



CIVIL AVIATION AUTHORITY OF SRI LANKA

MANAGEMENT CIRCULAR

**REQUIREMENTS TO BE COMPLIED WITH, IN UPDATING THE
LOCAL CIVIL AVIATION LEGAL FRAMEWORK**

This Management Circular bearing Reference No. MC-2018-02 is issued under the provisions contained in Paragraph 4.4.2 of Chapter 4 “Duties and Obligations of Employees” of the Manual of Staff and Administrative Rules (SLCAP-5000) of the Civil Aviation Authority of Sri Lanka (CAASL) and by virtue of powers vested in the DGCA in terms of Regulation 5 (2) of the Air Navigation Regulations of 1955 and Section 2 of the Civil Aviation (Interim) Regulations No. 01 of 2002.

It supersedes the Management Circular MC-2018-01 dated 3rd March 2018 and shall come into force with immediate effect.

The main objective of this Management Circular is to specify the rulemaking process of the CAASL to enable timely development and promulgation of specific operating regulations in compliance with the ICAO Annexes.

Part I of this Management Circular details the procedures involved in the development of legal framework. Part II deals with the procedures to be followed for the local implementation of ICAO SARPs and Industry Best Practices and Filing of Differences with ICAO.

Every member of the CAASL staff shall be sufficiently familiar with information contained herein and be fully guided by the contents/instructions hereof when attending to his or her duties and functions involving any matter connected with or incidental to updating of the local civil aviation legal framework governing activities coming under the purview of the CAASL.

In case of a doubt or absence of specific 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,
152/1, Minuwangoda Road
Katunayaka.

11 June 2018.



**REQUIREMENTS TO BE COMPLIED WITH, IN UPDATING THE
LOCAL CIVIL AVIATION LEGAL FRAMEWORK**

PART – I

1.1. The Attorney General's Advice or Opinion

- 1.1.1. Every communication addressed to the Attorney General should be signed by the DGCA & CEO or an officer duly authorized by him.
- 1.1.2. 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.
- 1.1.3. 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.
- 1.1.4. If the Attorney General has been consulted before on the same question reference should be quoted to any previous opinions given by him.
- 1.1.5. The Attorney General should not be consulted on hypothetical cases.
- 1.1.6. 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.
- 1.1.7. 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.
- 1.1.8. 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.
- 1.1.9. 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.
- 1.1.10. 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.

1.2. Draft Legislation

- 1.2.1. 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.
- 1.2.2. 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.



- 1.2.3. The Secretary to the Cabinet will also communicate to these officers any amendment of the order of priority.
- 1.2.4. 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.
- 1.2.5. 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.
- 1.2.6. 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.

1.3. Subordinate Legislation

- 1.3.1. For the purpose of this section “Subordinate Legislation” includes a Rule, Regulation By law, Proclamation, Order, Implementing Standards, Directives, Directions and Notification having the effect of law.
- 1.3.2. The draft of any Regulation or Order which is required by the Civil Aviation Authority should be prepared by the respective Staff and forwarded to the DGCA & CEO for approval and subsequently forwarded to the Ministry for issue under the signature of the Minister in terms of Section 117 of the Civil Aviation Act.
- 1.3.3. 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.
- 1.3.4. 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.
- 1.3.5. 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.
- 1.3.6. Any Regulation or Order required by the Civil Aviation Authority will be revised by the Legal Draftsman only if such Regulation or Order has to be approved by the President or a Minister before it becomes law.
- 1.3.7. 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.



1.4. Implementing Standards / Directions

- 1.4.1. Section 120 of the Civil Aviation Act No. 14 of 2010 make provision for the DGCA to issue whenever he considers it necessary or appropriate to do so, such Implementing Standards for the purpose of giving effect to any of the provisions of the Act including the Articles of the Convention specified in the Schedule to the Act or any regulations or rules made thereunder.
- 1.4.2. Section 121 of the Civil Aviation Act No. 14 of 2010 make provision for the DGCA to issue to all operators and licence holders providing aeronautical services, such general or special directions in regard to any matter connected with or relating to the maintenance of public safety and welfare of the citizens of Sri Lanka and it shall be the duty of all such operators and licence holders, as the case may be, to comply with such directions.
- 1.4.3. The general principle followed by the DGCA in giving effect to an ICAO Annex and/or any amendment thereto is to issue an Implementing Standard / Aviation Safety Notices as provided under the Civil Aviation (Interim) Regulations of 2002 and under Section 120 of the Civil Aviation Act.

1.5. Institution of an action by the Civil Aviation Authority

- 1.5.1. 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.
- 1.5.2. 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.
- 1.5.3. 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.



1.6. Defence of an action against the Civil Aviation Authority

- 1.6.1. 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.
- 1.6.2. 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.

1.7. Defence of an action against officers in their official capacity

- 1.7.1. 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.
- 1.7.2. 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.
- 1.7.3. 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 1.6.1.
- 1.7.4. 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.
- 1.7.5. 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.
- 1.7.6. 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 reimbursement of his legal expenses or for an advance to meet these expenses.
- 1.7.7. If criminal proceedings are instituted against an officer of the Civil Aviation Authority in respect of 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 reimbursement of his expense at the conclusion of the legal proceedings.
- 1.7.8. 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 reimbursement of his expenses at the conclusions of such proceedings.

1.8. Institution of an action by an officer of the Civil Aviation Authority in his personal capacity

- 1.8.1. 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 Authority to be applied for through the Chief Executive Officer. The Authority may, in cases of doubt, consult the Attorney General.



Civil Aviation Authority of Sri Lanka

REQUIREMENTS TO BE COMPLIED WITH, IN UPDATING THE LOCAL CIVIL AVIATION LEGAL FRAMEWORK

PART II

PROCEDURES FOR THE LOCAL IMPLEMENTATION OF ICAO SARPS AND BEST PRACTICES AND/OR FILING DIFFERENCES WITH ICAO

2.1. Receipt of ICAO proposal for amendment of SARPs

- 2.1.1. **Internal Correspondence:** On notification by the ICAO Secretariat for proposal for amendment of an Annex (Technical Proposal), the Deputy Director General, Corporate Affairs and Economic Regulations (DDG/CAER) shall download immediately the ICAO State Letters relating to the original proposal for amendment of a SARP and forward them to the respective Deputy Director General (who is hereinafter referred to as subject DDG) who shall be responsible for the subject matter, with copy to DGCA. The most preferred means of communications in this regard is through e mail. DDG/CAER shall maintain hard copies of all relevant communications in respect of the subject matter.
- 2.1.2. **Impact Assessment:** Subject DDG should discuss the ICAO original proposal for amendment of SARP with the senior officials of the relevant sections of the CAASL and ascertain the degree of impact of the proposed amendment on the local aviation industry and the existing regulatory regime and submit a written report together with his recommendations to the DGCA & CEO (Use Appendix: [Section -A](#)) within two weeks from the date of receipt of the proposed ICAO recommendations.
- 2.1.3. **Effect on Critical Elements:** The Subject DDG's report shall contain the impact assessment of the proposed amendment to the SARP on each of the current eight Critical Elements of Safety Oversight System of Sri Lanka, if the amendment is to be locally implemented. The format to be used for the purpose is given in the Appendix hereto. If the subject DDG requires more details regarding the original proposal of ICAO, they may be called from the Secretary General, ICAO directly and shall be submitted to the DGCA without delay.
- 2.1.4. **Record keeping:** For the purpose aforementioned, each Subject DDG shall maintain a separate folder to handle correspondence relating to SARPs their amendments and 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 Safety Oversight System of Sri Lanka and also the general impact of the proposed amendment on the industry.
- 2.1.5. **Position on the preliminary proposal:** DGCA, having considered the recommendations of the Subject DDG and the regulatory impact assessment reports on both the eight critical elements and local industry, will issue necessary instructions to the Subject DDG on the subject. DGCA may also consider referring the matter to the industry for comments if the proposed recommendations have significant impact on the industry.



- 2.1.6. **Industry consultation:** If the matter was referred to the industry for comments, the Subject DDG should convene a meeting with the industry within two weeks from the DGCA's decision and briefly explain to the industry of the proposed amendments. If the industry has significant concerns on the proposals, such concerns may be invited in writing within two weeks, with reasons therefor.
- 2.1.7. **Decision on the Preliminary Proposal:** After having necessary internal consultations within the CAASL and with industry, if required, the Subject DDG shall prepare a draft reply for the signature of the DGCA/CEO to the ICAO on the position of Sri Lanka on the proposed amendment. If there are matters to which Sri Lanka cannot agree upon or if Sri Lanka consider, a different cause of action may be proposed.
- 2.1.8. **Initial response to ICAO:** When notifying the ICAO on the position of Sri Lanka, Subject DDG shall be guided by the format given by ICAO. Accordingly 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 of the ICAO State Letter may be used. Notification to ICAO may be sent by e-mail and printed copy shall be maintained in the respective folder for reference and audit purposes. It is advised to update the ICAO State Letter directory maintained under secured web portal, with the reply being sent.
- 2.1.9. **Time span for initial response:** Reply to ICAO shall be copied to the DDG/CAER who is responsible for ensuring that reply to each ICAO State Letter is sent to ICAO Headquarters within the stipulated time period by ICAO which in this case should be within three (3) months from the date of the State Letter. If it is apparent that a reply cannot be sent within the stipulated time, an interim reply should be sent.

2.2. Green Edition of SARPs/PANS

- 2.2.1. **Receipt of Green Edition:** On notification by the ICAO Secretariat, DDG/CAER shall download immediately the ICAO State Letters relating to the adoption of SARPs/PANS which is referred to as "**Green Edition**" and forward same to the respective Subject DDG with copy to DGCA for further action.
- 2.2.2. **Determination of Sri Lanka's position:** 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 (Use Appendix: [Section -B](#)) together with his recommendations to the DGCA & CEO within three (3) weeks from the date of receipt of the Green Edition enabling the DGCA to make final determination. If the amendment has a significant impact on the industry that requires heavy investment on change of equipment, facilities or services, it is vital that the Subject DDG convenes 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 globally and the date by which the industry shall conform to the local requirement, if the amendment is implemented. 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 etc. in order to give effect to the proposed changes envisaged by the Green Edition together with the cost estimate and time frame involved for implementation. It shall include the initial and recurrent training needs that would be required to implement the proposed SARP/PANS.

- 2.2.3. **Industry Comments:** 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 provisions of a SARP and decide on date(s) as to when the new provisions shall come into effect in Sri Lanka.
- 2.2.4. After receiving the DGCA's decision on the Green Letter, the Subject DDG shall,
- a. before **Effective Date** (indicated in the State Letter) of the amendment inform ICAO if there is any part of the adopted Standards and Recommended Practices (SARPs) in the relevant amendment concerning which Sri Lanka wishes to register disapproval, using the form provided for the purpose. It is necessary to note that only statements of disapproval need to be registered. This may be skipped if Sri Lanka has no disapproval for any part.
 - b. before the **Notification Date** (indicated in the State Letter) inform ICAO of the following, using the Electronic Filing of Differences (EFOD) System or the form in Attachment to the State Letter, provided for the purpose:
 1. any differences that will exist on the **Applicable Date** (indicated in the respective State Letter) between the national regulations or practices of Sri Lanka and the provisions of the whole of Annex, as amended by all amendments up to and including the last Amendment, and thereafter of any further differences that may arise;
 2. the date or dates by which Sri Lanka will have complied with the provisions of the whole of Annex, as amended by all amendments up to and including last amendment.
- 2.2.5. 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 hence a separate statement is necessary if any differences do exist.
- 2.2.6. It is necessary that a copy of State notifications, referred to above is sent to the ICAO Regional Office – Bangkok as well.
- 2.2.7. In the event it is decided to file differences with ICAO, the Subject DDG shall take steps to list significant differences in Sri Lanka Aeronautical Information Publication, in coordination with the DDG/CAER who shall be finally responsible for ensuring that Sri Lanka significant differences in respect of SARPs are published in Sri Lanka AIP in time.
- 2.2.8. **Implementation of the new SARP:** If the DGCA & CEO decides that the new SARPs/PANS approved by the Council should be implemented in Sri Lanka, the Subject DDG should take appropriate action to effect necessary changes in the overall Safety Oversight System of Sri Lanka, as explained below depending on the circumstances.



- a. **Amendment to Civil Aviation Act:** If there is no provision in the existing legislative provision in the Civil Aviation Act to give effect to the new SARP either as a Regulation, steps shall be taken to amend the Act as specified under paragraph 1.1.2 of Part I.
- b. **Making Regulations:** If the new SARP requires promulgation of new Regulations, under provisions in the existing legislation, subject DDG shall follow the process of making regulations as explained under paragraph 1.1.3 of Part I.
- c. **Issue of Implementing Standard:** If the new SARP can be given effect to under the existing provisions in the Act or any of the Regulations made thereunder which is in force,
 - i. the subject DDG shall prepare a draft of the Implementing Standards to give effect to the new SARP as per the Standard Procedures (Ref. HROM-OP-0012) for the issuance of the Implementing Standard and submit same for the approval of the DGCA.
 - ii. Once the Implementing Standard is approved, it shall be sent to the Manager, Document and Web Management, for its formatting, issuing and dissemination.
 - iii. Manager, Document and Web Management shall maintain a complete, accurate and updated list of all Implementing Standards issued by DGCA.
 - iv. Manager, Document and Web Management shall publish an updated list of Implementing Standards in the AIP and Government Gazette twice a year with six months interval.
 - v. An Implementing Standards shall come into effect at least 30 days after the date of issue, unless otherwise specifically decided by the DGCA for reasons to be recorded on the subject file.
- d. **Management Circular / Staff Instruction:** If the new SARP requires changes only in the internal procedures then respective subject DDG shall take necessary action to issue Management Circular or Staff Instruction, as may be applicable, under the signature of the DGCA.
- e. **Significant Differences:** If, any significant differences would exist with the national arrangement and the new SARP, subject DDG shall also draft the proposed differences to be filed with ICAO taking into accounts the requirements stated under Section 4 of this Part and take necessary actions to file differences with ICAO after obtaining approval from the DGCA.
- f. **Notice for Proposed Rule Making (NPRM)** If the new SARP requires amendment to the Civil Aviation Act, it need not follow the formal rule making process as the parliamentary process take care of it. In all other cases of regulatory development, the formal process of Rulemaking shall be followed. Accordingly “Notice for Proposed Rule Making” should be given with at least three weeks’ of notice for submission of industry comments which shall be followed by consultative process.
- g. **Change of existing requirements:** In the event that the existing regulatory requirements need to be changed or revoked consequent to the new SARP, subject DDG shall carry out a detailed analysis in order to ascertain how it would affect the industry and/or CAASL document holders. Adequate provisions shall be made to ensure business continuity and/or to allow approval holders to carry on with the existing arrangements for a period to be decided by the DGCA, prior to new law coming into effect and the existing regulations



to be rescinded. The subject DDG shall ensure an Implementing Standard, as discussed with the industry and finally agreed is issued as early as possible but before expiry of four months of the date of issue of the Green letter.

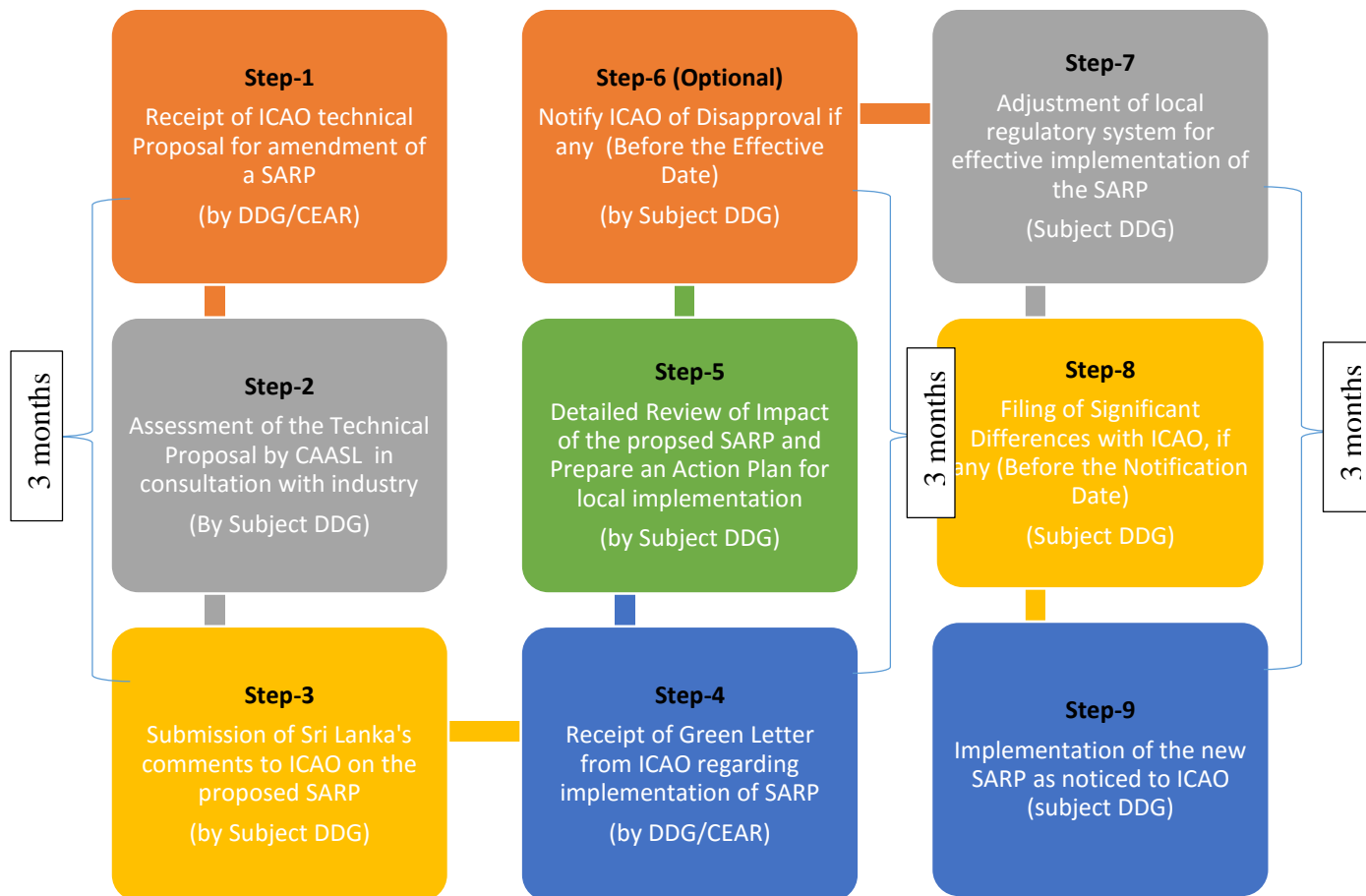
- h. Guidance Material:** With the development of Regulatory material, subject DDG shall take steps either to update or develop anew the following in order to give effect to the new requirement on or before the Applicability Date.
 - Manual of Procedures (for the internal / external use)
 - Explanatory Material
 - Job Guides / Handbooks
 - Checklists (certification / surveillance/ regulatory audit)
 - Enforcement Mechanism
- i. Training:** With the change of regulatory framework, it is necessary to educate the CAASL staff of the change. Accordingly subject DDG shall initiate the process for the amendment of the CAASL Master Training Plan, Position Competency Development Scheme (PCDS), Employee Competency Development Scheme (ECDS), Employee Triennium Training Plan (ETTP) and Employee Annual Training Plan (ATTP) as appropriate, so that the skills required for the implementation of new requirements are adequately addressed.
- j. Creating awareness:** Subject DDG shall convene a meeting of industry personnel to whom the new amendment would be applicable, in order to create an awareness of the regulatory intent and the mechanism for implementation and enforcement.
- k. Budgeting:** Subject DDG shall also prepare a Budget Estimate and submit same to DGCA for the allocation of necessary funds for the successful implementation of an amendment to a SARP.
- l. Action Plan:** Subject DDG shall prepare a detailed Action Plan (Road Map) (Use Appendix: [Section -C](#)) with the indication of time periods, targets to be achieved for the full implementation of the new requirement proposed under the Annex amendments together with the associated costs, for the approval of the DGCA & CEO.

2.3. Blue Edition

- 2.3.1. On notification by the ICAO Secretariat, the DDG/CAER 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>) and be distributed amongst all CAASL staff concerned.
- 2.3.2. On receipt of the Blue Edition, the Manager, Document and Web Management, 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. The Manager, Document and Web Management shall also ensure that authenticated copies of the Blue Edition are distributed amongst all officials who are dealing with the subject matter.



- 2.3.3. Subject DDG shall take steps to educate the CAASL internal staff of the measures taken by the CAASL in order to implement the relevant SARPs/PANS.
- 2.3.4. If the relevant SARPs/PANS have an effect on the industry, the Subject DDG shall 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 as a follow up measure.
- 2.3.5. 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.
- 2.3.6. 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.
- 2.3.7. Director, Internal Audit and Quality Survey of the CAASL shall be responsible for monitoring of the effective implementation of this Circular and report to the Authority forthwith, if any non-compliance is detected.
- 2.3.8. The whole process involving local implementation of SARPs can be summarized as shown in the following chart. The time taken between Step-1 and Step-3 shall not be more than three months from the date of ICAO State Letter on the intention to amend the relevant Annex. The time taken between Step 4 and Step 6 should not be more than three months from the date of receipt of the Green letter. All work involving the implementation of an amendment to an Annex shall be completed by the Applicable Date and position of Sri Lanka shall be notified to ICAO by the Notification Date.



2.4 Publication of Significant Differences in the AIP

2.4.1. The primary purpose of reporting differences is to promote safety and efficiency in air navigation by ensuring that governmental and other agencies, including operators, concerned with international civil aviation are made aware of all national rules and practices in so far as they differ from those prescribed in the ICAO Annexes, Procedures for Air Navigation Services and Regional Supplementary Procedures. If identified in AIP, significant differences would not only provide a clear picture of the operational significance of the differences to users of that document, but facilitate the process of isolating and eliminating those that do not have an important bearing on the safety of air navigation or are inconsistent with the objectives of the ICAO provisions. It therefore follows that all the provisions in ICAO Annexes that are Standards are significant, and that any differences between the national regulations or practices of Sri Lanka and the related ICAO Standards are differences which must be notified.

2.4.2. Any deviation from SARPs that needs to be taken into account in aircraft operations, as indicated below, constitutes a “significant difference” and all such significant differences notified to ICAO must also be included in the AIP in a form that will enable a user to differentiate easily between the national rules and practices of Sri Lanka and the related ICAO provisions. They comprise differences from:

- a. any of the International Standards;



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- b. Recommended Practices that are important for the safety of air navigation or, in the case of facilitation, for the speedy handling and clearance through customs, immigration, etc. of aircraft and the loads they carry;
 - c. Procedures for Air Navigation Services (PANS) that are important for the safety of air navigation; and,
 - d. Regional Supplementary Procedures (SUPPS) that are important for the safety of air navigation.
- 2.4.3. Further guidance on the identification and notification of differences, examples of well-defined differences and examples of model processes and procedures for management of the notification of differences can be found in the ICAO Manual on Notification and Publication of Differences (Doc 10055) and CAASL staff shall be guided by those guidance material.
- 2.4.4. Differences approved by DGCA shall be notified by subject DDG to ICAO either :
- a. by sending to ICAO Headquarters a form on notification of compliance or differences; or
 - b. through the Electronic Filing of Differences (EFOD) System at www.icao.int/usoap.
- 2.4.5. When notifying differences, the following information should be provided:
- a. the number of the paragraph or subparagraph which contains the SARP to which the difference relates;
 - b. the reasons why Sri Lanka does not comply with the SARP, or considers it necessary to adopt different regulations or practices;
 - c. a clear and concise description of the difference; and,
 - d. intentions for future compliance and any date by which Sri Lanka plans to confirm compliance with and remove its difference from the SARP for which the difference has been notified.

2.5. Structure of Implementing Standard

- 2.5.1. In the development of the Implementing Standard to give effect to an Annex provision, subject DDG shall be guided by the explanatory material given in Foreword of the Annex, for the determination of regulatory contents that should be included.
- 2.5.2. The English word “shall” be used for local implementation of a Standard where compliance is expected to be mandatory. The word “should” shall be used in respect of a “Recommended Practices” which are widely considered to be “Standards awaiting”, as the Civil Aviation Act does not give sweeping power to the DGCA for forced implementation of Recommended Practices until they are elevated to be the status of Standards. However, by accommodating Recommended Practices in the Implementing Standards, the industry will be well informed of the global trends and future directions and be motivated for self-application of Best Practices.



However, local regulatory enforcement shall be confined only to Standards unless a Recommended Practice has been specifically given status of a Standard with the word “shall”.

- END -



Civil Aviation Authority of Sri Lanka

Local Implementation of an amendment to ICAO Annex / PANS

Section - A

Initial Response of Sri Lanka in respect of a proposal for amendment to a Annex/PANS

(this part should be completed on initial receipt of proposal for an amendment to an Annex/PANS)

1.1. ICAO State Letter Reference	Click here to enter text.	1.2. Date	Click here to enter text.
1.3. Name of Annex / PANS	Click here to enter text.	1.4. Amendment No:	Click here to enter text.
1.5. Subject	Click here to enter text.	1.6. CAA Reference	Click here to enter text.
1.7. Date by when reply required		Click here to enter text.	
1.8. Action required by ICAO letter		Click here to enter text.	
1.9. Place where additional information regarding the subject matter can be obtained		Click here to enter text.	
1.10. Names of Personnel / Organizations consulted regarding the proposal with dates		Click here to enter text.	
1.11. Comments of the Head of Section, Signature and Date		Click here to enter text.	
1.12. Comments of the Head of Division, Signature and Date		Click here to enter text.	
1.13. Sri Lanka's position as recommended by the Head of Division, Signature and Date		Click here to enter text.	
1.14. Decision of the DGCA/CEO		Click here to enter text.	
1.15. Reply to ICAO (use ICAO format)	File Reference	Click here to enter text.	
	Date	Click here to enter text.	



Civil Aviation Authority of Sri Lanka

Local Implementation of an amendment to ICAO Annex / PANS

Section - B

Response of Sri Lanka concerning adoption of an amendment to a Annex/PANS

(This part shall be completed on receipt of the Green notice)

2.1. ICAO State Letter Reference		Click here to enter text.		2.2. Date	Click here to enter text.	
2.3. Name of Annex / PANS		Click here to enter text.	2.4. Amendment No:		Click here to enter text.	
2.5. Subject		Click here to enter text.		2.6. CAA Reference	Click here to enter text.	
2.7. Summary of the proposed amendment		Click here to enter text.				
2.8. Effective Date	Click here to enter text.	2.9. Applicable Date	Click here to enter text.	2.10. Date of Reply expected	Click here to enter text.	
2.11. Action required by ICAO Letter		Click here to enter text.				
2.12. Place where additional information regarding the proposal can be obtained		Click here to enter text.				
2.13. Names of Personnel / Organizations consulted regarding the proposal, with dates		Click here to enter text.				
2.14. Views of the Head of Section on the proposed amendment, Signature and Date		Click here to enter text.				
2.15. Assessment of the impact on the Eight Critical elements of Sri Lanka Safety Oversight System, if the proposed amendment is implemented (to be filled by the subject DDG),						
Critical Element		Any Impact	Description of the measures to be taken to address likely impact, if implemented including the time factor. State clearly changes required.			



	Yes	No	
2.15.1 CE-1 (Aviation Legislation)	<input type="checkbox"/>	<input type="checkbox"/>	
2.15.2 CE-2 (Operating Regulations)	<input type="checkbox"/>	<input type="checkbox"/>	
2.15.3 CE-3 (Organizational Arrangements)	<input type="checkbox"/>	<input type="checkbox"/>	Click here to enter text.
2.15.4 CE-4 (Personnel and Training)	<input type="checkbox"/>	<input type="checkbox"/>	
2.15.6 CE-5 (Guidance Material)	<input type="checkbox"/>	<input type="checkbox"/>	
2.15.7 CE-6 (Certification Process)	<input type="checkbox"/>	<input type="checkbox"/>	
2.15.8 CE-7 (Surveillance Process)	<input type="checkbox"/>	<input type="checkbox"/>	
2.15.9 CE-8 (Enforcement Process)	<input type="checkbox"/>	<input type="checkbox"/>	
2.16. Assessment of general impact of the proposed amendment on the local industry, if the proposed amendment is implemented (to be filled by the subject DDG) locally.			
Factors to be considered	Yes	No	Description of the nature and scope of impact
2.16.1 Impact on Safety	<input type="checkbox"/>	<input type="checkbox"/>	Click here to enter text.
2.16.1 Impact on Facilitation	<input type="checkbox"/>	<input type="checkbox"/>	Click here to enter text.
2.16.2 Impact on Security	<input type="checkbox"/>	<input type="checkbox"/>	Click here to enter text.
2.16.3 Impact on Efficiency	<input type="checkbox"/>	<input type="checkbox"/>	Click here to enter text.
2.16.4 Impact on Economy	<input type="checkbox"/>	<input type="checkbox"/>	Click here to enter text.
2.16.5 Environmental impact	<input type="checkbox"/>	<input type="checkbox"/>	Click here to enter text.
2.16.6 Time Factor for implementation	<input type="checkbox"/>	<input type="checkbox"/>	Click here to enter text.
2.17. Whether Sri Lanka disapprove the proposed amendment? comments and signature of Head of Division	<input type="checkbox"/>	<input type="checkbox"/>	Click here to enter text.
2.18. Decision of the DGCA	Click here to enter text.		
2.19. Whether proposed amendment was disapproved	<input type="checkbox"/>	<input type="checkbox"/>	DGCA's Letter Reference (use ICAO format)
			Click here to enter text.



			Date of letter (to be sent before effective date)	Click here to enter text.
2.20. If DGCA approved disapproving the proposed amendment (Annex only), whether action was taken to file difference with ICAO under Article 38 of the convention	<input type="checkbox"/>	<input type="checkbox"/>	DGCA's Letter Reference	Click here to enter text.
			Date of letter	Click here to enter text.
2.21. Whether there shall be any difference that will exist between the national requirements and whole provisions of ICAO Annex requirements including the latest amendment, if so give details, signature and date of Head of Division	<input type="checkbox"/>	<input type="checkbox"/>	Click here to enter text.	
2.22. The date or dates by which Sri Lanka will have complied with the provisions of the whole of annexes. Including the latest amendment, Signature and date of Head of Division			Click here to enter text.	
2.23. Decision of the DGCA/CEO			Click here to enter text.	
2.24. Whether ICAO Electronic Filing of Differences (EFOD) used for the notification of differences and compliance	<input type="checkbox"/>	<input type="checkbox"/>	Name of officer entered data	Click here to enter text.
			Date of Start	Click here to enter a date.
			Date of Finish	Click here to enter a date.
2.25. Whether the amendment was circulated amongst all staff and Library copy and other registered copies updated	<input type="checkbox"/>	<input type="checkbox"/>	Signature and Date of the Officer in charge of CAA documents	
2.26. Statement by ICAO liaison officer in regard to adoption of the amendment to the Annex/PANS, Signature and Date			Click here to enter text.	



Civil Aviation Authority of Sri Lanka

Local Implementation of an amendment to ICAO Annex / PANS

Section - C

Action Plan for Effective Implementation

3.1. ICAO State Letter Reference	Click here to enter text.		3.2. Date	Click here to enter text.	
3.3. Name of Annex / PANS	Click here to enter text.	3.4. Amendment No:		Click here to enter text.	
3.5. Subject	Click here to enter text.		3.6. CAA Reference	Click here to enter text.	
3.7. Summary of the proposed amendment	Click here to enter text.				
3.8. Effective Date	Click here to enter text.	3.9. Applicable Date		3.10. Date of Reply expected	Click here to enter text.
3.11. Adjustments in Critical Areas required for implementation of the obligations arising out of the adopted amendment					
3.11.1 Critical Area	3.11.2 Nature and scope of changes required, if any. If there is any additional resources required, mention them too, here. Also indicate the estimate cost in a separate line		3.11.3 Planned date of completion of the task		3.11.4 Responsibility for completion of the task
CE-1	Click here to enter text.		Click here to enter text.		Click here to enter text.
CE-2	Click here to enter text.		Click here to enter text.		Click here to enter text.
CE-3	Click here to enter text.		Click here to enter text.		Click here to enter text.
CE-4	Click here to enter text.		Click here to enter text.		Click here to enter text.



CE-5	Click here to enter text.	Click here to enter text.	Click here to enter text.
CE-6	Click here to enter text.	Click here to enter text.	Click here to enter text.
CE-7	Click here to enter text.	Click here to enter text.	Click here to enter text.
CE-8	Click here to enter text.	Click here to enter text.	Click here to enter text.
	Updating the CC in EFOD	Click here to enter text.	Click here to enter text.
	Filing of significant differences with ICAO	Click here to enter text.	Click here to enter text.
	Publishing of significant differences in the AIP	Click here to enter text.	Click here to enter text.
	Industry Briefing	Click here to enter text.	Click here to enter text.
3.12. Comments / Proposal by the Head of Section Click here to enter text.			
3.13. Comments / Recommendation by the Head of Division (subject DDG) Click here to enter text.			
3.14. Comments /Approval by the DGCA/CEO : Click here to enter text.			