



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

AVS Policy

ORDER
VS
1240.1

Effective Date:

07/12/07

SUBJ: AVS International Doctrine

1. **PURPOSE.** This order provides a doctrine for the management and conduct of Aviation Safety (AVS) international programs and activities.
2. **DISTRIBUTION.** This order is distributed to all AVS managers and supervisors.
3. **AUTHORITY TO CHANGE THIS ORDER.** The Associate Administrator for Aviation Safety (AVS-1) has authority to issue revisions to this order.
4. **DEFINITIONS.** For the purposes of this order, the following definitions apply.
 - a. **Doctrine.** A statement of fundamental government policy, in this case AVS policy.
 - b. **Quality Standards.** Expected performance qualities and characteristics for a given business process or operation. Establishes an agreed-upon level of quality required to meet mission and business goals.
 - c. **Lead.** An organization or individual that is designated as the responsible agent for the management/delivery of a program, coordination of a meeting, or other task assignment on behalf of AVS.
 - d. **Stakeholder.** An organization or individual involved in or impacted by an AVS international meeting or program and whose perspective on the content of that meeting or program needs to be reflected.
 - e. **Safety Standards/International Safety Standards.** Documents, including electronic media, containing technical specifications to be applied consistently as rules, standards, or guidelines to ensure that processes, services, products, and/or materials are used to achieve the intended purposes. They increase the reliability, consistency, and effectiveness of AVS international safety programs.
 - f. **Technical Assistance.** Assistance to another civil aviation authority (CAA) or foreign industry related to aviation safety functions. Technical assistance may include domestic or in-country technical training, seminars, and workshops administered by the Federal Aviation Administration (FAA) as well as safety oversight and technical review activities.
5. **VISION.** To maintain and continually enhance our position in global aviation safety leadership and encourage improvements to civil aviation safety by 1) advocating compliance with international safety standards 2) proactively participating in and influencing the development of

international safety standards, procedures, and practices, and 3) partnering with other civil aviation authorities and regional organizations.

6. PRINCIPLES. The AVS international organizations will adhere to the following principles:

a. International Safety. AVS international programs and activities support the implementation, promotion, and improvement of aviation safety (“raising the safety bar”) in the international arena through cooperation with civil aviation authorities, operators, and manufacturers.

b. International Leadership Goals Drive International Activities. Activities will align with and support the attainment of FAA Flight Plan and AVS international leadership goals.

c. Focus on Quality. Processes and products will meet or exceed quality standards and reflect commitment to continuous improvement in meeting customer needs.

d. Foster a Collaborative Environment. Create an environment where achieving a “one AVS” position throughout the organization is an essential job responsibility.

e. Leverage Resources and Improve Responsiveness. Effectively collaborate, communicate, and apply resources across Services and Offices to meet business plan goals and address popup requests.

f. Strong Internal and External Stakeholder Involvement. Ensure involvement, to the maximum extent possible, of individuals and organizations that have an impact on or are impacted by AVS international programs.

g. Accountability. Maximize employee and management accountability for the delivery of timely and quality products. Hold each other accountable when requirements are not met.

h. Lessons Learned. Systematically assess the effectiveness of meetings, programs and interactions in order to improve AVS’ international leadership.

i. Safety Improvements/Enhancements. Consistently promote the global adoption of safety improvements/enhancements.

7. PROGRAM MANAGEMENT. International programs will be managed according to established AVS quality standards consistent with the mission, size, and resources of AVS, including each AVS Office and Service. Programs within an individual AVS organization will adhere to the principles in this Order. Quality standards for specific programs and activities that involve multiple AVS offices or are AVS-wide are contained in the Appendices to this order.

8. ROLES AND RESPONSIBILITIES.

a. AVS Service/Office. Consistent with their mission, size, and resources, each Service and Office is responsible for carrying out the AVS International Doctrine through the following activities:

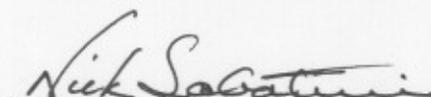
(1) Apply the vision, principles, and program management quality standards established in this order.

(2) Collaborate with one another where feasible, to ensure that international policy positions are standardized and consistent across AVS and that stakeholders are involved.

(3) Develop and maintain their own guidance, as appropriate, to direct international functions within their organizations.

b. Office of Quality and Integration (AQS). AQS is responsible for ensuring that this order is kept current and meets the needs of the AVS community. FAA Form 1320-19 Directive Feedback Information, is located on the last page of this order for your convenience in reporting suggestions for changes and improvements. Your suggestions are welcome.

c. The Assistant Administrator for International Aviation (API). API is the International Goal lead for the FAA Flight Plan and is the agency's focal point for developing international policy, managing relations with other countries and external organizations, and providing appropriate coordination and advice on international matters impacting FAA line organizations. API is the Agency Secretariat and focal point for managing the Interagency Group on International Aviation (IGIA) to develop and reach concurrence on U.S. aviation policies and positions.



Nicholas A. Sabatini

Associate Administrator for Aviation Safety

APPENDIX 1. AVS PARTICIPATION IN THE INTERAGENCY GROUP ON INTERNATIONAL AVIATION

1. PURPOSE. This appendix provides guidance for participation of AVS employees in the work processes of the Interagency Group on International Aviation (IGIA).

2. BACKGROUND.

a. The IGIA provides the U.S. Department of State with coordinated recommendations and policy positions on international aviation matters. In this role, IGIA ensures that affected U.S. government and industry organizations have the opportunity to contribute to the development of U.S. positions for presentation at meetings of several international aviation groups including the International Civil Aviation Organization (ICAO), the Committee for European Airspace Coordination, International Telecommunication Union, European Civil Aviation Conference and others. IGIA is also used to process requests from foreign governments for aviation-related bilateral agreements or to address other aviation issues that have significant international implications.

b. IGIA members include the Departments of State, Commerce, Defense, Transportation, the Federal Communications Commission and the National Transportation Safety Board. Other government agencies that participate on an "as needed" basis include the Environmental Protection Agency, Department of Justice, NASA, Department of Homeland Security, and the Department of Housing and Urban Development. Industry participants include a number of aviation trade associations such as the Air Transport Association (ATA), the Airline Pilots Association (ALPA), Aerospace Industries Association (AIA), and the General Aviation Manufacturers Association (GAMA). Some individual private companies also participate. Each of these organizations has one or more designated points of contact to ensure its timely and effective participation in the IGIA process.

c. The IGIA Secretariat (currently International Policy - Global Issues Branch, API-21) provides all administrative and coordination support. The IGIA Secretariat identifies the lead government agency responsible for the particular technical issue and tasks an action office to prepare a draft decision. The action office is responsible for drafting the U.S. position with input from other government agencies. About 75 percent of all IGIA requests normally involve a response to an ICAO State letter. The State letters address topics such as: positions concerning U.S. policy at ICAO panels, committees and study groups; proposals to amend ICAO Regional Air Navigation Plans; documents relating to Regional ICAO Air Navigation Meetings and Regional Planning Groups; and other aviation issues having international implications. State letters also cover proposed amendments to ICAO annexes, surveys, and administrative matters such as recruiting. The action office drafts the U.S. response following a standard format, completes any necessary informal coordination with other clearance offices, and submits it to the Secretariat for formal clearance with all IGIA participants. After the response is coordinated and cleared, the IGIA Secretariat forwards it through the U.S. Mission to ICAO, as the official U.S. response to the ICAO State letter.

3. RESPONSIBILITIES.

a. IGIA Clearance Offices Within AVS. These offices are responsible for ensuring that timely and complete responses are provided to the IGIA Secretariat, whether they involve the

APPENDIX 1. AVS PARTICIPATION IN THE INTERAGENCY GROUP ON INTERNATIONAL AVIATION (CONTINUED)

preparation of a U.S. response drafted within AVS or the review of a U.S. response drafted outside AVS. As the key AVS participants in the IGIA process, the following organizations are designated as IGIA clearance offices:

- (1) Flight Standards Service (AFS)-International Programs and Policy Division, AFS-50
- (2) Aircraft Certification Service (AIR) - International Policy Office, AIR-40
- (3) Office of Aerospace Medicine (AAM) - Program Management Division, AAM-100
- (4) Office of Accident Investigation (AAI) - AAI-100
- (5) Office of Rulemaking (ARM) - ARM-20
- (6) Air Traffic Service Oversight (AOV) - AOV-100

Each of these AVS offices is required to have a defined IGIA coordination process for their organization (preferably QMS work instructions).

b. Responses to AVS IGIA Clearance Offices. AVS managers, when requested by an IGIA clearance office, are required to:

- (1) Respond to IGIA-related requests in a timely manner;
- (2) Assure that draft U.S. responses are in accordance with AVS policies; and
- (3) When no related AVS policy has been established, coordinate their proposed response with their Office/Service Directors and, when appropriate, the Associate Administrator for Aviation Safety, AVS-1.

c. Proposals for IGIA Clearance Originated Within AVS. AVS managers who initiate position papers or propose actions that require IGIA clearance are required to:

- (1) Involve their designated IGIA clearance office early; and
- (2) Coordinate their draft proposal, when appropriate, with the other designated AVS IGIA clearance offices (see paragraph 3a above) before submitting the paper to the IGIA Secretariat for coordination. This will ensure a single AVS position before the FAA solicits the views of other IGIA agencies.

APPENDIX 1. AVS PARTICIPATION IN THE INTERAGENCY GROUP ON INTERNATIONAL AVIATION (CONTINUED)

d. Formal Meetings of ICAO Panels and Study Groups. This requirement applies to those headquarters AVS managers who have responsibility for the U.S. membership on an ICAO panel or study group. Managers are required to ensure their Office/Service Directors and the Associate Administrator for Aviation Safety have been briefed on the proposed U.S. positions:

(1) For ICAO panel meetings, prior to the submission of the associated U.S. position paper for IGIA clearance;

(2) For ICAO panel meetings, after the conclusion of the meeting and prior to the submission of the associated U.S. delegation report for IGIA clearance; and

(3) For ICAO study group meetings, both before and after significant meetings.

NOTE: When an AVS executive briefing package has been submitted which includes the proposed USG positions, this will satisfy the AVS pre-meeting briefing requirement.

e. Nomination of and Changes to Panel Members. All nominations for members of an ICAO Panel or Study Group must be approved by the applicable Office/Service Director. If a Panel or Study Group member changes, the AVS manager must notify the appropriate AVS IGIA clearance office to collaborate on the development and submission of an IGIA paper to nominate a new U.S. member. The IGIA Secretariat will formally notify ICAO of the change.

NOTE: IGIA clearance must be received before the new member may attend ICAO meetings.

f. Filing of Differences to ICAO Standards and Recommended Practices (SARPs). The IGIA clearance office within each AVS organization is responsible for maintaining a U.S. list of differences with assigned ICAO SARPs. ICAO has encountered delays in publishing these differences, so it is incumbent on the FAA to ensure that our records are complete and to validate what is shared publicly by ICAO.

(1) AVS office have regulatory responsibilities on behalf of the FAA for the SARPs of four ICAO annexes:

(i) **Annex 1: Licensing**—Flight Standards (FAA lead), Aerospace Medicine, Air Traffic Oversight

(ii) **Annex 6: Operations**—Flight Standards (FAA lead), Aircraft Certification, Aerospace Medicine

(iii) **Annex 8: Airworthiness**—Aircraft Certification (FAA lead), Flight Standards

(iv) **Annex 13: Accident Investigation**—Accident Investigation (FAA lead), Aerospace Medicine

APPENDIX 1. AVS PARTICIPATION IN THE INTERAGENCY GROUP ON INTERNATIONAL AVIATION (CONTINUED)

AVS offices also support other FAA organizations in carrying out the mandates of other ICAO annexes, for example, Annexes 2, 9, 10, 11 and 15. Additionally, AOV is responsible for review and concurrence with any differences filed by the Air Traffic Organization (ATO) regarding, at a minimum, Annexes 3, 4, 5, 10, 11, 12 and 15.

(2) The IGIA clearance office for the lead AVS organization will conduct an annual review (by December of each calendar year) of the FAA differences that are on file to ensure that they are complete and current, based on the latest Amendments in effect for the assigned Annexes listed above. Where multiple offices have regulatory responsibilities under an Annex, the lead AVS organization is responsible for coordinating these reviews with the other organizations. The classification of differences is defined by ICAO as: *A. More exacting or exceeds*, *B. Different in character or other means of compliance*, and *C. Less protective or partially implemented/not implemented*. Submissions from AVS organizations are expected to reflect these categories. The annual review must be documented either by the submission to API of an updated consolidated list of differences or a memo to the Office/Service Director stating ICAO's record is current.

(3) Each affected AVS organization will include their process for the review and annual filing of a complete set of ICAO SARP differences in their IGIA clearance QMS work instruction (see paragraph 3a above.) This process must address differences in any ICAO Annex relevant to that AVS office/service. For example, AOV's work instruction must include procedures for processing ATO's proposed differences with ICAO Annexes.

APPENDIX 2: THE NEGOTIATION OF A BILATERAL AVIATION SAFETY AGREEMENT (BASA) WITH A FOREIGN GOVERNMENT

1. PURPOSE. This appendix outlines the AVS process for the negotiation of a Bilateral Aviation Safety Agreement (BASA) and Implementation Procedures (IP) with a foreign government.

2. BACKGROUND.

a. U.S. law (Title 49 of the U.S. Code chapter 447) and the Federal Aviation Regulations require that the Federal Aviation Administration's (FAA) Administrator issue type, production, airworthiness, and airmen certificates, and air agency certificates to repair stations and training centers, after making findings of compliance with applicable U.S. regulations. The Administrator may exercise discretion in the level of direct FAA involvement and in determining what constitutes competent evidence in making the required findings.

b. One way the Administrator may exercise this discretion is by relying on findings of compliance made by competent aviation regulatory authorities in other countries under a government-to-government agreement. The authority to use such international agreements is provided in Title 49 of the U.S. Code, Section 40105. Such reliance is necessarily predicated on an assessment of, and continued confidence in, the other authority's system, including standards, rules, practices, and procedures for issuing and overseeing the type of certification or approval under consideration. Since 1929, the United States has concluded bilateral agreements with other countries in order to facilitate the reciprocal acceptance of findings of compliance in the certification of aviation-related products.

c. Since 1996, the format of these agreements has included an umbrella executive agreement and technical implementation procedures. The BASA Executive Agreement, known as an Agreement for the Promotion of Aviation Safety ("Bilateral Aviation Safety Agreement" or "BASA Executive Agreement") establishes the government-to-government framework. It designates the FAA and the counterpart civil aviation authority (CAA) as "executive agents" with authority to potentially develop and conclude technical IPs. The IP defines specific activities and procedures for FAA and a CAA's cooperation and reciprocal acceptance of products and services. Currently IPs have been developed in the areas of airworthiness and environmental certification (Implementation Procedures for Airworthiness, IPA); repair station certification (Maintenance Implementation Procedures, MIP); crew licensing (Implementation Procedures for Licensing, IPL); and simulator evaluation (Simulator Implementation Procedures, SIP).

d. To ensure that BASAs are negotiated only with countries with whom the U.S. has a strong, working relationship, AVS will recommend a BASA only for countries whose CAA is capable of carrying out activities under one or more IPs.

3. APPLICABILITY. This appendix applies to AVS personnel involved in the development of BASA Executive Agreements and related IPs with other CAAs. AIR-40 coordinates this process for the Aircraft Certification Service. For the Flight Standards Service, the AFS Division with policy responsibility relevant to the IP (e.g., Aircraft Maintenance Division for MIPs) leads the IP technical

APPENDIX 2: THE NEGOTIATION OF A BILATERAL AVIATION SAFETY AGREEMENT (BASA) WITH A FOREIGN GOVERNMENT (CONTINUED)

content negotiations. AFS-50 serves as a member of the team and leads the coordination process within the FAA for the Flight Standards Service.

4. PROCESS. The process to conclude a BASA and one or more IPs is a multi-year activity. Key steps in this process are as follows and are also outlined in the BASA Process Flowchart on page A2-6.

a. BASA Initiation Procedure.

(1) Generally, a foreign government will express interest in obtaining a BASA to meet the need(s) of its domestic aviation industry. The Department of State is the U.S. government lead for such agreements, and looks to the FAA for technical guidance in these situations. For a new agreement, the country, through its Foreign Ministry, sends a diplomatic note to the U.S. Department of State to request and explain the need for a BASA with the United States. The Department of State will notify the FAA Assistant Administrator for International Aviation (API) and forward a copy of the diplomatic note, which, in turn, is reviewed by the appropriate AVS organization.

(2) Upon receipt of the diplomatic note, the API desk officer responsible for the requesting country develops, in consultation and coordination with the appropriate AVS organization (either AIR-40 or AFS-50), an interim response acknowledging receipt of the request (Note: the reply may mention the requirement for IGIA coordination as well as other AVS commitments that may delay action on the request). This reply is then forwarded to the Department of State for review and additional language. The final draft is then forwarded to the API desk officer for final coordination with AVS and other FAA organizations and returned to the Department of State which submits the reply to the requesting government.

b. Evaluation Leading to AVS Recommendation.

(1) Prior to negotiating a BASA with a particular country, AIR or AFS should identify its intention to develop an IP related to the functions of aircraft certification, aircraft maintenance or operation, or airmen licensing. The AVS office responsible for the IP conducts an initial evaluation of the proposed foreign CAA's system of safety oversight in order to determine the feasibility of concluding the IP. The evaluation may include an on-site visit to the country's civil aviation authority. In order to determine if a consolidated/cross line-of-business AVS team is appropriate, the proposed on-site BASA assessment visits should be coordinated with all FAA offices responsible for IPs. In addition, the Office of Environment and Energy (AEE) may lead an assessment for environmental certification.

(2) The purpose of this initial evaluation is primarily to identify any obstacles that may preclude the conclusion of an IP with a particular aviation authority. The evaluation should include an analysis of the responsible authority's organizational structure, resources, regulations and industry oversight. The evaluation should also consider information available from sources such as: the International Aviation Safety Assessment program (IASA); ICAO Universal Safety Oversight Audit Programme (USOAP); documented experience with that authority under existing FAA

APPENDIX 2: THE NEGOTIATION OF A BILATERAL AVIATION SAFETY AGREEMENT (BASA) WITH A FOREIGN GOVERNMENT

agreements; and assessments conducted by other FAA offices in order to maintain a consistent FAA policy regarding a particular country's aviation safety oversight.

(3) The technical evaluation conducted by the Aircraft Certification Service is described in Advisory Circular (AC) 21-23, "Airworthiness Certification of Civil Aircraft, Engines, Propellers and Related Products Imported to the United States." This AC discusses the assessment conducted prior to a recommendation for any BASA related to airworthiness. The Flight Standards Service may conduct its technical evaluation, relevant to a particular IP, after the BASA negotiation process has begun. See, for example, AFS quality procedure AFS-300-02 "Establish Maintenance Procedures under a Bilateral Aviation Safety Agreement," for a description of how AFS familiarizes themselves with another authority's repair station certification system.

c. BASA Negotiation with Foreign Counterpart.

(1) Once an AVS office is satisfied that a BASA is appropriate and can be supported technically by the CAA, AIR-40 or AFS-50 prepares a memorandum addressed to API requesting BASA Executive Agreement negotiations. The memorandum is signed by the appropriate Director (AIR-1 or AFS-1) and sent to API through AVS-1 (see page A2-5 for sample memorandum). This AVS formal recommendation for a BASA must be fully coordinated within AVS before submission to API.

(2) API then requests the Department of State, Office of Aviation Policy (EB/TRA/AVP) to begin Executive Agreement BASA negotiations. API coordinates the process with the Department of State and AIR-40 or AFS-50 as appropriate. Note: At the time of AVS recommendation, the country must be a category 1 country under the FAA's IASA program to be considered for a BASA. The IASA program is defined at FAA's internet site: http://www.faa.gov/safety/programs_initiatives/aircraft_aviation/.

(3) API also coordinates with other agencies and industry representatives through the IGIA process, including the Departments of Transportation, Commerce, Defense, Labor and the USTR. The FAA has BASA IP negotiating authority only for those countries on an approved list from the Department of State. If the proposed bilateral partner is not on this list, then the responsible AVS office will draft a paper for IGIA coordination explaining why a BASA is desirable, and will provide this paper to API. (See prior discussion in appendix 1 for more information on the IGIA process).

(4) Upon receipt of the FAA request, the Department of State will initiate BASA negotiations through diplomatic channels.

(5) The process of negotiating this government-to-government agreement is a formal process that can take at least six months to a year. In some cases, the other government may have fundamental legal or constitutional objections to the standard BASA language. In these cases, the process can take more time.

APPENDIX 2: THE NEGOTIATION OF A BILATERAL AVIATION SAFETY AGREEMENT (BASA) WITH A FOREIGN GOVERNMENT (CONTINUED)

(6) The Department of State generally negotiates the BASA Executive Agreement through an exchange of cables starting with a template agreement. Throughout this process, FAA may be asked to comment on proposed text changes. API is the lead FAA organization for BASA Executive Agreement negotiations; it coordinates any substantive changes (as well as the final text) with the Office of the Chief Counsel and AVS. The text of the BASA Executive Agreement may require translation into the bilateral partner's official language. The translation is typically done by the bilateral partner with verification by the Department of State. Upon completion, the Department of State arranges the signing of the BASA Executive Agreement. API forwards copies of the signed BASA to AIR-40 and AFS-50, as well as other interested offices such as the Office of Environment and Energy (AEE) and the International Affairs and Legal Policy Staff (AGC-7).

d. IP Development.

(1) AVS is the lead organization for development of all IPs. AVS may initiate development of the IP while the BASA Executive Agreement is under negotiation. However, NO IP MAY BE SIGNED PRIOR TO THE CONCLUSION OF THE BASA EXECUTIVE AGREEMENT.

(2) The AVS office that recommended negotiation of the BASA proceeds with the conclusion of IPs after the BASA is signed. The lead AVS office is responsible for formally coordinating a draft IP for clearance with its AVS counterpart office as well as with API, AGC, and for IPAs, the Office of Energy and Environment (AEE). Generally, 30 days should be provided for FAA internal review and comment. In some cases, the text will also need to be coordinated with DOS. Note: IPs may be signed only by the FAA Administrator or API unless AVS has obtained a formal delegation of signature authority from API.

(3) Similar to the Executive Agreement, text of the IP may require translation into the bilateral partner's official language, and verification of such translation by the Department of State. AIR and AFS must factor this time into their IP project plans.

(4) Upon completion, the IP will be signed at the Administrator level unless delegated. The original signed copy of the IP is retained by API and copies are provided to AIR-40 or AFS-50 for distribution as appropriate.

(5) In accordance with the ISO 9001 standard and AVS quality system, AIR and AFS shall define a QMS procedure for their development, review, and coordination of IPs to comply with this Order.

**APPENDIX 2: THE NEGOTIATION OF A BILATERAL AVIATION SAFETY
AGREEMENT (BASA) WITH A FOREIGN GOVERNMENT (CONTINUED)**

SAMPLE RECOMMENDATION MEMORANDUM



**Federal Aviation
Administration**

Memorandum

Date:

To: Assistant Administrator, International Aviation, API-1
THRU: Associate Administrator for Aviation Safety, AVS-1

From: Director, Flight Standards Service, AFS-1

Subject: Negotiation of U.S./China Bilateral Aviation Safety Agreement

For the past 10 years, the Federal Aviation Administration (FAA) has worked closely with its counterparts in the General Administration of Civil Aviation of China (CAAC) in many of the disciplines associated with Flight Standards Service, i.e., maintenance, operations, and licensing. This longstanding relationship has resulted in a regulatory structure and associated policies and procedures somewhat similar to those of the FAA.

In light of these positive factors, and to assist in achieving the associated performance target in the FAA Flight Plan 2004-2008, I would like to request that the Office of International Aviation recommend to the Department of State that it propose and negotiate a Bilateral Aviation Safety Agreement (BASA) with the People's Republic of China.

As these negotiations commence and progress, the FAA will be giving consideration to a subsequent negotiation of a Maintenance Implementation Procedure (MIP) with the CAAC associated with the oversight of aircraft repair stations certificated by both civil aviation authorities within each other's country.

Thank you in advance for your assistance and cooperation.

APPENDIX 2: THE NEGOTIATION OF A BILATERAL AVIATION SAFETY AGREEMENT (BASA) WITH A FOREIGN GOVERNMENT (CONTINUED)

BASA PROCESS FLOWCHART

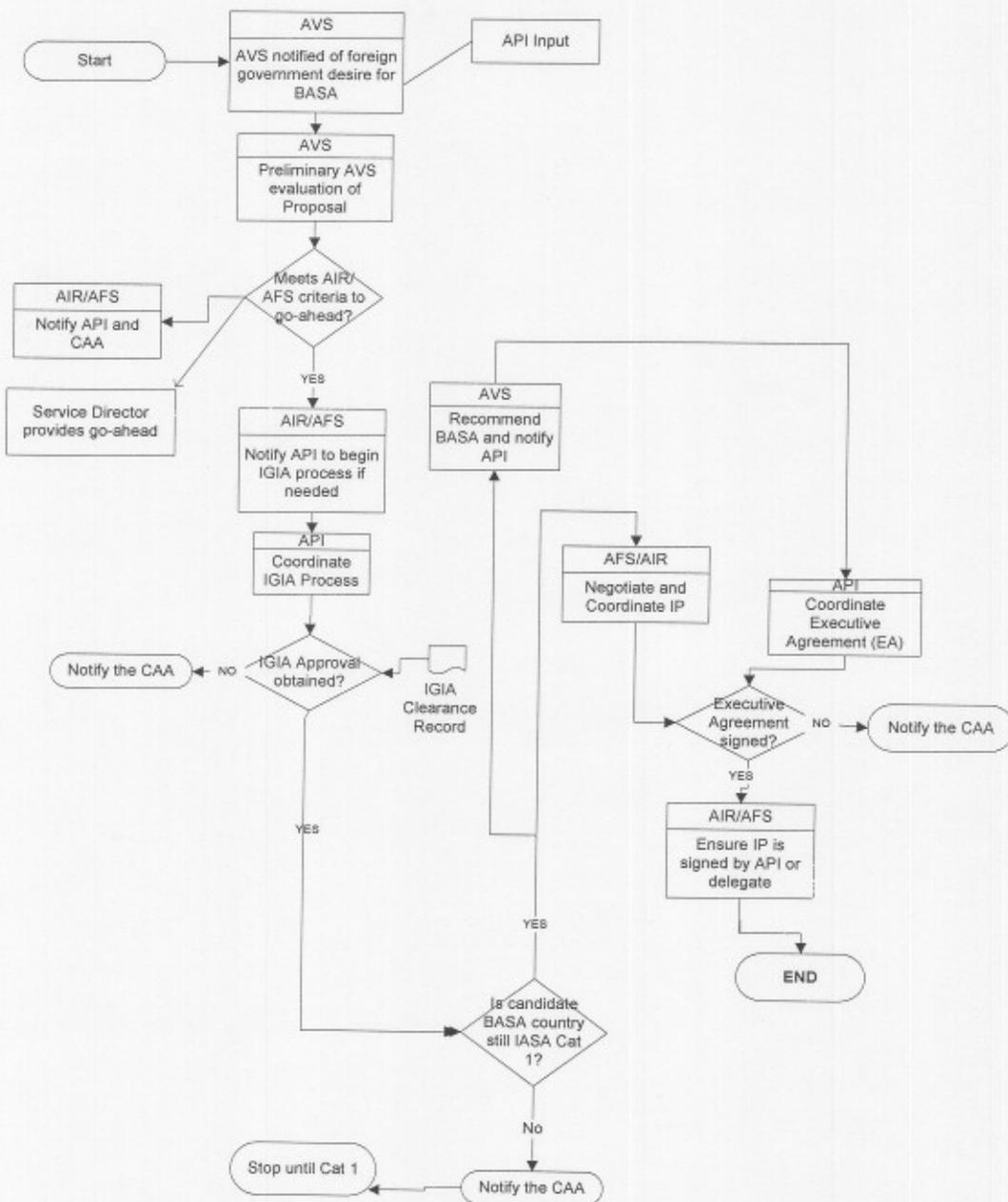


Figure 1 - BASA Process

APPENDIX 3. INTERNATIONAL TECHNICAL ASSISTANCE

1. Purpose: This appendix outlines the AVS decision process for prioritizing international technical assistance. It establishes a standardized AVS process for review of technical requests in terms of internal and external priorities, political will, and resources.

2. Background: AVS is often asked to provide technical assistance to another CAA. Considering limited resources and increasing demand, AVS must be able to prioritize technical assistance requests. AVS has developed a decision tool that provides a standardized approach to decisionmaking and leads to clear choices to support the most efficient and justified allocation of AVS resources.

3. Decision Process: The AVS resource decision-making process for technical assistance centers on three decision points. First, a level of priority must be determined. Depending on the level of priority, AVS will then consider whether the CAA has the political will to apply FAA's technical assistance to improve its activities. Lastly, AVS will consider the availability of resources. This decision process is shown in the International Technical Assistance Decision Tree on page A3-4.

a. Levels of Priority. To determine if technical assistance should be provided, the AVS office must first prioritize the requirement for the activity. Priorities for AVS (in order of importance) are established by: statutory/regulatory/NAS requirements; the Administration; the Flight Plan/AVS management; and other agency interests. To be considered for AVS support, technical assistance requests must meet one of the following priority requirements:

(1) Statutory/Regulatory/National Airspace System (NAS) Requirements.

Highest priority is given to requests stemming from a statutory, regulatory, or NAS requirement that would mandate the requested technical assistance (i.e., the technical assistance activity is required by regulation or a bilateral agreement). AVS will support the technical assistance activity and seek the appropriate resources without further consideration.

(2) Administration Priorities. Some foreign technical assistance activities have intrinsic value to the U.S. Government in terms of furthering safety, industry, economic, trade, and foreign policy interests. In these cases, where there is high-level Administration interest or initiative (i.e., Presidential, DOT, AOA, DOS), API will inform AVS which, in turn, will consider this as a priority input. Other sources of U.S. Government funding may also be provided.

(3) FAA Flight Plan/AVS Priorities. AVS international activities focus on international operational safety within the NAS, maintaining FAA global aviation leadership and expanding global adoption of FAA safety standards. These activities in targeted countries or regions are addressed/established in the FAA Flight Plan and/or AVS Business Plans including Service/Office level plans. In this context, AVS determines the relative priority of a technical assistance activity request as follows:

(a) FAA Flight Plan Priorities. AVS will give priority to a technical assistance activity related to a country or region targeted in the Flight Plan or one that supports, fulfills, or is relevant to a Flight Plan strategic initiative.

APPENDIX 3. INTERNATIONAL TECHNICAL ASSISTANCE (CONTINUED)

(b) AVS Line of Business (LOB) Priorities. AVS Service/Offices may assign priority to a technical assistance activity based on their assessment of significant safety needs, issues, and/or industry changes.

(i) Flight Standards (AFS) priorities are based on the ability of a CAA to meet minimum standards in support of operations by foreign operators to and from the United States and those operations between a U.S. carrier and foreign carriers, done under codeshare agreements. Priorities are also based on requests supporting the establishment of oversight organizations.

(ii) Aircraft Certification (AIR) priorities are determined in consideration of a CAA's ability to meet bilateral agreement commitments. Additionally, consideration is given to ongoing and planned manufacturing activity in that country.

(iii) Office of Aerospace Medicine (AAM) priorities are based on assisting foreign countries that are developing civil aviation medical and human factors standards, policies, and procedures.

(iv) Office of Rulemaking (ARM) does not often provide technical assistance to foreign CAAs, but will consider assistance at the request of API or AVS.

(v) Office of Accident Investigation (AAI) has both regulatory and international (ICAO, Annex 13) obligations regarding accident investigation when there are U.S. aeronautical products, U.S. operators, and/or other U.S. interests involved.

(4) Other Agency Priority. FAA's Assistant Administrator for International Aviation may identify a need for AVS assistance when considering a variety of factors. API has developed a matrix to quantify these other agency interests.

b. Political Will. Before AVS supports a technical assistance request (other than an activity required by law or regulation), AVS requires that a foreign government demonstrate political will - the capability and commitment to follow-through and maximize the benefits of the assistance. Foreign political will must be demonstrated by a documented commitment of manpower and budgetary resources (in some cases this funding is actually from another agency of the U.S. government.). If there is no evident political will, AVS will not usually support the technical assistance activity.

c. Resource Availability. AVS finally considers the technical assistance request in terms of the ready availability of staffing, monetary, and materiel resources, assuming the other two factors above are also favorable.

(1) If resources are available, the technical assistance will proceed.

APPENDIX 3. INTERNATIONAL TECHNICAL ASSISTANCE (CONTINUED)

(2) There may be cases where both the level of priority and the political will are high, but the FAA does not have staffing available. In these cases, other options to meet the CAA's need will be reviewed, e.g. contractor or other external sources.

4. Reimbursement.

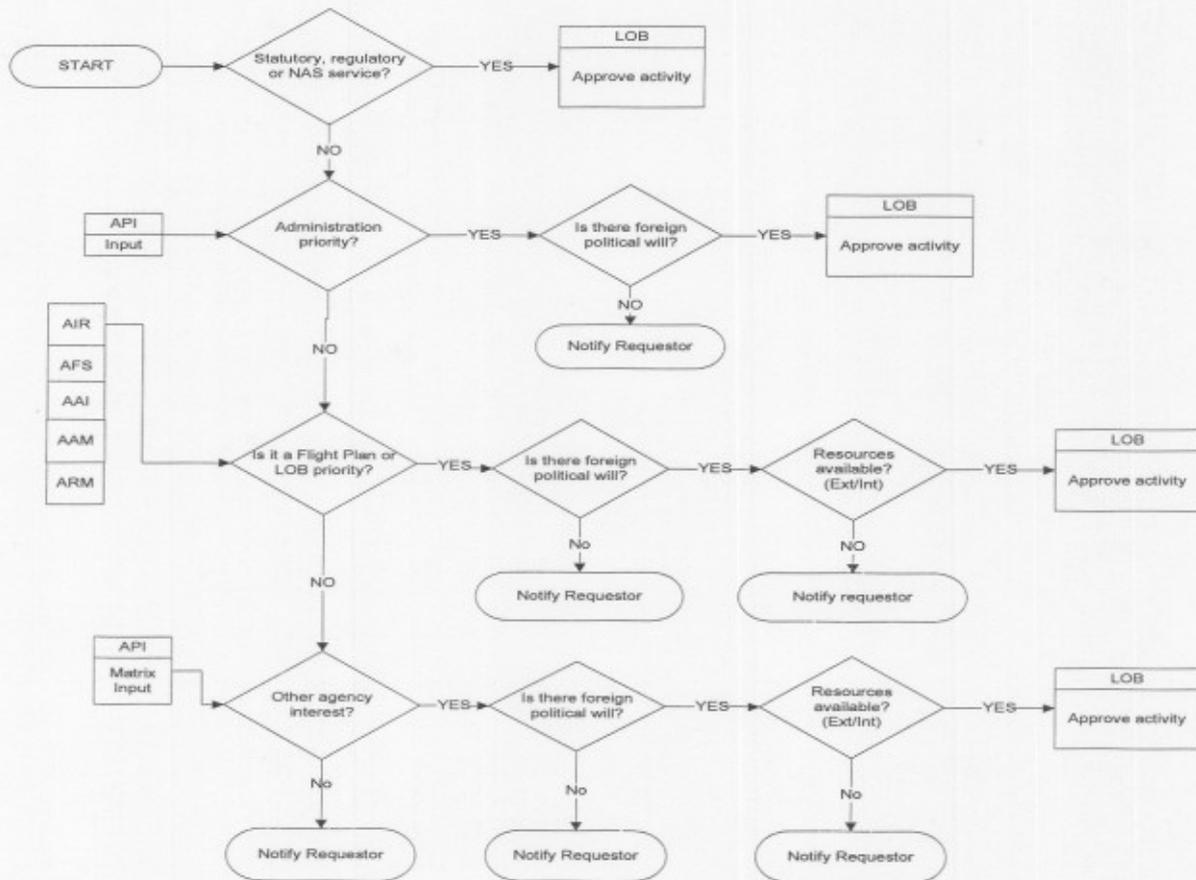
a. Consistent with pending FAA Order N 2500.XX, *Reimbursable Agreements Covering Goods and Services Provided by the FAA*, all AVS technical assistance must be performed under reimbursable agreements. There are three sources of reimbursement for FAA technical assistance projects: the foreign entity that has requested the assistance; a non-Federal third party (i.e., World Bank, ICAO); or the U.S. Government (i.e., DOT, DOS, USTDA, USAID). AVS's international offices such as AIR-40 and AFS-50 serve as AVS liaison and coordinate with API to develop details for the reimbursable agreements that are presented to a foreign government or international organization. Once the assistance is provided, to receive reimbursement for the personnel compensation and benefits of AVS employees, the AVS office(s) must prepare a memorandum to Office of Operational Services through API identifying the specific accounting code that is to be reimbursed.

b. There may be countries that request that FAA waive the requirement for reimbursement of the cost of technical assistance. 49 USC 40113(e) gives FAA authority to grant reimbursement waivers under specific guidelines. To achieve consistent and compliant FAA cost waiver policy for international technical assistance, the Administrator has delegated the authority for waiver approvals to API with the concurrence of AGC and the LOB funding the work. API will consider cost waivers only for countries receiving development assistance under the U.S. Foreign Assistance Act. No AVS office can waive and absorb the costs of any technical assistance project without concurrence by AVS-1 and an API-approved waiver. Services/Offices Directors must provide written justification to AVS-1 for any waiver requests initiated within AVS.

5. **Case Studies.** The AVS decision process is illustrated on page A3-5 using several different types of requests for AVS technical assistance.

APPENDIX 3. INTERNATIONAL TECHNICAL ASSISTANCE (CONTINUED)

International Technical Assistance Decision Tree



APPENDIX 3. INTERNATIONAL TECHNICAL ASSISTANCE (CONTINUED)

Case Studies: Applying the AVS Decision Tree

Case 1—Poland Request for Technical Assistance

Poland was downgraded to IASA Category II in 2003. AFS assistance was requested to assist their efforts to regain Category I status.

- Statutory/Regulatory/NAS Requirement? No
- Administration Priority? No
- Flight Plan/LOB Priority? Yes (supports assisting CAA's to reach greater compliance with international standards). Political Commitment/Will? Yes. FAA received a request for assistance from the Director General. Available Resources? Yes (AFS specialists).

AVS Decision: Yes. This activity supports an identified Flight Plan priority, there is political will, and resources are available.

Case 2—Nigerian Request for Technical Assistance

Following a period of recent crashes involving over 240 deaths, the Minister of Transportation of Nigeria and colleagues visit the FAA to request review of their aviation laws and regulations and help with improving safety oversight of its carriers.

- Statutory/Regulatory/NAS Requirement? No
- Administration Priority? No
- Flight Plan/LOB Priority? No
- Other Agency Interest? Some Department of State interest. Political Commitment/Will? None evident.

AVS Decision: No. There is no strong priority and no evidence of political will.

Case 3—Hong Kong Request for Technical Assistance

The Hong Kong Civil Aviation Department conducts annual airworthiness workshops for its employees and requests FAA aircraft certification instructors to participate in this training.

- Statutory/Regulatory/NAS Requirement? No
- Administration Priority? No
- Flight Plan/LOB Priority? No
- Other Agency Interest? No. Although Hong Kong is in Asia, it is not a specific FAA priority at this time.

AVS Decision: No. There is no agency priority for this request.