



ICAO

International Civil Aviation Organization

Sixth Meeting of the Asia/Pacific Aerodrome Design and Operations Task Force (AP-ADO/TF/6)

Langkawi, Malaysia, 18 - 21 February 2025

Agenda Item 5: Asia/Pacific Regional Guidance on:

- **Transposition of Annex 14 ICAO SARPs into National Aerodrome Standards**

GUIDANCE MATERIAL ON THE TRANSPOSITION OF ANNEX 14 SARPS

(Presented by Malaysia on behalf of Small Working Group for AP-ADO/TF Task 5/1)

SUMMARY

This paper presents a draft of the guidance material on the transposition of Annex 14 SARPs to National Standards for the Meeting's review, comment, and endorsement before it is submitted to AOP/SG/9 for endorsement.

1. INTRODUCTION

1.1 AOP-SG/7 held in July 2023 discussed the benefits of a risk-based approach to the adoption of ICAO Annex 14 Recommendations as National Standards. A proposal was approved to put this topic on the agenda of the following AP-ADO/TF/5 scheduled for January 2024 for further deliberations. [WP/11](#) discussed at AOP/SG/7 refers.

1.2 AP-ADO/TF/5 discussed the matter further as AOP/SG/7 had decided and concluded that three tasks should be initiated to promote a risk-based approach to the adoption of Annex 14 Recommendations and consultation with the Industry on proposed amendments to Annex 14 and PANS Aerodromes (Doc 9981). [WP/15](#) submitted to the AP-ADO/TF/5 refers.

1.3 These three tasks are:

- Task 5/1: Develop **regional guidance materials** on the transposition of Annex 14 ICAO SARPs, assigned to a Small Working Group (SWG) led by Malaysia with the participation of ROK, Nepal, PNG, Australia, Thailand and ACI;
- Task 5/2: Organize workshops on the transposition of Annex 14 SARPs into National Standards; and
- Task 5/3: Organize workshops for States and aerodrome operators to share experience in AGA audit area of USOAP CMA especially on alternative means of compliance with AGA related SARPs as advocated for in DGCA/58/DP3/01.

1.4 Per the mandate of Task 5/1, the SWG responsible held seven meetings virtually from February 2024 to January 2025 to draft the guidance material. This guidance also includes examples from representative States on their recommended approach to transposition.

1.5 This paper presents a draft of the regional guidance material for the Meeting's review,

comment and endorsement.

2. DISCUSSION

Outline of the Guidance Material

2.1 The document is intended to be comprehensive, readable with charts illustrating the recommended processes and yet concise enough to be contained in about 30 pages.

2.2 The following is an outline of the content of the document:

- *Chapter 1: General*
- *Chapter 2: Proposal for new SARPs or Amendment of ICAO SARPs*
- *Chapter 3: Industry Engagement*
- *Chapter 4: Adoption of SARPS as National Standards*
- *Chapter 5: Development and Amendment of Regulations*
- *Chapter 6: Notice of Proposed Rule Making (NPRM)*
- *Chapter 7: Notification on Filing of Difference to ICAO*
- *Appendix A: Guidance on the Risk-Based Adoption of ICAO Recommended Practices as National Standards*

2.3 Members of the SWG contributed actively their relevant experience in the drafting work while taking care of:

- Using generic terminologies to avoid terms applicable to and current in certain States only;
- Ensuring the recommendations made are practicable in most APAC States; and
- Putting cases of valuable reference contributed by SWG State and Industry Members in **Appendix A** to the document.

2.4 The full text of the draft guidance materials is in **Attachment A** to this paper.

Recommendation

2.5 It is recommended that:

- The meeting review, comment and amend the draft as necessary;
- The draft attached to this paper is endorsed for submission to AOP/SG/9 scheduled for mid-2025 for approval and publication on the APAC website;
- APAC States and Industry be invited for comments upon its publication; and
- An AP-ADO/TF Task be initiated to review and update the document, in accordance with the Procedures for Periodic Review and Update of the Asia/Pacific Generic Guidance Material in AGA area incorporating any

comments received from States and Industry based on their experience in adopting its recommendations.

3. ACTION BY THE MEETING

3.1 The meeting is invited to:

- a) note the information contained in this paper;
- b) endorse the recommendations in 2.5 above and the Draft Conclusion below; and
- c) discuss any relevant matters as appropriate.

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Draft Conclusion AP-ADO/TF/5 – X: Guidance on Transposition of Annex 14 SARPs into National Standards			
What: Guidance Material on Transposition of Annex 14 SARPs into National Standards be adopted by AOP/SG/9 and published on ICAO APAC website.		Expected impact: <input type="checkbox"/> Political / Global <input type="checkbox"/> Inter-regional <input type="checkbox"/> Economic <input type="checkbox"/> Environmental <input checked="" type="checkbox"/> Ops/Technical	
Why:	For reference by APAC States	Follow-up:	<input checked="" type="checkbox"/> Required from States
When:	4-Jul-25	Status:	Draft to be adopted by Subgroup
Who:	<input checked="" type="checkbox"/> Sub groups <input checked="" type="checkbox"/> APAC States <input checked="" type="checkbox"/> ICAO APAC RO <input type="checkbox"/> ICAO HQ <input type="checkbox"/> Other: XXXX		

—END—

INTERNATIONAL CIVIL AVIATION ORGANIZATION



GUIDANCE ON TRANSPOSITION OF ANNEX 14 ICAO SARPS

VERSION 1.0 – FEBRUARY 2025

Introductory Notes

This document was developed by the ICAO Asia/Pacific Aerodrome Design and Operations Task Force for reference by States in the APAC Regions to provide guidance on the transposition Annex 14 SARPs, including new SARPs and amendments thereto into national standards. When referring to this generic document, States are expected to customize the content in accordance with the States' legislations, regulations, and circumstances.

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Foreword:

The purpose of this document is to provide APAC States guidance on the transposition of Annex 14 SARPs into national regulatory requirements in order to maximise the safety performance of aerodrome operations given the limited human, financial and other resources available, on the basis of safety risks, and as per the State Safety Programme of the State concerned.

1 General

1.1 Introduction

- 1.1.1 Standards and Recommended Practices (SARPs) are technical specifications adopted by the Council of ICAO in accordance with Article 37 of the Convention on International Civil Aviation, also known as the Chicago Convention, in order to achieve "the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation".
- 1.1.2 SARPs are published by ICAO in the form of Annexes to The Chicago Convention. SARPs do not have the same legal binding force as the Convention itself because Annexes are not international treaties. Moreover, Article 37 of the Convention stipulates that each Contracting State "undertake to collaborate in securing the highest possible degree of uniformity", not to "comply with". Each Contracting State may notify the ICAO Council of differences between SARPs and its own regulations and practices. Those differences are published in the form of Supplements to Annexes.
- 1.1.3 A Standard is defined by ICAO as "any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention".
- 1.1.4 A Recommended Practice is defined by ICAO as "any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation and to which Contracting States will endeavour to conform in accordance with the Convention".

1.2 Abbreviations

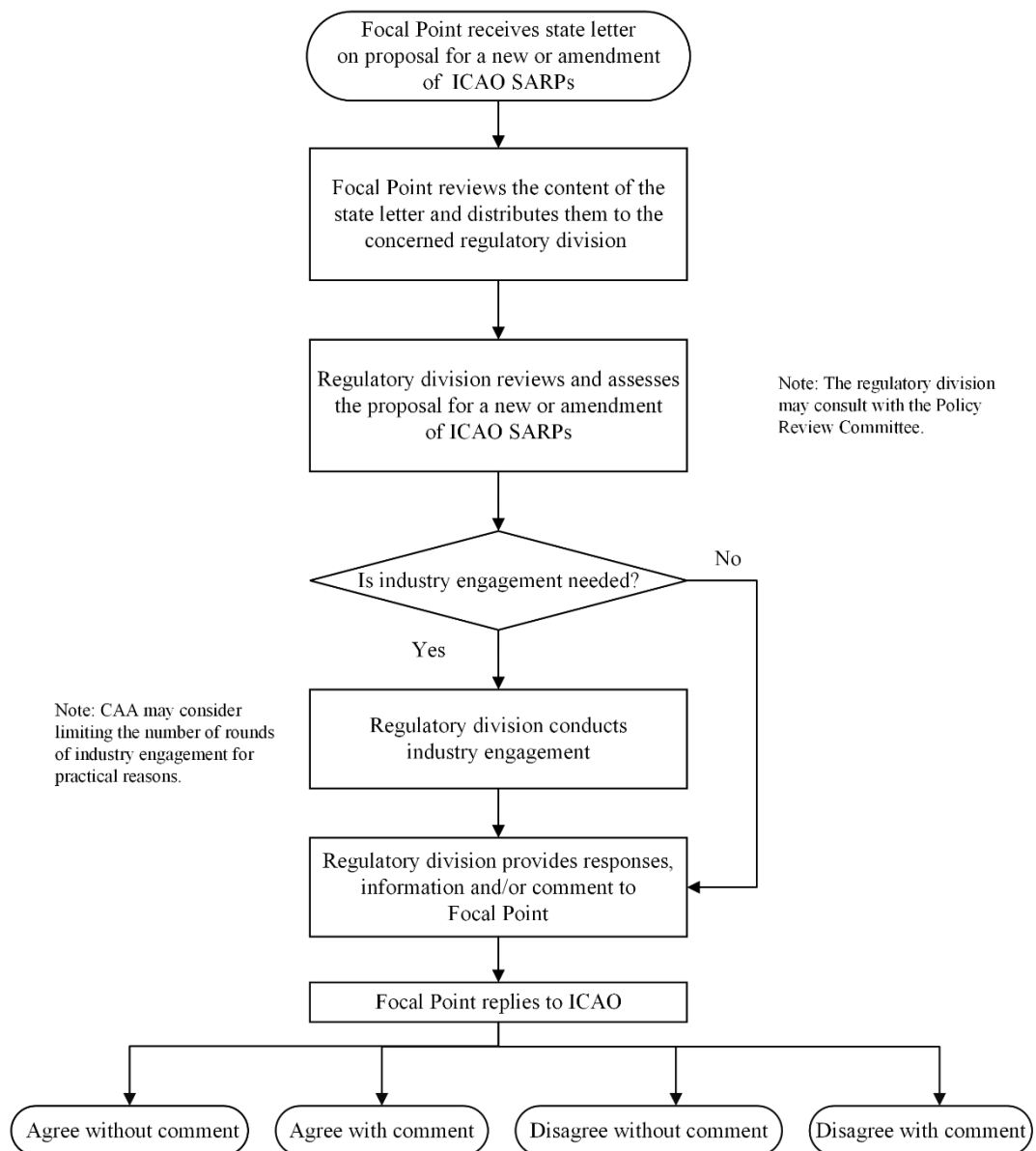
AGA	=	Aerodrome and Ground Aids
AIS	=	Aeronautical Information Services
APAC	=	The Asia and Pacific Regions of ICAO
CAA/DCA	=	Civil Aviation Authority/Department of Civil Aviation
CC	=	Compliance Checklist
CMA	=	Continuous Monitoring Approach
DGCA	=	Director General Department of Civil Aviation
EFOD	=	Electronic Filling of Differences
NPRM	=	Notice of Proposed Rule Making
OLF	=	Online Framework
QS	=	Quality and Standards Division
SARPs	=	Standards and Recommended Practices
USOAP	=	Universal Safety Oversight Audit Programme

2 Proposal for New or Amendment of ICAO SARPs

2.1 Introduction

- 2.1.1 ICAO establishes Standards and Recommended Practices (SARPs) to ensure the safety, security, efficiency, and environmental sustainability of international civil aviation.
- 2.1.2 The adoption of new SARPs or amendments to existing SARPs is crucial for maintaining global aviation safety and regulatory harmonization.
- 2.1.3 This document aims to provide guidance to States and relevant stakeholders on the process of adopting new SARPs or amending existing ones, ensuring effective implementation and compliance.
- 2.1.4 This procedure enables CAA/DCA to review the proposals for any new SARPs or an amendment to existing ICAO SARPs.
- 2.1.5 If the proposal for a new or amendment of ICAO SARPs is in the opinion of the regulatory division to be routine in nature, then the regulatory division with the concurrence of Policy Review Committee can decide to adopt those ICAO SARPs without the need for further industry engagement to eliminate unnecessary delay in the process.
- 2.1.6 States should establish a procedure to consider a new or amendment of ICAO SARPs, stipulating the parties involved and the roles and responsibilities of each of these parties in the procedure. The following flow chart provided in section 2.2 is an example of such a procedure for reference.

2.2 Example Flow Chart for the Proposal for a New or Amendment of ICAO SARPs



3 Industry Engagement

3.1 Purpose

- 3.1.1 Industry engagement, i.e. engagement with service providers such as aerodrome operators, air navigation service providers, and air operators, is one of the key regulatory tools employed to improve transparency, efficiency, and effectiveness of regulation and improved accountability arrangements.
- 3.1.2 Industry engagement should be initiated as early as possible so that both States and its stakeholders could assess the feasibility, safety, and air navigation efficiency benefits, of adopting new SARPs or amending existing ones based on emerging safety, security, operational, or environmental considerations.

3.2 Guiding Principles for Industry Engagement

- 3.2.1 Genuine industry engagement involves actively seeking the opinions of the affected groups. Ideally, it is a two-way flow of information. However, in some cases it may need to be a one-stage process such as an urgent change to preserve the desired safety objective. One-way information flow may also be appropriate as part of a continuing dialogue. Prior to the industry engagement, the proposal for draft amendment of SARPs should be provided to them and subsequently an engagement session should be arranged.
- 3.2.2 Conducting an industry engagement to introduce any new or amendment of existing ICAO SARPs should take into consideration the following items:
 - a) Preliminary Assessment
 - Identification: States and its stakeholders should identify the need for adopting new SARPs or amending existing ones.
 - Impact Analysis: Conduct a comprehensive impact assessment to evaluate the potential effects of proposed SARPs on national regulations, infrastructure, operations, and resources.
 - b) Capacity Building
 - Needs Assessment: Evaluate the capacity and capability of relevant stakeholders to comply with and implement new SARPs or amendments.
 - Training Programs: Develop and provide training and capacity-building initiatives to enhance awareness, understanding, and proficiency in implementing the new requirements or changes to existing practice.
 - Technical Assistance: Collaborate with ICAO, regional organizations, and industry partners to facilitate capacity building efforts and provide technical assistance where needed.
 - c) Implementation Plan
 - Development: Develop a detailed implementation plan with clear timelines, responsibilities, and milestones for adopting and implementing new SARPs or amendments in consultation with stakeholders.
 - Monitoring Mechanism: Establish mechanisms for monitoring compliance and assessing the effectiveness of implementation measures.

- **Audits and Reviews:** Conduct regular audits, inspections, and reviews to ensure ongoing compliance with adopted SARPs and identify areas for improvement.

4 Adoption of a New or Amendment of ICAO SARPs

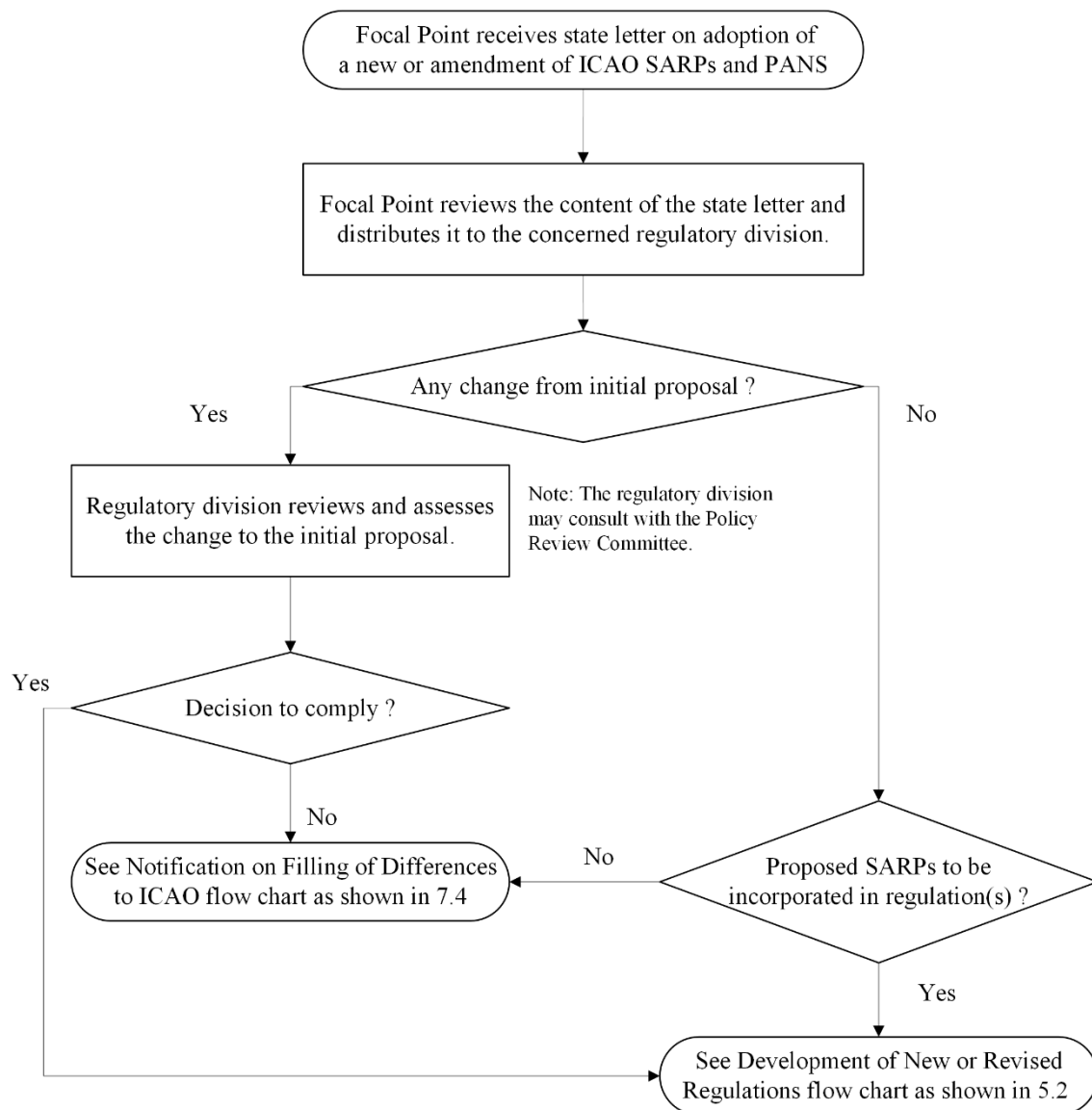
4.1 Introduction

- 4.1.1 Following the review process, this procedure enables the State to systematically evaluate the adoption of any new or amendment of existing ICAO SARPs. The promulgation of regulations to address, at a minimum, national requirements emanating from the primary aviation legislation, for standardized operational procedures, products, services, equipment, and infrastructures in conformity with the Annexes to the Convention on International Civil Aviation.

***Note:** After their review processes, Member States may elect to adopt Recommended Practices in their aviation legislation as if they were Standards.*

- 4.1.2 The State operating regulations should therefore conform with the Annexes to the Chicago Convention. Annexes contain SARPs which have been agreed upon by Member States. SARPs are designed to provide the minimum necessary and desirable requirements to be met by all Member States, regardless of the size and complexity of their civil aviation activity.
- 4.1.3 A procedure should be developed and implemented to ensure the timely amendment of the specific operating regulations, as necessary, in order to keep pace with the amendments to the Annexes to the Convention and ensure that the regulations are issued at the appropriate level. It also ensures that the overall legislation is consistent and, in particular, that regulations are repealed when replaced by new ones.
- 4.1.4 Appendix A is a collection of sample procedures on adoption of Annex 14 recommendation as National Standards, alternative acceptable means of compliance to SARPs, and regulatory guidance to aerodrome operators on Aeronautical Studies.
- 4.1.5 A sample process for the adoption of a new or amendment of ICAO SARPs is depicted in the flow chart shown in 4.2.

4.2 Example Flow Chart for the Adoption of a New or Amendment of ICAO SARPs

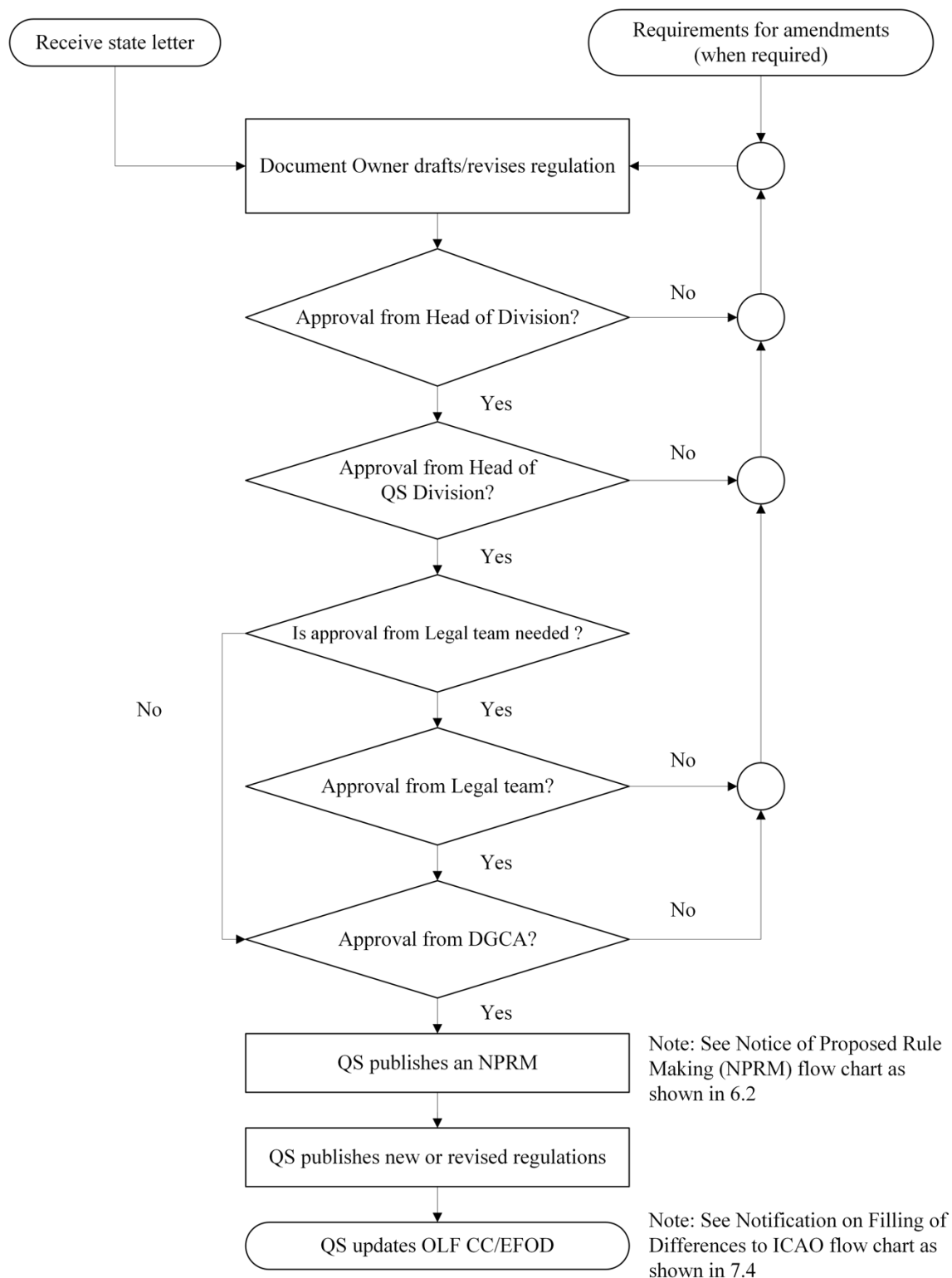


5 Development and Amendment of Regulations

5.1 Procedure for Development of a New Regulation or Amendment of the Existing One

- 5.1.1 The Document Owner from the respective regulatory divisions should draft the document and obtain approval from their respective Head of Division and then Head of QS Division before submitting the approved draft for legal vetting as applicable.
- 5.1.2 The QS Division will be supplied with the intended new or revision drafts in advance (at least two months) of the planned effective date.
- 5.1.3 After vetting by the legal team and upon the approval of the DGCA, QS Division should publish an NPRM.
- 5.1.4 A sample process for the development of new or revised regulations is depicted in the flow chart shown in 5.2.
- 5.1.5 Publishing of an NPRM for new or amended regulations as applicable should be in accordance with Chapter 6.

5.2 Example Flow Chart for Development of New or Revised Regulations

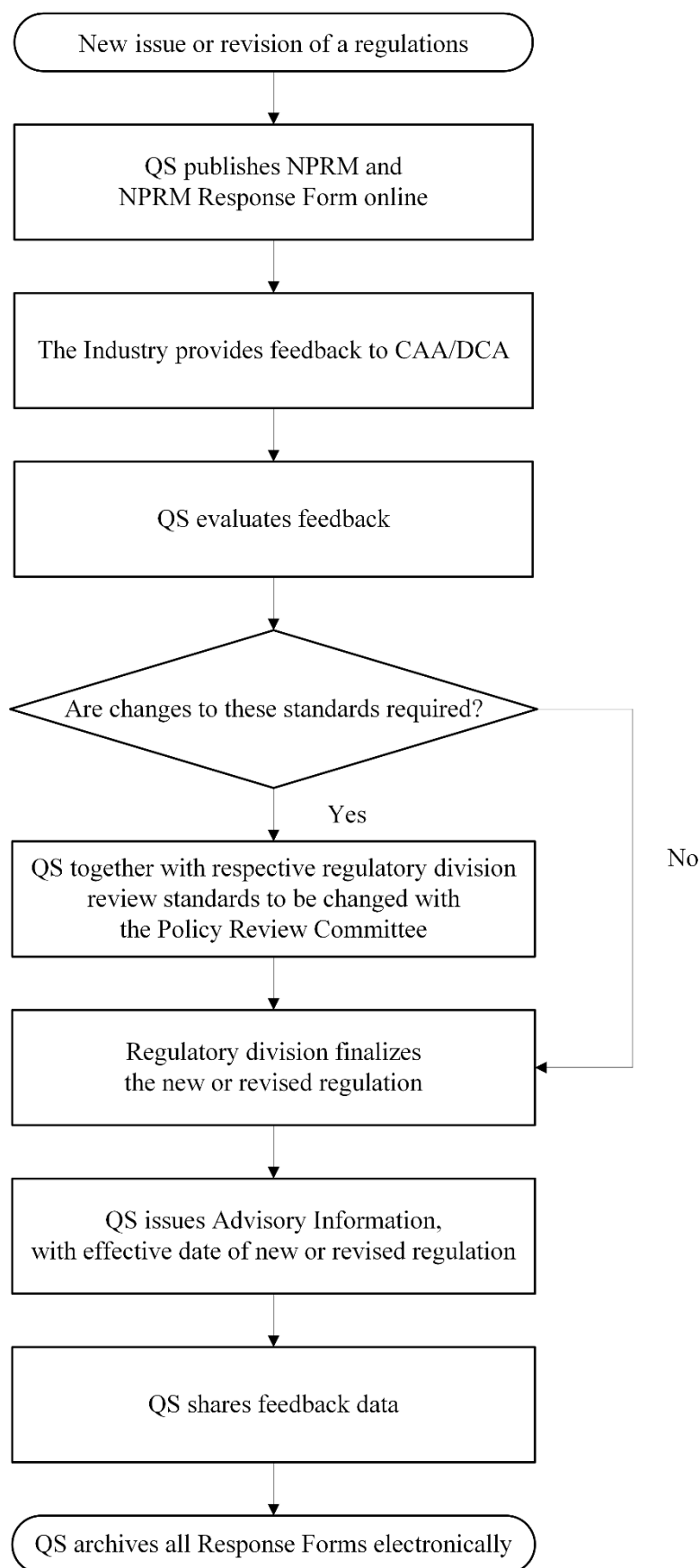


6 Notice of Proposed Rule Making (NPRM)

6.1 NPRM Process

- 6.1.1 An NPRM should be issued whenever a new issue or revision of a regulation is to be published. The draft regulation should be published, preferably online, for consultation as a “Notice of Proposed Rule Making” at least 3 months before the planned effective date of the new regulation.
- 6.1.2 The purpose of the NPRM is to consult with commercial, industrial, consumer, and other relevant bodies and organisations when developing or implementing new standards. It must contain the proposed changes to the standards in the new or revised regulations and the reason for such change.
- 6.1.3 The NPRM should contain an NPRM Response Form for the commercial, industrial, consumer, and other relevant bodies and organisations to provide feedback to CAA/DCA regarding the new standards. The NPRM Response Form can be submitted to CAA/DCA via the following methods:
- Online Forms (preferred method);
 - Email; or
 - Mail to CAA/DCA office.
- 6.1.4 The NPRM Response Form should have a cut-off date giving the operators reasonable time to assess the feasibility of the proposed ruling, e.g. 30 to 90 days prior to the effective date of the new standards, depending on the complexity of the proposal. After the cut-off date, the CAA/DCA will evaluate all the feedback received. A Policy Review Committee should be convened to review and determine if changes to these standards are required. The Policy Review Committee should for example consist of the head of CAA/DCA and relevant section chiefs, e.g. chiefs of aerodrome standards, quality, and legal.
- 6.1.5 After the review by the Policy Review Committee the CAA/DCA should issue a notification to stakeholders to confirm the Standards that will be applied (or changes to the initial proposed standards if any) and share details of the feedback received with the industry. This notice should clearly once again state the effective date of the new standards.
- 6.1.6 All NPRM Response Forms received by CAA/DCA should be archived electronically.

6.2 Example Flow Chart for NPRM Process



6.3 Sample of an NPRM

<p>Civil Aviation Authority / Department of Civil Aviation</p> <p>Notice of Proposed Rule Making (NPRM)</p>	
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Notice No: CAN <No.>/<Year>	Issuing Office: Civil Aviation Authority / Department of Civil Aviation Address
Issue Date: <DD/MM/YYYY>	
Effective Date: <DD/MM/YYYY> Expiry Date: <DD/MM/YYYY>	
Related Reg: <Regulation No.>	
Status: <New Issue or etc.>	

NOTICE OF PROPOSED RULE MAKING

1 Text

[illegible][illegible]

2 Text

[illegible]

(.....)

DGCA NAME

Director General Department of Civil Aviation
for Civil Aviation Authority / Department of Civil Aviation

<Date>

NPRM RESPONSE FORM

PLEASE COMPLETE AND SUBMIT YOUR RESPONSE BY <DD/MM/YYYY> AND RETURN IT BY THE FOLLOWING MEANS:

ONLINE (*preferred method*):

Submit Online form: <*Form's hyperlink*>

or

Email attached form to <*Email address*>

MAIL to CAA/DCA Corporate Office Address:

*ATTN: Quality and Standards Division,
Civil Aviation Authority / Department of Civil Aviation,
Address*

DETAILS OF RESPONDER

Name:									
Organisation:									
Address:									
Phone Number:									
Involvement in the aviation industry (tick below):									
Commercial air transport carriers	<input type="checkbox"/>	General Aviation	<input type="checkbox"/>	Ground handling services	<input type="checkbox"/>	Approved Training Organisations	<input type="checkbox"/>	Air Traffic Control Services	<input type="checkbox"/>
Maintenance Organisations	<input type="checkbox"/>	Flying Clubs	<input type="checkbox"/>	Aerodrome Operator					
Others (specify below) *									
*Details									

Would you like a response to your comments?

Yes ☐

No ☐

NPRM RESPONSE FORM (cont.)

3 Comments

3.1 After reading the Directive/Notice/Circular, are there specific issues that you wish to see addressed?

Please indicate by specifying the relevant Directive/Notice/Circular reference number, any change to that Directive/Notice/Circular you believe will add value to drafts, and a short explanation of your reason for proposing the change.

Directive/Notice/Circular Number	Reference	Proposed Changes	Explanation

Additional Comments

Thank you.

Your responses are very much appreciated by the CAA/DCA as it demonstrates a combined effort in ensuring the interests of the aviation community and consumers are met without compromising safety and the relevant standards of the aviation industry.

7 Notification on Filing of Differences to ICAO

7.1 Introduction

- 7.1.1 This chapter recommends a process for the identification and filing of differences to ICAO Annex.

7.2 Standards and Recommended Practices (SARPS)

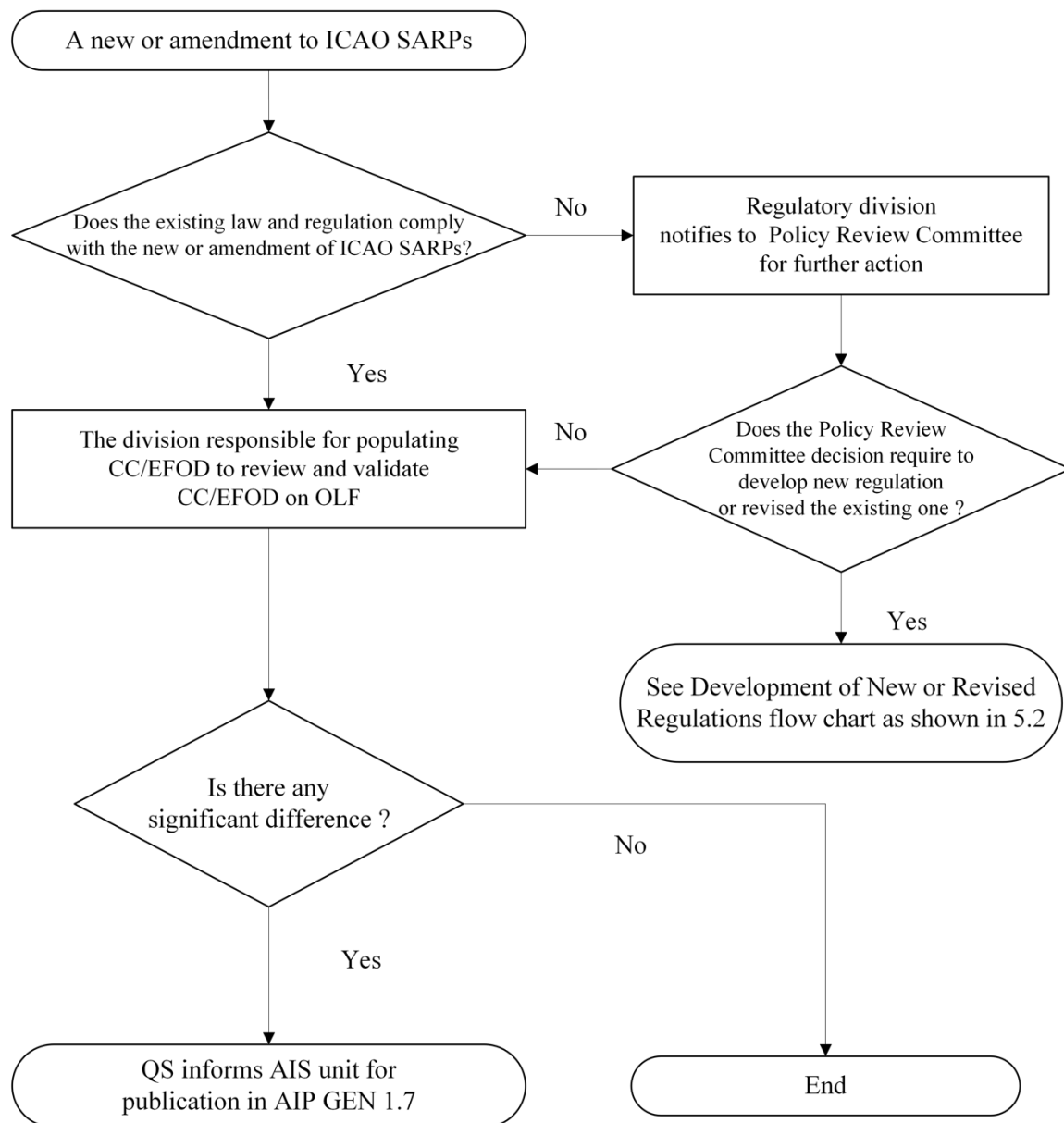
- 7.2.1 The uniform application by the Contracting States of the specifications contained in the international standards is recognised as necessary for the safety and efficiency of international air navigation.
- 7.2.2 Knowledge of any differences between the national regulations and those established by an international standard is essential to the safety and security of civil aviation, and the regularity or efficiency of international air navigation. In the event of non-compliance with an international standard, the State has an obligation to notify the ICAO of any differences.
- 7.2.3 Knowledge of differences from ICAO Recommended Practices may also be important for the safety of air navigation and, although the Chicago Convention does not impose any obligation with regard thereto, the States may notify such differences in addition to those relating to international standards.

7.3 Importance of Notifying Differences

- 7.3.1 The primary purpose of reporting differences is to promote safety, regularity, and efficiency of air navigation by ensuring that governmental and other agencies, including operators, concerned with international civil aviation are aware of all national rules and practices in so far as they differ from those prescribed in SARPs. Therefore, the lack of information on differences or non-compliance with SARPs creates uncertainty and jeopardises the safety and efficiency of air navigation.
- 7.3.2 State's decision to depart from an ICAO Standards, in the cases foreseen by Article 38 of the Chicago Convention, is an important decision with potential safety and efficiency consequences.
- 7.3.3 Promptly and accurately notifying differences helps management and subject matter experts closely monitor national regulations, in particular in how they compare to SARPs.
- 7.3.4 Dissemination of differences enhances transparency of safety information, consequently, facilitates State's decisions to accept or not accept other State's aircraft and operators, and complements USOAP continuous monitoring activities, safety ramp checks data, and other safety information at the disposal.
- 7.3.5 Incorrect notification of differences potentially misleads the international community, may cause safety issues, and result in undesirable operational situations, such as the grounding of aircraft.

- 7.3.6 The absence of notification of differences casts doubts as to the situation in the State, with potentially negative consequences in terms of recognition of certificates, and licenses, ramp inspections, and ultimately traffic rights.
- 7.3.7 The notification of differences is an important tenet of the Chicago Convention and contributes to ensuring the safe and orderly growth of international civil aviation around the world. It should therefore not be viewed as a penalty, but rather as a useful process in the best interest of all.
- 7.3.8 The Regulatory Division responsible for the individual Annexes should ensure all SARPs have been correctly and fully transposed into the appropriate national regulations. Any differences should be brought to the attention of Policy Review Committee for deliberation and further action. The division responsible for populating CC/EFOD concerning the respective Annexes should then review the transposition before validating it in the USOAP CMA OLF. Any significant differences should be notified to AIS for publication in AIP GEN 1.7.

7.4 Example Flow Chart for the Notification on Filing of Differences to ICAO



Appendix A: Guidance on the Adoption of ICAO Annex 14 Recommendations as National Standards

- A. States should adopt ICAO Annex 14 Recommended Practices as national standards based on potential benefits in enhancing aerodrome safety.
- B. The potential safety benefits should be determined based on safety risk assessments in consideration of:
 - a) Traffic density of the aerodrome;
 - b) Physical design of the aerodrome;
 - c) Climate under which the aerodrome operates;
 - d) Terrain around the aerodrome; and
 - e) Other relevant factors, such as ecological/environmental aspects etc.
- C. States should also consult with relevant stakeholders in the adoption of Annex 14 Recommendations. The consultation should cover:
 - a) Feasibility of the implementation of the Recommendation;
 - b) Cost of implementation, including initial investments and ongoing operating and maintenance costs;
 - c) Potential safety benefits in implementing the Recommendation concerned; and
 - d) A feasible and mutually accepted implementation timeframe.
- D. If the State(s) decided that the adoption of the Annex 14 Recommendation has a potential safety benefit; however, its implementation may create a significant cost burden to the aerodrome operator, State(s) should consider:
 - a) Developing a long-term policy and programme to support aerodrome operators in the implementation phase (e.g. US FAA Airport Improvement Programme <https://www.faa.gov/airports/aip>); or
 - b) The use of alternative acceptable means of compliance if the Recommendation is considered impracticable after study and consultation.

A-1: Examples of Process of Adopting Annex 14 Recommendations as National Standards

Example 1 – Courtesy of Thailand

- A. The Standards Development Division of the Aerodrome Standards Department (AGA) evaluates the content in the Annex 14 Standards and Recommended Practices (SARPs) in terms of its differences from/compliance with the existing laws and regulations and identifies all the regulatory changes required and understands their implications.
- B. The Standards Development Division (AD) initiates the draft regulation and plans on “what to be in the draft”.
- C. AD requests assistance from the Legal Department (LEG) in “how to draft”. LEG examines the request based on legal principles, existing regulatory measures, and prospective implications.
Note: A draft team may be formed consisting of legal officers, Standards Development Division officers of the Concerned Department, and the subject matter experts from within or outside CAAT.
- D. AGA publishes the draft regulation on the CAAT’s website and notifies the aerodrome operators and stakeholders for feedback and suggestion on the draft requirements.
- E. AGA together with LEG conducts a Stakeholder Engagement Meeting for further discussion and comments on the draft requirements.
Note: Stakeholder engagement can be organised by holding a face-to-face meeting, a focus group meeting or posting draft regulation in CAAT website etc.
- F. AD reviews the comments, feedback, and suggestions received. The appropriate comments, feedback, and suggestions will be incorporated in the final draft and submitted to the Director General through LEG for approval.
Note: The regulation, when signed, will enter into force on the date specified in the Regulation. The amendment will repeal, replace, or modify the existing regulation to the extent indicated in the amendment regulation.
- G. LEG will disseminate a signed regulation by posting on CAAT’s website except some regulations which have extensive impacts on people will be sent to the Government Gazette office in order to publish in the Government Gazette before posting on CAAT’s website.
- H. A signed regulation will also be disseminated to all concerned departments across CAAT through internal circulars and e-mail. In some cases, copies of regulation will be sent directly to the aerodrome operators as well as the relevant stakeholders by mail from the LEG or be distributed through a specific channel or method created by the concerned department in order to ensure their awareness and action required.
- I. The Requirement of the Civil Aviation Authority of Thailand on Aerodrome Standards was published in the government gazette for promulgation.
- J. The Standards Development Division published the Requirement of the Civil Aviation Authority of Thailand on Aerodrome Standards on the CAAT’s website and notified the aerodrome operators on the new regulation and action required from the aerodrome operators.

Example 2 – Courtesy of Australia

A. Background on Legislative structure

- a. Australia aligns its rules with International Civil Aviation organization (ICAO) standards and recommended practices.
- b. Two types of laws govern aviation safety in Australia:
 - i. Primary legislation, and
 - ii. Delegated legislation.
- c. In practice, Australia's aviation safety law operates within a 3-tier system consisting of:
 - i. **Acts:** Civil Aviation Act 1988 and Airspace Act 2007
 - ii. **Regulations:** Civil Aviation Regulations 1988, Civil Aviation Safety Regulations 1998 and Airspace Regulations 2007
 - iii. **Legislated instruments:** Including Manuals of Standards, Civil Aviation Orders and other legislative instruments.
- d. CASA also publishes guidance on delegated legislation.
- e. **Primary legislation** refers to laws passed by Parliament and includes the Act which empowers the regulation. Amendments to these Acts require several approvals from Cabinet, Houses of Parliament and assent from the Governor-General.
- f. **Regulations** refers to regulatory controls over civil aviation safety. They set out the required safety standards.
- g. **Legislated instruments** include technical details and requirements to compliment the regulations. Manuals of Standards are commonly used for this purpose. Other legislated instruments may modify an instrument, such as the case for a specific approval or permission.

B. Process of Adopting Annex 14 Standards and Recommended Practices

- a. CASA adheres to Australian Government recommended practices and guides, including the [Regulator Performance Guide](#) recently published by the Department of Prime Minister and Cabinet.
- b. The following is the general overview of the process:
 - i. Initiation and planning
 - ii. Consultation
 - iii. Legal drafting
 - iv. Legislative approval.
- c. **Initiation and planning:** The trigger for a regulatory change may derive from various sources. CASA considers and will assess proposals before a project team is established under the leadership of a senior manager. The project team then conducts research, including in relation to lessons learned from previous rule change activities, and carries the proposal forward through the whole process.
- d. **Consultation:** For any change that is not minor or machinery in nature, CASA works cooperatively with the aviation community to maintain and enhance aviation safety.
- e. **Legal drafting:** The Office of Parliamentary Counsel (OPC) is a separate Australian Government agency that is responsible for drafting CASA regulations. CASA gives instructions to OPC on what to draft, once the policy is settled (and including after any consultation as discussed above). OPC ensures the legislation meets the government's standards for drafting Australian legislation and is legally effective.

- f. **Legislative approval:** The formal process to make a regulation, after it is drafted, includes:
- i. CASA executive approval of the regulation and its associated explanatory materials (the ‘regulation package’)
 - ii. approval of the regulation package by CASA’s portfolio department (the Department of Infrastructure, Transport, Regional Development and Communications)
 - iii. our Minister signs the regulation, indicating approval
 - iv. the regulation package is considered by the Australian Government Executive Council, at which the Governor-General signs the regulation to make it law
 - v. the department registers the regulation on the Federal Register of Legislation where it is published, at which point the law can enter into force
 - vi. we notify our staff and industry the regulations have been made
 - vii. the department tables the regulations in parliament where they are subject to a disallowance period
 - viii. if a Regulatory Impact Statement exists, it is also included in the package for scrutiny in parliament.
- g. **Implementation:** Effective regulatory change depends on both CASA and the affected sectors of industry being ready for the new rules. CASA considers implementation requirements early in the regulatory change process to ensure that enough time is available to achieve CASA and industry readiness, but also that stakeholders are appropriately consulted about what is needed to achieve readiness.
- h. A critical part of implementing regulatory change is an appropriate transitional arrangement, to facilitate a smooth move from the current to the new rules. Whilst CASA always make safety considerations in rule changes paramount, it is required to take into account ways to minimise burden both on industry and CASA. In some cases, CASA may provide additional time to meet certain new requirements.

C. Project closeout and review

- a. CASA then reviews the entire process from the initial planning to the implementation of regulations. This allows it to make any improvements in the future.

D. Example of consultation process

- a. CASA publishes its consultations through its website. A list of current and closed consultations can be accessed here: [Civil Aviation Safety Authority - Consultation Hub](#).
- b. Through the hub, stakeholders can comment on current (active) consultations by completing an online form related to the change proposal. If the online form is not suitable for use by the recipient, a word document of consultation details is provided and can be completed and submitted to a joint email address as an alternative.

- c. Below is a typical example of the type of questions that CASA asks during its consultations. In this case, a change was proposed to a clause within the Part 139 rules for aerodrome operators which concerned objects within the runway strip:

Do you agree the proposed amendment to subsection 6.21(3) of the Part 139 MOS, achieves the policy aim?

Radio buttons

- ☐ Agree
☐ Agree, but with changes (please specify suggested changes below)
☐ Disagree (please explain why and provide any alternative suggestions below)
☐ Undecided / Not my area of expertise

Comment

- d. Via their response, CASA can confirm if the stakeholder:
- Is fully supportive of the change,
 - Is supportive of the change in principle but would like a modification to the proposal, or
 - Is completely against the proposed change, or
 - Is not affected by the change via a 'non-applicability' or is undecided.
- e. There is also a free text field provided so CASA can capture additional information from the respondent.
- f. Stakeholders are also required to provide details of their organisation type so that they can be profiled against their industry demographic. For example, an aerodrome operator, a supporting technical consultant, an air traffic control service provider, an airline etc.
- g. After the consultation period has closed, CASA then analyses the responses before publishing a summary of consultation. Consultation summaries are provided as publicly available report(s) which highlights the key themes evident from the feedback provided, and to what degree the proposed change is supported or not. It may contain actual responses to the questions raised. Respondents however also have the option to keep their responses fully confidential if they choose.
- h. CASA will then finalise the policy for the proposed change, provide instructions for legislated drafts and will then facilitate the required approval(s) of the finalised legislation.

E. Publication of revised regulations or legislation

- Australian federal legislation is published on an official website, administered by the Attorney General's department. This example relates to the Civil Aviation Safety Regulations: [Federal Register of Legislation - Civil Aviation Safety Regulations 1998](#)
- Other subsidiary legislation, such as Manuals of Standards, are also accessible via the same site.
- Amendments to published legislation are typically accompanied by an explanatory statement and other supporting information.

- d. Further changes to legislation may occur following a Post Implementation Review or when otherwise required to amend the legislation. Further changes will follow the consultation process outlined above.

A-2: Examples of Alternative Acceptable Means of Compliance

- A. Aerodrome operators may propose an alternative acceptable means of compliance to National Aerodrome Standards that have been adopted/transposed from ICAO Annex 14 Recommendation(s) to achieve an equivalent level of safety based on outcomes of the safety risk assessment/aeronautical study.
- Example 1 on Standard 5.4.3.17 on location of runway exit sign. Courtesy of Incheon airport ([download here](#))
 - Example 2 on Recommendation 3.2.1 on provision of runway shoulders. Courtesy of Bangalore Airport ([download here](#))
 - Example 3 on Recommendation 3.2.1 on provision of runway shoulders. Courtesy of Malaysia ([download here](#))

A-3: Examples of Regulatory Guidance to Aerodrome Operators on Aeronautical Studies

- Example 1 Courtesy of DGCA India ([download here](#))