



SEYCHELLES CIVIL AVIATION AUTHORITY

NOTICE OF PROPOSED DIRECTIVE

NPD ADR2019-01

**Authority, Organisation and Operations
Requirements for Aerodromes**

Executive Summary

Regulation 61 of the Civil Aviation (Safety) Regulations, 2017 requires persons operating an aerodrome to conform to directives issued by the Authority. Regulation 110 of the Civil Aviation (Safety) Regulations, 2017 provides for the promulgation of civil aviation directives prescribing conditions and technical standards relating to any national aviation standard or international aviation standard. Regulation 1(2) of the Civil Aviation (Safety) Regulations, 2017 defines "international aviation standard" as any international standard or recommended practice or procedure consistent with Article 37 of the Chicago Convention. The current aerodrome regulatory framework in Seychelles is based on the Manual of Aerodrome Standards adapted from the Singaporean aerodrome standards. ICAO USOAP audit missions identified significant deficiencies in consistency of the current standards in use compared to the latest ICAO Annex 14 Volume 1 and in general, the State's ability to conduct Safety Oversight consistent with the Annex

This Notice of Proposed Directive (NPD) proposes to incorporate by direct adoption EASA Part AR, Part OR and Part OPS, the associated Acceptable Means of Compliance (AMC) and Certification Specifications (CSs) as technical standards applicable to aerodromes within the scope of Regulation 61.

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1. About this NPD

1.1. How this NPD was developed

The Safety Regulation Aerodromes Safety and Standards Inspectorate had the task of identifying and assessing a suitable set of technical standards consistent with the Standards and Recommended Practices (SARPs) contained in ICAO Annex 14, Volume 1, Aerodromes.

This Notice of Proposed Directive (NPD) has been developed in line with the rulemaking procedure described in TP SR REG 01.

The NPD is hereby submitted to all parties for consultation.

1.2. How to comment on this NPD

Guidelines on the provisions of comments to the Authority is described in Annex A. The deadline for submission of comments is 26th April 2019.

1.3. The next steps

Following the closing of the industry commenting period, the Authority will review all comments and produce a report detailing response to each comment.

2. Purpose and Intended Effect of Measure

2.1. Why we need to change the rules — issue/rationale

Seychelles as a signatory to the Convention on International Civil Aviation (Chicago Convention) of 1944, has an obligation to adopt and give effect, through national legislation and regulations, the Standards and Recommended Practices (SARPs) contained within the Annexes to the Convention. The Convention on International Civil Aviation also establishes the International Civil Aviation Organization (ICAO), a specialized agency of the UN charged with coordinating and regulating international air travel. As part of its mandate, ICAO has established a Universal Safety Oversight Audit Programme of States (USOAP).

USOAP audits focus on a State's capability in providing safety oversight by assessing whether the State has effectively and consistently implemented the eight established critical elements (CEs) of a safety oversight system, which enable the State to ensure the implementation of ICAO's safety-related Standards and Recommended Practices (SARPs) and associated procedures and guidance material.

In accordance with the Civil Aviation Authority Act, 2005 article 5(1)(q), the Authority has a mandate to regulate civil aviation activities relating to the Convention on International Civil Aviation and Annexes thereto as amended from time to time.

ICAO Annex 14, Volume 1 establishes the SARPs in relation to Aerodromes safety and standards. The current aerodrome regulatory framework in Seychelles is based on the Manual of Aerodrome Standards and is adapted from the Singaporean aerodrome standards. This standard has been in use since 2012.

The following deficiencies prevail:

1. Consecutive series of ICAO USAOP audit missions identified significant deficiencies in consistency of the current standards in use compared to the latest ICAO Annex 14 Volume 1 and in general, the State's ability to conduct Safety Oversight consistent with the Annex.
2. The current rules are not in accordance with the Authority's policy to adopt by reference as far as possible where they exist, the European aerodrome regulatory framework. The predominant reason for adapting the Singaporean standard at the time was the fact that the European aerodrome regulatory framework had not been derived and implemented.
3. ICAO Annex 14, Volume 1 has close to 1000 SARPs and the Authority, similar to most State signatories with a small aviation industry, will not have the resources required to maintain such a set of standards to meet its obligation.

2.2. Risk Assessment

The risk addressed is that the aviation industry in Seychelles does not, in all cases, operate in compliance with the minimum latest established international standards and, therefore, does not meet the acceptable safety threshold.

3. Impact assessment (IA)

3.1. Objective

The objective of this rule making task is to establish a modern aerodrome safety and standards regulatory framework that is consistent with ICAO Annex 14, Volume 1, within an acceptable risk tolerability and without significant consequential adverse impact.

Implementing measures for heliports (Annex 14, Volume II, Heliports) both in terms of stand-alone Instrument Flight Rule (IFR) heliports as well as Visual Flight Rules (VFRs) heliports co-located at certified aerodromes will be undertaken at a later stage as a separate rule making task.

3.2 Who is affected

The following stakeholders are affected by the proposed Civil Aviation Directives issued in accordance with Regulation 61 of the Civil Aviation (Safety) Regulations, 2017:

Seychelles International Airport — A new certification basis will need to be established and aerodromes re-certified.

Praslin Airport — A new certification basis will need to be established and aerodromes re-certified.

Aerodrome Safety and Standards Inspectorate — Within the new regulatory proposals the inspectorate will be responsible for regulatory oversight in accordance with EASA Part AR.

3.3. Identification of Options

The following options have been identified to address the issues presented above.

Table 1: List of policy options

Option	Short title	Description
1	No policy change	With Option 1 the Inspectorate continues to use the locally derived technical standard adapted from the Singaporean aerodrome standards.
2	Adopt EASA ADR	With Option 2, the Inspectorate adopts by reference the European Aerodrome regulatory framework (EASA Part ADR)
3	Adapt EASA ADR	With Option 3, the Inspectorate uses as a basis and reference the European Aerodrome regulatory framework (EASA Part ADR) and derives its own standard.
4	Adopt another foreign State's Aerodrome standards	With Option 4, the Inspectorate adopts by reference another foreign State's Aerodrome regulatory framework.
5	Adapt another foreign State's Aerodrome standards	With Option 5, the Inspectorate uses as a basis and references another foreign State's Aerodrome regulatory framework and derives its own standard.

3.4. Benefits and Drawbacks

3.4.1 Option 1 (No policy change)

Benefits: No benefits were identified for the Authority to maintain the current status quo.

Drawbacks: The Authority would remain in non-compliance to Annex 14 and therefore continue to fail in its obligation as a signatory State to ICAO. Should this condition continue to allow to exist, it could escalate to a situation where foreign air operators, pressured by their respective Civil Aviation Authorities become apprehensive to operating to such aerodrome. In short, the risks and the problems stay unresolved.

3.4.2 Option 2 (Adopt EASA ADR)

Benefits:

- Allows the Authority to meet its obligation under the Convention and carry out its safety oversight activities in accordance with a modern and credible set of standards that are consistent with ICAO Annex 14, Volume 1.
- Allows the Authority to utilise a modern and credible set of standards that are kept up-to-date and consistent with ICAO Annex 14, Volume 1.
- Allows the Authority to draw on extensive work conducted by EASA to establish a compliance basis to Annex 14, Volume 1 and the production of a Compliance Checklist.
- Allows the Authority to maintain its policy to utilise where available the European aviation regulatory structure.

Drawbacks:

- By nature, some standards within EASA ADR may be at variance to ICAO SARPs. These may include cases where the standards are below the level or exceed the level required by ICAO unintentionally or intentionally for geographical, economical or political reasons.
- Inspectors will require re-training in regards to the specific standards and associated technical procedures.
- New technical procedures will need to be established to support the new regulatory framework.
- Certified aerodromes will require re-certification.

3.4.3 Option 3 (Adapt EASA ADR)

Benefits: Allows the Authority to meet its obligation under the Convention and carry out its safety oversight activities in accordance with a modern and credible set of standards that are consistent with ICAO Annex 14, Volume 1.

Drawbacks:

- Requires significant resources to maintain consistency with ICAO Annex 14, Volume 1 through a system of well-structured and timely proposed amendment, industry consultation and implementation.
- Inspectors will require re-training in regards to the specific standards and associated technical procedures.
- New technical procedures will need to be established to support the new regulatory framework.
- Certified aerodromes will require re-certification.

3.4.4 Option 4 (Adopt another foreign State's Aerodrome Standards)

Benefits: Allows the Authority to meet its obligation under the Convention and carry out its safety oversight activities in accordance with a modern and credible set of standards that are consistent with ICAO Annex 14, Volume 1.

Drawbacks:

- Requires significant resources to establish a compliance basis to ICAO Annex 14, Volume 1 and production of a Compliance Checklist.
- Inspectors will require re-training in regards to the specific standards and associated technical procedures.
- New technical procedures will need to be established to support the new regulatory framework.
- Certified aerodromes will require re-certification.

3.4.5 Option 5 (Adapt another foreign State's Aerodrome Standards)

Benefits: Allows the Authority to meet its obligation under the Convention and carry out its safety oversight activities in accordance with a modern and credible set of standards that are consistent with ICAO Annex 14, Volume 1.

Drawbacks:

- Requires significant resources to maintain consistency with ICAO Annex 14, Volume 1 through a system of well-structured and timely proposed amendment, industry consultation and implementation.
- Requires significant resources to establish a compliance basis to Annex 14 and production of a Compliance Checklist.
- Inspectors will require re-training in regards to the specific standards and associated technical procedures.
- New technical procedures will need to be established to support the new regulatory framework.
- Certified aerodromes will require re-certification.

3.5. Cost Implications

Option 1 (No policy change): Not viable

Option 2 (Adopt EASA ADR): Most viable. Expected expenditure to cover inspector training, technical procedure consistent with EASA ADR safety oversight and re-certification of aerodromes.

Option 3 (Adapt EASA ADR): Not viable

Option 4 (Adopt another foreign State's Aerodrome standards): Not viable

Option 5 (Adapt another foreign State's Aerodrome standards): Not viable

3.6 Preferred Option

Option 2 (Adopt EASA ADR) is recommended by the Authority to address the primary objective outlined in 3.1. The Aerodrome Safety and Standards Inspectorate considered impact of this change on aerodrome operators when conducting the assessment and is of the view that the aerodrome operators can transition to these requirements. Equally, the Inspectorate has endeavored to ensure the rules are easily understood and applied. It is anticipated that the adoption of the rules will lead to improved safety without creating undue burden or other adverse effect such as discontinuation of established and well working mechanisms.

3.7 Mitigating measures

The following mitigating measures are introduced to address drawbacks of Option 2 within the control of the Authority:

Standards below the level or exceed the level required by ICAO: To mitigate these issues, the Civil Aviation Directives have an "Exception" clause to allow the Authority exclude certain parts of the standard. The Authority also has other legal mechanism it may utilize to introduce further standards where and when required.

Re-certification: It is noted that Seychelles International Airport has been certified under the Manual of Aerodrome Standards and that a re-certification will be required with a change in the certification basis to the European aerodrome regulatory platform. The fundamental premise of both the Singaporean standard and that of EASA are based on ICAO Annex 14, Volume 1 and therefore it is not envisaged that there will be any significant gaps attributed solely to the change in standards.

4. Implementation

4.1. Scope of proposed rules

Regulation 61 of the Civil Aviation (Safety) Regulations, 2017 requires persons operating an aerodrome to conform to directives issued by the Authority as follows:

61. (1) *A person shall not operate an aerodrome for international operations in the Republic unless the aerodrome is operated in accordance with directives issued by the Authority.*

(2) *A person shall not, unless the aerodrome is operated in accordance with directives issued by the Authority, operate an aerodrome in the Republic-*

(a) which is open to public use and which serves commercial air transport;

(b) where operations using instrument approach or departure procedures are provided, and-

(i) the aerodrome has a paved runway of 800 metres or above; or

(ii) the aerodrome exclusively serves helicopters.

This Notice of Proposed Directive (NPD) proposes to incorporate EASA Part AR, Part OR and Part OPS, the associated Acceptable Means of Compliance (AMC) and Certification Specifications (CSs), and UKCAA's CAP168 as technical standards applicable to aerodromes within the scope of Regulation 61.

4.2. Overview of proposed rules

The EASA Aerodrome rules are structured into three parts: 'Part Authority Requirements (AR)', 'Part Organisation Requirements (OR)' and 'Part Operational Requirements (OPS)'.

- **Part-AR** contains the requirements to be fulfilled by the Authority. The part contains three sections, covering General Requirements, Management and Oversight, Certification and Enforcement.
- **Part-OR** contains the requirements to be fulfilled by the aerodrome operator. The part contains five sections covering General Requirements, Certification — Declaration, Operator Responsibilities, Management and Manuals.
- **Part-OPS** contains the requirements to be fulfilled by the aerodrome operator. The part contains three sections, covering Aerodrome Data; Aerodrome Operational Services, Equipment and Installations; and Aerodrome Maintenance.

In addition to and in support of the aforementioned rules, EASA has produced a 'Book 1' of Certification Specifications (CS) for aerodrome design that will be used to construct the certification basis as part of the certification process. A further 'Book 2' of Guidance Materials (GM) to further describe the intent of the CSs has also been produced. Those books are also covered in this NPD.

The majority of the SARPs related to design have been transposed into a CS-ADR-DSN. Everything else that implies an obligation for the aerodrome operator or the Authority is transposed as an Implementing Rule (IR) [Part] or Acceptable Means of Compliance (AMC).

4.3. Validation

The primary consideration of this rule making task was the requirement to review and ensure a consistent transposition of ICAO Annex 14, Volume 1 standards into the EASA ADR framework and provide such evidence of conformity to the ICAO SARPs. The task used as its basis the original extensive work undertaken by EASA in their rule making process (NPA 2011-20) to establish a conformance status. The rule derivation conformity report indicating any differences and associated justifications, is included in this NPD at Annex B. The Inspectorate also reviewed the Annex 14, Volume 1 Compliance Checklist submitted to ICAO as at Amendment 13 prepared by EASA (Annex C). Both reviews did not indicate any significant deviations to the Annex aerodrome technical standards that were beyond the mitigating measures described in 4.1. The review did however reveal that some overarching certification, organisational and service provisions were covered at a higher European Basic Regulation level which would not be captured by the adoption of EASA Part ADR. For this reason, the Authority has had to produce Basic Requirements for Aerodromes (Part ADR.BR) to bridge this gap (See Annex D). Additionally, UKCAA'S CAP168 – Licensing of Aerodromes is being adopted to provide aerodrome operators with minimal standards to be complied with in event that they cannot comply with the more stringent standards provided for in the EASA Parts.

4.4. Proposed actions to support implementation

4.4.1 Regulatory Action

Regulation 110 of the Civil Aviation (Safety) Regulations, 2017 provides for the promulgation of civil aviation directives prescribing conditions and technical standards relating to any national aviation standard or international aviation standard, not by stating the text thereof but by referring to the number, title and year of issue of that aviation standard, or to any other particulars by which that aviation standard is sufficiently identified.

Regulation 1(2) of the Civil Aviation (Safety) Regulations, 2017 defines "international aviation standard" as any international standard or recommended practice or procedure consistent with Article 37 of the Chicago Convention.

Regulation 61 of the Civil Aviation (Safety) Regulations, 2017 requires persons operating an aerodrome to conform to directives issued by the Authority.

The Authority therefore intends to issue the following Civil Aviation Directives to formally adopt by reference the European aerodrome regulatory framework:

- SCAA CAD ADR-61_1 (Part ADR.BR)
- SCAA CAD ADR-61_2 (EASA Part ADR.DEF)
- SCAA CAD ADR-61_3 (EASA Part ADR.AR)
- SCAA CAD ADR-61_4 (EASA Part ADR.OR)
- SCAA CAD ADR-61_5 (EASA Part ADR.OPS)
- SCAA CAD ADR-61_6 (EASA CS-ADR-DSN)
- SCAA CAD ADR-61_7 (UKCAA CAP168)

Draft versions of the Directives are attached at Annex E as reference to this NPD.

4.4.2 Certification process including the establishment of the certification basis (CB)

The single most important subject during the development of this NPD was the establishment of the aerodrome certification basis and how it fits in with the certification process. Therefore, it is worth examining how an application for an aerodrome certificate/licence is processed today under current rules against the way it will be processed under the new proposed rules. This exercise will highlight the slight differences, and many similarities, that exist between them.

Currently, following ICAO Standards, an application for an aerodrome certificate/licence is made in writing to the Authority with a map showing the aerodrome location/boundaries and a copy of the aerodrome manual.

Before a certificate/licence is granted, the Authority is required to be satisfied that the physical conditions on the manoeuvring area, apron and in the surroundings of the aerodrome are acceptable, and that the scale of equipment and facilities provided are adequate for the flying activities which are expected to take place. The criteria which will be applied in making this assessment are described in the Authority's transposition of ICAO Annex 14, Volume 1, Aerodromes. The Authority will also require to be satisfied that the applicant has an effective Safety Management System and, in those activities which are related to the safe operation of the aerodrome, provides staff who are competent and, where necessary, suitably qualified.

An element of the process described above will require the Authority to visit the aerodrome to determine the extent to which the aerodrome, its facilities, equipment and organisation meet the certification/licensing requirements.

The issued certificate/licence will normally remain in force until suspended or revoked, but may be issued for a limited period depending on the procedures employed by the Authority.

Under the new proposed framework, the issuance of an aerodrome certificate may be a two-stage process. The first stage is to establish the certification basis (CB) using:

- the applicable Certification Specifications (CSs);
- any Equivalent Level of Safety (ELOS) proposed by the applicant; and
- any Special Conditions (SCs) determined by the Authority.

Once the first stage is established, the second stage involves assessing the aerodrome operator's ability to meet the requirements of EASA ADR rules. This is achieved by using a combination of discussion, aerodrome inspections and validation of the aerodrome manual.

The Authority will issue the certificate(s) when:

- the applicant has shown that the aerodrome complies with the agreed CB;
- the aerodrome has no features or characteristics making it unsafe for operation;
- it has approved the aerodrome manual submitted by the operator; and
- the aerodrome operator has demonstrated, to the satisfaction of the competent authority, compliance with the applicable requirements of the Essential Requirements (ERs) and Implementing Rules (IRs) and any other applicable requirements that have been notified by the competent authority.

The certificate will generally not have an expiry date and will remain valid for as long as the operator maintains compliance to the CB and other relevant requirements set forth by the Authority. The

privileges and the scope of the activities that the aerodrome operator is approved to conduct will be specified in the terms of approval attached to the certificate.

Where the owner and operator of the aerodrome are the same entity, this process may be achieved under a single stage involving an iterative process between the aerodrome operator and the Authority throughout, leading to the issuance of the certificate.

EASA had anticipated that the process described above would be unsuitable for the assessment of existing certified aerodromes. They recognised that existing aerodromes have operated safely under existing rules based on ICAO Annex 14, in some cases, for a considerable number of years, and that appropriate measures will be needed to ensure adequate continuity for those aerodromes. Therefore, to reduce the impact the new rules may have on existing certified aerodromes, EASA developed conditions and measures described in the following section which will be emulated by the Authority.

4.4.3 Conversion and acceptance measures

EASA proposed the conditions for the **acceptance** and for the **conversion** of aerodrome certificates previously issued on the basis of notified deviations from Annex 14 to the Chicago Convention before the entry into force of the new regulation.

Conversion: A period of 12 months is proposed to aerodrome operators to convert their existing aerodrome certificates/licences into aerodrome certificates considered to be issued under the new rules. It relates to the dimension of time only and not to the process involved in converting the old certificate to the new one.

Acceptance: The major change following the introduction of the measures is the 'acceptance' process involved in converting the existing certificate/licence. It gives the Authority the option to transfer the conditions of the existing certificate/licence to the new certificate subject to certain requirements. It is expected that existing deviations will be jointly reviewed during the acceptance procedure and compared with the new rules. The procedure may result in some items transferring to an ELoS, some to an SC, and those that remain may be included in a document, informally referred to as 'Deviation Acceptance & Action Document' (DAAD). This document will involve a safety assessment that supports the continued deviation and will be accompanied with a possible action plan that indicates the conditions appropriate to removing them and/or any possible mitigation measures while they remain on the list. Once agreed, the DAAD will be attached to the new certificate, possibly with caveats requiring review obligations. Unlike the conversion, the DAAD action plan is not time-bound. This mechanism is designed to keep the acceptance procedure simple and the use of the DAAD will avoid any undue burden on Authority and aerodromes during the acceptance process and ensure continuity of the aerodrome operation.

As described above, the acceptance process is designed to allow aerodromes to easily convert their existing aerodrome certificates/licences to a new one based on the EASA ADR rules. The DAAD option has been developed to support this acceptance process only. It is not intended for the DAAD to be used in any other circumstances. It should be produced jointly by the Authority and the aerodrome to document those existing deviations and non-compliances that remain after reviewing them with the new aerodrome rules. It is intended that the DAAD will be individual to each aerodrome.

Further to the procedures described above, consideration has also been given to defining the conditions that require an aerodrome operator to notify the Authority of changes once the certificate has been issued.

4.5. Monitoring and Review

These measures will be monitored continuously by the Authority in the course of its usual regulatory business. A review of these measures will be undertaken when the full set of EASA ADR rules have been in operation for not more than 2 years.

5. References

The following references form part of this NPD:

Annex A: Guidelines on provision of comments

Annex B: EASA ADR Derivation Basis Report

Annex C: Latest EASA Conformance Report

Annex D: Basic Requirements for aerodromes (PART ADR.BR)

Annex E: Draft Civil Aviation Directives

Annex F: Aerodrome Notice 02 (Exceptions to Civil Aviation Directives applicable to Aerodromes)