



**ASSEMBLY — 38TH SESSION**

**TECHNICAL COMMISSION**

**Agenda Item 29: Aviation Safety — Monitoring and Analysis**

**DEFINITION OF THE ACTIONS TO BE TAKEN BY STATES TO IMPLEMENT ANNEX 19**

(Presented by the Dominican Republic)

**EXECUTIVE SUMMARY**

This working paper presents the concerns of the Dominican Republic about the course of action that the International Civil Aviation Organization (ICAO) expects States to follow, as regards the first phase of implementation of Annex 19. This first phase foresees the consolidation of Standards and Recommended Practices (SARPs) related to safety management. Appropriate clarification on this matter would avoid expenditure of efforts and/or resources by States when taking decisions about how to implement the new Annex 19.

**Action:** The Assembly is invited to:

- a) analyse the information contained in this working paper;
- b) support one of the courses of action contained in point 3.1 of this working paper; and
- c) request the development of an orientation guide for the implementation of Annex 19.

<i>Strategic Objectives:</i>	This working paper relates to the Safety Strategic Objective.
<i>Financial implications:</i>	Not applicable.
<i>References:</i>	<ul style="list-style-type: none"><li>* Doc 9935, <i>Report of the High-level Safety Conference (2010)</i>*</li><li>* Doc 9859, <i>Safety Management Manual (SMM)</i>*</li><li>* Doc 10004, <i>Global Aviation Safety Plan (GASP)</i>*</li><li>* SL AN8/3-13/30 – Adoption of Annex 19</li><li>Doc 8335, <i>Manual of Procedures for Operations Inspection, Certification and Continued Surveillance</i></li></ul> <hr/> <p>* Main references</p>

<sup>1</sup> Spanish version provided by the Dominican Republic.  
(3 Pages)

## 1. INTRODUCTION

1.1 At the outset, we would like to congratulate and recognize the excellent work done by the Safety Management Panel (SMP) which, through the Air Navigation Commission, submitted Annex 19 to the Council for adoption. Without a doubt, this Annex accurately captured the spirit of Conclusion 2/5 and Recommendation 2/5 of the High-level Safety Conference held in 2010 (HLSC/2010).

1.2 The panel was directed to consolidate the existing provisions on functional responsibilities and safety management processes from the safety management-related Standards in all of the Annexes. It was also tasked with preparing the new provisions that were deemed necessary to facilitate the implementation of the State Safety Programme (SSP) and the Safety Management Systems (SMS) by operators and service providers.

1.3 The Air Navigation Commission recommended that a two-phase process should be followed. The first phase was to be limited to consolidation and reorganization of the Standards and Recommended Practices (SARPs) and existing guidance support material. This would then be followed by the second phase, during which safety management provisions would be reviewed to determine whether amendments were needed.

1.4 During the consultation phase, as established in paragraph 3.2.2 of C-WP/13935 and presented to the Council by the Air Navigation Commission relative to State letter AN 8/3–12/42, various States recommended that publication of Annex 19 should be accompanied by a gradual implementation plan for the purposes of interpretation and implementation of this Annex. Up until now, we do not know whether this aforementioned guide has been developed.

## 2. ANALYSIS

2.1 Considering that the decision to adopt Annex 19 has, as its main goal, the consolidation of the safety management-related SARPs in its first phase, it could be inferred that the Organization would wait for States to take action to amend their respective national regulations and initiate a process of consolidation of their safety management related-regulations.

2.2 On the other hand, if we consider that the first phase only puts forward the consolidation of SARPs, then States which have already included the standards and recommended practices that constitute the new Annex thanks to the consolidation exercise, would not be required to modify or amend any of their regulations. Their only outstanding task would be to fill in the compliance checklist for this Annex, once available.

2.3 The different courses of action presented in 2.1 and 2.2 have very different implications when it comes to practically implementing them, since application of the first course of action implies amending national regulations and creating a new regulation. This means, that right from the start air operators would have to change their manuals and the compliance letters that they submit during phase two of the certification process to obtain their AOC, as established in Part III of Doc 8335, *Manual of Procedures for Operations Inspection, Certification and Continued Surveillance* in paragraph 1.4 “Formal Application Phase”, in order to then comply with 1.5 “Document Evaluation Phase”.

2.4 On the contrary, with the second course of action, none of this would be necessary during the first phase for States that already include these requirements in their current national regulations, nor for their operators.

2.5 Another important factor which has motivated us to present this working paper is the fact that the Global Aviation Safety Plan (GASP) requests States with mature safety oversight systems to move towards full implementation of the SSP. In addition, we are aware that ICAO will be using an effective implementation (EI) indicator of 60 per cent or more as the parameter for monitoring implementation, which is in fact our case. Moreover, given that at this point in time there is a process underway to modify the State Aviation Activity Questionnaire (SAAQs) and the Protocol Questions (PQs), and given that detailed guidance material will be developed for the Universal Safety Oversight Audit Programme (USOAP) auditors, we believe that this is the most auspicious time to express our concerns, submit our proposal and request that the adopted decision be included in these guides.

2.6 It is clear to us that both courses of action can be considered as appropriate but we wish to ensure that in the future there is no room for discretion when deciding whether or not one of them is acceptable during an audit process.

### 3. **SUGGESTED ACTION**

3.1 The Assembly is requested to approve or recognize one of the following options for the course of action to be taken by Members during the Annex 19 implementation process:

- a) recognize that if States already have the safety management-related SARPs contained in Annex 19 included in their national regulations, and if this is verifiable by means of the compliance checklist in the aforesaid Annex, then the above will be accepted as implementation of Annex 19;
- b) that States should consolidate the safety management-related SARPs contained in their national regulations for the purpose of creating a new regulation that brings together the Annex 19 SARPs; and
- c) both options are considered acceptable and since this is the case, they should be included in the orientation guides for USOAP auditors.

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