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Երևան-0010, Հանրապետության հր. Կառավարական տուն 3

«23» 1.11.2024թ.

N. 05-L

ՀՐԱՄԱՆ

ԿԱՆՈՆԱԿԱՐԳԵՐԻ ՄՇԱԿՄԱՆ ԵՎ ԸՆԴՈՒՆՄԱՆ ԸՆԹԱՑԱԿԱՐԳԵՐԻ ՁԵՌՆԱՐԿԸ
ՀԱՍՏԱՏԵԼՈՒ ՄԱՍԻՆ

Ղեկավարվելով «Նորմատիվ իրավական ակտերի մասին» օրենքի 10-րդ հոդվածի 4-րդ մասով, «Ավիացիայի մասին» օրենքի 7-րդ հոդվածի 1-ին մասով, Հայաստանի Հանրապետության կառավարության 2023 թվականի դեկտեմբերի 28-ի N 2335-Ա որոշմամբ և Հայաստանի Հանրապետության վարչապետի 2019 թվականի հունիսի 1-ի N 659-Լ որոշմամբ հաստատված հավելվածի 19-րդ կետի 20-րդ մասով՝

ՀՐԱՄԱՅՈՒՄ ԵՄ

1. Հաստատել Հայաստանի Հանրապետության տարածքային կառավարման և ենթակառուցվածքների նախարարության ավիացիոն պատահարների և լուրջ միջադեպերի քննության բաժնի «Կանոնակարգերի մշակման և ընդունման ընթացակարգերի ձեռնարկը»՝ համաձայն հավելվածի:

2. Սույն հրամանն ուժի մեջ է մտնում ստորագրման պահից:

1/23/2024

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ԳՆԵԼ ՍԱՆՈՍՅԱՆ

ՆԱԽԱՐԱՐ՝ Signed by: SANOSYAN GNEL 1710830069

Գ.ՍԱՆՈՍՅԱՆ
ք. Երևան

Հավելված
«տարածքային կառավարման և
ենթակառուցվածքների նախարարի
«23» հունվարի 2024թ.
N 05-L հրամանի

Annex
of the order N05-L of the Minister of
Territorial Administration and Infrastructures of RA
Dated 23 January, 2024

REPUBLIC OF ARMENIA

MINISTRY OF TERRITORIAL ADMINISTRATION AND INFRASTRUCTURES

AVIATION ACCIDENT AND SERIOUS INCIDENT INVESTIGATION DIVISION



RULEMAKING PROCEDURE MANUAL

First Edition-2024

RECORD OF AMENDMENTS AND REVISIONS

Revision Number	Date	Subject	Order number, month, date, year

FOREWORD

The Republic of Armenia is a signatory to the Convention on International Civil Aviation (Chicago Convention) and is committed to conform to International Standards and Recommended Practices (SARPs) established by the International Civil Aviation Organization (ICAO).

Pursuant to the Article 37 of the Chicago Convention the Republic of Armenia undertakes to collaborate in securing 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 globally.

Where the Republic of Armenia finds it impracticable to comply in all respects with any such international standard or procedure, or to bind its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or when deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the ICAO of the differences between its own practice and that established by the international standard as provided under the Article 38 of the Chicago Convention.

This document provides guideline for the timely development and promulgation of Civil Aviation Regulations of the Republic of Armenia regarding accident and serious incident investigation to ensure effective real-time safety oversight of the highly dynamic aviation industry. It generally contains procedures for the below subjects:

- a) State Letters Management
- b) Filing of Differences
- c) Timeline applicable to amendments and revision process
- d) Promulgation and Publication Process

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LIST OF ABBREVIATIONS

AASIID-Accident and Serious Incident Investigation Division

ATPPFD-Air Transport Policy and Flight Permissions Department

MTAI – Ministry of Territorial Administration and Infrastructures of the Republic of Armenia

CAC RA – Civil Aviation Committee of the Republic of Armenia

CAR – Civil Aviation Regulations

ICAO – International Civil Aviation Organization

LD – Legal Department

ACATMD – Aerodrome Certification and Air Traffic Management Department

GLOSSARY

For the purpose of this document, the following definitions shall apply:

CAC: means Civil Aviation Committee of the Republic of Armenia;

Chair of CAC – Chair of the Civil Aviation Committee of the Republic of Armenia;

Civil Aviation Regulations (CAR): means a regulation regarding aviation accident and serious incident investigation.

These instruments shall take effect as if issued, published or granted under these regulations and shall otherwise be subject to these regulations;

Note 1: CARs are issued in accordance with the powers given by the Law on Aviation of RA. CARs are the “Specific Operating Regulations” - as defined by ICAO Critical Element 2 (CE-2) - of the Civil Aviation of the Republic of Armenia.

Civil Aviation Publication (CAP): is a non-binding document published by the MTAI AASIID as a guidance on the policies adopted in the field of civil aviation accident and serious incident investigation and ensuring compliance with the established requirements for the purpose of ensuring aviation security and safety;

Civil Aviation Safety Bulletins (CASB): are materials raised by the MTAI AASIID to promote safety awareness.

Guidance Material (GM): is non-binding explanatory and interpretation material on how to achieve the requirements of the CARs. It contains information, including examples, to assist the relevant stakeholder in the interpretation and application of the CAR.

Interested Parties: means those who (including representative of organizations whose members) are subject to provisions of Regulations.

Notice of Proposed Amendment (NPA): means a public notice issued by the MTAI AASIID to the relevant stakeholders on proposed new regulations and/or amendments to existing regulations.

Request for Amendment and Revision (RFA): (or request for change), is a formal request submitted by the document owner and is the first step for initiation and administration of a change to a document. This is to ensure that:

- The required change is supported by appropriate justification;
- Amendments and Revision to the related ICAO SARPs including relevant ICAO State Letters have been considered;
- Rulemaking process could be performed in a timely manner; and
- Prior to the publication on the MTAI AASIID portal (internal and external) approval has been granted by the adequate authority.

Rulemaking Project: means the process in which a new Regulation will be developed or an existing Regulation will be amended and revised.

Transitional Period: means the prescribed time-period during which a certificate holder may retain privileges of the certificate whilst becoming compliant with new or amended/revised provisions published in a CAR.

CHAPTER 1. GENERAL

1.1. Scope and Applicability

1.1.1. This document lays down detailed requirements for:

- 1.1.1.1. the introduction, amendment and revision, as well as repeal (or withdrawal) of any
 - a) Civil Aviation Regulations (CAR) and
 - b) Guidance Materials (GM)

1.1.1.2. format, structure and publication procedures for items referred to in points 1.1.1.1 (a) (b).

1.1.1.3. management of ICAO SARPs amendments and notification of difference.

1.1.2. This document is applicable to those individuals, organizations and authorities involved in the rulemaking process related to point 1.1.1.1 above.

1.1.3. Since the various segments of aviation undergo continual change, it is particularly important that the CARs and/or GMs be amended as often as necessary to accommodate the changing conditions. This document includes provisions for the development/amendment of any CARs and GMs so as to transpose the Standards and Recommended Practices (SARPs) contained in Chicago Convention Annexes, as amended from time to time.

1.2. Civil Aviation Legislative Framework and Responsibilities

1.2.1. Civil Aviation Legislation and Regulations of the Republic of Armenia comprises the below levels:

1.2.1.1. [Law on Aviation of RA](#);

1.2.1.2. National Programs, Policies and Strategies;

1.2.1.3. Civil Aviation Regulations (CAR);

1.2.1.4. Guidance Materials (GM);

Note: Civil Aviation Publications (CAP) or Civil Aviation Safety Bulletins (CASB) are considered as Guidance Materials (GM).

1.2.2. Minister of the Territorial Administration and Infrastructures (Minister) has the ultimate accountability to ensure to the extent possible compliance with international standards, recommended practices and procedures published by the International Civil Aviation Organization (hereinafter ICAO) and other international organizations related to the field of aviation accident investigation.

1.2.3. In accordance with point 1.2.2 above, general rulemaking responsibilities and authorities have been designated by the Minister to the Head of the “Aviation Accident and Serious Incident Investigation Division” (AASIID) for monitoring and implementation of required changes to the Annex 13 and ICAO Document 9756.

1.3. Request for Amendment and Revision

1.3.1. The need to revise or amend the Law on Aviation of RA (Law), on matters relating to civil aviation accident and serious incident investigation, may be occasioned by any of the following circumstances:

1.3.1.1. Changes in the Convention on International Civil Aviation that necessitate amendment of the Law;

1.3.1.2. Upon receipt and assessment of amendments to ICAO Annex 13 and ICAO Document 9756 that necessitate a change in sections of the Law;

1.3.1.3. Upon review of the Constitution, Government policies that affect and require the amendment of the Law;

1.3.1.4. Upon receipt of request/information from stakeholders regarding the application and/or implementation of the Law. Comments from the stakeholders may be presented to AASIID according to the Form in Appendix I;

- 1.3.1.5. Whenever there is a significant change in the size and complexity of the aviation system;
- 1.3.1.6. Whenever there is change in technology;
- 1.3.1.7. When the Law is no longer relevant, applicable or effective;
- 1.3.1.8. As may be desired by the Civil Aviation Authorities of RA to enhance efficiency of the safety oversight system.

1.3.2. The need to develop, amend and revise **Armenian Civil Aviation Regulations with regard to accident and serious incident investigation** may be occasioned by any of the following circumstances:

- 1.3.2.1. Upon receipt and assessment of amendments to relevant ICAO Annex 13 and SARPS that necessitate a change of applicable regulations;
- 1.3.2.2. Upon amendment to Law on Civil Aviation of RA that necessitates amendment to regulations;
- 1.3.2.3. Upon receipt of request/information from stakeholders regarding the application and/or implementation of the regulations;
- 1.3.2.4. Whenever there is a significant change in the size and complexity of the aviation system;
- 1.3.2.5. Whenever there is a change in technology;
- 1.3.2.6. When the regulations are no longer relevant, applicable or effective;

1.4. Document Control

1.4.1. The document control process should be implemented as per the requirements of this Regulation by the AASIID.

1.4.1.1. MTAI AASIID Documents should contain minimum common structural components as follows:

- (1) “Record of Amendments and Revisions”;
- (2) “Foreword” which present a summary of the contents of the document. A foreword introduces the document and contains its history and executive information;
- (3) “Table of Contents”;
- (4) “Glossary”;
- (5) “List of Abbreviations”;
- (6) Chapters, appendixes or any structural approach to organize the contents of document.
- (7) Numbering of the legal acts establishing the CAR’s is regulated according to the Law on Normative Legal acts. Numbering of the CARs, CAPs and CASB is making as follows:

Ex: CAR/AASIID-1/24, where “CAR” means Civil Aviation Regulation, “AASIID” means Department (see Abbreviation) that issues the CAR and “1/24” means serial number of CAR for the year established. The same principle is used when numbering CAPs and CASBs.

AASIID should manage registry for the registration of CARs and GMs.

1.4.1.2. All AASIID documents should be sent to Legal Department (LD) before their publication.

1.5. Impact on Existing Documents

1.5.1. The impact of proposed changes to a document on other existing documents shall be appropriately analyzed to eliminate any implication.

1.5.2. Regarding Regulations, contradiction with existing Regulations shall be prevented as far as practicable and if not, the issue shall be appropriately addressed taking into account highest possible degree of compliance with applicable ICAO SARPs.

1.6. Electronic Publication of Documents

1.6.1. Approved Civil Aviation Regulatory materials specified in point 1.4., shall be published on the MTAI website (<https://www.mtad.am/>) to be accessible for the public or on official

publication page (www.arlis.am).

1.6.2. AASIID and LD, as well as their employees involved in the publication process shall cooperate to the best extent to maximize the public access to the related documents in a uniform, effective, easy to use dynamic and high-quality digital platform.

1.7. Transition Period

1.7.1. Those Documents and regulatory materials which might not be in compliance with this Regulation at the date of its publication, shall become compliant with the requirement of this Regulation or be repealed before 30 December 2024.

CHAPTER 2. RULEMAKING PHASES

2.1. Scope

2.1.1. There are 4 phases in the rulemaking procedure:

- (a) **Phase 1: Initiation of rulemaking** - This phase involves setting of the priorities (if applicable) and the initial receipt of a proposal, consideration of the proposal and initiation of the rulemaking process.
- (b) **Phase 2: Drafting** – This phase involves the development of new civil aviation regulation or revision of acting ones.
- (c) **Phase 3: Consultation** – This phase involves stakeholders’ consultation by sending the draft to the interested parties to give an opportunity to participate in the rulemaking processes through submission of views/comments and suggestions.
- (d) **Phase 4: Adoption and publication** – This phase involves the finalization of drafting procedure for adoption/approval of the document and publication in MTAI website (<https://www.mtad.am/>).
- (e) **Phase 5: Implementation of CARs** – This phase includes workshops, seminars with the stakeholders, as well as publishing CAPs or CASB and feedbacks from stakeholders on evidences of implementation.

2.2. Phase 1: Initiating rulemaking procedure

2.2.1. AASIID senior specialists shall establish list of priorities for rulemaking projects after consultation with AASIID Head.

2.2.2. When establishing the Rulemaking priorities, the following shall be taken into account:

2.2.2.1. The objectives set out in the Law on Aviation;

2.2.2.2. The relevant developments in relevant international aviation law;

2.2.2.3. The relevant developments in ICAO SARPs and EU Regulations applicable in RA.

2.2.2.4. Identified safety hazards, risk assessment studies and other research activities undertaken by the CAC and other relevant organizations, including the action areas identified in the State Safety Program (SSP) and National Aviation Safety Plan (NASP);

2.2.2.5. The experience gained from the implementation and safety oversight process;

2.2.2.6. The need to consider emerging air traffic enhancement programmes from competent authorities and the results of air accident investigations related to aviation safety requirements;

2.2.2.7. The regular review of the rules of CARs and GMs.

2.2.3. The adopted list of priorities referred to in paragraph 2.2.1 above, shall be made accessible to related Departments or Divisions.

2.2.4. AASIID should conduct periodic reviews on each rulemaking project and identify any changes or updates required. Outcomes of the reviews shall be indicated in the established matrix (Appendix II).

2.2.5. To be fully effective, Better Regulation must cover the entire regulatory cycle, i.e., the programming and planning phase, design of a proposal, adoption, implementation, application, evaluation and revision. Efficient planning and programming in the context of Better Regulation mean making well-informed decisions, which must be based on holistic risk management principles. Where there is no or limited data available, such as for innovative technologies or new ways of operating, decisions may have to rely on expert knowledge and/or the extrapolation of existing data from similar subjects.

Using the ICAO State Letters

2.2.6. MTAI AASIID shall receive State Letters from ICAO regularly throughout the year. Some of these letters contain proposed new and revised SARPs with regard to accident and serious incident investigation.

2.2.7. ICAO State letters regarding amendments to the Annex 13 are received by the AASIID focal points.

2.2.8. For proceeding the State Letters a Specialized Working Group (ICAO-WG) shall be established by the MTAI. Head of AASIID is the head of the specialized working group. The working procedure of the ICAO-WG are defined by the order of MTAI Minister.

Initiation of rulemaking projects

2.2.9. The following steps should be followed for initiation of rulemaking projects:

2.2.9.1. Rulemaking projects shall be initiated in accordance with the priorities referred to the points 2.2 and 2.3 or by any person or organization (both international and domestic that has role or involvement in civil aviation remaking procedures) by submitting Information to MTAI (ICAO-WG) according to the Form defined in Appendix I.

2.2.9.2. Initiated rulemaking projects are proceeded in accordance with the ICAO-WG working procedures defined by the Order of the Minister.

2.2.9.3. When creation of a new regulation, or amendment and revision, as well as repeal of a regulation is required, the AASIID Head should nominate focal points responsible for each rulemaking project.

2.2.9.4. AASIID should send the draft to LD for review by attaching:

(a) Rationale

The rational for initiation of rulemaking project should be in accordance with one or combination of the following categories:

(1) Any amendment of Annex 13 to the [Chicago Convention](#) or ICAO Document 9756 (ICAO Annexes, Documents and Manuals);

(2) Any amendment of EU regulations with regard to accident and incident investigation;

(3) Evidence indicating that the existing CAR may be inadequate or inappropriate to address a safety risk, such as:

(a) Outcomes of a safety risk management for new Hazards,

(b) Current safety risk controls are not adequately effective,

(c) Elimination of safety risks for which the Regulation was designed;

(4) petitions from any interested party or requests from industry stakeholders; and

(5) any other reason to be specified by the AASIID.

(b) Gap-Analysis: For complex rulemaking projects, a Gap-Analysis (Appendix III) might be deemed necessary as per rulemaking project assessment. The Gap-Analysis should be performed by AASIID senior specialists to determine the existing gaps, including impact on existing documents, industry and to propose the required actions and changes. Gap-analysis should be deemed necessary for those rulemaking projects which have interface with other existing Regulations or other rulemaking projects. In such cases, during the Gap-analysis, those interfaces should appropriately be reviewed and if necessary, the required updates to those Regulations or projects should be determined for planning and initiation. The gap analysis should be provided to AASIID Head for approval.

2.3. Drafting

2.3.1. Drafting of new CARs or amending existing ones takes into account the following:

(a) The existing laws;

(b) ICAO SARPs;

(c) relevant findings and recommendations of the occurrence reports;

- (d) risk assessment
- (e) Scientific and technological development;
- (f) the impact of the regulation drafted.

2.4. Phase 3: Consultation

2.4.1. Consultation of the Draft is organized by AASIID, involving Air Transport Policy and Flights Permissions (ATPPFD) and LD of MTAI, as well as any relevant stakeholders upon necessity.

2.4.2. It is essential that the aviation industry stakeholders and any person or organization with an interest in the regulations under development participate in the rulemaking process to the fullest practicable extent.

2.4.3. Consultation ensures that all stakeholders have a good understanding of the proposal, alternative options to address it, possible administrative and compliance mechanisms and associated benefits, costs and risks.

2.4.4. Consultation procedure includes providing workshops, working meetings or sending the draft directly to the interested parties for the views/comments or recommendations.

2.4.5. Consultation period may vary from a minimum of 1 weeks to a maximum of 3 months. Related parties should be duly notified about the length of the consultation period.

2.4.6. AASIID senior specialists shall summarize all the comments and/or recommendations submitted from the stakeholders according the Form attached to this document (Appendix IV).

2.4.7. With the objective to improve the quality of the CARs and to ensure fair and appropriate treatment of all the comments received, the AASIID Head shall ensure that comments are reviewed appropriately.

2.4.8. Further consultation with consultees may be undertaken as necessary for the sole purpose of ensuring a better understanding of the comments received.

2.5. Phase 4: Adoption and Publication

2.5.1. Once the Consultation process has been completed and the comments have been analyzed and documented, the AASIID sends a package of amendment/revision to the LD to finalize the drafting procedure and prepare for final approval.

2.5.2. The amendments or changes made will be indicated by a black vertical bar (left side of the page) next to the revised item.

2.5.3. The approval and the publication procedures of the normative legal acts are described in the “Law on Normative Legal act” as well as by the Government Decree N 252 “On Government Working Arrangement”, dated 25.02.2021.

2.5.4. Local or Internal CARs are approved by the Minister and published in official website (www.mtad.am).

Entry into Force and Transitional Period

2.5.5. The Entry into Force date and any Transitional Period if applicable, shall be both clearly specified within the text of the new or amended CAR.

2.5.6. The Transitional Period(s) shall not be applied for initial certification. This shall be interpreted as the applicant shall comply with the new or amended CAR before granting the first issue of a certificate.

2.5.7. Any transitional period shall be first established to provide a reasonable period of time for all affected stakeholders to become compliant with the new or amended Regulation.

Retention of CAR(s) and related Documents

2.5.8. In respect of the rulemaking and related procedures, such documentation shall be retained to enable to provide justification for its decisions and to show that the appropriate procedures have been followed. All CARs are registered by the Human Recourses Division. A copies of the CARs are retained by the AASIID.

2.6. Phase 5: Implementation of CARs

2.6.1. After adopting and publishing CARs, the AASIID organizes workshops or seminars of issue CAPs or CASB for the stakeholders, to provide the compliance with the relevant requirements of CARs, applicable to the areas of activity in accordance with the privileges attached to their certificate.

2.6.2. Applicants may decide to propose Alternative Means of Compliance (AMC) to demonstrate compliance with the CARs.

2.6.3. They can utilize such means if they submit a request for an AMC to the AASIID and obtain acceptance from AASIID Head prior their implementation.

2.6.4. Those AMCs must be accompanied by evidence of their ability to meet the intent of the CAR. However, use of an existing AMC gives the applicant the benefit of compliance with the CAR.

2.6.5. In order to provide the compliance of the stakeholders with the CARs, CAC relevant Inspectors should establish it through Inspection as an evidence of the full compliance of all stakeholders with the CARs according the established Inspectors handbooks (including C/L).

2.7. Timetable of rulemaking procedure

2.7.1. CARs development and amendments timeline is shown in the Appendix V.

CHAPTER 3. NOTIFICATION AND PUBLICATION OF DIFFERENCES

3.1. Procedures for the Notification and Publication of Significant Differences

3.1.1. These procedures have been adapted from ICAO Document 10055 Manual on Notification and Publication of Differences and associated procedures in Document 8126.

3.1.2. ICAO adopts and amends from time to time, as may be necessary SARPs and procedures.

3.1.3. SARPs are adopted by the Council in accordance with Articles 37, 38 and 90 of the Chicago Convention and are designated, for convenience, as Annexes to the Convention.

3.1.4. Proposals to amend ICAO Annexes are notified by an ICAO State letter. Amendment to regulations is initiated as a result of amendments to ICAO SARPs as described in this Regulation.

3.1.5. Article 38 of the Chicago Convention requires that when a State finds it impracticable to comply in all respects with any international standards or procedures, or if a State otherwise takes a decision to differ from any international standards, the State is required to notify that difference to ICAO. Differences are published by ICAO in Supplements to the Annexes to the Chicago Convention, and significant differences are published through the AIP.

3.1.6. While Article 38 sets out obligations for the notification of differences against standards only, it is recognized that knowledge of differences from Recommended Practices may also be important for the aviation safety.

3.2. Purposes of Notifying Differences

3.2.1. The primary purpose of notifying differences is to promote safety, efficiency and regularity in air navigation by ensuring that all stakeholders concerned with international civil aviation are aware of all national rules and practices in so far as they differ from those prescribed in SARPs. Lack of information on differences creates uncertainty and poses a potential hazard to the safety, regularity and efficiency of air navigation as operators will normally comply with the published SARPs and may not conform to regional or local requirements.

3.2.2. Dissemination of differences enhances transparency of safety information, and, consequently, facilitates States' decisions specifically within the context of the management of safety.

3.2.3. Incorrect, ambiguous or nil notification of differences may also potentially lead to misunderstandings and could result in undesirable operational situations, or in other potential negative consequences in aviation.

3.2.4. The notification of differences is an important action that contributes to ensuring the safe and orderly growth of international civil aviation.

3.3. DETERMINATION OF DIFFERENCES

3.3.1. The descriptions as well as the application of the obligations related to the filing of differences to these are as follows:

a) Standard: Any specification for physical characteristics, configuration, material, performance, personnel or procedures, 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; in the event of non-compliance, notification to the Council is compulsory under Article 38.

b) Recommended Practice: Any specification for physical characteristics, configuration, material, performance, personnel or procedures, 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; in the event of non-compliance notification to the Council is encouraged under Assembly Resolutions.

c) Appendices: Material grouped separately for convenience but forming part of the SARPs adopted by the Council. The notification of differences therefore applies to appendices. In order to file a difference against an appendix, States should file a difference against the SARPs that make reference to the Appendix.

d) Definitions: These do not have independent status but are an essential part of each SARP in which the term is used, since a change in the meaning of the term would affect the specification. Therefore, differences against definitions should be notified. Once a difference against a definition has been notified, differences against the SARPs using that definition should be notified as well. Attention is drawn to the possible far-reaching consequences of adopting a definition differing in substance from an Annex definition.

e) Tables and figures: These add to or illustrate a SARP and form part of the associated SARP and have the same status. The notification of differences therefore applies to such tables and figures. In order to file a difference against a table or figure, States should file a difference against the SARP that makes reference to the table or figure.

d) Forewords, introductions, notes and attachments: These are complimentary elements published for information purposes. The notification of differences process does not apply to such forewords, introductions, notes and attachments.

g) Not Applicable SARPs: some SARPs may only apply to some States. For instance, Annex 8 (Airworthiness of Aircraft) contains provisions that apply to the State of Design of a particular aircraft type. In such cases, States do not have to notify differences stating that the state is less protective against that SARP that is not applicable to them. States are, however, required to indicate that the SARP is not applicable when filing their differences to the Annex and publishing such in the AIP.

3.4. Categories and Description of Differences

3.4.1. The following categories of differences are provided as a guide in determining whether a difference in the context of Article 38 exists:

a) **More exacting or exceeds (Category A).** This category applies when the national regulation and practices are more demanding than the corresponding SARP, or impose an obligation within the scope of the Annex which is not covered by the SARP. This is of particular importance where a Contracting State requires a higher standard which affects the operation of aircraft of other Contracting States in and above its territory:

Example:

Annex reference	Provision	Text of the difference	Comments, including the reason for the difference
Annex 2, 3.3.1.3	A flight plan shall be submitted, before departure, to an air traffic services reporting office or, during flight, transmitted to the appropriate air traffic services unit or air-ground control radio station, unless arrangements have been made for submission of repetitive flight plans.	For flights crossing international borders, the flight plan should be submitted at least 30 minutes prior to departure.	This additional requirement is necessary for the air traffic flow management system and procedures used (in the State notifying the difference).

b) Different in character or other means of compliance (Category B). A Contracting State’s requirement is different in character or other means of compliance This category applies when national regulation and practices are different in character from the corresponding SARP, or

when the national regulation and practices differ in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation. The expression “different in character or other means of compliance” in paragraph b) would be applied to a national regulation and practice which achieves, by other means, the same objective as that of the corresponding ICAO SARPs and so cannot be classified under paragraphs a) or c)

Example:

Annex reference	Provision	Text of the difference	Comments, including the reason for the difference
Annex 3, 6.5.3	Area forecasts for low-level flights prepared in support of the issuance of AIRMET information shall be issued every 6 hours for a period of validity of 6 hours and transmitted to meteorological watch offices and/or aerodrome meteorological offices concerned not later than one hour prior to the beginning of their validity period	The area forecasts are issued every 3 hours instead of 6 hours, from 0700 to 2200 local time, and once at 0100 with a validity of 6 hours (until 0700).	The frequency and issuance periods are considered to offer a better benefit/cost ratio.

c) Less protective or partially implemented or not implemented (Category C). A Contracting State’s requirement is less protective or partially implemented/not implemented (Category C). This category applies when the national regulation and practices are less protective than the corresponding SARP; when no national regulation has been promulgated to address the corresponding SARP, in whole or in part; or when the Contracting State has failed to bring its practices into full accord with the corresponding SARP.

Example:

Annex reference	Provision	Text of the difference	Comments, including the reason for the difference
Annex 11, 2.33.1	Each prohibited area, restricted area, or danger area established by a State shall, upon initial establishment, be given an identification and full details shall be promulgated.	Even though this standard is implemented in practice, it has not been incorporated into national regulations.	Incorporation is planned for the 2018 air traffic services code of regulations update.

3.5. Description of differences

3.5.1. Differences in substance should be described clearly and concisely, and should allow the reader to easily grasp the scope of the differences. In general, the description should not be a copy of the national requirement, leaving it up to the reader to identify the differences between the ICAO and national requirement(s), but rather a description of the variances. States are encouraged to view differences filed by other States (available from the Online Framework of the Universal Safety Oversight Audit Programme (<http://www.icao.int/usoap>)) for further examples.

3.6. Means of Notifications

3.6.1. Differences would be notified to ICAO using the ICAO Form “Notification of Compliance with or Differences” which can be found in ICAO State Letters (paper-based process); or through the Electronic Filing of Differences (EFOD) system at www.icao.int/usoap. The EFOD is a web-based tool that allows Member States to provide Compliance/Differences Information and facilitates the sharing of information by ICAO.

3.7. Publication of Differences.

3.7.1. Differences are published by AASIID Head, who is also appointed as NCMC, in EFOD system.

3.7.2. When notifying differences, the following information should be provided:

- 1) the number of the paragraph or subparagraph as amended which contains the SARP to which the difference relates;
- 2) the reasons for the difference why RA does not comply with the SARP, or considers it necessary to adopt different regulations or practices;
- 3) a clear and concise description of the difference; and
- 4) intentions for future compliance and any date by which RA plans to confirm compliance with and remove its difference from the SARP for which the difference has been notified (Note on the Notification of Differences).

3.8. ICAO Requirements applicable to AIP

3.8.1. Annex 15 (Aeronautical Information Services) to the Chicago Convention requires that a Contracting State record in its AIP any significant differences between its national regulations, standards and practices against the related ICAO provisions.

3.8.2. It is intended that any such differences be included in Part 1 – General (GEN) of the AIP. This is to ensure that an AIP will provide up-to-date information on the status of implementation of Standards, Recommended Practices and Procedures (SARPs), particularly those concerned with aircraft operations and the provision of facilities and services.

3.8.3. A Service Level Agreement (SLA) has been established and approved by both parties, being the relevant Department under the Air Navigation Service Provider (ANSP) and the Aerodrome Certification and Air Traffic Management (ACATM) Department under the CAC as means of coordination between the regulator and the AIS Provider.

3.8.4. All significant differences notified to ICAO should be included in the AIP in a format that will enable the user to differentiate easily between the national rules and practices of a State and the related ICAO provisions. They comprise differences from:

3.8.4.1. Any of the International Standards;

3.8.4.2. Recommended Practices that are important for the safety of air navigation or, in the case of facilitation, for smooth handling and clearance through customs, immigration, etc. of aircraft and the loads they carry;

3.8.4.3. Procedures for Air Navigation Services (PANS) that are important for the safety of air navigation; and

3.8.4.4. Regional Supplementary Procedures (SUPPS) that are important for the safety of air navigation.

3.8.5 MTAI AASIID should inform CAC about any changes in order to publish in AIP.

CHAPTER 4. REPEAL OF CARs

4.1. Repeal of Regulations

4.1.1. The below requirements shall be met when a CAR (new or amended requirement(s)) mandates repealing an existing CAR, its requirements or other binding materials:

4.1.1.1. Repeals shall be based on an appropriate justification and no new safety risks shall be introduced by repealing the CAR or its requirement(s). Any new or residual safety risk shall be addressed by an appropriate safety risk management.

4.1.1.2. the new or amended CAR, shall contain an article or paragraph in which repealed requirements(s) are clearly listed.

4.1.1.3. Repeals shall be consulted with affected stakeholder. This may perform within the rulemaking process of the CAR which repeals any requirement(s).

4.1.1.4. Adequate Transitional Period for affected stakeholders shall be considered.

4.1.1.5. Repeal document should have appropriated legal powers for repealing (partially or fully) a Regulation, meaning that the Repeal should be in the same level of the Regulation. Thus, a Repeal should be approved in accordance with the applicable requirements of this regulation (i.e., approval of a CAR) and the decision to repeal a CAR should be made by the authorized body (the appropriate level of management which granted with the powers and the privileges to issue the Regulations by the Law).

CHAPTER 5 GUIDANCE MATERIALS

5.1. General

This Chapter prescribes additional requirements, supplementary to the general requirements of Chapter 1-4, for the Format, Structure and the publication procedures for GMs including CAPs and CASBs as may be required to support aviation safety.

5.2. CAPs and CASBs

5.2.1. CAPs and CASBs are issued in the interest of safety as supportive material to a regulation, or are an informative bulletin concerning aviation safety.

5.2.2. A CAP normally supports issues related to compliance with a regulation or may be an explanatory material on a particular aviation subject. CAPs provide an expanded and more specific explanation of:

5.2.2.1. The intent of the Civil Aviation Regulations;

5.2.2.2. Provide a source of information on a particular subject pertaining to the operation of aircraft;

5.2.2.3. Explanation on new or additional administrative information/procedures.

5.2.3. CASBs are materials raised by the CAA to promote safety awareness. A CASB may be used as a means of conveying information in the interest aviation safety. CASBs may explain issues like:

5.2.3.1. additional information that may not specifically covered in the CARs;

5.2.3.2. best practices or developments in the aviation industry which has an impact on aviation safety;

5.2.3.3. information regarding new provisions in the interest of safety.

Note: Safety Bulletins are mainly used as a communication tool within safety management systems (SMS) and state safety programme (SSP) domains.

5.3. Initiation and Drafting of GM

5.3.1. The process for drafting shall be led and managed by AASIID senior specialists that initiated rulemaking procedure where the need for the issue of GM, CAP or CASB is deemed necessary.

5.4. Approval of GM.

5.4.1. AASIID senior specialists submit the proposed GM text (or a revision) to AASIID Head for establishing the compliance of GM to the CARs.

5.4.2. AASIID Head forwards the compliance approved document to the Minister for approval.

5.4.3. AASIID Head sends the approved GM to the responsible department for publication on the MTAI official webpage if the GM is for public use or send it to the stakeholders of that GM directly.

5.5. Review of GMs

5.5.1. AASIID shall establish a detailed matrix of the approved GMs (AASIID is considered as the Document Owner).

5.5.2. The Document Owner shall monitor those documents referred to in point 5.5.1 in the terms of currency, relevancy and appropriateness to the civil aviation safety.

5.5.3. If any GM in point 5.5.1 above is not complying with the point 5.5.2 the documents owner shall initiate an amendment to the GM or repeal it.

5.6. Repeal of GMs

- 5.6.1. The Document Owner shall initiate repeal process in coordination with the LD.
- 5.6.2. The repeal of GMs shall be approved by the Minister.

Submitted by: Name: 	Designation/Position
Organization: 	Contact: Tel. Email:
Sign: 	Date: (DD) / (MM) /20

CAC RA	Rulemaking Procedure Manual	Date: 20.12.2023	
	Appendix II Matrix on Reviews of Rulemaking Project and Updates Required	CAR/LEG- 1/23	Rev: 00

RECOMMENDATION

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APPENDIX II

MATRIX ON REVIEWS OF RULEMAKING PROJECT AND UPDATES REQUIRED

CAR	Responsible person/ focal point	Last Amendment	Reference	Next Amendment	Reference	Priority

**APPENDIX III
GAP ANALYSES**

**NEW or REVISED SARP PROPOSAL:
AMENDMENT __, ANNEX __, CHAPTER __,
[STANDARD/RECOMMENDED PRACTICE __]**

1. What is the problem that this proposal is designed to address?

<i>Please include specific details</i>
--

2. Does the proposal affect the existing regulations?

None	CARs	GMs	Policy	Other (please explain)

3a. What is the impact of this proposal on a State?

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Implementing this proposal will enhance civil aviation safety					
<i>Rationale:</i>					
Implementing this proposal will increase air navigation capacity and improve efficiency					
<i>Rationale:</i>					
Implementing this proposal will enhance global civil aviation security and facilitation (taking into account impact on human rights, health and privacy, if any)					
<i>Rationale:</i>					
Implementing this proposal will foster the development of a sound and economically-					

viable civil aviation system					
<i>Rationale:</i>					
Implementing this proposal will minimize the adverse environmental effects of civil aviation activities					
<i>Rationale:</i>					

3b. Do the benefits of this proposal justify the cost of its implementation?

Yes	No	Not sure	Not applicable

4a. What is the impact of this proposal on Industry?

	<i>Strongly Agree</i>	<i>Agree</i>	<i>Neutral</i>	<i>Disagree</i>	<i>Strongly Disagree</i>
Implementing this proposal will enhance civil aviation safety					
<i>Rationale:</i>					
Implementing this proposal will increase air navigation capacity and improve efficiency					
<i>Rationale:</i>					
Implementing this proposal will enhance global civil aviation security and facilitation (taking into account impact on human rights, health and privacy, if any)					
<i>Rationale:</i>					

Implementing this proposal will foster the development of a sound and economically-viable civil aviation system					
<i>Rationale:</i>					
Implementing this proposal will minimize the adverse environmental effects of civil aviation activities					
<i>Rationale:</i>					

4b. Do the benefits of this proposal justify the cost of its implementation?

Yes	No	Not sure	Not applicable

5. How long would it take for States and Industry to implement this proposal?

Already implemented	0-1 years	1-2 years	2-5 years	5-10 years	More than 10 years

6. What required Action and changes are needed?

IMPLEMENTATION TASK LIST AND OUTLINE OF GUIDANCE MATERIAL

1. IMPLEMENTATION TASK LIST

1.1 Essential steps to be followed by a State in order to implement proposed amendments¹

¹ Amendment of a format or clarification nature are not allowed in this Appendix.

[SARP/TOPIC]

1.1.1 For States that already [implement the SARP or take action on the TOPIC], no action is necessary. For those that do not, the essential steps are the following:

a) . . .

Legislation, regulations, policies, procedures, training, implementation, modification, supervision, assessment, compliance, gap analysis, consideration,

[Example (for illustration only):

[Assistance to aircraft accident victims and their families

For States that have established legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families, and that are aligned with Doc 9998 and Doc 9973, no action may be required. For those that do not, the essential steps are the following:

- a) identify established legislation, regulations and/or policies;
- b) gap analysis between established legislation, regulations, and/policies, and Doc 9998 and Doc 9973;
- c) decisions on whether to introduce new provision to align with ICAO guidance material;
- d) modification and/or development of provision;
- e) official adoptions of provisions;
- f) implementation of newly adopted provisions by applicable entities;
- g) modification of an oversight framework; and
- h) supervision by the State of provisions, as appropriate.]

2. STANDARDIZATION PROCESS

2.1 Effective date: █ [Month/Year]: to be completed by Secretariat

2.2 Applicability date: █ [Month/Year]: to be completed by Secretariat

3. SUPPORTING DOCUMENTATION:

3.1 ICAO documentation:

Title	Type	Publication date
	Manual/Other Guidance	

	Material/Web page	

3.2 External documentation:

Title	External Organization	Publication date

4. IMPLEMENTATION ASSISTANCE TASKS

Type	Global	Regional
[Seminar/Symposium/Workshop/etc.]		

5. UNIVERSAL SECURITY AUDIT PROGRAMME (USAP) OR UNIVERSAL SAFETY OVERSIGHT PROGRAMME (USOAP)

5.1 [No] [additional] protocol questions required under USAP [USOAP].

APPENDIX IV

OVERVIEW OF STAKEHOLDERS COMMENTS ON THE DRAFT

Name of the organization/entity	Content of the comments/recommendations	Date of submission	AASIID Actions

APPENDIX V

CARS DEVELOPMENT AND AMENDMENTS TIMELINES

No.	Activity	Responsible Office	Timelines
Step 1	Receipt and processing of legislation development and/or amendment trigger	AASIID	<i>Process</i>
Step 2	Development of the draft	AASIID	<i>Guided Process</i>
Step 3	Consultation process	AASIID, ATPFPD, LD	15 days
Step 4	Consideration of stakeholder comments and incorporation in the draft legislation	AASIID, ATPFPD, LD	14 days
Step 5	Development of final draft legislation	AASIID	14 days
Step 6	Stakeholder review of revised draft legislation	AASIID, ATPFPD, LD	7 days
Step 7	Approval or transmittal to the Ministry of Territorial Administration and Infrastructure for further processes	MTAI	5 days
Step 8	Publication of newly promulgated legislation and removal of all drafts from the website	AASIID	10 days
Step 9	Forwarding of Promulgated legislation to Stakeholders for Implementation	AASIID	5 days