

**INTERNATIONAL CIVIL AVIATION ORGANIZATION
NORTH AMERICAN, CENTRAL AMERICAN AND CARIBBEAN OFFICE**

**FOURTH MEETING OF DIRECTORS OF CIVIL AVIATION
OF THE CENTRAL CARIBBEAN**

(Grand Cayman, Cayman Islands 17-20 May 2000)

Agenda Item 7 : Safety Oversight

Establishment of Sub-regional authority for Operational Safety Oversight

(Presented by the Secretariat)

SUMMARY

This Working Paper presents background information on Safety Oversight to the Central Caribbean States. It provides introduction to the new ICAO Universal Safety Oversight Audit Programme. It includes information on further development of the audit programme and request action and compliance by Central Caribbean States with Assembly Resolution A32-11. It also address an audit schedule of States in the Central Caribbean.

1. ICAO Universal Safety Oversight Audit Programme and ICAO NACC Regional Office Safety Oversight Activities.

1.1 The decision to migrate from a voluntary safety oversight assessment programme to a Universal Safety Oversight Audit Programme is significant and has had major impact on resource requirements, a need for quality, public profile and transparency that any audit programme should entail. At the present time the ICAO USOAP includes only Annexes 1, 6 and 8. However it has been recommended that the programme be amplified in the future to include Annexes 11 and 14 and other safety related fields.

1.2 The major problems and deficiencies encountered in the past fall into three categories: primary aviation legislation and regulation; institutional structure, qualified personnel, training and financial resources; and effective certification and supervision of commercial air transport operators. By signing the Memorandum of Understanding between the State and ICAO, the Civil Aviation Authority of the State is responsible for complying with the MOU.

1.3 The basic steps of the audit are as follows: After the completion of audit or follow up, the ICAO will within twenty one days deliver an Interim report. Should action be necessary to correct deficiencies the audited State will be required to provide an action plan acceptable to ICAO. This action plan should be submitted to ICAO within next twenty one days after delivery of ICAO interim report. The action plan should address the findings and recommendations of the safety oversight audit team, providing specific actions and deadlines for the correction of the identified deficiencies. States are expected to start working on their action plan immediately after the audit on the basis of debriefing and the list of findings and recommendations provided by the audit team leader at the end of the mission.

1.4 During September 27 to October 8, 1999 a Safety Oversight Seminar/Workshop was presented in San Jose Costa Rica. The seminar was attended by 20 States. In December 1999 the ICAO audit team conducted a Safety Oversight Audit in Jamaica, in January 2000 in Bahamas, and in March 2000 in the Dominican Republic.

2. **Establishment of Sub-regional Authority for Operation Safety Oversight**

2.1 Experience has shown that many States lacking in their flight safety oversight capability were constrained in the implementation of the audit teams recommendations because of shortage of adequate funding, mainly owing to the cost-intensive programmes and personnel structure required for flight safety oversight on the one hand, and the relatively few national transport activities on the other. Experience over the last three years indicated that, where funding was available, States chose from basically **three options** when implementing flight safety oversight related projects:

Sub-regional level solution

2.2 It is recalled that the Conference of Directors General of Civil Aviation on a Global, Strategy for Safety Oversight (Montreal, 10-12 November 1997) recommended inter alia, that ICAO promote the establishment of regional mechanisms with a view to achieving long-term sustainability of safe capabilities world-wide. It has been policy of Technical Cooperation Bureau, (TCB) therefore, to promote harmonization of legal and regulatory documentation as well as staff training and continued safety oversight operations for the purpose of creating permanent sub-regional mechanisms, which can operate without external assistance, thus obtaining cost-effective long-term solutions for participating countries pooling their resources and achieve a sustainable project results. Typically these projects are implemented in 3 phases:

- a) selection of suitable national and regional staff;
- b) development of manuals and the conduct of seminars and workshops for regional staff to become flight operators and airworthiness inspectors capable of managing and operating a sub-regional flight safety unit; and
- c) actual flight safety oversight work, advanced formal and on-the-job training and finally actual flight safety oversight work by trained regional inspectors with minimal supervision and monitoring by relevant experts.

2.3 The projects with a duration of two to three years and conceived for seven to ten countries and with average cost of US\$2.5 million.

Country-level solution

2.4 Although it is generally accepted that a sub-regional approach to increase the level of safety oversight is more suitable for achieving long-term sustain ability of project results, it often has become necessary for States to implement relevant projects on country level. This has been the case mainly because sub-regional projects have a tendency to take a longer time to ascertain the political and financial commitments before the project can begin, as indicated above. This lead time is not often acceptable to countries who need to solve their safety oversight problems on urgent bases, at least those problems which jeopardize the immediate safety of a country's air transport infrastructure. Implementation cost estimates for project in which the TCB has been involved vary from US\$300 000 to US\$3 millions per country, with project duration from 6 to 96 months, depending upon complexity of the air transport environment and the seriousness of deficiencies found.

Transition from country to sub-regional level solution

2.5 Although States have often been able to appropriately increase their safety oversight capabilities in short term on the basis of national efforts, funding of sustained system could at times not be maintained beyond the first year because of changing government budgets or priorities. It is therefore increasingly common for States to make initial investments on country level, but to participate in parallel in a sub-regional approach for long term sustain ability of the country-level project results. The investments made by participating States on country level are taken into account when distributing the overall costs for a sub-regional project to the individual participating States and do normally results in lower requirements for cash contributions, compensated by contributions in kind, such as the services of flight operations and airworthiness inspectors in the execution of the project.

2.6 In a recent meeting of Directors of Civil Aviation of Central America and Panama, 15-17 March 2000, the meeting was informed of the creation of the Central American Aeronautical Safety Agency (ACSA), which was formed on the legal basis of Articles 12 and 37 of the Chicago Convention. The purpose of the Agency is to make recommendations and provide assessment to the member States of COCESNA in certification procedures, preparation of an aeronautical code of regulations, national registry, preparation of operational manuals, participation in audits to ensure operational quality, inspection and issuance of licenses. The Agency's Internal Regulations are at **Attachment A**.

3. **Conclusion**

3.1 It is of utmost importance and an obligation of States to look for a solution, either on an individual basis or by creating a regional mechanism to share the cost of compliance with Aviation Safety.

4. **Action**

4.1 The Directors of Civil Aviation are invited to:

- a) note the information provided in respect to the ICAO Universal Safety Oversight Programme presented in this working paper;
- b) consider the applicability of the endeavor carried out by the States in Central America; and
- c) consider establishing a group to determine the appropriateness of creating a Safety Oversight sub-regional agency for Central Caribbean States/Territories.

**CENTRAL AMERICAN CORPORATION
OF AIR NAVIGATION SERVICES
COCESNA**



**INTERNAL REGULATIONS
CENTRAL AMERICAN AGENCY
FOR
AERONAUTICAL SAFETY**

These Regulations were approved during the One Hundredth and Six (106) Ordinary Board Meeting held in the city of Tegucigalpa, Honduras on February 25th 2000.

PART I

GENERAL PROVISIONS

Article 1. - LEGAL ORIGIN

At the Forty Second (42) Extraordinary Board Meeting held in El Salvador on December 15th, 1999, COCESNA's Board of Directors approved the establishment of the Central American Agency for Aeronautical Safety as a subsidiary of the Central American Corporation of Air Navigation Services (COCESNA) on the basis of Section 19, subsections a) and d) of the laws currently in force. Therefore, this corresponding Internal Regulations containing its functions and dispositions have been issued.

Article 2. - PURPOSE

The Agency is created with the purpose of recommending, advising, directing and facilitating the Member States of the Central American Corporation of Air Navigation Services regarding compliance with its obligations to the International Civil Aviation Convention and its Annexes relating to aeronautical safety.

Article 3. - SCOPE

This Regulation governs all administrative and technical activities of the Central American Agency of Aeronautical Safety. It contains standards, procedures, and measures aimed to harmonize and standardize the activities of oversight concerning aeronautical safety within member states of COCESNA as well as the agency's appropriate management. Compliance with this Regulation is binding for all administrative and technical staff.

Article 4. - NAME

For the purpose of this Regulation, the Central American Agency of Aeronautical Safety shall hereinafter be named "The Agency" and the Central American Corporation of Air Navigation Services will be referred as COCESNA.

Article 5. - HEADQUARTERS

The Agency's headquarters is Alajuela, Costa Rica and as the need occurs others offices may be established in any other Member State.

PART II

FUNCTIONS AND POWERS OF THE AGENCY

Article 6.- The Agency shall have the following functions and powers:

- 1) To recommend, advise and direct the Central American Civil Aviation Authorities, with prior approval from the Technical Committee, on the following:
 - a) Procedures for the certification of:

Domestic airline operators,
Aircraft Maintenance facilities,
Training Centers.
Aerial Works activities
Aeronautical Technical Assistance Services
 - b) The preparation or revision of Air Navigation Regulation Orders in the various Member States, with the aim of harmonizing them.
 - c) Development of a National Aircraft Registry.
 - d) The preparation of an Inspector's Operations Manual and Airworthiness Inspector's Manual.
 - d) The preparation and or development of an Oversight Program.
 - e) The establishment of Units, Departments, and Divisions of Flight Standards, Airworthiness and Personnel Licensing.
 - f) The evaluation of leasing contracts, aircraft charter agreements and any other type of commercial air transportation arrangement.
2. Concerning safety oversight matters, the Agency is authorized to carry out evaluations to ensure quality and inspection activities of the types listed below, in order for the Agency's Director to guarantee the continuous validity of their certificates and also to issue competent recommendations for Certification. Consequently, to demonstrate the safety of the:
 - a) Inspection of Base of Operations
 - b) Stations Inspection
 - c) Maintenance Facilities Inspection
 - d) Inspection of Training Centers

- e) Ramp Inspection
 - f) Flight Checks.
 - g) Supervision of Flight Tests
 - h) Flight Simulator Inspections
 - i) Inspection of new Aircraft added to fleet
 - j) Evaluation of amendments (revisions) to the Operations Manuals, Maintenance Control Manuals, Inspection Procedures Handbooks, Minimum Equipment List, Security Manual and any other manual or document that Annex 6 of the Chicago Convention requires approval or acceptance.
3. To create and develop an aeronautical database network in each Member State of COCESNA

PART III

ORGANIZATION

Article 7.- The Agency shall be technically dependent to a Technical Committee composed of the Directors of Civil Aviation/Air Transportation of the member states of COCESNA and also administratively dependent to the General Manager of COCESNA.

The Director of the Agency or any member of the Technical Committee may call a Technical Committee Meeting. Four Committee members shall form a quorum and decisions are to be adopted by simple majority.

The Agency will be established with the following areas, without affecting its potential for expansion or modification:

- Flight Standards
- Airworthiness
- Aircraft Registry
- Personnel Licensing (as per ICAO's ANNEX 1)
- Central American Database Center.

To carry out the above activities, the Agency shall employ a Director, Administrative Staff and Experts and Technical Consultants, as the Agency requires.

Article 8.- Functions of the Board of Directors of COCESNA:

- a) Appoint and remove the Agency's Director.
- b) Approve the Agency's internal regulations and provisions submitted by the Technical Committee for approval.
- c) Approve reports, recommendations and any other document issued by the Agency when recommended for approval by the Technical Committee.
- d) Approve the annual estimates for operations and investments in accordance with the budget submitted by the Technical Committee.

Article 9.- Functions of the Technical Committee, without affecting Article 10:

- a) Submit to the Board of Directors a list of three candidates for the position of Agency Director.
- b) Approve the appointment of the technical staff of the **Agency**
- c) Monitor the fulfillment of the **Agency's** functions and work programs.
- d) Coordinate jointly with the Agency's Director, the approval of the Civil Aviation Authorities of Member States of COCESNA, the protocols or agreements describing specific functions to be performed by Agency personnel in each State.
- e) Coordinate jointly with the Agency's Director and with the Civil Aviation Authorities of each Member State of COCESNA, the activities of promotion, advice and guidance in compliance with the International Civil Aviation Convention as per its competence.
- f) Approve the revision, upgrading and harmonization projects regarding air navigation regulations.
- g) Approve annual programs of Supervision for regular and random evaluations as defined in subsection k) Article 10 of this Regulation.

Article 10. - The functions of the COCESNA General Manager are listed in Article 24 of the COCESNA Constitution.

Article 11. - The Agency's Director Duties

- a) Implement the Agency's operational budget and keep proper records and other relevant provisions as have been established.

- b) Prepare and submit for approval by the Technical Committee the contracts for technical consultants as required for the accomplishment of the of **Agency's** functions.
- c) Coordinate the functions of the Agency various units.
- d) Prepare in coordination with the Technical Committee, the approval by Civil Aviation Authorities of the Member States of COCESNA, the protocols or agreements describing the specific functions to be performed by personnel of the Agency in each state.
- e) Draw up the Agency's annual work programs.
- f) Coordinate jointly with the Technical Committee and with relevant International Organizations the harmonization, standardization and upgrading of provisions related to flight safety.
- g) Coordinate with the Civil Aviation Authorities of each member state of COCESNA, the activities of promotion, advice and guidance in compliance with the International Civil Aviation Convention in areas of its competence.
- h) Ensure application and observance of the Corporation's Constitutive Charter, Bylaws and other regulations or administrative provisions in force.
- i) Communicate to The Civil Aviation Authorities of each Member State of COCESNA, on matters relevant to operational safety, informing them of the results of technical inspection audits relevant to flight safety.
- j) Prepare projects for revision, upgrading and harmonization of Air Navigation Regulations and submit for the approval to the Technical Committee.
- k) Prepare and submit to the General Manager, the Agency's operational investment budget.
- l) Coordinate and act as mediator in complex situations arising from differences on the inspections and technical audit results based on the regulations in force.
- m) Prepare annual supervision programs for regular and random evaluations in accordance with Documents 8335-9389 and 9734 of the International Civil Aviation Organization.
- n) Establish statistical controls regarding operational safety in the Central American region
- o) Direct, supervise, and approve the work to be carried out by Agency staff.
- p) Prepare quarterly reports for the Technical Committee on the progress made in implementing the annual work program.

- q) Participate in meetings held by the Technical Committee, Directors General of Civil Aviation and COCESNA Board of Directors.
- r) Submit for approval to the General Manager of COCESNA the appointment of administrative staff for the Agency.
- s) Submit for approval to the Technical Committee the appointment of technical personnel.

Article 12.- Agency Technical Personnel Duties:

- a) Conduct routine inspections of installations and station services, ramps, en-route operations, airline operator's base and ensure that the required supervision and verification that are deemed necessary at the prescribed intervals are carried out.
- b) Perform the inspections or supervision within an established work plan and in accordance with standard procedures.
- c) Present reports on every inspection or investigation as prescribed. Complete and process the relevant inspection forms.
- d) Investigate and report as prescribed, all possible infractions to the Air Navigation Regulations or to the Directives and the relevant safety operational standards.
- e) Check on a regular basis the operator's relevant documentation (e.g. Operations Manual, Maintenance and Training Manual), management policy, operational instructions and staff information procedures, as well as the system to amend such documents in order to determine their accuracy and check if these are available on a timely basis to the staff involved.
- f) Maintain the Agency inspection staff duly informed of all operational aspects, as well as any foreseen changes with the operator, including those that affect administrative staff, distribution of responsibilities and management in general.

PART IV

REQUIREMENTS FOR THE APPOINTMENT OF AGENCY DIRECTOR AND TECHNICAL STAFF

Article 13.- The Agency Director shall comply with the following requisites:

- a) Academic and technical aeronautical qualifications. A university degree in any of the following areas: Economics, Legal or Aviation.
- b) Five years experience in civil aviation management, related to Operations, Airworthiness, aviation legislation and flight standards.
- c) Fluent in the English Language, both spoken and written.
- d) Good Initiative and professional skills in decision-making and dealing with problems.
- e) Prepared to travel within and outside the Central American region.
- f) Be of Central American nationality.

Article 14.- The Agency Technical Staff shall:

AIRWORTHINESS INSPECTOR:

- a) Have a license, certificate and/or aeronautical qualifications relevant to the job responsibilities such as a certified flight engineer and be an Aircraft Maintenance Engineer with ratings for airframe and for piston and turbine engines, skilled in airframe and turbine single engine groups, electronic technician and so forth. In addition, he/she must have a license with ratings as an Aircraft Engineer for various types of aircraft in accordance with the Agency's requirements and approved by the Director General of Civil Aviation.
- b) Five years experience in a similar technical position in order to appropriately carry out the Missions and tasks relevant to the maintenance of aircraft. Experience in problems relevant to the operation and maintenance of aircraft used in commercial air transportation and in technical training in audio visual aids or flight simulators.
- c) Personal experience in posts of increasing technical responsibility and of supervision in the civil aviation industry.
- d) Perfect command of the English language, both written and spoken.

- e) High-level initiative and professional skills in decision-making and problem solving. Further requirements are tact, tolerance, and patience, as well as integrity and an unbiased approach to the execution of tasks.
- f) Willing to travel within and outside the Central American region.
- g) Be of Central American nationality. Inspectors of other nationalities may be hired under special circumstances and approval by the Technical Committee.

OPERATIONS INSPECTOR:

- a) Hold an Airline Transport Pilot's (ATP) license with ratings in the different types of aircraft as required by the Agency and approve by the Director General of Civil Aviation.
- b) Have at least five years recent experience of a broad nature in the operational field, at least, 5000 flying hours as civil or military pilot in air transportation. Experience in problems relevant to the operation and maintenance of aircraft engaged in air transportation and in technical training in audio visual aids or flight simulators.
- c) Practical knowledge of Meteorology and Climatology and experience in similar positions related to operations management, as an airline pilot, instructor or military pilot.
- d) Perfect command of the English language, both written and spoken.
- e) High-level initiative and professional skills in decision-making and problem solving. Further requirements are tact, tolerance, and patience, as well as integrity and unbiased approach to the execution of tasks.
- f) Willing to travel within and outside the Central American region.
- g) Be of Central American nationality. Inspectors of other nationalities may be hired under special circumstances and as approved by the Technical Committee.

PART V

LABOR POLICY FOR AGENCY STAFF

Article 15.- The technical staff of the Agency shall be hired under the professional service system or fixed-term contract for periods that shall not exceed three years. These may be renewable as deemed fit by the Agency. Consultancy contracts shall specify the terms of reference that apply for technical staff.

Article 16.- Administrative staff, including the Agency's Director, shall be appointed for unlimited periods under COCESNA's labor policy.

PART VI

CONTRACTS

Article 17. - Hiring of agency staff shall abide by COCESNA's administrative, hiring and other regulations in force.

PART VII

VALIDITY

Article 18. - These Regulations shall enter into force on the date of approval by COCESNA's Board of Directors.

So that this may be officially recorded and with nothing further to add after reading this document in its entirety, we accept, ratify and sign.

Signatures follow.../

.../Signatures follow

LIC. JULIO VALDIVIESO
TRANSPORTATION VICEMINISTER AND
COCESNA'S ACTING PRESIDENT OF THE
BOARD OF DIRECTORS

CAP. JAVIER ADOLFO MEDINA
DIRECTOR GENERAL OF CIVIL AVIATION
OF GUATEMALA AND MEMBER OF
COCESNA'S BOARD OF DIRECTORS

ING. ARIEL PASTORA FRENZEL
TRANSPORTATION AND
INFRASTRUCTURE VICEMINISTER OF
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