



REPUBLIC of SAN MARINO

CIVIL AVIATION AUTHORITY

Via Consiglio dei Sessanta, 99
47891 Dogana
Republic of San Marino
TEL: +378 (0549) 882929 | FAX: +378 (0549) 882928

Information Circular No. 31

SAN MARINO LEGISLATIVE PROCESS

1. Introduction

This Information Circular has been developed to provide all concerned parties with information pertaining to the legislative processes utilised by San Marino and to address those questions raised by stakeholders regarding this process.

2. International Obligations

The CAA of San Marino is vested with the responsibility of ensuring that the development and operation of civil air transport in San Marino is safe and in accordance with national and international standards.

The Republic of San Marino, as a signatory to the International Civil Aviation Organisation's (ICAO) Chicago Convention, has committed itself to the provision of a standardised and internationally accepted approach to the regulation and safety oversight of civil air transport.

San Marino incurs certain obligations under the Chicago Convention, its Annexes and applicable Standards. One such obligation is the adoption of International Standards and Recommended Practices (SARPs) regulating civil air transport so San Marino is expected to implement and enforce the SARPs contained in the Annexes to the Convention.

In order to achieve this primary obligation on an on-going basis, San Marino is required to keep abreast with latest developments and/or variations to the SARPs and in turn regularly review and revise applicable national legislation. ICAO SARPs are generally amended on a yearly basis with an effective date of November every year. The adoption of SARPs, and any amendment to those SARPs, is reflected in the Civil Aviation Regulations (CARs) of San Marino.

3. Law and Decrees

The Law No. 125 of 29 July 2014 (as amended) gives effect to the Republic of San Marino's obligations under the Convention. The amendment process for the Law is through a Decree process

to the Secretary of State for Transport and approved by the Captains Regent.

4. Civil Aviation Regulations (CARs)

Under the Law the Director General is empowered to issue regulations and CARs are available for public viewing on the CAA website at www.caa-mna.sm. The CARs are progressively reviewed by a formal Committee using a six month cycle.

The CARs set out in detail the safety standards that are required in relation to airworthiness of aircraft, licences and ratings of operating crew and maintenance personnel, aircraft operation, air traffic control, rules of the air, dangerous goods, airports, aviation security and many other issues.

5. Committee

A CAA Committee is responsible for the formulation and amendment of proposed regulations, for the preparation of supportive/interpretative documents and to recommend approval to the Director General.

The Committee is represented by experienced technical personnel within the CAA based on the issue being reviewed. The Executive Board, which oversees the administration of the CAA, is not involved in the development or amendment to CARs.

The time frame for legislative review is every six months and the Committee must follow formalised procedures.

6. Consultative Process

In fulfilling its obligations and responsibilities in respect to the CARs, the Committee promotes full and effective consultation and communication with all interested parties on aviation issues and also consults with government, commercial, industrial, consumer and other relevant bodies and organisations.

The CAA is committed to working cooperatively with the aviation industry to maintain and enhance aviation safety. This is especially important as far as the development of standards and regulatory material is concerned.

7. Notice of Proposed Amendment (NPA)

The consultative process required for CAR amendment includes the publication of Notices of Proposed Amendment (NPA), which is made available on the CAA website approximately 90 days prior to the effective date of a regulation.

The NPA directs the reader to the actual draft text of the proposed regulation change, and depending on the amendment, may include:

- (a) an introductory statement providing an overview of the purpose of the NPA and the benefits expected, and an invitation to comment by a specific date.

- (b) background information, including a description of the problem addressed and why regulatory action is required.
- (c) the objectives of the proposed rule; the objectives of the proposal; what outcomes, goals or targets are sought in relation to the identified problem.
- (d) An assessment analysis covering who will be affected by the proposals, the effect options will have on existing legislation/regulations, the impacts the options in terms of as costs and benefits, the distributional effects, that data sources and assumptions made, and a summary of why the particular option is preferred.
- (e) a description of the subjects and issues involved.
- (f) An explanation of how the proposals will be implemented and reviewed/assessed.
- (g) a guide on how to comment (including postal and email addresses).
- (h) a date by which comments must be submitted, and where to send comments. A response sheet is included and respondents are urged to use the response sheet when submitting their comments to CAA.

8. Responses to NPA

Any person can make a comment on a proposed amendment to a regulation. Comments must be in writing and are generally expected to be submitted using the response sheet provided in the NPA document. Where a response is not received from stakeholders by the specified date, it is taken as acceptance of the proposed amendment.

9. Register of Responses to NPA

The CAA registers all comments made. After the time for comments expires, the CAA will evaluate all the comments received and, depending on the amendment, may publish a Summary of Responses on the CAA website setting out a summary of the comments received, CAA's response to them and the action to be taken.

10. Contact

Whilst this circular describes the legislation and CAR amendment process, members of the aviation industry are always welcome to contact myself at amministrazione@caa-mna.sm to discuss legislation issues.

Yours truly,

San Marino, 24/08/2021

Eng. Marco Conti
Director General