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ASSEMBLY — 37TH SESSION

TECHNICAL COMMISSION

Agenda Item 25: Follow-up of the High-level Safety Conference (2010)

PRINCIPLES FOR CODE OF CONDUCT ON SHARING OF SAFETY INFORMATION

(Presented by 53 Contracting States¹, Members of
the African Civil Aviation Commission)

REVISION NO. 1

EXECUTIVE SUMMARY

At the ICAO High-level Safety Conference (HLSC 2010) in Montréal in March 2010, agreement was reached for the development of a Code of Conduct with regard to the sharing of safety information. The continuing practice by aviation organizations of not using safety information for appropriate purposes necessitates the development of a more comprehensive Code of Conduct with respect to the fair and consistent manner of the use of safety information by all aviation stake holders.

Action: The Assembly is invited to:

- a) develop a comprehensive Code of Conduct that is applicable to Member States, the aviation industry, aviation organizations and regional economic communities;
- b) ensure that the Code of Conduct includes statements on the nature, scope and methods for the exchange of safety information as well as levels of access to the information and the purpose for which information may be used as already agreed to in the HLSC; and
- c) ensure that the Code of Conduct contains the principles proposed in paragraph 3.2.

References:

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Doc 9935, *Report of the High-level Safety Conference 2010*

¹ Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cap Verde, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zambia, Zimbabwe

1. INTRODUCTION

1.1 At the ICAO High-level Safety Conference (HLSC 2010) in Montréal in March 2010, agreement was reached for the development of a Code of Conduct with regard to the sharing of safety information.

1.2 The following recommendations of the HLSC 2010 (Doc 9935) capture the intent agreed to in the meeting.

Recommendation 2/3: a) Sharing of safety information

- 1) ICAO should develop a code of conduct on the sharing of safety information, which will state that such information is to be used in a fair and consistent manner, solely to improve aviation safety, and not for inappropriate purposes including for the purpose of gaining economic advantage;

and

- 3) ICAO should facilitate the integration of safety data and information from various sources as well as the dissemination of related analysis output, with the objective to ensure that such information is disseminated for appropriate purposes.

2. DISCUSSION

2.1 African States have come to realize that, even after agreement was reached at the HLSC 2010 in March, some aviation organizations are continuing to use safety information for purposes other than safety. This practice is not deemed to be aimed at improving safety. It is of no use to point out deficiencies relating to the capacity to operate safely without at the same time creating the means required to make the required changes.

2.2 As a result, the development of a comprehensive Code of Conduct on the fair and consistent use of information is becoming increasingly important. It is a firm belief that, in order to be consistently applied, such a Code would have to have wider application than Member States. In this regard, it is a known fact that safety information is also used by the aviation industry, other aviation organizations and regional economic communities. Although we support ICAO's position with respect to the Code of Conduct, we would like to propose the following principles for the development of the Code of Conduct:

- a) the Code of Conduct should apply to every legal person that uses the safety information for whatever purpose, such as Member States, the aviation industry, aviation organizations and regional economic communities, and should be captured in appropriate legally binding documentation;
- b) States, the aviation industry, aviation organizations and regional economic communities will not be allowed access to safety information unless they have signed the Code of Conduct;

- c) the Code of Conduct should include an enforcement mechanism and applicable liability clauses;
- d) Member States, the aviation industry, aviation organizations and regional economic communities should agree to collect and exchange safety information in a transparent way to ensure that they can effectively discharge their individual and collective responsibilities for the safety of international air transport;
- e) Member States, the aviation industry, aviation organizations and regional economic communities will utilize safety information to assist them in ensuring compliance with applicable ICAO SARPs;
- f) shared safety information will be used by States, the aviation industry, aviation organizations and regional economic communities in a fair and consistent manner, solely to improve aviation safety and not to gain unfair competition including mechanisms for operational bans;
- g) safety information released to the public and the media must be in accordance with the Code of Conduct;
- h) Member States, aviation industry, aviation organizations and regional economic communities will use caution in disclosing information, keeping in mind equally the need for transparency and the possibility that such disclosure may inhibit the future provision of such information;
- i) Member States, aviation industry, aviation organizations and regional economic communities will upon receiving safety information from another State, or another aviation industry, aviation organization and regional economic community, agree to provide levels of confidentiality and uphold principles for disclosure equivalent to those provided by the State, aviation industry, aviation organization and regional economic community generating the information;
- j) Member States will regularly provide updated information on the implementation of their corrective action plans; and
- k) ICAO will validate States' action plans to ensure that the actions taken meet the minimum requirements and release the updated information on the improved level of safety of all States whenever action plans have been implemented.

3. CONCLUSION

3.1 The continuing practice by aviation organizations of not using safety information for appropriate purposes necessitates the development of a more comprehensive Code of Conduct with respect to the fair and consistent manner for the use of safety information by all aviation stakeholders.

3.2 Within the context of the above discussion and as agreed in the HLSC 2010, African States thus hereby recommend that the Assembly agree to take action as proposed in the Executive Summary.