



International
Civil Aviation
Organization

Organisation
de l'aviation civile
internationale

Organización
de Aviación Civil
Internacional

Международная
организация
гражданской
авиации

منظمة الطيران
المدني الدولي

国际民用
航空组织

Al responder haga referencia a:

Ref.: NT-N1-11.6— E.OSG-NACC90665

20 de septiembre de 2021

Para: Estados y Organizaciones Internacionales

Asunto: **Cambio de nombre del “Proyecto de Armonización del Marco Regulatorio” a “Proyecto de Comparación del Marco Regulatorio”**

Tramitación

Requerida: **Tomar nota**

Distinguido Señor:

Agradezco su activa retroalimentación al Proyecto de Armonización del Marco Regulatorio, recibidos en la reunión de inicio del Proyecto celebrada el 21 de junio de 2021, y otros comentarios y observaciones adicionales recopilados durante este tiempo hasta la fecha.

A partir de estos comentarios, enriquecimos el contenido del Proyecto e identificamos elementos para mejorar, por lo que estoy totalmente de acuerdo en que hubo una desconexión inicial entre el documento del Proyecto tal como estaba escrito y lo que se dijo con respecto al Proyecto. Deseo aclarar formalmente que este no es un Proyecto de armonización; sino un Proyecto/marco de comparación regulatoria. Lo anterior con el fin de evitar malentendidos sobre su objetivo, que es producir un documento comparativo con base en la normativa más utilizada en la región, que ayude a establecer posibles acuerdos bilaterales o multilaterales sobre la aceptación de normativas entre los Estados de esta. región. Para facilitar la aclaración el **Adjunto** (*únicamente en inglés*) muestra una presentación que lo explica claramente. Además, hemos ido aclarando esto con varios de los Estados miembros que estuvieron presentes durante la reunión.

Por lo que, por este medio, se notica oficialmente del cambio en el nombre del Proyecto, sin que esto genere modificaciones en las disposiciones explicadas durante la reunión de inicio o en los criterios de ejecución del mismo.

También deseo agradecer a las personas designadas que participarán en este Proyecto, para el cual estamos programando una reunión de seguimiento el próximo mes para continuar con las actividades y la discusión de los resultados esperados y entregables del Proyecto. Si requiere mayor información, por favor comuníquese con el Sr. Marcelo Orellana, Especialista Regional en Implementación de la Seguridad Operacional (morellana@icao.int).

... / 2

Le ruego acepte el testimonio de mi mayor consideración y aprecio.

A digital signature in blue ink, appearing as a stylized cursive 'M. Cintron', is placed over a circular blue stamp. The stamp contains the ICAO logo and the text 'OACI - ICAO' at the top and 'Digital Signature' at the bottom.

Melvin Cintron
Director Regional
Oficina Regional para Norteamérica,
Centroamérica y Caribe (NACC)

Adjunto: *Lo indicado*

N:\N - ICAO Regions\N 1- 11.6 - RegulatoryComparisonProjectFramework\2021-HarmonizationRegFrameWk-KickoffMeeting\Correspondence\CartaCambiodeNombredelProyecto.docx / YTR

Lista de distribución:

Para: Sr. Álvaro Vargas, Costa Rica
MSc. Armando Luis Daniel López, Cuba
Ing. Jorge Alberto Puquirre Torres, El Salvador
P.A. Francis Arturo Argueta Aguirre, Guatemala
Lic. Wilfredo Lobo Reyes, Honduras
G.D.P.A. Carlos A. Rodríguez Munguía, México
Cap. Carlos Danilo Salazar Sánchez, Nicaragua
Dr. Román Ernesto Caamaño Vélez, República Dominicana
Dr. José E. Marte Piantini, República Dominicana
Dr. Rafael Echevarne, ACI/LAC
Sr. José Ricardo Botelho, ALTA
Sr. Javier A. Vanegas, CANSO
Sr. Jaime Binder, CLAC
Lic. Juan Carlos Trabanino Aguirre, COCESNA
Sr. José Antonio Ruiz, IATA
Sr. Marco Vidal Macchiavello, IATA
Sr. Rod Lypchuk, IFALPA CAR/NAM
Sr. Francisco Gomez-Ortigoza, IFALPA CAR/West
Sr. Chris Witt, IFALPA CAR/East
Sr. Peter Black, IFALPA CAN/Arctic
Sr. Ron Hay, IFALPA US/CEP
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Regulatory Comparison Project / Framework

August 2021

Melvin Cintron Regional Director
ICAO NACC regional office.





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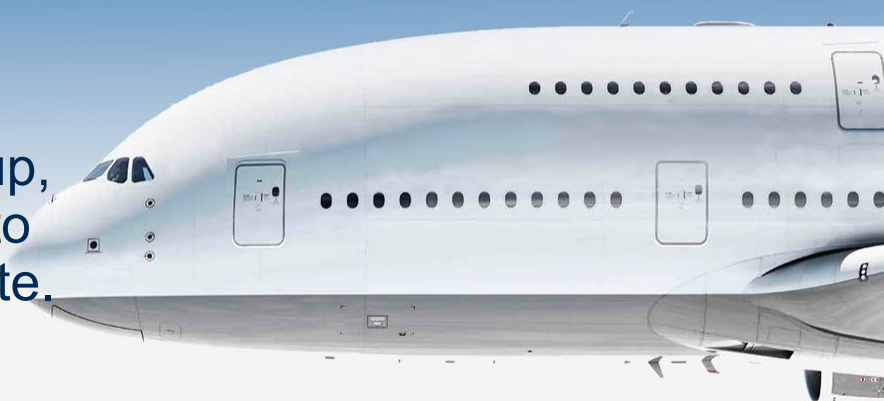


What is the Regulatory Comparison project is NOT

It is not an attempt to “harmonize” (neither fully nor partially) the regulations of the Different States or the Region.

It is not an attempt to have any State give up, change, or adapt, their current regulations to meet or be in line with those of another State.

It is not an attempt to establish a set of new base regulations or “Master Regulations” for states to use.





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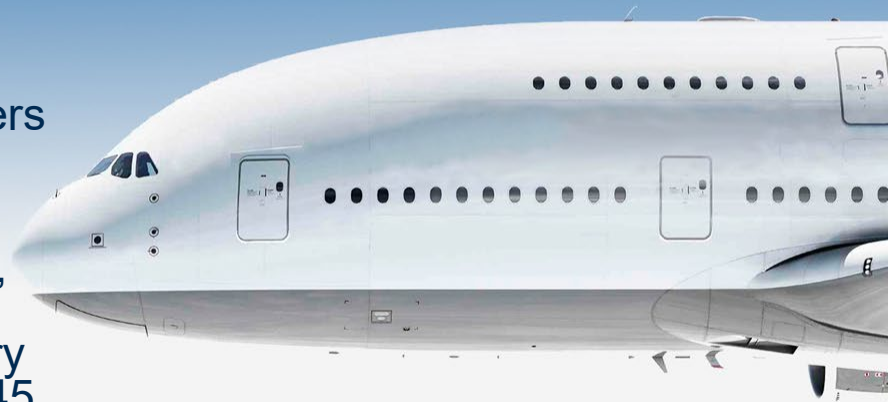
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What is the Regulatory Comparison project about?

to provide the CAR region states with a framework to assist them in recognizing and identifying where the States regulations are the same, different but equivalent, or are fundamentally different. This will allow States to enter into bilateral or multilateral agreements on recognizing or accepting each others regulations, as if they where fully harmonized.

This will benefit the CAAs in joint capacity building, sharing of Inspector resources, elimination of duplicative tasks, reduction of duplicative regulatory burden to the State's industry. For example, the 145 or MRO regulation, work done in one States MRO could be accepted in another State MRO, by accepting via agreement and this framework, each others regulatory systems





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What is the Regulatory Comparison project about?

- The project will start with the evaluation using the various regions' "base" 145 (MRO) regulations used within the region which are mainly the FAA MCARS, South American LARS, Central American CARs, ECARs / European EASA regs.
- The project will produce a document with the results of the review of these base, or master, regulatory documents.
- ICAO NACC (with support of State volunteers), will establish a Regulatory Evaluation Working Group to carry out this pilot project and , if the project proves its benefits as projected, the working group remain active and provide bi-annual review and update of the resulting review document.
- If this pilot project is successful the process will be repeated with other regulations such as Certification of Foreign Operators, Pilot Certifications, etc.



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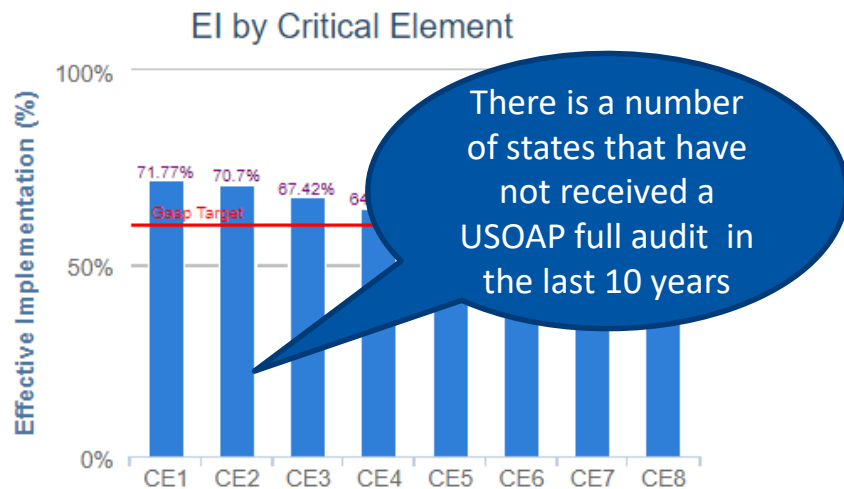
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Impact on overall Effective Implementation

- The actual CE-2 protocol questions represents a 14.3% of the **USOAP CMA framework**
- Timely updated and full compliant **State** regulations is the basis for a robust safety oversight system and for establishment of a **comprehensive** and effective inspector's guidance material and training (**CE-4 and 5**).
- **The State Regulations** empowers the **State CAA** surveillance activities and enforcement actions (**CE- 7 and 8**)





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Regulation Status in the CAR Region

FACTS

- Several State Regulations follow certain “BASE” Regulation models (MCARs, RACs, LARs, etc...)
- Existence of RSOO (COCESNA/ ACSA and CARICOM)
- Lower USOP EI percentage in CE-2 (28.72 – 38.32%)
- regional collaboration among States has been an effective success mechanism
- Base regulations are normally updated by the developers (FAA, RVSOP, ACSA, etc)

Challenges

- CAR States had limited resources
- Timely SO inspections
- Systemic update of State Regulations with ICAO SARP Amendments is problematic
- Some CAR states have capacity/experience limitations in development or updating their regulations



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Additional Advantages of the Regulatory comparison Document

- The Regulatory Comparison Document will give the States insight into other State regulations and areas of possible best practices or options regarding their own regulations , specially during needed updating (CE-2)
- Capacity building through the participation of stakeholders CE-4
- Ease international operations within the region CE-6
- Ease mid term possible joint certification processes CE-6
- Foster the interchange of technical experts among states CE-7
- Improvement of regional EI
- Base for homologated guidance material CE-5



Champion states, international organization and industry support.

- The project is supported by various member States and Industry





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PROJECT FRAMEWORK/ ACTIVITIES

- Evaluation of the current “Base” regulations (EASA, MCARS, CARS, LARS. Etc) that have been used, or have influenced, many of the various States` regulations currently in use. The evaluation/comparison of the main/base regulations will allow the team to develop a Regulatory Comparison Documents to indicate differences among the such regulations (Master evaluation document on the different Regulation base models). It will Identify;
 - Where the regulations reviewed are the same
 - Where the regulations reviewed are not the same but may be considered, after individual State review; to be equivalent
 - Where the regulations reviewed are neither the same nor equivalent
- Promote bilateral/multilateral agreements between States CAAs through acceptance of each others 145 regulations wherever possible
- Provide States with a Starting point / reference document for such bilateral/multilateral agreements on acceptance of each others specifi regulations
- Promote posible future harmonization when states update their regulations and / or agreementsto be more aligned with each other and reduce special conditions or differences



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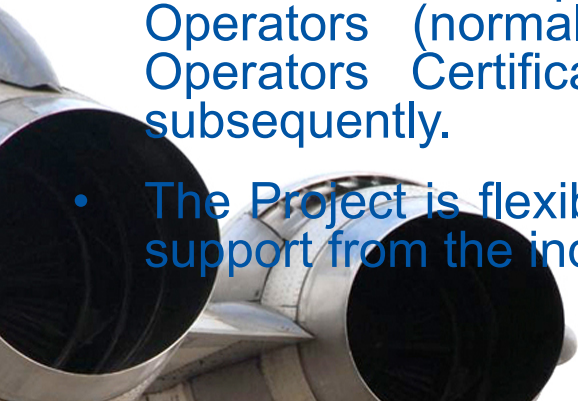
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PROJECT FRAMEWORK/ ACTIVITIES

- The initial phase is to develop the Master Regulatory Comparison document on the base models for approved maintenance organizations (normally identified as Regulation 145), timeframe XXXX
- Based on this initial delivery and the interaction with States and Industry, the same Development will follow for Approval of Foreign International Operators (normally identified as 129 regulation), Commercial Air Operators Certification (121), and the Part for Personnel Licensing subsequently.
- The Project is flexible and adjustable for the best benefit of the States and support from the industry.





Legal Support for the States

- The project includes legal SME to support the technical team through the Regulatory Comparison Reference Document (RCRD) as required.
- The Project's Legal SME will assist to develop a framework/ mechanism for a continuous and sustainable methodology for updating of the Regulatory Comparison Reference Document (RCRD).
- The Project's Legal SME will advise the team regarding areas where regulatory issues may conflict with general legal issues.





Technical SME

- The project is using Technical SMEs from ICAO and volunteers from Member States.
- These SMEs will conduct the evaluation and analysis of the base regulations, putting together all that information in The Master Regulatory Comparison Document and making it available to the PoCs of the States.





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ICAO NACC office



- will lead the Project execution, coordinating with States and industry and other State partners
- Will manage the Master evaluation document on Regulation models and monitor its update.
- The working group will update the master evaluation document twice a year.
- ICAO will notify the Member States on any updates of the master evaluation of differences document.



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Questions?





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THANK YOU