

OVERVIEW OF INTERNATIONAL AUTHORITIES AND ORGANIZATIONS IN AVIATION

2024



CONTENT

– 1 –

introductory remarks

– 2 –

terminology & typology

– 3 –

overview of the organizations

– 4 –

the organizations in detail

– 5 –

conclusions

QUOTE OF THE DAY:



“All you have to do is follow the book.”

from:

The Greatest Lies in Aviation #16

INTRODUCTORY REMARKS

INTRO: WHY IS KNOWLEDGE OF AVIATION INSTITUTIONS IMPORTANT?

AVIATION AND GLOBALIZATION

- Airplanes enable the rapid global exchange of goods and facilitate passenger transport.
 - According to ICAO statistics, 2/3 of all scheduled flights are international.
-
- **Conclusion #1:** Aviation is a global industry.
-
- **Conclusion #2:** Aviation as a global industry needs stability, continuity and efficiency.

INTRO: WHY IS KNOWLEDGE OF AVIATION INSTITUTIONS IMPORTANT?

AVIATION AND GLOBALIZATION

- **Consequence #1:** Aviation as a global industry requires legal harmonization.
- **Consequence #2:** The international institutions are the mediators of legal unification in aviation.
- **Approach/purpose of the work of the international institutions:** To enable identical or similar conditions in the operational and organizational aspects of aviation.

TERMINOLOGY & TYPOLOGY

TERMINOLOGY & TYPOLOGY

DEFINITIONS

- **International Organization:** An association of at least two states or other **subjects of international law**, which is permanently established, is generally active across national borders and performs supranational tasks.
- **International law (International Public Law):** Supranational legal system, consisting of principles and rules, which regulate relations between subjects of international law based on equality of status.
 - International law governs international relations. It facilitates international cooperation and establishes (binding) rules that make international relations more predictable.
- **Subject of international law:** A holder of international rights and obligations whose conduct is governed directly by international law.

TERMINOLOGY & TYPOLOGY

Subjects of international law

Originals:

Nations
&
certain orgs &
communities (ICRC,
Holy See, Sovereign
Order of Malta)

Derivatives:

International
organizations
recognized as
subjects of
international law.
(UN, EU, NATO, ...)

Special Cases:

e. g. federal states
with limited powers
under international
law

TERMINOLOGY & TYPOLOGY

INTERNATIONAL ORGANIZATIONS – ELEMENTS:

- **designed to last**
- **recognized as the bearer of international rights and obligations** („ subjects of international law“)
- **entrusted with the independent performance of their own supranational tasks** → therefore equipped with at least one organ through which they act
- **are generally based on a multilateral founding treaty** (often referred to as statute or charter, which defines the scope of the organization's tasks and bodies)
- **Example:**



ICAO

... „United Nations Specialized Agency“, i.e. a legally, organizationally and financially independent international organization associated with the UN

TERMINOLOGY & TYPOLOGY

DIFFERENTIATION: SUPRANATIONAL VS. INTERNATIONAL ORGANIZATIONS:

- **supranationality** = (concept of international law) level above the nation or nation-state.
 - **In fact:** shift of legal responsibilities from a national to a higher level.
- **Principle:** In (means “within”) the supranational organization, binding decisions can be taken even if not all members agree.

Characteristics of the supranational organization:

1. Autonomous legal order: No original sovereignty (so-called "competence competence") but transfer of sovereignty rights by the Member States to the supranational organization.

2. Primacy of supranational law, that is to say:

1. Competence of the supranational organization for the adoption of acts which have direct legal effects on natural and legal persons in the Member States.
2. Supranational standards take precedence over national law.
3. Judicial sanctions and enforceability: natural and legal persons concerned in the Member States may take legal action and claim damages in the event of non-implementation or misappropriation of supranational standards.

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SUPRANATIONAL ORGANIZATION - EXAMPLE:



«United in diversity»



TERMINOLOGY & TYPOLOGY

EU IN A NUTSHELL: 24 OFFICIAL LANGUAGES



TERMINOLOGY & TYPOLOGY

EU IN A NUTSHELL: THE TREATIES AS THE BASIS OF THE EU



1952

European Coal and Steel Community

1958

Treaties of Rome

- European Economic Community
- European Atomic Energy Community (EURATOM)

1987

Single European Act: creation of the internal market

1993

Maastricht Treaty (= Treaty on the EU): Formal establishment of the EU (EC/CFSP/PJCCM)

1999

Treaty of Amsterdam: strengthening the EP

2003

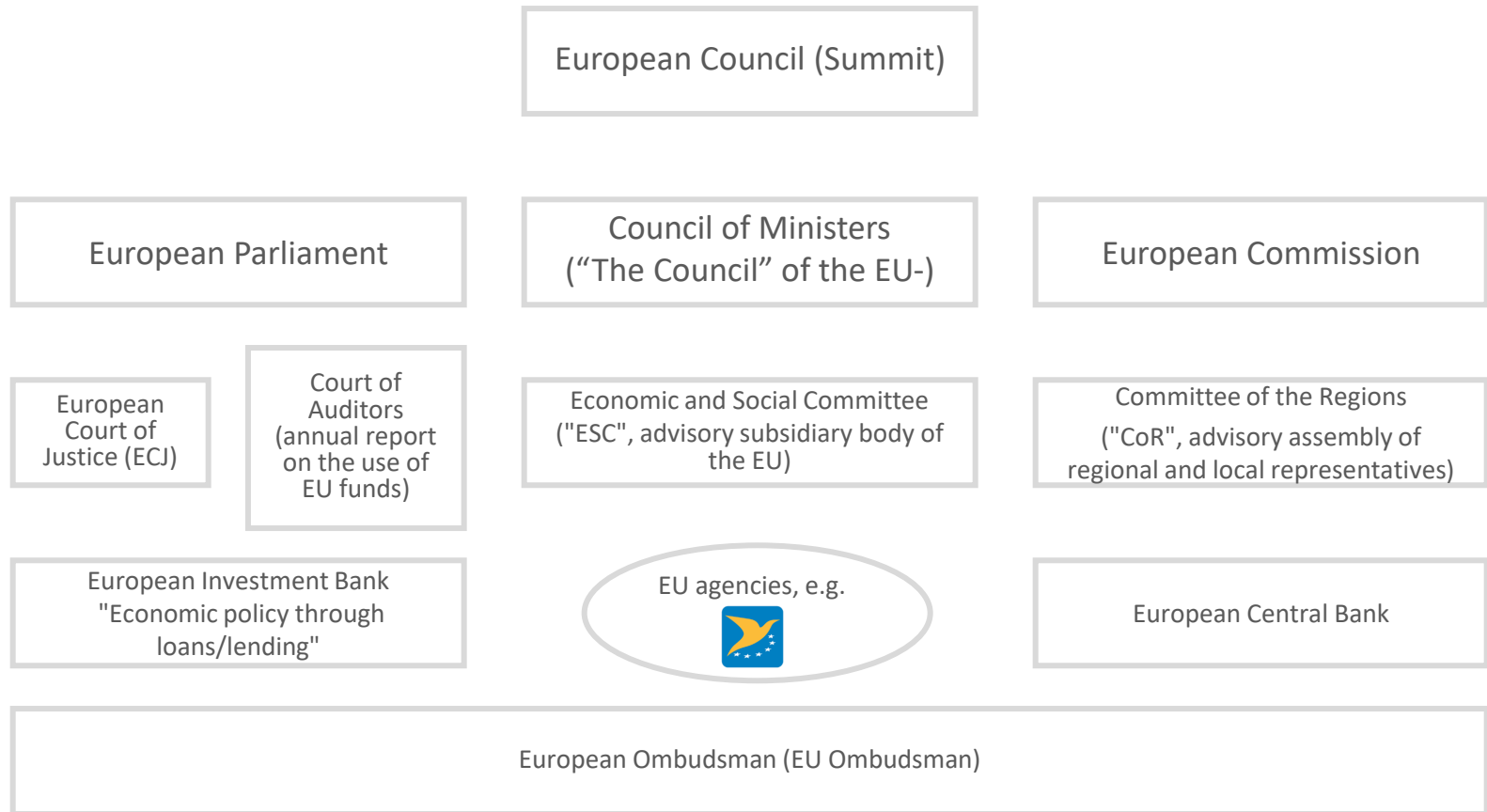
Treaty of Nice: Decisions by qualified majority instead of unanimity becomes general rule

2009

Treaty of Lisbon: "Reform Treaty" - including introduction of the European Citizens' Initiative, first-time regulation of an EU withdrawal, reform of the Treaty on European Union itself --> new names: the Treaty on European Union (TEU) & the Treaty on the Functioning of the European Union (TFEU) --> declares so-called ordinary legislative procedure as the standard of EU legislation (= upgrading of the EP)

TERMINOLOGY & TYPOLOGY

EU IN A NUTSHELL: THE INSTITUTIONS OF THE EU



TERMINOLOGY & TYPOLOGY

SUPRANATIONAL ORGANIZATION - EU - THE THREE MAIN ACTORS IN 2024:



The European Parliament ("EP") - the voice of the people

Roberta Metsola, President of the European Parliament

- Competences in EU legislation, budgeting, elections (Presidents of the European Commission and the EU Ombudsman), control function over the Commission and the Council of the EU
- No government and opposition factions in the EP → changing majorities depending on the subject of the vote
- **20 Standing committees and two subcommittees on specific subjects: relevant to aviation → Committee on Transport and Tourism "TRAN"**
- President: represents the EP to the outside world, chairs plenary sessions & manages Parliament's budget

The European Council and the Council - the voice of the Member States

Charles Michel, President of the European Council

- The European Council is the body of the Heads of State or Government of the European Union (EU) and the Council is made up of Ministers.
- Tasks: to find compromises between Member States and stimulate the further development of the Union
- The President chairs the meetings of the European Council but has no right to vote.
- The President is elected for a term of two-and-a-half years (can be re-elected once) and may not hold a national office.

The European Commission (EC) - manages the interests of the EU

Ursula von der Leyen, President of the European Commission

- The Commission has sole right of initiative in the EU legislative procedure.
- The 28 members of the commission = so-called "EU Commissioners" are nominated by the governments of the EU member states and confirmed by the European Parliament.
- **33 Directorates-General ("DG") report to the Commissioners → the "DG MOVE" is relevant for aviation: ADINA VĂLEAN'S TEAM | EUROPEAN COMMISSION (EUROPA.EU)**
- The President oversees the functioning of the EC and has a spokesman's function. The collegiality principle applies among Commissioners, but the President can independently dismiss individual Commissioners.

TERMINOLOGY & TYPOLOGY

SUPRANATIONAL ORGANIZATION - EU – THE ORDINARY LEGISLATIVE PROCEDURE:

Idea for a new "law": EU-citizens (with the Citizens' Initiative), the EP (with the majority of its members) and the Council (with a simple majority) can submit a proposal to the EC.

As a rule, the Commission (EC) itself makes a proposal for a new "law".

→ Keep in mind: The Commission has the sole right of initiative!



The EP and the Council decide jointly in so-called "readings".



National or local authorities transpose the law: Either the new EU law is transposed into national law, or it is applied it directly.



The EC and the European Court of Justice (ECJ) monitor the implementation of the new "law".

TERMINOLOGY & TYPOLOGY

SUPRANATIONAL ORGANIZATION - EU – THE ORDINARY LEGISLATIVE PROCEDURE:

- **Bill adopted:**

Once the final text of a legislative proposal has been approved by both the European Parliament and the Council, it shall be signed jointly by the Presidents and the Secretaries-General of both institutions. Once signed, the texts will be published in the Official Journal and hence become official.

- **Bill rejected:**

If the legislative proposal is rejected at any stage of the procedure, or if Parliament and the Council fail to reach a compromise, the proposal is not adopted, and the procedure is terminated. A new procedure can only be initiated with a new proposal from the Commission.

- EU regulations (= "law" in the EU) are binding throughout the EU from the time indicated in the Official Journal.

TERMINOLOGY & TYPOLOGY

SUPRANATIONAL ORGANIZATION - THE EU HIERARCHY OF NORMS:

Primary law:

- The Treaty on the functioning of the European Union (TFEU) - together with the EU Treaty (Maastricht Treaty).

Secondary Law:

- Secondary law (= law derived from primary law) are acts adopted based on primary law by the institutions of the European Union or the European Atomic Energy Community.
- **Secondary law must not violate primary law. The European Court of Justice may annul secondary legislation in the event of a breach of primary law.**

TERMINOLOGY & TYPOLOGY

SUPRANATIONAL ORGANIZATION - EU SECONDARY LAW:

Art. 288 TFEU provides for the following types of secondary legislation:

- **"REGULATION"**: general regulation with direct domestic application; in Switzerland it would correspond to a law ("Gesetz") in the formal sense of the word
- **"DIRECTIVE"**: general rules to be transposed into national law by the Member States within a specified period; a DIRECTIVE is binding regarding the objective, but leaves the choice of form and means to the Member States
- **"DECISION"**: binding regulation in individual cases; a decision is only binding for the addressees named therein; would be regarded under Swiss analogy as an administrative act ("Verfügung") → e. g. appointments
- **"RECOMMENDATIONS"**: not legally binding – but may carry political weight

TERMINOLOGY & TYPOLOGY

SUPRANATIONAL ORGANIZATION - EU - SECONDARY LAW:

THE „NBR“: REGULATION (EU) 2018/1139 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2018

Chapter I Principles	<ul style="list-style-type: none">• Objectives• Scope• Definitions• Principles
Chapter II Aviation Safety Management	<ul style="list-style-type: none">• Implementation ICAO Annex 19 – European and State Safety Programme and Plan
Chapter III Substantive Requirements	<ul style="list-style-type: none">• Airworthiness & Environmental protection• Aircrew - Air Operations• Aerodromes - ATM/ANS• Air Traffic Controllers• Unmanned Aircraft• Third Country Operators

TERMINOLOGY & TYPOLOGY

SUPRANATIONAL ORGANIZATION - EU - SECONDARY LAW:

THE „NBR“: REGULATION (EU) 2018/1139 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2018

Chapter IV Joint Certification, Oversight and enforcement system	<ul style="list-style-type: none">• Rules for Competent Authorities• Transfer of responsibilities• Validity and recognition of certificates• Acceptance of third country certificates• Safeguard and Flexibility Provisions• Information exchange, incl. Repository
Chapter V EASA	<ul style="list-style-type: none">• Tasks• Internal structure• Working methods• Financial requirements
Chapter VI Final Provisions	<ul style="list-style-type: none">• Procedure for Delegated and Implementing Acts• Penalties• Repeals and Amendments• Transitional provisions• Entry into force

TERMINOLOGY & TYPOLOGY

SUPRANATIONAL ORGANIZATION - EU - SECONDARY LAW:

**THE „NBR“: REGULATION (EU) 2018/1139
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2018**

Annexes Essential Requirements	<ul style="list-style-type: none">• I – Excluded Aircraft• II – Airworthiness• III – Environmental Compatibility related to products• IV – Aircrew• V – Air Operations• VI – Qualified Entities• VII – Aerodromes• VIII – ATM/ANS and air traffic controllers• IX – Unmanned aircraft
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TERMINOLOGY & TYPOLOGY

SUPRANATIONAL ORGANIZATION - EU - SECONDARY LAW:

The «fine print»:

- Fact 1: It is of great practical importance how the acts adopted under the ordinary procedure are afterwards implemented in practice.
- Fact 2: The secondary law the European Union usually lays down general rules and regulations. The details are then elaborated in subsequent legislative acts.

→ The so-called "**delegated acts**" and "**implementing acts**" are intended to contribute to the effectiveness of norms in the EU and to the implementation of secondary law.

→ The authoritative body for the adoption of "delegated acts" and "implementing acts" is **the Commission**.

TERMINOLOGY & TYPOLOGY

SUPRANATIONAL ORGANIZATION - EU - DELEGATED ACTS:

Basis in Art. 290 TFEU: In order to reduce the flood of detailed norms and provisions, the Council and Parliament may authorize **the Commission** to adopt delegated acts.

→ Normally, it is about **additions or amendments to a legislative act** (e.g., an annex to an EU regulation).

However:

Even in the case of delegated legislation, the actual legislative bodies (EP and Council) are entitled to

- withdraw the power conferred on the Commission
- or
- raise objections to the Commission's decision within a reasonable period. If this is the case, the Commission decision shall not enter into force.

In both cases, it is sufficient for the Council or Parliament to take a decision by qualified majority.

TERMINOLOGY & TYPOLOGY

SUPRANATIONAL ORGANIZATION - EU - IMPLEMENTING ACTS:

General Rule: The Member States of the EU are responsible for adopting implementing provisions for the implementation of legislative acts.

However:

Pursuant to Article 291 TFEU, **the Commission** may be empowered to adopt implementing acts.

This is particularly the case **where uniform conditions are required** for the implementation of binding acts.

The EU Parliament may object to the implementing act. The Commission must take Parliament's opinion into account **but is not obliged to comply with it.**

TERMINOLOGY & TYPOLOGY

SUPRANATIONAL ORGANIZATION - EU - IMPLEMENTING ACTS, E.G:

14.2.2014

EN

Official Journal of the European Union

L 44/1

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 139/2014

of 12 February 2014

laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

design and safe operation of aerodromes referred to in Article 8a(5) before 31 December 2013.

Having regard to the Treaty on the Functioning of the European Union,

(4) In order to ensure a smooth transition and a high level of civil aviation safety in the Union, the Implementing Rules should reflect the state of the art and the best practices in the field of aerodromes; take into account the applicable International Civil Aviation Organisation (hereinafter referred to as 'ICAO') Standards and Recommended Practices, thereby respecting ICAO's respective classification throughout the system of rules; and worldwide aerodrome operation experience, and scientific and technical progress in the field of aerodromes; be proportionate to the size, traffic, category and complexity of the aerodrome and nature and volume of operations thereon; provide for the necessary flexibility for customised compliance; and cater for the cases of aerodrome infrastructure which has been developed, prior to the entry into force of this Regulation, in accordance with the different requirements contained in the national legislations of the Member States.

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1392/2002 and Directive 2004/36/EC⁽¹⁾, amended by Regulation (EC) No 1108/2009⁽²⁾, and in particular Article 8a(5) thereof,

Whereas:

(1) Regulation (EC) No 216/2008 aims at establishing and maintaining a high uniform level of civil aviation safety in Europe.

(2) The implementation of Regulation (EC) No 216/2008 requires the establishment of detailed Implementing Rules, in particular concerning the safety regulation of aerodromes, in order to maintain a high uniform level of civil aviation safety in the Union while pursuing the objective of an overall improvement in aerodrome safety.

(3) It requires the Commission to adopt the necessary Implementing Rules for establishing the conditions for the

(5) It is necessary to provide sufficient time for the aerodrome industry and Member States administrations to adapt to the new regulatory framework and to verify the continued validity of certificates issued before the entry into force of this Regulation.

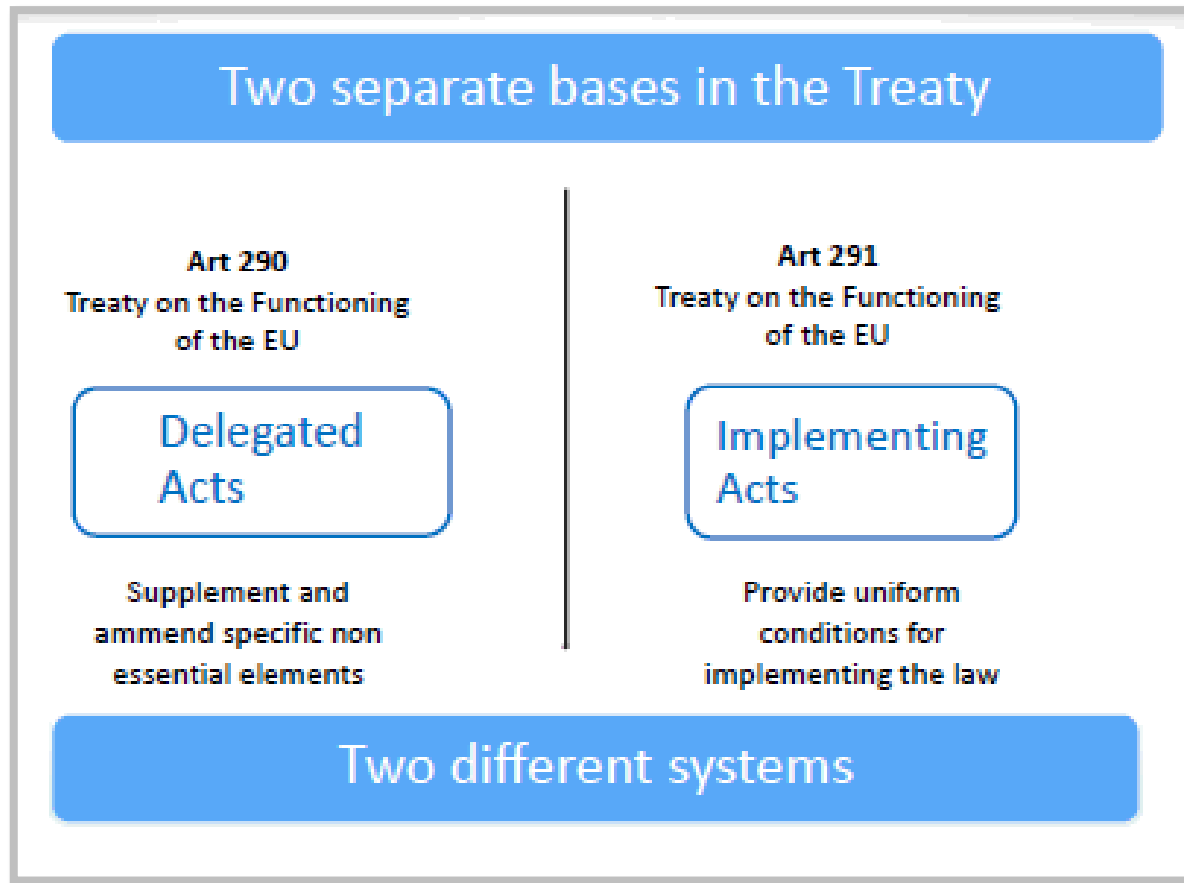
(6) With a view to ensuring uniformity in the application of common requirements, it is essential that common standards be applied by the Competent Authorities and, where applicable, the European Aviation Safety Agency ('the Agency') when assessing compliance with these requirements; the Agency should develop Acceptable Means of Compliance and Guidance Material to facilitate the necessary regulatory uniformity. The common requirements should cater for identical processes within the competent authorities across the different aviation

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

⁽²⁾ OJ L 309, 24.11.2009, p. 31.

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SUPRANATIONAL ORGANIZATION - EU – IMPLEMENTING/DELEGATED ACTS:



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SUPRANATIONAL ORGANIZATION - EU – IMPLEMENTING/DELEGATED ACTS:



Adoption process: Implementing Act



NOTE: Vote in the EASA Committee (Reps of Member States)!

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SUPRANATIONAL ORGANIZATION - EU – IMPLEMENTING/DELEGATED ACTS:



Adoption process: Delegated Act



NOTE: In the case of delegated acts, the Member States are only consulted - they have no right of appeal!

TERMINOLOGY & TYPOLOGY

SUPRANATIONAL ORGANIZATION - EU - DESIGNATION OF ACTS:

Since 2015, EU legal acts have been (newly) designated and numbered as follows:

Type of act (referenced Treaty → for aviation "EU") YYYY/No.

e.g.

REGULATION (EU) 2015/1

Regulation of the European Union (EU) from 2015 (always four-digit) with the sequential number (No. 1 = first legislative act in 2015).

Sequential numbers are assigned irrespective of the type of document and the underlying contract.

TERMINOLOGY & TYPOLOGY

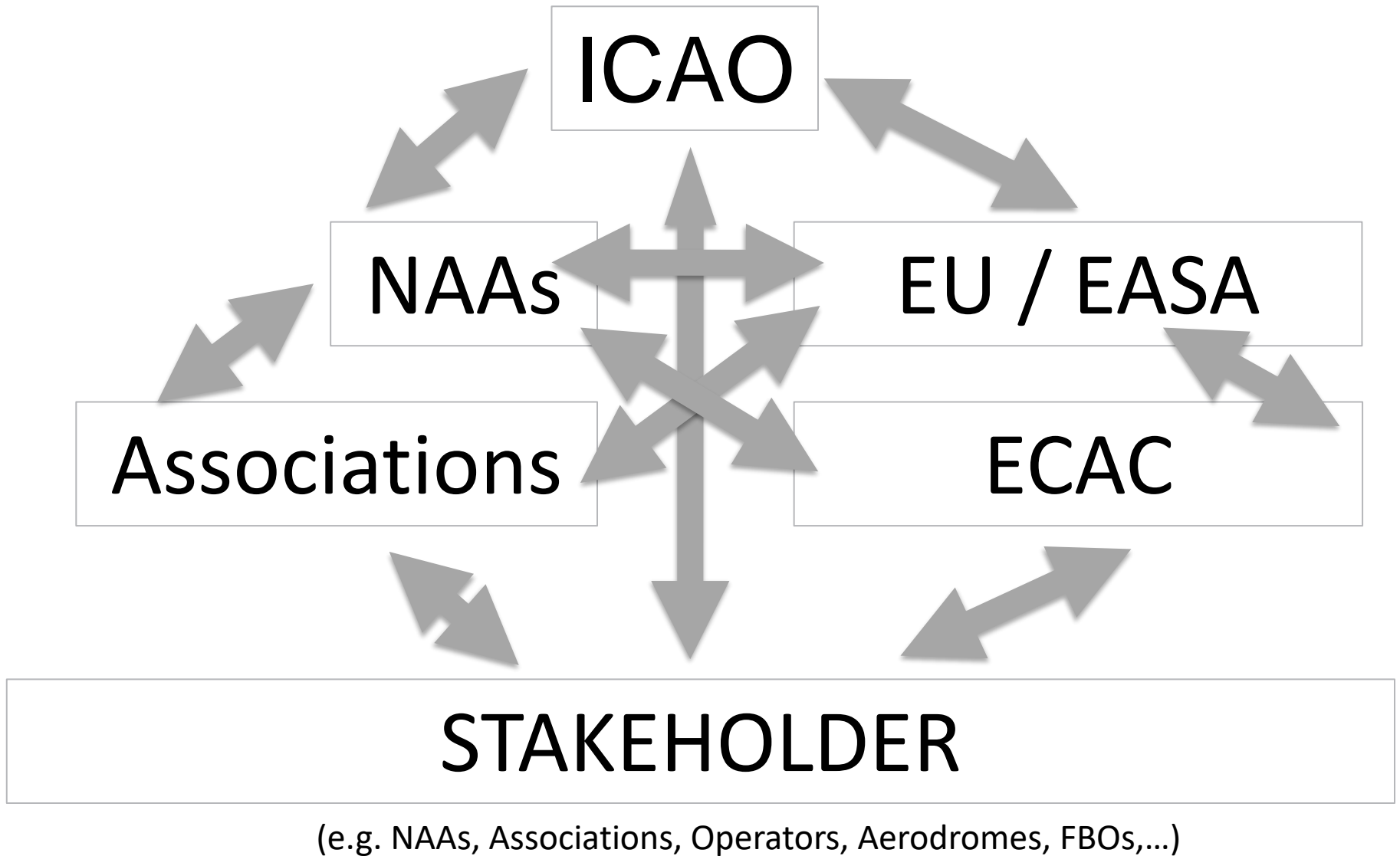
DIFFERENTIATION: SUPRANATIONAL VS. INTERNATIONAL (UMBRELLA-) ASSOCIATIONS:

- (Umbrella-) Associations are generally designed for the long term and are based on statutes.
- However, they are not carriers of rights and obligations under international law (and are therefore not "subjects of international law").
- They are entrusted with the independent performance of specific tasks (according to the association's purpose) for the benefit of an industry by their members (= classic association work)
- E.g.



- **Purpose:** Representation of (larger) airlines to the outside world and promotion of best practices within the industry
- **Founded:** 1919
- **Number of Members:** 260

OVERVIEW OF THE ORGANIZATIONS



THE ORGANIZATIONS IN DETAIL

THE ORGANIZATIONS IN DETAIL

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION

- United Nations specialized agency
- Headquarters in Montreal, Canada
- various ICAO regional offices (of which one near Paris)
- established by the Convention on International Civil Aviation of 7 December 1944 ("Chicago Convention") and operational from 13 May 1947
- today: 191 signatory states are ICAO members
- The most important task of the ICAO is to promote the harmonization of technical requirements for aviation. For this purpose, it issues "SARPs", "PANS", "SUPPs" and "Guidance Material" (= ICAO Technical Publications ") based on the Chicago Convention.



THE ORGANIZATIONS IN DETAIL

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION



ICAO's fields of action are:

- Safety
- Registration (ICAO-Codes)
 - Airworthiness
 - Security
- Fair competition
- Standardization
- Aviation Law

THE ORGANIZATIONS IN DETAIL

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION



- The bodies of the ICAO (according to ChC):
 - Assembly
 - Council
 - Air Navigation Commission [ANC]
 - Secretariat with its SecGen

- Assembly (Art. 48 ChC):
 - the supreme body of the ICAO → as such, it is authorized to amend the ChC.
 - consists of a representative of each Member State
 - meets at least every three years
 - 1 vote for each Member State
 - Resolutions are adopted by the (absolute) majority of the votes cast
 - Decisions to amend the ChC require a (qualified) 2/3 majority.

THE ORGANIZATIONS IN DETAIL

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION



- Council (Art. 50 ChC):
 - Executive Body: Delegation for the adoption of the Tech. Publs.
 - responsible for day-to-day management, may appoint committees
 - factually the most important body of the ICAO
 - Composition: 36 state representatives (1 vote/representative, vote by absolute majority)
 - The representatives of the 36 States are elected by the Assembly for a three-year term of office.
 - The following States are entitled to appropriate representation in the Council:
 - the most important air transport countries;
 - States which make the greatest contribution to the provision of facilities for international civil aviation;
 - States whose designation ensures that all major geographical areas of the world are represented in the Council.

THE ORGANIZATIONS IN DETAIL

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION



- Air Navigation Commission [ANC] (Art. 56 ChC):
 - The Commission is composed of 19 members.
 - The members are appointed by the Council.
 - Prerequisite for appointment: Members of the Commission must have experience in the scientific and practical fields of aviation.
 - Commission task: elaboration of SARPs and PANS
 - The formation (specialized) sub-committees is possible.

THE ORGANIZATIONS IN DETAIL

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION



SARPs:

(„Technical Publications“ of ICAO)

- „Standards and Recommended Practices“
- SARPs are the central "source of regulation" for aviation law.
- Article 37 of the Convention empowers the Council to issue SARPs for all areas relating to the safety, regularity or efficiency of international civil aviation.
- Fact: In terms of content and subject matter, the ICAO has considerable design freedom with the adoption of SARPs.
- The ICAO ANC is responsible for preparing the SARPs. It can create sub-committees for this purpose.
- The Council shall decide on the adoption of new SARPs by a qualified majority of 2/3 of the votes.
- However, the SARPs will only enter into force if the majority of Member States do not object.
- The possibility of Member States derogating from SARPs is not explicitly regulated, but it is implied.
- SARPs are thematically assigned to the annexes to the ChC.

THE ORGANIZATIONS IN DETAIL

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION

The SARPs are contained in the 19 thematic annexes of the ICAO:



- Annex 1 - Personnel Licensing
- Annex 2 - Rules of the Air
- Annex 3 - Meteorological Services
- Annex 4 - Aeronautical Charts
- Annex 5 - Units of Measurement
- Annex 6 - Operation of Aircraft
- Annex 7 - Aircraft Nationality and Registration Marks
- Annex 8 - Airworthiness of Aircraft
- Annex 9 - Facilitation
- Annex 10 - Aeronautical Telecommunications

- Annex 11 - Air Traffic Services
- Annex 12 - Search and Rescue
- Annex 13 - Aircraft Accident and Incident Investigation
- Annex 14 - Aerodromes
- Annex 15 - Aeronautical Information Services
- Annex 16 - Environmental Protection
- Annex 17 - Security
- Annex 18 - The Safe Transportation of Dangerous Goods by Air
- Annex 19 - Safety Management

THE ORGANIZATIONS IN DETAIL

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION

E.g. ICAO Annex 14 Vol. I „Aerodromes“:



THE ORGANIZATIONS IN DETAIL

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION

The „SARPs Challenge!“:

Definition **STANDARD** & **RECOMMENDATION**:



“STANDARD: ANY SPECIFICATION FOR PHYSICAL CHARACTERISTICS, CONFIGURATION, MATERIEL, PERFORMANCE, PERSONNEL OR PROCEDURE, 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 IMPOSSIBILITY OF COMPLIANCE, NOTIFICATION TO THE COUNCIL IS COMPULSORY UNDER ARTICLE 38.”

“RECOMMENDED PRACTICE: ANY SPECIFICATION FOR PHYSICAL CHARACTERISTICS, CONFIGURATION, MATERIEL, PERFORMANCE, PERSONNEL OR PROCEDURE, 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.**”

THE ORGANIZATIONS IN DETAIL

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION

The „SARPs Challenge!“ and Swiss Regulation/Practice:



Art. 6a LFG:

5. Anhänge zum Übereinkommen von Chicago und europäische Zusammenarbeit

Abs. 1: Der Bundesrat kann **ausnahmsweise einzelne Anhänge, einschliesslich zugehöriger technischer Vorschriften**, zum Übereinkommen vom 7. Dezember 1944 über die internationale Zivilluftfahrt als **unmittelbar anwendbar** erklären; er kann eine besondere Art der Veröffentlichung solcher Bestimmungen vorschreiben und bestimmen, dass von einer Übersetzung ganz oder teilweise abzusehen ist.

Abs. 2: Der Bundesrat kann diese Regelung ebenfalls auf die technischen Vorschriften anwenden, welche im Rahmen der Zusammenarbeit der europäischen Luftfahrtbehörden festgelegt werden

THE ORGANIZATIONS IN DETAIL

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION

Monitoring the implementation of SARPs:



The ICAO has neither a judiciary nor a system of sanctions for failure by one or more Member States to comply with the SARPs.

But "political pressure" applicable by the following means:

1. ICAO inspection programmes
2. „sanctions of reciprocity ", e.g. between states in bilateral agreements with each other
3. „Naming and blaming "- „Name and shame effect“ in the public arena

THE ORGANIZATIONS IN DETAIL

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION



The other ICAO decrees, besides the SARPs:

PANS:

(„Technical Publications“ of ICAO)

- „Procedures for Air Navigation Services“
- They have been developed over the years out of the practice of ICAO Standards.
- Difference between PANS and SARPs:
 1. They are adopted by the Council in a simplified procedure, i. e. in contrast to the adoption of the SARPs without the participation of the other Member States (not represented in the Council).
 2. PANS are usually less extensive than the SARPs, or...
 3. PANS have less content-related stability than SARPs.
 4. Generally, a derogation by a Member State from the PANS is **not** considered a significant safety concern.

THE ORGANIZATIONS IN DETAIL

ICAO - INTERNATIONAL CIVIL AVIATION ORGANIZATION



SUPPs:

(„Technical Publications“ of ICAO)

- „Supplementary Regional Procedures“
- SUPPs are related to PANS in content and legal terms.
- Unlike the PANS, SUPPs have only local or regional validity.
- Purpose: Consideration of regional or local characteristics.
- Restriction: SUPPs must not contradict SARPs and PANS.

Regional Air Navigation Plans (ANPs) and Guidance Material:

(„Technical Publications“ of ICAO)

- Regional ANPs: serve to define international air routes and the necessary facilities in cooperation between the ICAO and the countries concerned.
- Guidance Material: Circulars, Technical Manuals, etc. → for informational purposes,
→ "Tips & Tricks"

THE ORGANIZATIONS IN DETAIL

EASA – EUROPEAN AVIATION SAFETY AGENCY

- EU Agency (EU "lead authority" for safety/environment in civil aviation)
- Headquarters Cologne, DE + 4 agencies (CDN, USA, BEL, Ch)
- Foundation: 15.7.2002 by decision of EP and Council of the EU
- fully operational since 2006, currently 800 employees
- Before EASA started operations in 2003, all European countries were responsible for flight safety.
- Members: EU Member States + Norway, Iceland, Liechtenstein and Switzerland = Total 32 Member States
- Task of EASA: Create and monitor uniform and high safety/environmental standards. For this purpose, it can issue "soft law" (so-called "AMC", "CS", "GM").



THE ORGANIZATIONS IN DETAIL

EASA – EUROPEAN AVIATION SAFETY AGENCY BASED ON SHARED COMPETENCE:

Exclusive

Customs Union
Competition
Monetary
Marine resources
Commercial policy
International agreements (AETR)

Shared

- Internal market
 - Social
- Economic, social and territorial cohesion
- Agriculture and fisheries (except where exclusive)
 - Environment
- Consumer protection
- **Transport**
- Energy
 - Trans-European networks
- Freedom, security and justice
- Public health
- Research and technological development
- Space
- Development cooperation
- Humanitarian aid
-

Support

Human Health
Industry
Culture
Tourism
Education, vocational training, youth and sport
Civil protection
Administrative cooperation

IN THE EU, THE PRINCIPLE OF SUBSIDIARITY ALWAYS APPLIES.

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THE ORGANIZATIONS IN DETAIL

EASA – NAA – EC: DIVISION OF LABOUR

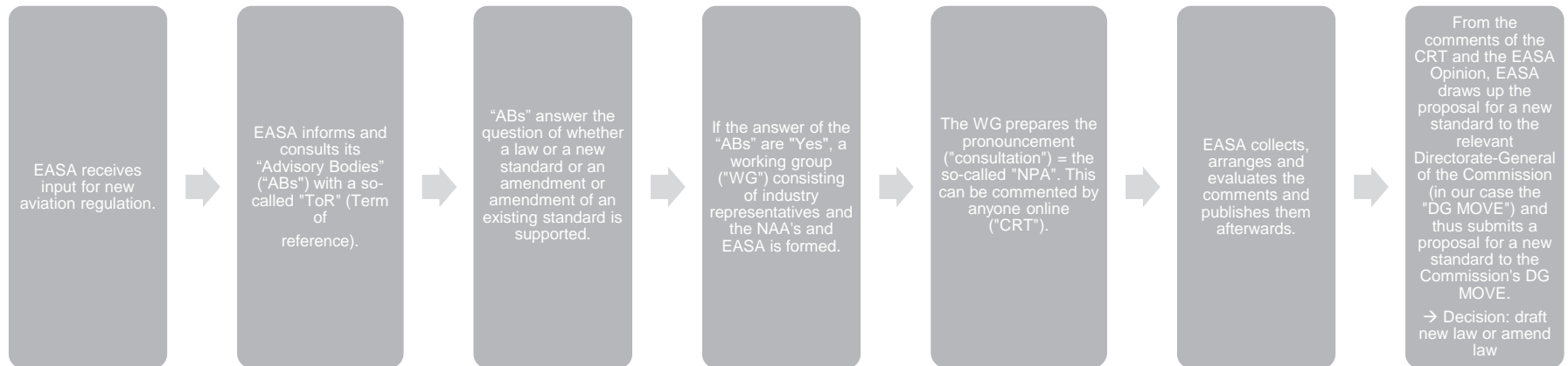


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THE ORGANIZATIONS IN DETAIL

EASA „PROPOSES RULES...“

PART I

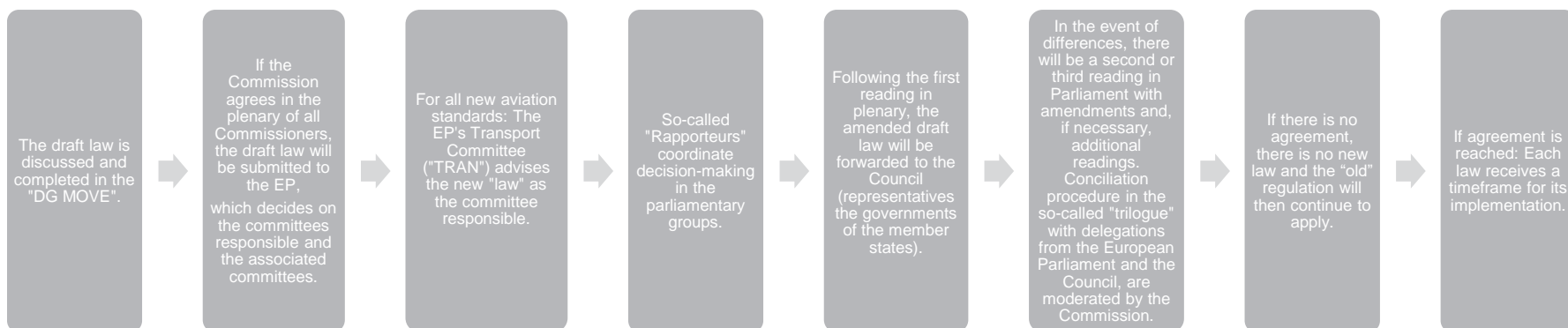


Duration to here about 18 months...

THE ORGANIZATIONS IN DETAIL

EASA „PROPOSES RULES...“

PART II



The parliamentary process leading up to first reading must take place within three months.

- With regards to Switzerland: Following the completed legislative process, the Commission sends the law to Berne for implementation (so-called "FAX democracy").
- The Joint Committee (called "Comité Mixte" Switzerland/EU) still discusses the new standards, but Switzerland can in fact only agree. Duration for this lasts about 3 to 6 months.

THE ORGANIZATIONS IN DETAIL



Latest information is available via <https://www.easa.europa.eu/regulations>
including Acceptable Means of Compliance, Guidance Material (AMC/GM) and Certification Specifications (CS)
View our FAQs via <https://www.easa.europa.eu/the-agency/faqs>

	IR: Implementing regulation OR: Delegated regulation	Annexes
Basic Regulation	IR: (EU) 2018/1139	
Initial Airworthiness	IR: (EU) No 748/2012	Annex I: Part-21
Additional airworthiness specifications for operations	IR: (EU) 2015/640	Annex I: Part-26
Continuing airworthiness	IR: (EU) No 1321/2014	Annex I: Part-M Annex II: Part-145 Annex III: Part-66 Annex IV: Part-147 Annex V: Part-T
Aircrew	IR: (EU) No 1178/2011	Annex I: Part-FCL Annex II: Conversion of non-EU licences Annex III: Licences of non-EU states Annex IV: Part-MED Annex V: Part-CC Annex VI: Part-ARA Annex VII: Part-ORA Annex VIII: Part-DTO
Air operations	IR: (EU) No 965/2012	Annex I: Definitions Annex II: Part-ARO Annex III: Part-ORO Annex IV: Part-CAT Annex V: Part-SPA Annex VI: Part-NCC Annex VII: Part-NCO Annex VIII: Part-SPO
Balloons - Air Operations	IR: (EU) 2018/395	Annex I: Part-DEF Annex II: Part-BOP
Third country operators	IR: (EU) No 452/2014	Annex I: Part-TCO Annex II: Part-ART
ATM/ANS	IR: (EU) 2017/373	Annex I: Definitions Annex II: Part-ATM/ANS.AR Annex III: Part-ATM/ANS.OR Annex IV: Part-ATS Annex V: Part-MET Annex VI: Part-AIS Annex VII: Part-DAT Annex VIII: Part-CNS Annex IX: Part-ATFM Annex X: Part-ASM Annex XI: Part-ASD Annex XII: Part-NM Annex XIII: Part-PERS
ATCO	IR: (EU) 2015/340	Annex I: Part-ATCO Annex II: Part-ATCO.AR Annex III: Part-ATCO.OR Annex IV: Part-ATCO.MED
Aircraft users requirements (ACAS II)	IR: (EU) No 1332/2011	Annex: ACAS
Aircraft usage requirements (PBN)	IR: (EU) 2018/1048	Annex: Subpart PBN
SERA	IR: (EU) No 923/2012	Annex: Standardised European rules of the air
Aerodromes	IR: (EU) No 139/2014	Annex I: Definitions Annex II: Part-ADR.AR Annex III: Part-ADR.OR Annex IV: Part-ADR.OP5
SKPI - Safety Key Performance Indicators	IR: (EU) 2019/317	
Sailplanes - Air Operations	IR: (EU) 2018/1976	Annex I: Part-DEF Annex II: Part-SAO
Unmanned Aircraft Systems (UAS) (Rules and procedures for the operation of unmanned aircraft)	IR: (EU) 2019/947	Annex: UAS ops in the 'Open' and 'Specific' categories
Unmanned Aircraft Systems (UAS) (Rules for design and manufacture of Unmanned aircraft systems and rules for third-country operators of unmanned aircraft systems)	DR: (EU) 2019/945	Annex: Annex

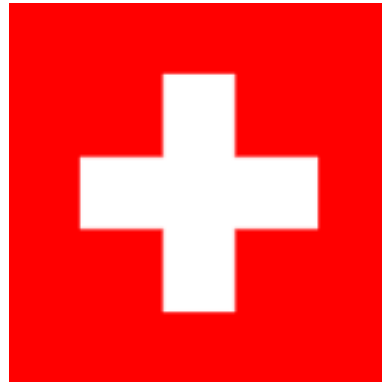
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EASA REGULATION STRUCTURE

[WWW.EASA.EUROPA.EU/REGULATIONS](https://www.easa.europa.eu/regulations)

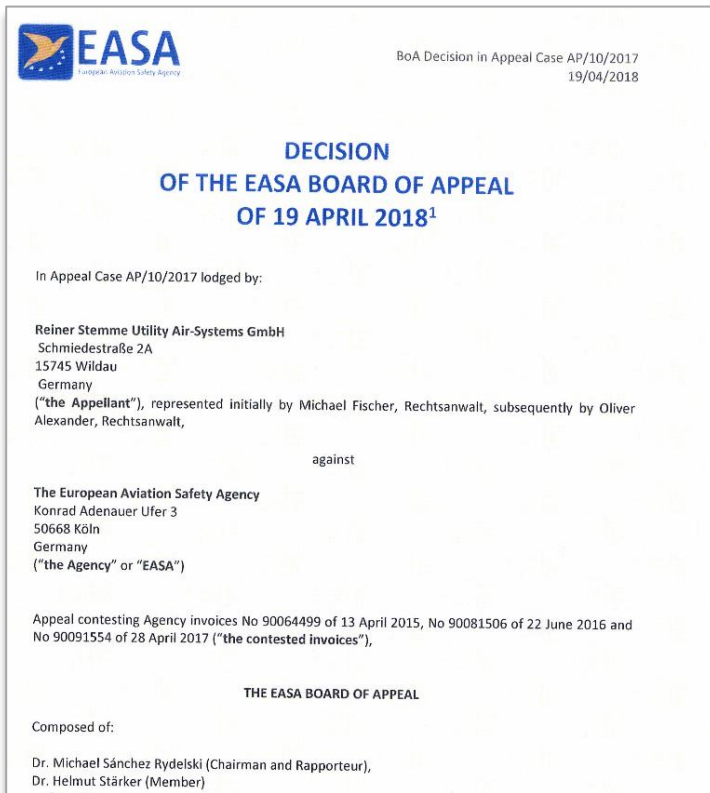
IMPLEMENTATION OF EASA REGULATIONS IN SWITZERLAND: EXAMPLE AERODROMES



- Generally: Comité Mixte CH-EU meets roughly 6 months after the date of applicability of a new European regulation.
- Further Swiss-only flexibility: Implementation Plan is installed in cooperation with aerodromes by FOCA
- Additional Swiss-only flexibility: 8-month time limit for each Exemption starting with FOCA approval (more flexibility)

THE ORGANIZATIONS IN DETAIL

EASA „ISSUES SOME CERTIFICATES...“ & EASA'S BOARD OF APPEAL



- Possibility of complaint if, for example, a certificate is rejected by EASA as the leading authority.
- The Board of Appeal is barely known!
- flexible: covers all EU official languages
- "Specialized court,, for:
 - Investigation of undertakings;
 - Airworthiness and Environmental Certification;
 - Fees & Charges regulation.
- relatively quick decisions

THE ORGANIZATIONS IN DETAIL: ADDITIONAL ORGANIZATIONS

ECAC:

(„European Civil Aviation Conference“ → regional sub-organization of ICAO)

- founded in cooperation between the Council of Europe and the ICAO
- In addition to the European Commission and Eurocontrol, it has 44 member states.
- ECAC shares offices near Paris with ICAO's Regional Office for Europe.
- While the ICAO's representatives in Paris are working thematically on (technical) aviation safety, the ECAC has experts in flight safety, audits and environmental protection.



EUROCONTROL:

(„European ORGANIZATION for the Safety of Air Navigation“)

- Task: Central coordination of air traffic control in Europe
- Objective: to develop a seamless European air traffic management system



CONCLUSIONS

CONCLUSIONS

- AVIATION IS A GLOBAL INDUSTRY. IT NEEDS STABILITY, CONTINUITY AND EFFICIENCY.
- STANDARDISATION AND LEGAL CERTAINTY ARE TO BE WELCOMED IN PRINCIPLE.
 - ISSUE #1:"REGULATORY FLOOD" AND (VERY) DISTRIBUTED KNOWLEDGE
- ISSUE #2: ORGANIZATION WITHIN THE AVIATION COMMUNITY OR AMONG AVIATION STAKEHOLDERS
- ISSUE #3: GLOBALIZATION VS. SOVEREIGNTY OF THE INDIVIDUAL STATES
 - ISSUE #4: REGULATOR & INDUSTRY "OUT OF SYNC"?
 - ISSUE #5: COMPETENT JUDICIARY?
- IN CONCLUSION, THE QUESTION ARISES: HOW CAN THESE CHALLENGES OF AN ENTIRE INDUSTRY BE MET?

What was your
previous
experience
with the
International
Aviation
Institutions?

