



**ICAO/SAA SAFETY WORKSHOP FOR
DIRECTORS GENERAL OF CIVIL AVIATION
(Montréal, 29 September 2013)**

LEGAL ISSUES WORKING GROUP

Summary of main legal topics for a DG training course

- 1. Legal familiarization packages for new DGs, including folders/checklists**
- 2. Air law Treaty ratification**
 - Awareness of air law Treaties and which of them the State has signed
 - Ratification of additional Articles of the Chicago Convention (for example 83 bis)
 - Process of Treaty ratification and implementing legislation, including prioritization
 - Multilateral versus supranational and bilateral Treaties
 - Memoranda of understanding among States
 - MoU and CMA
- 3. Legislation/regulations/supplementary regulatory requirements**
 - Length of promulgation and publication processes
 - Delegation to the CAA to promulgate regulations
 - Necessity to issue regulatory and enforceable instruments at the CAA level
 - Take immediate actions without issuing a CAA decision at the CAA level to address urgent issues related to the preservation of safety (detention of aircraft for just cause)
 - Amendment process for legislation/regulations
 - Adoption of regulations versus adaption
 - Distinction between Standard and Recommended Practices
 - Transposition of SARPs and other international; requirements into national requirements
 - Involvement of industry stake holders, particularly in the consultation processes of newly developed legislation/regulations

4. Delegation of legal authority

- Scope of legal authority delegated to DGs/CEOs
- Ministries versus CAAs as safety oversight entities
- Direct or sub-delegation to inspectorate staff level
- Empowerment of inspectorate staff and access, detention, and prohibition rights

5. Transfer of safety oversight tasks versus delegation

- Legal basis for each of them and status of oversight responsibilities
- Legal concept of regional safety oversight organizations
- Pooling of inspectorate staff, including legal implications

6. State individual civil aviation system

- Legal basis for the establishment of all civil aviation entities involved in safety oversight activities
- Safety oversight entities versus service providers (State/private organizations/agencies et cetera)
- Legal basis for avoidance of conflict of interest; overlapping responsibilities; distinct separation of CAA and service provider functions
- Legal basis for funding; different types of revenues
- Role of inspectorate staff versus State enforcement functions

7. Enforcement

- Processes and means of enforcement
- Involvement of different entities
- Appeal process
- CE-8 as a topic related to delegation of legal authority and autonomy of CAA
- System of sanctions

8. State Safety Programme

- Review of current legal framework to identify which elements are already addressed and which ones have to be developed accordingly
- Review of enforcement means and processes

9. Regular communication/exchange of information among DGs

- Benchmarking
- Sharing of Best practices

10. Necessity of having CAA legal personnel

- Role
- Competency
- Training of CAA inspectorate staff

11. General topics

- Briefings for Ministers to better understand CAAs' obligations
- Aviation law training at CAA level and for non-lawyers

– END –