



INTERNATIONAL CIVIL AVIATION ORGANIZATION

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17/09/04

## ASSEMBLY – 35TH SESSION

### EXECUTIVE COMMITTEE

#### Agenda Item 16: Improvement of safety oversight

#### ENHANCEMENT OF ATM SAFETY OVERSIGHT CAPABILITIES

(Presented by 41 Contracting States<sup>2</sup>, Members of the European Civil Aviation Conference)

#### SUMMARY

The 11th Air Navigation Conference recommended (Recommendation 2/7) that “ICAO encourage States to develop ATM safety oversight capabilities and procedures”.

Within the ECAC area, EUROCONTROL has developed a harmonised ATM safety regulatory framework for implementation by States. The core of this framework is a set of EUROCONTROL Safety Regulatory Requirements (ESARRs), which are now being implemented into national safety regulations.

An ESARR Implementation Monitoring and Support (ESIMS) Programme has enabled conclusions to be drawn on the maturity and progress of the development of ATM safety regulation in ECAC States.

Co-ordination is taking place with ICAO on working arrangements between ESIMS and relevant aspects of the expanded ICAO USOAP.

The paper has been elaborated and coordinated by EUROCONTROL.

#### ACTION BY THE ASSEMBLY

Action by the Assembly is in paragraph 7.

<sup>1</sup> English, French, Spanish and Russian versions provided by ECAC.

<sup>2</sup> Albania, Armenia, Austria\*, Azerbaijan, Belgium\*, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus\*, Czech Republic\*, Denmark\*, Estonia\*, Finland\*, France\*, Germany\*, Greece\*, Hungary\*, Iceland, Ireland\*, Italy\*, Latvia\*, Lithuania\*, Luxembourg\*, Malta\*, Moldova, Monaco, Netherlands\*, Norway, Poland\*, Portugal\*, Romania, Serbia and Montenegro, Slovakia\*, Slovenia\*, Spain\*, Sweden\*, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom\*.

\* Member States of the European Union are indicated with an asterisk in the above list.

## 1. ATM SAFETY REGULATORY FRAMEWORK

1.1 In European ATM, recent progressive separation of service-provision from other government activities has seen the establishment of agencies, corporations and companies, both publicly and privately owned, operating in an increasingly market-orientated way. This has, in turn, given rise to the emergence of national or regional bodies needed to regulate this new ATM environment essentially from a safety viewpoint.

1.2 Within EUROCONTROL, the Safety Regulation Commission (SRC) has developed a harmonised ATM safety regulatory framework for implementation by States of the European Civil Aviation Conference (ECAC). The core of this framework is a set of EUROCONTROL Safety Regulatory Requirements (ESARRs), which are now being implemented into national safety regulations<sup>3</sup>. ESARR requirements complement, and usually exceed, related ICAO standards<sup>4</sup>.

1.3 In Europe, the recently approved European Community regulations for the creation of a Single European Sky (SES) introduce a scheme for the certification of Air Navigation Service Providers (ANSPs) which is based on a set of common requirements, inclusive of but not restricted to safety, enforced by the European Commission. National Supervisory Authorities (NSAs), must be established to verify, among other elements, the effective implementation of those requirements by service provider organisations, and to subsequently certify ANSPs. Within the framework of the SES regulations, ESARRs are being transposed into EC legislation.

1.4 To complement ESARR development, EUROCONTROL is increasingly shifting its focus onto ESARR implementation, with initiatives aimed at not only monitoring their implementation into the national safety regulatory framework of EUROCONTROL Member States, but also at supporting such implementation through practical means.

## 2. ESARRS IMPLEMENTATION MONITORING AND SUPPORT (ESIMS) PROGRAMME

2.1 As an initial implementation measure, EUROCONTROL member States approved, in November 2002, the establishment of the EUROCONTROL ESARR Implementation Monitoring and Support (ESIMS) Programme, in order to address the following objectives:

- a) to ensure the uniform implementation of ESARRs across the European Civil Aviation Conference (ECAC) area<sup>5</sup>, with minimum national deviations and ensuring consistent interpretations;
- b) to monitor the timely implementation of ESARRs across the ECAC area, through Stakeholders feedback;
- c) to promote continuous improvement of ESARRs and related ESARRs Advisory Material (EAM), through Stakeholders feedback;

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<sup>3</sup> Within their commitments under the EUROCONTROL Convention, Member States are obliged to implement ESARRs within the agreed timescales.

<sup>4</sup> Except ESARR5 air traffic controller ratings which could be classified as “other means of compliance” to current ICAO Annex 1 related provisions.

<sup>5</sup> ECAC States not Member of EUROCONTROL are encouraged to implement ESARRs.

- d) to support States in their implementation of international commitments (ESARRs implementation); and
- e) to support States' preparations for the expansion of the ICAO Safety Oversight Audit Programme (IUSOAP) to ATS and aerodromes.

2.2 Between mid 2002 and end 2003, the majority of EUROCONTROL Member States' received ESIMS fact-finding visits, and the Programme was extended to remaining ECAC States throughout the first half of 2004.

### 3. ESIMS PROGRAMME FINDINGS

3.1 The conduct of the Programme so far has enabled conclusions to be drawn on the maturity and progress of the development of ATM safety regulation in ECAC Member States. Key findings include, in a significant number of areas, identified needs at national level for:

- enhanced leadership and commitment in the field of ATM safety;
- provision of improved levels of resources dedicated to the operation of formal safety systems;
- appropriate structures and procedures for the operation of safety regulation functions;
- significant enhancement in national safety oversight capabilities; and
- training in ATM safety regulatory principles and practices.

3.2 These needs are addressed as part of the Strategic Safety Action Plan (SSAP)<sup>6</sup>, launched by EUROCONTROL in February 2004. Specifically, priority actions within the safety regulatory elements of the SSAP include:

- development of ESARR and associated Advisory Material to enable States to establish sound and robust national and/or regional safety oversight functions, with a view to ensuring *inter alia* that in the safety area, a harmonised certification scheme exists across States to meet the SES requirement for NSA's;
- implementation of EUROCONTROL's ATM Safety Regulatory Training Programme (called SeRT), building on the "ATM safety audit" course already being successfully delivered; and
- strengthening the ESIMS Programme with an enhanced, audit-based approach, for re-application from mid 2005 onwards.

### 4. ESIMS PROGRAMME- ICAO USOAP CO-ORDINATION

4.1 The ESIMS Programme is similar in intent to the planned application of the ICAO USOAP to the ATM area. While the Programme is monitoring implementation of ESARRs, it already

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<sup>6</sup> The EUROCONTROL SSAP was approved by the EUROCONTROL Member States in February 2004.

addresses issues which are common to an expanded ICAO USOAP – predominantly, the status of national safety oversight structures and capabilities.

4.2 Any actions taken in response to ESIMS findings must also be consistent with global strategies and requirements. In this respect, EUROCONTROL supports the proposed System Approach to be adopted for the ICAO USOAP and the development of ICAO Doc 9734 Parts A & B<sup>7</sup>, on national and regional safety oversight systems

4.3 In addition, EUROCONTROL has an obligation to States to maximise the effectiveness of audit activities carried out at national level, while at the same time minimising the impact of those activities on States. EUROCONTROL have therefore seen a responsibility to co-ordinate with appropriate safety oversight activities being planned and developed by ICAO in related areas, and detailed working arrangements between the ESIMS Programme and relevant aspects of the expanded ICAO USOAP are under consideration by both Organisations to optimise the effectiveness of the two Programmes in areas of common interest. It is proposed that the Assembly supports this co-ordination activity.

## 5. THE GLOBAL CONTEXT

5.1 The issues which have emerged from the ESIMS Programme may be seen as features of an industry sector undergoing structural and institutional change in a developing safety environment. To this extent, therefore, it may be anticipated that these issues may not be unique to Europe, but may need to be considered in any national or regional context where such developments are being undertaken.

5.2 The 11th Air Navigation Conference recommended (Recommendation 2/7) that “ICAO encourage States to develop ATM safety oversight capabilities and procedures”. The issues raised by this paper suggest that a first step in implementing this Recommendation may be to identify, through the ICAO USOAP, the extent to which these (or related) issues exist in other regions, and to assess the measures that would need to be put in place to address them.

5.3 It is therefore proposed that ICAO investigate the ways in which identification of support measures may be undertaken at national and regional levels.

## 6. CONCLUSIONS

6.1 The ESIMS Programme has revealed that considerable development work is required in the field of ATM safety regulation across a significant part of the ECAC area, and detailed actions have been identified aimed at the enhancement of safety oversight capabilities, both nationally and regionally.

6.2 However, actions taken must be consistent with global strategies and requirements. In this context, EUROCONTROL supports the proposed System Approach to be adopted for the ICAO USOAP in the conduct of the audits, in a way which would focus on the States’ overall safety oversight capabilities. Co-ordination of related activities between the ESIMS Programme and ICAO USOAP is essential.

6.3 In addition, EUROCONTROL proposes that ICAO should look further into the actual implementation of Recommendation 2/27 of the 11th Air Navigation Conference, and should support such development beyond the current development of ICAO Doc 9734 Parts A & B.

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<sup>7</sup> ICAO Doc 9734 – Safety Oversight Manual  
Part A – The establishment and management of a State’s Safety Oversight System;  
Part B – The establishment and management of a regional Safety Oversight System.

7. **ACTION BY THE ASSEMBLY**

7.1 The Assembly is invited to:

- a) recommend that ICAO investigate ways in which identification of measures may be undertaken at national and regional levels to support States' development of ATM safety oversight capabilities and procedures;
- b) invite States to investigate ways in which they could combine and optimise their respective ATM safety regulatory resources, possibly through regional safety oversight arrangements; and
- c) support co-ordination between ICAO and EUROCONTROL related to their respective ICAO USOAP and ESIMS Programme in order to optimise the effectiveness of international safety oversight activities in ATM.

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