



## **Civil Aviation Authority of Sri Lanka**

### **MAKING NEW LAWS OR AMENDMENTS TO THE EXISTING LAWS, RELATING TO CIVIL AVIATION**

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This Directive bearing reference No. D-003 is issued under the powers vested in the DGCA under Section 2 and 3 of the Civil Aviation (Interim) Regulations No. 01 of 2002. It supersedes the Directive No. DG-002 dated 3 June 2010. Every member of the CAASL staff shall be familiar with and be guided by the contents in the Schedule hereto when attending to his or her official duties and functions.

In case of a doubt or absence of guidance in regard to a particular issue, a clarification should be sought from the Director General of Civil Aviation.

H.M.C.Nimalsiri,  
Director General of Civil Aviation and  
Chief Executive Officer.

Civil Aviation Authority of Sri Lanka,  
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31 August 2016.

## **SCHEDULE**

### **PART - I**

#### **1. The Attorney General's Advice or Opinion**

- 1.1. Every communication addressed to the Attorney-General should be signed by the DGCA & CEO or an officer duly authorized by him.
- 1.2. When the advice or opinion of the Attorney-General is sought, the point on which such advice or opinion is sought should be stated precisely.
- 1.3. Attorney General should be furnished with a full and complete statement of the facts of the case together with references to the relevant pages of any office file that is forwarded.
- 1.4. If the Attorney General has been consulted before on the same question reference should be quoted to any previous opinions given by him.
- 1.5. The Attorney-General should not be consulted on hypothetical cases.
- 1.6. The Attorney-General should not be consulted for advice on the construction of laws, except with reference to the facts of a case that has actually arisen for decision.
- 1.7. The Attorney-General should not be requested to approve draft contracts leases or other instruments, the terms of which have not received the sanction of the appropriate authorities. Any request for a draft contract, lease or other instrument should be accompanied by a complete statement (in duplicate) of the terms and conditions approved by the appropriate authority.
- 1.8. Every draft contract, lease or other instrument in so far as it includes any clauses covering matters relating to income taxes, other taxes and duty exemptions has to be approved by the Secretary, Ministry of Finance and Planning before it is sent to the Attorney-General for approval.
- 1.9. The Attorney-General should not be requested to advise on legislation which is in draft. However the Attorney-General may advise on the legal principles in any contemplated legislation.
- 1.10. A legal opinion expressed by the Attorney-General should not be communicated to any Local Authority, public corporation, private body or individual without prior written consent of the Attorney-General.

#### **2. Draft Legislation**

- 2.1. A request for a draft of legislation should in all cases be accompanied by a memorandum containing the fullest possible instructions for the guidance of the Legal Draftsman in the preparation of the draft.

- 2.2. After the Cabinet has determined the Government's programme of legislation and the order of priority in which the several bills will be introduced, the Secretary to the Cabinet, may communicate the Cabinet conclusions to each Secretary and the Legal Draftsman for their information.
- 2.3. The Secretary to the Cabinet will also communicate to these officers any amendment of the order of priority.
- 2.4. The Legal Draftsman may be requested to draft a Bill only if such Bill is included in the programme or the President has authorized the request on the ground of urgency or, the object of the Bill is an amendment of an Ordinance or Act and the amendment does not involve any question of policy that should be decided by the Cabinet.
- 2.5. Every request for a draft Bill should be addressed to the Legal Draftsman through the Secretary to the Ministry of Justice by the Secretary to the Ministry making the request.
- 2.6. If the proposed legislation concerns also a subject or function assigned to another Ministry or to an organization not assigned to the line Ministry, the request should bear on it an endorsement by the Secretary to such other Ministry or the Head of such department, to the effect that the relevant organization concurs with the request.

### **3. Subordinate Legislation**

- 3.1. For the purpose of this section "Subordinate-Legislation" includes a Rule, Regulation By-law, Proclamation, Order and Notification having the effect of law.
- 3.2. The draft of any subordinate legislation which is required by the Civil Aviation Authority should be prepared by the respective Staff and forwarded to the Authority through the DGCA & CEO and Chief Executive Office for approval and subsequently forwarded to the Ministry for concurrence.
- 3.3. The draft of any subordinate legislation presented by the Authority should be sent to the Legal draftsman for revision only if such subordinate legislation is not modeled on previous subordinate legislation of a similar or substantial nature revised by the Legal Draftsman.
- 3.4. Where any draft of subordinate legislation has to be sent to the Legal Draftsman for revision, the draft must be in duplicate and printed such that there is sufficient space between the lines of typescript for amendments to be written.
- 3.5. If the Attorney-General has been consulted regarding any question of law relating to such legislation, the draft should be accompanied by a copy of the Attorney-General's advice and a copy of the letter by which such advice was sought.

- 3.6. Any subordinate legislation required by the Civil Aviation Authority will be revised by the Legal Draftsman only if such legislation has to be approved by the President or a Minister before it becomes law.
- 3.7. Where any request for the revision of such legislation by the Legal Draftsman has to be made under the preceding sub-section 3:4, the request should be made by the DGCA & CEO or an officer duly authorized by him, through the Secretary to the line Ministry.

#### **4. Institution of an action by the Civil Aviation Authority**

- 4.1. When the DGCA & CEO of the Civil Aviation Authority intend to institute a suit on behalf of the Civil Aviation Authority, he should make application to the Attorney-General.
- 4.2. Application to the Attorney-General for the institution of legal proceedings, whether civil or criminal or for advice as to the charges to be made in any prosecution or for the release of an officer to conduct any prosecution or to appear at any proceeding should be accompanied by the following documents in duplicate:-
  - (a) A comprehensive statement of the facts of the case;
  - (b) A list of the witnesses on whose evidence the case is based;
  - (c) A list of all the relevant documents together with two copies of each of the documents;
  - (d) The statements of the witnesses;
  - (e) A list together with copies of report of expert witnesses, such as Medical Officers, the Government Analyst, the Government Examiner of Questioned Documents or the Registrar of Finger Prints.
- 4.3. If the DGCA & CEO considers that an order of acquittal made by a Magistrate or Judge of the Primary Court in a case prosecuted by it is incorrect or that the punishment imposed by a Magistrate or a Judge of a Primary Court in a case prosecuted by it is inadequate, the DGCA & CEO should make a report promptly to the Attorney-General, in order that he may, if he thinks fit, appeal to the Court of Appeal against such order. If a certified or other copy of the proceedings has been obtained, it should be forwarded to the Attorney-General.

#### **5. Defence of an action against the Civil Aviation Authority**

- 5.1. When a notice of action against the Government is served on the DGCA & CEO or other officer, the DGCA & CEO should immediately communicate with the Attorney-General, forwarding a full and complete statement of the case with reference to the relevant pages of the Civil Aviation Authority file, which should be forwarded at the same time.

- 5.2. The Head of a Department should furnish the Attorney-General with all such information as may be required for the defence of any action by him.

## **6. Defence of an action against officers in their official capacity**

- 6.1. If the DGCA & CEO receives notice of a civil action in respect of an act purporting to be done by him in his official capacity, he should consult the Attorney-General without delay, forwarding the notice of action together with the relevant departmental file and a comprehensive statement of the facts of case.
- 6.2. If the Attorney-General is of opinion that he should undertake the defence of that action, he will apply to Court for the substitution of the Attorney-General as a party defendant in the action in place of such public officer, or take steps to appear and defend in that action as may be appropriate.
- 6.3. If an officer of Civil Aviation Authority receives notice of a civil action in respect of an act purporting to be done by him in his official capacity, he should communicate immediately with the Chief Executive Officer, who should consult the Attorney-General in the same manner as in sub-section 6:1.
- 6.4. If the Attorney-General is of opinion that he should undertake the defence of such officer, he will apply to Court for the substitution of the Attorney-General as a party defendant in the action in place of such public officer, or take steps to appear and defend in that action as may be appropriate.
- 6.5. If, in either of the cases referred to above, the Attorney-General is of opinion that he should not undertake the defence of the action, he should forward the papers, along with the reasons for his opinion, to the Minister of Justice.
- 6.6. If the Attorney-General does not undertake the defence of a civil action against an officer of the Civil Aviation Authority, that officer should arrange for his own defence through his lawyers, and may, where necessary, apply for re-imburement of his legal expenses or for an advance to meet these expenses.
- 6.7. If criminal proceedings are instituted against an officer of the Civil Aviation Authority in respect or an act purporting to be done by him in his official capacity, he should arrange for his defence through his own lawyers and may seek re-imburement of his expense at the conclusion of the legal proceedings.
- 6.8. Where in proceedings for the enforcement of fundamental rights under Article 126 of the Constitution, allegations of a personal nature including allegations of torture or assault are made against any officer of the Civil Aviation Authority, such officer should arrange for his defence through his own lawyers and may seek re-imburement of his expenses at the conclusions of such proceedings.

## **7. Institution of an action by an officer of the Civil Aviation Authority in his personal capacity**

- 7.1. No steps must be taken by an officer to institute legal proceedings in a personal capacity in connection with a matter arising out of the discharge of his duty as an officer of the Civil Aviation Authority without the previous consent of the Secretary to be applied for through the Chief Executive Officer. The Secretary may, in cases of doubt, consult the Attorney-General.

## **PART II – ICAO, SARPS AND GUIDANCE MATERIAL**

### **1. The International Civil Aviation Organization (ICAO)**

- 1.1. Creating and modernizing Standards and Recommended Practices (SARPs) is the responsibility of the International Civil Aviation Organization, (ICAO), the specialized agency of the United Nations whose mandate is to ensure the safe, efficient and orderly evolution of international civil aviation.
- 1.2. ICAO has its headquarters in Montreal, Canada, with seven regional offices throughout the world. From its beginning in 1944 it has grown to an organization with over 189 Contracting States, to date.
- 1.3. ICAO's aim is the safe and orderly development of all aspects of international civil aeronautics. It provides the forum whereby requirements and procedures in need of standardization may be introduced, studied and resolved.
- 1.4. The charter of ICAO is the Convention on International Civil Aviation, drawn up in Chicago in December 1944, and to which each ICAO Contracting State is a party. Sri Lanka ratified the Convention on 01 June 1948 and became a member of the International Civil Aviation Organization.
- 1.5. According to the Convention, the Organization is made up of an Assembly, a Council and a Secretariat. The chief officers are the President of the Council and the Secretary General.
- 1.6. The Assembly, composed of representatives from all Contracting States, is the sovereign body of ICAO. It meets every three years, reviewing in detail the work of the Organization, setting policy for the coming years and establishing a triennial budget. The Assembly elects the Council, the governing body for a three-year term.

- 1.7. The Council is composed of members from 36 States who maintain their offices and conduct their business at the ICAO Headquarters. It is in the Council where Standards and Recommended Practices are adopted and incorporated as Annexes to the Convention on International Civil Aviation.
- 1.8. With regard to the development of Standards, the Council is assisted by the Air Navigation Commission in technical matters, the Air Transport Committee in economic matters and the Committee on Unlawful Interference in aviation security matters.
- 1.9. The principal body concerned with the development of technical Standards and other provisions is the Air Navigation Commission. Its primary role is to advise the Council of ICAO on air navigation issues. It is composed of fifteen experts with appropriate qualifications and experience in various fields of aviation. Its members are nominated by Contracting States and are appointed by the Council. They are expected to function as independent experts and not as representatives of their States.
- 1.10. The Air Navigation Commission is assisted in its work by the technical personnel of the Air Navigation Bureau, which is a part of the Secretariat.
- 1.11. The Secretariat, headed by a Secretary General, is divided into five main divisions: the Air Navigation Bureau, the Air Transport Bureau, the Technical Co-operation Bureau, the Legal Bureau, and the Bureau of Administration and Services.
- 1.12. The bureaux are divided into Sections, which - in the case of the Air Navigation Bureau - correspond each to an area of responsibility in one or more related fields.

## 2. Forms of Standards and Recommended Practices

- 2.1. Sixteen out of eighteen Annexes to the Convention are of a technical nature and therefore fall within the responsibilities of the Air Navigation Bureau and its sections. The remaining two Annexes, Facilitation and Security, are under the purview of the Air Transport Bureau.
- 2.2. Since the majority of the Annexes concern technical issues, it is focused on them when the development process is described.
- 2.3. ICAO standards and other provisions are developed in the following forms
  - a. Standards and Recommended Practices(SARPs);
  - b. Procedures for Air Navigation Services(PANS);
  - c. Regional Supplementary Procedures (SUPPs);and, d. Guidance Material in several formats
- 2.4. A **Standard** is defined as any specification for physical characteristics, configuration, material, 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 of the Convention.

2.5. A **Recommended Practice** is any specification for physical characteristics, configuration, material, 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 endeavor to conform in accordance with the Convention. States are invited to inform the Council of non-compliance.

2.6. SARPs are formulated in broad terms and restricted to essential requirements.

For complex systems such as communications equipment, SARPs material is constructed in two sections: core SARPs - material of a fundamental regulatory nature contained within the main body of the Annexes, and detailed technical specifications placed either in Appendix to Annexes or in manuals. The differences to SARPS notified by States are published in Supplements to Annexes.

2.7. **Procedures for Air Navigation Services (or PANS)** comprise operating practices and material too detailed for Standards or Recommended Practices - they often amplify the basic principles in the corresponding Standards and Recommended Practices. To qualify for PANS status, the material should be suitable for application on a worldwide basis. The Council invites Contracting States to publish any differences in their Aeronautical Information Publications when knowledge of the differences is important to the safety of air navigation.

2.8. The provisions for Annex 18, Dangerous Goods, are supplemented by **Technical Instructions for the Safe Transport of Dangerous Goods by Air**. While these detailed instructions do not have the status of SARPs or PANS, they do have a special status by which the Contracting States are requested to achieve compliance.

2.9. **Regional Supplementary Procedures (or SUPPs)** have application in the respective ICAO regions. Although the material in Regional Supplementary Procedures is similar to that in the Procedures for Air Navigation Services, SUPPs do not have the worldwide applicability of PANS.

2.10. **Guidance Material** is produced to supplement the SARPs and PANS and to facilitate their implementation. Guidance material is issued as Attachments to Annexes or in separate documents such manuals, circulars and lists of designators/addresses. Usually it is approved at the same time as the related SARPS are adopted.

2.11. **Manuals** provide information to supplement and/or amplify the Standards and Recommended Practices and Procedures for Air Navigation Services. They are



specifically designed to facilitate implementation and are amended periodically to ensure their contents reflect current practices and procedures.

- 2.12. **Circulars** make available specialized information of interest to Contracting States. Unlike manuals, circulars are not normally updated.

### 3. Origin of Proposals for SARPs

- 3.1. How are SARPs created? What makes them so effective today and how can they ensure the safe, efficient and orderly growth of international civil aviation in the years to come? are important questions to which the CAASL staff should know answers.
- 3.2. The answer lies in the four "C's" of aviation: cooperation, consensus, compliance and commitment. Cooperation in the formulation of SARPs, consensus in their approval, compliance in their application, and commitment of adherence to this on-going process.
- 3.3. The formulation of new or revised SARPs begins with a proposal for action from ICAO itself or from its Contracting States. Proposals also may be submitted by international organizations.

### 4. Development of SARPs

- 4.1. For technical SARPs, proposals are analyzed first by the Air Navigation Commission, or ANC. Depending on the nature of the proposal, the Commission may assign its review to a specialized working group.
- 4.2. Meetings are, of course, the main vehicle for progress in the air navigation field, although much of the preparatory work is accomplished by correspondence. It is through a variety of meetings that most of the work is finalized and the necessary consensus reached.
- 4.3. In the development, a number of consultative mechanisms are used: Air Navigation meetings are divisional-type meetings devoted to broad issues in the air navigation fields. They can be either divisional meetings dealing with issues in one or more related fields or air navigation conferences normally having a "theme" covering issues in more than one field. All Contracting States are invited to participate in these meetings with equal voice. Interested international organizations are invited to participate as observers.
- a. ANC panels are technical groups of qualified experts formed by the ANC to advance, within specified time frames, the solution of specialized problems which cannot be solved adequately or expeditiously by the established facilities of the ANC and the Secretariat. These experts act in their expert capacity and not as representatives of the nominators.

- b. Air Navigation study groups are small groups of experts made available by States and international organizations to assist the ICAO Secretariat, in a consultative capacity, in advancing progress on technical tasks.
  - c. Council technical committees are established to deal with problems involving technical, economic, social and legal aspects, for the resolution or advancement of which expertise is required that is not available through the normal Council means, are also instrumental in developing ICAO SARPs.
- 4.4. In summary, technical issues dealing with a specific subject and requiring detailed examination are normally referred by the ANC to a panel of experts. Less complex issues may be assigned to the Secretariat for further examination, perhaps with the assistance of an air navigation study group.

## **5. Review of Draft SARPs**

- 5.1. These various groups report back to the Air Navigation Commission in the form of a technical proposal either for revisions to SARPs or for new SARPs, for preliminary review.
- 5.2. This review is normally limited to consideration of controversial issues which, in the opinion of the Secretariat or the Commission, require examination before the recommendations are circulated to States for comment.
- 5.3. The original recommendations for core SARPs along with any alternative proposals developed by the Air Navigation Commission are submitted to Contracting States and selected international organizations for comment.
- 5.4. Detailed technical specifications for complex systems are made available to States upon request and are submitted to a validation process. States are normally given three months to comment on the proposals.
- 5.5. Standards developed by other recognized international organizations can also be referenced, provided they have been subject to adequate verification and validation.
- 5.6. The comments of States and international organizations are analyzed by the Secretariat and a working paper detailing the comments and the Secretariat proposals for action is prepared.
- 5.7. The Commission undertakes the final review of the recommendations and establishes the final texts of the proposed amendments to SARPs, PANS and associated attachments.
- 5.8. The amendments to Annexes recommended by the Commission are presented to the Council for adoption under cover of a "Report to Council by the President of the Air Navigation Commission".

## 6. Adoption/Publication of Annex Amendments

- 6.1. The Council reviews the proposals of the Air Navigation Commission and adopts the amendment to the Annex if two-thirds of the members are in favour.
- 6.2. Within two weeks of the adoption of an Annex amendment by the Council, an interim edition of the amendment, referred to as the "**Green Edition**", is dispatched to States with a covering explanatory letter. This covering letter also gives the various dates associated with the introduction of the amendment.
- 6.3. Policy prescribes that Contracting States be allowed three months to indicate disapproval of adopted amendments to SARPs.
- 6.4. A further period of one month is provided for preparation and transit time, making the Effective Date approximately four months after adoption by Council.
- 6.5. There should be a period of four months between an amendment's Effective Date and its Applicability Date. However, this can be longer or shorter as the situation requires. The Notification Date is normally one month prior to the Applicability Date.
- 6.6. Provided a majority of States have not registered disapproval, the amendment will become effective on the Effective Date.
- 6.7. On the Notification Date, which is one month prior to the Applicability Date, the States must notify the Secretariat of any differences that will exist between their national regulations and the provision of the Standard as amended. The reported differences are then published in supplements to Annexes.
- 6.8 Pursuant to the Chicago Convention, Sri Lanka is obliged to notify ICAO of the differences between their national regulations and practices and any corresponding Recommended Practices contained in an Annex to the Convention. When notifying such differences, they should be categorized on the basis of whether the corresponding national regulations are;
  - (a) More exacting or exceeds the ICAO Standard or Recommended Practice (SARP) (Category A). This category applies when the national regulation is more demanding than the corresponding SARP, or imposes an obligation within the scope of the Annex which is not covered by a SARP. This is of particular importance where Sri Lanka requires a higher standard which affects the operation of aircraft of other Contracting States in and above its territory;
  - (b) Different in character or other means of compliance (Category B). This category applies when the national regulation is different in character from the corresponding ICAO SARP, or when the national regulation differs in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation; and

(c) Less protective or partially implemented / not implemented (Category C).

This category applies when the national regulation is less protective than the corresponding SARP; or when no national regulation has been promulgated to address the corresponding SARP, in whole or in part.

- 6.8. Immediately after the Effective Date, a letter is sent announcing that the amendment has become effective and the Secretariat takes action to issue the "Blue Edition" which is the form of the amendment suitable for incorporation in the Annex or PANS.
- 6.9. On the Applicability Date, States must implement the amendments unless, of course, they have notified differences.
- 6.10. To limit the frequency of Annex and PANS amendments, the Council has established one common applicability date for each year. This date is chosen from the schedule for the regulation of amendments to Aeronautical Information Regulation and Control (AIRAC) for the month of November.
- 6.11. The result of this adoption procedure is that the new or amended Standards and Recommended Practices become part of the relevant Annex.
- 6.12. It takes on average 2 years from the Preliminary Review by the ANC to the applicability date. Although this process may seem lengthy at first glance, it provides for repeated consultation and extensive participation of States and international organizations in producing a consensus based on logic and experience.
- 6.13. Cooperation and consensus have thus provided international aviation with the vital infrastructure for safe and efficient air transport. The third "C", compliance, brings this comprehensive regulatory system to life.

## **7. Approval/Publication of other Annex Material and Procedures**

- 7.1. Attachments to Annexes, although they are developed in the same manner as Standards and Recommended Practices, are approved by Council rather than adopted.
- 7.2. Regional Supplementary Procedures, because of their regional application, do not have the same line of development as the previously mentioned amendments; they also must be approved by Council.
- 7.3. The proposed amendments to PANS are approved by the Air Navigation Commission, under power delegated to it by the Council, subject to the approval by the President of the Council after their circulation to the Representatives of the Council for comment.

- 7.4. Manuals and circulars are published under authority of the Secretary General in accordance with principles and policies approved by Council.

### **PART III - PROCEDURES FOR THE LOCAL IMPLEMENTATION OF ICAO SARPS AND BEST PRACTICES AND/OR FILING DIFFERENCES WITH ICAO**

#### **1. Receipt of ICAO proposed Recommendations concerning SARPS**

- 1.1. On notification by the ICAO Secretariat for proposal for amendment of an Annex, it is the duty of the Director, Research, Development and Special Programme (D/RD&SP) to download immediately the ICAO State Letters relating to the original recommendations (for core SARPs along with any alternative proposals) developed by the Air Navigation Commission and forward them to the respective Deputy Director General (who is hereinafter referred to as subject DDG) who is responsible for the subject matter with copy to DGCA. The most preferred communications in this regard is through e-mails. D/RD&SP shall maintain hard copies of all relevant communication in respect of the subject matter.
- 1.2. Subject DDG should discuss the original recommendations contained in the ICAO State Letter with the senior officials of the relevant sections of the CAASL and ascertain the degree of impact of the proposed recommendations on the local aviation industry and submit a written report together with his recommendations to the DGCA & CEO within two weeks from the date of receipt of the proposed ICAO recommendations. The Subject DDG's report shall contain the impact assessment of the proposed ICAO recommendations on each of the current eight Critical Elements of the State' Safety Oversight System, if the recommendations are locally implemented. The format to be used for the purpose is given in the Attachment hereto. If the subject DDG requires more details regarding the original recommendations of ICAO, he/she may call for additional information concerning the recommendations from the Secretary-General, ICAO directly.
- 1.3. For the purpose aforementioned, each Subject DDG shall maintain a separate folder to handle correspondence relating to SARPS and their local implementation in respect of each ICAO Annex that the Sectional Head is responsible for. The folder shall contain the impact assessment on the eight critical elements of the State Safety Oversight System.
- 1.4. DGCA & CEO, having considered the recommendations of the Subject DDG together with the impact assessment, will issue necessary instructions to the Subject DDG on the subject. DGCA & CEO may also consider referring the matter to the industry for comments if the proposed recommendations have significant impact on the industry.
- 1.5. If the matter is referred to the industry for comments, the Subject DDG should convene a meeting with the industry and briefly explain to the industry of the proposed recommendations. If the industry has significant concerns on the proposals, such concerns may be invited in writing within specified time, with reasons therefor.

- 1.6. After having necessary internal consultations within the CAASL and industry consultations, if required, the Subject DDG shall prepare a draft reply for the signature of the DGCA/CEO to the ICAO on the proposed recommendations reasoning out Sri Lanka's position, if there are matters to which Sri Lanka cannot agree upon or if Sri Lanka consider a different cause of action would be required. In this context, comments of Sri Lanka should be normally classified as "agreement with or without comments", "disagreement with or without comments" or "no indication of position". For the preparation of comments of the States, the forms given in the respective Attachment may be used.
- 1.7. Reply to ICAO shall be copied to the D/RD&SP who is responsible for ensuring that reply to each ICAO State Letter is sent to ICAO Headquarters within the stipulated time period by ICAO. If it is apparent that a reply cannot be sent within the stipulated time, an interim reply should be sent.

## **2. Green Edition of SARPS/PANS**

- 2.1. On notification by the ICAO Secretariat, it is the duty of the D/RD&SP to download immediately the ICAO State Letters relating to the adoption of SARPS/PANS which is referred to as "**Green Edition**" (refer Para 6.2 of Part II) and to forward them to the respective Subject DDG (who is hereinafter referred to as Subject DDG) who is responsible for the subject matter with copy to DGCA.
- 2.2. Subject DDG should discuss the contents in the Green edition with the senior officials of the relevant sections of the CAASL and ascertain the degree of impact of the contents therein with the local practices and submit a written report together with his recommendations to the DGCA & CEO within five weeks from the date of receipt of the Green Edition.
- 2.3. The Subject DDG should identify the instruments that would be needed to the existing legislations, regulations, organizational arrangement which includes personnel and training, guidance material, certification procedures, surveillance and enforcement arrangements in order to give effect to the proposed changes envisaged by the Green Edition.
- 2.4. It is also necessary for the Subject DDG to identify the initial and recurrent training needs that would be required to implement the proposed SARP/PANS.
- 2.5. If the amendment has an impact on the industry, it is vital that the Subject DDG should convene a meeting of all parties which will be affected by the amendment and appraise them of the new SARPS/PANS. It is also important to appraise them of the date on which the new requirement will come into effect.

- 2.6. If the industry demands that they be given more time to conform to the requirements, Subject DDG should bring such requests to the attention of the DGCA. It is also necessary to ascertain the local situation carefully in relation to the implementation of the proposed recommendations of a SARP and decide on date(s) as to when the new recommendations shall come into effect in Sri Lanka.
- 2.7. On perusal of the Report submitted by the Subject DDG, DGCA & CEO will issue necessary instructions for further action on the subject matter.
- 2.8. If the DGCA, decides that proposed SARPs should not be locally implement in Sri Lanka, he may instruct the Subject DDG to prepare notification to the ICAO disapproving the proposed amendment and filing State's variations that would exist in respect of the relevant SARPs. Notification to ICAO in respect of a difference in PANS is not require but such difference should be included in the AIP. Accordingly Subject Director shall, before the deadline given in the relevant State Letter, inform ICAO if there is any part of the adopted Standards and Recommended Practices (SARPs) amendments in the respective notice which Sri Lanka Government wishes to register disapproval, using the form given in the letter. It is important to note that only statements of disapproval needs to be registered and it shall contain any differences that will exist on the Applicable Date between the national regulations or practices and the provisions of the whole of the relevant Annex, as amended by all amendments up to and including the last Amendment and thereafter of any further differences that may arise. In the event of existence of any difference between the national requirements and that of ICAO, it is also necessary to inform ICAO, the date or dates by which such differences would be eliminated to conform to the requirements of the relevant amendment to the Annex.
- 2.9. It is important to underscore that a registration of disapproval of particular amendment or any part of it in accordance with Article 90 of the Convention does not constitute a notification of differences under Article 38 of the Convention. To comply with the latter provision, a separate statement is necessary if any differences do exist. It is recalled in this respect that international Standards in Annexes have a conditional binding force, to the extent that the State or States concerned have not notified any difference thereto under Article 38 of the Convention.
- 2.10. The ICAO Assembly, at its 38th Session (24 September – 4 October 2013) resolved that Member States should be encouraged to use the Electronic Filing of Differences (EFOD) System when notifying differences (Resolution A38-11, refers). EFOD is currently available on the Universal Safety Oversight Audit Programme (USOAP) restricted website (<http://www.icao.int/usoap>) which is accessible by all Member States. Subject DDG should use EFOD for notification of compliance and differences. Guidance on the determination and reporting of differences is usually given in the Note on the Notification of Differences as an Attachment to the relevant ICAO Green Letter.
- 2.11. It is pertinent to note that a detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.

- 2.12. It is necessary that a copy of State notifications, referred to above is sent to the ICAO Regional Office – Bangkok as well.
- 2.13. In the event it is decided to file differences with ICAO, it is the duty of the Subject DDG to take action to list such differences in the Sri Lanka Aeronautical Information Publication, in coordination with the D/RD&SP who shall be finally responsible for ensuring that the Sri Lanka differences in respect of SARPS are published in the Sri Lanka AIP in time.
- 2.14. D/RD&SP shall monitor in liaison with the Subject DDG and ensure that the requisite responses of CAA-Sri Lanka are sent to ICAO Secretariat, within the stipulate dates.
- 2.15. If the DGCA & CEO decides that the proposed amendment to SARPs/PANS should be implemented in Sri Lanka, the Subject DDG should take appropriate action to effect necessary changes to relevant local rules, regulations, procedures, practices, checklists, job guides and other guidance materials as necessary on or before the Applicability Date.
- 2.16 Subject DDG should also ensure that the Training Plan of the CAASL is updated appropriately in order to provide the CAASL staff with necessary training for the effective implementation of the relevant SAPRS/PANS.

### 3. Blue Edition

- 3.1. On notification by the ICAO Secretariat, the D/RD&SP shall take immediate action to download the relevant **Blue Edition** of the SARPs/PANS concerned and update the CAASL documents accordingly. If needed, copies of the Amendment and the Resolution of Adoption which are available as attachments to the electronic version of the relevant State letter may be downloaded from the ICAO-NET (<http://portal.icao.int>).
- 3.2. On receipt of the Blue Edition, the Main Technical Library shall take steps to amend the corresponding ICAO documents in the Main Technical Library and those in the Sectional Libraries as required and update the records accordingly. It shall also ensure that authenticated copies of the Blue Edition are distributed amongst all officials who are dealing with the subject matter.
- 3.3. Subject DDG should take steps to educate the CAASL internal staff of the measures taken by the CAASL in order to implement the relevant SARPs/PANS.
- 3.4. If the relevant SARPs/PANS have an effect on the industry, the Subject DDG should convene a meeting of all who would be affected by the new SARPs/PANS and educate them of the measures taken by the CAASL for their local implementation.
- 3.5. It is the duty of Subject DDG to ensure that all applicable Critical Elements required for the effective implementation of the new SARP have been sufficiently dealt with on or before the Applicability Date.



- 3.6. There shall be a written proof in the respective folder maintained by the Subject DDG in regard to all steps taken for the effective implementation of an amendment to an ICAO Annex.
- 3.7. Internal Audit and Quality Survey of the CAASL shall be responsible for monitoring of the effective implementation of the contents in this Directive and report to the Authority forthwith, if any non-compliance is detected.

This directive supersedes the previous directive No. DG 002 dated 3<sup>rd</sup> June April 2010.