



REGULATORY IMPACT ANALYSIS (RIA)

Proposal to update the Irish Aviation Authority (Operations) Order

Contents

1	Foreword.....	1
2	Policy Context.....	2
3	Objectives	2
4	Options.....	3
5	Impact analysis.....	3
6	Consultation	4
7	Review	5

1 Foreword

The Irish Aviation Authority has prepared this screening Regulatory Impact Analysis (RIA) under the terms of the RIA Guidelines “How to Conduct a Regulatory Impact Analysis” (Department of the Taoiseach, 2009).

This review of the Irish Aviation Authority (Operations) Order aims to ensure that Irish national legislation for the safety oversight of civil aviation is maintained to incorporate the evolving global standards and recommended practices issued by the International Civil Aviation Organisation (ICAO) and the EU Regulations for aviation safety developed by the European Aviation Safety Agency (EASA). Three options were considered in the analysis, retaining the current legislation, revising the existing Order to take account of changes to ICAO Annex 6 and the EASA Regulations, or a complete review and redesign of the legislative structure for the regulation and oversight of aviation operations in Ireland.

This Regulatory Impact Analysis (RIA) has been prepared to assess the proposal to update the Irish Aviation Authority (Operations) Order 2006. The RIA describes the range of options considered and the potential impacts on key stakeholders. This analysis recommends a simple updating of the regulations to take account of legislative changes at the global and European level.

The revised regulations will re-transpose the relevant provisions of ICAO Annex 6, set out the applicability of the Order in terms of the application of the EASA Regulations and revoke the Irish Aviation Authority (Operations) Order 2006.

It is the Authority’s view that the proposed Regulations will be welcomed by civil aviation operators of aircraft and bring clarity to those operating in the civil aviation environment on the application of both national legislation and the EASA Regulations.

2 Policy Context

As part of the Irish Aviation Authorities policy to maintain and update existing legislation, a review of the Irish Aviation Authority (Operations) Order 2006 identified that there have been considerable amendments to ICAO Annex 6, Volumes 1, 2 & 3, which are not transposed into national legislation.

Some of the important changes in Annex 6 include the introduction of provisions for:

1. (ADS-C) and to the introduction of required communication performance (RCP) in the provision of air traffic services (ATS);
2. Mandatory carriage requirements of emergency locator transmitters (ELTs);
3. Reduced RVR requirement for CAT II and CAT IIIA and B;

4. Provisions for climbs and descents to reduce unnecessary ACAS II resolution advisories;
5. Reduced vertical separation minimum (RVSM) long-term monitoring requirements;
6. Provisions for head-up displays (HUD)/enhanced vision systems (EVS);
7. Provisions regarding flight recorders including carriage requirements;
8. The use of a halon replacement agent in lavatory fire extinguishers for hand-held fire extinguishers.
9. EFBs;
10. Fatigue management programmes;
11. EUROCAE Minimum Operational Performance Specifications (MOPS);
12. Class C lightweight airborne image recording systems (AIRS);
13. Underwater location device (ULD);
14. Performance-based navigation (PBN) provisions;
15. Performance-based communication and surveillance (PBCS);
16. Extended duration of cockpit voice recorders (CVRs) to include: CVR and AIR erase function; and
17. Use of an enhanced global reporting format for assessing and reporting runway surface conditions.
18. Safety management systems, as provided for in Annex 19.

Additionally, the advent of the EASA Regulations, in particular Regulation (EU) 965/2012, has changed the regulatory landscape with respect to air operations in the EU entirely. The existing national legislation refers to the predecessor regulatory framework built on the JAR-OPS regulations, which is no longer extant. Accordingly, it will be necessary to amend the legislation to reflect the EASA Regulations, rather than JAR-OPS.

While the vast majority of civil aviation operations are conducted under the European regulations, referred to as the European Aviation Safety Agency (EASA) Regulations, a number of aviation disciplines fall outside the scope of the EASA Regulations, and must be regulated in accordance with national law.

Examples of the types of aircraft and operations falling outside the EASA Regulations include:

- Ferry Flights,
- Aerial firefighting

- Certain State activities
- Vintage aircraft that meet specific criteria for date of design and manufacture
- Ex-military aircraft
- Microlight aeroplanes
- Light helicopters
- Light gyroplanes
- Amateur build aircraft
- Aircraft built or modified for scientific or novel purposes
- Smaller balloons and airships
- Smaller sailplanes
- Certain tethered aircraft
- Manned sub-70kg aircraft such as self-propelled hang gliders

3 Objectives

The primary objective of this proposal is to update the national legislation for the purpose of providing up to date operational rules for civil aviation operations that fall outside the scope of the EASA Regulations.

An associated and important objective is to ensure that the national legislation complies with current International Standards and Recommended Practices (SARPs).

A further objective is the implementation of additional rules to provide for areas not yet regulated under national legislation, such as air displays and flying displays.

4 Options

- Option 1: Do nothing – retain the existing Irish Aviation Authority (Operations) Order 2006.
- Option 2: Revoke and reissue the existing Operations Order with updated regulations to transpose SARPs that have been introduced since 2006.
- Option 3: Undertake a comprehensive review and reissue of the Operations Order.

The Authority must address the current situation whereby the existing Regulations contain large sections of out of date and anomalous provisions. The Authority also has an obligation to give effect to the Chicago Convention and its associated Annexes, including Annex 6 on International Air Operations. The extant Irish legislation has not been amended since 2006, and does not reflect the amendments to ICAO Annex 6 since it was published. Accordingly, Option 1 can be discounted.

Much of the work involved in reviewing the amendments to Annex 6 has been completed since Q2 2023, and draft amendments to the legislation to take account of the required changes have

been prepared. This position favours pursuing Option 2.

A comprehensive review of the operations legislation would give an opportunity to fulfil the requirements set out in Option 2 and also future proof the air operations legislation to provide for emerging technologies, such as manned eVTOL and other future air mobility platforms. This Option is considered the most optimal approach. However, this option will take considerable resources and time. At present the available resources are not sufficient to have a comprehensive review completed in a short to medium timeframe. While this is considered the optimal option, it cannot be completed in a timeframe that is considered acceptable at this time.

On this basis it is recommended to proceed with Option 2 in the short term and engage in a comprehensive review with a view to implementing Option 3 in the medium term. This approach would require:

- Drafting the amendments to the Irish Aviation Authority (Operations) Order to take account of the changes to the ICAO SAPRS in Annex 6 since 2006;
- Inclusion of additional provisions to cover areas not yet regulated under national law, e.g. air displays;
- Constituting a cross domain working group, led by Flight Operations Division in the IAA, to undertake a comprehensive review of the Irish Aviation Authority (Operations) Order with a view to a more complete revision in the medium term, to include consultation with relevant aviation stakeholders.

The impacts of Option 2 are assessed in the following section.

5 Impact analysis

Option 1.

Retaining the current arrangements involves regulatory risks, insofar as the regulations are currently out of date and do not reflect the existing ICAO SARPS. The current regulations do not take account of the significant changes to the aviation safety regulatory landscape brought about by the advent of the EASA Regulations. In the longer term, this option means that those sections in aviation that fall outside the scope of the EASA Regulations must continue to operate within a legislation that is not fit for purpose. Owing to the limited effort required to modernize the legislation and the lack of clarity in the Irish Aviation Authority (Operations) Order, Option 1 is not considered a reasonable or long term consideration.

Option 2.

The Authority has an obligation to give effect to the ICAO SARPs and given the work undertaken to date, it is a relatively simple exercise to update and modernize the legislation, it is recommended to proceed with Option 2, the impacts of which are assessed below:

Aviation Safety: There will be no diminution of aviation safety standards resulting from this process to modernize the legislation. The updating of the legislation will bring increased clarity to the interrelationship between EU law and national law regarding the safety operation of civil aircraft.

Enforcement: The proposed option should improve the efficiency of the enforcement process as inspectors will operate on the basis of an up to date legislative framework.

Other impacts: It is not expected that the proposed option will have impacts on national competitiveness, socially excluded and vulnerable groups, the environment, consumers and competition, the rights of citizens, compliance burdens or North-South and East-West relations.

6 Consultation

In the drafting of legislative changes, the Authority is obliged under Section 58 of the Irish Aviation Authority Act 1993 to consult with the Minister for transport.

It is not the intention of the Authority to add additional regulatory burdens beyond that which are required under ICAO Annex 6.

The proposed draft Regulations and this RIA will be made available on the Authority's website for a 3-week period. The stakeholders below will be contacted directly by the Authority and invited to make submissions.

Stakeholders:

- Internal stakeholders within the Authority
- Department of Transport
- The Aviation Stakeholders Forum

Following consultation, the submissions will be assessed by the Authority and relevant additions or amendments considered for incorporation in the proposed Regulations and reflected in an updated RIA. The revised Regulations and RIA will be submitted to the Board of the Authority for consideration and approval.

7 Review

The Authority will maintain and monitor records of accident reports and inspection and enforcement actions in the civil aviation sector to ensure effective implementation of the regulations.

