Establishing a Regulatory Body

- Introduction
- Obligations
- Objectives, ICAO, State, NAA – A reminder
- Oversight Responsibilities & functions
- Laws & Regulations - A reminder
- Role of the NAA
- Organisation structure of the NAA
- Role of the NAA Departments

Introduction (1);

- The primary function of a regulatory organisation is to comply with provisions of the Convention and to implement ICAO SARPS to ensure safe operation of aircraft on its national civil register & in its airspace.

- To achieve this end the Government must have in place appropriate legislation in order to permit the organisation to issue licences and certificates and to supervise and take enforcement action.

Introduction (2);

- It is easy to find differences between the ways States meet their obligations under the Chicago Convention!
- This presentation will identify some of the essential features of an NAA

Obligations of the State (1);

- Have aviation legislation to implement the Chicago Convention & ICAO SARPs
- Have sufficient trained & qualified staff
- Have a system for safety oversight

Obligations of the State (2);

- Examine & issue licenses to personnel
- Evaluate & issue certificates to aircraft, operators, AMOs, ATOs etc
- Issue technical guidance for the above

Obligations of the State (3);

- Be able to resolve safety issues
- Be able to promote & conduct safe operations through the development of internationally acceptable processes & correcting deficiencies

In summary these are the `Critical Elements' needed for an effective & efficient safety oversight system

Obligations of the State (4);

For transient (ie non-State) operators the provision of adequate;

- Airports & navaids
- Charting & weather reporting
- Air traffic control
- Search & rescue
- Aviation security
- Timely correction of safety deficiencies

Obligations of the State (5);

If the State is `home' to an international operator;

- Issue AOC by ensuring operator's ability to conduct safe & efficient operations whilst aircraft continue to meet original certification criteria and are in condition for safe operation
- Take timely & necessary actions to resolve safety issues

Obligations of the State (6);

- If the State is `home' to a manufacturer or designer of complete products;
  - Evaluate & issue manufacturing and/or design approvals
  - Evaluate & issue conformity certifications to completed products (Eg TC & C of A)
  - Take timely & necessary actions to resolve safety issues

ICAO Objectives;

- Summarised from the Convention;
- To ensure the safe & orderly growth of international civil aviation
- Encourage aircraft design & operation for peaceful purposes
- Encourage development of air navigation facilities to ensure a safe regular efficient & economical air transport system

State Objectives;

- The convention signatory should in summary;
- Meet its own international aviation obligations (Eg, the Chicago Convention)
  Have a safe aviation `system'
- Meet its own national interests (Eg, trade, jobs, foreign currency, mail etc)
- Reduce its cost of meeting obligations, charge fees or by not charging `subsidise' the domestic aviation industry.

NAA Objectives;

- NAA objectives in summary should be;
- maintain (or improve) the safety record of our registered aircraft & operators
- To be recognised internationally as having a competent oversight system
- To meet the State's objectives & convention obligations
- Offer good `customer service'
- Be a `good employer'

Oversight responsibilities (1);

- Legislation–Acts, Laws, Orders, Regulations
- Establish an organisation (perhaps an NAA) with staff & procedures for safety oversight
- Balance & separate the safety responsibility between regulator & regulated – avoid extremes - active/passive
- Consider the public interest - have checks & balances – avoid `self regulation' (Doc 9734)

Oversight responsibilities (2);

Remember, critical elements of safety oversight are:

- State primary legislation
- Specific operating regulations (Eg, AOC)
- Administration structure in the NAA
- Technical guidance – staff & industry
- Recruiting of technical personnel for the NAA
- Licensing and certification obligations
- Continued surveillance obligations
- Resolution of safety issues

Oversight responsibilities (3);

- The NAA capability must match the industry in the State – Eg. A manufacturing industry must be matched with manufacturing expertise in the NAA.
- Establish or change the NAA organisation to match industry capability
- Staff (admin & technical) & facilities in the NAA must also match the industry size and needs for response speed

Oversight responsibilities (4);

Aviation activity continues to increase and as a result;

- The NAA must be able resist economic & political pressure
- The NAA must cope with the complexity of both new technology and globalisation
- The NAA must be properly resourced so it can cope, or must be able to say – `no'

Laws & Regulations (1)

Article 12 of the Convention is clear;

- `Each Contracting State undertakes to adopt measures to ensure that every aircraft on its register or within its territory shall comply with the rules & regulations…established under the Convention'

Laws & Regulations (2)

- The Convention itself refers to a `State's national laws & regulations'
- In other documents ICAO recommends `primary aviation legislation' Eg, `Act'
- Legislation below the primary level has various titles in various States Eg, Order, Regulation, Requirement, etc.

Laws & Regulations (3)

- To fully adhere to the Convention a State must legislate for all its articles and the associated Annexes
- Doc 9734A recommends that the primary legislation covers all the critical elements of the oversight system including the establishment of a `CAA'
- Primary legislation should enable the NAA to prosecute offenders

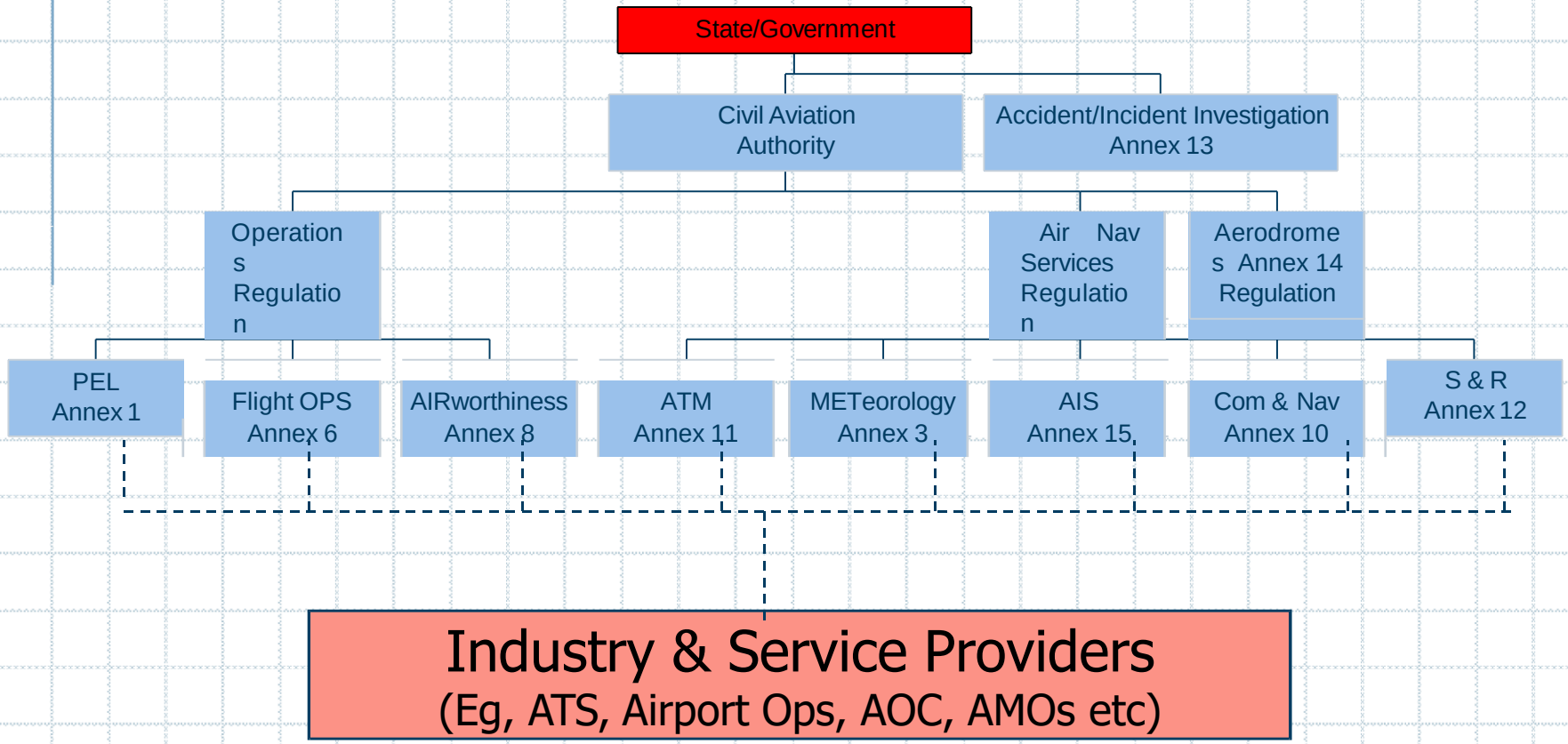
Laws & Regulations (4)

Regulations must cover these activities;

- Aircraft registration & airworthiness (Eg, see Handout 1 for Airworthiness scope)
- Personnel licensing
- Air operator certification & surveillance
- AND all other CC & Annex provisions

Obligations of the State (6);

Obligations, Organisation & the Annexes

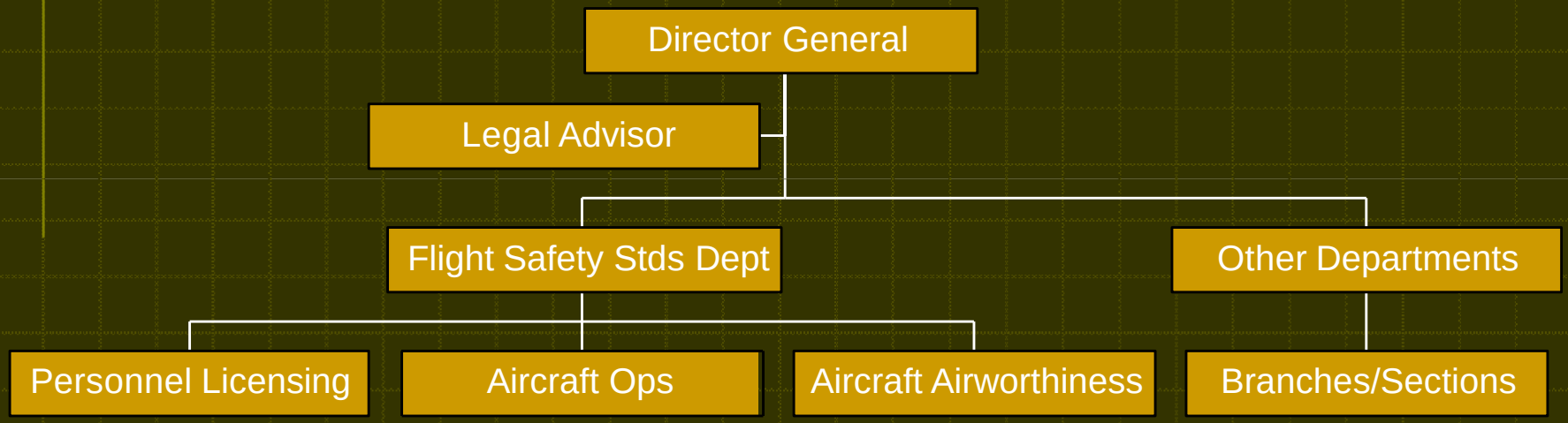


The NAA Structure (1)

- ICAO Doc 9389 & 9774 gives us examples of NAA safety oversight organisation structures – see next slides.
- These are generic models which need adapting to suit the activities in the State
- There is no universal `ideal' structure

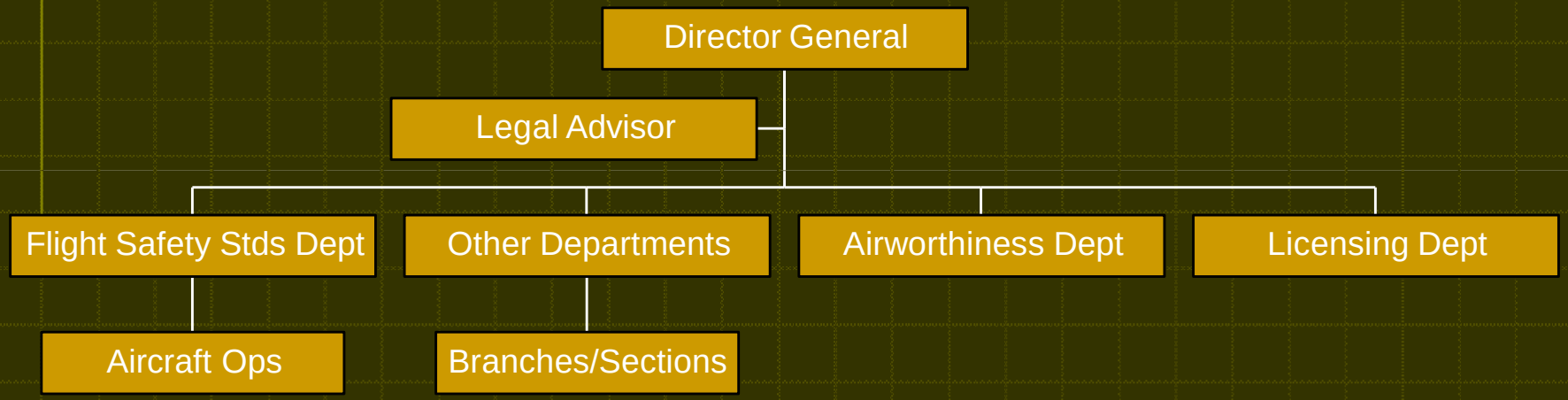
The NAA Structure (2a)

Example NAA Structure

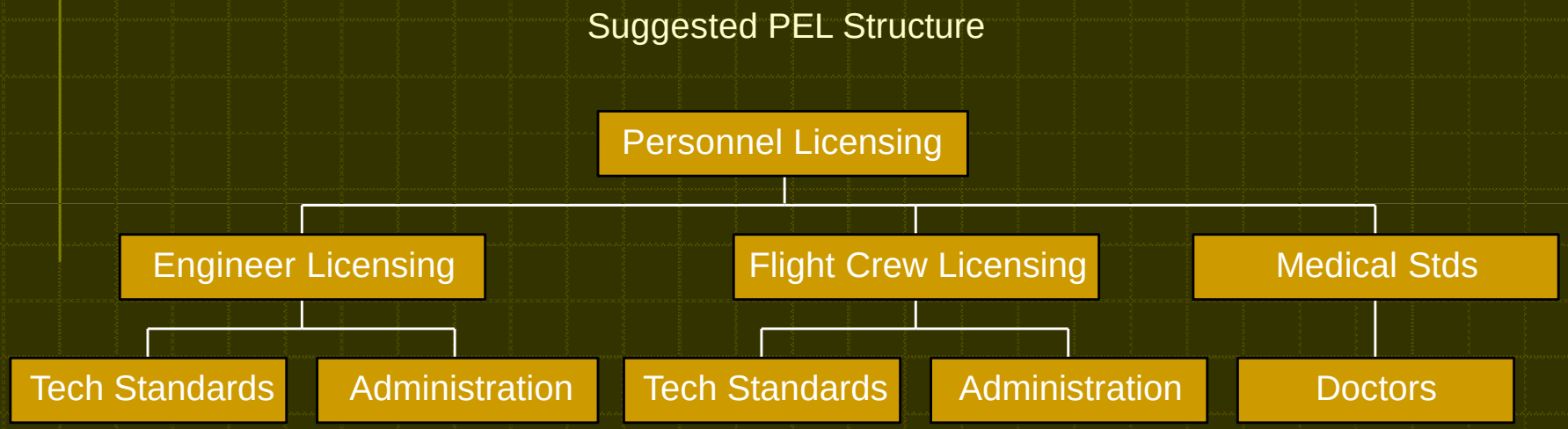


The NAA Structure (2b)

Example NAA Structure

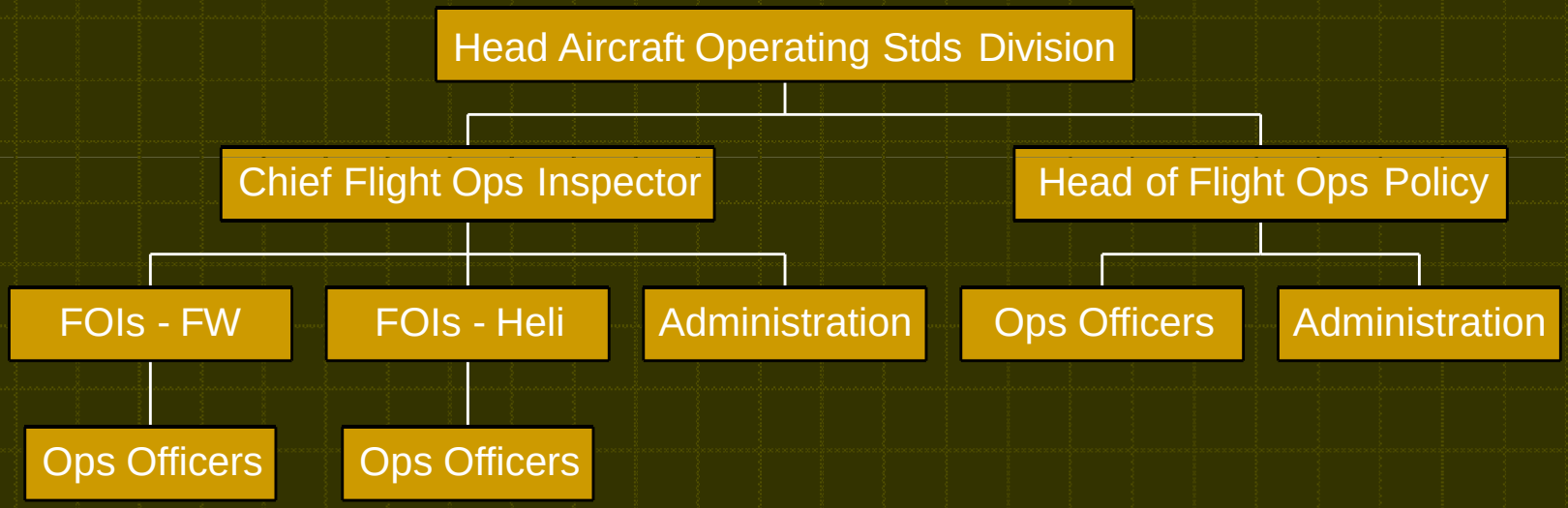


The NAA Structure (3)



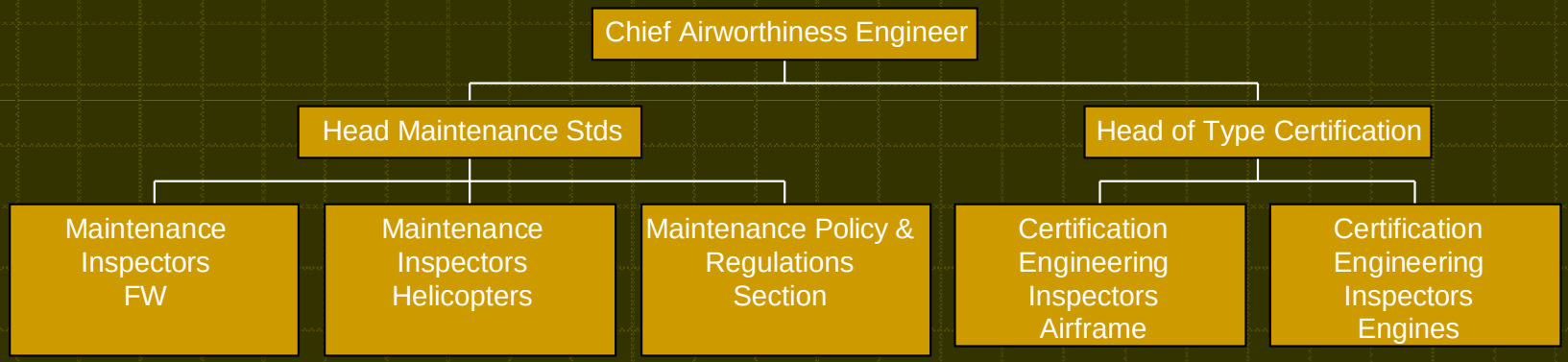
The NAA Structure (4)

Suggested structure of an Aircraft Operating Standards Department



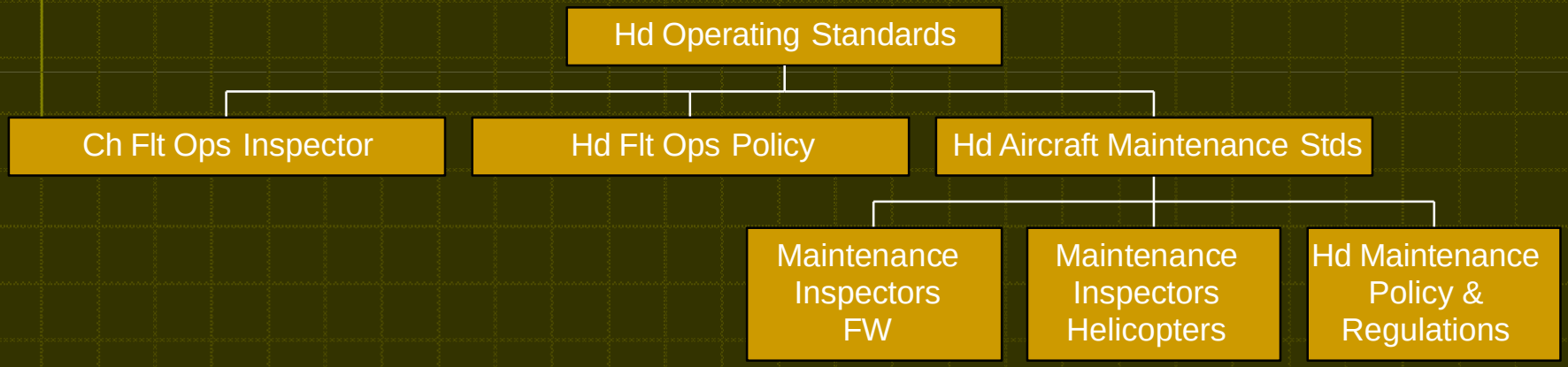
The NAA Structure (5)

A Suggested Structure of an Airworthiness Division



The NAA Structure (6)

An Alternative Structure for Operations



The NAA Structure (8)

- The suggested diagrams on the previous slides are very basic and traditional
- They show hierarchical structures – other models are possible Eg – Matrix
- A quality system is good practice – either departmental or centralised
- Maintenance standards regulation is one `Big Debate' – where does it fit best?

Departmental roles; (1) PEL

- Set licensing standards to meet or exceed Annex1
- Ensure applicants meet those standards before a licence is issued
- Ensure exam conditions are satisfactory
- Maintain accurate & secure records of what applications have been received and what has been issued

Departmental Roles; (2) OPS

- Set operating standards which meet or exceed Annex 6 and achieve satisfactory levels of safety
- Monitor that operators meet the set standards and operate safely
- Provide appropriate technical advice to government & industry when requested

Departmental Roles; (3) AIR(a)

- Set type design certification standards which meet or exceed Annex 8 and achieve satisfactory levels of safety
- Evaluate designs & design organisations so they meet the set standards and have no unsafe features
- Provide appropriate technical advice to government & industry when requested

Departmental Roles; (4) AIR(b)

- Set standards for aircraft maintenance which meet or exceed Annex 6 and achieve satisfactory levels of safety & airworthiness
- Evaluate maintenance organisations to ensure that the set standard is met
- Provide appropriate technical advice to government & industry when requested

Departmental Roles; (5) Legal;

- Drafting Laws, Regs etc to meet CC obligations and needs of the State
- Legal advice to NAA management
- Overflight by States who file differences?
- Prosecuting violators
- Responding to Freedom of Info requests
- Handling appeals & litigation against NAA decisions etc.
- Mortgage register enquiries (if the State has one)

Departmental Roles; (6) General;

- Advice to Governments
- Responding to Parliamentary questions
- Promulgation of all laws, regs, ADs, GM etc at a reasonable cost, language & time for industry & public
- Have a public profile
- Be efficient, keep good records & be `user friendly'

Establishing an NAA - Summary

- All NAAs must meet obligations in their own way - the ICAO guidance materials are not a universal template
- NAAs should keep in sight the two objectives; meeting ICAO obligations and having a safe aviation system.
- Remember the Critical Elements
- Introduce an NAA Safety Management System

End of 03A – Next we look at;

- 03B – A case study of a State which developed its NAA into a Regional grouping of States - its formation, history & future path

Information handouts

H 1; Extract from ICAO SOA auditor training material