

BEST PRACTICES EFFICIENT AND SUSTAINABLE NATIONAL AVIATION REGULATORS (I)

**Workshop on Organisational Set-up and Institutional Frameworks
for Civil Aviation Authorities**

Manila, Phillipines 17-18 June 2025

Day 1, 17 June 2025

José Luis Bernardino, Head of Strategic Planning and Quality Division (AESA)

Mar Barrera, Head of Economic Financial Division (AESA)



European Union Aviation Safety Agency

EU-ASEAN Sustainable Connectivity Package Aviation Partnership Project
(EU-ASEAN SCOPE APP)

This project is funded by the European Union and implemented by
the European Union Aviation Safety Agency (EASA)

Your safety is our mission.

An Agency of the European Union



Content

- Legal Framework
- Structure
- The role of the national supervisory authority in Europe
- Accident and incident investigation bodies



Content

- Legal Framework
- Structure
- The role of the national supervisory authority in Europe
- Accident and incident investigation bodies



Legal Framework

Principles of Functional and Financial Independence

- **Autonomous legal framework:** The most effective authorities are established as independent agencies by law, with their own legal personality and technical regulatory capacity.
-
- **Own budget:** Having independent funding from the political budget cycle allows for greater stability and long-term planning

Legal Framework

Principles of Functional and Financial Independence

- **Separation of functions:** It is essential that the regulatory authority does not have operational functions (such as airport management or air navigation services) to avoid conflicts of interest.
- **Accountability and transparency:** The publication of performance reports, external audits, and mechanisms of parliamentary or citizen control are promoted.

Legal Framework

Legal Principles for the Independence of Public Agencies

1. Clear Legal Status

The agency must be established by law with its **own legal personality**. This grants it the authority to act independently and define its internal structure and governance.

2. Transparent Appointment and Dismissal Procedures

The process for **appointing and removing senior leadership** must be governed by objective, transparent rules to prevent arbitrary or politically motivated decisions.

3. Independent Financial and Human Resources

The agency should have:

- Its **own budget**, approved in a way that minimizes dependence on the executive branch.
- The ability to **recruit and manage its staff** independently.

Legal Framework

Legal Principles for the Independence of Public Agencies

4. Clearly Defined Mandate

The legal framework must clearly define the agency's **functions and objectives** to prevent ambiguity and discretionary interference in its mission.

5. Autonomy in Setting Priorities

The agency should **be free to set its own regulatory and oversight priorities** within the boundaries of its legal mandate.

6. Accountability Without Operational Control

While the agency **must be accountable to parliament or the public, oversight should not translate into operational control**. Recommended mechanisms include:

- Periodic activity reports.
- External audits.
- Appearances before legislative bodies, without hierarchical subordination.

Legal Framework

ICAO emphasizes that air **navigation service providers (ANSPs)** should be **organizationally and functionally separate** from the regulatory authorities that oversee them.

- Autonomy for ANSPs enhances service quality and operational efficiency.

Legal Framework

In the **context of airports**, **ICAO** also recommends that when a governmental authority controls an airport, there must be a **clear separation between regulatory and operational functions** to avoid conflicts of interest and ensure objective oversight.

ICAO further outlines that the regulatory authority should focus on:

- Implementing ICAO's Standards and Recommended Practices (SARPs).
- Conducting oversight of safety, security, and economic regulation.
- Avoiding any operational responsibilities that could compromise its impartiality.

Content

- Legal Framework
- Structure
- The role of the national supervisory authority in Europe
- Accident and incident investigation bodies



Structure

ICAO Principles for the Optimal Structure of a Civil Aviation Authority

Alignment with Core Functions

The organizational structure must mirror the authority's core responsibilities, with specialized divisions for:

- Airworthiness
- Flight Operations
- Personnel Licensing (PEL)
- Aerodromes and Ground Aids (AGA)
- Air Navigation Services (ANS)
- Dangerous Goods
- Legal and International Affairs

Each division should be adequately **staffed and resourced to fulfill its mandate effectively**.

Clear Chain of Accountability

There must be a **well-defined hierarchy of responsibility, from the Director General down to technical units**. Each level should have clearly assigned duties and performance expectations.

Structure

Adaptability

ICAO emphasizes that the **structure should be a “living concept,”** capable of evolving with:

- New regulatory missions (e.g., RPAS, cybersecurity, sustainability)
- Lessons learned from audits or incidents
- Emerging technologies and operational needs

Functional Independence

Even when part of a government ministry, the authority must maintain technical and operational autonomy. This includes:

- **Freedom to define its internal structure**
- **Direct access to budget and staffing mechanisms**
- **Protection from political interference in technical decisions**

Transparency and Staff Engagement

Structural changes should be implemented transparently, with clear communication of objectives and benefits. Staff should be involved in the process to ensure alignment and ownership.

Content

- Legal Framework
- Structure
- The role of the national supervisory authority in Europe
- Accident and incident investigation bodies



The role of the national supervisory authorities in EU



REGULATION (EU) 2018/1139 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency



→ National Competent Authority (NCA): means one or more entities designated by a Member State and having the necessary powers and allocated responsibilities for:

Article 3

- performing the tasks related to certification
- oversight and enforcement

The role of the national supervisory authorities in EU



REGULATION (EU) 2018/1139

→ NCA: are independent when taking decisions on certification, oversight and enforcement and exercise their tasks:

Article 62

- Impartially
- Transparently

...and are

- Organized
- Staffed
- Managed

accordingly

The role of the national supervisory authorities in EU



*REGULATION (EU) 2024/2803 OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL of 23 October 2024 on the implementation of the Single
European Sky*



→ National Supervisory Authority: means the national body or bodies entrusted by a Member State with the tasks under the Regulation 2024/2803

The role of the national supervisory authorities in EU



REGULATION (EU) 2014/139 laying down requirements and administrative procedures related to aerodromes

→ NCA: EASA REGULATION → Authority requirements

Article 3

Oversight of aerodromes

1. Member States shall designate one or more entities as the Competent Authority(ies) within that Member State with the necessary powers and responsibilities for the certification and oversight of aerodromes, as well as personnel and organisations involved therein.

2. The Competent Authority shall be independent from aerodrome operators and providers of apron management services. This independence shall be achieved through separation, at functional level at least, between the Competent Authority and these aerodrome operators and providers of apron management services. Member States shall ensure that Competent Authorities exercise their powers impartially and transparently.

3. If a Member State designates more than one entity as Competent Authority the following conditions shall be fulfilled:

- (a) each Competent Authority shall be responsible for specifically defined tasks and a determined geographic area; and
- (b) coordination shall be established between these Authorities in order to ensure effective oversight of all aerodromes and aerodrome operators, as well as providers of apron management services.

4. Member States shall ensure that the Competent Authority(ies) has(ve) the necessary capabilities and resources to fulfil their requirements under this Regulation.

5. Member States shall ensure that Competent Authorities' personnel do not perform oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest, in particular when relating to family or financial interest.

The role of the national supervisory authorities in EU



REGULATION (EU) 2014/139 laying down requirements and administrative procedures related to aerodromes

→ NCA: EASA REGULATION → Authority requirements

ANNEX II

Part Authority Requirements — Aerodromes (Part-ADR.AR)

SUBPART A — GENERAL REQUIREMENTS (ADR.AR.A)

- Part A: General Requirements: responsibilities, oversight documentation...
- Management: Management System, Record Keeping...
- Oversight, certification and enforcement: oversight programs, certificates, changes...

The role of the national supervisory authorities in EU



REGULATION (EU) 2018/1139

→ NCA's should be communicated by Member States



*EUROPEAN COMMISSION
and EASA*



The role of the national supervisory authorities in EU



REGULATION (EU) 2018/1139

→ NCA: EASA REGULATION → Monitoring of Member States



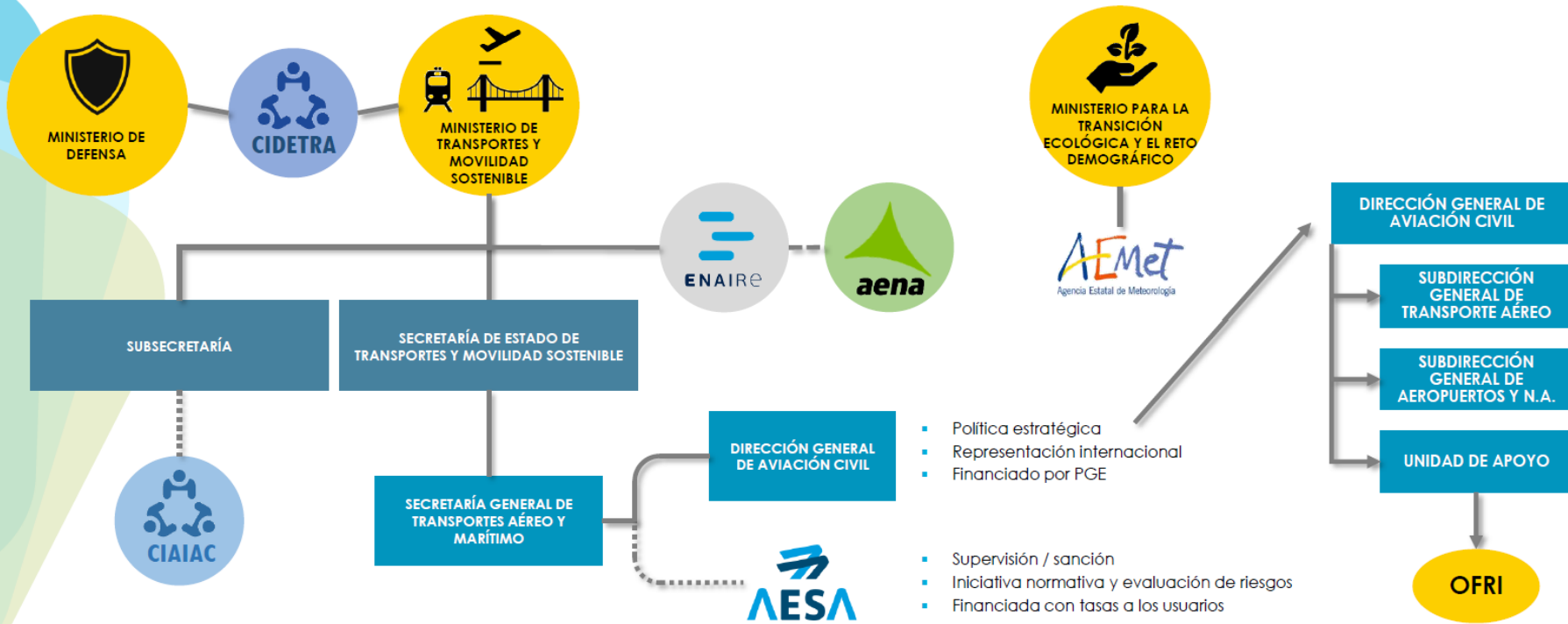
→ Assist the European Commission in monitoring the application by Member States



UNIFORM APPLICATION

The role of the national supervisory authorities in EU

→ NATIONAL COMPETENT AUTHORITIES



The role of the national supervisory authorities in EU

→ OTHER AUTHORITIES



Cuerpo Superior SVA



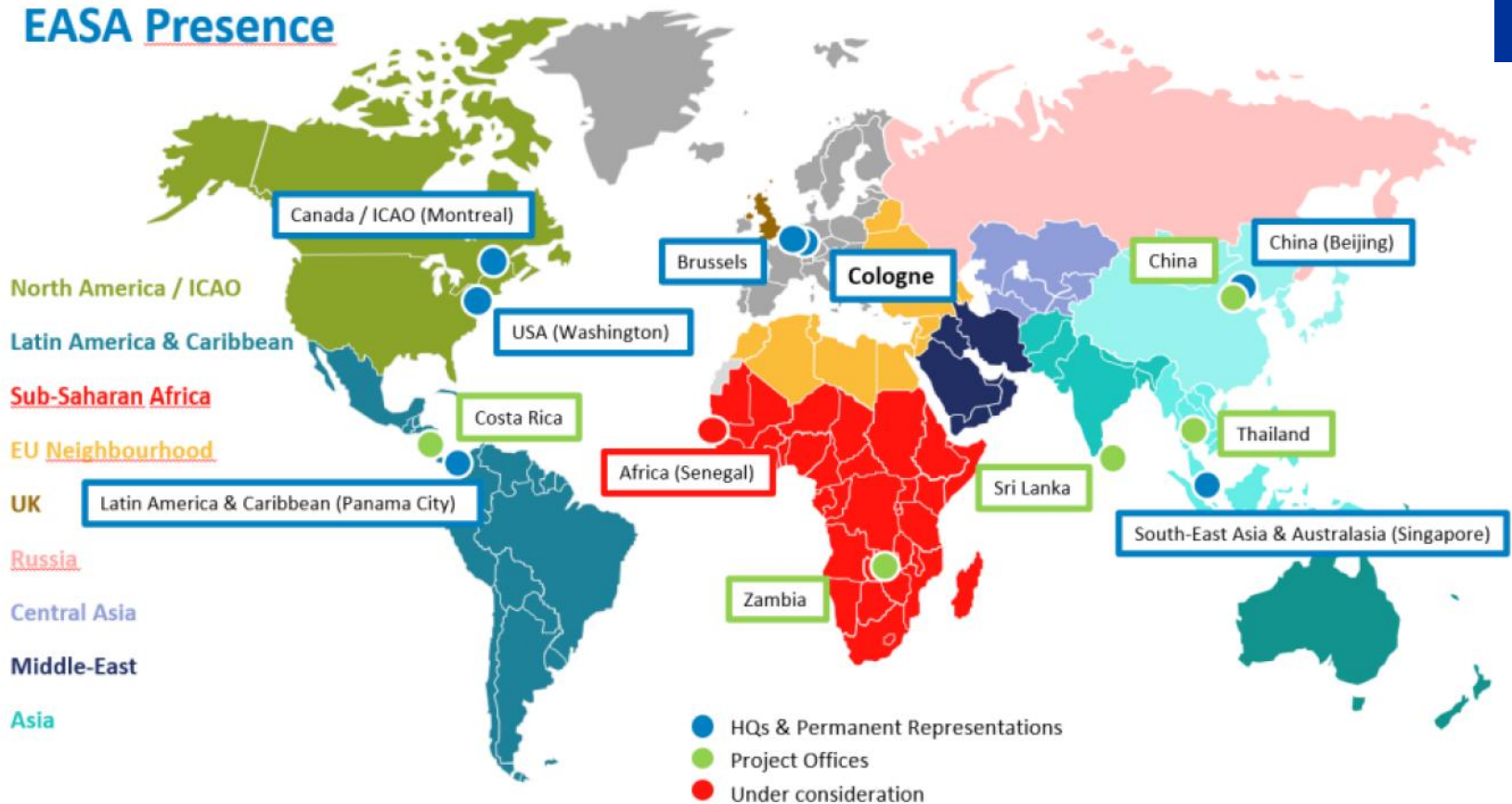


REGULATION (EU) 2018/1139 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency

- The **main objective** of this Regulation is to establish and maintain a **high and uniform level of civil aviation safety in the Union**.
- The Commission, the Agency and the Member States **shall cooperate in the framework of a single European aviation safety system** with the intention of ensuring compliance with this Regulation and with the delegated and implementing acts adopted pursuant to it.

CORE & OPERATIONAL		Certification & Approvals	I.2.1. Product Certification
			I.2.2. Organisation Approvals
		Oversight & Support	I.2.3. Third Country Operators
			I.2.4. Standardisation
			I.2.5. EU Ramp Inspection Programme
		International Cooperation	I.2.6. International Cooperation
		Rulemaking & Standards	I.2.7. Rulemaking
		Safety Management	I.2.8. Safety Intelligence & Performance

EASA Presence



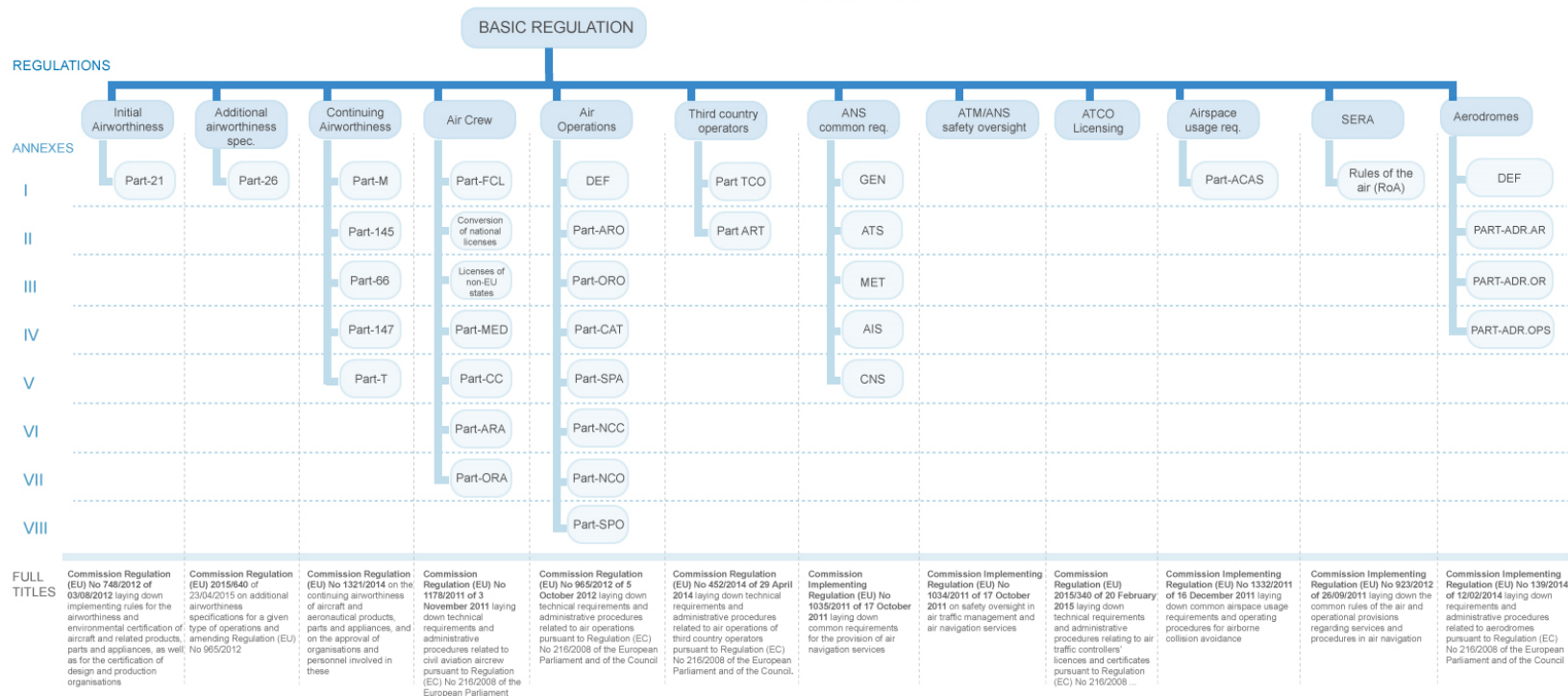
EASA Base Regulation



Regulations Structure

Each Part to each implementing regulation has its own **Acceptable Means of Compliance and Guidance Material (AMC/GM)**. These AMC and GM are amended along with the amendments of the regulations. These AMC/GM are so-called 'soft law' (non-binding rules), and put down in form of EASA Decisions. A comprehensive explanation on AMC in form of questions and answers can be found on the FAQ section of the EASA website.

Furthermore, **Certification Specifications** are also related to the implementing regulations, respectively their parts. Like AMC/GM they are put down as Decisions and are non-binding.



The role of the national supervisory authority in Europe

EASA Basic Regulation (EU) 2018/1139

Shared Responsibilities between EASA and National Authorities

The EASA Basic Regulation (EU) 2018/1139 outlines the shared responsibilities between the European Union Aviation Safety Agency (EASA) and the national aviation authorities of the Member States. These shared responsibilities ensure a harmonized approach to aviation safety across the EU.

The role of the national supervisory authority in Europe

Legal Basis for Task Delegation and Cooperation among Member States

The EASA Basic Regulation provides a legal framework for the **delegation of tasks** and cooperation among Member States.

- Establishes the legal basis for the **delegation of tasks** from EASA to national authorities and vice versa.
- Details the procedures for cooperation and **mutual assistance** among Member States.
- Provides guidelines for the **recognition of certificates and approvals** issued by other Member States.

The role of the national supervisory authority in Europe

1. Implementation of EU Aviation Safety Rules

NCAs are responsible for applying and enforcing the common rules established by the regulation within their national jurisdictions. This includes ensuring that all persons, organizations, and products involved in civil aviation comply with EU safety requirements.

2. Certification and Oversight

NCAs carry out certification, oversight, and enforcement activities for aircraft, operators, maintenance organizations, and personnel, unless these responsibilities are delegated to EASA.

3. Coordination with EASA

While EASA has central authority over certain domains (e.g., type certification of aircraft), NCAs collaborate closely with the Agency to ensure consistency and avoid duplication.

The role of the national supervisory authority in Europe

4. Data Collection and Exchange

NCAs are required to collect, analyze, and share safety-related data with EASA and the European Commission. This supports risk-based oversight and the development of safety improvement strategies.

5. Environmental Protection

In addition to safety, NCAs must ensure that aviation activities comply with EU environmental regulations and international standards, particularly in areas such as noise and emissions.

6. Oversight of Third-Country Operators

NCAs may be involved in the oversight of third-country aircraft operating into, within, or out of EU territory, in accordance with the Chicago Convention and EU law.

The role of the national supervisory authority in Europe

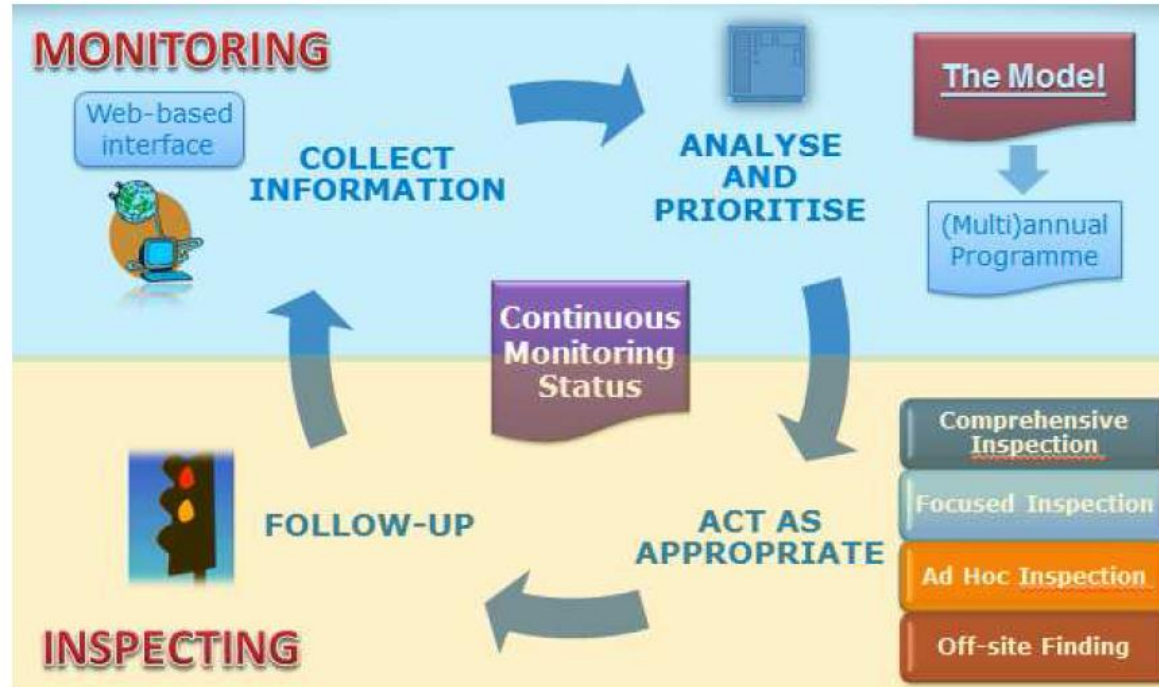


Figure 1: CMA components

The role of the national supervisory authority in Europe

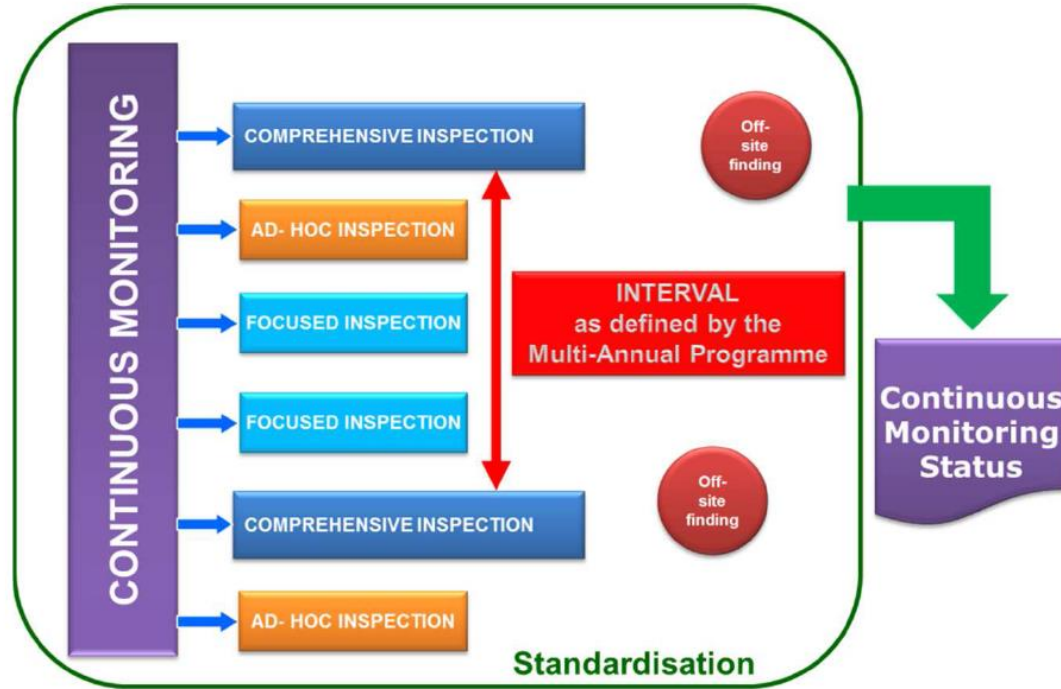


Figure 2: CMA planning

The role of the national supervisory authority in Europe

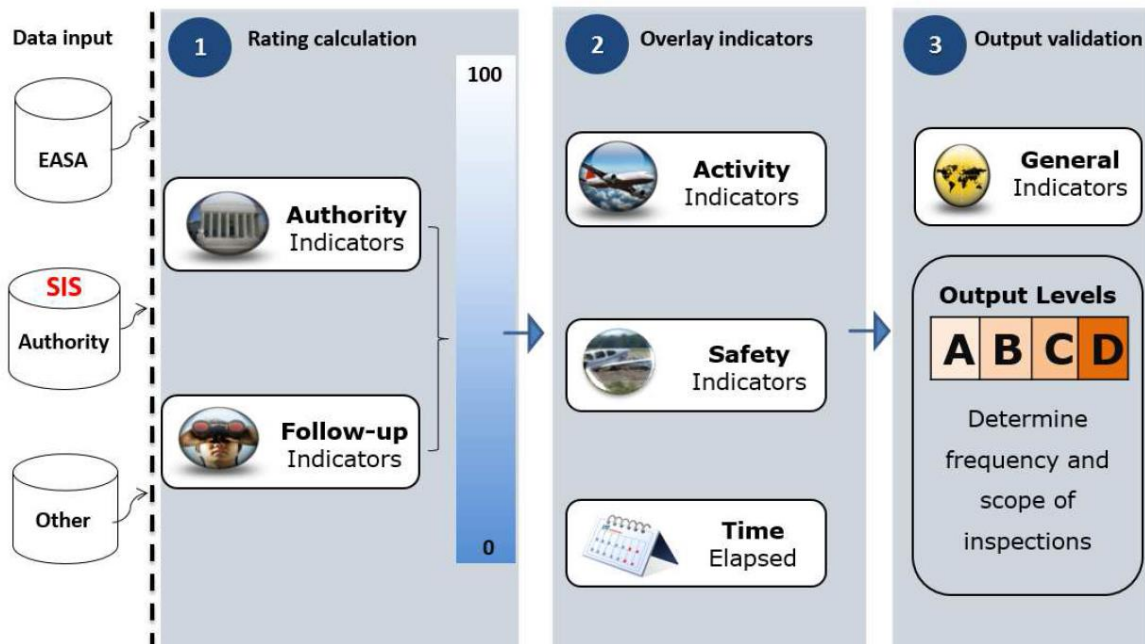
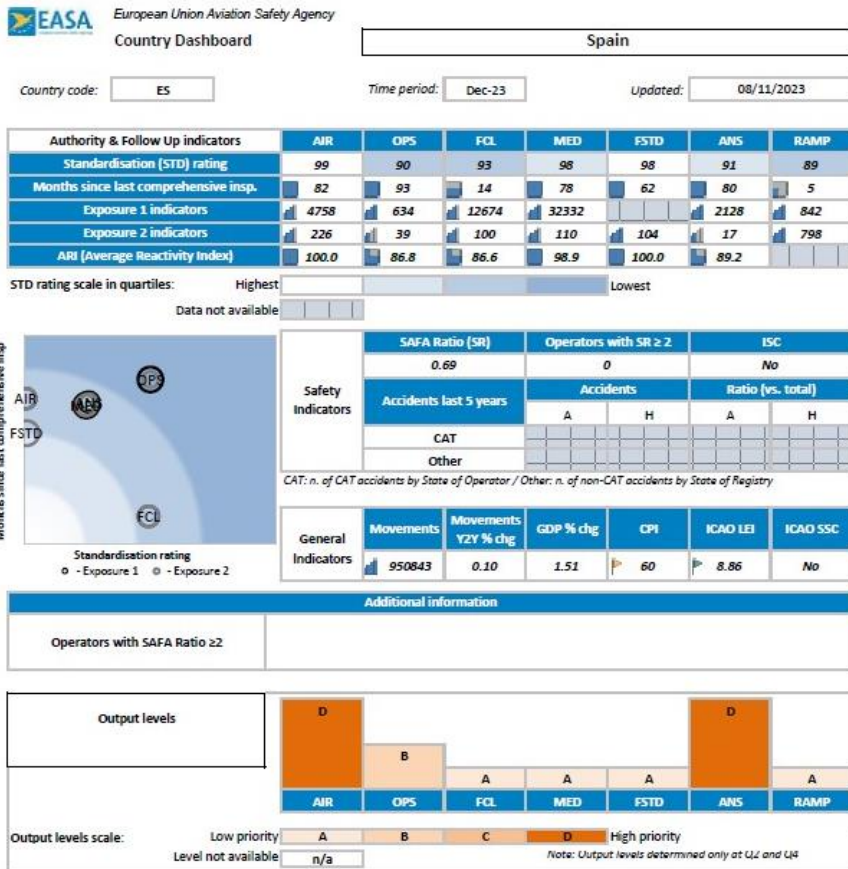


Figure 4: Model overview

The role of the national supervisory authority in Europe



Content

- Legal Framework
- Structure
- The role of the national supervisory authority in Europe
- Accident and incident investigation bodies



ICAO Anenex 13 - Independent Investigation Authority

ICAO Annex 13 mandates that each **State shall establish an independent aircraft accident investigation authority**. This authority must be functionally independent from any other entity whose interests could conflict with the investigation process. This ensures impartiality and objectivity in the investigation of aircraft accidents and incidents (Article 3.2).

ICAO Anenex 13 - Responsibilities

The independent investigation authority is responsible for conducting investigations into aircraft accidents and incidents. **It must have unrestricted authority** to gather evidence, access wreckage, and interview witnesses. The authority must also have the power to make safety recommendations based on the findings of the investigation (Article 5.4).

ICAO Anenex 13 - Reporting

The investigation authority **must produce a final report** on each accident or incident investigation. **This report must be made publicly available and include the findings, causes, and safety recommendations.** The goal is to prevent future accidents by sharing lessons learned (Article 6.3).

ICAO Doc 9946 - Regional Accident Investigation Organizations

ICAO Doc 9756 Part I **provides guidelines on the organization and planning of an independent investigation authority.** It emphasizes the need for a **clear legal framework, adequate staffing, and sufficient resources** to conduct thorough investigations. The document also highlights the importance of having established procedures for notification and planning of investigations.

ICAO Doc 9756 - Organization and Planning

ICAO Doc 9946 offers guidance on establishing **Regional Accident Investigation Organizations (RAIOs)**. **RAIOs can provide economies of scale and foster cooperation** among States. The document outlines the benefits of RAIOs, such as shared resources, expertise, and enhanced regional safety oversight.

Examples

Institution Name	Country	Description
NTSB	United States	An independent agency that investigates transportation accidents, including civil aviation.
TSB	Canada	Investigates air, marine, rail, and pipeline accidents in Canada.
CENIPA	Brazil	A branch of the Brazilian Air Force focused on operational safety.
DGAC	Mexico	Conducts investigations through its Aviation Accident and Incident Analysis Directorate (DAAIA).
JIAAC	Argentina	Responsible for investigating serious incidents and accidents in Argentina.
BEA	France	Known for its technical expertise and detailed accident reports.
AAIB	United Kingdom	A division of the UK Department for Transport that investigates civil aviation accidents.
BFU	Germany	Germany's federal office for aviation accident investigations.
CIAIAC	Spain	Spain's official body for investigating civil aviation occurrences.

Challenges Faced by Civil Aviation Accident Investigation Bodies

Challenges	Description
Dependence on State Structure	Many bodies are attached to transport or defense ministries, compromising impartiality when investigating incidents involving other government entities.
Normative Conflicts of Interest	National legislation sometimes does not ensure a clear separation between regulatory and investigative functions.
Budgetary Limitations	Lack of independent funding can condition the technical and operational capacity of the body.
Staff Incompatibilities	Incompatibility laws are not always effectively applied, allowing personnel with prior links to operators to investigate related incidents.
Political or Media Pressure	Investigators may be pressured by political authorities or public opinion in high-profile cases.
Lack of Legal Protection for Investigators	Investigators may not have sufficient legal protection against lawsuits or reprisals.
Restricted Access to Sensitive Data	Dependence on other agencies for technical data can hinder investigations if effective cooperation is lacking.
Judicial or Administrative Interference	Technical investigations may be interfered with by parallel judicial processes.
Lack of Transparency in Report Publication	Final reports may not be fully published or delayed for political or diplomatic reasons.

NTSB: The Most Prestigious and Independent Civil Aviation Accident Investigation Organization

- **Independence:** The NTSB is a completely independent federal agency, not subordinated to any other operational government entity, allowing it to act without conflicts of interest.
- **Extensive Experience:** Since its creation, the NTSB has investigated over 124,000 aviation accidents and more than 10,000 ground transportation accidents, making it one of the most experienced and technically capable agencies in the world.
- **Comprehensive Methodology:** In each investigation, the NTSB deploys multiple specialized working groups (operations, structures, systems, human factors, etc.), ensuring a thorough and multidisciplinary technical analysis.
- **Transparency and Public Access:** Its final reports are public and widely consulted by international organizations, manufacturers, operators, and regulators.
- **Global Influence:** Its practices and recommendations are frequently adopted by other agencies and by ICAO itself as a reference for best practices.

Comparison: NTSB vs. CIAIAC

Criterion	NTSB (USA)	CIAIAC (Spain)
Functional Independence	Total. It is a completely independent federal agency, not subordinated to any operational ministry.	Limited. It is attached to the Ministry of Transport, which may create conflicts of interest in investigations involving other state entities.
Financial Independence	High. It has its own budget approved by Congress, allowing operational autonomy.	Medium. Its funding depends on the general state budget, managed by the ministry it belongs to.
Organizational Independence	High. It has its own structure, autonomous leadership, and decision-making capacity without external interference.	Partial. Although it has technical autonomy, its structure is subject to the regulations and hierarchy of the corresponding ministry.
Technical and Human Resources	Very high. It has multidisciplinary teams, its own laboratories, and highly specialized personnel. It is a global reference.	Adequate but limited. It has qualified technical personnel but depends on external collaborations for certain complex analyses.

Thank you for your attention



European Union Aviation Safety Agency

easa.europa.eu/connect



Your safety is our mission.

An Agency of the European Union

