

**CIVIL AVIATION AUTHORITY OF NEPAL  
FLIGHT SAFETY STANDARDS DEPARTMENT**

**FSSD PROCEDURE FOR THE  
FORMULATION AND DISTRIBUTION OF  
STATUTORY MATERIALS**

**Issue 02  
September 2020**

## RECORD OF REVISION

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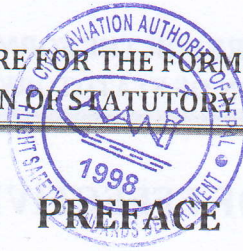
## FSSD PROCEDURE FOR THE FORMULATION AND DISTRIBUTION OF STATUTORY MATERIALS

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## FSSD PROCEDURE FOR THE FORMULATION AND DISTRIBUTION OF STATUTORY MATERIALS



### PREFACE

This manual has been prepared pursuant to **Rule 82 of Civil Aviation Regulation, 2058 B.S. (2002 A.D.)** for the use and guidance to the personnel working under Flight Safety Standards Department (FSSD) in performing their duties concerning development and amendment of requirements, manuals, directives, procedures, etc. and filing difference to the ICAO SARPs.

This manual brings the harmony and uniformity in the procedure of adoption of or disagreement with ICAO SARPs into the national regulations, requirements and manuals giving the elucidative guidelines to department personnel. This manual helps to understand the sequential flow of the various work process including the coordination procedures as well as the interactions with concerned stakeholders that are involved in and as part of the task related to document development, amendment and notification of differences.

FSSD will maintain this manual as complete, accurate and update as possible based on the suggestions received or incorporate any changes in the procedures that may be useful to be adopted.

Rajan Pokharel  
Director General  
Civil Aviation Authority of Nepal



# FSSD PROCEDURE FOR THE FORMULATION AND DISTRIBUTION OF STATUTORY MATERIALS

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# **1. INTRODUCTION**

## **1.1 Statutory Provision**

Civil Aviation Authority of Nepal (CAA Nepal) is the Aeronautical Authority of Nepal. Section 5 of Civil Aviation Authority of Nepal Act, 2053 (1996) has empowered CAA Nepal for the implementation of Annexes to the Convention of International Civil Aviation. Rule 82 of Civil Aviation Regulation, 2058 B.S. (2002 A.D.) authorizes the CAA Nepal to promulgate requirements, directives and manuals to implement the provisions of SARPs to the Annexes. CAA Nepal is the 'Focal Point' to coordinate with ICAO on behalf of the State and various entities responsible for civil aviation matters in Nepal.

Flight Safety Standards Department (FSSD) has been formed within Aviation Safety and Security Regulation Directorate (ASSRD) to perform the safety oversight over the functions of Service Provider (Air Operators; CAMO; AMO; ATO). To perform this function, FSSD needs to promulgate the necessary documents like requirements, directives, manuals, procedures, etc. to implement the provisions of Acts, Rules, Regulations, ICAO Annexes and manuals under Rule 82 of Civil Aviation Regulation, 2058 B.S. (2002 A.D.) and its amendments.

## **1.2 Objective**

The objective of this Manual is to:

- a) Shape up a framework within which Flight Safety Standards Department (FSSD), in close co-ordination with the ICAO, Int'l Affairs and Legal Department will carry out various task for preparation and amendment of its enabling regulations and national standards (i.e. Civil Aviation Requirements; Directives; Circulars; Manuals; Procedures; Guidance) in compliance with the ICAO SARPs and PANS.
- b) To distribute such documents to concerned stakeholders for appropriate guidance and compliance, and
- c) To notify and file differences to ICAO SARPs in close coordination with the concerned departments within CAA Nepal.

**Note:** Organisation chart of Aviation Safety and Security Regulation Directorate is given in **Appendix-1**.

**Note:** Organisation chart of FSSD is given in **Appendix-2**.

**Note:** The list of different Annexes to the Convention which FSSD is responsible to is given in **Appendix-3**.

## **1.3 Duties and Responsibilities of FSSD personnel**

Duties and Responsibilities of FSSD personnel with regards to the adoption of or disagreement with the ICAO SARP's and preparation of all necessary documentations are given below.

- a) Receive or cause to receive the latest ICAO Annexes and Manuals, and evaluate and perceive the need of development of or change in the national regulations, requirements, manuals, procedure, guidance etc.
- b) Identify differences to ICAO SARPs in the national documents.



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- c) Initiate the regulatory process for the development or change of documents, including the formation of taskforce or committee.
- d) Prepare the draft of new document or amended document.
- e) Forward draft to the concerned stakeholders for their feedback or conduct an interactions or meeting with them to discuss on the draft and collect suggestions and finalize the draft.
- f) Submit final draft to higher authority for approval.
- g) Take approval for the adoption of or disagreement with ICAO SARPs and reflect those things as necessary in the national document.
- h) Publish the new regulatory requirements, directives, manuals, procedures, guidance etc. and their amendments, once approved from Director General, CAA Nepal.
- i) Distribute those documents to concerned stakeholders for appropriate guidance and compliance.
- j) Publish the differences in AIP Nepal and notify such differences to ICAO through ICAO Online Framework, Electronic Filing of Difference (EFOD) after necessary consent from ICAO, Int'l Affairs and Legal Department and approval from Director General, CAA Nepal.





## **2. DEVELOPMENT OF LEGAL FRAMEWORK**

### **2.1 Legislative System in Nepal**

Constitution is the fundamental law of Nepal. Nepal's Parliament has the powers to promulgate Acts for the implementation of various provisions made in the Constitution. The Government of Nepal (GoN) can formulate various regulations under the powers given by the Acts. Additionally, autonomous organizations established under the Act (like CAA Nepal) can issue and enforce necessary Requirements, Directives and Manuals exercising the authority of Rule 82 of Civil Aviation Regulations 2058 B.S. (2002 A.D.).

### **2.2 Formulation and amendment of Acts**

Refer to Procedure Manual for ICAO, International Affairs and Legal Functions.

### **2.3 Formulation and Amendment of Regulations**

Refer to Procedure Manual for ICAO, International Affairs and Legal Functions.

### **2.4 Formulation and amendment of Requirements/Directives/ Manuals/Procedures/Guidance:**

Requirements/Directives/Manuals/Procedures/Guidance constitute the major operating regulations and technical guidance, tools, and provision of safety-critical information in civil aviation. Provisions made on SARPs to the Annexes to the Convention are enforced through the various Requirements issued by the Director General in most of the cases. The draft work of Civil Aviation Requirements/Directives/Manuals/Procedures/Guidance will be initiated in such a way that it will be congruent with the date as specified in the ICAO State letter.

The procedure to formulate new civil aviation Requirements/Directives/Manuals/Procedures/Guidance or amendment of the existing one will be as follows:

- a) The FSSD will initiate the development of new Requirements/Directives/Manuals/Procedures/Guidance or amendment to existing one.
- b) A draft team will be formed within the FSSD to draft the required document.
- c) The draft team will prepare the draft document within the period of 1-3 months depending on the nature of task and submit the draft document to FSSD.
- d) Feedback and suggestion from concerned stakeholders will be collected on the subject matter through interactions or meetings.
- e) If found applicable, comments from the stakeholders will be incorporated in the final draft.
- f) The FSSD will submit the draft Requirements/Directives/Manuals/Procedures/Guidance to the DDG, ASSRD for the approval process.





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- g) The DDG, ASSRD will send the draft of Requirements/Directives/Manuals/Procedures/Guidance or its amendment to the 'Focal Point' for necessary review, when deemed necessary.
- h) 'Focal Point' will send back the draft requirements with comments or without comments to the DDG, ASSRD for further process.
- i) The DDG, ASSRD will ask FSSD to incorporate the comments from 'Focal Point', if any, and to prepare the final draft.
- j) The FSSD will submit the final draft to the DDG, ASSRD for approval process. The DDG, ASSRD may seek the view of National Aviation Safety Team (NAST) on the draft Requirements/Directives/Manuals /Procedures/Guidance or its amendment, if deemed necessary.
- k) DDG, ASSRD submit the final draft Requirements/Directives/Manuals/Procedures/Guidance to the Director General, CAA Nepal for his approval.
- l) After the approval of Director General, CAA Nepal, the Requirements/Directives/Manuals/Procedures/Guidance will be applicable on the date as specified in these Requirements/Directives/Manuals/Procedures/Guidance.
- m) The amendment, if applicable, will repeal, replace or modify the existing provisions of existing Requirements/Directives/Manuals/Procedures/Guidance to the extent indicated in the amendment.
- n) The approved new Requirements/Directives/Manuals/Procedures/Guidance or amendment of existing Requirements/Directives/Manuals/Procedures/Guidance will be uploaded in Flight Safety Standards Department website for distribution to Stakeholders and one copy of the new/amended regulatory document is forwarded to Technical Library.
- o) A letter "Notice to All operator" will be issued by FSSD to all Operators/CAMO/AMO/ATO to inform them about approval of new Requirements/Directives/Manuals/Procedures/Guidance or amendment of existing Requirements/Directives/Manuals/Procedures/Guidance and availability of same in the Flight Safety Standards Department website.

**Note:** FSSD will ensure that all relevant documents are already available in the Flight Safety Standards Department website.

**Note:** The flow chart for the development/amendment of requirements/directives/manuals/procedures/guidance is presented in **Appendix-4**.

## 2.5 Adoption of Regulation from another State

Refer to Procedure Manual for ICAO, International Affairs and Legal Functions.



## **3. MANAGEMENT OF ICAO SARPS**

### **3.1 State obligation to the SARPs**

Implementation of SARPs of the Annexes is ensured through the incorporation of adopted SARPs to the national regulation of the State. When it is impossible to implement the SARPs, filing of difference is the obligation of Contracting State under the provision of Article 38 to the Convention. In this regard adoption of SARPs and filing of differences is an important task of CAA Nepal.

ICAO communicates to the Member States through the State Letters via electronic distribution system. Most of these letters invite comments from States on proposed amendment in SARPs to the Annexes. CAA Nepal is responsible for formulating response to the State Letters.

### **3.2 Response to ICAO State Letters**

For the effective and timely management of ICAO state letter regarding SARPs, ICAO/Int'l Affairs and Legal Department will act as the 'Focal Point' of CAA Nepal. Nodal officers will be appointed in FSSD to coordinate with ICAO/Int'l Affairs and Legal Department on behalf of FSSD.

The procedures to be followed by FSSD for forwarding CAA Nepal's response to the State Letters are as follows:

- a) Focal Point will disseminate the ICAO State Letter to the Director, FSSD and Nodal officer of FSSD for their information and necessary action.
- b) Director or Nodal officer of the FSSD will forward the ICAO State letter to all responsible division and stake holders for review and comment via an email or an official letter within 3 days of receipt of State Letters.

**Note:** All the responsible division and concerned Stake holder shall send the feedback on the documents within 10 days of receipt of ICAO State Letter from Director, FSSD or Nodal Officer.

- c) Director or Nodal officer of the FSSD will invite Inspectors/officers from responsible division within FSSD for an internal meeting to evaluate the State Letter within 15 days of distribution of State Letter from Director, FSSD or Nodal Officer. This internal meeting will be minuted.
- d) After evaluation of State Letter, within Inspectors/officers from responsible division of FSSD, if required, the meeting will be conducted to evaluate the State Letter among Inspectors/officers from respective division of FSSD and Stake holders within 20 days of distribution of State Letter Director, FSSD or Nodal Officer. This meeting will be minuted.
- e) After receiving comments/response on ICAO State letter, from Inspectors/Officers from responsible division of FSSD and Stake holders, the Nodal officer will initiate the official memo within FSSD.
- f) Director, FSSD, will forward the official memo with comment/response on ICAO State Letter to the 'Focal Point' within 25 days of receipt of State letter from Focal Point.

**Note:** Response of FSSD on State Letter should reach Focal Point within 30 days of receipt of ICAO State Letter from focal point.



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- g) One copy of all the supporting documents of the official memo forwarded to 'Focal Point' from FSSD will be kept by Nodal officer of FSSD for his reference.
- h) 'Focal Point' will follow the procedure laid down in Procedure Manual for ICAO, International Affairs and Legal Functions.

**Note:** The flow chart for the response to ICAO State Letters is presented in **Appendix-5**.

**Note:** The flow chart relating to the management of ICAO SARPs is presented in **Appendix-6**.

### 3.3 Adoption of ICAO SARPs

Being one of the Contracting States, CAA Nepal is obliged to implement SARPs to the ICAO Annexes as practicable as possible. Following procedures will be followed by FSSD for the adoption of ICAO SARPs:

- a) Upon receiving the proposal for the new or amendment to the SARPs, 'Focal Point' will send the State letter to the Director and Nodal Officer of FSSD for their response.
- b) Director or Nodal officer of the FSSD will forward the proposed amendment of SARPs to all responsible division and stake holder for review and comment via an email or an official letter within 3 days of receipt of proposed amendment of SARPs.

**Note:** All the responsible division and concerned stake holder shall send the feedback on the documents within 10 days of receipt of proposed amendment of SARPs from Director, FSSD or Nodal Officer.

- c) Director or Nodal officer of the FSSD will invite Inspectors/officers from responsible division within FSSD for an internal meeting to evaluate the proposed amendment of SARPs within 15 days of distribution of proposed amendment of SARPs from Director, FSSD or Nodal Officer. This internal meeting will be minuted.
- d) After evaluation of proposed amendment of SARPs, within Inspectors/officers from responsible division of FSSD, if required, the meeting will be conducted to evaluate proposed amendment of SARPs among Inspectors/officer from respective division of FSSD and stake holders within 20 days of distribution of proposed amendment to SARPs from Director, FSSD or Nodal Officer, in terms of existing differences if any, necessity of new regulation to be developed or no action required in case of existing regulation being enough to comply. This meeting will be minuted.
- e) After receiving comments/response on proposed amendment of SARPs, from Inspectors/Officers from responsible division of FSSD and Stake holders, the Nodal officer will initiate the official memo within FSSD with formal comments in "ICAO standard format".
- f) In case of adoption of SARPs, FSSD will
  - i. notify any disapproval with justification
  - ii. notify any differences and compliances
- g) Director, FSSD, will forward the official memo to the 'Focal Point' initiated by Nodal Officer with formal comments on proposed amendment of SARPs in "ICAO standard format" within 25 days of receipt of proposed amendment of SARPs from Focal Point.
- h) One copy of all the supporting documents of the official memo forwarded to 'Focal Point' from FSSD will be kept by Nodal officer of FSSD for his reference.
- i) 'Focal Point' will follow the procedure laid down in Procedure Manual for ICAO, International Affairs and Legal Functions.



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- j) In case of compliance, FSSD will be advised to initiate necessary action for issuance or amendment of regulations.

**Note:** The adoption process of amendments to the PANS will be same as that for the SARPs.

**Note:** The flow chart relating to the management of ICAO SARPs is presented in **Appendix-6**.

### 3.4 Filing of Differences to the SARPs

The primary purpose of reporting of differences is to promote safety and efficiency in civil aviation by ensuring that those concerned are made aware of all national regulations and practices in so far as they differ from those prescribed in the ICAO Standards and recommended practices. It is not the purpose of filing of differences to avoid or ease the compliance of SARPs.

- a) Flight Safety Standards Department will evaluate the corresponding national regulation to identify the differences, if any, to the SARPs.
- b) The completion of compliance checklist and electronic filing of difference will be carried out by the Nodal Officer/ Counterpart designated for the audit areas.
- c) Existing differences to the SARPs of an Annex will be evaluated for its possibility to comply.
- d) While determining the new differences, FSSD will assess the SARPs and evaluate the related safety risk of non-compliance and recommend required safety measures to mitigate the risk.
- e) If the difference needs to be filed to ICAO through electronic filing of difference as outlined in para 3.4 (b), file the difference, after necessary consent from ICAO, Int'l Affairs and Legal Department and approval from Director General, CAA Nepal.
- f) The FSSD will forward the differences so filed to the AIM Department for its publication in AIP.
- g) The AIM Department will publish the difference as outlined in 3.4 (f) above before the applicability date.

**Note:** The flow chart relating to the management of ICAO SARPs is given in **Appendix-6**.

### 3.5 Timelines for filing the difference

- a) FSSD will review the State Letter and SARPs as per procedure laid down in Para 3.2 and 3.3 of this manual and forward its formal response of disapproval, disagreement or difference of compliance to 'Focal Point' within 30 days of receipt of State Letter or SARPs from 'Focal Point' of ICAO, International Affairs and legal Department, in the format as required by ICAO on its State Letter.
- b) FSSD will notify any disapproval, disagreement or difference of compliance to AIM department within 21 days after the decision of Director General, CAA Nepal.



## **4. DISTRIBUTION OF REGULATORY DOCUMENTS**

FSSD shall ensure that the regulatory documents (regulations, requirements, directives, orders, circulars, manuals, procedures, guidance) developed/ amended by the FSSD, shall be distributed to all concerned via email and/or official letter. Such regulatory documents will be made available in the Flight Safety Standards Department Website: <https://flightsafety.caanepal.gov.np/> as well.

While distributing regulatory documents, following procedure is followed:

- a) When the regulatory documents are approved, the newly approved regulatory documents or amendment of existing regulatory documents will be uploaded in Flight Safety Standards Department website for distribution to Stakeholders and one copy of the regulatory document is forwarded to Technical Library in FSSD.
- b) A letter “Notice to All operator” will be issued by FSSD to all Operators/CAMO/AMO/ATO to inform them about approval of new regulatory documents or amendment of existing regulatory documents and availability of same in the Flight Safety Standards Department website.

**Note:** FSSD will ensure that all relevant documents are already available in the Flight Safety Standards Department website.

- c) A notice will be published in FSSD website regarding information on availability of new/amended regulatory documents on the website.
- d) In addition to the above procedures, email with the soft copy document attached will be sent to the concerned, when requested.

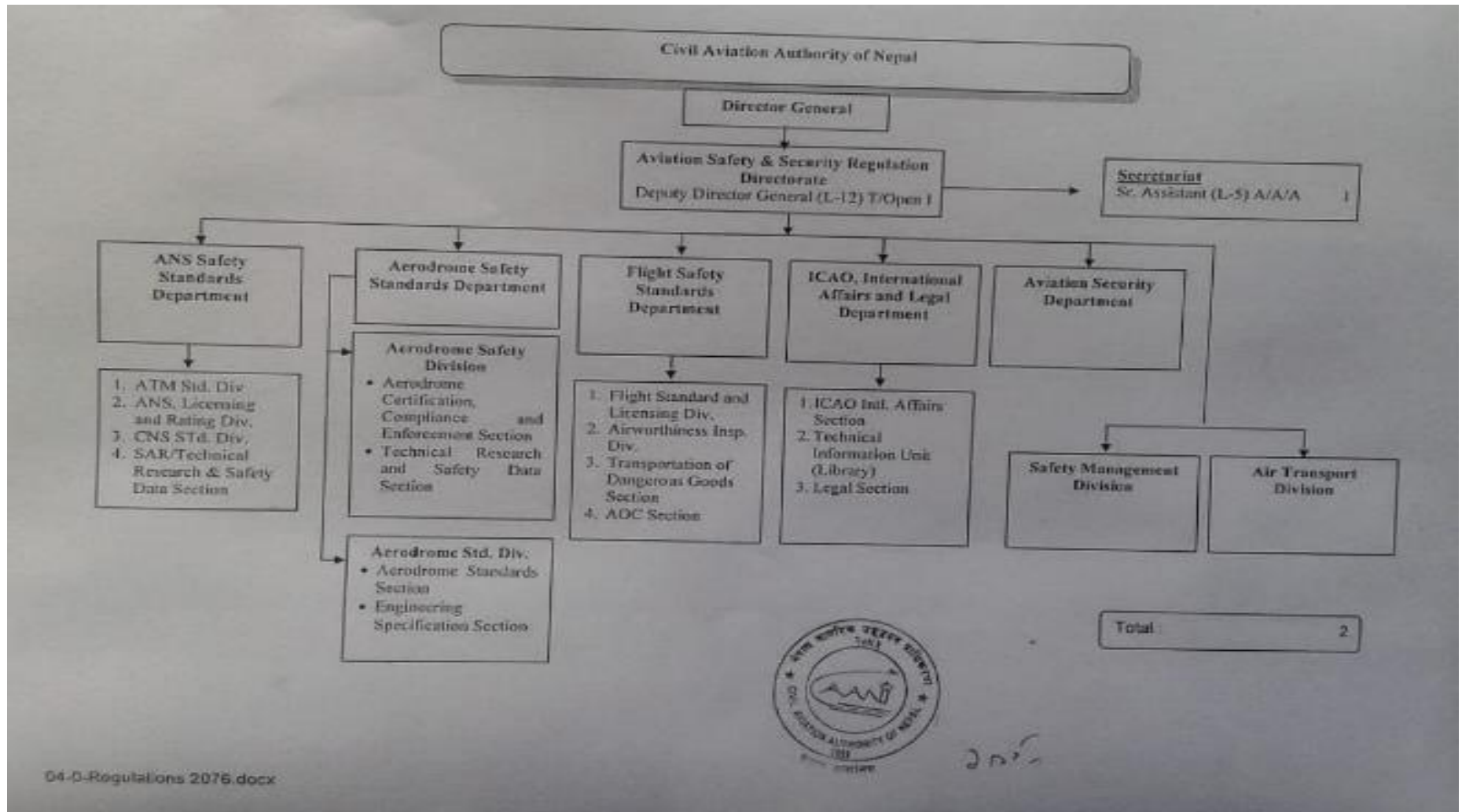
**Note:** Technical library in FSSD is responsible to distribute the new/amendment of regulatory documents to the relevant divisions, sections or individual Inspectors of FSSD.



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### APPENDIX-1

#### Organisation Chart of Aviation Safety and Security Regulation Directorate



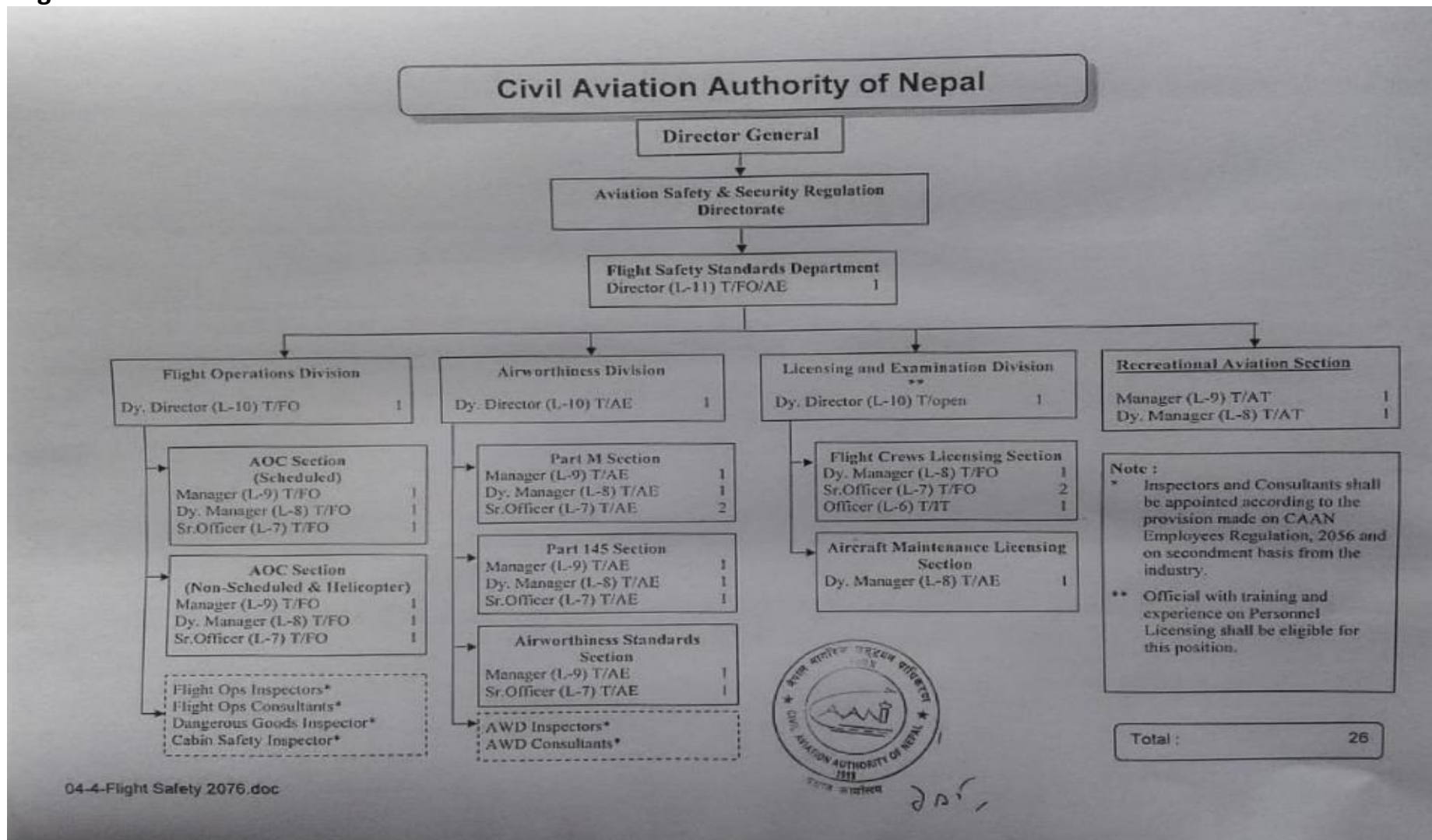




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### APPENDIX-2

#### Organisation chart of FSSD







## FSSD PROCEDURE FOR THE FORMULATION AND DISTRIBUTION OF STATUTORY MATERIALS

### APPENDIX-3

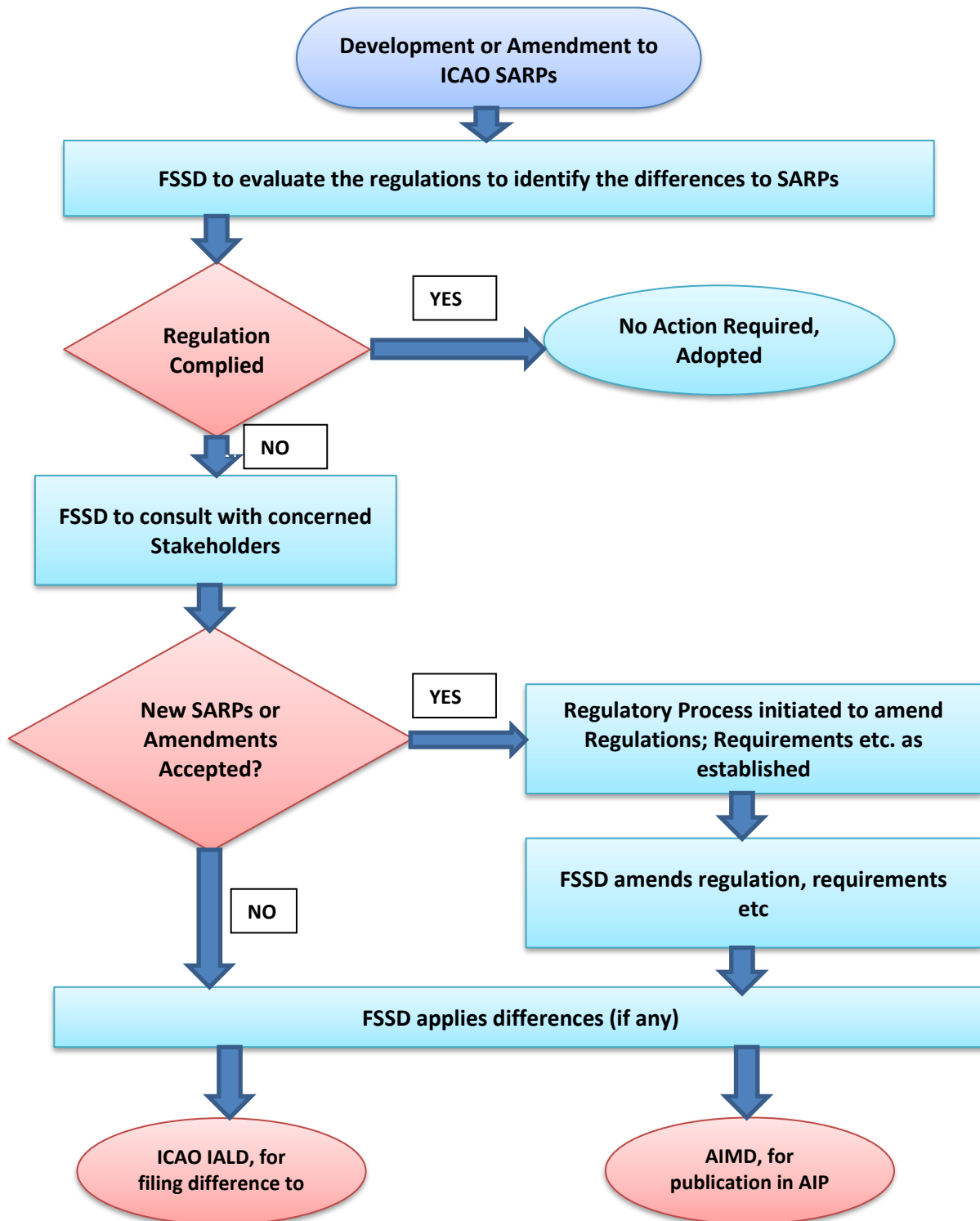
#### FSSD Responsible for ICAO Annexes

S.No.	Department	Annexes
1	Flight Safety Standards Department	Annex 1- Personnel Licensing Annex 6- Operation of Aircraft Annex 7- Aircraft National and Registration Marks Annex 8- Airworthiness of Aircraft Annex 13- Aircraft Accident and Incident Investigation Annex 16- Environmental Protection Annex 18- The Safe Transport of Dangerous Goods by Air Annex 19- Safety Management



## **APPENDIX-4**

### **Development/amendment of requirements/directives/manuals/procedures/ guidance**





## **APPENDIX-5**

### **Response to ICAO State Letters**





## APPENDIX-6

### Management of ICAO SARPs

