



WORKING PAPER

ASSEMBLY — 41ST SESSION

EXECUTIVE COMMITTEE

Agenda Item 24: Technical Assistance Programme

**DOCUMENTING MODEL REGULATIONS AND REGIONALLY HARMONIZED
REGULATIONS IN AN ICAO DATABASE**

(Presented by the United States)

EXECUTIVE SUMMARY

This paper proposes the development of a centralized ICAO database for documenting compliance of master sets of model regulations and regionally harmonized regulations that are in use by various States and regional organizations. The ICAO provision of such a mechanism, similar in data entry and retrieval to the ICAO Electronic Filing of Differences (EFOD) System, would further support States' efforts to maintain compliance to the Annexes through the use of a centralized repository of information. Supported by the appropriate States, ICAO Regional Offices, and regional safety oversight organizations (RSOs), it would further strengthen the effectiveness of ICAO efforts on Standards and Recommended Practices (SRPs) compliance and the establishment and management of State and regional safety oversight systems. It would also have the additional benefit of encouraging regional cooperation, and foster bilateral and multiregional agreements

Action: The Assembly is invited to:

- a) direct the Council to support the development of a centralized ICAO database of model regulations and regionally harmonized regulations for Member States to reference; and
- b) urge appropriate Member States and regional organizations to support the inclusion and upkeep of their regulations in the database to ensure its continued accuracy and effectiveness.

<i>Strategic Objectives:</i>	This working paper relates to the Safety, Air Navigation Capacity and Efficiency, Security and Facilitation and Economic Development Strategic Objectives.
<i>Financial implications:</i>	The activities referred to in this paper will be undertaken subject to the resources available in the 2022-2025 Regular Programme Budget and/or from extra budgetary contributions from States and RSOs.

<i>References:</i>	<i>Annex 15 — Aeronautical Information Services</i> <i>Annex 9 — Facilitation and</i> <i>Doc 10140, Assembly Resolutions in Force (as of 4 October 2019)</i> <i>Doc 10052, TRAINAIR PLUS Operations Manual (TPOM)</i> <i>Doc 10055, Manual on Notification and Publication of Differences</i> <i>Doc 9734, Safety Oversight Manual</i> <i>Doc 7300, Convention on International Civil Aviation, Articles 12, 37, 38, 54, 57 and 90</i> <i>Resolution A39-22, Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences</i>
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1. INTRODUCTION

1.1 The *Convention on International Civil Aviation* (Doc 7300, 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 — *Aeronautical Information Services* further directs States to publish significant differences in their Aeronautical Information Publication (AIP). To assist States in this effort, ICAO developed the Electronic Filing of Differences (EFOD): a data collection program aimed at documenting compliance with Standards and Recommended Practices (SARPs). The EFOD System has been in use by States for several years.

1.2 There are also model regulations and regionally harmonized regulations developed by States or regional organizations that have been in use for several years by roughly 75 per cent of all States as the basis for their respective regulatory systems. Examples of both master sets of model regulations and regionally harmonized regulations that could be entered into the database include, but are not limited to: the Federal Aviation Administration (FAA) developed Model Civil Aviation Regulations (MCARe); the European Aviation Safety Agency (EASA) regulations; the United Kingdom Aviation Safety Support International (ASSI) for Overseas Territories Aviation Regulations (OTARS); and the Regional Cooperation System for Safety Surveillance (SRVSOP) Latin Aviation Regulations (LARS). Such regulations are available on various sponsoring web sites, yet there currently does not exist a centralized mechanism to make them readily available to Contracting States to easily reference for compliance with ICAO SARPs, to use in the development or documentation into their own regulations, or to foster aviation cooperation among States or regions.

2. DISCUSSION

2.1 The United States proposes that such model regulations and regionally harmonized regulations should be hosted in an ICAO database for reference by Member States, thereby enabling ease of reference to verify compliance to ICAO provisions. A centralized database would provide significant benefits to Member States and Regional Safety Oversight Organizations (RSOOs). A State would have the opportunity to review and be better informed about their respective compliance with SARPs. It would also assist States in recognizing and closing gaps in a State's regulations, or it could 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 Permitting ICAO Regional Offices and RSOOs to document common regulations into the proposed database 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 an ICAO database could facilitate this endeavour.

2.3 ICAO has developed centralized databases in the past. The ICAO Central Database of Documents was a structured database developed in the late 1990s to provide a single repository for ICAO documents. Years later, ICAO developed the integrated Safety Trend Analysis and Reporting System (iSTARS). In both instances, ICAO created systems that facilitate States' access to a single source of vital

information, which includes the ability to search the databases' contents electronically. This effort could be successfully completed combining ICAO's lessons learned with its past databases and United States expertise in the development of the MCARs.

2.4 The United States believes that having comparison documents of States' and RSOOs' model regulations associated with safety oversight systems would be of global benefit. With the support of the appropriate States and regional organizations, the availability of this information would enable timely updates and retrieval of safety-critical information. Additionally, this approach would not only focus States on their respective ICAO compliance, but it would also allow for comparisons with the regulations of other organizations' systems through the proposed ICAO database.

3. CONCLUSION

3.1 The United States seeks support from the Assembly in directing the Council to support the development of a centralized ICAO database of common model regulations and regionally harmonized regulations as an aid to States and RSOOs. The United States believes this would benefit all stakeholders and provide the best tools for States to achieve compliance with ICAO SARPs. The 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 The inclusion of the model regulations and regionally harmonized regulations in an ICAO database would provide States with greater visibility to develop and review their regulations in comparison to ICAO SARPs. It also offers benefits to RSOOs by documenting common regulations into a central repository, which ultimately allows for more efficient and effective use of limited resources and greater harmonization worldwide.

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