



International Civil Aviation Organization

Fifth Meeting of the Aerodrome Safety, Planning & Implementation Group

(ASPIG/5) (Doha, Qatar, 13-15 June 2023)

Agenda Item 5: Any Other Business

CONSIDERATIONS IN THE DEVELOPMENT OF REGULATIONS

(Presented by the State of Qatar)

SUMMARY

This paper presents factors to be considered while developing regulations and the elements to be considered during the development of national aviation regulations and other supporting documents.

Action by the meeting is at paragraph 3.

REFERENCES

- Article 37 of the Chicago Convention
- QCAR 011 as amended (Qatar national rulemaking process)

1. INTRODUCTION

1.1 The Aviation regulatory development involves the creation and amendment of regulations and standards to ensure the safe and efficient operation of aviation systems. The prescriptions can be established through ICAO Standards and Recommended Practices. They may also be further detailed by other competent regulatory bodies of contracting States or Organisations linked to ICAO, such as EASA or FAA, which may be adopted or adapted by the state provided that, the particular requirement or requirements to be adapted are equal or exceed the applicable Standards established by ICAO.

1.2 However, some subjects may not be fully covered by these organisations, in that instance, the responsibility falls on the State to draft their own regulatory requirements.

2. DISCUSSION

2.1 The meeting may wish to note that there are several considerations during the development of regulations within a State, including:

- a) Safety of operations: To assure that an acceptable level of safety is achieved during the implementation of requirements and that there is no impact on other regulations/ requirements.
- b) International Standards: To have national regulations which fulfil international standards and Recommended Practices, as far as possible, that are set by ICAO.

- c) Best practices: Aviation authorities can benefit from other authorities' best practices, solutions, and effective strategies. This can even promote harmonization in requirements and operations.
- d) National legislative framework: To ensure that new regulations comply with the existing legal framework. The regulations should be aligned and harmonized with other overlapping jurisdictions to avoid conflicts and regulatory gaps between authorities.
- e) The regulatory process and time frame: Understanding the national regulatory process will contribute to the success of the planning of operations and allow operations to commence in due time without adversely affecting safety.
- f) Applicability: To ensure that the requirements are realistic and feasible to apply.
- g) Flexibility: The requirements should accommodate, as far as practicable, future developments, strategic plans of the state and technological advancements.
- h) Required coordination with other local authorities: for example, local planning authorities or municipalities, environmental authorities, military authorities and others.
- i) National culture: It is essential to take into account cultural values and norms so that the regulations are aligned, as much as possible, with the values and customs of the society, which may lead to increased acceptance, compliance, and effectiveness of the regulations.

2.2 The meeting may wish to highlight that another point, during the development of national regulations to taken in consideration, is the interactions between the aviation regulator and the public. Some developed requirements are applicable to the non-aeronautical community and involve activities which may affect aviation safety e.g., from an aerodrome perspective, there are examples of such activities, including:

- a) Construction of buildings and structures adjacent to operational aerodromes;
- b) Operating ships and boats in the vicinity of aerodromes including water aerodromes;
- c) Flying drones near active airspaces; and
- d) Emitting lasers within active airspace for special occasions or celebrations.

2.3 The meeting may wish to agree that such examples of interactions between local community and the aviation industry confirm the importance of and necessity for safety awareness among members of the community.

2.4 In conjunction with the development of the regulation itself, the meeting may wish to note that state should also develop guidance material to the aviation regulations. The primary purpose of guidance material is to clarify regulatory requirements and provide practical guidance to organizations in the aviation industry and individuals including the public. It helps better interpretation and application of regulations.

2.5 The meeting may wish to recall that another function for guidance material can be the promotion of aviation safety within the local community, which can lead to raise the level of safety awareness within individuals interacting with aviation industry and promote safety culture within the community to achieve a collective sense of responsibility among all members of the community towards air safety.

2.6 As a result, by considering all these factors, the meeting may wish to conclude that aviation regulatory development can achieve a balance between safety, efficiency, and industry needs, while promoting a global and local harmonized approach to aviation regulation.

3. ACTION BY THE MEETING

3.1 The meeting is invited States to:

- a) take note of these elements and consider such factors during the development of aviation regulations; and
- b) encourage any concerned parties of local communities to increase collaboration with the authority to proactively improve the level of aviation safety.

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