and • Direct the ICAO NACC Regional Office to bring this proposal to the attention of appropriate bodies/offices at ICAO headquarters. 	<p>Expected impact:</p> <p><input checked="" type="checkbox"/> Political/Global</p> <p><input checked="" type="checkbox"/> Inter-regional</p> <p><input type="checkbox"/> Economic</p> <p><input type="checkbox"/> Environmental</p> <p><input checked="" type="checkbox"/> Operational/technical</p>
<p>Why:</p> <p>The inclusion of MCARs in the EFOD System will provide States with greater visibility to review MCAR compliance to ICAO SARPs, and offer benefits to RSOOs by documenting common regulations into the EFOD System, which ultimately allows for more efficient and effective use of limited resources and greater harmonization worldwide.</p>	
<p>When: As soon as possible and prior to the 41st Assembly</p>	<p>Status:</p> <p><input checked="" type="checkbox"/> Valid / <input type="checkbox"/> Superseded / <input type="checkbox"/> Completed</p>
<p>Who: <input checked="" type="checkbox"/> States <input checked="" type="checkbox"/> ICAO <input type="checkbox"/> Other:</p>	

4 Suggested Action by the Meeting

4.1 The Meeting is invited to:

- a) Support the proposed draft Conclusion to permit uploading MCARs into the ICAO EFOD System; and
- b) Provide the same accommodation to other common, model regulations should the benefits be realized as outlined in this paper.